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Federal Register

Monday
August 8, 1983

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Postal Rate Commission

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Environmental Protection Agency

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Air Force Department

Aviation Safety
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Agriculture Department

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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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Presidential Documents

Title 3—

The President

Proclamation 5079 of August 4, 1983

Women's Equality Day, 1983

By the President of the United States of America

A Proclamation

The 19th Amendment to the Constitution, which gave women the right to vote, became law sixty-three years ago on August 26, 1920.

Since that important milestone in the history of the United States, women have used the ballot just as they have always used their energies and talents—to affect and improve our national life.

When the great philosopher and historian Alexis DeToqueville visited America, he took a long look at our way of life and wrote, "If I were asked . . . . to what the singular prosperity and growing strength of that people ought mainly to be attributed, I should reply: To the superiority of their women."

Women have every reason to be proud of their contributions to every aspect of our society—science, space, government, business, medicine, education, health, and the family. And their contributions are growing.

We continue, as a Nation, to pursue equal opportunity and rights for all of our citizens, granting each person the chance to reach his or her goals.

On this occasion, it is appropriate that we recognize the accomplishments of the women of America and renew our efforts to ensure equal opportunity for all people in this great land.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 26, 1983, as Women's Equality Day. I call upon all Americans and interested organizations to mark this occasion with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of August, 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. 83-21664
Filed 8-4-83; 4:12 pm]
Billing code 3195-01-M

Rules and Regulations

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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

Office of the Secretary

7 CFR Part 3015

Uniform Federal Assistance Regulations

AGENCY: Office of the Secretary, Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This document amends 7 CFR Part 3015, Subpart R, § 3015.175, by adding information on the applicability of the Office of Management and Budget (OMB) Circular A–124, "Patents—Small Business Firms and Nonprofit Organizations," with respect to inventions made by small business firms and nonprofit organizations, including universities, under grants and cooperative agreements awarded by USDA agencies to perform experimental, developmental, or research work.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Wilson, Acting Director, Office of Finance and Management, USDA, Room 143–W, Administration Building, Washington, D.C. 20250 (202–447–7557).

SUPPLEMENTARY INFORMATION:

Classification: This rule has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule.

Regulatory Analysis: This rule does not involve a substantial or major impact on the nation's economy or large numbers of individuals or businesses. There will be no major increase in costs or prices to consumers, individuals, industries, Federal, State, or local government agencies, or geographic regions. Additionally, it will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601).

Proposed Rulemaking: This rule relates to grants and other Federal assistance and while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553, it is subject to the Secretary's Statement of Policy (36 FR 13804). This rule implements OMB Circular A–124, which already has been commented on by the public, and other Government-wide policy. Therefore, no useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedure with respect to the rule are impracticable and unnecessary and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. While this rule becomes effective upon publication in the **Federal Register**, any member of the public may submit comments on it.

Objectives: This rule provides policies, procedures, and guidelines with respect to inventions made by small business firms and nonprofit organizations, including universities, under funding agreements with the Department of Agriculture where the purpose is to perform experimental, developmental, or research work.

List of Subjects in 7 CFR Part 3015

Grant programs (Agriculture), Intergovernmental relations.

John J. Franke, Jr.,
Assistant Secretary for Administration.

Approved: August 3, 1983.

John R. Block,
Secretary of Agriculture.

PART 3015—[AMENDED]

7 CFR Part 3015 is amended as follows:

1. The authority citation for Part 3015 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 3015.175 is revised to read as follows:

Subpart R—Property

* * * * *

§ 3015.175 Intangible personal property.

(a) *Inventions and Patents.* (1) If the recipient is a small business or nonprofit organization (including universities and other institutions of higher education), the allocation of rights in inventions produced under a grant or cooperative agreement shall be determined in accordance with the provisions of Sections 200 through 206 of Pub. L. 96–517 (35 U.S.C. 200–206) and OMB Circular A–124.

(2) For all other recipients, the allocation of rights in inventions shall be determined in accordance with the "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983) and OMB Circular A–124.

(b) *Copyrights*—(1) *Applicability.* This section applies to the copyright in any original work of authorship prepared with grant support. Additionally, if ownership of a copyright or of any of the exclusive rights comprising a copyright are purchased with grant support, this section applies to the purchased copyright or rights.

(2) *Basic rules.* (i) USDA reserves a royalty-free, nonexclusive, and irrevocable license to exercise, and to authorize others to exercise, the rights for Federal Government purposes. Subject to this license, the owner is free to exercise, preserve, or transfer all its rights. The recipient shall ensure that no agreement is entered into for transferring the rights which would conflict with the nonexclusive license of USDA.

(ii) One way that USDA may exercise its nonexclusive license is to authorize exercise of the rights in another project or activity that receives or has received grant support from the Federal Government.

(iii) A recipient awarding a subgrant is allowed to impose subgrant terms reserving a nonexclusive license for itself, similar to the one reserved by this section for USDA, with respect to any copyright or rights subject to this section that arise under the subgrant.

[FR Doc. 83–21438 Filed 8–5–83; 8:45 am]
BILLING CODE 3410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 23719; Amdt. No. 1248]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs mailed once every 2 weeks, are for sale by the Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) Prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, and effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

* * * *Effective September 29, 1983*

Kailua-Kona, HI—Ke-ahole, VOR/DME or TACAN RWY 17, Amdt. 2
Aurora, IL—Aurora Muni, VOR RWY 36, Amdt. 5
Aurora, IL—Aurora Muni, VOR-A, Amdt. 9
Effingham, IL—Effingham County Memorial, VOR RWY 1, Amdt. 5
Olney-Noble, IL—Olney-Noble, VOR/DME-A, Amdt. 5
Robinson, IL—Robinson Muni, VOR RWY 17, Amdt. 2
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Alma, GA—Bacon County, VOR RWY 33, Amdt. 5
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Burlington, IA—Burlington Muni, VOR/DME RWY 12, Amdt. 1
Burlington, IA—Burlington Muni, VOR RWY 30, Amdt. 8
Baltimore, MD—Glenn L. Martin State, VOR/DME or TACAN 1, RWY 14, Amdt. 3
Oakland, MD—Garrett County, VOR RWY 26, Amdt. 2
Columbia, MO—Columbia Regional, VOR RWY 13, Amdt. Orig.
Schenectady, NY—Schenectady County, VOR RWY 4, Amdt. 2, Cancelled
Schenectady, NY—Schenectady County, VOR RWY 22, Amdt. 6, Cancelled
Sidney, NY—Sidney Muni, VOR/DME-B, Amdt. 2
Sidney, NY—Sidney Muni, VOR RWY 25, Amdt. 1
Alliance, OH—Great Lakes Aero-Port, VOR-A, Amdt. 6
Bluffton, OH—Bluffton, VOR RWY 23, Amdt. 5
Delaware, OH—Delaware Muni, VOR RWY 28, Amdt. 1
Kent, OH—Kent State Univ., VOR-A, Amdt. 10
Urbana, OH—Grimes Field, VOR-A, Amdt. 2
Youngstown, OH—Youngstown Executive,VOR/DME-A, Amdt. 6
Youngstown, OH—Youngstown Executive,VOR/RWY 11, Amdt. 2
Eugene, OR—Mahlon Sweet Field, VOR-A, Amdt. 6
Eugene, OR—Mahlon Sweet Field, VOR/DME or TACAN RWY 3, Amdt. 2
Eugene, OR—Mahlon Sweet Field, VOR/DME or TACAN RWY 16, Amdt. 2
Eugene, OR—Mahlon Sweet Field, VOR/DME or TACAN RWY 34, Amdt. 2
Prospectville, PA—Turner Field, VOR RWY 14, Amdt. 4
Shamokin, PA—Northumberland County, VOR RWY 8, Amdt. 2
Mt. Pleasant, TX—Mt. Pleasant Muni, VOR/DME-A, Amdt. 2
Barre-Montpelier, VT—Edward F Knapp State, VOR RWY 35, Amdt. 1

** * * Effective July 21, 1983*

Winchester, VA—Winchester Muni, VOR/DME-A, Amdt. 1

2. By amending §97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPS identified as follows:

** * * Effective September 29, 1983*

San Diego, CA—San Diego Intl-Lindbergh Field, LOC BC-A, Amdt. 18, Cancelled
San Diego, CA—San Diego Intl-Lindbergh Field, LOC/DME BC RWY 27, Amdt. 5, Cancelled
Kailua-Kona, HI—Ke-ahole, LOC BC RWY 35, Amdt. 5
Warsaw, IN—Warsaw Muni, SDF RWY 18, Amdt. 3
Warsaw, IN—Warsaw Muni, SDF BC RWY 36, Amdt. 1
New Iberia, LA—Acadiana Regional, LOC RWY 34, Amdt. 6
Olney-Noble, IL-Olney-Noble, LOC RWY 10, Amdt. 1
Dayton, OH—Dayton General Arpt South, LOC RWY 20, Amdt. 1

** * * Effective September 15, 1983*

Hawthorne, CA—Hawthorne Muni, LOC RWY 25, Amdt. 6
Cincinnati, OH—Cincinnati Muni Airport Lunken Field, LOC BC RWY 2R, Amdt. 5

** * * Effective September 1, 1983*

Joplin, MO—Joplin Muni, LOC BC RWY 31, Amdt. 18

3. By amending §97.27 NDB and NDB/DME SIAPS identified as follows:

** * * Effective September 29, 1983*

San Diego, CA—San Diego Intl-Lindbergh Field, NDB RWY 9, Amdt. 19
Olney-Noble, IL-Olney-Noble, NDB RWY 3, Amdt. 9
Robinson, IL—Robinson Muni, NDB RWY 17, Amdt. 5
South Bend, IN—Michiana Regional, NDB RWY 27, Amdt. 24
Warsaw, IN—Warsaw Muni, NDB-A, Amdt. 2
Lafayette, LA—Lafayette Regional, NDB RWY 10, Amdt. 1
Lafayette, LA—Lafayette Regional, NDB RWY 21, Amdt. 1
Lafayette, LA—Lafayette Regional, NDB RWY 28, Amdt. 4
New Iberia, LA—Acadiana Regional, NDB RWY 16, Amdt. 1
New Iberia, LA—Acadiana Regional, NDB RWY 34, Amdt. 6
Deckerville, MI—Lamont, NDB RWY 9, Amdt. 3
Deckerville, MI—Lamont, NDB RWY 27, Amdt. 3
Pellston, MI—Emmet County, NDB RWY 32, Amdt. 14, Cancelled
Port Huron, MI—St. Clair County Intl, NDB RWY 5, Amdt. 8
Dayton, OH—Dayton General Arpt South, NDB RWY 9, Amdt. 4
East Liverpool, OH—Columbiana County, NDB RWY 24, Amdt. 2

** * * Effective September 15, 1983*

Grand Junction, CO—Walker Field, NDB RWY 11, Amdt. 17
Cairo, IL—Cairo, NDB RWY 20, Amdt. 6
Casey, IL—Casey Muni, NDB RWY 4, Amdt. 3
Casey, IL—Casey Muni, NDB RWY 22, Amdt. 1
Burlington, IA—Burlington Muni, NDB RWY 36, Amdt. 5
Lake Providence, LA—Byerley, NDB RWY 17, Amdt. 1
Chillicothe, OH—Ross County, NDB RWY 22, Amdt. 2
Cincinnati, OH—Cincinnati Muni Airport, Lunken Field, NDB RWY 20L, Amdt. 9
Cincinnati, OH—Cincinnati Muni Airport, Lunken Field, NDB RWY 24, Amdt. 4
Delaware, OH—Delaware Muni, NDB RWY 10, Amdt. 1
Kent, OH—Kent State Univ., NDB RWY 1, Amdt. 9
Washington Court House, OH—Fayette County, NDB RWY 22, Amdt. 2
Brenham, TX—Brenham Muni, NDB RWY 16, Amdt. 1
Mt. Pleasant, TX—Mt. Pleasant Muni NDB RWY 35, Amdt. 1

** * * Effective July 19, 1983*

Mountain View, MO—Mountain View, NDB RWY 28, Amdt. 3

4. By amending §97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPS identified as follows:

** * * Effective September 29, 1983*

San Diego, CA—San Diego Intl-Lindbergh Field, ILS RWY 9, Amdt. Orig.
San Diego, CA—San Diego Intl-Lindbergh Field, ILS RWY 9, Amdt. 10, Cancelled
South Bend, IN—Michiana Regional, ILS RWY 9, Amdt. 1
South Bend, IN—Michiana Regional, ILS RWY 27, Amdt. 30
Lafayette, LA—Lafayette Regional, ILS RWY 21, Amdt. 1
Pellston, MI—Emmet County, ILS RWY 32, Amdt. 5

** * * Effective September 15, 1983*

Bethel, AK—Bethel, ILS/DME RWY 18, Amdt. 2
Grand Junction, CO—Walker Field, ILS RWY 11, Amdt. 11
Burlington, IA—Burlington Muni, ILS RWY 36, Amdt. 5
Cincinnati, OH—Cincinnati Muni Airport Lunken Field, ILS RWY 20L, Amdt. 11

** * * Effective September 1, 1983*

Livermore, CA—Livermore Muni, ILS RWY 25, Amdt. 3
Rochester, NY—Rochester-Monroe County, ILS RWY 28, Amdt. 25

The FAA published an Amendment in Docket No. 23700, Amdt. No. 1247 to Part 97 of the Federal Aviation Regulations (VOL 48 FR No. 141 Page 33250; dated July 21, 1983) under Section 97.29 effective August 4, 1983, which is hereby amended as follows:

North Kingstown-Quonset State, ILS RWY 16, Amdt. Orig.

Change to:

North Kingstown, RI-Quonset State, ILS RWY 16, Amdt. Orig.

5. By amending § 97.31 RADAR SIAPS identified as follows:

** * * Effective September 29, 1983*

South Bend, IN—Michiana Regional, RADAR-1, Amdt. 6
Lafayette, LA—Lafayette Regional, RADAR-1, Amdt. 5

* * * *Effective September 15, 1983*

Columbus, OH—Port Columbus Intl, RADAR-1, Amdt. 16
Eugene, OR—Mahlon Sweet Field, RADAR-1, Amdt. Orig.

6. By amending § 97.33 RNAV SIAPS identified as follows:

* * * *Effective September 29, 1983*

Aurora, IL—Aurora Muni, RNAV RWY 9, Amdt. 8
South Bend, IN—Michiana Regional, RNAV RWY 9, Amdt. 3, Cancelled
Lafayette, LA—Lafayette Regional, RNAV RWY 3, Amdt. 1
Lafayette, LA—Lafayette Regional, RNAV RWY 10, Amdt. 1
Detroit, MI—Detroit Metropolitan-Wayne Co., RNAV RWY 9, Amdt. 3

* * * *Effective September 15, 1983*

Cedartown, GA—Cornelius-Moore Field, RNAV RWY 10, Amdt. 2
Cedartown, GA—Cornelius-Moore Field, RNAV RWY 28, Amdt. 2
Logansport, IN—Logansport Muni, RNAV RWY 27, Amdt. 1

* * * *Effective September 1, 1983*

Joplin, MO—Joplin Muni, RNAV RWY 31, Amdt. 5

The FAA published an Amendment in Docket No. 23700, Amdt. No. 1247 to Part 97 of the Federal Aviation Regulations (VOL 48 FR No. 141 Page 33250; dated July 21, 1983) under Section 97.33 effective August 4, 1983, which is hereby amended as follows:

Marquette, MT—Marquette County, RNAV RWY 26, Orig., Cancelled
Change to:
Marquette, MI—Marquette County, RNAV RWY 26, Amdt. Orig., Cancelled

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on August 5, 1983.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-21410 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 83-160]

Change of Practice Relating to Tariff Classification of Certain Powernet Fabric

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document gives notice of a change of an established and uniform practice of classifying certain powernet fabric as netting purposes. This change of practice will result in the reclassification of such fabric, which is used in the manufacture of women's foundation and body support garments, under the provision in the tariff schedules for knit fabrics, of man-made fibers, at a higher rate of duty than was previously assessed.

EFFECTIVE DATE: November 7, 1983.

FOR FURTHER INFORMATION CONTACT: Phil Robin, Classification and Value Division, U.S. Customs Service, 1302 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1982, a notice was published in the **Federal Register** (47 FR 51587) advising that Customs was reviewing its current established and uniform practice of classifying certain powernet fabric under the provision for netting, in the piece, made on a lace, net, or knitting machine, other, in item 352.80, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). As part of this review, Customs requested comments on its proposal to reclassify such fabric under the provision for knit fabrics, of man-made fibers, in item 345.50, TSUS, at a higher rate of duty. Comments were to have been received on or before January 17, 1983. However, no comments were received.

As indicated in the notice, information has been made available to Customs to indicate that although the term "powernet" may have commercial significance to the consumer in a marketing or merchandising sense, the term is in fact a misnomer because the actual construction of the fabric in question is that of a knit fabric. In addition, it appears that powernet fabrics are not known technically by experts in the trade as net fabrics, and garments made from powernet fabrics are classified by Customs as knit garments.

Change of Practice

On the basis of the above information, Customs has determined that the established and uniform practice of classifying powernet fabric as netting is clearly erroneous. It is Customs position that the fabric in question, which is a stretch knit with a "brickwork" or "honeycomb" construction containing elastic man-made fibers (not rubber) and a very small amount of open work, is properly classifiable under the provision for knit fabrics, of man-made fibers, in item 345.50, TSUS. Accordingly, the proposal is adopted.

Drafting Information

The principal author of this document was Jesse V. Vitello, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 177

Administrative practice and procedure, Customs duties and inspection, Government procurement.

William Von Raab,

Commissioner of Customs.

Approved: July 19, 1983.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc. 83-21413 Filed 8-5-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 819a

Aviation Fuel and Oil Sales to Contract, Charter, and Civil Aircraft

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 819a—Aviation Fuel and Oil Sales to Contract, Charter, and Civil Aircraft of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 144-9 has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn A. Moss, Department of the Air Force, Headquarters, USAF/LEYSF, Pentagon, Washington, D.C. 20330, telephone 697–6613.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR is amended by removing Part 819a.

List of Subjects in 32 CFR Part 819a

Aircraft, Petroleum excise taxes, Credit.

PART 819a—[REMOVED]

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–21428 Filed 8–5–83; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 205

Chapter 1 of the Education Consolidation and Improvement Act of 1981; Financial Assistance to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Educational Activities

Correction

In FR Doc. 83–20553 beginning on page 34644 in the issue of Friday, July 29, 1983, make the following correction:

On page 34644, first column, under **EFFECTIVE DATE:**, second line, "48 days" should have read "45 days".

BILLING CODE 1505–01–M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Effective Date for Reduced Awards of Educational Assistance Allowance

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This regulation implements a provision of the Omnibus Budget Reconciliation Act of 1982 which affects veterans receiving educational assistance under chapter 34, title 38, United States Code. Veterans who lose a dependent will have their assistance reduced effective the end of the month in which the loss occurred, rather than at the end of the year.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 12107 and 12108 of the **Federal Register** of March 23, 1983 there was published a notice of intent to amend part 21 to implement a provision of the Omnibus Budget Reconciliation Act of 1982.

Interested people were given 30 days in which to submit comments, suggestions or objections. The Veterans Administration received one letter containing a suggestion.

The letter writer suggested that the regulation would be clearer if it contained the effective dates of discontinuance which result from events which occurred before October 1, 1982, and after September 30, 1982. The Veterans Administration has decided to adopt this suggestion. The final regulation is changed accordingly.

The Veterans Administration has determined that this regulation does not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less then $100 million. The regulation will not result in a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation, therefore, is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

This certification can be made because this regulation implements a statutory change and has no independent economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

Approved: July 25, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending Part 21 as follows:

In § 21.4135, paragraphs (b), (c)(1) and (d)(1) are revised as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(b) *Death of dependent.* (1) Before October 1, 1982: last day of the year in which death occurs unless discontinuance is required at an earlier date under other provisions.

(2) After September 30, 1982: last day of the month in which death occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 801)

(c) *Divorce.* (1) Veteran, chapter 34:

(i) Before October 1, 1982: last day of the year in which divorce occurs unless discontinuance is required at an earlier date under other provisions.

(ii) After September 30, 1982: last day of the month in which divorce occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 801)

* * * * *

(d) *Dependent child, chapter 34*—(1) *Marriage* (i) Before October 1, 1982: last day of the year in which marriage occurred unless discontinuance is required at an earlier date under other provisions.

(ii) After September 30, 1982: last day of the month in which marriage occurred unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 801)

* * * * *

[FR Doc. 83–21445 Filed 8–5–83; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates for fixed payment and graduated payment loans

for homes and condominiums. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increases in the interest rates will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans and the general increase in interest rates charged by lenders on conventional loans, have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed loans have not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that increases in the maximum permissible rates for both fixed rate and graduated payment mortgage loans are necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291 Certifications

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans would create an acute shortage of mortgage funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers 64.113 and 64.114)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—Housing and community development, Manufactured homes, Veterans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code, and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311 (a) and (b) and 36.4503(a) of title 38, Code of Federal Regulations.

Approved: July 29, 1983.

By direction of the Administrator.

John W. Hagan, Jr.,
Deputy Chief Benefits Director.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4311, paragraphs (a) and (b) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13½ per centum per annum, effective August 1, 1983, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 13½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13¾ per centum per annum, effective August 1, 1983, the interest rate on any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 13¾ per centum per annum. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 13½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 14 percent per annum (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 83-21444 Filed 8-5-83; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

Documentation, Transfer or Charter of Vessels; Clarification of Approval Required for Charters to Non-citizens; and Other Transactions

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule clarification.

SUMMARY: The amendments to 46 CFR Part 221 clarify the scope of a general provision for the approval of certain vessel charters to non-citizens by distinguishing that general provision from a provision applicable only to approval of vessel charters for the carriage of agricultural commodities to the Union of Soviet Socialist Republics (USSR); and update the restricted list of countries for purposes of vessel charters and transfers of interests in vessels to non-citizens, and the transfer of vessels to foreign registry, consistent with national policy with respect to foreign trade restrictions (15 CFR Part 370).

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Jesse Fernanders, Chief, Division of Ship Disposals and Foreign Transfers, Maritime Administration, Washington, D.C. 20590, Tel. (202) 426–5821.

SUPPLEMENTARY INFORMATION: In 1977, 46 CFR 221.7 was amended to provide for blanket approval of specified charters of bulk cargo vessels, operating under long-term operating-differential subsidy agreements, to non-citizens for carrying bulk raw and processed agricultural commodities from the United States to the USSR. The new text was inserted in the middle of the existing paragraph (a). This amendment has apparently caused confusion by placing a specific blanket approval of limited applicability between a general blanket approval provision and specific exceptions to that general blanket approval (i.e., bareboat/demise charters, trade with specified countries, and use in the fisheries).

To clarify that there is a distinction between charter approvals for the carriage of agricultural commodities to the USSR and charter approvals in general, the text concerning the carriage of agricultural commodities to the USSR has been repositioned in new paragraph (e) at the end of the section.

Section 221.7(a) also contains a revised list of countries with which trade may not be approved for vessels chartered to non-citizens. Similar conforming amendments to the restricted list have been made in § 221.4, with respect to approvals of transfers of interests in vessels that are not more than 65 feet in length, as well as in the Appendix with respect to transfers of vessels of at least 3,000 gross tons to foreign registry or ownership, or both.

We have substituted the term "in the fisheries of the United States" for the terms "in the fishing industry" and "in the fisheries," in §§ 221.4(a) and 221.7(a)(3), respectively, for purposes of consistency.

EO 12291 Statutory and DOT Requirements

The Maritime Administrator has made a determination that these amendments to 46 CFR Part 221 meet none of the criteria of a major rule under Executive Order 12291 that would require preparation of a regulatory impact analysis. Pursuant to DOT Order 2100.5, this is a nonsignificant regulation. An economic evaluation has disclosed that the economic impact will be so minimal that a full Regulatory Evaluation will be unnecessary. Since these amendments are either of a clarifying nature or reflect national policy with respect to a foreign affairs function of the United States, the Maritime Administrator finds that notice and public procedure thereon are unnecessary, pursuant to provisions of 5 U.S.C. 553. Accordingly, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) is not applicable.

This rulemaking includes no new or amended requirement for the collection of information within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 46 CFR Part 221

Banks, Banking, Citizenship and naturalization, Charter, Foreign transfer, Maritime Administration, Maritime carriers, Reporting requirements, Uniform systems of accounts.

PART 221—[AMENDED]

Accordingly, 46 CFR Part 221 is amended as follows:

§ 221.4 [Amended]

1. Section 221.4, *Approval of certain transactions covered by section 37, Shipping Act, 1916, as amended,* is amended as follows:

a. Designate the first paragraph as (a), redesignate the succeeding four paragraphs as subdivisions (1)–(4), and redesignate paragraphs (e) and (f) as paragraphs (b) and (c).

b. In new paragraph (a)(1) substitute the term "fisheries of the United States" for the term "fishing industry," followed by the parenthetical phrase "as described in § 221.7(a)(3)," preceding the comma.

c. Revise redesignated paragraph (b) to read as follows:

* * * * *

(b) The approvals hereby granted shall not apply if a transferee or person with a controlling interest in the transferee is a national of the USSR, Latvia, Lithuania, Estonia, Czechoslovakia, Bulgaria, Albania, North Korea, German Democratic Republic (including East Berlin), Laos, Kampuchea, Vietnam, Outer Mongolia or Cuba, unless (1) such national has been lawfully admitted into, and resides in, the United States and (2) such national does not remove the vessel from the territorial limits of the United States. Also, the approvals shall not apply if the vessel is to be transferred to or placed under the registry or flag of any such country. This list of countries shall be subject to change periodically to conform to the laws and foreign policy of the United States.

§ 221.7 [Revised]

2. Section 221.7 is revised, including paragraph captions and a new paragraph (e), to read as follows:

§ 221.7 Approval of vessel charters to non-citizens.

(a) *General approvals not exceeding six months.* The Maritime Administration hereby approves under sections 9 and 41 of the Shipping Act, 1916, as amended (46 U.S.C. 808 and 839), charters for a period of not more than six (6) months, to a person not a citizen of the United States, relating to any vessel which is documented under the laws of the United States, the last documentation of which was under the laws of the United States, or which is owned in whole or in part by any person who is a citizen of the United States, or by a corporation organized under the laws of the United States or of any State, Territory, District or possession thereof. The respective dates for commencement and termination of a charter set forth in its provisions shall be accepted as prima facie evidence of the dates of these events. This approval does not apply to any of the following charters:

(1) Demise or bareboat charters, including subcharters, consecutive charters, renewals or extensions of such charters.

(2) Charters for the carriage of cargoes of any kind to or from the USSR (except as provided in paragraph (e) of this section), Lativia, Lithuania, Estonia, Czechoslovakia, Bulgaria, Albania, North Korea, German Democratic Republic (including East Berlin), Laos, Kampuchea, Vietnam, Outer Mongolia

or Cuba. This list of countries shall be subject to change periodically to conform to the laws and foreign policy of the United States.

(3) Charters for operation in the fisheries of the United States, which shall mean every fishery (fishing for one or more stocks of fish) in the internal or territorial waters of the United States (all States and all territories, districts and possessions, or a Commonwealth in political union with the United States), in the fishery conservation zone of the United States (up to the 200 mile limit), and on the high seas beyond the fishery conservation zone.

(b) *Charter filing or retention.* Not later than twenty (20) days after the beginning of a charter period, the vessel owner or owner's representative shall file with the Maritime Administration a copy of any charter which is approved under paragraph (a) of this section.

(c) *Charters requiring prior approval.* When any charter of a vessel to a non-citizen provides that its duration shall or may be for a period in excess of six (6) months, the Maritime Administration shall consider the charter period to include any extension period, irrespective of the inclusion of a provision in the agreement that either makes any charter period extension beyond six (6) months subject to the approval of the maritime Administration or permits the substitution of another vessel other than a vessel of United States registry. The vessel owner or owner's representative shall submit the charter agreement to the Maritime Administration for approval prior to the commencement date of the first six (6) month period.

(d) *Charter renewals.* The Maritime Administration shall construe any new charter of a vessel to a person not a citizen of the United States, executed within thirty (30) days after the date of any charter approved under this section, with the same non-citizen charterer, to be a renewal or extension of the original charter. The agency shall require submission of the new charter for prior approval before it can become effective if the cumulative period of time of the two charters exceeds six (6) months. This requirement shall apply notwithstanding a provision in the new charter permitting the substitution of another vessel other than a vessel of U.S. registry.

(e) *Charters for trade with USSR.* The Maritime Administration hereby approves under sections 9 and 41 of the Shipping Act, 1916, as amended (46 U.S.C. 808 and 839), charters to non-citizens of bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to ports in the USSR, or to other permissible ports of discharge, pursuant to Part 294 of this chapter, that are operating under long-term operating-differential subsidy agreements (ODSA), subject to the requirements of Part 252 of this chapter. Approval granted under this paragraph shall extend to all charters subject to such ODSA, without requirement of filing an application and paying the application fee provided for in § 221.14 of this part.

Appendix [Amended]

3. The Appendix to Part 221 is amended in subdivision IIA.(3) as follows:

a. Remove paragraphs (a) and (b).

b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b); and add the word "and," following the semicolon at the end of the new paragraph (a);

c. Amend new paragraph (b) to read as follows—

* * * * *

(b) The vessel shall not be chartered, nor transferred by any agreement, to a non-citizen for carriage of cargoes of any kind to or from the USSR, Latvia, Lithuania, Estonia, Czechoslovakia, Bulgaria, Albania, North Korea, German Domocratic Republic (including East Berlin), Laos, Kampuchea, Vietnam, Outer Mongolia or Cuba, without the prior approval of the Maritime Administration. This list of countries shall be subject to change periodically to conform to the laws and foreign policy of the United States.

Authority: Secs. 9, 41 and 43, Shipping Act, 1916, as amended (46 U.S.C. 808, 839 and 841a); Pub. L. 97-31 (August 6, 1981), 49 CFR 1.66 (46 FR 47458, September 28, 1981).

Dated: August 2, 1983.

By order of the Maritime Administrator.

Murray A. Bloom,

Assistant Secretary.

[FR Doc. 83-21488 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-81-M

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-3, Notice No. 5]

Track Safety Standards; Miscellaneous Amendments

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: On September 7, 1982, FRA published a final rule amending the Track Safety Standards. This document makes several technical amendments to those standards made necessary by the final rule.

EFFECTIVE DATE: These amendments will become effective September 7, 1983.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: William R. Paxton, Chief, Track Division, Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590. Phone 202-426-0912.

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Phone 202-426-8836.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to improve its rail safety regulatory program, FRA published a final rule amending its Track Safety Standards in the September 7, 1982 issue of the **Federal Register** (47 FR 39398). The amendments became effective on November 1, 1982.

As a result of the changes contained in that final rule, four sections in the Track Safety Standards need to be amended to eliminate the possibility of confusion or misunderstanding. Those sections now contain cross references to provisions that are incorrect because the provisions were renumbered or deleted. Similarly, the penalty schedule contained in Appendix B to those standards needs to be amended to delete references to sections that were deleted, add references to new sections and correct references to sections that have been renumbered.

Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It will not have any economic impact on any entity, including small entities. It does not place any new requirements or burdens on the public. Accordingly, it is certified that this final rule will not have a significant economic impact on a substantial number of small entities under the provision of the Regulatory Flexibility Act (Pub. L. 95-354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This final rule does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. Moreover, the absence of cost factors associated with this final rule precludes the need for a regulatory evaluation.

Notice and Public Procedure

Since this amendment merely corrects cross reference citations in existing rules and imposes no additional burden or costs on any person, the FRA finds, in accordance with the Administrative Procedure Act that notice and public procedure are unnecessary, impractical and contrary to the public interest.

List of Subjects in 49 CFR Part 213

Railroad safety.

The Final Rule

PART 213—[AMENDED]

For reasons set out in the preamble, Part 213, of Chapter II of Title 49 of the Code of Federal Regulations is amended as follows:

§ 213.9 [Amended]

1. Section 213.9(a) is amended by deleting from the first sentence the cross references to §§ 213.105 and 213.113(b).

§ 213.15 [Amended]

2. Section 213.15(a) is amended by deleting "§ 213.5(c)" and inserting "§ 213.5(d)" in lieu thereof.

§ 213.17 [Amended]

3. Section 213.17(b) is amended by deleting "§ 211.11" and inserting "§§ 211.7 and 211.9" in lieu thereof.

§ 213.241 [Amended]

4. Section 213.241(b) is amended by adding "213.4," in the first sentence of that paragraph after "§§" and before the "213.233."

5. Appendix B is revised to read as follows:

Appendix B—Schedule of Civil Penalties

Appendix B reflects a statement of policy by the Federal Railroad Administration in making applicable to Part 213 a specific civil penalty schedule for a violations of this part.

Section	Violation	Hazardous violation[1]
Subpart A—General:		
213.4a Excepted track [2]	$750	$1,500
213.4b Excepted track [2]	1,000	1,500
213.4c Excepted track [2]	500	1,000
213.4d Excepted track	1,000	1,500
213.4e:		
1 Excepted track	1,000	2,000
2 Excepted track	1,000	2,000
3 Excepted track	1,000	2,000
213.5 Responsibility of track owners	1,000	2,000
213.7 Designation of qualified persons to supervise certain renewals and inspect track	500	1,000
213.9 Classes of track: operating speed limits	1,000	2,000
213.11 Restoration or renewal of track under traffic conditions	1,000	2,000
213.13 Measuring track not under load	500	1,000
Subpart B—Roadbed:		
213.33 Drainage	500	1,000
213.37 Vegetation	500	1,000
Subpart C—Track geometry:		
213.53 Gage	750	1,500
213.55 Alinement	750	1,500
213.57 Curves; elevation and speed limitations	750	1,500
213.59 Elevation of curved track; runoff	750	1,500
213.63 Track surface	750	1,500
Subpart D—Track surface:		
213.103 Ballast; general	500	1,000
213.109 Crossties	750	1,500
213.113 Defective rails	1,000	2,500
213.115 Rail end mismatch	500	1,000
213.121a Rail joints	500	1,000
213.121b Rail joints	500	1,000
213.121c Rail joints	1,000	2,500
213.121d Rail joints	500	1,000
213.121e Rail joints	500	1,000
213.121f Rail joints	500	1,000
213.121g Rail joints	500	1,000
213.123 Tie plates	500	1,000
213.127 Track spikes	750	1,500
213.133 Turnouts and track crossings generally	500	1,000
213.135 Switches	500	1,000
213.137 Frogs	500	1,000
213.139 Spring rail frogs	750	1,500
213.141 Self-guarded frogs	500	1,000
213.143 Frog guard rails and guard faces; gage	500	1,000
Subpart E—Track appliances and track-related devices:		
213.205 Derails	500	1,000
Subpart F—Inspection:		
213.233 Track inspections	500	1,000
213.235 Switch and track crossings inspections	500	1,000
213.237 Inspection of rail	750	1,500
213.239 Special inspections	500	1,000
213.241 Inspection records	750	1,500

[1] For the purposes of this appendix, a hazardous violation is one involving an immediate hazard of death or injury, or when an actual accident, death or injury results from the violation. The Administrator reserves the authority to assess the maximum penalty of $2,500 for a hazardous violation.

[2] In addition to assessment of specified penalties, track segments designated as excepted track that are or become ineligible for such designation by virtue of noncompliance with any of the requirements to which this footnote applies are subject to all other provisions of Part 213 until such noncompliance is remedied.

Authority: Sec. 202 and 209 of the Federal Railroad Safety Act of 1970, 84 Stat. 971, 975, 45 U.S.C. 431, 438, and section 1.49(n) of the Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on July 28, 1983.

Thomas A. Till,

Deputy Administrator.

[FR Doc. 83-21428 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-06-M

Proposed Rules

Federal Register
Vol. 48, No. 153
Monday, August 8, 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

Food Safety and Inspection Service

9 CFR PARTS 325 and 381

[Docket No. 82-020P]

Transportation of Inedible Product for Use as Animal Food

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Federal meat and poultry products inspection regulations regarding the transportation, in commerce, of inedible products for use as animal food. The Federal meat inspection regulations currently provide three basic requirements for animal food prepared from carcasses of livestock prior to being transported in commerce: (1) It must be properly identified as an animal food, (2) it must not be represented as a human food, and (3) it must be denatured. However, the regulations further provide exemptions from the denaturing requirement. This proposal would continue to exempt animal food ingredients from the denaturing requirement if clearly labeled, in a specified manner, as animal food. The proposal would also establish comparable animal food provisions and exemptions in the poultry products inspection regulations. These regulations currently require only that animal food prepared from poultry carcasses be denatured prior to transportation in commerce. These proposed changes are in response to a petition from the Pet Food Institute.

DATE: Comments must be received on or before October 7, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. R. W. Gonter, (202) 447-7745. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. R. W. Gonter, Dirctor, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. This proposal would provide more flexible regulations on the labeling and preparation of animal food products containing meat or poultry products and continue to provide assurance that the products intended for use in animal food do not enter into human food channels. This proposed rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as determined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it would allow more flexibility for the affected industry in the labeling and preparation of animal food products containing meat or poultry ingredients.

Comments

Interested persons are invited to submit comments concerning this notice. Written comments should be sent in duplicate to the Regulations Office and should reference the docket number located in the heading of this document. Any person desiring an opportunity for an oral presentation of views should make such request to Mr. Gonter so that arrangements may be made for such views to be presented. A transcript will be made of all oral presentations. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Under the Federal Food, Drug, and Cosmetic Act, the food and Drug Administration (FDA) has primary authority over regulating the production of animal food (21 U.S.C. 321(f), 341). However, the U.S. Department of Agriculture is responsible, under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), for assuring that meat and poultry and products made therefrom not intended for use as human food do not enter into commerce unless they are denatured or otherwise indentified as inedible products.

Section 325.11(d) of the Federal meat inspection regulations (9 CFR 325.11(d)) sets forth certain requirements for the transportation in commerce of animal food prepared wholly or in part from material derived from livestock carcasses. The regulations provide three basic requirements for such animal food before allowing it to be transported in commerce: (1) It must be properly idnetified as animal food, (2) it must not be represented as being a human food, and (3) it mut be denatured as prescribed in § 325.13(a) (2) of the Federal meat inspection regulations (9 CFR 325.13(a) (2)).

In additions, § 325.11(d) allows exemptions form the denaturing of animal food, provided that the animal food (1) consists solely of processed livestock byproducts (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat), or (2) contain less than 5 percent of parts or products of livestock carcasses and is not represented as a human food product, or (3) is packaged in hermetically sealed, retot processed, conventional retail-size containers and bears on its lable the name of the article (e.g., "Dog Food") in letters at least three times as high, wide, and thick, and as contrasting in color with their background, as the letters in any words denoting the use of carcass-derived ingredients.

No explicit requirements are contained in the poultry products

inspection regulations for producing animal food consisting of undenatured poultry or poultry products. Section 381.193 of the poultry products inspection regulations (9 CFR 381.193) requires only that poultry carcasses and parts and products thereof not intended for human food must be denatured, as prescribed in § 381.95 of the regulations, and marked "Not for human food" prior to being transported in commerce.

PFI Petition

The Food Safety and Inspection Service (FSIS) has recently been petitioned by the Pet Food Institute (PFI) to modify the Federal meat and poultry products inspection regulations relating to the transportation of inedible product for use in the production of animal food. In its petition, PFI contends that the Federal meat and poultry products inspection regulations are not consistent with other rules equally applicable to pet food labeling and impose requirements unnecessary to protect the public. Specifically, PFI has petitioned for the following changes:

1. As previously mentioned, animal food products are exempt from denaturing when such products contain less than 5 percent of parts or products of livestock carcasses. PFI has suggested that the "less than 5 percent" amount of meat be raised to "less than 10 percent," consistent with the guidelines of the Association of American Feed Control Officials (AAFCO). AAFCO guidelines prescribe that in products containing less than 10 percent carcass-derived ingredient(s), the name(s) of such ingredient(s) may not form a part of the product name. PFI contends that such labeling would not present any confusion to consumers concerning the meat content and, thus, would justify the increase.

Under the FMIA, FSIS has an obligation to regulate the control of undenatured inedible meat products to assure that such products do not enter into human food channels. Permitting products containing twice as much undernatured meat as is currently allowed under the regulations to be exempt from FSIS control could hinder FSIS's ability to carry out its responsibilities to the public in this regard. In addition, there is no apparent correlation between the current "less than 5 percent" exemption and the AAFCO guidelines. Therefore, FSIS has determined not to propose an increase in the amount of meat permitted in animal food exempt from denaturing. However, FSIS welcome any additional evidence on this point.

2. Current Federal meat inspection regulations provide that animal food need not be denatured if the name of the article, e.g., "Dog Food," appears on the label in a conspicuous manner. In this instance, "conspicuous" means lettering three times as high, wide, and thick as letters donoting livestock carcass claims. This rule was intended to preclude any possible confusion between pet food and human food.

PFI has proposed that FSIS elimate the requirement that the article be named an animal food, e.g., "Dog Food, provided that terms erferencing the product as animal food, such as "Dog Food" or "For Cats," are stated on the lable in letters at least as large as those required in the quantity-of-content declaration. PFI contends that the risk of confusion between animal food and human food arises only if animal food is labeled in a manner similar to human food; e.g., "Beef Tips." Therefore, if any such labeling is to be prominently shown on the animal food label, PFI recommends that pet food manufacturers comply with one of the following requirements:

(1) Include on the principal display panel a prominent vignette of the animal for which the food is intended; or

(2) Include a second pet use claim on the label in addition to the required animal food reference, such as "100% complete and balanced nutrition for your dog"; or

(3) Make the animal food reference half the size of the meat reference appearing adjacent to it.

PFI asserted that their labeling approach was based on the Food and Drug Administration general principles for common or usual names (21 CFR 102.5).

FSIS appreciates PFI's concerns and agrees that the regulations need to be updated to better accommodate today's industry practices. However, at the same time, FSIS's primary concern must be its statutory responsibilities and how best to execute them.

Current industry labeling practices for animal food products have raised concern about consumers' confusing animal food for human food, particularly when the name of the animal food is similar or identical to a human food, e.g., "Beef Stew" and "Chunky Beef Dinner." Such terms do not clearly denote the intended use as animal food, and some consumers may mistake the animal food for human food.

Therefore, in response to the PFI petition, FSIS is proposing that animal food need not be denatured if the name of the article clearly denotes the article's intended use as animal food and appears on the label in a conspicuous manner. Two methods of labeling for that purpose are proposed:

(1) The name of the article may be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food") in letters at least twice as high, wide, and thick as the letters indicating the presence of any meat ingredients; or

(2) The name of the article may be stated on the label to indicate the presence of meat ingredients (e.g., "Horsemeat for Pets" or "Beef Stew for Dogs") provided that the entire name is stated on the main display panel, whether on one line or more, and the letters denoting the article's intended use as animal food are at least as high, wide, and thick as the letters indicating the presence of meat ingredients, and provided further that if a vignette is used on the label, the letters stating the article's intended use must be at least one-half as high, wide, and thick as the letters used in the article's name indicating the presence of meat or poultry ingredients but not less than ⅛ inches high.

Furthermore, it is proposed that the letters used to denote the intended use must contrast as markedly with their background as the letters indicating the presence of meat ingredients.

FSIS believes this proposal would provide the pet food industry needed flexibility in the handling of its raw materials without sacrificing the needed identification of food not intended for human consumption. At the same time, it would encourage clearer pet food labeling.

3. As previously discussed, the poultry products inspection regulations do not contain requirements for producing animal food consisting of undenatured poultry or poultry products. PFI has petitioned FSIS to establish poultry products inspection regulations comparable to the meat inspection regulations. This would provide for consistent regulations of animal foods regardless of whether they contain meat or poultry.

FSIS agrees that comparable poultry inspection regulations should be established. Basically, FSIS is proposing that animal food prepared from poultry or poultry products may be exempted from denaturing if the animal food (1) consists solely of processed poultry byproducts (such as poultry byproduct meal and hydrolyzed poultry feathers), or (2) contains less than 5 percent of parts or products of poultry carcasses, or (3) is packaged in hermetically sealed, retort processed, conventional retail-size containers and retail-size

packages, and the name of the article clearly conveys the intended use as animal food and appears on the label in a conspicuous manner. The revisions discussed earlier regarding the meat inspection regulations are also proposed for the poultry products inspection regulations.

List of Subjects

9 CFR Part 325

Meat inspection, Transportation.

9 CFR Part 381

Poultry products inspection, Transportation.

The Proposal

FSIS is proposing to revise the Federal meat and poultry products inspection regulations as follows:

PART 325—[AMENDED]

1. The authority citation for Part 325 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438 (21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254).

2. Section 325.11(d)(3) would be revised to read as follows:

§ 325.11 Inedible articles: Denaturing and other means of identification; exceptions.

* * * * *

(d) * * *

(3) Notwithstanding the provisions of paragraph (d)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semimoist animal food need not be denatured in accordance with § 325.13(a)(2) if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.

(i) Except as provided in paragraph (d)(3) (ii) or (iii) of this section, the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from the carcasses of livestock.

(ii) Notwithstanding the provisions of paragraph (d)(3)(i) of this section, the article's name may be stated on the label to show that it is or contains livestock-source material and that the article is for animals; e.g., "Horse meat for Pets" or "Beef Stew for Dogs": Provided, That the entire name of the article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide and thick as the letters indicating the presence of material derived from any livestock carcass: And further, Provided, That when the label bears on its main panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use are at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any livestock carcass, but not less than ⅛ inches high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence on the article of livestock carcass-source material contrast with their background.

* * * * *

PART 381—[AMENDED]

3. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 441, as amended, 21 U.S.C. 451 *et seq.*, 33 U.S.C. 1254.

4. Section 381.193 would be revised to read as follows:

§ 381.193 Poultry carcasses, etc., not intended for food.

(a) Except as provided in paragraph (b) of this section, poultry carcasses, and parts of products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails.

(b)(1) Except as provided in paragraph (b) (2), (3), and (4) of this section, no animal food prepared, in whole or in part, from materials derived from the carcasses of poultry in an official establishment or elsewhere, shall be transported in commerce, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being human food; and

(iii) It has been denatured as prescribed in § 381.95 so as to be readily distinguishable from an article of human food.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, any processed and packaged animal food that consists of less than 5 percent of parts or products of the carcasses of poultry and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the poultry industry need not be denatured in accordance with § 381.95.

(3) Notwithstanding the provisions of paragraph (b)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be denatured in accordance with § 381.95 if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.

(i) Except as provided in paragraph (b)(3)(ii) or (iii) of this section, the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be stated in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from carcasses of poultry.

(ii) Notwithstanding the provisions of paragraph (b)(3)(i) of this section, the article's name may be stated on the label to show that it is or contains poultry carcass-source material and that the article is for animals; e.g., "Chicken for Pets" or "Turkey Dinner for Cats": Provided, That the entire name of the article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide, and thick as the letters indicating the presence of material derived from any poultry carcass: And further, Provided, That when the label bears on its main panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use are at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any poultry carcass, but not less than 1/8 inches high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence in the article of poultry carcass-source material contrast with their background.

(4) The requirements of this part do not apply to any animal food which does not consist of any parts or products of the carcasses of poultry, or to livestock or poultry feed which does not consist of any such articles other than processed poultry byproduct (such as poultry byproducts meal, hydrolyzed poultry feathers, and hydrolyzed poultry byproducts aggregate).

Done at Washington, DC, on June 1, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-21523 Filed 8-5-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-ASO-28]

Proposed Designation of Control Zone, Aguadilla, Puerto Rico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a control zone in the vicinity of Borinquen Airport, Aguadilla, Puerto Rico. This action will lower the base of controlled airspace in the vicinity of the airport from 700 feet above the surface to the surface. This will provide controlled airspace for protection of aircraft operating to and from the airport during Instrument Flight Rule weather conditions.

DATE: Comments must be received on or before: September 15, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No.——." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate a control zone in the vicinity of Borinquen Airport, Aguadilla, Puerto Rico. This action will lower the base of controlled airspace from 700 feet above the surface down to the surface. The additional controlled airspace will provide an increased level of safety to aircraft executing instrument operations at the airport. San Juan CERAP, which provides air traffic control service for the Borinquen Airport, is able to communicate with aircraft on the ground at the airport. The Puerto Rico Ports Authority will provide weather observation and reporting service during the hours the control zone is effective. Section § 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to designate the Aguadilla, Puerto Rico, control zone under § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Aguadilla, PR—New

Within a 5-mile radius of Borinquen Airport (Lat.18°29'47"N., Long. 67°08'00"W.); excluding that airspace more than 3 nautical miles from the shoreline. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

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

Issued in East Point, Georgia, on July 26, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-21411 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 971

Deep Seabed Mining; Regulations for Commerical Recovery; Meeting

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

ACTION: Proposed rule related notice of meeting on marine environmetal issues.

SUMMARY: NOAA has announced its intent to issue regulations governing commercial recovery of manganese nodules pursuant to the Deep Seabed Hard Mineral Resources Act (the Act). This meeting is to discuss important marine environmental issues associated with this activity prior to the preparation of regulations.

DATE: Thursday, September 8, 1983.

ADDRESS: The meeting will be held at the National Academy of Sciences, Joseph Henry Building, 2122 Pennsylvania Ave., NW., Washington, D.C., Room 451, beginning at 9:30 a.m. Because of limited space, it is requested that those wishing to attend, call (202–653–8257).

FOR FURTHER INFORMATION CONTACT: Dr. Jean Snider (202–653–8257).

SUPPLEMENTARY INFORMATION: The Advance Notice of Proposed Rulemaking for commercial recovery was published on December 28, 1982 in 47 FR 57903 inviting comments on issues associated with commercial recovery under the Act.

Following consideration of comments on the advance notice, two draft discussion papers are being prepared summarizing NOAA's preliminary views on issues relating to commercial recovery. One paper addresses non-environmental issues, including application requirements. The other paper discusses environmental issues and will form the basis of discussion for the September 8 meeting. Copies of both papers can be obtained after August 22, 1983 from the Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Suite 105, page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235 or by telephoning (202) 653–8257.

Dated: August 3, 1983.

K. E. Taggart,

Acting Assistant Administrator, Ocean Services and Coastal Zone Management.

[FR Doc. 83-21522 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-12-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3187]

Lomas & Nettleton Financial Corp.; et al.; Proposed Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Dallas, Texas mortgage banker, among other things, to establish and maintain procedures to ensure that it will timely pay all obligations due and payable from homeowners' escrow accounts. The company would also be required to maintain procedures to identify and correct any injury caused by its failure to pay obligations from a homeowners' escrow account when due. The company would be further prohibited from misrepresenting that funds have been withdrawn from escrow and the nature of any fee or obligation imposed upon a homeowner's escrow account.

DATE: Comments must be received on or before October 7, 1983.

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

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

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

List of Subjects in 16 CFR Part 13

Mortgage banks, Trade practices.

In the matter of Lomas & Nettleton Financial Corp., a corporation, and the Lomas & Nettleton Co., a corporation; File No. 802 3187; agreement containing consent order to cease and desist.

The Federal Trade Commission initiated an investigation of certain acts and practices of Lomas & Nettleton Financial Corporation, a corporation, and The Lomas & Nettleton Company, a corporation, and it now appearing that Lomas & Nettleton Financial Corporation and The Lomas & Nettleton Company, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Lomas & Nettleton Financial Corporation and The Lomas & Nettleton Company, their duly authorized officers, and their attorney and counsel for the Federal Trade Commission that:

1. Respondent Lomas & Nettleton Financial Corporation, hereinafter "LNFC," is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 2001 Bryan Tower, Dallas, Texas, 75265.

Respondent The Lomas & Nettleton Company, hereinafter "L&N," is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Connecticut. Its office and principal place of business is the same as that of LNFC. L&N is a wholly-owned subsidiary of LNFC.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

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

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

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34.

will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

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

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the United States Postal Service of the Complaint and Decision containing the agreed-to Order to John C. Fricano, Esq., Skadden, Arps, Slate, Meagher & Flom, counsel for proposed respondents, at 919 Eighteenth Street NW., Washington, D.C 20006, shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the agreement may be used to vary or contradict the terms of the Order.

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

8. By its final acceptance of this agreement, the Commission waives its right to seek restitution or other relief under Section 19 of the Federal Trade Commission Act, 15 U.S.C. 57b, with respect to the acts or practices alleged in the complaint which occurred prior to the date of service of the Order.

Order

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

a. "Homeowner" means any person who is the mortgagor of residential real estate.

b. "Hazard insurance" means any insurance on mortgaged property for fire, theft, or other hazards, including homeowners' insurance.

I.

It is ordered that respondents Lomas & Nettleton Financial Corporation, a corporation, and The Lomas & Nettleton Company, a corporation, their successors and assigns, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the administering or servicing of any loan, including a home mortgage, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Failing to maintain procedures designed reasonably to ensure timely payment of all obligations payable from homeowners' escrow accounts;

B. Failing to maintain procedures designed reasonably to ensure that any failure of respondent to make timely payment of any obligation payable from a homeowner's escrow account is identified and corrected, and any injury to the homeowner resulting therefrom is redressed;

C. Failing promptly to correct and to redress any injury to a homeowner caused by any failure of respondents to make timely payment of any obligation payable from the homeowner's escrow account once respondents are placed on notice of such an injury;

D. Misrepresenting, directly or by implication, that funds have or have not been withdrawn by respondents from a homeowner's escrow account;

E. Misrepresenting, directly or by implication, the nature of any charge or fee having been or to be imposed by respondents on a homeowner or against a homeowner's escrow account.

II.

It is further ordered that respondents shall distribute a copy of this Order to all their operating divisions and to all present or future personnel, agents or representatives having policy responsibilities with respect to the subject matter of this Order and that respondents secure from each such person a signed statement acknowledging receipt of said Order.

III.

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

IV.

It is further ordered that the respondents shall within ninety (90) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Lomas & Nettleton Financial Corporation and The Lomas & Nettleton Company.

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

The proposed respondents are engaged in the business of mortgage banking. They service mortgage loans, including making payments from funds accumulated in homeowners' escrow accounts for premiums due on policies of hazard insurance.

The complaint alleges that Lomas & Nettleton failed to make adequate preparations to integrate into its computer records system 150,000 mortgage files acquired from another company in 1979. Lomas & Nettleton also experienced difficulties with its computer facility and did not take adequate steps to prevent or cure those

problems arising from the acquisition. As a result, in numerous instances during 1979–1980, Lomas & Nettleton allowed homeowner-selectged policies of hazard insurance to lapse. When those policies lapsed, Lomas & Nettleton obtained alternative hazard insurance coverage for the homeowners.

The complaint also alleges that a letter used by Lomas & Nettleton until February 1981 to notify homeowners when, for any reason, it obtained alternative hazard insurance coverage for homeowners, contained false or deceptive representations. Lomas & Nettleton told homeowners that the company had in its possession an alternative hazard insurance policy that was paid for by L&N out of the funds contained in the homeowner's escrow account, and, therefore, that funds were no longer available in that account to pay for the hazard insurance of the homeowner's choice. Other statements contained in the letter were that a "substitution fee" would be charged if the homeowner chose to replace the hazard insurance obtained by L&N with a policy of the homeowner's choice.

The complaint alleges that at the time Lomas & Nettleton's representations were made, the company did not have in its actual possession the alternative hazard insurance policy, nor had it paid the premium for that policy out of the funds contained in the homeowner's escrow account. Thus, that account still contained sufficient funds to pay the premium on a hazard insurance policy of the homeowner's choice, and no "substitution fee" could be charged for replacing the alternative hazard insurance described in the letter with a homeowner-chosen policy. According to the complaint, the challenged statements had the capacity and tendency to mislead homeowners and had the capacity to deter homeowners from purchasing the hazard insurance policy of their choice.

The proposed settlement provides that Lomas & Nettleton must establish and maintain procedures to ensure that it will pay all obligations due and payable from homeowners' escrow accounts in a timely manner. The Company must also maintain procedures to identify and correct any injury caused by its failure to pay obligations from a homeowner's escrow accounts when due. The Company is further prohibited from misrepresenting that funds have been withdrawn from escrow and the nature of any fee or obligation imposed upon a homeowner's escrow account.

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

Emily H. Rock,

Secretary.

[FR Doc. 83-21479 Filed 8-5-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-83-1098]

Use of Materials Bulletin No. 82—HUD Building Product Standards and Certification Program for Sealing Insulating Glass Units

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would adopt as a part of HUD's Minimum Property Standards (MPS), a Use of Materials Bulletin (UM) that incorporates certain standards issued by the American Society for Testing and Materials, Inc. (ASTM) for the manufacture of sealed insulating glass units.

This action is taken after evaulation of technical standards prepared by the ASTM in response to industry requests for such an evaluation.

The rule also would supplement HUD's building products certification procedures by requiring, for this particular certification program, that certain additional information be included in the label which each manufacturer would affix to the certified product, and would specify the frequency with which sealed insulating glass units would be tested in order to be acceptable under the MPS.

DATE: Comments must be received by: September 7, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie H. Breden, Construction Standards Division, Office of Manufactured Housing and Construction Standards, Room 3222, Department of Housing and Urban Development, Washington, D.C. 20410; telephone (202) 755-5929. (This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In response to industry requests, HUD has evaluated technical standards prepared by the American Society for Testing and Materials, Inc. (ASTM) for sealed insulating glass units. As a result of its evaluation, HUD is accepting those standards and is proposing to adopt them as part of its Minimum Property Standards through issuance of UM 82. In doing so, the Department follows the provisions of 24 CFR 200.935 regarding administrator qualifications and procedures for HUD Building Product Standards and Certification Program and the HUD Technical Suitability of Products Program Handbook 4950.1. In addition, UM 82 would augment the labeling requirements of § 200.935(d)(6) to include the manufacturer's name, class designation, and the appropriate date of approximate manufacture. Finally, UM 82 specifies that the frequency of testing under § 200.935(d)(8) would be every twelve months. Because these added requirements only relate to this particular certification program, they are set out in a new § 200.940, not as amendments to existing § 200.925, which governs all certifications under the Minimum Property Standards. Thus, § 200.940 would augment § 200.935; it would not supplant it.

The text of UM 82 is not being reproduced in this rule because its substance is embodied in the new § 200.940, which HUD is proposing to adopt as set forth below. However, a copy of UM 82 is available for public inspection during regular business hours in the Construction Standards Division, Office of Manufactured Housing and Construction Standards, Room 3222, and in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, Washington, D.C. 20410.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulations issued by the President on

February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. UM 82 adopts product standards that are nationally recognized throughout the affected industry and will not create a burden on manufacturers currently meeting the standards.

This rule was listed as Item H-4-80 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on April 25, 1983, 48 FR 18054, at 18079, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum Property Standards, Incorporation by reference.

PART 200—[AMENDED]

Accordingly, 24 CFR Part 200 is proposed to be amended by adding a new § 200.940, to read as follows:

§ 200.940 Supplementary specific procedural requirements under HUD Building Product Standards and Certification Program for Sealed Insulating Glass Units.

(a) *Applicable Standards.* (1) Sealed insulating glass units shall be designed, assembled and tested in compliance with the following standards:

ASTM E-546-75—Standard Test Method for Frost Point of Sealed Insulating Glass Units
ASTM E-773-81—Standard Test Method for Seal Durability of Sealed Insulating Glass Units
ASTM E-774-81—Specification for Sealed Insulating Glass Units

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference. They are available from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. The standards are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC 20408.

(b) *Labeling.* (1) Under the procedures set forth in paragraph (d)(6) § 200.935, concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. In the case of sealed insulating glass units, the following additional information shall be included on the certification label:

(i) The manufacturer's statement of conformance to the HUD Building Product Standards and Certification Program;

(ii) The manufacturer's name, class designation, and approximate date of manufacture.

(2) The certification label shall be permanently affixed to each sealed insulating glass unit.

(c) *Periodic tests and quality control inspections.* Under the procedures set forth in paragraph (d)(8) of § 200.935 concerning periodic tests and quality control inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of sealed insulating glass units, testing and inspection shall be conducted as follows:

(1) At least every twelve months, beginning with the initial administrator visit, a sample of each certified sealed insulated glass unit shall be selected by the administrator for testing in compliance with the applicable standards in an approved laboratory.

(2) The administrator shall visit the manufacturer's facility at least once every six months to assure that the initially accepted quality procedures continue to be followed.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Sec. 211 of the National Housing Act, 12 U.S.C. 1715b)

Dated: June 29, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner

[FR Doc. 83-21270 Filed 8-5-83; 8:45 am]
BILLING CODE 4210-27-M

24 CFR Part 241

[Docket No. R-83-1104]

Requirement of Payment in Cash on Supplementary Loan Claims

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY The proposed rule would provide for cash payment of insurance benefits on a defaulted supplementary loan insured under section 241 of the National Housing Act when insurance benefits under the insured first mortgage are payable in cash, unless the lender requests payment in debentures. The change would make the method of paying an insurance claim on a defaulted supplementary loan consistent with the method of paying an insurance claim on the insured first mortgage.

DATE: Comment due date: October 7, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jane E. Luton, Multifamily Development Division, Room 6133, Department of Housing and Urban Development, Washington, D.C., 20410, telephone (202) 755-8686. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under 24 CFR 241.251(a), all insurance claims on defaulted supplementary loans insured under section 241 of the National Housing Act are payable in accordance with the provisions of § 207.259(a), which generally requires insurance claims to be paid in cash, in debentures, or in a combination of both, as determined by the Commissioner at the time of payment. However, in the case of first mortgage loans insured under the following sections of the National Housing Act, insurance benefits must be paid in cash, unless the mortgagee submits a written request for payment in debentures:

(1) Section 220—Loans for rehabilitation and construction of homes and projects located in urban renewal areas (24 CFR 220.275 and 220.7600);

(2) Section 221—Loans for low cost homes and moderate income projects (24 CFR 221.275 and 221.762(a));

(3) Section 223(e)—Loans on property located in an older declining urban area (24 CFR 207.259(a)(1));

(4) Section 223(f)—Loans for purchase or refinancing of existing projects and for refinancing debt of existing hospitals (24 CFR 207.259(a)(2));

(5) Section 235(j)—Loans for rehabilitation sales projects (24 CFR 235.715(a)); and

(6) Section 236—Loans for rental and cooperative projects for lower income families (24 CFR 236.265(a)).

Since insured supplementary loans may be made on properties with first mortgage insured under these provisions, HUD is proposing to make the regulations consistent by rquiring that insurance benefits on a supplementary loan claim be paid in cash whenever insurance benefits on the insured first mortgage are payable in cash. The proposed amendment would enhance the desirability of supplementary loans and codify present departmental policy, which was previously announced by Mortgagee Letter 78-10 dated July 14, 1978.

HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments which would be made by this rule fall within the categorical exclusion set forth in paragraph (k) of § 50.20, HUD is not required to prepare any environmental finding for this rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions: or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is listed at 48 FR 18073 as item H-29-82 in the Department's Semiannual Agenda of Regulations published on April 25, 1983, (48 FR 18054) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While it deals with the method of payment of claims, it would have no appreciable effect on the amount of such payments.

The Catalog of Federal Domestic Assistance program number is 14.151.

List of Subjects in 24 CFR Part 241

Energy conservation, Mortgage insurance, Solar energy, Projects.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Accordingly, HUD proposes to amend 24 CFR Part 241, Subpart B as follows:

1. § 241.251(a) would be amended by inserting "207.259 Insurance benefits" in the list of excepted provisions of Part 207, Subpart B, contained therein, so that the list will read as follows:

§ 241.251 Cross-reference.

(a) * * *

Sec.
207.251 Definitions.
207.253a Termination of insurance contract.
207.259 Insurance benefits.
207.260 Protection of mortgage security.
207.262 No vested right in fund.

* * * * *

2. A new § 241.261 would be added, to read as follows:

§ 241.261 Payment of insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits shall apply to multifamily loans insured under this subpart, except that, with respect to loans initially or initially and finally endorsed for insurance on or after July 15, 1978, insurance benefits shall be paid in cash if insurance benefits under the insured project mortgage are payable in cash, unless the mortgagee files a written request for payment in debentures. If such a request is made, payment will be made in debentures with a cash payment to adjust for any difference between the total amount of the insurance payment and the amount of the debentures issued.

(Secs. 211, 241, National Housing Act, 12 U.S.C. 1715b, 1715z-6; sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d))

Dated: July 12, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-21524 Filed 8-5-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Parts 0 and 16

[Order No. 1025-83]

Revision of Department of Justice Regulations Implementing the Freedom of Information Act and the Privacy Act of 1974

AGENCY: Justice Department.

ACTION: Proposed rule.

SUMMARY: This notice sets forth proposed revisions to the procedural regulations of the Department of Justice that implement the Freedon of Information Act ("FOIA") and the Privacy Act of 1974 and provide for access to FBI identification records. The regulations implementing the FOIA and the Privacy Act are proposed to be revised in their entirety, rather than section-by-section, for clarity and ease of understanding.

The proposed revisions are intended to simplify the Department's procedures, clarify the system for the access of records under the FOIA and the Privacy Act, clarify the system for the referral of such requests within the Department (or from the Department to other Government agencies), clarify procedures for handling law enforcement records and records about individuals, and provide for notice to submitters of business information of the filing of a request for that information. Finally, the proposed revisions would clarify the distinctions between the procedures for responding to requests under the Freedom of Information Act and the Privacy Act.

DATE: Comments must be received on or before September 7, 1983.

ADDRESS: Comments should be directed to: Kevin R. Jones, Deputy Assistant Attorney General, Office of Legal Policy, United States Department of Justice, Room 4224, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Kevin R. Jones, Deputy Assistant Attorney General, Office of Legal Policy, United States Department of Justice, Room 4224, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530; (202) 633-4606.

SUPPLEMENTARY INFORMATION: The proposed rules do not constitute "major rules" within the meaning of Executive Order No. 12291 (Federal Regulations). These regulations will not cause a significant economic impact or other substantial effect on small entities;

therefore the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply.

This notice of proposed rulemaking does not alter the current language of 28 CFR 16.9, relating to fees charged under the Freedom of Information Act, except to renumber it as 28 CFR 16.10 Revisions to this section are still under review and will be dealt with in a separate rulemaking proceeding.

List of Subjects

28 CFR Part 0

Government employees, Organization and functions (Government agencies), and Authority delegations (Government agencies).

28 CFR Part 16

Freedon of Information, Privacy, and Administrative Practice and Procedure.

Dated: July 28, 1983.

William French Smith,

Attorney General.

Accordingly, under the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, 552, and 552a, Parts 0 and 16 of Chapter I of Title 28 of the Code of Federal Regulations are proposed to be amended as follows:

1. Part 16, Subpart A, shall be removed in its entirety and replaced by the rules set forth in Appendix 1 below.

2. Section 16.33 of Part 16, Subpart C, shall be removed in its entirety and replaced by the rule set forth in Appendix 2 below.

3. Part 16, Subpart D, shall be removed in its entirety and replaced by the rules set forth in Appendix 3 below.

4. An Appendix I shall be added to Part 16, in the form set forth in Appendix 4 below.

PART 0—[AMENDED]

5. 28 CFR Part 0 shall be amended as follows:

(a) Section 0.23(c) is revised to read as follows:

§ 0.23 General functions.

* * * * *

(c) Manage and coordinate the discharge of Departmental responsibilities related to the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a), including coordination and implementation of policy development and compliance within executive agencies and Departmental units relative to the Freedom of Information Act and within Departmental units relative to the Privacy Act; and supervise the Office of Information and Privacy which will, except as otherwise directed by the Attorney General, act on appeals taken from Departmental denials of access to records under the Privacy Act and the Freedom of Information Act.

* * * * *

(b) Section 0.23a(a)(1) is revised to read as follows:

§ 0.23a Office of Information and Privacy.

(a) * * *

(1) Act on behalf of the Attorney General on Freedom of Information Act and Privacy Act appeals under §§ 16.8, 16.48, 16.50(d) and 16.52, respectively, under the supervision of the Assistant Attorney General, Office of Legal Policy, except that (i) in the case of a denial of a request by the Assistant Attorney General, Office of Legal Policy, the Attorney General or his designee shall act on the appeal, and (ii) a denial of a request by the Attorney General shall constitute the final action of the Department on that request.

* * * * *

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

6. The Table of Contents for Subparts A and D of 28 CFR Part 16 shall be revised to read as follows:

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.
16.1 General provisions.
16.2 Public reference facilities.
16.3 Requirements pertaining to requests.
16.4 Responses by components to requests.
16.5 Form and content of component responses.
16.6 Classified information.
16.7 Business information.
16.8 Appeals.
16.9 Preservation of records.
16.10. Fees.
16.11 Other rights and services.

* * * * *

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974.

16.40 General provisions.
16.41 Requests for access to records.
16.42 Responses by components to requests for access to records.
16.43 Form and content of component responses.
16.44 Classified information.
16.45 Records in exempt systems of records.
16.46 Access to records.
16.47 Fees for access to records.
16.48 Appeals from denials of access.
16.49 Preservation of records.
16.50 Requests for correction of records.
16.51 Records not subject to correction.
16.52 Requests for accounting of record disclosures.
16.53 Notice of subpoenas and emergency disclosures.
16.54 Security of systems of records.
16.55 Employee standards of conduct.
16.56 Other rights and services.

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Authority: 5 U.S.C. 552.

§ 16.1 General provisions.

(a) This subpart contains the regulations of the Department of Justice implementing the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. All requests for records that are not processed under Subparts C or D of this part shall be processed under this subpart. Information customarily furnished to the public in the regular course of the performance of offical duties may continue to be furnished to the public without complying with this subpart, provided that the furnishing of such information would not violate the Privacy Act of 1974, 5 U.S.C. 552a, and would not be inconsistent with Subpart C, D, or E of this part.

(b) As used in this subpart, the following terms shall have the following meanings:

(1) "Appeal" means the appeal by a requester of an adverse determination of his request, as described in 5 U.S.C. 552(a)(6)(A)(ii).

(2) "Agency" has the meaning given in 5 U.S.C. 551(1) and 5 U.S.C. 552(e).

(3) "Component" means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

(4) "Request" means any request for records made pursuant to 5 U.S.C. 552(a)(3).

(5) "Requester" means any person who makes a request to a component.

(6) "Business information" means trade secrets or other commercial or financial information.

(7) "Business submitter" means any commercial entity which provides business information to the Department of Justice and which has a proprietary interest in the information.

(c) The Assistant Attorney General, Office of Legal Policy, shall be responsible to the Attorney General for all matters pertaining to the administration of this subpart within the Department of Justice. The Assistant Attorney General, Office of Legal Policy, may take or direct such actions, directly or through the Office of Information and Privacy within the Office of Legal Policy, to carry out this responsiblity as he deems necessary.

(d) Components of the Department of Justice shall comply with the time limits set forth in the FOIA for responding to and processing requests and appeals,

unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(C). A component shall notify a requester whenever the component is unable to respond to or process the request or appeal within the time limits established by the FOIA. Components shall respond to and process requests and appeals in their approximate order of receipt, to the extent consistent with sound administrative practice.

§ 16.2 Public reference facilities.

(a) The Department of Justice shall maintain public reading rooms or areas at the locations listed below:

(1) United States Attorneys and United States Marshals—at the principal offices of the United States Attorneys listed in the United States Government Manual;

(2) Federal Bureau of Investigation—at the J. Edgar Hoover Building, 9th Street and Pennsylvania Avenue, NW., Washington, D.C.;

(3) Immigration and Naturalization Service—at the Central Office, 425 I Street, NW., Washington, D.C., and at each District Office in the United States listed in the United States Government Manual;

(4) All other components of the Department of Justice—Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C.

The public reference facilities of all components shall contain the materials relating to those components which are required by 5 U.S.C. 552(a)(2) to be made available for public inspection and copying.

(b) Each component shall maintain, make available for public inspection and copying, and publish each quarter a current index of the materials available at its public reading room or area which are required to be indexed under 5 U.S.C. 552(a)(2). However, if a component determines by order published in the **Federal Register** that publication of such an index would be unnecessary or impracticable, then it shall not be required to publish the index.

(c) Each component is responsible for determining which materials it generates or maintains are required to be indexed under 5 U.S.C. 552(a)(2). The Justice Management Division shall ensure that a current index of all materials required to be indexed under 5 U.S.C. 552(a)(2) is published in the **Federal Register**, except to the extent that such publication is considered unnecessary or impracticable and an order to that effect is published in the **Federal Register**.

§ 16.3 Requirements pertaining to requests.

(a) *How made and addressed.* A requester may make a request under this subpart for a record of the Department of Justice by writing to the component that maintains the record. A request must be sent to the component at its proper address and both the envelope and the request itself must be clearly marked: "Freedon of Information Act Request." Appendix I to this part lists the components of the Department. The functions of each component are summarized in Part 0 of this title and in the description of the Department and its components in the United States Government Manual, which is issued annually and is available from the Superintendent of Documents, Government Printing Office. Certain historical records of the Department maintained in National Archives and Records Service centers may be obtained only in accordance with the regulations issued by the General Services Administration. A requester in need of guidance in defining a request or determining the proper component to which he should send his request may write to the FOIA/PA Referral Unit, United States Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

(b) *Request must reasonably describe the records sought.* A request must describe the records sought in sufficient detail to enable Department personnel to locate the records with a reasonable amount of effort. A request for a specific category of records shall be regarded as fulfilling this requirement if it enables responsive records to be identified by a technique or process that is not unreasonably burdensome or disruptive of Department operations. Wherever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the request seeks records pertaining to pending litigation, the request should indicate the title of the case, the court in which the case was filed, and the nature of the case. To the extent possible, requesters are encouraged also to include in their requests the file designations of the records they seek. If a component determines that a request does not reasonably describe the records sought, the component shall either advise the requester what additional information is needed or otherwise state why the request is insufficient. The component also shall extend to the requester an opportunity to confer with Department personnel with the objective of reformulating the request in a manner which will meet the requirements of this section.

(c) *Agreement to pay fees.* A requester who does not request a waiver of all fees must include in his request a statement that he will pay all applicable fees charged under § 16.10 up to the amount of $25.00. A request that does not contain a statement agreeing to pay such fees may be deemed defective in form and may be deemed not to have been received until such defect is cured. Whenever a request is deemed defective in form for the reason set forth in this paragraph, the component responsible for responding to the request shall promptly so notify the requester in writing. Whenever a request contains a request for the waiver of all fees, but does not contain a statement agreeing to pay all applicable fees assessed under § 16.10 up to the amount of $25.00, the component responsible for responding to the request may, in its discretion, automatically deem the request defective in form if the request for the waiver of all fees is denied. In such a case, the responsible component shall promptly notify the requester of the denial of the request for the waiver of all fees, inform the requester that the request is deemed defective in form, and inform the requester that he must supply the component with a statement agreeing to pay all applicable fees assessed under § 16.10 up to the amount of $25.00 before the request will be deemed to have been received.

§ 16.4 Responses by components to requests.

(a) *In general.* Except as otherwise provided in this section, the component that: (1) First receives a request for a record and (2) has possession of the requested record is the component ordinarily responsible for responding to the request.

(b) *Authority to grant or deny requests.* The head of a component, or his designee, is authorized to grant or deny any request for a record of that component.

(c) *Initial action by the receiving component.* When a component receives a request for a record in its possession, the component shall promptly determine whether another component, or another agency of the Goverment, is better able to determine whether the record is or is not exempt, to any extent, from mandatory disclosure under the FOIA and whether the record, if exempt to any extent from mandatory disclosure under the FOIA, should nonetheless be released to the requester as a matter of discretion. If the receiving component determines that it is the component or

agency best able to determine whether or not to disclose the record in response to the request, then the receiving component shall respond to the request. If the receiving component determines that it is not the component or agency best able to determine whether or not to disclose the record in response to the request, the receiving component shall either:

(1) Respond to the request, after consulting with the component or other agency best able to determine whether or not to disclose the record and with any other component or agency having a substantial interest in the requested record or the information contained therein, or

(2) Refer the responsibility for responding to the request to the component best able to determine whether or not to disclose the record, or to another agency that generated or originated the record, but only if that other component or agency is subject to the provisions of the FOIA.

Under ordinary circumstances, the component or agency that generated or originated a requested record shall be presumed to be the component or agency best able to determine whether or not to disclose the record in response to the request. However, nothing in this section shall prohibit a component that generated or originated a requested record from referring the reponsibility for responding to the request to another component, if the component that generated or originated the requested record determines that the other component has a greater interest in the requested record or the information contained therein.

(d) *Law enforcement information.* Whenever a request is made for a record containing information which relates to an investigation of a possible violation of criminal law or to a criminal law enforcement proceeding and which was generated or originated by another component or agency, the receiving component shall refer the responsibility for responding to the request to that other component or agency; however, such referral shall extend only to the information generated or originated by that other component or agency.

(e) *classified information.* Whenever a request is made for a record containing information which has been classified, or which may be eligible for classification, by another component or agency under the provisions of Executive Order 12356 or any other Executive Order concerning the Classification of records, the receiving component shall refer the responsibility for responding to the request to the component or agency that classified the information or should consider the information for classification. Whenever a record contains imformation that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request to the component or agency that classified the underlying information; however, such referral shall extend only to the information classified by the other component or agency.

(f) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or to another agency, it ordinarily shall notify the requester of the referral and inform the requester of the name and address of each component or agency to which the request has been referred and the portions of the request so referred.

(g) *Agreements regarding consultations and referrals.* No provision of this section shall preclude formal or informal agreements between components, or between a component and another agency, to eliminate the need for consultations or referrals of requests or classes of requests.

(h) *Separate referrals of portions of a request.* Portions of a request may be referred separately to one or more components or to one or more other agencies whenever necessary to process the request in accordance with the provisions of this section.

(i) *Processing of requests that are not properly adddressed.* A request that is not properly addressed as specified in § 16.3(a) shall be forwarded to the FOIA/PA Referral Unit, which shall forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department of Justice until the FOIA/PA Referral Unit has forwarded the request to the appropriate component and that component has received the request, or until the request would have been so forwarded and received with the exercise of reasonable diligence by Department personnel. A component receiving a referral of an improperly addressed request from the FOIA/PA Referral Unit shall notify the requester of the date on which it received the request.

(j) *Date for determining responsive records.* In determining records responsive to a request, a component ordinarily will include only those records within the component's custody and control as of the date of receipt of the request.

§ 16.5 Form and content of component responses.

(a) *Form of notice granting a request.* After a component has made determination to grant a request in whole or in part, the component shall so notify the requester in writing. The notice shall describe the manner in which the record will be disclosed, whether by providing a copy of the record to the requester or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such as inspection shall not unreasonably disrupt the operations of the component. The component shall inform the requester in the notice of any fees to be charged in accordance with the provisions of § 16.10.

(b) *Form of notice denying a request.* A component denying a request in whole or in part shall so notify the requester in writing. The notice must be signed by the head of the component, or his designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions which the component has relied upon in denying the request and a brief explanation of the manner in which the exemption or exemption apply to each record withheld; and

(3) A statement that the denial may be appealed under § 16.8(a) and a description of the requirements of that subsection.

(c) *Record cannont be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the component shall so notify the requester in writing.

§ 16.6 Classified information.

In processing a request for information that is classified or classifiable under Executive Order 12356 or any other Executive Order concerning the classification of records, a component shall review the information to determine whether it warrants classification. Information which does not warrant classification shall not be withheld from a requester on the basis if 5 U.S.C. 552(b)(1). The Office of Information and Privacy shall, upon receipt of any appeal involving classified or classifiable information, take appropriate action to ensure compliance with Part 17 of this chapter.

§ 16.7 Business information.

(a) *In General.* Business information provided to the Department of Justice by a business submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this section.

(b) *Notice to business submitters.* A component shall provide a business submitter with prompt written notice of a request encompassing its business information whenever required under paragraph (c) of this section and except as is provided in paragraph (g) of this section. Such written notice shall either describe the exact nature of the business information requested or provide copies of the records or portions thereof containing the business information.

(c) *When notice is required.* (1) For business information submitted to the Department prior to October 1, 1983, the component shall provide a business submitter with notice of a request whenever: (i) The information is less than ten years old; (ii) the information is subject to prior express commitment of confidentiality given by the component to the business submitter; or (iii) the component has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter.

(2) For business information submitted to the Department on or after October 1, 1983, the component shall provide a business submitter with notice of a request whenever (i) the business submitter has in good faith designated the information as commercially or financially sensitive information, or (ii) the component has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter. Notice of a request for business information falling within the former category shall be required for a period of not more than ten years after the date of submission unless the business submitter requests, and provides acceptable justification for, a specific notice period of greater duration.

(d) *Opportunity to object to disclosure.* Through the notice described in paragraph (b) of this section a component shall afford a business submitter a reasonable period within which to provide the component with a detailed statement of any objection to disclosure, including all grounds for withholding any of the information under any exemption of the Freedom of Information Act.

(e) *Notice of intent to disclose.* A component shall consider carefully a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever a component decides to disclose business information over the objection of a business submitter, the component shall forward to the business submitter a written notice which shall include:

(1) A statement of the reasons for which the business submitter's disclosure objections were not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date.

Such notice of intent to disclose shall be forwarded a reasonable number of days, as circumstances permit, prior to the specified date upon which disclosure is intended.

(f) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information covered by paragraph (c) of this section, the component shall promptly notify the business submitter.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information lawfully has been published or otherwise made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The component is a criminal law enforcement agency that acquired the information in the course of a lawful investigation of a possible violation of criminal law.

§ 16.8 Appeals.

(a) *Appeals to the Attorney General.* When a request for records or for a waiver of fees has been denied in whole or in part, or when a component fails to respond to a request within the time limits set forth in the FOIA, the requester may appeal the denial of the request to the Attorney General within 30 days of his receipt of the notice denying his request. An appeal to the Attorney General shall be made in writing and addressed to the Office of Information and Privacy, United States Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530. Both the envelope and the letter of appeal itself must be clearly marked: "Freedom of Information Act Appeal." An appeal not so addressed and marked will be forwarded to the Office of Information and Privacy as soon as it is identified. An appeal that is improperly addressed will be deemed not to have been received by the Department until the Office of Information and Privacy receives the appeal, or would have done so with the exercise of reasonable diligence by Department personnel.

(b) *Action on appeals by the Office of Information and Privacy.* Unless the Attorney General otherwise directs, the Director, Office of Information and Privacy, under the supervision of the Assistant Attorney General, Office of Legal Policy, shall act on behalf of the Attorney General on all appeals under this section, except that: (1) In the case of a denial of a request by the Assistant Attorney General, Office of Legal Policy, the Attorney General or his designee shall act on the appeal and (2) a denial of a request by the Attorney General shall constitute the final action of the Department of that request.

(c) *Form of action on appeal.* The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request shall include a brief statement of the reason or reasons for the affirmance, including each FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the determination is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia.

§ 16.9 Preservation of records.

Each component shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the Act.

§ 16.10 Fees.

(a) *When charged.* Fees pursuant to 31 U.S.C. 483a and 5 U.S.C. 552 shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for Justice Department records under this subpart unless the official of the Department making the initial or appeal decision determines that such charges, or a portion thereof, are not in the public interest because furnishing the information primarily benefits the general public. Such a determination shall ordinarily not be made unless the service to be performed will be of

benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 10 copies will be supplied) $0.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess sof the first quarter hour in searching for and producing requested record, $1.00.

(3) [Reserved]

(4) *Certification.* For certification of true copies, each, $1.

(5) *Attestation.* For attestation under the seal of the Department, $3.

(6) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $2.00.

(7) *Examination and related tasks in screening records.* No charges shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy.

(8) *Computerized Records*—(i) *Computer time charges (includes personnel cost).*

1. Central processor charge per hour	$188.00
2. Main storage charge per 1,000 bytes per hour	.50
3. Channel charges per hour	.74
4. Card reading per 1,000 cards	.20
5. Printing per 1,000 lines	.43
6. Card punching per 1,000 cards	10.76
7. Tape mount	.50
8. Specific device charges:	
a. IBM 2260 Cathode ray tube or equivalent per hour	4.20
b. IBM 3330 Disk storage or equivalent per hour	39.72
c. IBM 2314 Disk storage or equivalent per hour	39.72
d. IBM 3420 Tape Drive or equivalent per hour	44.59

(ii) *Material charges.*

1. One-part paper per 1,000	$11.00
2. Two-part paper per 1,000	17.83
3. Three-part paper per 1,000	28.95
4. Four-Part paper per 1,000	37.52
5. Five-part paper per 1,000	50.83
6. Stock Hollerith cards per 1,000	1.78
7. Magnetic tape per reel	9.50
8. Disk pack, each	775.00

(9) *Tape recording and other audio records.*

(i) *Personnel charges.* Personnel charges in connection with the duplication of audio records shall be charged in accordance with paragraph (b) (2) or (b) (6) of this section, whichever is appropriate.

(ii) *Materials charges.*

1. 45 minute cassette	$0.56
2. 60 minute cassette	.60
3. 90 minute cassette	.77

(10) *Other Charges.* When a response to a request requires services or materials other than the common ones described in paragraph (b) (1) through (b) (9) of this section, the direct cost of such services or materials to the government may be charged, but only if the requester has been notified of such cost before it is incurred.

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification shall be tranmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request so as to meet his needs at lower cost.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

(e) *Advance deposit.* (1) Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of 25% of the anticipated fee or $25, whichever is greater, may be required.

(2) Where a requester has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required.

(f) *Other services.* Nothing in this section shall be construed to entitle any person, as of right, to any services or materials to which such person is not entitled under 5 U.S.C. 552.

§ 16.11 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under 5 U.S.C. 552.

Appendix 2

Subpart C—Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

§ 16.33 Fee for production of indentification record.

Each written request for production of an identification record must be accompanied by a fee of $11.00 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 3302 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency.

Appendix 3

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

Authority: 5 U.S.C. 552.

§ 16.40 General provisions.

(a) *Purpose and Scope.* This subpart contains the regulations of the Department of Justice implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records which are contained in systems of records maintained by the Department of Justice and which are retrieved by individual name or personal identifier. These regulations set forth the procedures by which an individual may seek access under the Privacy Act to records

pertaining to him, may request correction of such records, or may seek an accounting of disclosures of such records by the Department. These regulations are applicable to each component of the Department.

(b) *Transfer of law enforcement records.* The head of a component, or his designee, is authorized to make written requests under 5 U.S.C. 552a(b)(7) for transfer of records maintained by other agencies if the records are necessary to carry out an authorized law enforcement activity of the component.

(c) *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(1) "Agency" has the meaning given in 5 U.S.C. 551(1) and 5 U.S.C. 552a(a)(1)

(2) "Component" means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

(3) "Record" means any item, collection, or grouping of information about an individual which is maintained by any component within a system of records and which contains the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a fignerprint, voiceprint, or photograph.

(4) "Request for access" means a request made pursuant to 5 U.S.C. 552a(d)(1).

(5) "Request for correction" means a request made pursuant to 5 U.S.C. 552a(d)(2).

(6) "Request for an accounting" means a request made pursuant to 5 U.S.C. 552a(c)(3).

(7) "Requester" means an individual who makes either a request for access, a request for correction, or a request for an accounting.

(8) "System of records" means a group of any records under the control of any component from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to that individual.

§ 16.41 Requests for access to records.

(a) *Procedure for making requests for access to records.* An individual may request access to a record about him by appearing in person or by writing to the component that maintains the record. (Appendix I to this part lists the components of the Department of Justice and their addresses. The "Notice of Records Systems" published by the National Archives and Records Service, General Services Administration, describes the systems of records maintained by all federal agencies, including the Department and its components.) Certain historical records of the Department maintained in National Archives and Records Service Centers may be obtained only in accordance with the regulations issued by the General Services Administration. A requester in need of guidance in defining his request may write to the FOIA/PA Referral Unit, United States Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530. A request must be addressed to the component that maintains the requested record. Both the envelope and the request itself must clearly be marked: "PRIVACY ACT REQUEST."

(b) *Description of Records Sought.* A request for access to records must describe the records sought in sufficient detail to enable Department personnel to locate the system of records containing the record with a reasonable amount of effort. Wherever possible a request for access should describe the nature of the record sought, the date of the record or the period in which the record was compiled, and the name or identifying number of the system of records in which the requester believes the record is kept. The Notices the Department publishes in the **Federal Register** describing its components' systems of records may require, in appropriate instances, that requests for access to records describe the records sought with even greater specificity.

(c) *Agreement to pay fees.* An individual requesting access to a record must include in his request a statement that he will pay any fees charged under § 16.47 up to an amount of $25.00. A request that does not contain a statement agreeing to pay fees up to an amount of $25.00 may be deemed defective in form and may be deemed not to have been received until such defect is cured. Whenever a request is deemed defective in form for the reasons set forth in this paragraph, the component responsible for responding to the request shall promptly so notify the requester in writing.

(d) *Verification of identity.* Any individual who submits a request for access to records must verify his identity in one of the following ways, unless the notice published in the **Federal Register** describing the relevant system of records provides otherwise:

(1) Any requester making a request in writing must state in his request his full name, current address, and date and place of birth. In addition, a requester must provide with his request an example of his signature, which shall either be notarized or made pursuant to 28 U.S.C. 1746. Forms for notarized statements of identity may be obtained from the FOIA/PA Referral Unit, United States Department of Justice, 10th Street and Constitution Avanue, NW., Washington, D.C. 20530. In order to facilitate the identification and location of the records he requests, a requester may also, at his option, include in his request his Social Security number.

(2) Any requester submitting a request in person may provide to the component a form of official photographic identification, such as a passport or an identification badge. If a requester is unable to produce a form of photographic identification, he may provide to the component two or more acceptable forms of identification (such as a driver's license or credit card) bearing his name and address.

(e) *Verification of guardianship.* The parent or guardian of a minor, or the guardian of a person judicially determined to be incompetent, who submits a request for access to the records of the minor or incompetent must establish (1) his own identity and the identity of the subject of the record, as required in paragraph (d) of this section, (2) that he is the parent or guardian of the subject of the record, which may be proved by providing a copy of the subject's birth certificate showing parentage or by providing a court order establishing the guardianship, and (3) that he seeks to act on behalf of the subject of the record.

§ 16.42 Responses by components to requests for access to records.

(a) *In general.* Except as otherwise provided in this section, the component that (1) first receives a request for access to a record and (2) has possession of the requested record is the component ordinarily responsible for responding to the request.

(b) *Authority to grant or deny requests.* The head of a component, or his designee, is authorized to grant or deny any request for access to a record of that component.

(c) *Initial action by the receiving component.* When a component receives a request for access to a record in its possession, the component shall promptly determine whether another component, or another Government agency, is better able to determine whether the record is or is not exempt, to any extent, from access. If the receiving component determines that it is the component or agency best able to determine whether the record is or is not exempt, to any extent, from access, then the receiving component shall respond to the request. If the receiving component is not the component or agency best able to determine whether

or not the record is exempt from access, the receiving component shall either:

(1) Respond to the request, after consulting with the component or agency best able to determine whether or not the record is exempt from access; or

(2) Refer the responsibility for responding to the request to the component best able to determine whether or not the record is exempt from access in the hands of the receiving component, or to another agency that generated or originated the record.

Under ordinary circumstances, the component or agency that generated or originated a requested record shall be presumed to be the component or agency best able to determine whether or not the record is exempt from access. However, nothing is this section shall prohibit a component that generated or originated a requested record from referring the responsibility for responding to the request to another component, if the component that generated or originated the requested record determines that the other component has a greater interest in the requested record or the information contained therein.

(d) *Law Enforcement Information.* Whenever a request for access is made for a record containing information which relates to an investigation of a possible violation of criminal law or to a criminal law enforcement proceeding and which was generated or originated by another component or agency, the receiving component shall refer the responsiblity for responding to the request to that other component or agency; however, such referral shall extend only to the information generated or originated by that other component or agency.

(e) *Classified Information.* Whenever a request for access is made for a record containing information which has been classified, or which may be eligible for classification, by another component or agency under the provisions of Executive Order 12356 or any other Executive Order concerning the classification of records, the receiving component shall refer the responsibility for responding to the request to the component or agency that classified the information or should consider the information for classification. Whenever a record contains information that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request to the component or agency that classified the underlying information; however, such referral shall extend only to the information classified by the other component or agency.

(f) *Notice of referral.* Whenever a component refers the responsibility for responding to a request to another component or to another agency, it ordinarily shall notify the requester of the referral and inform the requester of the name and address of each component and agency to which the request has been referred and the portions of the request so referred.

(g) *Agreements regarding consultations and referrals.* No provision of this section shall preclude formal or informal agreements between components, or between a component and an agency, to eliminate the necessity of consultations or referrals of requests.

(h) *Separate referrals of portions of a request for access.* Portions of a request for access may be referred separately to one or more components or to one or more agencies whenever necessary to process the request in accordance with the provisions of this section.

(i) *Processing of requests that are not properly addressed.* A request that is not properly addressed as specified in § 16.41(a) shall be forwarded to the FOIA/PA Referral Unit, which shall forwarded the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department until the FOIA/PA Referral Unit has forwarded the request to the appropriate component and that component has received the request, or until the request would have been so forwarded and received with the exercise of reasonable diligence by Department personnel. A component receiving an improperly addressed request from the FOIA/PA Referral Unit shall notify the requester of the date on which it received the request.

(j) *Date for determining responsive records.* In determining records responsive to a request for access, a component ordinarily will include only those records within the component's custody and control as of the date of receipt of the request.

§ 16.43 Form and content of component for access.

(a) *Form of notice granting request for access.* After a component has made a determination to grant a request for access in whole or in part, the component shall so notify the requester in writing. The notice shall describe the manner in which access to the record will be granted and shal inform the requester of any fees to be charged in accordance with § 16.47.

(b) *Form of notice denying request for access.* A component denying a request for access in whole or in part shall so notify the requester in writing. The notice shall be signed by the head of the responsible component, or his designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason or reasons for the denial, including the Privacy Act exemption or exemptions which the component has relied upon in denying the request and the manner in which the exemption or exemptions apply to each record withheld; and

(3) A statement that the denial may be appealed under § 16.48(a), and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the component shall so notify the requester in writing.

(d) *Medical records.* When an individual requests medical records pertaining to himself which are not otherwise exempt from individual access, the component may advise the individual that the records will be provided only to a physician, designated by the individual, who requests the records and establishes his identity in writing. The designated physician shall determine which records should be provided to the individual and which records should not be disclosed to the individual because of possible harm to the individual or another person.

§ 16.44 Classified information.

In processing a request for access to a record containing information that is classified or classifiable under Executive Order 12356 or any other Executive Order concerning the classification of records, a component shall review the information to determine whether it warrants classification. Information which does not warrant classification shall not be withheld from a requester on the basis of 5 U.S.C. 552a(k)(1). The Office of Information and Privacy shall, upon receipt of any appeal involving classified or classifiable information, take appropriate action to ensure compliance with Part 17 of this chapter.

§ 16.45 Records in exempt systems of records.

(a) *Law enforcement records exempted under subsection (k)(2).*

Before denying a request by an individual for access to a law enforcement record which has been exempted from access pursuant to 5 U.S.C. 552a(k)(2), the component must review the requested record to determine whether information in the record has been used or is being used to deny the individual any right, privilege, or benefit for which he is eligible or to which he would otherwise be entitled under federal law. If so, the component shall notify the requester of the existence of the record and shall disclose such information to the requester, except to the extent that the information would identify a confidential source. In cases where disclosure of information in a law enforcement record could reasonably be expected to identify a confidential source, the record shall not be disclosed to the requester unless the component is able to delete from such information all material which would identify the confidential source.

(b) *Employee background investigations.* When a requester requests access to a record pertaining to a background investigation and the record has been exempted from access pursuant to 5 U.S.C. 552a(k)(5), the record shall not be disclosed to the requester unless the component is able to delete from such record all information which would identify a confidentail source.

§ 16.46 Access to records.

(a) *Manner of access.* A component that has made a determination to grant a request for access shall grant the requester access to the requested record either by (1) providing the requester with a copy of the record or (2) making the record available for inspection by the requester. The component shall in either case charge the requester applicable fees in accordance with the provisions of § 16.47. If a component provides access to a record by making the record available for inspection by the requester, the manner of such inspection shall not disrupt the operations of the component.

(b) *Accompanying person.* A requester appearing in person to review his records may be accompanied by another individual of his own choosing. Both the requester an the accompanying person shall be required to sign a form stating that the Department of Justice is authorized to disclose the record in the presence of both individuals.

§ 16.47 Fees for access to records.

(a) *When charged.* A component shall charge fees pursuant to 31 U.S.C. 3302 and 5 U.S.C. 552a(f)(5) for the copying of records to afford access to individuals unless the component, in its discretion, waives the fee for good cause. A component shall charge fees only at the rate of $0.10 per page. For materials other than paper copies, the component may charge the direct costs of reproduction, but only if the requester has been notified of such costs before they are incurred. Fees shall not be charged where they would amount, in the aggregate, for one request or for a series of related requests, to less than $3.00. However, a component may, in its discretion, increase the amount of this minimum fee.

(b) *Notice of estimated fees in excess of $25.00.* When a component determines or estimates that the fees to be charged under this section may amount to more than $25.00, the component shall notify the requester as soon as practicable of the actual or estimated amount of the fee, unless the requester has indicated in advance his willingness to pay a fee as high as that anticipated. (If only a portion of the fee can be estimated readily, the component shall advise the requester that the estimated fee may be only a portion of the total fee.) Where the estimated fee exceeds $25.00 and a component has so notified the requester, the component will be deemed not to have received the request for access to records until the requester has agreed to pay the anticipated fee. A notice to a requester pursuant to this paragraph shall offer him the opportunity to confer with Department personnel with the object of reformulating his request to meet his needs at a lower cost.

(c) *Form of payment.* Requester must pay fees by check or money order made payable to the Treasury of the United States.

(d) *Advance deposits.* (1) Where the estimated fee chargeable under this section exceeds $25.00, a component may require a requester to make an advance deposit of 25 percent of the estimated fee or an advance payment of $25.00, whichever is greater.

(2) Where a requester has previously failed to pay a fee charged under this part, the requester must pay the component or the Department the full amount owed and make an advance deposit of the full amount of any estimated fee before a component shall be required to process a new or pending request for access from that requester.

§ 16.48 Appeals from denials of access.

(a) *Appeals to the Attorney General.* When a component denies in whole or in part a request for access to records, the requester may appeal the denial to the Attorney General within 30 days of his receipt of the notice denying his request. An appeal to the Attorney General shall be made in writing, addressed to the Office of Information and Privacy, United States Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530. Both the envelope and the letter of appeal itself must be clearly marked: "PRIVACY ACT APPEAL." An appeal not so addressed and marked shall be forwarded to the Office of Information and Privacy as soon as it is identified as an appeal under the Privacy Act. An appeal that is improperly addressed shall be deemed not to have been received by the Department until the Office of Information and Privacy receives the appeal, or until the appeal would have been so received with the exercise of reasonable diligence by Department personnel.

(b) *Action of appeals by the Office of Information and Privacy.* Unless the Attorney General otherwise directs, the Director, Office of Information and Privacy, under the supervision of the Assistant Attorney General, Office of Legal Policy, shall act on behalf of the Attorney General on all appeals under this section, except that (1) in the case of an initial denial by the Assistant Attorney General, Office of Legal Policy, the Attorney General or his designee shall act on the appeal and (2) an initial denial of a request by the Attorney General shall constitute the final action of the Department on that request.

(c) *Form of action on appeal.* The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request for access shall include a brief statement of the reason or reasons for the affirmance including each Privacy Act exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requester records are located, or the District of Columbia. If the dinial of a request for access is reversed on appeal, the requester shall be so notified and the request shall be remanded to the component that denied the request for processing in accordance with the decision on appeal. If the denial is partially affirmed and partially reversed on appeal, the portions of the request so adjudicated shall be deemed separate requests for the purpose of this paragraph.

§ 16.49 Preservation of records.

Each component shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request for access, appeal, or lawsuit under the Act.

§ 16.50 Requests for correction of records.

(a) *How made.* Unless a record is exempted from amendment or correction, an individual may submit a request for correction of a record pertaining to him. A request for correction must be made in writing and must be addressed to the component that maintains the record. The request must identify the particular record in question, state the correction sought, and set forth the justification for the correction. Both the envelope and the request for correction itself must be clearly marked: "PRIVACY ACT CORRECTION REQUEST." If a requester believes that the same record appears in more than one system of records, he should address his request for correction to each component that controls a system of records which contains the record.

(b) *Initial determination.* Within 10 working days of receiving a request for correction, a component shall notify the requester whether his request will be granted or denied, in whole or in part. If the component grants the request for correction in whole or in part, it shall advise the requester of his right to obtain a copy of the corrected record upon request. If the component denies the request for correction in whole or in part, it shall notify the requester in writing of the denial. The notice of denial shall state the reason or reasons for the denial and advise the requester of his right to appeal.

(c) *Appeals.* When a request for correction is denied in whole or in part, the requester may appeal the denial to the Attorney General within 30 days of his receipt of the notice denying his request. An appeal to the Attorney General shall be made in writing, shall set forth the forth the specific item of information sought to be corrected, and include any documentation said to justify the correction. An appeal shall be addressed to the Office of Information and Privacy, United States Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530, unless the appeal is from a denial by the Assistant Attorney General, Office of Legal Policy, in which case the appeal shall be addressed to the Attorney General, at the same address. Both the envelope and the letter of appeal itself must be clearly marked: "PRIVACY ACT CORRECTION APPEAL."

(d) *Determination on appeal.* The Director, Office of Information and Privacy, under the supervision of the Assistant Attorney General, Office of Legal Policy, or the Attorney General in appropriate cases, shall decide all appeals from denials of requests to correct records. All such appeals shall be decided within 30 working days of receipt of the appeal, unless there is good cause to extend this period. If the denial of a request is affirmed on appeal, the requester shall be so notified in writing and advised of (1) the reason or reasons the denial has been affirmed, (2) the requester's right to file a Statement of Disagreement, as provided in paragraph (e) of this section, and (3) the requester's right to obtain judicial review of the denial in the United States District Court for the judicial district in which the requester resides or has his principal place of business, for the judicial district in which the record is located, the judicial district in which the agency is located, or the District of Columbia. If the denial is reversed on appeal, the requester shall be so notified and the request for correction shall be remanded to the component that denied the request for processing in accordance with the decision on appeal. If the denial is partially affirmed and partially reversed on appeal, the portions of the request so adjudicated shall be deemed separate requests for the purpose of this paragraph.

(e) *Statement of disagreement.* A requester whose appeal under this section is denied shall have the right to file a Statement of Disagreement with the Office of Information and Privacy, 10th Street and Constitution Avenue NW., Washington, D.C. 20530, within 30 working days of receiving notice of denial of his appeal. Statements of Disagreement may not exceed one typed page. Statements exceeding this limit shall be returned to the requester for condensation. Upon receipt of a Statement of Disagreement under this section, the Director, Office of Information and Privacy, shall have the statement included in the system of records in which the disputed record is maintained and shall have the disputed record marked to indicate (1) that a Statement of Disagreement has been filed and (2) where in the system of records the Statement may be found.

(f) *Notices of correction or disagreement.* Within 30 working days of the correction of a record, the component that maintains the record shall advise all components or agencies to which it previously disclosed the record that the record has been corrected. Whenever an individual has filed a Statement of Disagreement, a component shall append a copy of the Statement to the disputed record whenever the record is disclosed. The component may also append to the disputed record any written statements it has made giving the component's reasons for denying the request to correct the record.

§ 16.51 Records not subject to correction.

The following records are not subject to correction or amendment as provided in § 16.50:

(a) Transcripts of testimony given under oath or written statements made under oath;

(b) Transcripts of grand jury proceedings, judicial proceedings, or quasi-judicial proceedings which constitute the official record of such proceedings;

(c) Pre-sentence reports which are the property of the courts, but are maintained by a component in a system of records; and

(d) Records duly exempted from correction pursuant to 5 U.S.C. 552a(j) or 552a(k) by notice published in the **Federal Register.**

§ 16.52 Requests for accounting of record disclosures.

An individual may request a component that maintains a record pertaining to him to provide him with an accounting of those other agencies to which the component has disclosed the record, and the date, nature, and purpose of the disclosure. A request for an accounting must be made in writing and must identify the particular record for which the accounting is requested. The request also must be addressed to the component that maintains the particular record, and both the envelope and the request itself must clearly be marked: "PRIVACY ACT ACCOUNTING REQUEST." Components shall not be required to provide an accounting to an individual to the extent that the accounting relates to (a) records for which no accounting must be kept pursuant to 5 U.S.C. 552(c)(1); (b) disclosures of records to law enforcement agencies for lawful law enforcement activities, pursuant to written requests from such law enforcement agencies specifying the records sought and the law enforcement activities for which the records are sought, under 5 U.S.C. 552a(c)(3) and

(b)(7); or (c) records for which an accounting need not be disclosed pursuant to 5 U.S.C. 552a (j) or (k). A denial of a request for an accounting may be appealed to the Attorney General in the same manner as a denial of a request for access, with both the envelope and the letter of appeal itself clearly marked: "PRIVACY ACT ACCOUNTING APPEAL."

§ 16.53 Notice of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records pertaining to an individual are subpoenaed by a grand jury, court, or quasi-judicial authority, the official served with the subpoena shall be responsible for ensuring that written notice of its service is forwarded to the individual. Notice shall be provided within 10 working days of the service of the subpoena or, in the case of a grand jury subpoena, within 10 working days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court or quasi-judicial authority to which it is returnable, the name and number of the case or proceeding, and the nature of the records sought. Notice of the service of a subpoena is not required if the system of records has been exempted from the notice requirement of 5 U.S.C. 552a(e)(8), pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the **Federal Register.**

(b) *Emergency disclosures.* If the record of an individual has been disclosed to any person under compelling circumstances affecting the health or safety of any person, as described in 5 U.S.C. 552a(a)(8), the individual to whom the record pertains shall be notified of the disclosure at his last known address within 10 working days. The notice of such disclosure shall be in writing and shall state the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure. The officer who made or authorized the disclosure shall be responsible for providing such notification.

§ 16.54 Security of systems of records.

(a) The Assistant Attorney General for Administration, Justice Management Division, shall be responsible for issuing regulations governing the security of systems of records. To the extent that such regulations govern the security of automated systems of records, the regulations shall be consistent with the guidelines developed by the National Bureau of Standards.

(b) Each component shall establish administrative and physical controls to prevent unauthorized access to its systems of records, to prevent the unauthorized disclosure of records, and to prevent the physical damage or destruction of records. The stringency of such controls shall reflect the sensitivity of the records the controls protect. At a minimum, however, each component's administrative and physical controls shall ensure that (1) records are protected from public view, (2) the area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to the records, and (3) records are inaccessible to unauthorized persons outside of business hours.

(c) Each component shall establish rules restricting access to records to only those individuals within the Department who must have access to such records in order to perform their duties. Each component also shall adopt procedures to prevent the accidental disclosure of record or the accidental granting of access to records.

§ 16.55 Employee standards of conduct.

(a) Each component shall inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Each component also shall notify its employees that they have a duty to (1) protect the security of records, (2) ensure the accuracy, relevance, timeliness, and completeness of records, (3) avoid the unauthorized disclosure, either verbal or written, of records, and (4) ensure that the component maintains no system of records without public notice.

(b) Except to the extent that the Privacy Act permits such activities, an employee of the Department of Justice shall:

(1) Not collect information of a personal nature from individuals unless the employee is authorized to collect such information to perform a function or discharge a responsibility of the Department;

(2) Collect from individuals only that information which is necessary to the performance of the functions or to the discharge of the responsibilities of the Department;

(3) Collect information about an individual directly from that individual, whenever practicable;

(4) Inform each individual from whom information is collected of (i) the legal authority that authorizes the Department to collect such information, (ii) the principal purposes for which the Department intends to use the information, (iii) the routine uses the Department may make of the information, and (iv) the practical and legal effects upon the individual of not furnishing the information;

(5) Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as to assure fairness to the individual in the determination;

(6) Except as to disclosures to an agency or pursuant to 5 U.S.C. 552a(b)(2), make reasonable efforts, prior to disseminating any record about an individual, to assure that such records are accurate, relevant, timely, and complete;

(7) Maintain no record concerning an individual's religious or political beliefs or activities, or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit, (ii) a statute expressly authorizes the Department to collect, maintain, use, or disseminate the information, or (iii) the individual's beliefs, activities, or membership are pertinent to and within the scope of an authorized law enforcement of correctional activity;

(8) Notify the head of the component of the existence or development of any system of records that has not been disclosed to the public;

(9) When required by the Act, maintain an accounting in the prescribed form of all disclosures of records by the Department to agencies or individuals, whether verbally or in writing;

(10) Disclose no record to anyone, except a component, for any use, unless authorized by the Act;

(11) Maintain and use records with care to prevent inadvertent disclosure of a record to anyone; and

(12) Inform the head of his component of any record that contains information that the Act of the foregoing provisions of this paragraph do not permit the Department to maintain.

(c) Not less than once each year, the head of each component shall review the systems of records maintained by that component to ensure that the component is in compliance with the provisions of the Privacy Act.

§ 16.56 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any services or to the disclosure of any records to which such person is not entitled under 5 U.S.C. 552a.

Appendix 4

Appendix I to Part 16—Components of the Department of Justice

Office of the Attorney General, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Deputy Attorney General, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Associate Attorney General, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Solicitor General, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Legal Policy, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Legal Counsel, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of the Legislative Affairs, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Antitrust Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Civil Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Civil Rights Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Criminal Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Land and Natural Resources Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Tax Division, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Justice Management DivisionDepartment of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Bureau of Prisions, HOLC Building, 320 First Street., NW., Washington, D.C. 20534
Community Relations Services, 5550 Friendship Boulevard, Chevy Chase, MD 20815
Drug Enforcement Administration, Eye Street Building, 1405 Eye Street, NW., Washington, D.C. 20005
Executive Office for Immigration Review, 5203 Leesburg Pike, Falls Church, VA 22041
Executive Office for United States Attorneys, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530 [for district offices, consult the list of principal offices of the United States Attorneys in the United States Government Manual]
Executive Office for United States Trustees, HOLC Building, 320 First Street, NW., Washington, D.C. 20534 [for district offices, consult the list of principal offices of the United States Trustees in the United States Government Manual]
Federal Bureau of Investigation, 9th St. & Pennsylvania Ave., NW., Washington, D.C. 20535. [for field offices, consult the list of FBI field offices in the United States Government Manual]
Federal Prison Industries, Inc., HOLC Building, 320 First Street, NW., Washington, D.C. 20534
Foreign Claims Settlement Commission, Vanguard Building, 1111 20th Street, NW., Washington, D.C. 20579
Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536 [for district offices consult the list of INS district offices in the United States Government Manual]
Office of Intelligence Policy and Review, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of Justice Assistance, Research, and Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531
Office of the Pardon Attorney, Park Place Building, 5550 Friendship Blvd., Chevy Chase, MD 20815
Office of Professional Responsibility, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
Office of Public Affairs, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
United States Marshals Service, One Tysons Corner Center, McLean, VA 22102
United States National Central Bureau—Interpol, Department of Justice, 10th St. & Constitution Ave., NW., Washington, D.C. 20530
United States Parole Commission, Park Place Building, 5550 Friendship Blvd., Chevy Chase, MD 20815

[FR Doc. 83-21275 Filed 8-5-83; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Condition of Approval to the Iowa Permanent Regulatory Program; Public Comment Period and Opportunity for Public Hearing

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and opportunity for a public hearing on a proposed action to impose a new condition on the Secretary of the Interior's approval of the Iowa permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed condition relates to the prepayment of civil penalties.

This notice sets forth the times and locations that the Iowa program is available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the proposed amendment to the Iowa program not received on or before 4:00 p.m. on September 7, 1983 will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for 10:00 a.m., August 25, 1983, at the address listed under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Richard Rieke at the address or phone number listed below by August 18, 1983. If no one has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Rieke by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106.

The public hearing will be at the Kansas City Field Office, Office of Surface Mining, at the address immediately above.

Copies of the Iowa program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m., to 4:00 pm, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW, Washington, D.C. 20240
Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 818 Grand Avenue, Kansas City, Missouri 64106
Iowa Department of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION: The Iowa program was conditionally approved by the Secretary of the Interior effective April 10, 1981 as

published in the January 21, 1981 **Federal Register** (46 FR 5885). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 **Federal Register.**

When Iowa's program was conditionally approved by the Secretary of the Interior on January 21, 1981, it did not include a prepayment requirement comparable to that contained in section 518(c) of SMCRA and 30 CFR 845.19. At the time of issuance of the conditional approval of Iowa's permanent program, the Secretary was enjoined on constitutional grounds by the U.S. District Court for the Southern District of Iowa from requiring the State to include in its program a provision comparable to the prepayment requirement in section 518(c) of SMCRA. *Star Coal Co. v. Andrus*, 14 ERC 1325 (1980). The issue of the constitutionality of section 518(c) was pending before the U.S. Supreme Court in two cases. Because of the court cases pending at the time of his decision, the Secretary did not condition his approval of Iowa's program upon correction of the absence of an escrow requirement in the civil penalty provisions.

However, the decision notice on Iowa's program (Finding 4h(3)), stipulated that should the Supreme Court rule that the prepayment requirement of section 518(c) was constitutional the Secretary would then take steps to require Iowa to comply with the requirements relating to prepayment of civil penalties.

In both of the cases before the Supreme Court, the issue of the constitutionality of section 518(c) was preterminated on the ground that the issue was not ripe for the Court to decide. *See Hodel v. Virginia Surface Mining and Reclamation Association*, 452 U.S. 264, 16 ERC 1027 (1981); *Hodel v. Indiana*, 452 U.S. 314, 16 ERC 1048 (1981). Although the Supreme Court did not rule on the constitutionality of section 518(c), the decision in the *Hodel* and *Star Coal* cases removed the legal restraints on the Secretary's statutory obligation to require Iowa to comply with the prepayment provisions of SMCRA and existing regulations.

Therefore, on January 14, 1982, OSM notified the Iowa Department of Soil Conservation (DSC) that an amendment to Iowa's program was needed because the cases in which the constitutionality of SMCRA's prepayment provision was challenged had been decided and the injunction against the Secretary in the case of *Star Coal* had been lifted.

In the January 14, 1982 letter, OSM noted that it was considering modifying the penalty prepayment requirement because of its concern that rigid adherence to the rule, in certain circumstances, might violate the constitutional guarantee of due process.

However, on May 25, 1982, OSM notified the State that no modification to the Federal prepayment rule was anticipated in the near future and set a deadline of June 30, 1983, for the State to amend its program.

On August 16, 1982, OSM promulgated final rules modifying the inspection, enforcement and civil penalty provisions of the permanent regulatory program. OSM made no change to the prepayment requirement and deferred final rulemaking action on the subject. At this time, OSM has no immediate plans to modify the prepayment provisions. Accordingly, an amendment to Iowa's permanent program is still necessary.

On March 18, 1983, the Iowa Deputy Attorney General, on behalf of the DSC, informally submitted to OSM for review three alternative bills which would amend the Iowa statute concerning civil penalty assessment. On May 25, 1983, the DSC requested a one-year extension of the June 30, 1983, deadline because the legislative session had ended and no action had been taken on any of the three alternatives. The DSC noted that a one-year extension was necessary because the Iowa General Assembly would not convene again until January 1984.

Therefore, the Secretary proposes to add a new condition to the Iowa program requiring the State to amend its program by June 20, 1984 to incorporate requirements consistent with section 518(c) of SMCRA and 30 CFR 845.19. The Secretary requests public comment on this proposed action.

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. 1291(d), no environmental impact statement need be prepared for 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 Section 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require 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 would be met by the State.

3. *Paper 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 915

Coal mining, intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR Part 915 is proposed to be amended as set forth herein.

Dated: August 3, 1983.

Wesley, R. Booker,

Action Director, Office of Surface Mining.

PART 915—IOWA

30 CFR Part 915 is proposed to be amended by adding a new § 915.11 as follows:

§ 915.11 Conditions of State regulatory program approval.

The approval of the State regulatory program is subject to the following condition:

(a) Steps will be taken to terminate the approval found in § 915.10 unless Iowa submits to the Secretary by June 30, 1984, a copy of promulgated regulations or otherwise amends it program to contain provisions consistent with section 518(c) of SMCRA and 30 CFR 845.19 to include a civil penalty prepayment provision.

(Pub. L. 95–87, (30 U.S.C. 1201 *et seq.*))

[FR Doc. 83-21321 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Customs Service

31 CFR Part 1

Privacy Act of 1974; Exempting a System of Records From Requirements

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This rule would amend the Treasury Regulations to reflect the change in the name of Customs' existing system of records, "Currency and Monetary Instrument Reporting System" to "Bank Secrecy Act Reports File." This rule would also exempt the Bank Secrecy Act Reports File from certain requirements of the Privacy Act. These changes are considered appropriate because the existing system has been expanded to include additional information filed with the Internal Revenue Service and with Customs. A Notice of a Revised System of Records is also being published in this Federal Register.

DATE: Comments must be received on or before September 7, 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Financial Law Enforcement Center, Room 4339, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Stuart Seidel, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229 (202–566–2482).

SUPPLEMENTARY INFORMATION

Background

Recently, the Department of the Treasury and the Customs Service established the Financial Law Enforcement Center, which has as one of its central purposes responsibility for the collection, storage, utilization, and dissemination of the information required to be reported on three Bank Secrecy Act forms: Currency and Monetary Instruments Report (Form 4790) (31 U.S.C. 5316 and 31 CFR 103.23), Currency Transaction Report (Form 4789) (31 U.S.C. 5313 and 31 CFR 103.22), and Foreign Bank Account Report (Form 90.22–1) (31 U.S.C. 5314 and 31 CFR 103.24).

Customs' existing system of records, "Currency and Monetary Instrument Reporting System," Treasury/Customs 00.067, which currently includes data reported on Forms 4790 (Currency and Monetary Instruments Report), is being expanded to include data reported on Forms 4789 (Currency Transaction Report), and Forms 90.22–1 (Foreign Bank Account Report). The name of the system is being amended to "Bank Secrecy Act Reports File" to reflect its expanded scope. The revised system consists of the three forms and computerized abstracts of information contained on the three forms. Historically, Forms 4789 have been included in both IRS and Customs systems of records, and Forms 4790 and 90.22–1 have been included in Customs systems of records.

This rule would amend § 1.36 of the Treasury Department Regulations (Title 31 CFR) to reflect the existence of the revised system of records and exempt the revised system from certain requirements of the Privacy Act.

Authority: The amendment is proposed under the authority of 5 U.S.C. 552a(f), (j) and (k) and 31 U.S.C. 5311 *et seq.*

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments 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 4:00 p.m. at the Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229

Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section 1(b) of E.O. 12291, a regulatory impact analysis and review as prescribed by section 3 of the Executive Order is not required.

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 proposed amendment will not have a significant economic impact on a substantial number of small entities.

In addition, the proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, the Secretary of the Treasury certifies 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.

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the Department has made a determination that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Drafting Information

The principal author of this document was Alfonso Robles, Office of the Chief Counsel, U.S. Customs Service. However, personnel from other Customs and Treasury offices participated in its development.

List of Subjects in 31 CFR Part 1

Privacy.

Proposed Amendment to the Regulations

§ 1.36 [Amended]

It is proposed to amend § 1.36 a.1. and b.1., Treasury Department Regulations (31 CFR 1.36), under the heading "United States Customs Service" "Notice of Exempt Systems" by removing "Currency and Monetary Instrument Reporting System (CMIR)" wherever it appears and by adding "Bank Secrecy Act Reports File" in appropriate alphabetical order.

Dated: June 20, 1983.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 83-21391 Filed 8-5-83; 8:45 am]

BILLING CODE 4820-02-M

PANAMA CANAL COMMISSION

35 CFR Part 111

Revised Rules for the Prevention of Collisions for the Panama Canal

AGENCY: Panama Canal Commission.

ACTION: Proposed rule.

SUMMARY: In an effort to standardize the rules for the prevention of collision and in keeping with the international character of the Panama Canal, the Panama Canal Commission proposes to revise the Rules for the Prevention of Collisions for the Panama Canal. The proposed rules use the International Regulations for Preventing Collisions at Sea as a model, supplemented by rules of particular application in the Panama Canal.

DATE: Written comments should be submitted on or before September 19, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, (202) 724–0104, or Mr. Dwight A. McKabney, General Counsel, Panama Canal Commission, telephone in Balboa Heights, Republic of Panama, 52–7511.

SUPPLEMENTARY INFORMATION: This proposed revision of the Panama Canal Rules for the Prevention of Collisions, Part 111 of 35 CFR, is modeled on the International Regulations for Preventing Collisions at Sea (commonly called the 72 COLREGS). The 72 COLREGS are part of an international convention developed in 1972 under the auspices of the United Nations. They entered into force in the United States in July, 1977, and must be followed by all public and private vessels of the United States while navigating upon the high seas. They have also been adopted by nearly all maritime nations, including the Republic of Panama. While the existing rules contained in Part 111 of 35 CFR are patterned on the former International Rules and the Inland Rules of the United States, they have not undergone a comprehensive, substantive revision for many years. This revision follows generally the format, language and substance of the 72 COLREGS. The proposed Rules, however, deviate from the 72 COLREGS by incorporating where appropriate throughout the text rules from the Inland Navigational Rules Act of 1980 (hereinafter referred to as the Unified Inland Rules) and from existing provisions of Part 111 of 35 CFR of unique applicability to the Panama Canal.

The most important substantive departures from the 72 COLREGS are contained in proposed §§ 111.1, 111.5, 111.7, 111.9, 111.10, 111.26, 111.28, 111.34 and 111.38 (Rules 1, 5, 9, 10, 26, 28, 34 and 38, respectively). Proposed § 111.1 (Rule 1) is a general provision which defines the application of the rules and derives from 35 CFR 111.1. The lookout requirement contained in proposed § 111.5 (Rule 5) follows 35 CFR 111.206 which is a slight variation of the corresponding 72 COLREGS provision. Proposed § 111.7 (Rule 7), paragraph (b) deletes the specific requirement in the 72 COLREGS for the use of long-range radar scanning and radar plotting. Proposed § 111.9 (Rule 9), paragraphs (d) and (e) follow the Unified Inland Rules. Rule 10 in the 72 COLREGS governs traffic separation schemes. As there are no such schemes currently in effect in the Panama Canal, this rule has been reserved. The proposed § 111.26 (Rule 26) in essence prohibits commercial fishing in the navigable waters of the Canal. Consequently, references to fishing vessels in other provisions have also been deleted. Section 111.28 (Rule 28), which in the 72 COLREGS prescribes the light signals for vessels constrained by their draft, has been reserved, following the Unified Inland Rules. Similarly, the references to vessels constrained by their draft in Rules 3, 18 and 35 of the 72 COLREGS are not incorporated in proposed §§ 111.3, 111.18 and 111.35. The maneuvering and warning whistle signals provided in proposed § 111.34 (Rule 34), paragraphs (a) through (g), follow essentially the corresponding Unified Inland Rules provisions which are more appropriate for channel navigation than the equivalent 72 COLREGS provisions. However, the bend signals prescribed by Rule 34(e) of the 72 COLREGS and by the Unified Inland Rules, have not been incorporated in this proposed revision inasmuch as bend signals are not used locally and are considered unnecessary. The exemptions provisions contained in Rule 38 of the 72 COLREGS have been deleted. In their place, the proposed § 111.38 (Rule 38) follows the existing 35 CFR 111.204 governing diving operations. There are other minor departures from the 72 COLREGS in the proposed rules, such as the deletion of references to falling snow and sandstorms in § 111.3 (Rule 3), paragraph (1) and to minesweeping operations in § 111.27 (Rule 27), paragraph (b).

Rules of particular application to the Panama Canal which have been incorporated throughout the text include the following: Section 111.3 (Rule 3), paragraph (1) follows 35 CFR 111.163(b); § 111.6 (Rule 6), paragraphs (c), (d) and (f) follow 35 CFR 111.162 (a), (b) and (c), respectively, paragraph (e) is a new provision, and paragraph (g) follows essentially 35 CFR 111.162(d) and 111.163(a); § 111.8 (Rule 8), paragraph (f) follows essentially 35 CFR 111.145(d); § 111.9 (Rule 9), paragraph (h) follows 35 CFR 111.146; § 111.13 (Rule 13), paragraphs (a) and (e) follow 35 CFR 111.150 (a) and (e), respectively; § 111.14 (Rule 14), paragraph (d) follows 35 CFR 111.151; § 111.18 (Rule 18), paragraph (d) follows 35 CFR 111.152; § 111.19 (Rule 19), paragraph (f) follows 35 CFR 111.161 (d) and (e); § 111.23 (Rule 23), paragraph (d) follows 35 CFR 111.46; § 111.30 (Rule 30), paragraph (g) follows 35 CFR 111.58(d); § 111.34 (Rule 34), paragraph (h) follows 35 CFR 111.157; § 111.36 (Rule 36), paragraph (b) follows 35 CFR 111.65; § 111.38 (Rule 38) follows 35 CFR 111.203; § 111.39 (Rule 39) follows 35 CFR 111.204; § 111.40 (Rule 40) follows 35 CFR 111.205; and, § 111.41 (Rule 41) follows essentially 35 CFR 111.48, except that pipelines will be marked at night with amber lights.

The Commission has determined that this rule does not constitute a major rule within the meaning of Executive Order 12291 dated February 17, 1981 (47 FR 13193). The bases for that determination are, first, that the rule, when implemented would not have an annual effect on the economy of $100 million or more per year. Secondly, the rule would not result in a major increase in costs or prices for consumers, individual industries or local governmental agencies or geographic regions. Finally, the agency has determined that implementation of the rule would not have a significant adverse effect on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Further, the Commission has determined that this proposed rule is not subject to the requirements of Sections 603 and 604 of Title 5, United States Code, in that its promulgation will not have a significant impact on a substantial number of small entities, and the Administrator of the Commission so certifies pursuant to 5 U.S.C. 605(b).

List of Subjects in 35 CFR Part 111

Vessels, Anchorage grounds, Harbors, Marine safety, Maritime carriers, Navigation (Water).

Accordingly, under the authority vested in the President by Sec. 1801, Pub. L. 96-70, 93 Stat. 492 (22 U.S.C. 3811) and E.O. 12215, 45 FR 36043, it is proposed to revise 35 CFR Part 111 as follows:

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

Subpart A—General

Sec.

111.1 Application (Rule 1).
111.2 Responsibility (Rule 2).
111.3 General definitions (Rule 3).

Subpart B—Steering and Sailing Rules

Conduct of Vessels in Any Condition of Visibility

111.4 Application (Rule 4).
111.5 Lookout (Rule 5).
111.6 Safe speed (Rule 6).
111.7 Risk of collision (Rule 7).
111.8 Action to avoid collision (Rule 8).
111.9 Narrow channels (Rule 9).
111.10 [Reserved] (Rule 10).

Conduct of Vessels in Sight of One Another

111.11 Application (Rule 11).
111.12 Sailing vessels (Rule 12).
111.13 Overtaking (Rule 13).
111.14 Head-on situation (Rule 14).
111.15 Crossing situation (Rule 15).
111.16 Action by give-way vessel (Rule 16).
111.17 Action by stand-on vessel (Rule 17).
111.18 Responsibilities between vessels (Rule 18).

Conduct of Vessels in Restricted Visibility

111.19 Conduct of vessels in restricted visibility (Rule 19).

Subpart C—Lights and Shapes

111.20 Application (Rule 20).
111.21 Definitions (Rule 21).
111.22 Visibility of lights (Rule 22).
111.23 Power-driven vessels under way (Rule 23).
111.24 Towing and pushing (Rule 24).
111.25 Sailing vessels under way and vessels under oars (Rule 25).
111.26 Fishing vessels (Rule 26).
111.27 Vessels not under command or restricted in their ability to maneuver (Rule 27).
111.28 [Reserved] (Rule 28).
111.29 Pilot vessels (Rule 29).
111.30 Anchored vessels and vessels aground (Rule 30).
111.31 Seaplanes (Rule 31).

Subpart D—Sound and Light Signals

111.32 Definitions (Rule 32).
111.33 Equipment for sound signals (Rule 33).
111.34 Maneuvering and warning signals (Rule 34).
111.35 Sound signals in restricted visibility (Rule 35).
111.36 Signals to attract attention (Rule 36).
111.37 Distress signals (Rule 37).

Subpart E—Miscellaneous

111.38 Diving operations (Rule 38).
111.39 Water skiing prohibited (Rule 39).
111.40 Operation of small craft and recreational vessels in Canal waters (Rule 40).
111.41 Lights; marking of pipelines laid in navigable waters (Rule 41).

Authority: Issued under authority vested in the President by Section 1801, Pub. L. 96-70, 93 Stat. 492 (22 U.S.C. 3811); EO 12215, 45 FR 36043.

Subpart A—General

§ 111.1 Application (Rule 1).

The provisions of this Part incorporate most of the Rules of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and the maneuvering and warning whistle signals of the Inland Navigational Rules Act of 1980, supplemented by rules of particular application in the Panama Canal and shall be applicable to vessels and seaplanes upon the navigable waters of the Canal operating areas, as the same are described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, and as they are depicted on Attachment I to that Annex, between a line connecting the East Breakwater Light and West Breakwater Light at the Atlantic Entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal boundary lines at the Pacific Entrance in Panama Bay, and in the Ports of Balboa and Cristobal. Where any naval or military vessel of special construction as certified by the Secretary of the Navy or the Secretary of Transportation in the case of Coast Guard vessels operating under the Transportation Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with the International Rules (72 COLREGS), such vessel shall similarly be exempted from compliance with any corresponding requirement under the provisions of this Part.

§ 111.2 Responsibility (Rule 2).

(a) Nothing in this Part shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with this Part due regard shall be had to all dangers of navigation and collision and to any special circumstance, including the limitations of the vessels involved, which may make a departure from this part necessary to avoid immediate danger.

§ 111.3 General definitions (Rule 3).

For the purpose of this part, except where the context otherwise requires:

(a) The word "vessel" includes every description of water craft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(b) The term "power-driven vessel" means any vessel propelled by machinery.

(c) The term "sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

(d) The term "vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

(e) The word "seaplane" includes any aircraft designed to maneuver on the water.

(f) The term "vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by this Part and is therefore unable to keep out of the way of another vessel.

(g) The term "vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by this Part and is therefore unable to keep out of the way of another vessel. The term "vessels restricted in their ability to maneuver" shall include but not be limited to:

(1) A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;

(2) A vessel engaged in dredging, surveying or underwater operations;

(3) A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The word "under way" means that a vessel is not at anchor, or made fast to the shore, or aground.

(i) The words "length" and "breadth" of a vessel means her length overall and greatest breadth.

(j) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

(k) The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, heavy rainstorms or any other similar causes.

(l) A "motorboat" means a power-driven vessel no more than 20 meters in length as measured from end to end over the deck.

Subpart B—Steering and Sailing Rules

Conduct of Vessels in any Condition of Visibility

§ 111.4 Application (Rule 4).

Sections 111.5 through 111.10 apply in any condition of visibility.

§ 111.5 Lookout (Rule 5).

Every vessel shall at all times while under way in the Canal and adjacent waters maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision. The person acting as lookout shall have no other assigned duties and shall report promptly all relevant and material information to the person in charge of the navigation of the vessel.

§ 111.6 Safe speed (Rule 6).

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account:

(a) By all vessels:

(1) The state of visibility;

(2) The traffic density including concentrations of small craft or any other vessels;

(3) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(4) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(5) The state of wind, sea and current, and the proximity of navigational hazards;

(6) The draft in relation to the available depth of water.

(b) Additionally, by vessels with operational radar:

(1) The characteristics, efficiency and limitations of the radar equipment;

(2) Any constraints imposed by the radar range scale in use;

(3) The effect on radar detection of the sea state, weather and other sources of interference;

(4) The possibility that small vessels and other floating objects may not be detected by radar at an adequate range;

(5) The number, location and movement of vessels detected by radar;

(6) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessel or other objects in the vicinity.

(c) A vessel shall not exceed the speeds designated below, except in an emergency:

	Knots
Atlantic entrance to Gatun Locks	12
Gatun Lake in a 1,000-ft. channel	18
Gatun Lake in a 800-ft. channel	15
Gatun Lake in a 650-ft. channel	12
When rounding Buoy No. 17 in Gatun Reach northbound	10
Gaillard Cut, in the straight reaches	8
Gamboa: When passing reserve fleet basin, concrete dock, or floating crane berth; and when entering Gaillard Cut	6
When using a tug astern	6
Miraflores Locks to Buoy No. 14	6
Buoy No. 14 to Pacific entrance	12

(d) A vessel in Panama Canal waters at locations other than those specified in paragraph (c) of this section, including Gatun Anchorage, Bohio Bend, Mamei Curve, Miraflores Lake, and in or near the locks, shall not exceed a speed that is safe under the existing circumstances and conditions, except in an emergency.

(e) Whenever a vessel is maneuvering in an area where paragraph (c) of this section limits the speed to 6 knots, and the vessel's speed at dead slow ahead exceeds 6 knots, she is permitted to proceed at the slowest speed possible required to safely maintain maneuverability.

(f) The Chief, Navigation Division may authorize departures from the maximum speeds established by paragraph (c) of this section in the case of particular vessels whose handling characteristics are such as to indicate that a higher speed or speeds can be prudently allowed.

(g) Paragraph (c) of this section does not apply to motorboats or to vessels of the Panama Canal Commission. Nevertheless, motorboats and vessels of the Panama Canal Commission when underway shall proceed at a speed which is reasonable under the circumstances and conditions and which does not create a hazard to life or property.

§ 111.7 Risk of collision (Rule 7).

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt, such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(1) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(2) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

§ 111.8 Action to avoid collision (Rule 8).

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assesss the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f) When two vessels are proceeding in such directions as to involve risk of collision, a power-driven vessel or sailing vessel or motorboat that is entering or preparing to enter the main channel of the Canal from either side shall not cross the bow of a vessel proceeding in either direction along the Canal axis and shall keep clear until the vessel proceeding along the Canal axis has passed.

§ 111.9 Narrow channels (Rule 9).

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel shall use the danger signal prescribed in § 111.34(d) (Rule 34(d)) if in doubt as to the intention of the crossing vessel.

(e)(1) In a narrow channel or fairway when overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in § 111.34(c) (Rule 34(c)). The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in § 111.34(d) (Rule 34(d)).

(2) This section does not relieve the overtaking vessel of her obligation under § 111.13 (Rule 13).

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution.

(g) Any vessel shall, if the circumstances of the case permit, avoid anchoring in a narrow channel.

(h) When two power-driven vessels are meeting end on, or nearly end on, in the Canal in the vicinity of an obstruction, e.g., a dredge, drill barge, slide, etc., the vessel whose side of the Canal is clear shall have the right-of-way and the other vessel shall hold

back and keep out of the way until the privileged vessel is clear.

§ 111.10 [Reserved] (Rule 10).

Conduct of Vessels in Sight of One Another

§ 111.11 Application (Rule 11).

Sections 111.12 through 111.18 apply to vessels in sight of one another.

§ 111.12 Sailing vessels (Rule 12).

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(1) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(2) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(3) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starbord side, she shall keep out of the way of the other.

(b) For the purpose of this section the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

§ 111.13 Overtaking (Rule 13).

(a) Notwithstanding anything contained in §§ 111.4 through 111.18, any vessel overtaking any other shall keep out of the way of the overtaken vessel, except that within the Canal channel all pleasure vessels and craft, even though they are an overtaken vessel, shall keep out of the way of transiting vessels and Panama Canal Commission floating equipment.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of this Part or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(e) Except as specially authorized by the Chief, Navigation Division or his designee, an overtaking power-driven vessel shall not overtake and pass another power-driven vessel in Gaillard Cut, Mamei Curve or Bohio Bend between buoys 38 and 40: *Provided, however,* That this paragraph shall not apply where either the overtaking or the overtaken vessel is less than 150 feet in length or is a Panama Canal Commission power-driven vessel or a U.S. Army or U.S. Navy local tug, with or without a tow.

§ 111.14 Head-on situation (Rule 14).

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(d) In the Canal channel every power-driven vessel encountering another vessel while proceeding along the line of the channel, shall keep to that side of the fairway or mid-channel which lies on its starboard side. When two such vessels so proceeding are bound in opposite directions, they shall, when it is safe and practicable, be governed by paragraph (a) of this section even when, by reason of an intervening bend in the channel, their headings are not substantially opposite when they first sight each other; and neither of them shall alter course to port across the course of the other. Tugs and motorboats shall, whenever practicable, keep well over to that side of the Canal which is to their starboard when large vessels are passing.

§ 111.15 Crossing situation (Rule 15).

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

§ 111.16 Action by give-way vessel (Rule 16).

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

§ 111.17 Action by stand-on vessel (Rule 17).

(a)(1) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(2) The latter vessel may however take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with this Part.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with paragraph (a)(2) of this section to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This section does not relieve the give-way vessel of her obligation to keep out of the way.

§ 111.18 Responsibilities between vessels (Rule 18).

Except where §§ 111.9 and 111.13 (Rules 9 and 13) otherwise require:

(a) A power-driven vessel under way shall keep out of the way of:

(1) A vessel not under command;

(2) A vessel restricted in her ability to maneuver.

(b) A sailing vessel under way shall keep out of the way of:

(1) A vessel not under command;

(2) A vessel restricted in her ability to maneuver;

(3) A power driven vessel, except a motorboat.

(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the §§ 111.4 through 111.18 of this Subpart.

(d) Panama Canal floating equipment at work in a stationary position shall have a privileged right to such position, and no passing vessel shall foul such equipment or its moorings, or pass at such speed as to create a dangerous wash or wake. Floating equipment of the Canal from which divers are working, and floating equipment so moored, and vessels under repair and in such condition, that a high wash might cause

swampage or be hazardous to the workmen, shall be passed by all vessels at a speed sufficiently slow as not to create a dangerous wash or wake.

Conduct of Vessels in Restricted Visibility

§ 111.19 Conduct of vessels in restricted visibility (Rule 19).

(a) This section applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the §§ 111.4 through 111.9 (Rules 4 through 9) of this Subpart.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(1) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and

(2) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

(f) Except as provided in paragraph (g) of this section, vessels moored or at anchor shall not get under way when, because of atmospheric conditions, visibility is less than 1,000 feet and vessels under way in such conditions shall anchor or moor as soon as practicable and report immediately to the Chief, Navigation Division, or his designee by radio or other available means.

(g) Vessels specially equipped to navigate under conditions restricting visibility and which have a pilot aboard, and vessels which have a pilot aboard and which are assisted by Panama Canal Commission vessels which are specially equipped to navigate under such conditions, may, at the discretion of the Chief, Navigation Division or his designee, be navigated when visibility is less than 1,000 feet.

Subpart C—Lights and Shapes

§ 111.20 Application (Rule 20).

(a) Sections 111.20 through 111.31 (Rules 20–31) in this Subpart shall be complied with in all weather.

(b) The regulations concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in this Part or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.

(c) The lights prescribed by this Part shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The regulations concerning shapes shall be complied with by day.

(e) The lights and shapes specified in this Part shall comply with the provisions of Annex I to the 72 COLREGS.

§ 111.21 Definitions (Rule 21).

(a) *Masthead light* means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b) *Sidelights* means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 meters in length the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel.

(c) *Sternlight* means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) *Towing light* means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this section.

(e) *All-round light* means a light showing an unbroken light over on arc of the horizon of 360 degrees.

(f) *Flashing light* means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

§ 111.22 Visibility of lights (Rule 22).

The lights prescribed in this Part shall have an intensity as specified in Section 8 of Annex I to the 72 COLREGS so as to be visible at the following minimum ranges:

(a) In vessels of 50 meters or more in length:

(1) A masthead light, 6 miles;

(2) A sidelight, 3 miles;

(3) A sternlight, 3 miles;

(4) A towing light, 3 miles;

(5) A white, red, green or yellow all-roundlight, 3 miles.

(b) In vessels of 12 meters or more in length but less than 50 meters in length:

(1) A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters, 3 miles;

(2) A sidelight, 2 miles;

(3) A sternlight, 2 miles;

(4) A towing light, 2 miles;

(5) A white, red, green or yellow all-round light, 2 miles.

(c) In vessels of less than 12 meters in length:

(1) A masthead light, 2 miles;

(2) A sidelight, 1 mile;

(3) A sternlight, 2 miles;

(4) A towing light, 2 miles;

(5) A white, red, green or yellow all-round light, 2 miles.

(d) In inconspicuous, partly submerged vessels or objects being towed:

(1) A white all-round light, 3 miles.

§ 111.23 Power-driven vessels under way (Rule 23).

(a) A power-driven vessel under way shall exhibit:

(1) A masthead light forward;

(2) A second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 meters in length shall not be obliged to exhibit such light but may do so;

(3) Sidelights; and

(4) A sternlight.

(b) An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this section, exhibit an all-round flashing yellow light.

(c) (1) A power-driven vessel of less than 12 meters in length may in lieu of the lights prescribed in paragraph (a) of this section exhibit an all-round white light and sidelights;

(2) A power-driven vessel of less than 7 meters in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this section, exhibit an all-round white light, and shall, if practicable, also exhibit sidelights;

(3) The masthead light or all-round white light on a power-driven vessel of

less than 12 meters in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

(d) A vessel employed in the transportation or transfer of flammable, explosive, or otherwise dangerous commodities shall carry, in addition to her appropriate mooring, anchor, or navigation lights, where it can best be seen, a red light of such a character as to be visible all around the horizon at a distance of at least 2 miles. By day she shall display, where it can best be seen, a red flag.

§ 111.24 Towing and pushing (Rule 24).

(a) A power-driven vessel when towing shall exhibit:

(1) Instead of the light prescribed in § 111.23 (a)(1) or § 111.23 (a)(12), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 meters, three such lights in a vertical line;

(2) Sidelights;

(3) A sternlight;

(4) A towing light in a vertical line above the sternlight; and

(5) When the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as power-driven vessel and exhibit the lights prescribed in § 111.23 (Rule 23).

(c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(1) Instead of the light prescribed in § 111.23 (a)(1) or § 111.23 (a)(2) (Rule 23 (a)(1) or (a)(2)), two masthead lights in a vertical line;

(2) Sidelights; and

(3) A sternlight.

(d) A power-driven vessel to which paragraphs (a) or (c) of this section apply shall also comply with § 111.23 (a)(2) (Rule 23(a)(2)).

(e) A vessel or object being towed, other than those mentioned in paragraph (g) of this section, shall exhibit:

(1) Sidelights;

(2) A sternlight; and

(3) When the length of the two exceeds 200 meters, a diamond shape where it can best be seen.

(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(1) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;

(2) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(g) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:

(1) If it is less than 25 meters in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;

(2) If it is 25 meters or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(3) If it exceeds 100 meters in length, additional all-round white lights between the lights prescribed in paragraphs (g) (1) and (2) so that the distance between the lights shall not exceed 100 meters;

(4) A diamond shape at or near the aftermost extremity of the last vessel or object being towed and if the length of the tow exceeds 200 meters an additional diamond shape where it can best be seen and located as far forward as is practicable.

(h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this section, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(i) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this section, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by § 111.36 (Rule 36), in particular by illuminating the towline.

§ 111.25 Sailing vessels under way and vessels under oars (Rule 25).

(a) A sailing vessel under way shall exhibit:

(1) Sidelights; and

(2) A sternlight.

(b) In a sailing vessel of less than 20 meters in length the lights prescribed in paragraph (a) of this section may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel under way may, in addition to the lights prescribed in paragraph (a) of this section, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this section.

(d)(1) A sailing vessel of less than 7 meters in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this section, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(2) A vessel under oars may exhibit the lights prescribed in this section for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

§ 111.26 Fishing vessels (Rule 26).

Vessels engaged in fishing, as defined in § 111.3(d) (Rule 3(d)) of this part, shall stay well clear of the navigable waters of the Canal Operating Areas.

§ 111.27 Vessels not under command or restricted in their ability to maneuver (Rule 27).

(a) A vessel not under command shall exhibit:

(1) Two all-round red lights in a vertical line where they can best be seen;

(2) Two balls or similar shapes in a vertical line where they can best be seen;

(3) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver shall exhibit:

(1) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(2) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(3) When making way through the water, masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in paragraph (b)(1);

(4) When at anchor, in addition to the lights or shapes prescribed in paragraphs (b) (1) and (2), the light, lights or shapes prescribed in § 111.30 (Rule 30).

(c) A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from her course shall, in addition to the lights or shapes prescribed in § 111.24(a) (Rule 24 (a)), exhibit the lights or shape prescribed in paragraphs (b) (1) and (2) of this section.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in paragraphs (b) (1), (2) and (3) of this section and shall in addition, when an obstruction exists, exhibit:

(1) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(2) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;

(3) When at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in § 111.30 (Rule 30).

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this section, the following shall be exhibited:

(1) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(2) A rigid replica of the International Code flag "A" not less than 1 meter in height. Measures shall be taken to ensure all-round visibility.

(f) Vessels of less than 12 meters in length shall not be required to exhibit the lights or shapes prescribed in this section.

(g) The signals prescribed in this section are not signals of vessels in distress and requiring assistance. Such signals are contained in § 111.37 (Rule 37).

§ 111.28 [Reserved] (Rule 28).

§ 111.29 Pilot vessels (Rule 29).

(a) A vessel engaged on pilotage duty shall exhibit:

(1) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(2) When under way, in addition, sidelights and a sternlight;

(3) When at anchor, in addition to the lights prescribed in paragraph (a)(1), the light, lights or shape prescribed in § 111.30 (Rule 30) for vessels at anchor.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

§ 111.30 Anchored vessels and vessels aground (Rule 30).

(a) A vessel at anchor shall exhibit where it can best be seen:

(1) In the fore part, an all-round white light or one ball;

(2) At or near the stern and at a lower level than the light prescribed in paragraph (a)(1), an all-round white light.

(b) A vessel of less than 50 meters in lenght may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this section.

(c) A vessel at anchor may, and a vessel of 100 meters and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this section and in addition, where they can best be seen:

(1) Two all-round red lights in a vertical line; and

(2) Three balls in a vertical line.

(e) A vessel of less than 7 meters in length, when at anchor, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this section.

(f) A vessel of less than 20 meters in length, when aground, shall not be required to exhibit the lights or shapes prescribed in paragraphs (d) (1) and (2) of this section.

(g) Vessels not more than 20 meters in length, when at anchor in any special anchorage designated by the Commission for such vessels, shall not be required to carry or exhibit the lights or shape specified in paragraph (a) of this section.

§ 111.31 Seaplanes (Rule 31).

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the sections of this Subpart she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

Subpart D—Sound and Light Signals

§ 111.32 Definitions (Rule 32).

(a) The word "whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to the 72 COLREGS.

(b) The term "short blast" means a blast of about one second's duration.

(c) The term "prolonged blast" means a blast of from four to six seconds' duration.

§ 111.33 Equipment for sound signals (Rule 33).

(a) A vessel of 12 meters or more in length shall be provided with a whistle and a bell and a vessel of 100 meters or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to the 72 COLREGS. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(b) A vessel of less than 12 meters in length shall not be obliged to carry the sound signaling appliances prescribed in paragraph (a) of this section but if she does not, she shall be provided with some other means of making an efficient sound signal.

§ 111.34 Maneuvering and warning signals (Rule 34).

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within half a mile of each other, each vessel under way, when maneuvering as authorized or required by this Part:

(1) Shall indicate that manuever by the following signals on her whistle: one short blast to mean "I intend to leave you on my port side"; two short blasts to mean "I intend to leave you on my starboard side"; and three short blasts to mean "I am operating astern propulsion";

(2) Upon hearing the one or two blast signal of the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in paragraph (d) of this section and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in paragraph (a) of this section by light signals:

(1) These signals shall have the following significance: one flash to mean "I intend to leave you on my port side"; two flashes to mean "I intend to leave you on my starboard side"; three flashes to means "I am operating astern propulsion";

(2) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(3) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I of the 72 COLREGS.

(c) When in sight of one another:

(1) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle: one short blast to mean "I intend to overtake you on your starboard side"; two short blasts to mean "I intend to overtake you on your port side"; and

(2) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in paragraph (d).

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) If whistles are fitted on a vessel at a distance apart of more than 100 meters, one whistle only shall be used for giving maneuvering and warning signals.

(f) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(g) A vessel that reaches agreement with another vessel in a meeting, crossing or overtaking situation by using radiotelephone on the customary frequencies is not obliged to sound whistle signals prescribed by this section, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

(h) When a power-driven vessel or motorboat is approaching a pipeline obstructing the channel, and desires to pass through the gate, she shall give a signal of two blasts, namely, one prolonged blast followed by a short blast, which signal shall be promptly answered by the gate tender with the same signal if she is ready to have the approaching vessel pass or by the danger signal if it is not safe for her to pass. In no case shall the approaching vessel attempt to pass until the gate tender signifies by a signal of one prolonged and one short blast that the channel is open. The gate tender shall so signify as soon as practicable, and the approaching vessel shall answer with a similar signal.

§ 111.35 Sound signals in restricted visibility (Rule 35).

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this section shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel under way but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, a sailing vessel and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraph (a) or (b) of this section, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel restricted in her ability to maneuver when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (g) of this section sound the signal prescribed in paragraph (c) of this section.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraph (a) or (b) of this section.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 meters or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (g) of this section and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than 12 meters in length shall not be obliged to give the above-mentioned signals, but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraph (a), (b) or (g) of this section sound an identity signal consisting of four short blasts.

§ 111.36 Signals to attract attention (Rule 36).

(a) If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in this Part, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this section the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

(b) Under no circumstances shall the rays of a searchlight or any other type of blinding light be directed into the pilot house, or in any other manner or direction which would interfere with the navigation of another vessel.

§ 111.37 Distress signals (Rule 37).

(a) Need of assistance. The following signals used or exhibited either together or separately, indicate distress and need of assistance:

(1) A gun or other explosive signal fired at intervals of about a minute;

(2) A continuous sounding with any fog-signaling apparatus;

(3) Rockets or shells, throwing red stars fired one at a time at short intervals;

(4) A signal made by radiotelegraphy or by any other signaling method consisting of the group ...- - -... (SOS) in the Morse Code;

(5) A signal sent by radiotelephony consisting of the spoken word "Mayday";

(6) The International Code Signal of distress indicated by N.C.;

(7) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(8) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);

(9) A rocket parachute flare or a hand flare showing a red light;

(10) A smoke signal giving off orange-colored smoke;

(11) Slowly and repeatedly raising and lowering arms outstretched to each side;

(12) The radiotelegraph alarm signal;

(13) The radiotelephone alarm signal;

(14) Signals transmitted by emergency position-indicating radio beacons.

(b) The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

(c) Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(1) A piece of orange-colored canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(2) A dye marker.

Subpart E—Miscellaneous

§ 111.38 Diving operations (Rule 38).

(a) When industrial or commercial diving operations are under way in the Canal, or waters adjacent thereto, a revolving red light shall be displayed in all weathers from sunset to sunrise from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient intensity as to be visible for not less than 1 mile. A flag of the type described in paragraph (b) of this section shall be displayed from such craft from sunrise to sunset. Vessels approaching or passing an area where diving operations are under way shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(b) Recreational skin diving in waters of the Canal, including Gaillard Cut and the channel through Gatun and Miraflores Lakes and in the waters of all ship's anchorages is prohibited unless authorized in writing by the Chief, Navigation Division or his designee. Authorization shall not be given for skin diving at night. When recreational skin diving activites are under way in the Canal, or waters adjacent thereto, a flag with a hoist or height of not less than 18 inches and a fly or length of not less than 18 inches and having a red background and a 3½-inch diagonal white stripe, running from the upper corner of the staff end of the flag to the lower corner of the outside end of the flag, shall be displayed from the mast of the craft serving the skin-diver. Flags larger than the foregoing minimum dimensions shall preserve the same proportions. Vessels approaching an area where such skin diving activities are under way shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

§ 111.39 Water skiing prohibited (Rule 39).

No person shall operate a motorboat or other vessel in or across the navigable channels or merchant vessel anchorages while towing a person or persons on water skis, or aquaplane or similar device at any time.

§ 111.40 Operation of small craft and recreational vessels in the Canal waters (Rule 40).

(a) For the purpose of this section, a small craft is defined as any vessel for recreational purposes which is not required to have the assistance of locomotives when transiting the locks.

(b) A small craft shall not be operated by any person who is intoxicated or who is a habitual user, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the craft or vessel. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) No person shall operate a small craft so close to a transiting or other vessel so as to hamper the safe operation of either vessel; nor shall any person operate a small craft in a negligent manner so as to endanger life and property.

(d) No person shall operate a small craft in the navigation channels of the Canal except when such operation is incidental to movement between points on either side of the navigation channel.

§ 111.41 Lights; marking of pipelines laid in navigable waters (Rule 41).

Whenever a pipeline is laid in navigable waters, it shall be marked at night by amber lights at intervals of 200 feet. The lights marking the limits of the gate shall be a vertical display of a white and a red light, the white light to be at least 4 feet above the red light. These lights shall be so constructed as to show all around the horizon and be visible from distance of at least 1 mile.

Dated: July 11, 1983.

D.P. McAuliffe,

Administrator.

[FR Doc 83-21412 Filed 8-5-83; 8:45 am]

BILLING CODE 3640-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM82-3]

Rate and Classification Proposals

August 1, 1983.

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Postal Rate Commission proposes to amend sections 54(f)(2), 54(n) and 102(d) of its rules of practice, (3001.54(f)(2), 3001.54(n) and 3001.102(d), respectively). Current Commission rules require that requests for recommended rate or classification decisions be supported by projections of estimated accrued costs for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request. The proposed amendment would allow the projections of estimated costs to be for a fiscal year beginning not more than 24 months rather than 12 months subsequent to the filing of rate and classification cases. The Commission also proposes to add to the list of reports filed on an irregular basis with the Commission. Under the current rules the prior rate case reconciliation is not filed with the Commission until the filing of the next general rate case. The proposed amendment would require this report to be filed within six months following the end of the last fiscal year included in the test year.

DATES: Comments responsive to this Notice should be filed on or before September 9, 1983.

ADDRESSES: Comments and other correspondence relating to this Notice should be sent to the Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3824).

SUPPLEMENTAL INFORMATION: On September 28, 1982, (October 7, 1982; 47 FR 44348), the Commission issued an Advance Notice of Proposed Rulemaking soliciting comments with a view toward amending the portion of Rule 54 of the Commission's Rules of Practice which defines the test year for

rate and classification cases.[1] For both rate and classification proceedings, Rule 54(f)(2) requires that the Postal Service provide projections of estimated accrued costs "for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request." In general rate case filings, the projections of estimated accrued costs support a major portion of the revenue requirement requested by the Postal Service and result from the particular set of rates which they have proposed. As such, they underlie one of the major items we must evaluate in order to recommend a decision. In classification cases and limited rate cases, accrued costs constitute a part of the factual foundation which the Commission considers in making recommendations on classification and limited rate change proposals.

In our Advance Notice of Proposed Rulemaking, we asked commenters to address separately the merits of amending Rule 54(f)(2) in the context of (1) omnibus or general rate cases, and (2) classification and limited rate cases. Insofar as omnibus rate cases are concerned the Commission noted that in each of the last three rate cases the Postal Service applied for a waiver of certain requirements contained in Rule 54(f)(2). Prior to the filing of Docket No. R76–1, the Postal Service in December 1974, moved to premise its rate proposal on a FY 1977 test year. At the time the rate request was made, FY 1977 would have not been "completed until more than thirty months from the date of the request." [2] The Commission denied the Postal Service's request to use FY 1977 as the test year because such a test year was deemed to be too prospective. Hence, FY 1976 was used as the test year in Docket No. R76–1 and as a consequence the rates comtemplated by the Postal Service's September 1975 filing were not placed into effect—and then on a temporary basis—until December 31, 1975, seven months into the test year. Docket No. R76–1 permanent rates did not become effective until July 6, 1976, which was after the end of FY 1976.

In Docket Nos. R77–1 and R80–1, instead of seeking a more prospective test year, *i.e.*, one beginning more than 12 months after the filing, the Postal Service sought and obtained a waiver of that portion of Rule 54(f)(2) that requires the test year to be a fiscal year. Thus, in Docket No. R77–1 after the Commission granted the waiver, the Postal Service was able to use a "hybrid test year" consisting of two quarters of FY 1978 and two quarters of FY 1979. Allowing the Postal Service to use a hybrid test year resulted in a test year approximately six months more prospective than would have been otherwise allowed under Rule 54(f)(2). The relaxation of the requirement of Rule 54(f)(2) coupled with the Commission's issuance of an opinion within 10 months of the Postal Service's filing allowed permanent rates to become effective two months after the beginning of the test year.

Again, in Docket No. R80–1 the Postal Service requested a waiver of the fiscal year filing requirement. The commission granted this waiver and the Postal Service filed its rate case with a test year beginning on March 22, 1981. In Docket No. R80–1, the Commission issued its opinion and recommended decision within 10 months thereby allowing the Governors sufficient time to implement the Commission's recommended rates before the beginning of the test year.

The Governors of the Postal Service upon reviewing the Commission's Opinion and Recommended Decision in Docket No. R80–1 decided that the revenue requirement reductions totaling approximately a billion dollars by the Commission intruded upon the Postal Service's managerial discretion and jeopardized the ability of the Postal Service to achieve break-even during the test year. In the March 10, 1981 Decision of the Governors addressing this subject there was language which suggested the possibility that the Governors may desire the Commission to recommend rates that would provide for break-even for a period in excess of one year. Specifically, the Governors stated "it certainly does not violate the statute to space rate filings so that the net financial gain in one year or in 18 months is roughly balanced by a net loss of the next period." Although we recognize that the Governors in their comments in response to the Advance Notice of Proposed Rulemaking indicated that the above quotation did not imply that the Governors favored establishing rates that would create a surplus beyond that required for recovery of prior year losses, on its face the above quoted language did raise the possibility of extending the test year beyond one year to perhaps two or three years.

Taking into account (1) the fact that the Postal Service had requested a waiver of Rule 54(f)(2) in each of the last three rate cases, and (2) the possibility that an extended test period may be desirable, the Commission issued its September 28, 1982 Advance Notice of Proposed Rulemaking. In this notice the Commission discussed various alternatives to the existing Rule 54(f)(2) and invited comments thereon. There were three principal proposals suggested in the Advance Rulemaking and addressed by commenters to the Advance Rulemaking. The first proposal was to eliminate the fiscal year requirement in Rule 54(f)(2) and replace it with a requirement of four consecutive accounting quarters. This amendment to Rule 54(f)(2) would simply incorporate permanently the essence of the Docket Nos. R77–1 and R80–1 waiver requirements wherein the Commission allowed the Postal Service to use a hybrid test year instead of a fiscal test year.

The second prooposal suggested in the Advance Notice of Proposed Rulemaking was to maintain the fiscal year requirement but to allow a more prospective test year perhaps one of up to 21 months. This alternative suggestion would incorporate within our rules the essence of the waiver request made by the Postal Service in Docket No. R76–1 which the Commission at that time rejected.

The third proposal would expand the test period to more than one year thereby permitting the Commission to recommend rates for a two- to three-year period. This would allow the Postal Service to negate the effects of rates not being implemented until sometime into the test year because with an extended test year period the first part of the test period would generate surpluses which would offset losses incurred during the latter part of the test period. the Postal Service would then be able to time its rate filings so as to prevent losses from exceeding surpluses earned during the early portion of the test period.

As test year issues and the Postal Service's policy regarding the timing of rate cases is a matter peculiarly within the ambit of the Governors' responsibilities as the policy making body of the Postal Service, our Advance Notice of Proposed Rulemaking specifically solicited comments from the Governors of the Postal Service (hereinafter Governors). On December 10, 1982, the Governors filed their comments in response to the Advance Notice of Proposed Rulemaking. Additionally, nine other entities filed comments in response to our Advance Notice of Proposed Rulemaking. As evident from the ensuing discussion we have taken full account of the comments provided by the Governors and the various commenters. We wish to express our sincere appreciation for the time and effort spent by the Governors

[1] 39 CFR 3001.54(f)(2).
[2] PRC Op. R76–1, Appendix B, pp. 2–3.

and the the various commenters in providing the comments.[3]

In this Notice of Proposed Rulemaking, we propose amending Rule 54(f)(2) to allow the Postal Service to select a fiscal year test year which may begin up to 24 months from the filing of the formal request.[4] The current rule requires the test period to be a fiscal year beginning within 12 months of the date of filing. As we demonstrate below, this rule is unduly unrestrictive.

In the Advance Notice, and previously in Docket No. R76–1, we indicated that contemporary ratemaking contemplates that the test year will cover a time span representative of the period rates are to be in effect.[5] Assuming a 10–12 month period between the filing of a rate case and the implementation of recommended rates, the existing requirements that the test year be a fiscal year and commence within 12 months from the filing date narrowly circumscribes the Postal Service's ability to time rate filings and still have the proposed rates be in effect throughout the entire fiscal year test year. Specifically, assuming a 10-month period between filing and implementation of rate proposals, the effect of the current rule requires the Postal Service to file in October or November with new rates being implemented on or slightly before October 1 of the next year. If the Postal Service files any time during a fiscal year after November and it takes ten months for the Commission and the Governors to implement the new rates, perforce the new rates could not be in effect at the beginning of the test year.

The Governors noted in their comments at p. 7 of the Appendix, that the existing rule not only unduly interferes with managerial discretion of the Postal Service in selecting when to change postal rates, but also is likely to create hardships on mailers if, to comply with the rule, rate cases are filed in October or November contemplating the institution of rates at the beginning of the next fiscal year on October 1. Mailers would be adversely affected because October is near the start of the peak mailing season. We concur with the Governors and other commenters addressing this issue that the existing rule is unduly restrictive. It was in part to remedy this situation that we issued the Advance Notice in which we proposed three options to amend Rule 54(f)(2). As indicated above, of the three options presented we are of the opinion that extending the lead time between the filing date and the beginning of the test year from 12 to 24 months best remedies this situation in a fashion compatible with the interests of the Postal Service, the public and the Commission.

We do not find the reasons advanced by the various commenters in support of the other two options, a hybrid test year of expanding the test period from two to three years, to be sufficient to overcome the benefits to the ratemaking process of maintaining the fiscal year test year requirement. Only by retaining the requirement of a fiscal year test year will the Commission and the parties have the ability to compare estimates to actual results and thereby be able to check the validity of test year data. Employment of a hybrid test year does not permit the Commission to readily accomplish this task.

A fiscal test year is required to allow the Commission to check its results with audited figures. A review of Docket No. R80–1 indicates the problems of attempting to reconcile hybrid forecasts and audited fiscal year data. In Docket No. R80–1, the Commission approved the Postal Service's motion to use a hybrid test year of the last two quarters of FY 1981 and the first two quarters of FY 1982. At the end of FY 1981, the Postal Service adjusted its workers' compensation model which resulted in an increase of over $500 million in workers' compensation expense. In attempting to trace these costs to the hybrid test year it is not possible to ascertain which portion of that adjustment should be applied to the hybrid test year. Similarly, in FY 1982, the Postal Service's external auditors adjusted workers' compensation to reduce costs by over $370 million. Although the Postal Service did not accept that adjustment and accepted a qualified endorsement of its financial results from the auditors for that reason, it still remains unclear how this adjustment will affect the hybrid test year. In all probability, without audited financial data, the existence of a $370 million reduction in costs would not be known. An audited statement highlights any problems in the financial data and insures some continuity in treatment of specific items of costs.

Another reason for requiring a fiscal test year is that the major cost system with which the Commission could check its projections, the in-office cost system (IOCS), is produced on an annual basis. It is impossible to check test year projections with actual results based upon the IOCS if the test year is not a fiscal year.[6] In these ways, a fiscal year with audited financial data assists the Commission, the Service and all interested parties to examine the results of rate case projections.

The commenters advocating a hybrid test year argue against extending the beginning of the test year forward because "such a test year would be more speculative . . . as the estimates would be more remote from actual data." (UPS Comments, November 10, 1982, p. 1). While this is a valid point its relative importance is not sufficient to overcome the above-described advantages of a fiscal year test year. Although our proposed amendment permits the test year to begin as much as 24 months from the date of filing, based on experience in Docket Nos. R77–1 and R80–1, we believe that normally the Postal Service would only employ a test year beginning 18 months and not 24 months from the date of filing.[7] An 18 month span from the date of filing to the beginning of the test year results in a test year only six months more prospective than under the current rules. Forecasting six months more into the future than under our current rules, will not seriously impair our ability to estimate costs, volumes and revenues.

A review of the Governors comments convinces us that rarely will the Postal Service take advantage of the latitude of using a test year beginning as much as 24 months into the future. Assuming continuing inflation, to begin the test year approximately 24 months into the future would result in higher rates than with a more proximate test year. These higher rates would "tend to discourage increases in mail volume" and "could well be counterproductive with respect to maintaining rate stability." (Governors Comments, December 10, 1982, Appendix, p. 6). We fully agree with the Governors and do not expect the Postal Service routinely to attempt to maximize rates by selecting a test year which is prospective to the maximum extent possible under the

[3] We especially approciated the cogent comments of the Bureau of Economics, the Bureau of Consumer Protection, and the Bureau of Competition of the Federal Trade Commission.

[4] This is essentially the same option as surfaced in our Advance Notice except that we are lengthening the period from 21 to 24 months. Utilizing 24 months as the lead period provides complete discretion to the Postal Service in the filing of its rate case, whereas the 21 month lead time could possibly cause delays in filing for a few months in circumstances where a filing was contemplated during the period from October to December.

[5] PRC Op. R76–1, Appendix B, p. 1.

[6] Data for the IOCS are collected on a quarterly basis, but the quarterly sample size is not large enough for small volume categories to produce reliable results.

[7] In both Docket Nos. R77–1 and R80–1, a hybrid test year was employed consisting of the last two quarters of one fiscal year and the first two quarters of the next fiscal year.

proposed rule. Rather, we expect the Postal Service will continue to be guided by its statutory obligation of acting in the public interest, and propose rate increases only to the extent necessary to provide future revenues sufficient to offset costs. Of course, as appropriate, the proposed rule will not foreclose Postal Service from seeking waivers.

Also, we are not proposing that the test year be expanded to a two to three year test period as suggested by three parties.[8] To have a prospective test period of the length suggested by these parties involves extensive forecasting for lengthy periods that are far more remote than that contemplated by our proposed amendment. Costs and volume projections as far into the future as would be required with a two or three year test period cannot be made with sufficient confidence to ensure fairness and equity.

Furthermore, the two parties supporting an extended test year condition their recommendation on "a provision requiring stepped rates." (Comments of Third-Class Mail Association, November 9, 1982, p. 3; Envelope Manufacturers Association, November 10, 1982, p. 2). We are not convinced that stepped rates are in the public interest or consistent with the rate-making procedures contemplated in the Postal Reorganization Act.

Historically, the rates which are the subject of each Commission proceeding have remained substantially in effect on a temporary and permanent basis for three years. These rates are based on a test year that begins as near the filing date as feasible while at the same time satisfying our objective of having the rates resulting from the proceeding actually be in effect at the beginning of the test year. A three year test period would presumably envision rate changes beyond the initial test year, each rate change being instituted to achieve breakeven in the various years comprising the extended test period. Under this scenerio the Commission's recommended rates reflecting the second and third steps would not actually become effective for perhaps four to five years or even longer from the first step of the multi-step rate increase. This is because the Commission's recommended rates for the first year of this extended period as they are for the test year under the present proceeding are required to satisfy the break-even requirement of 39 U.S.C. 3621. While these rates only seek to achieve breakeven in the test year, historically they have proved to be sufficient for a three year period. This being the case it would appear that, as under the current rule, it will continue to be unnecessary to institute the second step of a multi-step rate increase until after the three year period. This would mean that, for example, if there were three stepped rates the actual implementation of the stepped rates may be four, five and possible more years from the filing date. We are not prepared to recommend rates which at the discretion of the Governors, pursuant to section 3625(f) may not go into effect for this many years from the date of the Postal Service's rate filing.

Aside from the difficulty of forecasting that far into the future, we are concerned that magnitude of discretion afforded the Board of Governors as to the timing of rate increases under this approach may contravene section 3622 of the Postal Reorganization Act. Section 3622 requires that the Postal Service secure Commission review of rate changes before they are instituted.

Finally, in our Advance Notice of Proposed Rulemaking, we solicited comments on amending the test year requirements for limited rate cases and classification cases. The parties providing comments addressing this subject recognized that in certain circumstances a historical test year may be appropriate while in other circumstances a prospective test year may be appropriate. The parties also noted that the current Rule 54(f)(2) which is applicable to classification cases through Rule 64(d) provides sufficient flexibility to the Postal Service and the Commission to act according to the unique circumstances peculiar to each proceeding. For this reason, except to the extent the amendment to section 54(f)(2) discussed above also affects classification and limited rate cases, we are not recommending any changes in the test year rules relating to classification and limited rate changes.

Amendment to Rule 102(d)

Under our current rules, pursuant to Rule 54(n), the Postal Service provides a reconciliation between prior test year estimates and actual results in its next formal request for changes in rates. As far as we are aware, there is not any reason why this reconciliation could not be filed as data becomes available after the completion of the test year. Providing this data before the filing of a rate case would benefit the Commission and parties as it would allow review and analysis with a view toward improving estimating techniques during the period between rate cases rather than solely during the more hectic period when an omnibus rate case is pending before the Commission. For this reason, we propose requiring the filing of the rate case reconciliation no later than six months following the end of the last fiscal year included in the test year of the last rate case. We propose implementing this proposal by essentially transferring Rule 54(n) to Rule 102(d) and providing therein the filing due date discussed above.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Confidential business information, Freedom of Information, Postal Service, Sunshine Act.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Accordingly, the Commission proposes to amend Rules 54(f)(2), 54(n) and 102(d) of the rules of practice (39 CFR 3001.54(f)(2), 301.54(n) and 3001.102(d)) as follows:

§ 3001.54 [Amended]

1. Amend § 3001.54(f)(2) to remove the number "12" and insert in its place the number "24" in the second sentence to read as follows:

* * * * *

(f) * * *

(2) * * * Estimated accrued costs referred to in paragraph (f)(2)(ii) of this section shall be for a fiscal year beginning not more than 24 months subsequent to the filing date of the formal request. * * *

2. Remove § 3001.54(n) and redesignate current paragraphs (o) through (t) as paragraphs (n) through (s), respectively.

§ 3001.102 [Amended]

3. Amend § 3001.102(d) by adding new subparagraph (d)(4) to read as follows:

* * * * *

(d) * * *

(4) A report containing, to the extent practical, an explanation considering both price and nonprice variables, of the reasons that the costs (by cost segment), revenues and volumes (by class and subclass of mail), projected for the test period used in the most recently concluded rate case, differ from the actual accrued costs, revenues and volumes (six months following the end of the last fiscal year included in the test year of the last rate case).

[8] Alliance of Nonprofit Mailers, Third-Class Mail Association, and Envelope Manufacturers Association.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-21292 Filed 8-5-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2383-6]

Approval and Promulgation of Implementation Plans; Ohio

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

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to remove several of the conditions on EPA's approval of the 1979 revision of the ozone portion of Ohio's State Implementation Plan (SIP). EPA's action is based upon a revision request and supportive documentation which was submitted by the State to satisfy EPA's conditional approval of the SIP published as a final rule in the **Federal Register** on October 31, 1980 at page 72122. The intent of the State's action is to satisfy the requirements of Part D of the Clean Air Act.

DATE: Comments on this revision and on the proposed EPA action must be received by September 7, 1983.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Sharon Reinders at (312) 886-6034 before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Comments on this proposed rule should be addressed to: (Please submit an original and five copies if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AP-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, Air and Radiation Branch, (312) 886-6034.

SUPPLEMENTARY INFORMATION: On October 31, 1980. (45 FR 72122, 45 FR 72143) EPA conditionally approved certain revisions to the ozone portion of the Ohio 1979 SIP submitted to EPA pursuant to Part D of the Clean Air Act (40 CFR Part 52). EPA's approval was based upon the State's commitment to remedy the conditionally approved items in a manner outlined at 40 CFR part 52.1885 and 52.1886.

In today's rulemaking action, EPA is proposing to remove several of the conditions. The first condition concerns the size cutoff below which gasoline service stations are not required to install Stage I vapor balance equipment. EPA recommends that this cutoff be set at a sales volume of 120,000 gallons per year. Ohio set this cutoff at 240,000 gallons per year. Thus, EPA requested that Ohio either justify or modify its cutoff. The second condition required that Ohio document the paving emissions remaining after the implementation of the regulation prohibiting the use of cutback asphalt. Ohio assumed that this regulation would completely eliminate paving emissions. EPA requested that Ohio calculate and document the emissions from uses of cutback asphalt which are exempted from the regulation. A third condition required that Ohio submit demonstrations of reasonable further progress in the Canton and Youngstown areas. These demonstrations were to reflect any revisions in emission estimates such as the revisions for cutback asphalt.

As outlined at 40 CFR 52.1885 and 52.1886, the conditional items are as follows:

Area	Items
1. All areas not attaining the ozone standard by December 31, 1982.	For Rule 09(R) of Chapter 3745-21 of the Ohio Administrative Code, the State must submit to EPA by October 1, 1980, either a demonstration that allowable emissions resulting from the application of its existing rule with a 240,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the Control Techniques Guideline (CTG) presumptive norm or, if the demonstration indicates otherwise, then the State must submit to EPA by February 15, 1981, a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities.
2. Youngstown and Canton Metropolitan areas.	The State must submit to EPA either technical support for the 100% Volatile Organic Compound (VOC) emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category. The State must also submit a revised Reasonable Further Progress (RFP) demonstration line to account for any changes made in the attainment demonstrations.
3. Cleveland and Columbus Metropolitan areas.	The State must submit to EPA either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or, a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category.

On January 11, 1983, the Ohio Environmental Protection Agency (OEPA) submitted justification and supportive documentation for the two categories of gasoline dispensing facilities and cutback asphalt. On March 2, 1983, OEPA submitted demonstrations of reasonable further progress in the Canton and Youngstown areas. EPA has completed its review and has determined that the submittals satisfy the requirements outlined in the CFR with one exception. This exception concerns gasoline dispensing facilities located in Summit and Portage Counties and may result in a continuation of the first conditional item noted above, Rule 3745-21-09R, as its applies to sources located in Summit and Portage Counties.

The results of EPA's review are summarized below. The State submittals and a technical support document containing a complete discussion of EPA's review is available at the Region V office.

EPA has separate policies on Stage I vapor control regulations for areas attaining the ozone standard by December 31, 1982, versus areas needing an extension of the attainment deadline. In both types of areas, EPA encourages States to apply these regulations to all service stations selling at least 120,000 gallons of gasoline per year. However, for areas attaining the standard by the end of 1982, EPA does not require controls on sources emitting less than 100 tons VOC per year, provided such controls are not necesary to demonstate attainment by the end of 1982. Ohio's regulation clearly meets EPA's requirements for areas attaining by the end of 1982, because its regulation covers all sources emitting over 100 tons VOC per year as well as most sources emitting less than 100 tons VOC per year. For areas which need an extension of the attainment deadline beyond 1982, EPA requires that the State either have a regulation which uses a cutoff size of tank capacity of 120,000 gallons. A throughput exemption of 120,000 gallons per year is acceptable because it has been demonstrated to result in VOC emissions no more than 5 percent above the emissions based on the recommended regulation.

Ohio's regulation cannot be said to meet EPA's requirements for areas needing an attainment deadline extension, because the regulation has not been demonstrated to result in similar emissions as the recommended regulation.

In the February 3, 1983 **Federal Register**, pages 5118-5122, EPA proposed to approve Ohio's recent demonstrations that the Cleveland and

Cincinnati extension areas would attain the standard by December 31, 1982. Furthermore, the 1979 SIP demonstrated attainment by the end of 1982 for the remainder of Ohio. Therefore, it is likely that the condition on the 1979 SIP approval is met for most of the rest of Ohio, except for Summit and Portage Counties for the following reason. In the February 3, 1983 **Federal Register**, pages 4472–5049 of Appendix D, EPA proposed to find these counties "unlikely to attain the NAAQS" (National Ambient Air Quality Standards) for ozone by the end of 1982. Therefore, these counties may be subject to the more stringent policy discussed above for controlling emissions from gasoline dispensing facilities. Thus, in today's rulemaking action, EPA is proposing that Ohio has not satisfied the requirements of the first condition concerning gasoline dispensing facilities in Summit and Portage Counties but appears to have met the condition for the remainder of the State. However, if after receipt and evaluation of public comment on the proposed attainment *status* of Summit and Portage Counties EPA determines that these counties have attained the NAAQS for ozone by the end of 1982, then EPA will take final action to remove this condition for Summit and Portage Counties. In addition, if EPA finally approves the demonstrations of *attainment* for the Cleveland and Cincinnati areas, then EPA will take final action to remove this condition for the Clevelend and Cincinnati areas. If EPA disapproves the demonstrations of attainment, then this condition will remain for the Cleveland and Cincinnati areas.

EPA's second condition, concerning cutback asphalt, required Ohio to quantify and document the emissions from uses of cutback asphalt which are exempted from Ohio's regulation. Ohio has documented both the emissions from wintertime use (when emulsified asphalts are difficult to use) and the emissions from summertime use (principally road patching). The emission estimates appear reasonable and inclusion of these emissions does not cause the total emissions in any urban area to exceed the area's allowable emissions as of the end of 1982. Furthermore, in all areas of Ohio, the inclusion of nonzero emissions for post-control cutback asphalt use does not invalidate the demonstration of attainment. Although the Akron area (Summit and Portage Counties) appears unlikely to attain the NAAQS by the end of 1982, this potential problem is not attributable to any deficiencies in Ohio's cutback asphalt regulation.

Therefore, based on the information contained in Ohio's submittal, EPA is proposing to remove the second condition on the approval of the 1979 ozone SIP.

EPA's third condition required that Ohio submit demonstrations of reasonable further progress toward attaining the ozone standard in the Canton and Youngstown areas. Ohio submitted these reasonable further progress demonstrations on March 2, 1983. This submittal provides a suitable demonstration that these areas were achieving reasonable further progress. Therefore, EPA is proposing to remove this condition on the approval of the 1979 ozone SIP.

In summary, EPA is proposing that (1) Stage I vapor balance control equipment at gasoline dispensing facilities having sales volumes between 120,000 and 240,000 gallons per year is required for sources located only in Summit and Portage Counties; (2) Inclusion of paving emissions from uses of cutback asphalt which are exempted from control requirements does not cause the total emissions in any urban area to exceed the area's allowable emissions as of the end of 1982; and, (3) Reasonable further progress toward attainment of the ozone standards was achieved in the Canton and Youngstown areas as of the end of 1982.

Interested parties are invited to comment on these proposed actions. Comments should be submitted to the EPA Region V office listed above.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

(Secs. 110, 172 and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))

Dated: June 6, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-21483 Filed 8-5-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[Docket No. 107A–3–FRL 2369–6]

Commonwealth of Pennsylvania; Proposed Redesignation to Attainment Status

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces a proposed change in the air quality designation for the Lower Beaver Valley Air Basin (Beaver County) in Pennsylvania to a "Better Than National Standards" status with respect to the National Ambient Air Quality Standards for Sulfur Dioxide (SO_2). This change is based on a dispersion modeling study and on eight consecutive calendar quarters of air quality monitoring data showing attainment.

DATE: Comments must be submitted on or before September 7, 1983.

ADDRESS: Written comments should be addressed to Mr. Glenn Hanson at the EPA, Region III address shown below. Copies of the proposed redesignation and supporting documentation may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency,
Region III,
Air Management Branch,
Curtis Building,
6th & Walnut Streets,
Philadelphia, PA 19106, Attn: Patricia Gaughan (3AW12)

Commonwealth of Pennsylvania,
Department of Environmental Resources,
Bureau of Air Quality Control,
200 North 3rd Street,
Harrisburg, PA 17120, Attn: Gary Triplett

FOR FURTHER INFORMATION CONTACT: Eileen M. Glen (215/597–8187) at the EPA, Region III address indicated above.

SUPPLEMENTARY INFORMATION: The Pennsylvania Department of Environmental Resources has submitted to the U.S. Environmental Protection Agency (EPA) a request to have the Lower Beaver Valley Air Basin (Beaver County, Pennsylvania) redesignated from nonattainment to a "Better Than National Standards" status for SO_2 under Section 107 of the Clean Air Act and 40 CFR Part 81.

The air quality data for January 1980 through the latter part of 1982 indicate that this area shows no violations of the SO_2 air quality standards. EPA has examined the air quality data collected from the three monitoring sites used to

demonstrate attainment and found that the data were collected in accordance with all EPA requirements. Also, the H. E. Cramer modeling study (EPA–903/9–81–001) has demonstrated SO_2 attainment for the Lower Beaver Valley Air Basin, considering the greater of either SIP allowable or actual emissions for the sources in that area. Currently, all major sources in this area are in compliance.

Conclusion: EPA is proposing to approve Pennsylvania's request to redesignate the Lower Beaver Valley Air Basin (Beaver County) to "Better Than National Standards" status for SO_2.

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

Under 5 U.S.C. Section 605(b), I certify that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas, Intergovernmental relations.

Authority: Sec. 107, Clean Air Act (42 U.S.C. 7407).

Dated: April 29, 1983.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 83–21486 Filed 8–5–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[TN–003; A–4–FRL 2411–8]

Designation of Areas for Air Quality Planning Purposes, Tennessee; Redesignation of Particulate Area.

AGENCY: Evironmental Protection Agency.

ACTION: Withdrawal of proposed rule.

SUMMARY: On February 8, 1983 (48 FR 5765), EPA proposed approval of a request made by Tennessee that the attainment status designation of a portion of Roane County within the Clymersville section of Rockwood be changed from attainment to unclassifiable for particulates. Based on information received concerning the attainment status of this area, the Agency is withdrawing the proposal to redesignate it.

DATE: This action is effective on August 8, 1983.

ADDRESS: Copies of the materials submitted by Tennessee and comments received may be examined during normal business hours at the following locations:

Air Management Branch, Evironmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365

Tennessee Department of Public Health, 150 9th Avenue North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory, EPA Region IV, Air Management Branch at the Region IV address above or call 404/881–3286 (FTS 257–3286).

SUPPLEMENTARY INFORMATION: On January 27, 1982, the Tennessee Air Pollution Control Board changed the attainment status of that portion of Roane County within the Clymersville section of Rockwood to unclassifiable for total suspended particulate matter (TSP) in relation to the National Ambient Air Quality Standards (NAAQS). Based on the information submitted, EPA proposed to change the attainment status designation of this area from attainment to unclassifiable (48 FR 5765 February 8, 1983).

In the redesignation proposal, EPA provided the public a 30-day public comment period.

EPA has received one comment on this proposal. The commenter questioned the need for redesignation from attainment to unclassified, and supplied more than three years of air quality data showing no violations. In addition, the State has informed EPA by letter that it is planning to reclassify the area attainment this summer. Based on the above information, EPA is withdrawing the proposed redesignation of that portion of Roane County within the Cylmersville section of Rockwood from attainment to unclassified. The area remains attainment for TSP.

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

Lists of Subject in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: June 21, 1983.

Charles R. Jeter,

Regional Administrative.

[FR Doc. 83–21487 Filed 8–5–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts, 10, 35,157, 175, 185, 186, and 187

[CGD 81–059]

Licensing of Officers and Operators and Registration of Staff Officers

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the regulations concerning the licensing of officers and operators and the registration of staff officers. The changes would implement provisions of Pub. L. 96–378 which requires the Coast Guard to establish carreer patterns appropriate to the particular service or industry in which the officers are engaged, and which also required licensed officers on all vessels subject to inspection, a status the existing small passenger vessel operators do not have. The proposal would simplify the license structures for ocean and inland service, delete many of the "trade" restricted licenses, simplify the licensing procedure by redesigning the format of the regulations and adding easy reference tables, and also minimize the impact of the International Convention on Standards of Training, Certification and Watchstanding for Seafarers, 1978, (STCW) by harmonizing most of the Coast Guard regulations with the Convention. The proposed amendments revise the regulations in 46 CFR Part 10, and modify the regulations for licensing personnel on small passenger vessels, and relocate them from Part 187 to Part 10.

In addition to the amendments to licensing regulations, some changes have been made to Parts 157, 175 and 185 to conform with the terminology, i.e. master and mate versus operator or ocean operator.

DATE: Comments must be received on or before December 6, 1983.

ADDRESS: Comment should be submitted to the: Executive Secretary, marine Safety Council (G–CMC), [CGD 81–058] U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

Comments will be available for inspection at the Marine Safety Council (G–CMC), Room 4403, Phone (202) 426–1477 between the hours of 8 a.m. and 4 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: LCDR George N. Naccara, Project

Manager, Office of Merchant Marine Safety (G-MVP), Phone (202) 426-2240.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments. Comments should include the name and address of the person making them, identify this Notice (CGD 81-059), give the specific section of the proposal to which the comment applies, and the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed postcard or envelope. All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if it is determined that an opportunity to make oral presentations will aid the rulemaking process.

The Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) concerning these amendments on 29 October 1981 on FR 53624-FR 53627. 72 written comments were received in response to the ANPRM and are discussed in this document. Comments were received from private individuals, maritime attorneys, commercial enterprises, maritime unions, industry associations, state marine agencies, federal agencies, and state and federal maritime schools.

A simplified two license structure has been established for service on vessels on all inland waters for all tonnage categories and for vessels in near coastal service (defined as less than 200 miles offshore) in tonnage categories to 1600 gross tons. The tonnage categories of 0-200 gross tons, 200-1600 gross tons and unlimited (for vessels over 1600 gross tons) conform to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW), structure for deck licenses. Above the 1600 ton category for ocean or near coastal service (including the Great Lakes), the traditional four license structure will continue.

Nearly all of the "trade" restricted licenses have been eliminated; only those which are required by statute will remain, including licenses for uninspected towing vessels, uninspected fishing vessels, pilot, motorboat operator, and river mate (non-navigating). the uninspected vessel licenses, other than those just mentioned, for deck and engineer licenses, are also eliminated. The new license structure provides that a person with a license restricted by route or broad geographical area, such as Western Rivers, near coastal (or coastwise), the Great Lakes, or inland waters, may use that service in crossing over and progressing the other areas. Therefore, a person with an inland route limitation on a license who obtains a minimum amount of additional service may progress to an ocean or near coastal route in an orderly career pattern.

Another concept introduced in these proposed regulations would require all masters, mates, pilots, operators, and engineers to successfully complete a comprehensive open-book exercise for renewal of license. This exercise for deck officers will include the Rules of the Road required previously. A Grade of 70% or better will be required for deck and engineer exercises. Also, to further encourage renewals by mail, this exercise may be administered through the mail for all licensed personnel.

All of the various subparts which addressed the generel requirements for particular licenses have been conbined in one subpart which applies to all licenses. Rather than the confusing and repetitive sections which existed in Subparts 10.02, 10.13, 10.15 10.16, etc., all general requirements are located in Subpart 10.02 with exceptions noted where appropriate. There is also a "quick reference table" for all general license categories and requirements which simplifies the information gathering process.

The section of Part 10 (Subpart 10.07) which adresses the licensing of pilots is not included in this notice. This subject is addressed in a separate regulatory project, CGD 77-084, "Licensing of Pilots: Manning of Vessels—Pilots" published on January 27, 1983. The revised table of Contents for Part 10 includes Subpart 10.07 which was proposed on January 27, 1983 (48 FR 3912).

The proposed regulations include a concept which would allow oral assisted examinations for all license levels. Realizing that reading and understanding the Institute prepared multiple choice exams have been a problem for some individuals, the Coast Guard proposes this alternative. This method provides an advantage to the applicants; therefore, they must meet certain stipulations. The applicant must first attempt to pass a complete written examination. If there is obvious difficulty, the oral examination with the Institute prepared questions is the alternative. The applicant will be issued a license limited to a specific route and specific type of vessel (i.e. tankship, OSV, etc.) upon which the service was gained. Since this oral assisted examination will consume a great amount of time and effort, there will be substantial delays in scheduling for examinations. These negative aspects should be emphasized to the applicant before even considering such an alternative.

Recent questions have been raised concerning the final rules for Radar Observer endorsements published 16 September 1982 in the **Federal Register** [47 FR 40800]. Regulations in §§ 10.05-46 and 10.30-5 governing the issuance and renewal of radar observer endorsements on deck officer's licenses are amended to reflect two policy modifications and further clarify the intent of the rules. Less emphasis will be placed on the rapid radar plotting skills required as part of the qualifications for Radar Observer [Inland Waters].

The proposed regulations use conventional terms for describing engineer licenses such as chief engineer, first assistant engineer, etc.; however, there are conflicts with the terms defined in the STCW Convention. In the Convention, an "assistant engineer" means a person under training to become an engineer officer. A "second assistant engineer" means the engineer officer next in rank to the chief engineer officer. Understanding that changing the basic license titles may be confusing, we welcome suggestions and comments to resolve this conflict.

Parts 186 and 187 of Title 46, Code of Federal Regulations would be deleted. the manning section has been revised and relocated in Part 157. The licenses as operator and ocean operator have become masters and mates with the tonnage limit extended to 200 gross tons, and the route limitation extended to all near coastal waters. The requirements for these licenses have been relocated in Part 10 as part of the overall license structure for inland and near coastal service.

The procedures described in this proposal are applicable only at the Regional Examination Centers (REC) as mentioned in § 10.01-7 of this Part.

Drafting Information

The principal person involved in drafting these rules is Lieutenant Commander George N. Naccara, Merchant Vessel Personnel Division, Office of Merchant Marine Safety.

Discussion of Comments

In general the comments received were very supportive of the proposed action. Many comments particularly advocated the simplification of the licensing structure and regulations.

deletion of trade restricted licenses and also requested a means to progress in a maritime career.

Many comments expressed concern regarding the changeover of their particular license with one in the new structure. A table included in this Notice lists the new licenses and those existing licenses which they replace. It should be noted that present license holders will not be penalized by the new structure regarding route endorsements on their licenses. For example, the holder of a license as "Master freight and towing vessels upon oceans" would be issued a new license as "Master of steam or motor vessels of not more than 1600 gross tons upon oceans" in the new structure. The holder of a coastwise license would obtain a license limited to "near coastal waters" defined as "200 miles offshore" in the new regulations.

In a related topic, those persons holding licenses as chief mate or first assistant engineer must, when converting to the new license structure and attempting to raise their license in grade to master or chief engineer respectively, complete a partial examination on "command" topics. These subjects would have been required at their present license levels if the applicants were to progress in the new structure. As proposed, the chief mate and first assistant engineer will only be required to submit 12 months of service to obtain a raise of grade in the future scheme; therefore, those presently holding these licenses would miss the exam subjects on "command."

Present license holders will have the opportunity to exchange their licenses either upon renewal or upon presentation of a letter from an employer justifying the need for the new license. Present license holders are defined as those who hold a valid license issued prior to the effective date of the final rule. Licensees may retain their present licenses if desired; however, new licenses which comply with and use STCW Convention terminology may be required in foreign ports.

In the proposed regulations, the definition of "inland waters" excludes the Great Lakes. As conditions of service on these waters are similar to those on near coastal waters, the Great Lakes license structure parallels ocean/near coastal categories regarding the rank system, amount of experience, and tonnage requirements. For unlimited tonnage deck licenses on the Great Lakes the four rank structure will be employed. The licenses are limited to near coastal waters which include waters up to 200 miles offshore, all inland waters, and the Great Lakes. To upgrade the near coastal/Great Lakes unlimited license to oceans, six months ocean service must be obtained in addition to completing the required examination topics. For the lower tonnage categories of 200–1600 and 0–200 gross tons, the Great Lakes' licenses parallel the near coastal structure as included in Subpart 10.05.

There were some comments received which involved mobile offshore drilling units and the applicability of the "industrial" license which has been issued in some Coast Guard offices. The need for these specialized licenses on mobile offshore units has been recognized for many years as these units have many unique operating conditions. In the proposed regulations, licenses as master/mate and chief/assistant engineer have been created. They will authorize service on self-propelled and non-self-propelled units while under tow or at the exploitation/exploration site. The licenses are designed to enable personnel serving in this industry and most familiar with its characteristics to qualify for the license without being examined in unnecessary skills. Furthermore, the descriptive phrase "mobile offshore units" has been defined in the regulations to include such vessels as mobile offshore drilling units, construction barges, pipelay barges, drill tenders, accomodation units and mobile oil well servicing units. Appropriate changes to the manning regulations accompany the new licenses. In this Notice, a new subpart is added, Subpart 157.45 Manning on MOUs, which addresses the types of licenses needed and the authority for imposing manning requirements. The recommended manning scales will be added to Chapter 52 of the Marine Safety Manual (CG–495).

Comments were received concerning the impact of the STCW, 1978, Convention upon Coast Guard licensing regulations. To the maximum extent possible, the provisions of this proposal parallel those of the Convention. In this regard, a new requirement for applicants for license as master or mate on vessels of 200 gross tons or more in ocean or near coastal service and licensed engineers serving on vessels of 1,000 horsepower or more in ocean or near coastal service will be to obtain a firefighting certificate from an approved training facility. Another related item deals with placing route restrictions on limited deck licenses which do not comply with STCW service requirements for ocean service. Therefore, the proposed regulations have departed from the STCW Convention service requirements for deck officers' licenses in the 200–1600 gross ton category. By limiting these licenses to near coastal routes, these deck officers may be issued licenses with reduced service levels. Upon obtaining the level of total experience equal to STCW requirements, the near coastal restriction may be removed with partial examination, if necessary. Similarly the proposed regulations provide for engineer (limited) licenses restricted to near coastal routes and certain tonnage limits. When the level of total experience is equal to the STCW requirements, the near coastal restriction may also be removed.

Some comments also expressed concern about the impact of the 1969 Tonnage Convention which came into force recently. The inevitably higher vessel tonnages resulting from measurement under the Convention will impact some licenses. Fortunately, the proposed tonnage categories will resolve most problems in that the primary vessels affected will remain in the 200–1600 gross ton category. In the case where the vessel's new tonnage crosses into another category, the Coast Guard will adjust the licenses to reflect the higher tonnage experience.

The proposed regulations contain license structure charts for all engineer licenses, conventional deck licenses, and special deck licenses. These charts are included in the text of the regulations in Subparts 10.05–3 (Deck License Structure), 10.05–32 (Special Deck License Structure) and 10.06–4 (Engineer License Structure); however, for clarity in understanding the thrust of the new regulations, they are also printed below. The structure charts indicate career patterns, license progressions, experience requirements, and references in the proposed regulations which describe each license.

BILLING CODE 4910-14-M

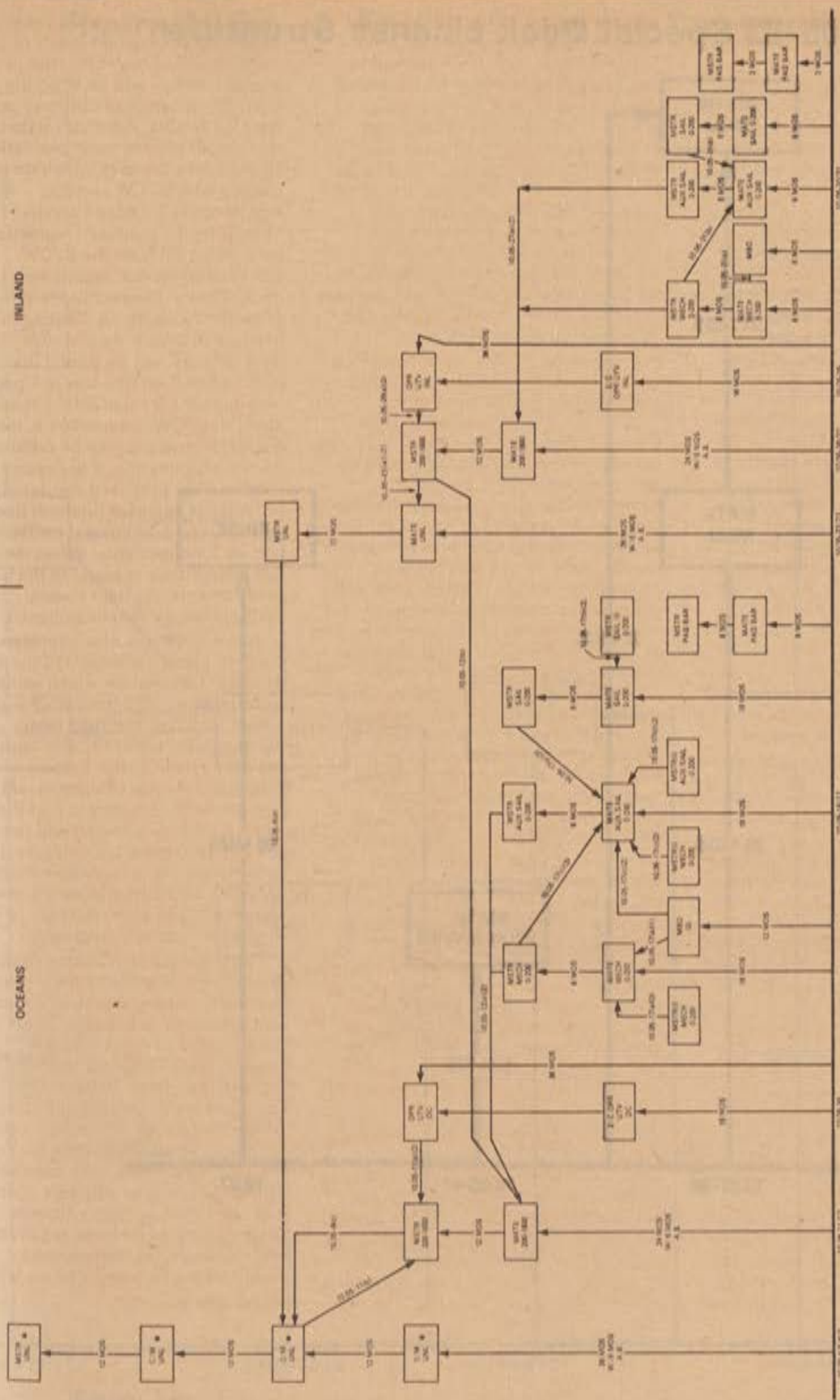


Figure 10.05-3 Deck License Structure

* Licenses for service on vessels of over 1600 gross tons on near coastal routes (including the Great Lakes) parallel this structure for service and tonnage requirements. The examination shall contain all subjects except those inappropriate for routes other than oceans, i.e., celestial navigation, ocean sailing problems, international maritime law, etc. In order to remove the near coastal route restriction at any level, an additional six months ocean service must be presented and any exam deficiencies completed. (See 10.05-1(b))

Figure 10.05-32 Special Deck License Structure

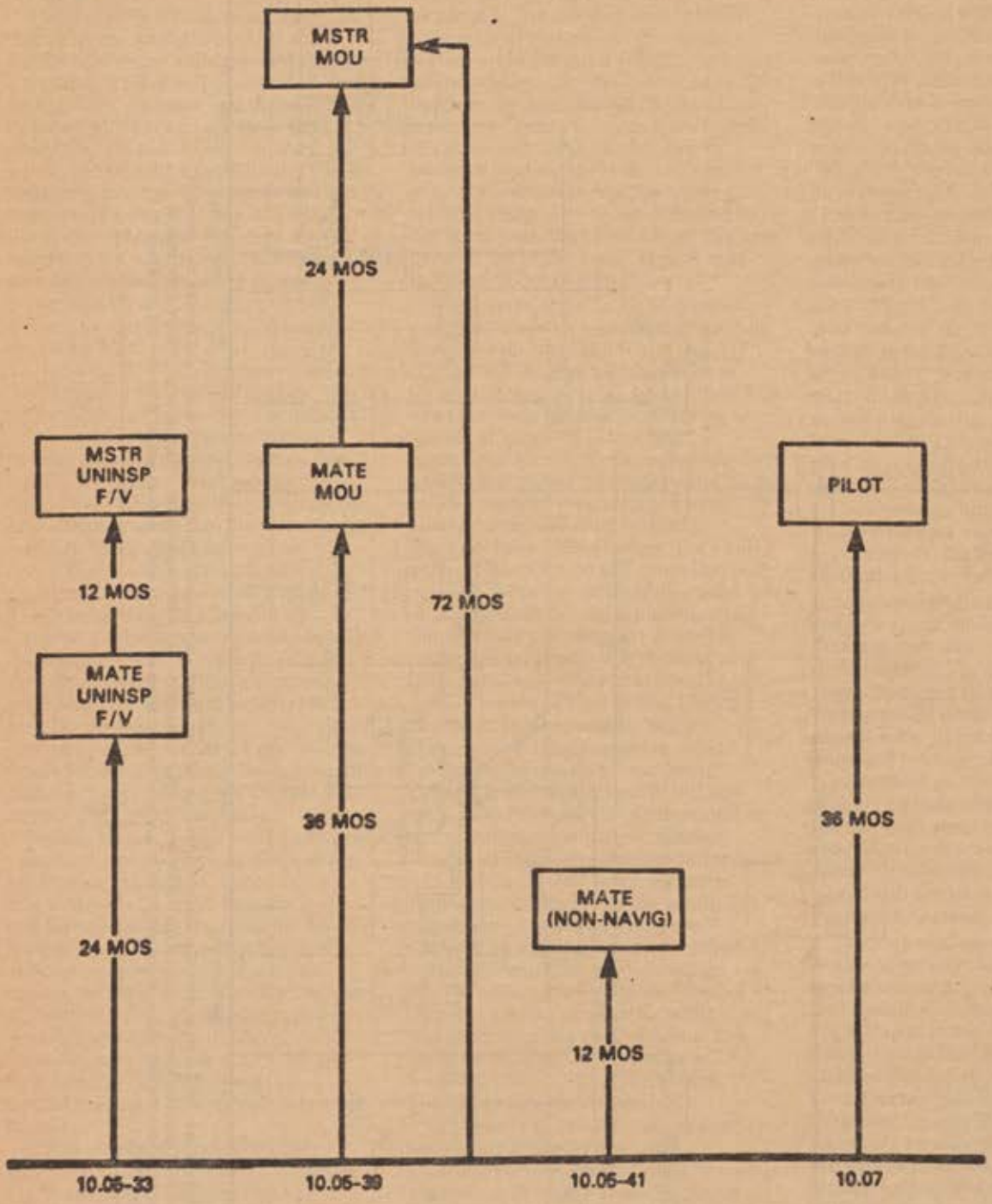
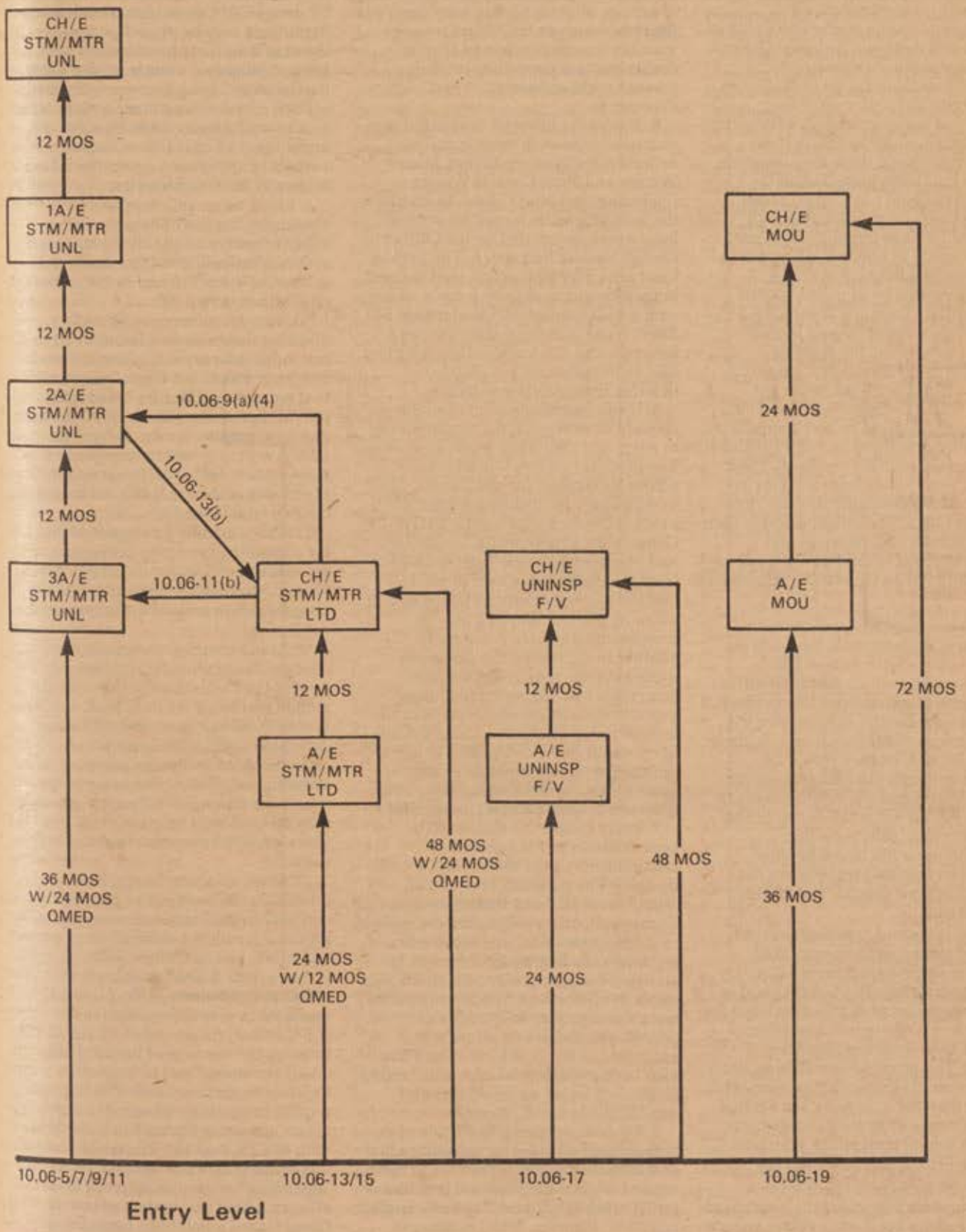


Figure 10.06—4 Engineer License Structure



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Specific Comment Areas:

1. Questions were received concerning the licenses which would replace those licenses as master or mate on uninspected vessels of any gross tons or masters and mate son National Oceanic and Atmospheric Administration (NOAA) vessels or Corps of Engineers vessels. Due to the nature of their service and the examination which they have taken in order to obtain these restricted licenses, there must be some tonnage limitation placed upon the license. We could not convert those licenses to masters and mates with unlimited tonnage directly. The Coast Guard intends to offer an altenative to these license holders. A tonnage limitation would be imposed which should satisfy their needs yet also accommodate the proposed license structure; therefore, the specific restriction of oceanographic research, Corps of Engineers or uninspected vessels would be removed from their licenses. A comment received suggested a 5000 gross ton limitation and the Coast Guard agrees with that concept. Their licenses would therefore read masters and mates of vessels of not more than 5000 gross tons. These licenses may then be converted to the conventional masters and mates unlimited type upon presentation of an equivalent amount of service.

2. Related questions were received concerning replacements for licenses limited to coastwise routes. The proposed rules contain two alternatives. All holders of a coastwise license may obtain a near coastal license with the same tonnage limitation, if any, as their present license, or they would be allowed to convert to unlimited oceans with an additional six months of ocean service. For an unlimited ocean license, applicants must take a partial examination on the topics (mainly celestial navigation) which were not included in their original coastwise license exam.

3. Questions and comments were received regarding the proposal of accepting shore-based experience or simulator training. The Coast Guard is proposing to accept shore experience for various levels of original and raise of grade of both deck and engineer licenses. The proposal would also allow substitution of simulator time or special training time for underway sea service. Simulator time or special training, as part of a school curriculum, may be submitted to the Commandant for acceptance as equivalent service.

4. Comments supported the concept of allowing credit for towing vessel service and permitting holders of licenses as operator of uninspected towing vessels to advance to masters and mates. Towing vessel operators with 12 months of service on their license may qualify in the new structure for limited tonnage master's licenses on inland or near coastal waters depending on their present route endorsement and experience.

5. Routes for licenses as operator on uninspected towing vessels will be endorsed for Western Rivers, Inland Waters and Near Coastal Waters (including the Great Lakes). In addition, the license may be issued for limited local areas designated by the Officer in charge, Marine Inspection. The limited local area may be a small, well defined body of water or may be a route as large as the Gulf Intercoastal Waterway. For the purpose of issuing a license for a limited route, the standard examination will be modified by the OCMI by deleting inappropriate subjects.

6. Many comments supported the concept of examinations required only at entry and command levels of licenses. The proposal adopts this structure, where applicable, for all licenses. The new Subpart 10.10 contains a list of all exam subjects, including the STCW Convention requirements, for all deck and engineer licenses. The topics have been standardized, where possible, to provide a quick reference listing and to allow applicants crossing over or progressing from one category to another to determine the particular exam subjects required. Two other comments had suggested requiring examinations at crossover steps in the license progression. The Coast Guard agrees with that concept and will require partial or complete exams, as appropriate, for persons crossing over from one license category to another.

7. Many comments supported a consolidation of the general requirements in the regulations for all licenses. The proposal removes all requirement sections from the individual license subparts, reorganizes the general requirement section, and locates this section in the beginning of Part 10 for clarity. These general requirements will apply to all licenses. Where exceptions were necessary as to specifics or procedures, these exceptions are explained in Subpart 10.02. There has also been a quick reference table added (§ 10.02–3) for all requirements and qualifications for all licenses.

8. To meet primarily the needs of the mineral and oil industry regarding chief and assistant engineer licenses in near coastal waters, the proposal provides for "limited chief" and "limited assistant engineer" licenses. Many comments supported the concept of a license limited by route (near coastal) and tonnage based on experience requirements less than those stipulated by the STCW Convention. Horsepower limitations may be placed on these licenses if sufficient service has not been obtained on vessels of over 4,000 horsepower. These licenses will permit service on vesels of not more than 1600 gross tons on near coastal routes including the Great Lakes, and on vessels of any gross tons on the inland waters of the United States.

9. Many comments supported continuing the use of licenses for superior routes as qualifying on lesser routes. That policy will continue and is contained in Part 10 and in the manning regulations in Part 157.

10. Many comments suggested allowing the crossover from inland to ocean licenses at all levels in the deck category. The Coast Guard agrees with that concept and the proposed rules provide for crossovers at all of the three tonnage category levels. Service on inland waters would be accepted in combination with a certain amount of ocean service towards the ocean and near coastal licenses.

11. Three comments suggested that, for computing service requirements, a year be defined as 360 days rather than 12 months. This has been added to the new definition section in the proposed regulations.

12. Many comments expressed concern about obtaining additional credit for 12 hour days in the case of people that work six on/six off watches. A statement has been added to a new definition section in the proposed regulations whereby any persons standing watches on any vessels upon which the six on/six off watch schedule may be used, will be given credit for 1½ times each 12 hour day of service in that capacity.

13. Many comments expressed interest in the proposal to establish a category for masters and mates of 0–200 gross tons with the elimination of ocean operators' and operators' (inland) licenses. Pub. L. 96–378 amends 46 U.S.C. 224, 390 through 390g, and 404, and creates a new code section 46 U.S.C. 404–1. As amended, 46 U.S.C. 224 requires the carriage of licensed officers on all vessels subject to inspection. Existing regulations in 46 CFR Part 186 require the carriage of operators or ocean operators licensed in accordance with 46 CFR Part 187. The problems with this arrangement are twofold. First "operators" are not considered to be officers within the context of law or Coast Guard regulations concerning

merchant marine safety. Secondly, there are only two greater tonnage licenses in existence presently which can directly utilize ocean operator experience: master of ocean passenger vessels of not more than 300 gross tons and master of mineral and oil vessels of not more than 500 gross tons. Inland operators have no path for advancement. These limitations are believed to exert a dampening effect upon career enhancement and opportunities and have been factors in a manpower shortage present in certain sectors of the marine industry which utilize inspected vessels of less than 100 gross tons.

In order to correct the situation, ocean operator and operator licenses would be replaced with master or mate licenses limited to 200 gross tons. A new position as mate would be created to clarify the master's command position, provide a relief watch officer when underway for extended periods, and provide an interim experience level between deckhand and master. Proposed amendments to § 157.20–25 require mates on vessels of more than 15 but less than 100 gross tons on near coastal or inland routes. The policy of relaxing this requirement when a vessel of this tonnage operates for less than 12 hours in any 24 hour period will still remain in effect.

In related matters, many comments also wanted to remove any route restrictions as to the ocean operators', inland operators' and motorboat operators' licenses. The routes endorsed for these master and mate licenses and also for the motorboat operator license are either "near coastal" (defined as 200 miles offshore including the Great Lakes) or "inland waters." These ocean licenses will no longer be restricted to any marine inspection zone. In addition, there will continue to be restricted route licenses, such as those issued to marina tenders or scout camps, issued at reduced service levels.

There were also three comments proposing experience requirements and a license progression for the proposed new category of master and mate of 0–200 gross tons and the existing motorboat operator (MBO). The service requirement for MBO license is lowered to six months on inland waters, remains at 12 months for near coastal waters, and is aligned with the masters and mates to provide a clear progression. This proposal partially adopts these comments. The new licenses would be issued in 50 gross ton increments commensurate with experience. The progression permits masters to advance to mate in the next tonnage category, (200–1600 gross tons) in an orderly manner with proper experience and examination.

14. One comment requested a category of 0–300 gross tons rather than 0–200 gross tons for masters and mates. The Coast Guard prefers the 0–200 ton category and the following 200–1600 ton category in keeping with the STCW Convention. These categories will still provide clear cross over patterns and will not increase the service requirements for any licenses that presently exist.

15. Two related comments also suggested that the experience requirements for mates 0–200 gross tons should be ½ the service of masters 0–200 gross tons. The Coast Guard agrees with that requirement for the inland service where the mates will require six months of service and the masters six additional months. However, in ocean service it is preferable to require a greater amount of experience for mate's licenses. This provides consistency with other mate to master progressions and will enhance the license progression to higher tonnage categories.

16. Many comments advocated the partial acceptance of service on vessels of less than 4000 horsepower towards an unlimited horsepower engineer license and also service on vessels of less than 1600 gross tons for an unlimited deck license. The Coast Guard agrees with these suggestions and has adopted them. The concept will be further extended to the licenses limited to lower tonnage and horsepower categories in accepting a percentage of the required experience on vessels of lesser than the tonnage or horsepower category of the license applied for. This aspect also promotes the career progression scheme.

17. Two comments suggested allowing a second mate ocean unlimited to obtain a license as a limited master. The Coast Guard partially agrees and the proposed rules have allowed a crossover in that direction; however, the second mate would be required to take a partial examination in order to obtain the limited master's license.

18. Two comments suggested not having any tonnage limitations within the 200–1600 ton category. The Coast Guard agrees and has adopted that principle on the proposed regulations.

19. Some comments requested specific information on recency of service requirements for licenses. The Coast Guard is proposing that recency requirements be consistent for all licenses and be established as three months experience within the last 36 months. It is important to note that the special consideration for recent service allowed persons serving in the Armed Forces of the United States is deleted. The strict provisions of STCW require recent service without exception. A grace period will, however, be extended for one year after the effective date of these regulations to allow military personnel to obtain their licenses.

20. Many comments suggested allowing the Officer in Charge to approve and evaluate military time, character records, criminal records and also foreign service time locally. The Coast Guard agrees with this concept and the proposed rules allow the Regional Examination Centers to evaluate these matters at their offices. This will avoid the time delays involved in referring decisions to Headquarters.

21. Two comments requested a definition of creditable service which may be used in any license application. The Coast Guard agrees with that suggestion and has added a section, § 10.02–11, which explains creditable service for all licenses. This section addresses various types of service such as that on submarines, on mobile offshore units, as an instructor, or as a port engineer or shipyard superintendent.

22. Many comments suggested the Coast Guard accept engineroom time for deck service and vice versa. The Coast Guard partially agrees with this concept. For some licenses, up to six months of service on deck would be creditable towards an engineer's license or six months of service in the engineroom would be creditable for deck service requirements.

23. Comments were received suggesting acceptance of combined service in either steam or motor propulsion modes for a raise of grade of engineers' licenses. The Coast Guard agrees with that concept and proposes to accept service in both modes as long as the total service exceeds one year with a minimum of four months of service having been obtained in the propulsion mode for which applied. In a similar matter, a comment suggested equalizing the observer time required to obtain an endorsement in the opposite mode of propulsion on engineer licenses. In the existing regulations, six months of observer time is required for a steam endorsement and only three months of service is required for a motor endorsement. The proposed rules establish four months observer service in either mode to qualify for examination in the other mode. Any adverse impact this may have on approved training courses substituted as an equivalent to sea service will be rectified by allowing the additional month credit.

24. Five comments were received which dealt with the inland deck officer and pilot aspects of the proposal. The majority of the comments were under the impression that a pilot's license will no longer be issued. That is not the case. A license will still be issued authorizing service as pilot. There has been a statutory change to one of the laws, 46 U.S.C. 404, which replaced the word "pilot" with "deck officer". The statutory change does not affect the pilotage required on vessels subject to 46 U.S.C. 216 (U.S. registered vessels and foreign vessels) or 46 U.S.C. 364 (coastwise seagoing steam vessels). The statutory change allows the Coast Guard discretion in determining which inland waters a pilot may be required. While the Coast Guard does not intend to eliminate this license, at some future time the Coast Guard may consider curtailment of inland pilotage waters to port areas and river sections where appropriate.

25. Eight comments concerned integrated tug barges (ITB). Specifically, they questioned what may be considered creditable service and what tonnage will be allowed for service on this type vessel. ITBs are classed as either push mode or dual mode. For the push mode ITBs, regulations and statutes that are applicable to a ship of the same aggregate tonnage of the combined units are applied; therefore, for licensing purposes, credit will be accepted for the total tonnage of the tug and barge. For the dual mode ITBs and other tug/barge combinations, the tug and barge are considered separate vessels and the creditable service and tonnage will be controlled by the gross tonnage of the tug. The only exception to this rule will be for pilot licenses issued for tug and barge combinations because in certain circumstances, the barge will require a pilot even though the tug does not.

26. Two comments were received requesting clarification of the status of sail, sail auxiliary or sail assist vessels over 200 gross tons. These special deck licenses are addressed in the section entitled "Creditable Service and Equivalents" (§ 10.02–11) in the new regulations. In essence, conventional masters' and mates' licenses for service on vessels of over 200 gross tons may be endorsed for the particular sail mode if the total qualifying experience submitted includes at least one year of deck service on that specific type of vessel. For example, for a license as master of vessels of not more than 1600 gross tons endorsed as sail auxiliary, the applicant must meet the total qualifying experience, including time as mate and the proper tonnage experience, and have obtained at least one year of deck service on appropriately sized auxiliary sail vessels.

27. Due to the closing of the Public Health Service Hospitals, comments were raised concerning the many changes necessitated regarding physical examinations. The Coast Guard encourages the use of private physicians and will accept their forms as long as they contain all the information required on the Coast Guard physical exam form. Three comments suggested deleting the Williams Lantern Test for color vision because it is antiquated and there are very few of the Williams Lanterns available. The Coast Guard agrees. A number of alternate color vision tests have been added for use in the physical required for original or renewal of licenses. Furthermore, visual acuity standards for corrected vision will be modified to 20/40 in both eyes for deck licenses and 20/50 in both eyes for engineer licenses.

28. Two comments discussed the relevance of celestial navigation on some license examinations. Considering state-of-the-art electronic navigational equipment used on many vessels, little, if any, reliance is placed on the use of sextants for navigating. In fact, other than in emergency situations, sextant use is probably negligible in the marine industry. Your comments are requested concerning the possibility of removing or limiting the celestial navigation section of those current deck examinations where required.

COMPLETE LIST OF NEW AND RETAINED LICENSES AND THOSE CORRESPONDING LICENSES

Licenses in new structure	Eliminated licenses
I. Deck Licenses	
A. Ocean or near coastal service:	
1. Master ocean steam or motor vessels of any gross tons (retained)	
2. Master near coastal steam or motor vessels of any gross tons (new)	a. Master coastwise any gross tons. b. Master/First Class Pilot Great Lakes. c. Master Uninspected vessels (if no tonnage limit)—New license would have possibly 5,000 ton limit. d. Master ocean freight or towing steam or motor of not more than 3,000 gross tons—new license would have tonnage limit.
3. Chief mate ocean steam or motor vessels of any gross tons (retained)	
4. Chief mate near coastal steam or motor vessels of any tons (new)	a. Chief mate coastwise any gross tons. b. Chief mate/First Class Pilot Great Lakes. c. Chief mate oceans steam or motor vessels of not more than 1600 gross tons.
5. Second mate ocean steam or motor vessels of any gross tons (retained)	
6. Second mate near coastal steam or motor vessels of any tons (new)	a. Second mate coastwise any gross tons. b. Second mate/First Class Pilot Great Lakes.
7. Third mate ocean steam or motor vessels of any gross tons (retained)	
8. Third mate near coastal steam or motor vessels of any gross tons (new)	a. Third mate coastwise any gross tons. b. Third mate/First Class Pilot Great Lakes.
9. Master near coastal steam or motor vessels of not more than 1600 gross tons (new)	a. Master coastwise (if limited tonnage).

COMPLETE LIST OF NEW AND RETAINED LICENSES AND THOSE CORRESPONDING LICENSES—Continued

Licenses in new structure	Eliminated licenses
I. Deck Licenses	
	b. Master yachts on ocean/coastwise routes.
	c. Master uninspected vessels (if limited tonnage on license).
	d. Master passenger vessels of not more than 300 gross tons.
	e. Master freight and towing (other than inland) of not more than 1000 gross tons.
	f. Master coastwise towing vessel of not more than 750 gross tons.
	g. Master mineral and oil industry vessels of not more than 500 gross tons.
	h. Master pilot boats of not more than 300 gross tons.
	i. Master passenger barges upon Great Lakes.
	j. Master Great Lakes towing vessels of not more than 750 gross tons.
	k. Master ocean/coastwise sail vessels of over 200 gross tons—new license will have sail endorsement.
10. Mate near coastal steam or motor vessels of not more than 1600 gross tons (new)	a. Chief mate ocean freight or towing vessels of not more than 3000 gross tons.
	b. Chief mate coastwise freight or towing vessels of not more than 1000 gross tons.
	c. Chief mate coastwise towing vessels of not more than 750 gross tons.
	d. Second mate coastwise towing vessels.
	e. Mate uninspected vessels (depending upon tonnage limitation).
	f. Mate freight and towing vessels upon coastwise routes.
	g. Mate mineral and oil industry vessels of not more than 500 gross tons.
	h. Mate pilot boats of not more than 300 gross tons.
11. Master near coastal mechanical, auxiliary sail or sail propelled vessels of not more than 200 gross tons (new).	a. Ocean operator of mechanically propelled, sail or sail auxiliary vessels under 100 gross tons.
	b. Second mate sail vessels of not more than 200 gross tons.
12. Mate near coastal mechanical, auxiliary sail, or sail propelled vessels of not more than 200 gross tons (new).	
13. Master mobile offshore units (new)	a. Master mobile offshore drilling units (issued on a limited basis).
14. Mate mobile offshore units (new)	a. Mate mobile offshore drilling units (issued on a limited basis).
15. Master uninspected fishing vessels (retained)	
16. Mate uninspected fishing vessels (retained)	
17. Operator near coastal uninspected towing vessels (retained)	
18. Second class operator near coastal uninspected towing vessels (retained)	
19. Motorboat operator upon near coastal routes (retained)	
B. Inland service:	
1. Master inland steam or motor vessels of any gross ton. (new)	a. Master, lakes, bays and sounds steam or motor vessels.
	b. Master, ferry vessels.
	c. Master, rivers.
	d. Master or pilot of steam yachts (if unlimited tonnage).
	e. Master passenger barges (if unlimited tonnage).
2. Mate inland steam or motor vessels of any gross tons (new)	a. Chief mate, lakes, bays and sounds steam or motor vessels.
	b. Chief mate, rivers.
3. Master inland steam or motor vessels of not more than 1600 gross tons (new)	a. Master yachts on inland routes.
	b. Master freight and towing vessels of not more than 1000 gross tons on inland routes.
	c. Master or pilot of steam pilot boats on inland routes.
	d. Master passenger barges upon inland routes.
4. Mate inland steam or motor vessels of not more than 1600 gross tons (new)	a. Mate freight and towing vessels of not more than 1000 gross tons on inland routes.
	b. Mate or pilot of steam pilot boats on inland routes.
5. Master inland mechanical, auxiliary sail, or sail propelled vessels of not more than 200 gross tons (new).	a. Operator, waters other than ocean or coastwise (same propulsion modes).
6. Mate inland mechanical, auxiliary sail or sail propelled vessels of not more than 200 gross tons (new).	
7. Pilot (retained)	
8. Operator uninspected towing vessels upon inland routes (retained)	
9. Second class operator uninspected towing vessels upon inland routes (retained)	
10. Motorboat operator upon inland waters (retained)	
11. River mate (non-navigating) (retained)	
II. Engineer Licenses	
1. Chief engineer steam and/or motor vessels unlimited (retained)	
2. First assistant engineer steam and/or motor vessels unlimited (retained)	
3. Second assistant engineer steam and/or motor vessels unlimited (retained)	
4. Third assistant engineer steam and/or motor vessels unlimited (retained)	
5. Chief engineer steam and/or motor vessels limited (new)	a. Chief engineer uninspected motor vessels.
	b. Chief engineer motor ferry vessels.
	c. Chief engineer motor towing vessels.
	d. Chief engineer, mineral and oil industry vessels.
6. Assistant engineer steam and/or motor vessels	a. Assistant engineer uninspected motor vessels.
	b. Assistant engineer motor ferry vessels.
	c. Assistant engineer motor towing vessels.
	d. Assistant engineer mineral and oil industry vessels.
	e. First assistant engineer motor towing or ferry vessels.
7. Chief engineer mobile offshore units (new)	a. Chief engineer mobile offshore drilling units (issued on a limited basis).
8. Assistant engineer mobile offshore units (new)	a. Assistant engineer mobile offshore drilling units (issued on a limited basis).
9. Chief engineer uninspected fishing vessels (retained)	
10. Assistant engineer uninspected fishing vessels (retained)	
III. Other licenses/certificates	
A. Radio officer (retained).	
B. Certificates of registry as staff officer (retained):	
1. Chief purser	
2. Purser	
3. Senior assistant purser	
4. Junior assistant purser	
5. Surgeon	
6. Professional nurse	
7. Endorsements on certificates of registry:	
a. Marine physician assistant	
b. Hospital corpsman	

The following table listing old section numbers of the amended regulations and the corresponding section numbers of similar items in these revised regulations is published as an aid to interested persons:

Derivative Reference Table

Old section No.	New section No.
10.01-1	Same.
10.01-5	10.01-2.
10.01-7	Same.
10.02-1	10.02-2.
10.02-3	Deleted.
10.02-5	Same.
10.02-7	Same.
10.02-9	Same.
10.02-13	Same.
10.02-15	Same.
10.02-19	10.02-17
10.02-21	Deleted.
10.02-23	10.02-19.
10.02-25	10.02-21.
10.02-29	10.02-23.
10.02-33	10.02-4.
10.03 all	Deleted.
10.05-1	Same.
10.05-3	10.05-4.
10.05-5	Deleted.
10.05-6	Deleted.
10.05-7	Deleted.
10.05-9	Deleted.
10.05-11	Deleted.
10.05-13	Deleted.
10.05-15	Deleted.
10.05-17	Deleted.
10.05-19	Deleted.
10.05-21	Deleted.
10.05-23	Deleted.
10.05-25	10.05-5.
10.05-27	Deleted.
10.05-28	Deleted.
10.05-29	10.05-6.
10.05-31	Deleted.
10.05-33	10.05-7
10.05-35	Deleted.
10.05-36	Deleted.
10.05-37	10.05-41.
10.05-39	10.07.
10.05-41	Deleted.
10.05-42	10.07-5.
10.05-43	10.07-7.
10.05-45	10.10-40.
10.05-46	Same.
10.05-47	Deleted.
10.05-49	Deleted.
10.05-51	Deleted.
10.05-52	Deleted.
10.05-53	Deleted.
10.05-55	Deleted.
10.05-57	Deleted.
10.05-58	Deleted.
10.05-59	10.10-37
10.05-61	10.02-11.
10.10-1	Deleted.
10.10-3	10.06-1.
10.10-4	10.10-40.
10.10-5	Deleted.
10.10-6	10.06-3.

Derivative Reference Table—Continued

Old section No.	New section No.
10.10-7	Deleted.
10.10-9	10.06-5.
10.10-11	10.06-5.
10.10-13	10.06-7
10.10-15	10.06-7
10.10-17	10.06-9.
10.10-19	10.06-9.
10.10-21	10.06-11.
10.10-23	10.06-11.
10.10-25	Deleted.
10.10-27	Deleted.
10.10-29	10.02-11.
10.13-1	10.06-1.
10.13-3	10.01-3.
10.13-5	10.02-1.
10.13-7	10.02-5.
10.13-9	10.06-3.
10.13-13	10.02-5.
10.13-15	10.02-5.
10.13-17	10.02-5.
10.13-19	10.02-5.
10.13-21	10.02-9.
10.13-23	10.02-9.
10.13-25	10.02-19.
10.13-27	10.02-21.
10.13-29	10.02-23.
10.13-33	10.02-4.
10.15	Deleted in its entirety with the exception of licenses for uninspected fishing vessels as found in 10.05-33 and 10.06-19 and the general requirements sections in 10.02.
10.16-1	10.05-35.
10.16-3	10.01-3.
10.16-5	10.05-35.
10.16-11	10.16-11(a) to 10.02-5, 10.16-11(b) to 10.05-35.
10.16-21	10.02-5.
10.16-23	10.05-35.
10.16-25	10.05-35.
10.16-31	10.10-17.
10.16-41	Deleted.
10.16-51	10.02-7.
10.16-81	Deleted.
10.20-1	10.05-37(a).
10.20-3	10.02-5 and 10.05-37(b).
10.20-5	10.10-15, -27.
10.20-7	10.02-5.
10.20-9	10.02-9.
10.20-11	10.02-19.
10.20-13	10.02-23.
10.25-1	10.09-1.
10.25-3	10.09-3.
10.25-5	Deleted.
10.25-7	10.02-5 and 10.09-5.
10.25-9	10.09-7.
10.25-11	10.09-9.
10.30 all	Same.
186 all	Deleted in its entirety. Pertinent sections have been added to Part 157—Manning.
187 all	Deleted in its entirety. Licenses as master/mate 0-200 gross tons are addressed in 10.05-14 through 10.05-17 and 10.05-29 through 10.05-31.

Regulatory Evaluation

The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 dated 22 May 1980), and has determined that it is neither a major nor a significant rulemaking. The proposed regulations serve to implement the intent of recent legislation. Implementation would not increase manning requirements upon the vessels concerned nor place any additional burden upon the private or public sectors; therefore, impact is expected to be minimal. The primary benefits of this proposal are to simplify the licensing regulations, simplify the procedures involved in obtaining a license, and to enhance opportunities for careers in the merchant marine by providing a license progression for all mariners. There are no increased costs to obtain an original or renewal of licenses. The number of types of licenses issued will be decreased in the proposed regulations from approximately 80 to 39. This decrease will result in substantial time and associated cost savings to the public as, in the proposal, one license may replace two or more trade restricted or specialized licenses. Additional savings to the public will result by decreasing the number of license examinations from approximately 78 to 27. These exams required between four hours and four days to complete. Applicants may also be reexamined more frequently with shorter waiting periods between sessions in this proposal. For these reasons further economic evaluation is not necessary. These proposed rules apply to licenses for individuals only. In accordance with paragraph 605b of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 10

Seamen, Marine Safety, Navigation (water), Passenger vessels.

46 CFR Part 35

Barges, Tank vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 157

Seamen, Vessels.

46 CFR Part 175

Marine safety, Passenger vessels.

46 CFR Part 185

Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 186

Marine safety, Passenger vessels, Seamen.

46 CFR Part 187

Marine safety, Passenger vessels, Seamen.

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend Parts 10, 35, 157, 175, 185, 186, and 187 of Title 46, Code of Federal Regulations as set forth below:

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

1. By revising the table of contents for Part 10 to read as follows:

Part 10—LICENSING OF MARITIME PERSONNEL

Subpart 10.01—General

Sec.
10.01–1 Purpose of regulations.
10.01–2 Authority for regulations.
10.01–3 Definitions of terms used in this part.
10.01–7 Regional examination centers.
10.01–9 Paperwork approval.

Subpart 10.02—General Requirements for all Licenses and Certificates of Registry

10.02–1 Eligibility for licenses, general.
10.02–2 Issuance of licenses.
10.02–3 Quick reference table for license requirements.
10.02–4 Appeals.
10.02–5 Requirements for original licenses and certificates of registry.
10.02–7 Requirements for raise of grade of license.
10.02–9 Requirements for renewal of license.
10.02–11 Creditable service and equivalents for licensing purposes.
10.02–13 Sea service as a member of the Armed Forces of the United States and on vessels owned by the United States as qualifying experience.
10.02–15 Modification or removal of limitations.
10.02–17 Examination procedures and refusal of licenses.
10.02–19 Issuance of duplicate license.
10.02–21 Parting with license.
10.02–23 Suspension and revocation of licenses.

Subpart 10.05—Professional Requirements for Deck Officers' Licenses

Sec.
10.05–1 Ocean licenses qualifying for all waters.
10.05–2 Tonnage requirements for ocean or near coastal licenses for vessels of over 1600 gross tons.
10.05–3 Deck license structure.
10.05–4 Service requirements for master of ocean steam or motor vessels of any gross tons.
10.05–5 Service requirements for chief mate of ocean steam or motor vessels of any gross tons.
10.05–6 Service requirements for second mate of ocean steam or motor vessels of any gross tons.
10.05–7 Service requirements for third mate of ocean steam or motor
10.05–9 Near coastal route restriction for licenses as master or mate of steam or motor vessels of not more than 1600 gross tons.
10.05–10 Tonnage and service requirements for licenses as master or mate of near coastal steam or motor vessels of not more than 1600 gross tons.
10.05–11 Service requirements for master of near coastal steam or motor vessels of not more than 1600 gross tons.
10.05–12 Service requirements for mate of near coastal steam or motor vessels of not more than 1600 gross tons.
10.05–14 Near coastal route restriction for licenses as master or mate of vessels of not more than 200 gross tons.
10.05–15 Tonnage limitations and service requirements for licenses as master or mate of near coastal vessels of not more than 200 gross tons.
10.05–16 Service requirements for master of near coastal vessels of not more than 200 gross tons.
10.05–17 Service requirements for mate of near coastal vessels of not more than 200 gross tons.
10.05–20 Inland licenses qualifying for all inland waters.
10.05–21 Tonnage requirements for inland licenses for vessels of over 1600 gross tons.
10.05–22 Service requirements for master of inland steam or motor vessels of any gross tons.
10.05–23 Service requirements for mate of inland steam or motor vessels of any gross tons.
10.05–25 Tonnage and service requirements for licenses as master or mate of inland vessels of not more than 1600 gross tons.
10.05–26 Service requirements for master of inland steam or motor vessels of not more than 1600 gross tons.
10.05–27 Service requirements for mate of inland steam or motor vessels of not more than 1600 gross tons.
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10.10-19 Master of inland steam or motor vessels of any gross tons.
10.10-21 Mate of inland steam or motor vessels of any gross tons.
10.10-23 Master of inland steam or motor vessels of not more than 1600 gross tons.
10.10-25 Mate of inland steam or motor vessels of not more than 1600 gross tons.
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10.30-1 Applicability.
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Authority: 46 U.S.C. 224, 224a, 225, 233, 247, 364, 367, 375, 390, 391, 391a, 404, 405, 416, 1461, 49 U.S.C. 1655(b), and 49 CFR 1.46.

2. Subpart 10.01 is revised to read as follows:

Subpart 10.01—General

§ 10.01-1 Purpose of regulations.

(a) The purpose of the regulations in this part is to provide a comprehensive means of determining the qualifications an applicant must possess in order to be eligible for a license as deck, engineer, or radio officer on merchant vessels, or a license to operate uninspected towing vessels or motorboats, or for a certificate of registry as staff officer.

(b) With few exceptions, these regulations do not specify or restrict licenses to particular types of service such as tankships, freight vessels or passenger vessels. However, it is incumbent on every licensed officer to become familiar with all unique characteristics of each vessel served upon as soon as possible after reporting aboard for duty. As appropriate for a deck or engineer license, this includes but is not limited to: maneuvering characteristics of the vessel; proper operation of the installed navigation requipment; firefighting and lifesaving equipment; stability and loading characteristics; and main propulsion and auxiliary machinery.

(c) The regulations in Subpart 10.30 prescribe the requirements applicable to all approved training courses which will determine if a training course is acceptable in lieu of service or examination required for a particular license or license endorsement.

§ 10.10-2 Authority for regulations.

(a) *Deck and engineer officers' licenses.* The regulations regarding requirements for deck and engineer officers' licenses interpret or apply Title 46, U.S. Code, sections 214, 224, 224a, 225, 226, 228, 229, 230, 231, 233, 237, 367, 390b, 391a, 404, 405, 672a, 1132 and Title 50, U.S. Code, section 198.

(b) *Radio officers.* The regulations regarding the licensing of radio officers interpret or apply Title 46, U.S. Code, section 229a–229h.

(c) *Motorboat operators' licenses.* The regulations regarding the licensing of motorboat operators interpret or apply Title 46, U.S. Code, section 1461(e).

(d) *Staff officers.* The regulations regarding the registration of staff officers interpret or apply Title 46, U.S. Code, section 247.

(e) *Operator and second class operator licenses for uninspected towing vessels.* The regulations regarding the operator and second class operator licenses interpret or apply Title 46, U.S. Code, section 405.

(f) *River mate (non-navigating).* The regulations regarding the licensing of river mates (non-navigating) interpret or apply Title 46, U.S. Code, section 228.

§ 10.01-3 Definitions of terms used in this part.

(a) *Oceans.* This term means the waters outside of the territorial sea baseline as defined in Title 33, Code of Federal Regulations, § 2.05–10.

(b) *Near-coastal.* This term means waters not more than 200 miles offshore and, for licensing purposes, includes the Great Lakes.

(c) *Western Rivers* means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternate Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternate Route including the Old River and the Red River.

(d) *Great lakes* means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between mile 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

(e) *Inland Waters* means the navigable waters of the United States shoreward of the territorial sea baseline as defined in Title 33, Code of Federal Regulations, § 2.05–10 excluding the waters of the Great Lakes.

(f) *Year.* For the purpose of this part, the term "year" is defined as 360 days.

(g) *Month.* For the purpose of this part, the term "month" is defined as 30 days.

(h) *Day.* For the purpose of this part, the term "day" is defined as eight hours of watchstanding or day-working not to include overtime. On vessels where a 12 hour working day is authorized and practiced, such as on a six-on, six-off watch schedule, each work day may be creditable as one and one half days of service.

(i) *Master* means the person having command of a vessel.

(j) *Chief Mate* means the deck officer next in rank to the master and upon whom the command of the vessel will fall in the event of the incapacity of the master.

(k) *Mate* means a qualified officer in the deck department other than the master.

(l) *Chief Engineer* means the senior engineer officer, responsible for the mechanical propulsion of the vessel.

(m) *First Assistant Engineer* means the engineer officer next in rank to the chief engineer and upon whom the responsibility for the mechanical propulsion of the vessel will fall in the event of the incapacity of the chief engineer.

(n) *Assistant Engineer* means a qualified officer in the engine department.

(o) *Horsepower.* For the purpose of this part, the term "horsepower" means the total maximum continuous shaft horsepower of all the vessel's main propulsion machinery.

(p) *Mobile Offshore Unit* means any vessel, other than a public vessel of the United States, engaged in offshore oil and gas exploration or exploitation including drilling, accommodation, construction, maintenance, pipe laying

and firefighting units. This term does not include supply and towing vessels.

(q) *Original license.* The first license in a given tonnage category issued to any person by the Coast Guard is considered an original license.

(r) *Endorsement* means a provision added to a license which alters its scope or application.

(s) *Officer in Charge, Marine Inspection (OCMI).* When the term "Officer in Charge, Marine Inspection" or "OCMI" is used in this Part, it means the "Officer" or "Office" at one of the locations of the regional examination centers listed in § 10.01–7 of this Part.

§ 10.01–7 Regional examination centers.

Licensing and certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	St. Louis, MO
New York, NY	Toledo, OH
Baltimore, MD	Long Beach, CA
Charleston, SC	San Francisco, CA
Miami, FL	Portland, OR
New Orleans, LA	Seattle, WA
Houston, TX	Anchorage, AK
Memphis, TN	Juneau, AK
	Honolulu, HI

§10.01–9 Paperwork approval.

(a) This section lists the control numbers assigned by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511) for the reporting and recordkeeping requirements in this part.

(b) The following control numbers have been assigned to the sections indicated:

(1) OMB 2115–0006	46 CFR 10.02–1, 10.02–2, 10.02–5, 10.02–7, 10.02–9.
(2) OMB 2115–0502	46 CFR 10.02–5.
(3) OMB 2115–0514	46 CFR 10.02–1, 10.02–2, 10.02–5, 10.02–7, 10.02–9.
(4) OMB 2115–0075	46 CFR 10.02–1, 10.02–2, 10.02–5, 10.02–7, 10.02–9.
(5) OMB 2115–0111	46 CFR 10.30–2, 10.30–3, 10.30–4.
(6) OMB 2115–0104	46 CFR 10.05–46, 10.30–2, 10.30–3, 10.30–5.

3. Subpart 10.02 is revised to read as follows:

Subpart 10.02—General Requirements for All Licenses and Certificates of Registry

§ 10.02–1 Eligibility for licenses, general.

(a) The applicant must establish to the satisfaction of the Officer in Charge, Marine Inspection that he or she possesses all of the qualifications necessary, e.g. age, experience, character references and recommendations, physical examination, citizenship and pass a professional examination, as appropriate, before a license is issued.

(b) No person is eligible for a license who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any state or territory of the United States, within three years prior to the date of filing the application; or who, unless he or she furnishes satisfactory evidence of cure, has ever been the user of or addicted to the use of a narcotic drug.

(c) An applicant for a license must demonstrate an ability to speak, read and understand English as found in the navigation rules, aids to navigation publications, emergency equipment instructions, machinery instructions, and radiotelephone communications instructions.

(d) An applicant for a license must meet the requirements for recent service specified in § 10.02–2(e).

(e) No license may be issued to any person who is not a citizen of the United States with the exception of motorboat operator limited to state or Coast Guard numbered vessels.

(f) Except as specified in this paragraph, no license may be issued to a person who has not attained the age of 21 years.

(1) A license as master of vessels of 0–200 gross tons upon near coastal waters may be granted an applicant who has reached the age of 20 years and is qualified in all other respects.

(2) A license as third mate, third assistant engineer, mate of vessels of 200–1600 gross tons, operator of uninspected towing vessels, river mate (non-navigating) or radio officer may be granted an applicant who has reached the age of 19 years, but no such license may be raised in grade before the holder has reached the age of 21 years.

(3) A license as master or mate or vessels of 0–200 gross tons upon inland waters, second class operator of uninspected towing vessels, mate of vessels of 0–200 gross tons upon near coastal waters, or motorboat operator may be granted an applicant who has reached the age of 18 years.

(g) Persons serving or intending to serve in the merchant marine service are recommended to take the earliest opportunity of ascertaining, through examination, whether their visual acuity, and color vision where required, are such as to qualify them for service in that profession. Epilepsy, insanity, senility, acute veneral disease or neurosyphilis, badly impared hearing, or other defect, if this condition would render the applicant incompent to perform the ordinary duties of an officer at sea, are causes for denial of a license.

§ 10.02–2 Issuance of licenses.

(a) Applications for original license, raise of grade, extension of route, or increase in scope must be current and up-to-date with respect to service and the physical examination. The application and physical examination shall be considered current for 12 months after submission.

(b) Any person who is found qualified under the requirements set forth in this part is issued an appropriate license valid for a term of five years, except that a certificate of registry does not expire. In appropriate cases, a limitation commensurate with the experience of the applicant is placed on the license.

(c) The applicant and the OCMI (or the designated authority) must sign the license and any additional endorsement sheets.

(d) Every person who receives an original license must take an oath before a designated Coast Guard official that he or she will faithfully and honestly, according to their best skill and judgment, without concealment or reservation, perform all the duties required by law and obey all lawful orders of superior officers. Such an oath is binding upon all subsequent licenses issued to that person unless specifically renounced in writing.

(e) The applicant for any original license, increase in scope, or raise of grade of license must obtain at least three months qualifying service within the 36 months immediately preceding the date of of application.

(f) If an Officer in Charge, Marine Inspection refuses to grant an applicant the license for which applied, the OCMI furnishes the applicant a written statement setting forth the cause of refusal.

§ 10.02-3 Quick Reference Table for License Requirements.

TABLE 10.02-3.—QUICK REFERENCE FOR LINCENSE REQUIREMENTS

Requirements and qualifications

License category	Minimum age	Citizenship requirement	Physical exam required	Experience requirements	Recommendations and character check	Firefighting certificate	Professional exam requirements	Recency of service
Masters/mates and motorboat operators.	21, 10.02-1(f); Note: Exceptions.	Yes, 10.02-5(c); Note: MBO Exception.	Yes, 10.02-5(d); Note: (d)(2).	Yes, 10.02-5(e); 10.05 All.	Yes, 10.02-1(a); 10.02-5(f).	Yes, 10.02-5(g); Note: For service on vessels of over 200 GT in ocean or near coastal waters.	Yes, 10.02-5(h); 10.10.	Yes, 3 months in past 36 months 10.02-2(d).
Engineers	21,10.02-1(f); Note: Exceptions.	Yes	Yes, 10.02-5(d); Note: (d)(3).	10.02-5(e); 10.06 All.	Yes, 10.02-1(a), 10.02-5(f).	Same; Note: For service on vessels of over 1,000 HP in ocean or near coastal waters.	Yes, 10.02-5(h), 10.10.	Yes, 3 months in past 36 months 10.02-2(d).
All license raises of grade.	21	Yes	10.02-7(e); Note: (e)(1).	10.02-7(c); 10.05, 10.06.	Yes	Same application, 10.02-7(f).	10.02-7(d)	Yes, 3 months in past 36 months, 10.02-2(d).
All license renewals	21	Yes	10.02-9(f); Note: Exceptions; Staff officer not renewed.	N/A	10.02-9(b), Only	N/A	10.02-9(d)	N/A
Pilot	21	Yes	Yes, 10.07-9	10.07-3, 10.07-5(a), 10.07-15.	Yes, 10.02-1(a), 10.02-5(f).	N/A	10.07-7	Yes, 10.07-3, 10.07-5(a), 10.07-13(a)
M.O.U. Deck/Eng	21	Yes	10.02-5(d); Note: Deck/Eng sections.	Deck: 10.05-39; Eng: 10.06-19.	Yes, 10.02-1(a), 10.02-5(f).	Same as Deck/Eng	Yes, 10.02-5(h), 10.10.	Yes, 3 months in past 36 months, 10.02-2(d).
Uninspected fishing vessels.	21	Yes	Yes, 10.02-5(d); Note: (d)(2).	Deck: 10.05-33; Eng: 10.06-17.	Yes, 10.02-1(a), 10.02-5(f).	Same as Deck/Eng	Yes, 10.02-5(h), 10.10 (oral).	Yes, 3 months in past 36 months, 10.02-2(d).
Uninspected towing vessels.	Operator: 19, 10.02-1(f)(2), 2/c operator: 18, 10.02-1(f)(3).	Yes	Yes, 10.02-5(d); Note: (d)(2).	Operator: 10.05-35(g), 2/c operator: 10.05-35(f).	Yes, 10.02-1(a),10.02-5(f).	N/A	Yes, 10.02-5(h), 10.10.	Yes, 3 months in past 36 months, 10.02-2(d).
Radio officer	19, 10.02-1(f)(2)	Yes	Yes, 10.02-5(d); Note: (d)(2).	10.08-3	Yes, 10.02-1(a), 10.02-5(f).	N/A	N/A	N/A
Staff officer	21	Yes	No	10.09-7, 10.09-9	Yes, 10.02-1(a), 10.02-5(f).	N/A	N/A	N/A

§ 10.02-4 Appeals.

(a) Any person affected by a decision or action of the Officer in Charge, Marine Inspection, may:

(1) Appeal to the District Commander in whose jurisdiction the decision or action was made; and,

(2) Appeal the decison of the District Commander to the Commandant.

(b) Each appeal must be in writing, filed within 30 days after the date of the decision or action that is being appealed, and contain:

(1) A description of the decision or action that is being appealed: and,

(2) The appellant's reason why the decision or action should be set aside or revised.

(c) Any decision being appealed remains in effect until set aside or revised.

§ 10.02-5 Requirements for original licenses and certificates of registry.

(a) *General.* The applicant for an original license or certificate of registry must present satisfactory documentary evidence of eligibility in respect to the requirements of this section. All applicants must make written application on a Coast Guard furnished form.

(b) *Minimum age.* The applicant must present satisfactory proof of age as prescribed in § 10.02-1(f) of this part. This evidence may be any of the items submitted to establish citizenship.

(c) *Citizenship.* (1) The OCMI may reject any evidence of citizenship that is not believed to be authentic. Acceptable evidence of citizenship is:

(i) Birth certificate or certified copy.

(ii) Certificate of Naturalization.

(iii) Baptismal certificate or parish record recorded within one year after birth.

(iv) Statement of a practicing physician certifying attendance at the birth and that he or she possesses a record showing the date and location at which it occurred.

(v) State Department passport.

(vi) A continuous discharge book, certificate of identification, or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as a United States citizen.

(vii) Delayed certificate of birth issued under a State seal in the absence of any collateral facts indicating fraud in its procurement.

(viii) Certificate of Citizenship issued by the United States Immigration and Naturalization Service.

(2) If none of the requirements set forth in paragraphs (c)(1)(i) through (c)(1)(viii) of this section can be met by the applicant, the individual must make a statement to that effect, and may submit data of the following character for consideration:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Personal Census Service Branch, Bureau of the Census, Pittsburg, Kansas 66762. In making such request, the use of Form BC-600, Application for Search of Census Records, furnished by the Bureau is required.

(ii) Affidavits of parents, relative, or two or more responsible citizens of the United States stating citizenship.

(iii) School records, immigration records, or insurance policies.

(d) *Physical examination.*

(1) All applicants for an original license with the exception of staff officer, must pass an examination given by a licensed physician and present a completed Coast Guard physical form, or the equivalent, executed by the physician to the OCMI. This form must provide information on the applicant's acuity of vision, color sense, and general physical condition. This examination must have been completed within 90 days prior to submission of the application.

(2) For an original license as master, mate, pilot, or operator, the applicant

must have correctable vision to at least 20/40 in each eye and uncorrected vison of at least 20/200 in the better eye. The color sense must be determined to be satisfactory when tested by any of the following methods:

(i) Pseudoisochromatic Plates (Dvorine, 2nd Edition; ADC; revised edition or ADC–HRR; Ishihara 16-, 24-, or 38-plate editions).

(ii) Eldridge—Green Color Perception Lantern

(iii) Farnsworth Lantern

(iv) Keystone Orthoscope

(v) Keystone Telebinocular

(vi) SAMCTT (School of Aviation Medicine Color Threshold Tester)

(vii) Titmus Optical Vision Tester

(viii) Farnsworth Dichotomus D–15 Panel Test

(3) For an original license as engineer or radio officer, the applicant must have correctable vision of at least 20/50 in each eye and uncorrected vision of at least 20/200 in the better eye. Applicants need only to have the ability to distinguish the primary colors of red, green and yellow. A yarn test is acceptable.

(4) For all applicants, anyone whose uncorrected vision exceeds 20/40 in either eye for deck licenses or 20/50 in either eye for engineer licenses must wear corrective lenses and carry spare lenses on board a vessel while serving under the authority of the license.

(5) Where an applicant is not possessed of the vision, hearing, or general physical condition necessary, the OCMI, after consultation with the examining physician, may recommend a waiver to the Commandant if extenuating circumstances warrant special consideration. Applicants may submit to the Officer in Charge, Marine Inspection, additional correspondence, records and reports in support of this request. In this regard, recommendations from agencies of the Federal Government operating government vessels, as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration. Waivers are not normally considered for an applicant whose corrected vision in the better eye is not at least 20/40 for deck licenses or 20/50 for engineer licenses or whose uncorrected vision is worse than 20/400 in the better eye.

(e) *Experience or training.*

(1) All applicants for original licenses and certificates of registry must present to the OCMI, letters, discharges, or other documents certifying the amount and character of their experience and the names and tonnage and horsepower of the vessels on which acquired. The OCMI must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented. Certificates of discharge are returned to the applicant. The OCMI, shall note on the application that service represented by these documents has been verified. All other documentary evidence of service or authentic copies thereof are filed with the application. A license is not considered as satisfactory evidence of any qualifying experience.

(2) No original license or certificate of registry may be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(3) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original license, subject to evaluation by the OCMI to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters, and operating conditions. An applicant who is relying on qualifying experience on foreign vessels must submit satisfactory documentary evidence of such service in the forms prescribed by paragraph (e)(1) of this section, including the translation of any documents not written in the English language.

(4) No applicant for a license who is a naturalized citizen, and who has obtained experience on foreign vessels, will be given a grade of license higher than that upon which he or she has actually served while acting under the authority of a foreign license.

(f) *Character check and references.*

(1) Each applicant for an original license must have the written recommendations of a master and two other licensed officers of vessels on which the applicant has served. For a license as engineer or as pilot at least one of the other endorsers must be the chief engineer or licensed pilot, respectively, of a vessel on which the applicant has served. Where no sea service is required for a license or certificate of registry, the applicant may have the written recommendations of three persons who have knowledge of the applicant's qualifications.

(2) Each applicant must have fingerprints taken during the application process except applicants for license as master/mate 0–200 gross tons, motorboat operator, or operator and second class operator of uninspected towing vessels. In the case of applicants for these particular licenses, if the OCMI feels that a fingerprint check is appropriate, the form may be submitted for processing in the normal manner.

(3) The fingerprints are checked against the records of law enforcement and other government agencies. The application of any person may be rejected when derogatory information has been brought to the attention of the OCMI which indicates that the applicant's habits of life and character are such as to warrant the belief that the applicant cannot be entrusted with the duties and responsibilities of the license for which application is made. In the event an application is rejected, the applicant is notified in writing of the reason(s) for rejection and advised that the appeal procedures in § 10.02–4 apply. No examination shall be given in this type of case pending the Commandant's decision on appeal.

(4) An applicant remains eligible for an original license while on probation as a result of administrative action under Part 5 of this Chapter. An original license issued to an applicant on probation will be subject to the same probationary conditions as were imposed against the applicant's other certificates or licenses and the offense for which the applicant was placed on probation will be considered in determining his or her fitness to hold the license applied for. An applicant may not take an examination for an original license during any period when a suspension without probation or a revocation is effective against the applicant's certificate or an appeal is pending.

(g) *Firefighting Certificate.* An applicant for an original master or mate's license for service on vessels of 200 gross tons or more in ocean or near coastal service, or an engineer's license for service on vessels of over 1,000 horsepower in ocean or near coastal service must present a certificate of completion from a firefighting course of instruction which has been approved by the Commandant. The certificate must be dated within five years before the date of application for the license requested. During the five year period from [Effective date of regulations], applicants must have completed a recognized marine firefighting (basic and advanced) training course that is in substantial compliance with the International Maritime Organization (IMO) Resolution A.437(XI) "Training of Crews in Fire-Fighting" and approved under Subpart 10.30, as determined by the cognizant OCMI within whose zone the course was conducted.

(h) *Professional examination.*

(1) When an applicant's experience and training are found to be satisfactory and the applicant is eligible in all other respects, the OCMI shall examine the

applicant in writing; or, if the license is to be limited to uninspected fishing vessels, the applicant may be given an oral examination, a summary of which shall be placed in the applicant's license file. The alternative of an oral assisted examination is available to applicants for all licenses. The applicant must first attempt to pass the complete written examination. If there is obvious difficulty in reading and understanding the questions, the oral exam may be offered. The license is also limited to the specific route and type of vessel upon which the majority of experience was obtained. This will ensure a level of professional competence necessary to serve in a licensed capacity. The instructions for administration of examinations and the lists of subjects for all licenses are contained in Subpart 10.10.

(2) When the license application of any person has been approved, the applicant must take the required examination as soon as practicable. If the applicant cannot be examined without material delay at the office where the application is made, the applicant may request that the examination be given at another office.

(3) The qualification requirements for "radar observer" are contained in § 10.05–46.

(4) An examination is not required for license as Radio Officer or Certificate of Registry.

§ 10.02–7 Requirements for raise of grade of license.

(a) *General.* Before any person is issued a raise of grade of license, the applicant must present satisfactory documentary evidence of eligibility. Applications must be on a Coast Guard furnished form.

(b) *Surrendering old license.* Upon the issuance of a new license for raise of grade, the applicant must surrender the old license to the OCMI. If requested, the old license is returned to the applicant after cancellation.

(c) *Experience or training.*

(1) Applicants for raise of grade of licenses must establish that they possess the age and experience qualifications necessary before they are entitled to a raise of grade of license.

(2) Applicants for raise of grade of license must present to the OCMI at a Regional Examination Center, letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which acquired. Certificates of discharge are returned to the applicant after entering on the application that service represented by these documents has been verified. All other documentary evidence of service or copies thereof are filed with the application.

(3) No sea service acquired prior to the issuance of the license held is accepted as any part of the service required for raise of grade of that license.

(4) No raise of grade of license is issued to any naturalized citizen on less experience in any grade than would have been required of a citizen of the United States by birth.

(5) Experience and service acquired on foreign vessels while holding a valid U.S. Merchant Marine Officer's license is creditable for establishing eligibility for a raise of grade, subject to evaluation by the OCMI, to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters and operating conditions. An applicant who has obtained the qualifying experience on foreign vessels is required to submit satisfactory documentary evidence (including any necessary translations) of such service in the forms prescribed by paragraph (c)(2) of this section.

(6) An applicant remains eligible for a raise of grade of license while on probation as a result of action under Part 5 of this Chapter; however, no applicant will be examined for a raise of grade of license during any period when a suspension without probation or a revocation imposed under Part 5 of this Chapter is effective against the applicant's license or certificate. A raise of grade of license issued to a person on probation will be subject to the same probationary conditions as were imposed against the applicant's other certificates or licenses and the offense for which he or she was placed on probation will be considered on the merits of the case in determining fitness to hold the license applied for.

(d) *Professional examination.*

(1) When an applicant's experience and training for raise of grade is found to be satisfactory and he or she is eligible in all other respects, the OCMI shall examine the applicant in writing, or if the license is to be limited to uninspected fishing vessels, the applicant is given an oral examination. (See also § 10.02–5(h)(1) for oral assisted examination policy.) A summary indicating the subjects covered is placed in the applicant's license file. The general instructions and list of subjects are contained in Subpart 10.10.

(2) The qualification requirements for "radar observer" are contained in § 10.05–46.

(e) *Physical requirements.*

(1) An applicant for a raise of grade of a license as master, mate, or operator must present satisfactory evidence of passing a current color sense test as prescribed in § 10.02–5(d).

(2) If the OCMI has reason to believe that an applicant for raise of grade of license suffers from some physical or mental infirmity to a degree that would render the applicant incompetent to perform the ordinary duties of that license, the applicant may be required to submit the results of an examination by a licensed physician that meets the requirements for original license.

(3) An applicant who has lost the sight of one eye may obtain a raise of grade of license, provided that the applicant is qualified in all other respects and that the visual acuity in the one remaining eye passes the test required for the better eye under § 10.02–5(d).

(f) *Firefighting Certificate.* Applicants for raise of grade of license who have not previously met the requirements in § 10.02–5(g), must do so.

§ 10.02–9 Requirements for renewal of license.

(a) *General.* Applicants for renewal of licenses must establish that they possess all of the qualifications necessary before they are issued a renewal of license. All applications must be on a Coast Guard furnished form. The applicant may appear in person at any Regional Examination Center listed in § 10.01–7 or may renew the license by mail at the office which issued the license or holds the applicant's record files; however, the applicant must submit the license to be renewed or a photocopy of same.

(b) *Fitness.* No license is renewed if it has been revoked as a result of action under Part 5 of this chapter, or facts which would render a renewal improper have come to the attention of the Coast Guard.

(c) *Disposal of old license.* If requested, the old license is returned to the applicant.

(d) *Masters', mates', engineers', pilots', or operators' licenses.*

(1) In order to renew a license, every master, mate, engineer, pilot or operator must attain a grade of 70% or better on a comprehensive, open-book excercise covering the same general subject matter contained in Subpart 10.10.

(2) If an applicant does not attain a grade of 70% or better on the exercise, the OCMI may allow the applicant to retake the exercise immediately or impose a reasonable period of delay to allow the applicant to prepare for the exercise.

(3) The qualification requirements for radar observer are in § 10.05–46 of this part.

(4) Additional service requirements for renewal of a license as pilot are contained in § 10.07–9(g) of this part. Pilots must also present an affidavit attesting to their involvement in reportable marine casualties, as explained in section 4.05–1 of this chapter, since the date of issuance of the current license. Upon review of the investigation reports, the Officer in Charge, Marine Inspection may deny the renewal if the circumstances warrant such action. The appeal procedures contained in § 10.02–4 of this part apply.

(e) *Radio officers' licenses.* An applicant for renewal of a radio officer's license must, in addition to meeting the requirements in this subpart, present a currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission. This license is returned to the applicant.

(f) *Physical requirements.*

(1) An applicant for renewal of a license as master, mate, pilot or operator must present satisfactory evidence that no physical incapacity exists and of passing a current color sense test as prescribed in § 10.02–5(d). If the license is renewed by mail, the applicant must submit a certification by a licensed physician that he or she is in good health and has no physical defect which would render him or her incompetent to perform the ordinary duties of that license and a certification by a licensed physician attesting that the applicant has passed a current color sense test as prescribed in § 10.02–5(d).

(2) In the event an applicant for renewal of license as master, mate, pilot, or operator has a color perception deficiency, the OCMI may issue a license limited to service during daylight only.

(3) Applicants for renewal of license as engineer do not need to be reexamined for color sense; however, if the renewal is completed by mail, the applicant must submit a certification by a licensed physician that he or she is in good health and has no physical defect which would render him or her incompetent to perform the ordinary duties of the license.

(4) If the OCMI has reason to believe that an applicant for renewal of license suffers from some physical or mental infirmity to a degree that would render the applicant incompetent to perform the ordinary duties of the license, the applicant may be required to submit the results of an examination by a licensed physician that meets the requirements for original license.

(5) An applicant who has lost the sight of one eye may obtain a renewal of license, provided that the applicant is qualified in all other respects and that the visual acuity in the one remaining eye passes the test required for the better eye under § 10.05–5(d).

(g) *Special circumstances.*

(1) *Period of grace.* Except as provided herein, a license may be renewed within 12 months after it has expired. When an applicant's license expires during a time of service with the Armed Forces and there was no reasonable opportunity for renewal, this period may be extended. The period of military service following the date of expiration as shown on the license may be added to the 12 month period of grace. A license in not valid after the expiration date shown thereon.

(2) *Renewal in advance.* A license may not be renewed more than 180 days in advance of the date of expiration unless the OCMI is satisfied that there are extraordinary circumstances that justify a renewal beforehand.

(3) *Renewal by mail.*

(i) An applicant may renew a license by mail by making application to the Coast Guard office which issued the present license or holds the applicant's files. The following documents must be submitted:

(A) A properly completed application on a Coast Guard furnished form;

(B) The license to be renewed or a photocopy of same if unexpired;

(C) A certification from a licensed physician that no physical incapacity exists;

(D) For deck officers, certification by a licensed physician that color sense when tested by one of the methods listed in § 10.02–5(d) is normal; and

(E) If the applicant desires to renew a radar observer endorsement, either the radar observer certificate or a certified copy.

(ii) The required open-book exercise may be administered through the mail.

(iii) Upon receipt of the renewed license, the applicant must sign it in order to validate the license.

(h) *Reissue of expired license.*

(1) Whenever an applicant applies for renewal of a license more than 12 months after expiration, the applicant must complete an approved course or pass an examination to demonstrate continued professional knowledge. For a license limited to uninspected fishing vessels, an oral examination is administered. In the case of an expired radio officer's license, the application must be treated as an original application under Subpart 10.08 of this part.

(2) The renewed license receives the next higher number of issue of present grade and the next higher issue number of all grades.

§ 10.02–11 Creditable service and equivalents for licensing purposes.

(a) Sea service may be documented for licensing purposes in various forms such as certificates of discharge, pilotage service and billing forms, and letters or other official documents from marine companies signed by appropriate officials, or licensed masters, or in some cases by private individuals. This documentary evidence produced by the applicant must contain the amount and nature (e.g. chief mate, assistant engineer) of the the applicant's experience, the vessel names and official numbers, and the routes upon which the experience was acquired.

(b) Port engineer, shipyard superintendent experience, or instructor service may be creditable for a maximum of six months of service for raise of grade of engineer or deck license, as appropriate, using the following formula:

(1) Port engineer/shipyard superintendent experience is creditable on a three-for-one basis for a raise of grade to any assistant or chief engineer. (Twelve months of experience equals four months of creditable service.)

(2) Instructor service in marine related studies is creditable on a two-for-one basis for a raise of grade to any mate, or master, assistant or chief engineer. (Twelve months of experience equals six months of creditable service.)

(c) Service on mobile offshore units is creditable for raise of grade of license. Evidence of one year service while holding a license as third mate or third assistant engineer is acceptable for a raise of grade of unlimited licenses; however, any subsequent raises of grade of unlimited, non-restricted licenses must include a minimum of six months of service on commercial trading vessels.

(d) Simulator training in combination with a Coast Guard approved training course, may be submitted to the Commandant for evaluation and determination of equivalency to required sea service.

(e) Service obtained while holding a license as river mate (non-navigating) is considered equivalent to service as able seaman-special.

(f) Masters' and mates' licenses for service on vessels of over 200 gross tons may be endorsed for sail, auxiliary sail, or sail assist vessels as appropriate. The applicant must present the equivalent total qualifying service as the

conventional licenses including at least one year of deck experience on that specific type of vessel. For example, for a license as master of vessels of not more than 1600 gross tons endorsed for sail auxiliary, the applicant must meet the total experience requirements for the conventional license, including time as mate, and the proper tonnage experience, and have obtained at least one year of deck service on appropriately sized auxiliary sail vessels.

(g) Other experience in a marine related area, other than at sea, or sea service performed on unique vessels, will be evaluated by the OCMI for reasonable equivalence to traditional service.

§ 10.02-13 Sea service as a member of the Armed Forces of the United States and on vessels owned by the United States as qualifying experience.

(a) Sea service as a member of the Armed Forces of the United States will be accepted as qualfying experience for an original, raise of grade, or increase in scope of all licenses. In most cases, military sea service will have been performed upon ocean waters; however, inland service, as may be the case on smaller vessels, will be credited in the same manner as conventional evaluations. The applicant must submit an official transcript of sea service as verification of the service claimed when the application is submitted. The applicant must also provide other necessary information as to tonnage, routes, horsepower, percentage of time underway, and assigned duties upon the vessels which they served when interviewed at the Regional Examination Center. Such service will be evaluated by the OCMI to determine its equivalence to sea service required on merchant vessels and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. Normally, 60% of the total time on board is considered equivalent service; however, the periods of operation of each vessel is evaluated separately. In order to be eligible for a master's or chief engineer's unlimited license, the applicant must have acquired military service in the capacity of Commanding Officer or Engineer Officer, respectively.

(b) Service in deck ratings on military vessels such as Seaman Apprentice, Seaman, Boatswain's Mate, Quartermaster, or Radarman are considered deck service for licensing purposes. Service in other ratings may be considered if the applicant establishes that his or her duties required a watchstanding presence on or about the bridge of a vessel. Service in engineer ratings on military vesels such as Fireman Apprentice, Fireman, Engineman, Machinists' Mate, Machinery Technician or Boiler Tender are considered engineer service for licensing purposes. There are also other ratings such as Electrician, Hull Technician, or Damage Controlman which may be credited when the applicant establishes that his or her duties required watchstanding duties in an operating engine room.

(c) In addition to underway service, members of the Armed Forces may obtain creditable service for periods of assignment to vessels at times other than underway, such as in port, at anchor, or in training. Normally, a 25% factor is applied to these time periods. This experience can be equated with general shipboard familiarity, ship's business, and other related duties. Military sea service gained in other ratings such as Yeoman, Storekeeper, Cook, Baker, etc., may also be considered an equivalent to general shipboard familiarity and may be substituted for up to six months of sea service towards either a deck or engineer license.

(d) Sea service obtained on submarines is creditable in the conventional manner for engineer licenses under the provision of paragraph (a) of this section. For application to deck licenses, submarine service may be creditable if at least 25% of all service submitted for the license was obtained on surface vessels (e.g. If four years total service were submitted for an original license, at least one year must have been obtained on surface craft in order for the submarine service to be eligible for evaluation.).

(e) Service gained in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service, in which a license as master, mate, engineer, or pilot was not required at the time of such service, is evaluated by the OCMI for equivalence.

§ 10.02-15 Modification or removal of limitations.

(a) If an Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience, training, and knowlege to an increase in the scope of any license held, any limitations which were previously placed upon the license by that OCMI may be changed.

(b) An OCMI may not change a limitation on any license which that office did not place thereon before full information regarding the reason for the limitation is obtained from the OCMI responsible for the limitation.

(c) No limitation on any license may be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and passed any necessary examination.

10.02-17 Examination procedures and refusal of licenses.

(a)(1) The examinations for all deck and engineer unlimited licenses are repeated at periodic intervals. If an applicant fails one or more sections of an examination, he or she must be reexamined in all of the sections failed. If the applicant does not successfully complete all topics within four months of the first examination, the complete exam must be retaken.

(2) The scheduling of all other deck and engineer license examinations will be at the discretion of the OCMI. In the event of a failure, the applicant may be retested whenever the examination can be scheduled. The applicant must be examined in all of the unsatisfactory sections of the preceding examination. If the applicant does not successfully complete all parts of the examination within three months, the complete examination must be retaken.

(b) If the OCMI refuses to grant an applicant the license for which applied, the applicant is furnished a written statement setting forth the cause of the refusal.

§ 10.02-19 Issuance of duplicate license.

Whenever a person to whom a license has been issued loses the license, that person must report the loss to any OCMI. A duplicate license may be issued after receiving an affidavit describing the circumstances of the loss and verification of the license record from the Marine Inspection office where it was issued. A duplicate license is issued for the unexpired term of the lost license and bears the following statement: "This license replaces License Number —— issued at —— on the above date."

§ 10.02-21 Parting with license.

If the holder of a license voluntarily parts with it or places it beyond his or her personal control by pledging or depositing it with any other person for any purpose, the holder may be proceeded against in accordance with the provisions of Part 5 of this Chapter, looking to a suspension or revocation of the license.

§ 10.02-23 Suspension and revocation of licenses.

(a) When the license of any individual is revoked, it is invalidated with such revocation, and any license of the same type subsequently desired must be applied for as an original license except as to number of issue.

(b) No person whose license is suspended or has been revoked may be issued another license except upon approval of the Commandant.

(c) When a license which is about to expire is suspended, the renewal of such license is withheld until the expiration of the period of suspension.

4. Sections 10.05-1 through 10.05-41 are revised to read as follows:

Subpart 10.05—Professional Requirements for Deck Officers' Licenses.

§ 10.05-1 Ocean licenses qualifying for all waters.

(a) Any license issued for service as master or mate on ocean vessels qualifies the licensee to serve in the same grade on any waters subject to the limitations of the license without additional endorsement, other than for pilot routes required for particular waters.

(b) Licenses issued for service on the Great Lakes parallel the ocean and near coastal categories regarding rank structure, amount of experience, and tonnage requirements. For unlimited tonnage licenses on the Great Lakes:

(1) The four rank structure is employed;

(2) The licenses are limited to near coastal routes which include all inland waters and the Great Lakes;

(3) The examinations parallel the near coastal exams in the tonnage categories below 1600 gross tons. In the unlimited category, the exam for near coastal/Great Lakes excludes those topics which are not applicable such as celestial navigation, ocean sailing problems, international maritime law, etc., as indicated in Subpart 10.10 of this part; and,

(4) In order to upgrade the near coastal or Great Lakes unlimited license to an ocean unlimited license, six months of ocean service must be obtained in addition to completing the additional examination topics.

§ 10.05-2 Tonnage requirements for ocean or near coastal licenses for vessels of over 1600 gross tons.

(a) All required experience for ocean or near coastal licenses for vessels of any gross tons must be obtained on vessels of over 200 gross tons. At least one-half of the required experience must be obtained on vessels of 1600 gross tons or over.

(b) If the applicant for an original or raise of grade of license as master or mate has not obtained at least 50% of the required qualifying experience on vessels of 1600 gross tons or over, a tonnage limitation is placed on the license based on the applicant's qualifying experience. The license is limited to the maximum tonnage on which at least 25% of the required experience was obtained, or 150% of the maximum tonnage on which at least 50% of the service was obtained, whichever is higher. Limitations are in multiples of 1000 gross tons, using the next higher figure when an intermediate tonnage is calculated. When the calculated limitation equals or exceeds 10,000 gross tons, the applicant is issued an unlimited tonnage license.

(c) Tonnage limitations may be raised or removed in the following manner:

(1) When the applicant has six months of service on vessels of 1600 gross tons or over in the highest grade licensed, all tonnage limitations are removed.

(2) When the applicant has six months of service on vessels of 1600 gross tons or over in any licensed capacity other than the highest grade for which licensed, all tonnage limitations for the grade in which service is performed are removed and the next higher grade license is raised to the tonnage of the vessel on which the most service was performed.

(3) When the applicant has 12 months of service as able seaman on vessels of 1600 gross tons or over while holding a license as third mate, all tonnage limitations on the third mate's license are removed.

§ 10.05-3 Deck license structure.

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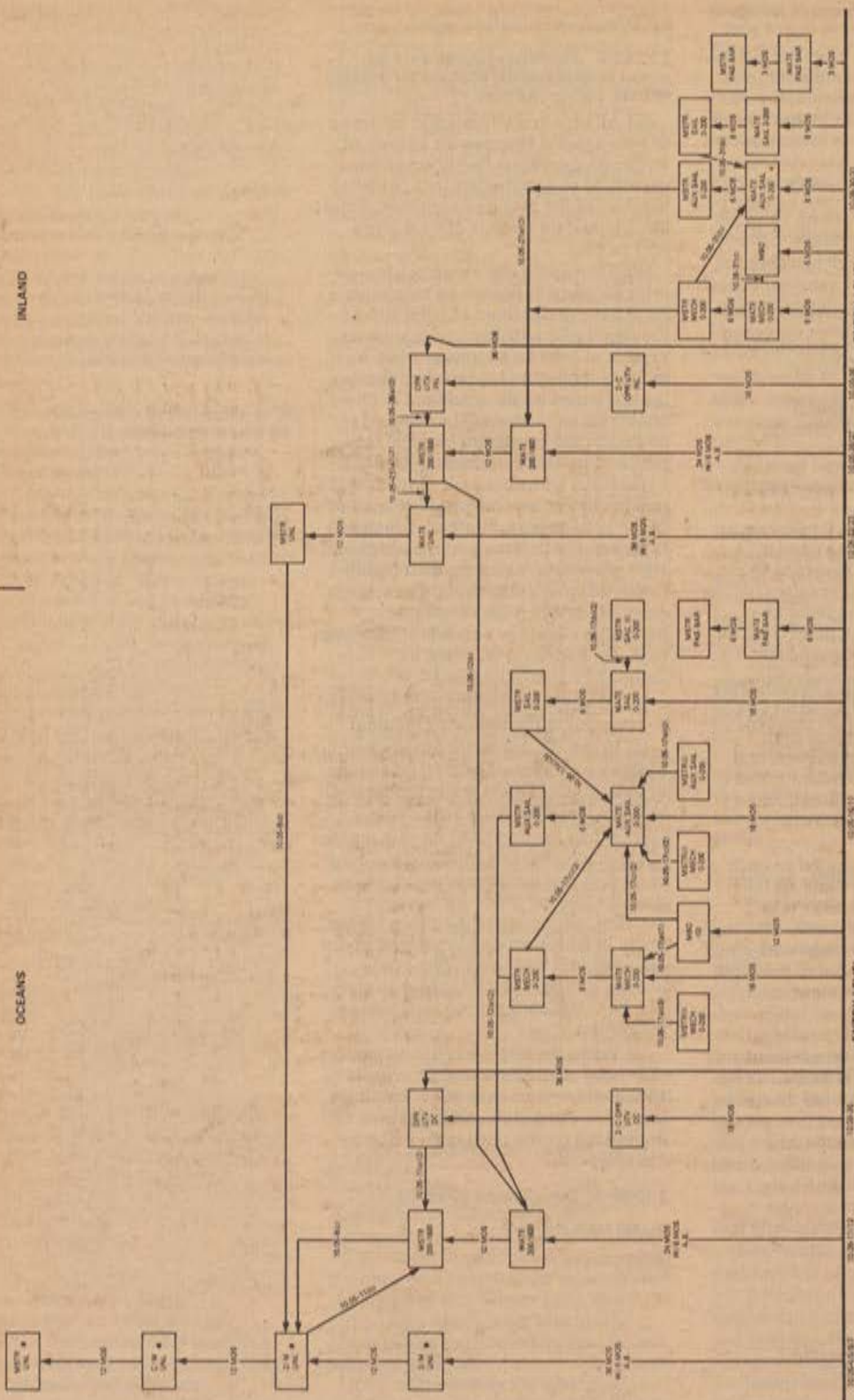


Figure 10.05-3 Deck License Structure

* Licenses for service on vessels of over 1600 gross tons on near coastal routes (including the Great Lakes) parallel this structure for service and tonnage requirements. The examination shall contain all subjects except those inappropriate for routes other than oceans, i.e., celestial navigation, ocean sailing problems, international maritime law, etc. In order to remove the near coastal route restriction at any level, an additional six months ocean service must be presented and any exam deficiencies completed. (See 10.05-1(b))

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§ 10.05-4 Service requirements for master of ocean steam or motor vessels of any gross tons.

The minimum service required to qualify an applicant for license as master of ocean steam or motor vessels of any gross tons is:

(a) One year of service as chief mate of ocean steam or motor vessels; or,

(b) Two years of service as second mate of ocean steam or motor vessels while holding a license as chief mate of such vessels.

§ 10.05-5 Service requirements for chief mate of ocean steam or motor vessels of any gross tons.

The minimum service required to qualify an applicant for license as chief mate of ocean steam or motor vessels of any gross tons is:

(a) One year of service as second mate of ocean steam or motor vessels; or,

(b) Two years of service as officer in charge of a deck watch on ocean steam or motor vessels while holding a license as second mate or motor vessels of any gross ton.

§ 10.05-6 Service requirements for second mate of ocean steam or motor vessels of any gross tons.

The minimum service required to qualify an applicant for license as second mate of ocean steam or motor vessels is:

(a) One year of service as officer in charge of a deck watch on ocean steam or motor vessels; or,

(b) While holding a license as third mate of ocean steam or motor vessels while of any gross tons:

(1) A minimum of six months of service as officer in charge of a deck on ocean steam or motor vessels; in combination with,

(2) Service as boatswain, able seaman, or quartermaster while holding a certificate as able seaman, which may be accepted on a two-for-one basis to a maximum allowable substitution of six months (12 months of experience equals 6 months of creditable service);

(c) While holding a license as master near coastal steam or motor vessels of not more than 1600 gross tons, one year of service on deck on vessels of over 200 gross tons operating on ocean or near coastal waters; or

(d) While holding a license as master of inland steam or motor vessels of any gross tons, three months of service on deck on vessels operating on ocean waters and successful completion of a limited examination.

§ 10.05-7 Service requirements for third mate of ocean steam or motor vessels of any gross tons.

(a) The minimum service or training required to qualify an applicant for license as third mate of ocean steam or motor vessels is:

(1) Three years of service in the deck department of ocean steam or motor vessels, six months of which shall have been as able seaman, boatswain, or quartermaster, while holding a certificate as able seaman;

(2) Graduation from:

(i) The U.S. Merchant Marine Academy (deck curriculum);

(ii) The U.S. Coast Guard Academy (deck curriculum);

(iii) The U.S. Naval Academy (deck curriculum);

(iv) The deck class of a nautical schoolship approved by and conducted under rules prescribed by the Commandant and listed in Part 166 of Subchapter R (Nautical Schools) of this chapter; or,

(3) Satisfactory completion of a three year apprentice mate training program approved by the Commandant.

(b) Graduation from the deck class of the Great Lakes Maritime Academy will qualify the graduate for a license as third mate near coastal steam or motor vessels of any gross tons.

(c) Service gained in the engine department on vessels of appropriate tonnage may be creditable for up to six months of the experience requirements for this license.

§ 10.05-9 Near coastal route restriction for licenses as master or mate of steam or motor vessels of not more than 1600 gross tons.

(a) All licenses as master or mate of steam or motor vessels of not more than 1600 gross tons upon oceans are issued with a near coastal route restriction unless the applicant presents service equal to the unlimited master or third mate, respectively, and completes additional examination topics.

(b) The near coastal route restriction is removed upon completion of service equivalent (in total years of service) to that required for unlimited licenses (master and third mate) and successful completion of a limited examination.

§ 10.05-10 Tonnage and service requirements for licenses as master or mate of near coastal steam or motor vessels of not more than 1600 gross tons.

(a) All required experience for licenses as master or mate of near coastal steam or motor vessels of not more than 1600 gross tons must be obtained on vessels of 50 gross tons or over. At least one-half of the required experience must be obtained on vessels of 200 gross tons or over.

(b) No licenses are issued for tonnages between 200–1600 gross tons.

(c) Service gained in the engine department on vessels of appropriate tonnage may be creditable for up to 25 per cent of the experience requirements for mate.

§ 10.05-11 Service requirements for master of near coastal steam or motor vessels of not more than 1600 gross tons.

(a) The minimum service required to qualify an applicant for license as master of near coastal steam or motor vessels of not more than 1600 gross tons is:

(1) One year of service as mate of near coastal steam or motor vessels of not more than 1600 gross tons; or,

(2) One year of service as operator of uninspected towing vessels upon near coastal or Great Lakes waters.

(b) An applicant holding a license as second mate of ocean steam or motor vessels of any gross tons is eligible for a license as master of near coastal steam or motor vessels of not more than 1600 gross tons upon successful completion of a limited examination.

§ 10.05-12 Service requirements for mate of near coastal steam or motor vessels of not more than 1600 gross tons.

(a) The minimum service required to qualify an applicant for license as mate of near coastal steam or motor vessels of not more than 1600 gross tons is:

(1) Two years of service in the deck department of steam or motor vessels operating on ocean or near coastal waters, six months or which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(2) One year of service as master of near coastal mechanically propelled, or auxiliary sail vessels of not more than 200 gross tons upon near coastal routes on vessels of 50 gross tons or over.

(b) An applicant holding a license as master of inland steam or motor vessels of not more than 1600 gross tons is eligible for a license as mate of near coastal steam or motor vessels of not more than 1600 gross tons upon presentation of three months of service on deck on vessels operating on ocean or near coastal waters and successful completion of a limited examination.

§ 10.05-14 Near coastal route restriction for licenses as master or mate of vessels of not more than 200 gross tons.

All licenses as master or mate for auxiliary sail, sail, mechanically propelled vessels, or passenger barges of not more than 200 gross tons upon

oceans are issued with a near coastal route restriction.

§ 10.05-15 Tonnage limitations and service requirements for license as master or mate of near coastal vessels of not more than 200 gross tons.

(a) All licenses issued for master or mate of near coastal vessels of not more than 200 gross tons are issued in 50 ton increments commensurate with the experience of the applicant. Licenses are limited to the highest tonnage vessel upon which the applicant served on deck for a minimum of 30 days rounded to the higher increment.

(b) The tonnage limitation on these licenses may be raised upon completion of:

(1) At least 30 days of additional service on deck on a vessel of a higher tonnage; or,

(2) Six months of service on vessels within the highest tonnage increment on the license. In this case, the tonnage limitation may be raised one increment.

(c) Service gained in the engine room on vessels of appropriate tonnage may be creditable for up to 25 per cent of the deck experience requirements for mate.

§ 10.05-16 Service requirements for master of near coastal vessels of not more than 200 gross tons.

An applicant for a license as master of mechanically propelled, auxiliary sail, sail vessels, or passenger barges in near coastal service must have six months of service on ocean or near coastal waters as licensed mate or equivalent on the type of vessel specified in the application, while holding a license as mate of such vessels.

§ 10.05-17 Service requirements for mate of near coastal vessels of not more than 200 gross tons.

(a) The minimum service required to qualify an applicant for license as mate of mechanically propelled vessels of not more than 200 gross tons operating on near coastal waters is:

(1) Six months of service in the deck department of mechanically propelled vessels operating on ocean or near coastal waters while holding a license as motorboat operator for near coastal waters; or,

(2) 18 months of service in the deck department of mechanically propelled vessels operating on ocean or near coastal waters; or,

(3) Six months of service in the deck department of mechanically propelled vessels operating on ocean or near coastal waters while holding a license as master of inland mechanically propelled vessels of not more than 200 gross tons.

(b) The minimum service required to qualify an applicant for license as mate of sail propelled vessels of not more than 200 gross tons operating on near coastal waters is:

(1) 18 months of service in the deck department of sail vessels operating on ocean or near coastal waters; or,

(2) Six months of service in the deck department of sail vessels operating on ocean or near coastal waters while holding a license as master of inland sail vessels.

(c) The minimum service required to qualify an applicant for license as mate of auxiliary sail vessels of not more than 200 gross tons operating on near coastal waters is:

(1) 18 months of service in the deck department of mechanically propelled, sail or auxiliary sail vessels operating on ocean or near coastal waters, of which at least six months of service must have been on sail or auxiliary sail vessels; or,

(2) Six months of service in the deck department of sail or auxiliary sail vessels operating on ocean or near coastal waters, while holding a license as motorboat operator for near coastal waters or master of inland mechanically propelled or auxiliary sail vessels; or,

(3) Upon request, a license as master of near coastal mechanically propelled or sail vessels may be endorsed as mate of near coastal auxiliary sail vessels without additional sea service.

(d) The minimum service required to qualify an applicant for a license as mate of near coastal passenger barges of not more than 200 gross tons is:

(1) Six months of service in the deck department of passenger barges operating on ocean or near coastal waters; or,

(2) Two months of service in the deck department of passenger barges operating on ocean or near coastal waters while holding a license as master of inland passenger barges.

§ 10.05-20 Inland licenses qualifying for all inland waters.

Any license issued for service as master or mate on inland waters is valid on all inland waters as defined in this Part. This excludes the Great Lakes.

§ 10.05-21 Tonnage requirements for inland licenses for vessels of over 1600 gross tons.

(a) All required experience for inland unlimited licenses must be obtained on vessels of over 200 gross tons. At least one-half of the required experience must be obtained on vessels of 1600 gross tons or over.

(b) Tonnage limitations may be imposed on these licenses in accordance with § 10.05-2 (b) and (c).

§ 10.05-22 Service requirements for master of inland steam or motor vessels of any gross tons.

The minimum service required to qualify an applicant for license as master of inland steam or motor vessels of any gross tons is one year of service as mate of inland steam or motor vessels.

§ 10.05-23 Service requirements for mate of inland steam or motor vessels of any gross tons.

(a) The minimum service required to qualify an applicant for license as mate of inland steam or motor vessels of any gross tons is:

(1) Three years of service in the deck department of steam or motor vessels, at least 18 months of which have been on vessels operating on inland waters, and at least 6 months of which shall have been as able seaman, boatswain, or quartermaster; or,

(2) While holding a license as master of inland steam or motor vessels of not more than 1600 gross tons, six months of deck service on vessels of over 200 gross tons.

(b) Service gained in the engine department on vessels of appropriate tonnage may be creditable for up to six months of the service requirements under paragraph (a)(1) of this section.

§ 10.05-25 Tonnage and service requirements for licenses as master or mate of inland vessels of not more than 1600 gross tons.

(a) All required service for licenses as master or mate of inland vessels of not over 1600 gross tons must be obtained on vessels of 50 gross tons or over. At least one-half of the required service must be obtained on vessels of 200 gross tons or over.

(b) No tonnage limitations are imposed between 200–1600 gross tons.

(c) Service gained in the engine department on vessels of appropriate tonnage may be creditable for up to 25% of the service requirements for mate.

§ 10.05-26 Service requirements for master of inland steam or motor vessels of not more than 1600 gross tons.

(a) The minimum service required to qualify an applicant for license as master of inland steam or motor vessels of not more than 1600 gross tons is:

(1) One year of service as mate of inland steam or motor vessels of not more than 1600 gross tons; or,

(2) One year of service as operator of uninspected towing vessels with Inland.

Western Rivers, Great Lakes or near coastal route endorsement.

§ 10.05-27 Service requirements for mate of inland steam or motor vessels of not more than 1600 gross tons.

(a) The minimum service required to qualify an applicant for license as mate of inland steam or motor vessels of not more than 1600 gross tons is:

(1) Two years of service in the deck department of inland steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster, or equivalent; or,

(2) One year of service as master of mechanically propelled or auxiliary sail vessels of not more than 200 gross tons on vessels of 50 gross tons or over.

§ 10.05-29 Tonnage limitations and service requirements for licenses as master or mate of inland vessels of not more than 200 gross tons.

(a) All licenses issued for master or mate of vessels of not more than 200 gross tons are issued in 50 ton increments commensurate with the experience of the applicant. Licenses are limited to the highest tonnage vessel upon which the applicant served on deck for a minimum of 30 days, rounded to the higher increment.

(b) The tonnage limitation on these licenses may be raised upon completion of:

(1) At least 30 days of additional service on deck on a vessel of a higher tonnage; or,

(2) Six months of service on vessels within the highest tonnage increment on the license. In this case, the tonnage limitation may be raised one increment.

(c) Service gained in the engine room on vessels of appropriate tonnage may be creditable for up to 25% of the deck service requirements for mate.

§ 10.05-30 Service requirements for master of inland vessels of not more than 200 gross tons.

(a) An applicant for a license as master of mechanically propelled, auxiliary sail, or sail vessels operating on inland waters must have six months of service as mate or equivalent on the type of vessel specified in the application while holding a license as mate of such vessels.

(b) For master of inland passenger barges, the applicant must have three months of service in the capacity of mate or equivalent of passenger barges.

(c) Limited master's licenses for vessels of not more than 200 gross tons upon inland waters may be issued to applicants to be employed by organizations such as formal camps, yacht clubs, and marinas with reduced service requirements. A license issued under this paragraph is limited to the specific activity and the locality of the camp, yacht club, or marina. In order to obtain this restricted license, an applicant must:

(1) Have four months of service in the operation of the type of vessel for which the license is requested; and,

(2) Satisfactorily complete a safe boating course conducted by the U.S. Coast Guard Auxiliary and approved by the National Association of State Boating Law Administrators, or those public education courses conducted by the U.S. Power Squadron or the American National Red Cross; and,

(3) Pass a limited examination appropriate for the activity to be conducted and the route authorized.

§ 10.05-31 Service requirements for mate of inland vessels of not more than 200 gross tons.

(a) The minimum service required to qualify an applicant for license as mate of inland mechanically propelled, auxiliary sail, or sail vessels is six months of service in the deck department of the type of vessel specified in the application.

(b) A license as master of mechanically propelled or sail vessels may be endorsed as mate of auxiliary sail vessels without additional sea service.

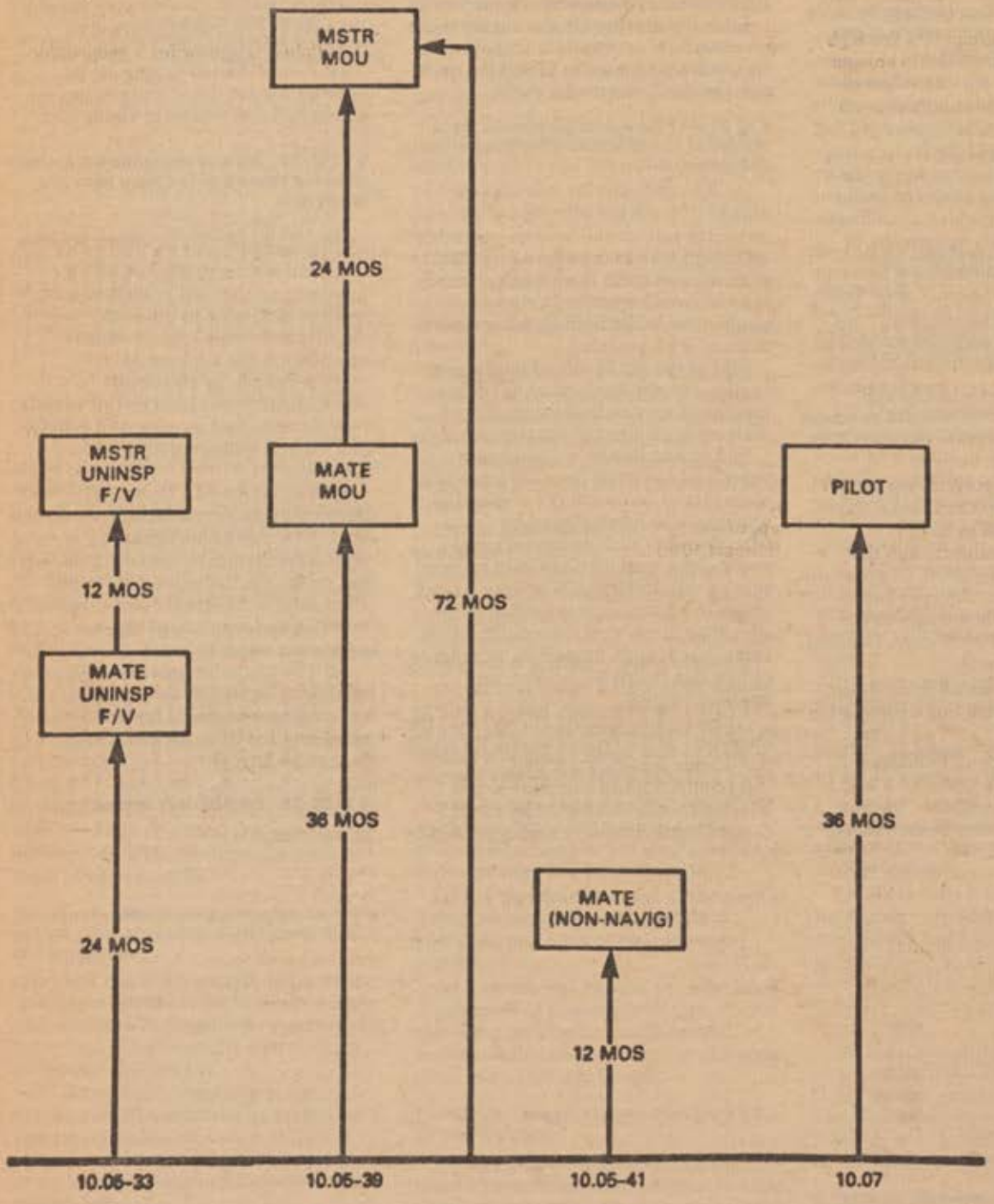
(c) The holder of a license as motorboat operator upon inland waters may obtain an endorsement as mate of inland mechanically propelled vessels of not more than 200 gross tons upon successful completion of an examination on rules and regulations for small passenger vessels.

(d) The minimum service required to qualify an applicant for license as mate of passenger barges is three months of service in the deck department of passenger barges.

§ 10.05-32 Special deck license structure.

BILLING CODE 4910-14-M

Figure 10.05-32 Special Deck License Structure



BILLING CODE 4910-14-C

§ 10.05-33 Licenses for master or mate of uninspected fishing vessels.

(a) This section applies to licenses for masters and mates of all vessels, however propelled, navigating the high seas, which are documented to engage in the fisheries, with the exception of:

(1) Wooden ships of primitive build

(2) Unrigged vessels

(3) Vessels of less than 200 gross tons

(b) Licenses as master and mate of uninspected fishing vessels are issued for ocean waters with tonnage limitations commensurate with the experience of the applicant.

(c) For a license as master of uninspected fishing vessels, the applicant must have served three years at sea in the deck department of which one year must have been as a licensed mate or equivalent.

(d) For a license as mate of uninspected fishing vessels, the applicant must have served two years at sea in the deck department.

(e) Applicants must pass an oral examination on the subjects listed in §§ 10.10-33 and 35.

§ 10.05-35 Licenses for operation of uninspected towing vessels.

(a) This section applies to licenses for the operation of uninspected towing vessels as defined in 46 U.S.C. 405(b).

(b) Licenses are issued as operator or second-class operator of uninspected towing vessels. These licenses do not authorize service aboard uninspected towing vessels operating more than 200 miles offshore nor on those of more than 200 gross tons in ocean or near coastal service.

(c) A person holding a license as second-class operator of uninspected towing vessels may not operate a vessel unless a person holding a license as operator of uninspected towing vessels, or master, mate (except non-navigating river mate) or pilot with appropriate tonnage and route limitations is on board that vessel.

(d) A person holding a license as master, mate (except non-navigating river mate), or pilot issued under this part may operate uninspected towing vessels within the scope and limitations endorsed on the license.

(e) Licenses as operator of uninspected towing vessels are endorsed for operation on one or more of the following geographic areas:

(1) Inland waters

(2) Western rivers

(3) Near coastal waters (including the Great Lakes)

(4) A limited local area designated by the Officer in Charge, Marine Inspection.

(f) For a license as second class operator of uninspected towing vessels, an applicant must have:

(1) At least 18 months of service on deck including 12 months on towing vessels. The service must include at least three months of training or duty in the wheelhouse of towing vessels, and three months of service in each particular geographic area for which endorsement for the license is requested; or,

(2) At least five months of service on towing vessels while holding a merchant mariner's document endorsed as "Able Seaman—Any Waters—Unlimited". The service must include three months on deck in each particular geographic area for which an endorsement is requested, and either two months of training or duty in the wheelhouse, or one month training or duty in the wheelhouse combined with successful completion of a towboat operator course of training approved by the Commandant under Subpart 10.30.

(g) For a license as operator of uninspected towing vessels, an applicant must have one of the following:

(1) Three years of service including the following:

(i) Two years on deck of a vessel of 26 feet or over in length;

(ii) One year on deck on a towing vessel with at least six months training or duty in the wheelhouse of the towing vessel; and

(iii) Three months of service in each particular geographic area for which application is made; or,

(2) Three years of service on towing vessels including the following:

(i) One year on deck on a towing vessel with at least six months of training in the wheelhouse of the towing vessel; and

(ii) Three months of service in each particular geographic areas for which application is made; or,

(3) For a license endorsed for a limited local area, 18 months service on deck on a towing vessel within the local area including at least three months of training or duty in the wheelhouse of the towing vessel.

(h) The examination for a license as operator of uninspected towing vessels which will be endorsed for a limited local area is modified by deleting those inappropriate questions.

(i) A person holding a license as second class operator of uninspected towing vessels who is 21 years old and possesses the service required in paragraph (g) of this section may be issued a license as operator without further examination.

(j) A person holding a license as operator of uninspected towing vessels may have that license endorsed as second class operator for a geographic area on which he or she has no operating experience, upon passing an examination for that area. Upon completion of three months of experience in that geographic area, the second class restriction may be removed.

§ 10.05-37 Motorboat operators' licenses.

(a) This section applies to all applicants for license to operate a vessel equipped with propulsion machinery of any type while carrying six or less passengers for hire. A motorboat operator license, limited on its face to state or Coast Guard numbered vessels, may be issued to a person who is not a citizen of the United States.

(b) Motorboat operator licenses issued for ocean waters will be limited to near coastal waters, which include the Great Lakes, with no further specific restrictions. Motorboat operator licenses issued for inland waters will include all inland waters except the Great Lakes, except those licenses issued for a particular local area under paragraph (e) of this section.

(c) For a license as motorboat operator, an applicant must have a minimum of six months of experience in the operation of vessels for an inland endorsement or a minimum of 12 months of experience in the operation of vessels, including at least three months of service on vessels operating on ocean or near coastal waters, for a near coastal endorsement.

(d) An applicant for a motorboat operator's license to operate vessels on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

(e) Limited motorboat operator licenses may be issued to applicants from organizations such as formal camps, yacht clubs, and marinas. A license issued under this paragraph will be limited to the specific activity and the locality of the camp, yacht club or marina. In order to obtain this restricted license, an applicant must:

(1) Have three months of service in the operation of the type of vessel for which the license is requested;

(2) Satisfactorily complete a safe boating course conducted by the U.S. Coast Guard Auxiliary and approved by the National Association of State Boating Law Administrators, or those public education courses conducted by

the U.S. Power Squadron or the American National Red Cross; and,

(3) Pass a limited examination appropriate for the activity to be conducted and the route authorized.

(f) A person holding a limited motorboat operator license may have the restriction removed upon acquiring the experience required for the basic license and completing additional examination topics.

§ 10.05-39 Licenses for master or mate on mobile offshore units upon oceans.

(a) Licenses as master or mate of mobile offshore units authorize service on self-propelled or non-self-propelled units while under tow or at the exploitation or exploration site. These licenses authorize service on vessels such as mobile offshore drilling units, construction barges, pipe-lay barges, drill tenders, accommodation units, and mobile oil well servicing units. These licenses do not authorize service in the capacity of master or mate while the unit is underway independently.

(b) To qualify for a license as master of mobile offshore units, an applicant must meet one of the following paragraphs.

(1) The applicant must have six years of service as roustabout, derrickman, driller, barge engineer, toolpusher, unit superintendent, crane operator or equivalent in the mineral and oil exploration or exploitation industry. Three years of the six years total must have been while on location at an exploration of exploitation site in any work capacity. At least three years of service must have been in a supervisory capacity aboard mobile offshore units of the following types: jack-ups; semi-submersibles; tenders; or offshore platforms with tender alongside; submersibles; inland drilling barges having operation in the open waters of the seas; or drillships. While employed in such supervisory capacity, an applicant must have experience in all of the following duties; directing and training watchstanders; scheduling helicopter, boat and radio communications and deliveries; maintaining logs, records and reports; directing operations and exercising responsibility for safety aboard the unit, including maintenance of lifesaving and firefighting equipment; and maintenance of station bills and maintenance of the unit in compliance with applicable government and company regulations. Also, the applicant must possess a merchant mariner's document authorizing service as able seaman.

(2) The applicant must have two years of service as a licensed mate on mobile offshore units.

(3) The applicant must hold a Bachelor of Science Degree from a duly recognized school of technology and have had not less than three years of service on mobile offshore units including one year service while holding a merchant mariner's document authorizing service as able seaman and one year service while performing supervisory duties as outlined in paragraph (b)(1) of this section.

(c) To qualify for a license as mate of mobile offshore units, an applicant must possess a merchant mariner's document authorizing service as able seaman and meet either of the following paragraphs.

(1) The applicant must have three years of service as roustabout, derrickman, driller, barge engineer, ballast controlman, subsea engineer, watchtender, able seaman, tool pusher, rig superintendent or equivalent in the mineral and oil exploration or exploitation industry. 18 months of this service must have been while on location at an exploration or exploitation site in any work capacity. At least 18 months of service shall have been aboard mobile offshore units of the following types: jack-ups; semi-submersibles; tenders or offshore platforms with tender alongside; submersibles; inland drilling barges having operation in the open waters of the seas; or drillships.

(2) The applicant must hold a Bachelor of Science Degree from a duly recognized school of technology and have had not less than 18 months of service as roustabout or above while performing controlroom duties aboard mobile offshore units; and,

10.05-41 Service requirements for mate (non-navigating) of river steam or motor vessels.

The minimum service required to qualify an applicant for license as mate (non-navigating) of river steam or motor vessels is one year of service in the deck department of steam, motor, or sail vessels, or barges. Three months of this service must have been on steam or motor vessels.

5. Section 10.05-46 is amended by revising paragraphs (c), (e), (h), (j), (k), and (o) to read as follows:

10.05-46 Radar Observer.

* * * * *

(c) Endorsement as Radar Observer (Inland Waters) is valid only for those waters covered by the Inland Navigation Rules, excluding the Great Lakes. Endorsement as Radar Observer (Unlimited) is valid on all waters.

* * * * *

(e) Each applicant for a radar observer endorsement or for renewal of an endorsement must present the certificate required by paragraph (d) of this section to the Officer in Charge, Marine Inspection. (Approved by the Office of Management and Budget under OMB control number 2215-0514).

* * * * *

(h) An endorsement as radar observer issued under this section is valid for 5 years after the month of issuance of the certificate of training from an approved radar training school. The radar observer endorsement is not terminated by the issuance of a new license during this 5 year period.

* * * * *

(j) A radar observer endorsement may be renewed at any time.

* * * * *

(k) A radar observer endorsement valid on and issued prior to November 15, 1982, remains valid until November 15, 1984 or until the license expires, whichever occurs later.

* * * * *

(o) An applicant for original license may be issued that license without meeting the requirements for radar observer endorsement.

6. Subpart 10.06 is added to read as follows:

Subpart 10.06—Professional Requirements for Engineer Officers' Licenses

10.06-1 Grade and type of engineer licenses issued.

(a) Licenses are issued in the grades of:

(1) Chief engineer;

(2) First assistant engineer;

(3) Second assistant engineer;

(4) Third assistant engineer;

(5) Chief engineer (limited); and,

(6) Assistant engineer (limited).

(b) Engineer licenses issued in the grades of chief engineer (limited) and assistant engineer (limited) of steam and/or motor vessels will allow the holder to serve within any horsepower limitations upon:

(1) Vessels in inland service (other than the Great Lakes) of any gross tons; and,

(2) Vessels of 1600 gross tons or less upon near coastal waters (including the Great Lakes).

(c) Engineer licenses authorize service on either steam or motor vessels or may be endorsed for both modes of propulsion.

(d) A person holding an engineer's license which is restricted to specified waters may serve within the limitations of the license upon those waters as defined in § 10.01-3 of this part.

§ 10.06–2 Additional requirements for engineer licenses.

(a) For all original and raise of grade of engineer licenses, at least one-third of the minimum service requirements must have been obtained on that particular mode of propulsion for which applied.

(b) The near coastal route restriction placed on limited chief and assistant engineer licenses may be removed when the applicant has service equivalent (in total years of service) to that required for unlimited chief or third assistant engineer respectively.

(c) If a licensed applicant desires to obtain an endorsement on an engineer license in the other propulsion mode (steam or motor), the following alternative methods are acceptable:

(1) Four months of service as an observer in the same licensed capacity on vessels of the other propulsion mode;

(2) Four months of service as a licensed officer at the next lower license level on vessels of the other propulsion mode;

(3) Six months of service as oiler, watertender, or junior engineer, as appropriate, on vessels of the other propulsion mode.

§ 10.06–3 Horsepower limitations.

(a) Engineer's licenses of all grades and types are subject to horsepower limitations. The horsepower limitation placed on a license is based on the applicant's qualifying experience considering the total shaft horsepower of each vessel on which the applicant has served.

(b) When an applicant for an engineer license has not obtained at least 50% of the required qualifying experience on vessels of 4,000 or more horsepower, a horsepower limitation is placed on the license. The license is limited to the maximum horsepower on which at least 25% of the required experience was obtained, or 150% of the maximum horsepower on which at least 50% of the service was obtained, whichever is higher. Limitations are in multiples of 1000 horsepower, using the next higher figure when an intermediate horsepower is calculated. When the limitation as calculated equals or exceeds 10,000 horsepower, an unlimited horsepower license is issued.

(c) The following service on vessels of 4,000 horsepower or over will be considered qualifying for the raising or removing of horsepower limitations placed on engineer licenses:

(1) Six months of service in the highest grade licensed: removal of all horsepower limitations.

(2) Six months of service in any licensed capacity other than the highest grade for which licensed: removal of all horsepower limitations for the grade in which service is performed and raise the next higher grade license to the horsepower of the vessel on which service was performed.

(3) Twelve months of service as oiler or Junior Engineer while holding a license as Third Assistant Engineer: removal of all horsepower limitations on Third Assistant Engineer's license.

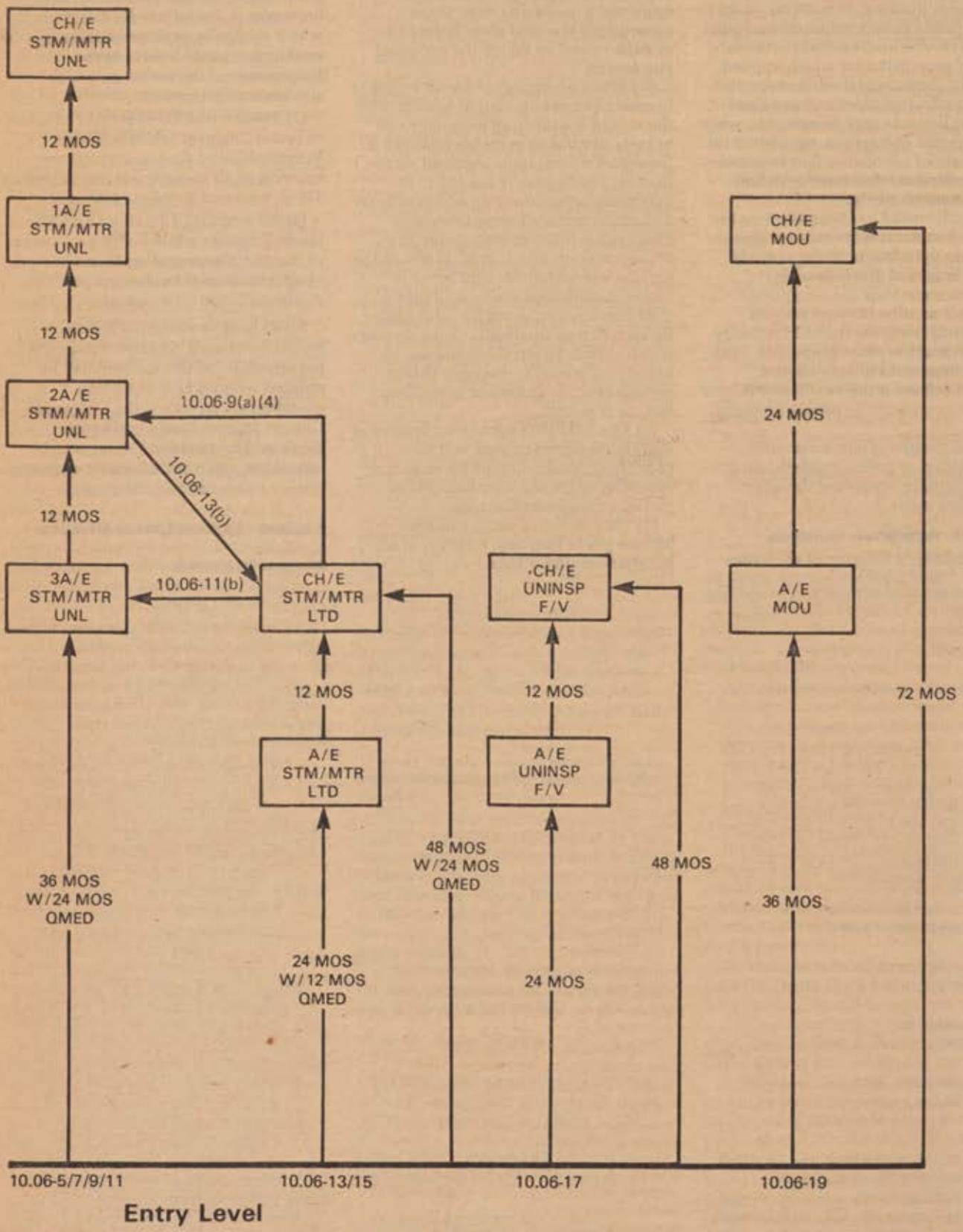
(4) Six months of service as oiler or Junior Engineer while holding a license as Second Assistant Engineer; removal of all horsepower limitations on Third Assistant Engineer's license.

(d) Raising or removing horsepower limitations based on service required by paragraph (c) of this section may be granted without further written examination providing the Officer in Charge, Marine Inspection in the Regional Examination Center which issued the applicant's license, considers further examination unnecessary.

§ 10.06–4 Engineer License Structure.

BILLING CODE 4910–14–M

Figure 10.06—4 Engineer License Structure



BILLING CODE 4910-14-C

§ 10.06-5 Service requirements for chief engineer of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief engineer of steam and/or motor vessels is:

(1) One year of service as first assistant engineer; or,

(2) Two years of service as second assistant engineer, while holding a license as first assistant engineer.

§ 10.06-7 Service requirements for first assistant engineer of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as first assistant engineer of steam and-or motor vessels is:

(1) One year of service as second assistant engineer; or,

(2) Two years of service as third assistant engineer while holding a license as second assistant engineer.

§ 10.06-9 Service requirements for second assistant engineer of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as second assistant engineer of steam and-or motor vessels is:

(1) One year of service as third assistant engineer; or,

(2) Two years of service as assistant to the engineer in charge of a watch, while holding a license as third assistant engineer; or,

(3) One year of service while holding a license as third assistant engineer of steam or motor vessels which includes:

(i) A minimum of six months of service as third assistant engineer with

(ii) Additional service as a qualified member of the engine department, calculated on a two-for-one basis; or,

(4) Six months of service as chief engineer (limited) of steam or motor vessels, and passing the appropriate examination described in § 10.10-40.

§ 10.06-11 Service requirements for third assistant engineer of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as third assistant engineer of steam and/or motor vessels is:

(1) Three years of service in the engineroom of vessels, two years of which must have been as a qualified member of the engine department;

(2) Three years of service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines, together with one year service in the engineroom as oiler, watertender, or junior engineer;

(3) Graduation from:

(i) The U.S. Merchant Marine Academy (engineering curriculum);

(ii) The engineering class of a nautical schoolship approved by the Commandant (see Part 166 of this chapter);

(iii) The U.S. Coast Guard Academy (engineering curriculum);

(iv) The U.S. Naval Academy (engineering curriculum);

(4) Graduation from the marine engineering course of a school of technology accredited by the Accreditation Board for Engineering and Technology, New York, New York, together with three months of service in the engine department of steam or motor vessels;

(5) Graduation from the mechanical or electrical engineering course of a school of technology accredited by the Accreditation Board for Engineering and Technology, New York, New York, together with six months of service in the engine department of steam or motor vessels;

(6) Satisfactory completion of a three-year apprentice engineers training program approved by the Commandant.

(b) The holder of a license as chief engineer (limited) of steam and/or motor vessels may obtain a license endorsement as third assistant engineer for the same propulsion mode(s) without further service by successfully completing the examination described in § 10.10-40.

(c) Service gained in the deck department on vessels of 100 gross tons or over can be credited for up to six months of the experience requirements under paragraph (a)(1) of this section.

§ 10.06-13 Service requirements for chief engineer (limited) of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief engineer (limited) of steam and/or motor vessels is:

(1) One year or service as assistant engineer (limited); or,

(2) Four years of service in the engineroom of vessels, two years of which must have been as a qualified member of the engine department or the equivalent.

(b) A person holding a license as second assistant engineer may obtain a license as chief engineer (limited) with the same limitations and modes of propulsion as the second assistant engineer license.

§ 10.06-15 Service requirements for assistant engineer (limited) of steam and/or motor vessels.

(a) The minimum service required to qualify an applicant for license as assistant engineer (limited) of steam and/or motor vessels is:

(1) Two years of service in the engineroom of vessels, one year of which must have been as a qualified member of the engine department or the equivalent; or,

(2) Satisfactory completion of a prescribed course (engineering) at a training facility approved by the Commandant.

(b) Service gained on deck on vessels over 100 gross tons may be creditable for up to six months of the experience requirements for this license.

§ 10.06-17 Licenses for engineers of uninspected fishing vessels.

(a) The section applies to licenses for chief and assistant engineers of all vessels, however propelled, navigating the high seas, which are documented to engage in the fisheries, with the exception of:

(1) Wooden ships of primitive build;

(2) Unrigged vessels;

(3) All vessels of less than 200 gross tons.

(b) Licenses as chief engineer and assistant engineer of uninspected fishing vessels are limited to near coastal waters and are issued with horsepower limitations commensurate with the experience of the applicant.

(c) For a license as chief engineer, the applicant must have four years of service in the engineroom of vessels. This may be reduced to three years at sea in the engineroom of vessels if one year was as a licensed assistant engineer or equivalent.

(d) For a license as assistant engineer, an applicant must have two years of service in the engineroom of vessels.

(e) Two-thirds of the required service must have been on motor vessels.

(f) Applicants must pass an oral examination on the subjects listed in § 10.10-40 of this part.

§ 10.06-19 Licenses for engineers of mobile offshore units.

(a) Licenses as chief engineer or assistant engineer of mobile offshore units authorize service on self-propelled or non-self-propelled units of any horsepower while under tow or at the exploitation or exploration site. These licenses authorize service on vessels such as mobile offshore drilling units, construction barges, pipe-lay barges, drill tenders, accommodation units, and mobile oil well servicing units. These licenses do not authorize service in the capacity of chief engineer or assistant engineer while the unit is underway independently.

(b) To qualify for a license as chief engineer of mobile offshore units, an applicant must meet either of the following paragraphs.

(1) The applicant must have six years of total drilling service on mobile offshore units as roustabout, derrickman, driller, barge engineer, toolpusher, unit superintendent, crane operator or equivalent. Three years of this service must have been as a mechanic, electrician, motorman, subsea engineer or equivalent including not less than one year of service offshore aboard self-propelled motor units.

(2) The applicant must have two years of service as a licensed assistant engineer on mobile offshore units.

(c) To qualify for a license as assistant engineer of mobile offshore units, an applicant must meet one of the following paragraphs.

(1) The applicant must have three years of total service on moile offshore units as roustabout, derrickman, driller, barge engineer, toolpusher, unit superintendent, crane operator or equivalent. Two years of this service must have been as a mechanic, electrician, motorman, subsea engineer or equivalent including not less than six months of service offshore aboard self-propelled motor units.

(2) The applicant must have three years of service or employment in the machinist trade engaged in the construction or repair of diesel engines together with one year of service on mobile offshore units in the capacity of mechanic, motorman, oiler or equivalent.

(3) The applicant must have graduated from the marine engineering, mechanical, or electrical engineering course of a school of technology accredited by the Accreditation Board for Engineering and Technoligy, New York, New York together with six months of service offshore in one or more of the capacities listed in paragraph (c)(1) of this section.

Subpart 10.07—Professional Requirements for Pilots' Licenses

(See Notice of Proposed Rulemaking published on January 27, 1983, 48 FR 3912.)

7. Subparts 10.08 and 10.09 are added to read as follows:

Subpart 10.08—Licensing of Radio Officers

§ 10.08-1 Applicability.

The regulations in this subpart implement the provisions in Title 46, U.S. Code, sections 229a to 229h, and provide licensing to qualified applicants as radio officer.

§ 10.08-3 Requirements for radio officer license.

(a) Each applicant for an original license or renewal of license must present a current first or second class radiotelegraph operator license issued by the Federal Communications Commission. The applicant must enter on the license application form the number, class, and date of issuance of his or her Federal Communications Commission license.

(b) An applicant for issuance of license as radio officer must apply for a merchant mariner's document. This document will be endorsed "See License as Radio Officer."

Subpart 10.09—Registration of Staff Officers

§ 10.09-1 Applicability.

This subpart provides for the registration of staff officers for employment on vessels documented under the laws of the United States. Staff officers must be registered if serving on most vessels in ocean service and on the Great Lakes.

§ 10.09-3 Grades of certificates issued.

Staff officers are registered in the following grades:

(a) Chief purser.

(b) Purser.

(c) Senior assistant purser.

(d) Junior assistant purser.

(e) Surgeon.

(f) Professional nurse.

§ 10.09-5 General requirements.

(a) The applicant for a certificate of registry as staff officer is not required to take any examination; however, the applicant must present to the Officer in Charge, Marine Inspection a letter justifying the need for the certificate of registry.

(b) The applicant must hold, or apply for, a merchant mariner's document issued as a certificate of identification.

(c) Endorsements for a higher grade are not to be made on certificates of registry. An applicant for a higher grade in the staff department must apply in the same manner as for an original certificate of registry and must surrender the certificate upon issuance of the new certificate of registry. A person holding a certificate of registry as staff officer may serve in a lower grade of a service for which he or she is registered.

(d) Staff officers who are members of the Naval Reserve Corps must comply with Title 46, U.S.C. 245 concerning uniforms.

(e) A duplicate certificate of registry may be issued by the Officer in Charge, Marine Inspection. (See § 10.02-19).

§ 10.09-7 Experience requirements for registry.

(a) The applicant for a certificate of registry as staff officer must submit evidence of experience as follows:

(1) *Chief purser.* Two years of service aboard vessels performing duties relating to work in the purser's office.

(2) *Purser.* One year of service aboard vessels performing duties relating to work in the purser's office.

(3) *Senior assistant purser.* Six months of service aboard vessels performing duties relating to work in purser's office.

(4) *Junior assistant purser.* Previous experience not required.

(5) *Surgeon.* A valid license as physician and surgeon issued under the authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(6) *Professional nurse.* A valid license as a registered nurse issued under authority of a State or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(b) Employment on shore in connection with ship's business may be accepted in lieu of service aboard vessels. Related shore employment is accepted in the ratio of two months of shore service to count as one month of service aboard vessels.

(c) In computing the length of service required of an applicant for a certificate of registry, service of one season on vessels on the Great Lakes is counted as service of one year.

(d) In the event an applicant for a certificate of registry, other than surgeon, presents evidence of other qualifications which, in the opinion of the Officer in Charge, Marine Inspection, are equivalent to the experience requirements of this section and are consistent with the duties of a staff officer, the Officer in Charge, Marine Inspection, may issue the certificate of registry.

§ 10.09-9 Experience requirements for ratings endorsed on certificate of registry.

An applicant for rating to be endorsed on a certificate of registry must submit evidence of experience as follows:

(a) *Marine physician assistant.* Successful completion of an accredited course of instruction for a physician's assistant program.

(b) *Hospital corpsman.* A rating of at least hospital corpsman or health services technician, first class in the U.S. Navy, U.S. Coast Guard, U.S.

Marine Corps, or an equivalent rating in the U.S. Army (not less than staff sergeant, Medical Department, U.S.A.), or in the U.S. Air Force (not less than technical sergeant, Medical Department, U.S.A.F.), and a period of service of at least one month in a military hospital or U.S. Public Health Service Hospital.

8. Subpart 10.10 is revised to read as follows:

Subpart 10.10—License Examinations

§ 10.10–1 General provisions.

(a) Applicants for the licenses listed in this subpart must pass an examination on the subjects listed prior to issuance of a license. For all deck and engineer licenses, except those issued for uninspected fishing vessels, the examination must be written. (See § 10.02–5(h)(1) for oral assisted examination requirements.) For the uninspected fishing vessel license, the examination is administered orally.

(b) If the license is to be limited in a manner which would render any of the subject matter unnecessary or inappropriate, the examination is amended accordingly by the Officer in Charge, Marine Inspection. Limitations which may affect the examination content are:

(1) Restricted routes for reduced service licenses (master or mate of vessels of not more than 200 gross tons, motorboat operator or uninspected towing vessel operators); or,

(2) Engineer licenses with horsepower restrictions.

(c) Examinations are required within each license category at entry and command levels with the exception of master of vessels of not more than 200 gross tons and operator, uninspected towing vessels. Raises of grade with the exception of second mate, master, chief or second assistant engineer unlimited, and lateral crossovers to the left on either the deck or engineer license structure charts in § 10.05–3 and § 10.06–4 require full examinations as indicated. Progressions to the right on these charts require a partial examination in those situations explained for each particular license. The partial examination content shall be derived from a comparison of similar subjects as listed in Subpart 10.10.

§ 10.10–3 Licenses requiring examinations.

(a) The following licenses require examinations for issuance:

Chief mate of ocean steam or motor vessels of any gross tons
Chief mate of near coastal steam or motor vessels of any gross tons (includes Great Lakes) [1]
Third mate of ocean steam or motor vessels of any gross tons
Third mate of near coastal steam or motor vessels of any gross tons (includes Great Lakes) [1]
Master of near coastal steam or motor vessels of not more than 1600 gross tons
Mate of near coastal steam or motor vessels of not more than 1600 gross tons
Mate of near coastal vessels of not more than 200 gross tons
Motorboat operator, near coastal
Master of inland steam or motor vessels of any gross tons
Mate of inland steam or motor vessels of any gross tons
Master of inland steam or motor vessels of not more than 1600 gross tons
Mate of inland steam or motor vessels of not more than 1600 gross tons
Mate of inland vessels of not more than 200 gross tons
Motorboat operator, inland
Pilot:
Operator uninspected towing vessels (only if original issuance and not a raise of grade from 2/c opr)
2/c Operator uninspected towing vessels
Master (Mobile Offshore Units)
Mate (Mobile Offshore Units)
Master uninspected fishing vessels
Mate uninspected fishing vessels
River mate (non-navigating)
First assistant engineer steam/motor vessels
Third assistant engineer steam/motor vessels
Chief engineer (limited) steam/motor vessels
Assistant engineer (limited) steam/motor vessels
Chief engineer (Mobile Offshore Units)
Assistant engineer (Mobile Offshore Units)
Chief engineer uninspected fishing vessels
Assistant engineer uninspected fishing vessels

(b) The following licenses and certificate do not require examinations for issuance unless it is an original issuance, or a lateral crossover as explained in § 10.10–1(c):

Master of ocean steam or motor vessels of any gross tons
Master of near coastal steam or motor vessels of any gross tons (includes Great Lakes)
Second mate of ocean steam or motor vessels of any gross tons (includes Great Lakes)
Second mate of near coastal steam or motor vessels of any gross tons
Master of near coastal vessels of not more than 200 gross tons
Master of inland vessels of not more than 200 gross tons
Chief engineer steam/motor vessels
Second assistant engineer steam/motor vessels
Radio officer
Certificate of registry as staff officer

[1] Examination will differ from oceans unlimited only by deleting those subjects inappropriate for this route.

§ 10.10–5 Examination reference information.

The examinations required under this subpart are based on international agreements, statutes, regulations, and standard reference materials. Applicant should be familiar with the content and use of the following, to the extent they relate to the particular license sought:

(a) International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

(b) Inland Navigational Rules.

(c) "Basic Principles to be Observed in Keeping a Navigational/Engineering Watch" (Regulations II/1 and III/1 of STCW, 1978).

(d) International Medical Guide for Ships.

(e) Safety of Life at Sea, 1974 (SOLAS).

(f) Merchant Ship Search and Rescue Manual (MERSAR).

(g) International Code of Signals.

(h) International Regulations for Carriage of Goods.

(i) Titles 33, 46 and 49 of the Code of Federal Regulations.

(j) Light List.

(k) List of Lights.

(l) Radio Navigational Aids.

(m) Coast Pilot.

(n) Sailing Directions.

§ 10.10–7 Chief mate of ocean (or near coastal) steam or motor vessels of any gross tons.

An applicant for a license as chief mate of steam or motor vessels of any gross tons must pass an examination on the subjects listed in this section. Subjects marked with an asterisk are not applicable to near coastal licenses.

(a) Navigation and position determination including:

(1) Ocean Track Plotting by—
(i) Middle latitude sailing.
(ii) Mercator sailing.
(iii) Great circle sailing.
(iv) ETA (Estimated Time of Arrival).
(v) Parallel sailing.
(vi) Dead reckoning.
(vii) Chart navigation.
(2) Restricted waters navigation—
(i) Piloting.
(ii) Chart navigation.
(3) Ice navigation.
(4) Restricted visibility navigation.
*(5) Extensive tidal effects.
(6) Speed by RPM.
(7) Fuel conservation.
*(8) Celestial observations including—
(i) Latitude by Polaris.
(ii) Latitude by Meridian altitude.
(iii) Fix or running fix (any body).
(iv) Star identification.
(v) Time of LAN (local apparent noon).

(vi) Second estimate LAN (local apparent noon).
(vii) Zone time sunrise/set, moonrise/set.
(viii) Nautical astronomy and navigation definitions.
(9) Terrestrial observations including—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems.
(vi) Fix or running fix.
(10) Electronic navigation.
(11) Instruments and accessories.
(12) Change in draft due to density.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction & compensation including—
*(i) Deviation (any body).
*(ii) Azimuth (any body).
*(iii) Amplitude of the sun.
(iv) Deviation table construction.
(3) Gyro controlled systems.
(4) Operation and care of main gyro compass systems.
(e) Meteorology and Oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
*(3) Ocean current systems.
(4) Tide and tidal current publications.
(5) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Approaching pilot vessel or station.
(2) Shiphandling in rivers, estuaries.
(3) Maneuvering in shallow water.
(4) Interaction with bank or passing ship.
(5) Berthing and unberthing.
(6) Anchoring and mooring.
(7) Dragging, clearing fouled anchors.
(8) Drydocking, with and without prior damage.
(9) Heavy weather operation, including ship/aircraft in distress, towing.
(10) Maneuvering for launching lifeboats and liferafts in heavy weather.
(11) Receiving survivors from lifeboats and liferafts.
(12) Determining ship maneuvering characteristics of major vessel types.
(13) Wake reduction.
(14) Ice operations.
(15) Traffic separation schemes.
(16) Towing operations.
(g) Ship stability, construction, and damage control:
(1) Principles of ship construction.
(2) Trim and stability.
(3) Damage trim and stability, counter measures.
(4) Stability, trim, and stress calculations.
(5) Vessel structural members.
*(6) IMO ship stability recommendations.
(h) Ship power plants:
(1) Marine power plant operating principles.
(2) Ships' auxiliary machinery.
(3) Marine engineering terms.
(i) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Loading and discharge operations.
*(3) International regulations (IMDG) for carriage of cargoes.
(4) Dangerous goods precautions.
(5) Tank vessel safety guide.
(6) Cargo piping and pumping systems.
(7) Cargo oil terms and definitions.
(8) Pollution regulations.
(9) Ballasting, tank cleaning, and gas freeing operations.
(10) Load on top procedures.
(j) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention of fires.
(k) Emergency procedures:
(1) Ship beaching precautions.
(2) Actions prior to and after grounding.
(3) Refloating a grounded ship.
(4) Collision.
(5) Temporary repairs.
(6) Passenger and crew safety in emergency.
(7) Fire or explosion.
(8) Abandon ship.
(9) Emergency steering.
(10) Rescuing survivors from ships or aircraft in distress.
(11) Man overboard.
(l) Medical care:
(1) Knowledge and use of—
(i) International Medical Guide for Ships.
(ii) Ships Medicine Chest and Medical Aid at Sea.
(iv) Medical section, International Code of Signals.
(v) Medical first aid guide for use in accidents involving dangerous goods.
(vi) First aid.
(m) Maritime law:
(1) International Maritime Law—
*(i) Certification and documentation of vessels required by international conventions.
*(ii) International conventions on load lines.
(iii) SOLAS.
(iv) International Convention on Prevention of Pollution from Ships (MARPOL 73/78)).
*(v) International health regulations.
(vi) COLREG responsibilities.
*(vii) International instructions for safety of ship, passengers, crew, cargo.
(2) National Maritime Law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(iii) Rules and regulations for vessel inspection.
(iv) Pollution prevention regulations.
(v) Pilotage.
(n) Personnel management and training:
(1) Personnel management.
(2) Shipboard organization.
(3) Required crew training.
(o) Ships business:
(p) Communications:
(1) Practical signaling examination (flashing light).
(2) Radiotelephone communications.
(3) Radiotelegraphy emergency distress signals.
(4) Signals: storm, wreck, distress, and special.
(q) Lifesaving:
(1) Lifesaving applicance regulations.
(2) Lifesaving applicance operation.
(r) Search & Rescue:
*(1) IMO merchant ship search and rescue manual (MERSAR).
(s) Demonstration of proficiency:
(1) Navigation—
*(i) Sextant, pelorus, azimuth mirror (sextant only applies to near coastal).
(ii) Practical chart work.
(2) Radar—
(i) Simulator or maneuvering boards.
(3) Firefighting—
(i) Attendance at approved firefighting course (required for offshore service only).
(4) Lifesaving—
(i) Launching and handling of lifeboats, liferafts and other lifesaving appliances.

§ 10.10–9 Master of near coastal steam or motor vessels of not more than 1600 gross tons.

An applicant for a license as master of near coastal steam or motor vessels of not more than 1600 gross tons must pass an examination on the subjects listed in this section.
(a) Navigation and position determination including:
(1) Ocean track plotting by—

(i) Dead reckoning.
(ii) Chart navigation.
(iii) Estimated time of arrival (ETA).
(2) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(3) Ice navigation.
(4) Restricted visibility navigation.
(5) Traffic separation schemes.
(6) Extensive tidal effects.
(7) Speed by RPM.
(8) Full conservation.
(9) Terrestrial observations—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice of Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems.
(vi) Fix or running fix.
(10) Instruments and accessories.
(11) Electronic navigation gear.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compass.
(2) Magnetic and gyro compass error, correction and compensation.
(3) Gyro controlled systems.
(4) Operation and care of main gyro compass systems.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Approaching pilot vessel or station.
(2) Shiphandling in rivers, estuaries.
(3) Maneuvering in shallow water.
(4) Interaction with bank or passing ship.
(5) Berthing and unberthing.
(6) Anchoring and mooring.
(7) Dragging, clearing fouled anchors.
(8) Drydocking, with and without prior damage.
(9) Heavy weather operations, including ship or aircraft in distress, towing.
(10) Maneuvering for launching lifeboats or liferafts in bad weather.
(11) Receiving survivors from lifeboats or liferafts.
(12) Wake reduction.
(13) Ice operations.
(14) Traffic separation schemes.
(15) Towing operations.
(g) Ship stability, construction, and damage control:
(1) Principles of ship construction.
(2) Trim and stability.
(3) Damage trim and stability and counter measures.
(4) Stability, trim, and stress calculations.
(5) Vessel structural members.
(h) Ship power plants:
(1) Marine power plant operating principles.
(2) Ships' auxiliary machinery.
(3) Marine engineering terms.
(i) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Loading and discharge operations.
(3) Dangerous goods precautions.
(4) Tank vessel safety guide.
(5) Cargo piping and pumping systems.
(6) Cargo oil terms and definitions.
(7) Pollution regulations.
(8) Ballasting, tank cleaning, and gas freeing operations.
(9) Load on top procedures.
(j) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(k) Emergency procedures:
(1) Ship beaching precautions.
(2) Actions prior to and after grounding.
(3) Reflating a grounded ship.
(4) Collision.
(5) Temporary repairs.
(6) Passenger and crew safety in emergency.
(7) Fire or explosion.
(8) Abandon ship.
(9) Emergency steering.
(10) Rescuing survivors from ships in distress.
(11) Man overboard.
(l) Medical care:
(1) Knowledge and use of—
(i) International Medical Guide for Ships.
(ii) Ships Medicine Chest and Medical Aid at Sea.
(iii) Medical section, International Code of Signals.
(iv) Medical first aid guide for use in accidents involving dangerous goods.
(v) First aid.
(m) Maritime law:
(1) National Maritime Law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(iii) Rules and regulations for vessel inspection.
(iv) Pollution prevention regulation.
(v) Pilotage.
(n) Personnel management and training:
(1) Personnel management.
(2) Shipboard organization.
(3) Required crew training.
(o) Ships business:
(p) Communications:
(1) Practical signaling examination (flashing light).
(2) Radiotelephone communications.
(3) Radiotelegraphy emergency distress signals.
(4) Signals: storm, wreck, distress, and special.
(q) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(r) Demonstration of proficiency:
(1) Navigation—
(i) Pelorous and azimuth mirror.
(ii) Practical chart work.
(2) Radar—
(i) Simulator or maneuvering boards.
(3) Firefighting—
(i) Attendance at approved firefighting course (required for offshore service only).
(4) Lifesaving—
(i) Launching and handling of lifeboats, liferafts and other lifesaving appliances.

§ 10.10–11 Third mate of ocean (or near coastal) steam or motor vessels of any gross tons.

An applicant for a license as third mate of ocean (or near coastal) steam or motor vessels of any gross tons must pass an examination on the subjects listed in this section. Subjects marked with an asterisk are not applicable to near coastal licenses.
(a) Navigation and position determination:
(1) Ocean track plotting—
*(i) Middle latitude sailing.
*(ii) Mercator sailing.
*(iii) Great circle sailing.
(iv) ETA (Estimated Time of Arrival).
*(v) Parallel sailing.
(vi) Dead reckoning.
(vii) Chart navigation.
(2) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
*(3) Celestial observations.
(i) Latitude by Polaris.
(ii) Latitude by meridian altitude.
(iii) Fix or running fix (any body).
(iv) Star identification.
(v) Time of LAN (local apparent noon).
(vi) Second estimate LAN (local apparent noon).
(vii) Zone time sunrise or sunset, moonrise or moonset.
(viii) Nautical astronomy & navigation definitions.
(4) Terrestrial observations including—

(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems.
(vi) Fix or running fix.
(5) Electronic navigation.
(6) Instruments and accessories.
(7) Speed by RPM.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigation Rules.
(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation—
*(i) Deviation (any body).
*(ii) Azimuth (any body).
*(iii) Amplitude sun.
(iv) Deviation table construction.
(3) Gyro controlled systems.
(4) Operation and care of main gyro compass systems.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
*(3) Ocean current systems.
(4) Tide and tidal current publications.
(5) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Approaching pilot vessel or station.
(2) Shiphandling in rivers, estuaries.
(3) Maneuvering in shallow water.
(4) Interaction with bank or passing ship.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Determining ship maneuvering characteristics of major vessel types.
(8) Traffic separation schemes.
(g) Ship stability, construction, and damage control:
(1) Damage trim and stability and counter measures.
(2) Stability, trim and stress calculations.
(3) Vessel structural members.
(h) Cargo handling and stowage:
(1) Cargo storage and securing, including Cargo gear.
(2) Loading and discharge operations.
(3) Dangerous goods precautions.
(4) Tank vessel safety guide.
(5) Cargo piping and pumping systems.
(6) Cargo oil terms and definitions.
(7) Pollution regulations.
(8) Ballasting, tank cleaning, and gas freeing operations.
(9) Load on top procedures.
(i) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(j) Emergency procedures:
(1) Ship beaching precautions.
(2) Actions prior to and after grounding.
(3) Refloating a grounded ship.
(4) Collision.
(5) Temporary repairs.
(6) Passenger and crew safety in emergency.
(7) Fire and explosion.
(8) Abandon ship.
(9) Emergency steering.
(10) Rescuing survivors from ships in distress.
(11) Man overboard.
(k) Medical care:
(1) Knowledge and use of—
(i) Ships Medicine Chest and Medical Aid at Sea.
(ii) Medical first aid guide for use in accidents involving dangerous goods.
(iii) First aid.
(l) Communications:
(1) Practical signaling examination (flashing light).
(2) Radiotelephone communications.
(3) Radiotelegraphy emergency distress signals.
(4) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation—
*(i) Sextant, pelorus, azimuth mirror.
(ii) Practical chart work.
(2) Radar—
(i) Simulator or maneuvering boards.
*(3) Firefighting—
(i) Attendance at approved firefighting course (required for offshore service only).
(4) Lifesaving—
(i) Launching and handling of lifeboats and liferafts and other lifesaving appliances.

§ 10.10–13 Mate of near coastal steam or motor vessels of not more than 1600 gross tons.

An applicant for a license as mate of near coastal steam or motor vessles of not more than 1600 gross tons must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Ocean track plotting—
(i) Dead reckoning.
(ii) Chart navigation.
(iii) Estimated time of arrival (ETA).
(2) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(3) Terrestrial observations—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems.
(vi) Fix or running fix.
(4) Instruments and accessories.
(5) Electronic navigation gear.
(6) Basic seamanship.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic/gyro compass error, correction, and compensation.
(3) Gyro controlled systems.
(4) Operation and care of main gyro compass systems.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Approaching pilot vessel or station.
(2) Shiphandling in rivers, estuaries.
(3) Maneuvering in shallow water.
(4) Interaction with bank or passing ship.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Traffic separation schemes.
(8) Towing operations.
(g) Ship stability, construction, and damage control:
(1) Damage trim, stability and counter measures.
(2) Stability, trim, and stress calculations.
(3) Vessel structural members.
(h) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Loading and discharge operations.
(3) Dangerous goods precautions.
(4) Tank vessel safety guide.
(5) Cargo piping and pumping systems.
(6) Cargo oil terms and definitions.
(7) Pollution regulations.
(8) Ballasting, tank cleaning, and gas freeing operations.
(9) Load on top procedures.

(i) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting stystems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(j) Emergency procedures:
(1) Ship beaching precautions.
(2) Actions prior to and after grounding.
(3) Refloating a grounded ship.
(4) Collision.
(5) Temporary repairs.
(6) Passenger and crew safety in emergency.
(7) Fire and explosion.
(8) Abandon ship.
(9) Emergency steering.
(10) Rescuing survivors from ships in distress.
(11) Man overboard.
(k) Medical care:
(1) Knowledge and use of—
(i) Ships Medicine Chest and Medical Aid at Sea.
(ii) Medical first aid guide for use in accidents involving dangerous goods.
(iii) First aid.
(l) Communications:
(1) Practical signaling examination (flashing light).
(2) Radiotelephone communications.
(3) Radiotelegraphy emergency distress signals.
(4) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation—
(i) Pelorus, azimuth mirror.
(ii) Practical chart work.
(2) Radar—
(i) Simulator or maneuvering boards.
(3) Firefighting—
(i) Attendance at approved firefighting course (required for offshore service only).
(4) Livesaving—
(i) Launching and handling of lifeboats, liferafts and other lifesaving appliances.

§10.10-15 Mate (and Motorboat Operator) of near coastal vessels of not more than 200 gross tons.

An applicant for a license as mate of near coastal vessels of not more than 200 gross tons must pass an examination on the subjects listed in this section. An applicant for license as motorboat operator on near coastal waters must pass the same examination, except those topics marked with an asterisk. An applicant for a sail or auxiliary sail license must also be tested on the subjects listed in paragraph (p) of this section.
(a) Navigation and position determination:
(1) Ocean track plotting—
(i) Dead reackoning.
(ii) Chart navigation.
(2) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(3) Instruments and accessories.
(4) Terrestrial observations—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems.
(vi) Fix or running fix.
(5) Electronic navigation gear.
(6) Basic seamanship.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
*(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Compass—magnetic and gyro (magnetic only for Motorboat Operator):
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation.
(d) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(e) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Heavy weather operations, including ship or aircraft in distress, towing.
*(7) Manuvering for launching lifeboats and liferafts in heavy weather.
*(8) Receiving survivors from lifeboats and liferafts.
(9) Traffic separation schemes.
*(f) Ship stability, construction, and damage control:
(1) Trim stability.
(g) Ship power plants:
(1) Small engine operation and maintenance.
(h) Cargo handling and stowage:
*(1) Cargo stowage and securing including cargo gear.
*(2) Dangerous goods precautions.
(3) Pollution regulations.
*(4) Ballasting, tank cleaning and gas freeing operations.
(i) Fire prevention and firefighting appliances:
*(1) Organization of fire drills.
*(2) Classes and chemistry of fire.
*(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(j) Emergency procedures:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(5) Rescuing survivors from ships in distress.
(6) Man overboard.
(7) Abandon ship.
(k) Medical care:
(1) Knowledge and use of first aid.
(l) Maritime Law:
(1) National maritime law—
*(i) Certification and documentation of vessels.
(ii) Ship sanitation.
*(iii) Rules and regulations for vessel inspection.
(iv) Pollution prevention regulations.
*(v) Pilotage.
(m) Communications:
*(1) Practical signaling examination (for service on vessels of over 150 gross tons in offshore service) (flashing light).
*(2) Radiotelephone communications.
*(3) Radiotelegraphy emergency distress signals.
(4) Signals: storm, wreck, distress, and special.
(n) Livesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(o) Demonstration of proficiency:
(1) Navigation.
(i) Practical chart work.
(p) Sail/aux. sail:
(1) Sailing terminology.
(2) Sail vessel safety precautions.
(3) Sail vessel rules of the road.
(4) Sail vessel heavy weather precautions and procedures.
(5) sail vessel operation.
(6) sail vessel navigation and maneuvering.

§ 10.10-17 Second class operator uninspected towing vessels upon near coastal/inland/western river routes.

An applicant for an original license as second class operator of uninspected towing vessels must pass an examination on the subjects listed in this section. All subjects apply to licenses for near coastal, western rivers, and inland routes except as noted.
(a) Navigation and position determination:
(1) Ocean track plotting (near coastal only)—
(i) Dead reckoning.
(ii) Chart navigation.

(2) Restricted waters.
(i) Piloting.
(ii) Chart navigation.
(3) Terrestrial observations.
(i) Aids to navigation.
(ii) Charts, navigation publications, Coast Pilot, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Bearing problems (not required for western rivers).
(vi) Fix or running fix (not required for western rivers).
(4) Electronic navigation.
(5) Instruments and accessories.
(b) Watchkeeping:
(1) COLREGS (near coastal only).
(2) Inland Navigation Rules.
(3) "Basic Principles to be Observed in Keeping a Navigational Watch".
(4) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(c) Compass-magnetic and gyro (gyro compass not required for western rivers):
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation.
(d) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations (near coastal only).
(e) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Maneuvering for launching lifeboats and liferafts in heavy weather (near coastal only).
(7) Receiving survivors from lifeboats and liferafts.
(8) Ice operations.
(9) Traffic separation schemes (near coastal only).
(10) Towing operations.
(f) Ship power plants:
(1) Small engine operations and maintenance.
(g) Ship stability, construction, and damage control:
(1) Basic principles of stability, cargo handling and stowage.
(h) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(i) Emergency procedures:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(5) Rescuing survivors from ships in distress.
(6) Man overboard.
(j) Medical care:
(1) Knowledge and use of first aid.
(k) Maritime law:
(1) National maritime law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(iii) Pollution prevention regulations.
(iv) Rules and regulations for uninspected vessel.
(l) Communications:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation.
(i) Practical chart work.

§ 10.10–19 Master of inland steam or motor vessels of any gross tons.

An applicant for a license as master inland steam or motor vessels of any gross tons must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(2) Terrestrial observations:
(i) Aids to navigation.
(ii) Charts, navigational publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Fix or running fix.
(3) Instruments and accessories.
(4) Basic seamanship.
(5) Electronic navigation.
(b) Watchkeeping:
(1) Inland Navigational Rules.
(2) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Maneuvering for launching lifeboats and liferafts in bad weather.
(8) Wake reduction.
(9) Ice operations.
(g) Ship stability, construction, and damage control:
(1) Principles of ship construction.
(2) Trim and stability.
(h) Ship power plants:
(1) Marine power plant operating principles.
(2) Ships' auxiliary machinery.
(3) Marine engineering terms.
(4) Small engine operating and maintenance.
(i) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Loading and discharge operations.
(3) Dangerous goods precautions.
(4) Pollution regulations.
(j) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(k) Emergency procedures:
(1) Ship beaching precautions.
(2) Actions prior to and after grounding.
(3) Refloating a grounded ship.
(4) Collision.
(5) Temporary repairs.
(6) Passenger and crew safety in emergency.
(7) Fire or explosion.
(8) Abandon ship.
(9) Emergency steering.
(10) Rescuing survivors from ships in distress.
(11) Man overboard.
(l) Medical care:
(1) Knowledge and use of first aid.
(m) Maritime law:
(1) National maritime law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(iii) Rules and regulations for vessel inspection.
(iv) Pollution prevention regulations.
(v) Pilotage.
(n) Personnel management and training:
(1) Personnel management.
(2) Shipboard organization.

(3) Required crew training.
(o) Communications:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(p) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(q) Demonstration of proficiency:
(1) Navigation—
(i) Practical chart work.
(2) Radar.

§ 10.10–21 Mate of inland steam or motor vessels of any gross tons.

An applicant for a license as mate of inland steam or motor vessels of any gross tons must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(2) Terrestrial observations—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Fix or running fix.
(vi) Bearing problems.
(3) Instruments and accessories.
(4) Basic seamanship.
(5) Electronic navigation.
(b) Watchkeeping:
(1) Inland Navigational Rules.
(2) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(d) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Wake reduction.
(g) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Pollution regulations.
(h) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(i) Emergency procedures:
(1) Collison.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire and explosion.
(5) Emergency steering.
(j) Medical care:
(1) Knowledge and use of first aid.
(k) Maritime Law:
(1) National maritime law—
(i) Ship sanitation.
(ii) Rules and regulations for vessel inspection.
(l) Communciations:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation—
(i) Practical chart work.

§ 10.10–23 Master of inland steam or motor vessels of not more than 1600 gross tons.

An applicant for a license as master of inland steam or motor vessels of not more than 1600 gross tons must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(2) Terrestrial observations—
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(v) Fix or running fix.
(vi) Bearing problems.
(3) Instruments and accessories.
(4) Basic seamanship.
(b) Watchkeeping:
(1) Inland Navigation Rules.
(2) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05–46)
(d) Compass—magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, compensation.
(e) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shalow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Wake reduction.
(g) Ship stability, construction, and damage control:
(1) Principles of ship construction.
(2) Trim and stability.
(h) Ship power plants:
(1) Marine power plant operating principles.
(2) Ships' auxiliary machinery.
(3) Marine engineering terms.
(i) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Loading and discharge operations.
(3) Dangerous goods precautions.
(4) Pollution regulations.
(j) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(k) Emergency procedures:
(1) Actions prior to and after grounding.
(2) Refloating a grounded ship.
(3) Collision.
(4) Temporary repairs.
(5) Passenger and crew safety in emergency.
(6) Fire or explosion.
(7) Abandon ship.
(8) Emergency steering.
(9) Rescuing survivors from ships in distress.
(10) Man overboard.
(l) Medical care:
(1) Knowledge and use of first aid.
(m) Maritime law:
(1) National maritime law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(iii) Rules and regulations for vessel inspection.
(iv) Pollution prevention regulations.
(vi) Pilotage.
(n) Personnel management:
(1) Personnel management.
(2) Shipboard organization.
(3) Required crew training.
(o) Communications:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(p) Lifesaving:

(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation.
(q) Demonstration of proficiency:
(1) Navigation—
(i) Practical charf work.

§ 10.10-25 Mate of inland steam or motor vessels of not more than 1600 gross tons.

An applicant for a license as mate of inland steam or motor vessels of not more than 1600 gross tons must pass an examination on the subjects listed in this section.

(a) Navigation and position determination:
(1) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(2) Terrestrial observations—
(iii) Aids to navigation.
(iv) Charts, navigation publications, Notice to Mariners.
(v) Piloting.
(vi) Distance off.
(vii) Basic seamanship.
(viii) Fix or running fix.
(3) Instruments and accessories.
(4) Principles of a magnetic compass.
(b) Watchkeeping:
(1) Inland Navigational Rules.
(2) "Basic Principles to be Observed in keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05-46).
(d) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(e) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Wake reduction.
(f) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Pollution regulations.
(g) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.)
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(h) Emergency procedures:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(5) Emergency steering.
(i) Medical care:
(1) Knowledge and use of first aid.
(j) Maritime law:
(1) National maritime law—
(i) Ship sanitation.
(ii) Rules and regulations for vessel inspection.
(k) Communications:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(l) Lifesaving:
(l) Lifesaving appliance operation.
(m) Demonstration of proficiency:
(1) Navigation—
(i) Practical chart work.

§ 10.10-27 Mate (and Motorboat Operator) of inland vessels of not more than 200 gross tons.

An applicant for a license as mate of inland vessels of not more than 200 gross tons must pass an examination on the subjects listed in this section. An applicant for license as motorboat operator on inland waters must pass the same examination, except those topics marked with an asterisk. An applicant for a sail or auxiliary sail license must also be tested on the subjects listed in paragraph (o) of this section.

(a) Navigation and position determination:
*(1) Restricted waters—
(i) Piloting.
(ii) Chart navigation.
(2) Terrestrial observations:
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Piloting.
(iv) Distance off.
(3) Instruments and accessories.
(4) Basic seamanship.
(5) Principles of a magnetic compass.
(b) Watchkeeping:
(1) Inland Navigation Rules.
*(2) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Principles of a magnetic compass.
(d) Meteorology and oceanography:
*(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
*(3) Tide and current publications.
*(4) Tidal current calculations.
(e) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
*(6) Dragging, clearing fouled anchors.
(f) Ship power plants:
(1) Small engine operations and maintenance.
(g) Cargo handling and stowage:
*(1) Cargo stowage and securing, including cargo gear.
*(2) Dangerous goods precautions.
(3) Pollution regulations.
(h) Fire prevention and firefighting appliances:
*(1) Organization of fire drills.
*(2) Classes and chemistry of fire.
*(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(i) Emergency procedures:
(1) Temporary repairs.
(2) Passenger and crew safety in emergency.
(j) Medical care:
(1) Knowledge and use of first aid.
(k) Maritime law:
(1) National maritime law—
(i) Ship sanitation.
*(ii) Rules and regulations for vessel inspection.
(iii) Pollution prevention regulations.
(l) Communications:
(1) Radiotelephone communications.
(2) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation—
(i) Practical chart work.
(o) Sail/aux. sail topics:
(1) Sailing terminology.
(2) Sail vessel safety precautions.
(3) Sail vessel rules of the road.
(4) Sail vessel heavy weather precautions and procedures.
(5) Sail vessel operation.
(6) Sail vessel navigation and maneuvering.

§ 10.10-29 Master Mobile Offshore Units.

An applicant for a license as master mobile offshore units must pass an examination on the subjects listed in this section.

(a) Watchkeeping and position determination:
(1) Instruments and accessories.
(b) "Basic Principles to be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements (§ 10.05-46).
(d) Meteorology and oceanography:
(1) Synoptic chart weather forecasting.
(2) Characteristics of weather systems.
(3) Ocean current systems.
(e) Vessel maneuvering and handling:
(1) Anchoring and mooring.
(2) Heavy weather operations, including ship or aircraft in distress, towing.

(f) Ship stability, construction, and damage control (including column stabilized and catamaran hulls):
(1) Principles of vessel construction.
(2) Trim and stability.
(3) Damage trim and stability and counter measures.
(4) Stability, trim and stress calculations.
(5) Ballast control and operations.
(g) Fire prevention and firefighting appliances.
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basic firefighting and prevention.
(h) Emergency procedures:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(5) Abandon ship.
(6) Man overboard.
(i) Medical care:
(1) Knowledge and use of—
(i) International Medical Guide for Ships.
(ii) Ships Medicine Chest and Medical Aid at Sea.
(iii) Medical section, International Code of Signals.
(iv) First Aid.
(j) Maritme law and regulations:
(1) National maritime law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(2) Pollution prevents regulations.
(k) Personnel management and training.
(1) Personnel management.
(2) Shipboard organization.
(3) Required crew training.
(l) Communications:
(l) Radiotelephone communications.
(2) Radiotelegraphy emergency distress signals.
(3) Signals: storm wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation and launching.
(n) Mobile offshore units:
(1) Storage and handling—
(i) Equipment handling.
(ii) Carriage of liquids.
(iii) Capacity of lifting gear.
(iv) Stowage.

§ 10.10–31 Mate Mobile Offshore Units.

An applicant for a license as mate mobile offshore units must pass an examination on the subjects listed in this section.
(a) Watchkeeping and position determination:
(1) Instruments and accessories.
(b) "Basic Principles To Be Observed in Keeping a Navigational Watch".
(c) Radar equipment. See radar observer endorsement requirements § 10.05–46).
(d) Meteorology and oceanography:
(1) Characteristics of weather system.
(2) Ocean current system.
(e) Vessel maneuvering and handling:
(1) Anchoring and mooring.
(2) Heavy weather operations, including ship or aircraft in distress, towing.
(f) Ship stability, construction, and damage control (including column stabilized and catamaran hulls) .
(1) Principles of ship construction.
(2) Trim and stability.
(3) Damage trim and stability and counter measures.
(4) Stability, trim and stress calculations.
(5) Ballast control and operations.
(g) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Basic firefighting and prevention.
(h) Emergency procedure:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(i) Medical care:
(1) Knowledge and use of—
(i) International Medical Guide for Ships.
(ii) Ships Medicine Chest and Medical Aid at Sea.
(iii) Medical section, International Code of Signals.
(iv) First aid.
(j) Maritime law and regulations:
(1) National maritime law—
(i) Certification and documentation of vessels.
(ii) Ship sanitation.
(2) Pollution prevention regulations.
(k) Communications:
(1) Radiotelephone communications.
(2) Radiotelegraphy emergency.
(3) Signals: storm, wreck, distress, and special.
(l) Lifesaving:
(1) Lifesaving appliance regulations.
(2) Lifesaving appliance operation and launching.
(m) Mobile offshore units:
(1) Storage and handling—
(i) Equipment handling.
(ii) Carriage of liquids.
(iii) Capacity of lifting gear.
(iv) Stowage.

§ 10.10–33 Master of uninspected fishing vessels.

An applicant for a license as master, uninspected fishing vessels must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Ocean track plotting—
(i) Chart navigation.
(2) Restricted waters.
(i) Chart navigation.
(3) Instruments and accessories.
(4) Celestial observations—
(i) Latitude by Polaris.
(ii) Latitude by meridian altitude.
(iii) Time of LAN (local apparent noon).
(iv) Fix or running fix.
(5) Terrestrial observations:
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Bearing problems.
(iv) Fix or running fix.
(6) Radar equipment. See radar observer endorsement requirements (§ 10.05–46).
(7) Basic seamanship.
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
(c) Compas-magnetic and gyro:
(1) principles of magnetic and gyro compasses.
(2) magnetic and gyro compass error, correction, and compensation.
(d) Meteorology and oceanography:
(1) Characteristics of weather systems.
(2) Ocean current systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(e) Ship maneuvering and handling:
(1) Shiphandling in rivers, estuaries.
(2) Maneuvering in shallow water.
(3) Interaction with bank or passing ship.
(4) Berthing and unberthing.
(5) Anchoring and mooring.
(6) Dragging, clearing fouled anchors.
(7) Heavy weather operations, including ship or aircraft in distress, towing.
(8) Maneuvering for launching lifeboats and liferafts in heavy weather.
(9) Wake reduction.
(f) Ship stability, construction and damage control:
(1) Trim and stability.
(g) Cargo handling and stowage:
(1) Pollution regulations.
(h) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Basic firefighting and prevention:

(i) Emergency procedures—
(1) Temporary repairs.
(2) Fire or explosion.
(3) Abandon ship.
(4) Emergency steering.
(5) Man overboard.
(j) Medical care:
(1) Knowledge and use of first aid.
(k) Maritime law:
(1) National maritime law—
(i) Documentation of vessels.
(ii) Ship sanitation.
(iii) Rules and regulations for uninspected vessels.
(l) Communications:
(1) Signals: storm, wreck, distress, and special.
(m) Lifesaving:
(1) Lifesaving appliance operation.
(n) Demonstration of proficiency:
(1) Navigation—
(i) Sextant, pelorus, azimuth mirror.
(ii)) Practical chart work.

§ 10.10-35 Mate of uninspected fishing vessels.

An applicant for a license as mate uninspected fishing vessels must pass an examination on the subjects listed in this section.
(a) Navigation and position determination:
(1) Ocean track plotting—
(i) Chart navigation.
(2) Restricted waters—
(i) Chart navigation.
(3) Instruments and accessories.
(4) Celestial observations:
(i) Latitude by meridian altitude.
(ii) Time of LAN (local apparent noon).
(iii) Fix or running fix.
(iv) Azimuth of the sun.
(v) Longitude by position line or by time sight of the sun.
(5) Terrestrial observations:
(i) Aids to navigation.
(ii) Charts, navigation publications, Notice to Mariners.
(iii) Bearing problems.
(iv) Fix or running fix.
(6) Radar equipment. See radar observer endorsement requirements (§ 10.05-46).
(b) Watchkeeping:
(1) COLREGS.
(2) Inland Navigational Rules.
(c) Compass-magnetic and gyro:
(1) Principles of magnetic and gyro compasses.
(2) Magnetic and gyro compass error, correction, and compensation.
(d) Ship maneuvering and handling:
(1) Anchoring and mooring.
(2) Heavy weather operation, including ship or aircraft in distress, towing.
(3) Maneuvering for launching lifeboat and liferafts.
(e) Meteorology and oceanography:
(1) Characteristics of weather systems.
(2) Ocean current systems.
(3) Tide and tidal current publications.
(4) Tide and tidal current calculations.
(f) Cargo handling and stowage:
(1) Pollution regulations.
(g) Ship stability, construction and damage control:
(1) Trim and stability.
(h) Fire prevention and firefighting appliances.
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Basic firefighting and prevention.
(i) Emergency procedures:
(1) Temporary repairs.
(2) Fire or explosion.
(3) Abandon ship.
(4) Emergency steering.
(5) Man overboard.
(j) Medical care:
(1) Knowledge and use of first aid.
(k) Communications:
(1) Signals: storm, wreck, distress, and special.
(l) Lifesaving:
(2) Lifesaving applicance operation.
(m) Demonstration of proficiency:
(1) Navigation.
(i) Sextant, pelorus, azimuth mirror.
(ii) Practical chart work.

§ 10.10-37 River mate (non-navigating).

An applicant for a license as river mate (non-navigating) must pass an examination on the subjects listed in this section.
(a) Cargo handling and stowage:
(1) Cargo stowage and securing, including cargo gear.
(2) Pollution prevention regulations.
(b) Fire prevention and firefighting appliances:
(1) Organization of fire drills.
(2) Classes and chemistry of fire.
(3) Firefighting systems.
(4) Firefighting equipment and regulations.
(5) Basis firefighting and prevention.
(c) Emergency procedures:
(1) Collision.
(2) Temporary repairs.
(3) Passenger and crew safety in emergency.
(4) Fire or explosion.
(5) Emergency steering.
(6) Abandon vessel.
(7) Man overboard.
(d) Medical care:
(1) Knowledge and use of first aid.
(e) Lifesaving:
(1) Lifesaving appliance operation.

§ 10.10-40 Subjects for engineer officers' licenses.

TABLE 10.10-40.—SUBJECTS FOR ENGINEER OFFICERS' LICENSES

	1/A ENG. UNL		3/A ENG. UNL		C/E LTD		A/E LTD		C/E MOU	A/E MOU	C/E UNIN		A/E UNIN	
	STM	MTR	STM	MTR	STM	MTR	STM	MTR			MTR	F/V	MTR	F/V
I Theoretical Knowledge														
1. Thermodynamics	×	×	×	×										
2. Combustion processes	×	×	×	×	×	×	×	×						
3. Heat transmission	×	×	×	×	×	×	×	×						
4. Mechanics and hydromechanics	×	×	×	×	×	×	×	×						
5. Propulsion system operating prin:														
—Diesel		×		×		×		×	×	×				
—Steam	×		×		×		×							
6. Refrigeration	×	×	×	×	×	×	×	×	×	×		×		
7. Steering gear	×	×	×	×	×	×	×	×						
8. Properties of fuels and lubricants	×	×	×	×	×	×	×	×	×	×				
9. Technology/properties of materials	×	×	×	×	×	×	×	×						
10. Fire and extinguishing agents	×	×	×	×	×	×	×	×	×	×				
11. Marine electrotechnology	×	×	×	×					×					
12. Marine electronics	×	×	×	×	×	×			×	×				
13. Marine electrical equipment	×	×	×	×	×	×	×	×	×	×				
14. Automation, instrumentation and control systems	×	×	×	×	×	×								
15. Naval architecture	×	×	×	×					×					
16. Ship construction	×	×	×	×	×	×	×	×	×	×				
17. Damage control	×	×	×	×	×	×	×	×	×	×				
II Practical knowledge														
1. Operation/maintenance:														
—Diesel plant		×		×		×		×	×	×		×		×

TABLE 10.10-40.—SUBJECTS FOR ENGINEER OFFICERS' LICENSES—Continued

	1/A ENG. UNL		3/A ENG. UNL		C/E LTD		A/E LTD		C/E MOU	A/E MOU	C/E UNIN		A/E UNIN	
	STM	MTR	STM	MTR	STM	MTR	STM	MTR			MTR	F/V	MTR	F/V
—Steam plant	×		×		×		×							
2. Operation/maintenance of auxiliary machinery including:	×	×	×	×	×	×	×	×	×	×		×		×
—Pumping/piping systems.														
—Auxiliary boiler plant.														
—Steering gear systems.														
—Auxiliary diesel plants.														
3. Operation/testing/control of electrical and control equipment.	×	×	×	×	×	×	×	×	×	×		×		×
4. Operation/maintenance of:														
—Cargo handling equipment	×	×	×	×	×	×	×	×	×	×				
—Deck machinery	×	×	×	×	×	×	×	×	×	×				
5. Machinery malfunction detection and action to prevent damage.	×	×	×	×	×	×	×	×	×	×				
6. Maintenance and repair procedures	×	×	×	×	×	×	×	×				×		
7. Fire prevention, detection, and extinction	×	×	×	×	×	×	×	×	×	×		×		×
8. Methods to prevent pollution by vessels	×	×	×	×	×	×	×	×	×	×		×		×
9. Pollution prevention regulations	×	×	×	×	×	×	×	×	×	×		×		×
10. Effects of marine pollution on the environment	×	×	×	×	×	×								
11. First aid/first aid equipment	×	×	×	×	×	×	×	×	×	×		×		×
12. Lifesaving appliances	×	×	×	×	×	×	×	×	×	×		×		×
13. Damage control including engineroom flooding	×	×	×	×	×	×	×	×	×	×		×		×
14. Safe working practices	×	×	×	×	×	×	×	×	×	×		×		×
III Watchstanding														
1. Change of watch	×	×	×	×	×	×	×	×		×				
2. Routine watch duties	×	×	×	×	×	×	×	×		×		×		
3. Machinery log book	×	×	×	×	×	×	×	×		×		×		
4. Main/auxiliary machinery start up rocedures	×	×	×	×	×	×	×	×		×		×		×
5. Boiler operation	×	×	×	×	×	×	×	×						
6. Boiler water levels	×	×	×	×	×	×	×	×						
7. Diesel plant operation	×	×	×	×	×	×	×	×						
8. Routine pumping operations	×	×	×	×	×	×	×	×		×		×		×
9. Bilge, ballast, cargo pumping systems	×	×	×	×	×	×	×	×		×				
10. Generator/alternator synchronizing and shifting	×	×	×	×	×	×	×	×		×		×		
11. Watch safety precautions	×	×	×	×	×	×	×	×		×		×		×
12. Fire or accident	×	×	×	×	×	×	×	×		×		×		×
13. Electrical safety precautions	×	×	×	×	×	×	×	×		×		×		×
IV Miscellaneous														
1. Approved fire fighting course [1]	×	×	×	×	×	×	×	×	×	×				
2. International rules and regulations regarding machinery/engineering.	×	×	×	×	×	×	×	×	×	×				
3. U.S. rules and regulations regarding machinery/engineering.	×	×	×	×	×	×	×	×	×	×				

[1] Required only for service on vessels of greater than 200 gross tons or greater than 1,000 horsepower in ocean/near coastal service.

Subpart 10.30—Training Schools With Approved Courses

9. Subpart 10.30 is amended as follows:

A. Sections 10.30-1 and 10.30-4 are revised to read:

§ 10.30-1 Applicability.

This subpart prescribes the general requirements applicable to all approved courses which may be accepted in lieu of service experience or examination required by the Coast Guard.

§ 10.30-4 Substitution of training for required service.

(a) Satisfactory completion of certain training courses approved by the Commandant may be substituted for a portion of the required service for many deck and engineer licenses and for qualified ratings of unlicensed personnel. The list of all currently approved courses of instruction including the equivalent service and applicable licenses and ratings is maintained by Commandant (G-MVP). Satisfactory completion of an approved training course may be substituted for not more than two-thirds of the required service on deck or in the engine department for deck or engineer licenses, respectively, and for qualified ratings.

(b) Service time gained at an approved training course does not satisfy recent service requirements; however, any underway service at an approved course may be used for this purpose. An applicant who had met the recent service requirement before entering school will not be penalized by attending the approved training course.

B. Section 10.30-5 is amended by revising paragraphs (a)(2) and (c)(2)-(c)(4) to read as follows:

§ 10.30-5 Radar Observer qualifying courses.

(a) * * *

(2) Signed by the head of the school.

* * * * *

(c) * * *

(2) Radar Observer [Inland Waters]. Classroom instruction, including demonstration and practical exercises using simulators and examination in the subjects listed in paragraph (c)(1) of this section including emphasis on the unique problems attendant to Inland Waters, with the exception of paragraph (c)(1)(iv).

(3) Radar Observer [Unlimited Renewal]. Classroom instruction, including demonstration and practical exercises using simulators, and examination, in the subjects listed in paragraphs (c)(1) (iii) and (iv) of this section.

(4) Radar Observer [Inland Waters Renewal]. Classroom instruction, including demonstration and practical exercises using simulators, in the subjects listed in paragraph (c)(1)(iii) of this section.

Subchapter D Tank Vessels

PART 35—OPERATIONS

§ 35.05-5 and § 35.05-10 [Removed and reserved]

10. By removing and reserving 35.05-5 and 35.05-10.

Subchapter P Manning of Vessels

PART 157—MANNING REQUIREMENTS

11. Part 157 is amended by revising § 157.01–10(c)(2) to read as follows:

§ 157.01–10 Authority for regulations.

(c) * * *

(2) the authority for regulations regarding the carriage of licensed operators on uninspected vessels carrying passengers for hire is contained in sec. 2, 80 Stat. 217, as amended (46 U.S.C. 1461(e)).

12. By revising 157.05–1(a) to read as follows:

§ 157.05–1 General.

(a) The regulations in this part shall be applicable to all vessels which are subject to the manning requirements contained in the navigation and vessel inspection laws of the United States.

* * * * *

13. By revising § 157.10–50 to read as follows:

§ 157.10–50 Pilot.

The term "pilot" means a person holding a valid license as pilot issued by the Coast Guard or authorized by the Coast Guard to serve as pilot in such capacity within the restrictions of his or her license.

14. By revising § 157.20–25 to read as follows:

§ 157.20–25 Mates.

(a) The minimum number of licensed mates required to be carried on every inspected ocean or coastwise seagoing merchant vessel propelled by machinery, and every inspected oceangoing vessel carrying passengers shall be as follows:

(1) Vessels of one thousand gross tons or more—three licensed mates.

(2) Vessels of one hundred gross tons or more, but less than one thousand gross tons—two licensed mates.

(3) Vessels of one thousand gross tons or more engaged in a run of less than four hundred miles from the port of departure to the port of final destination—two licensed mates.

(4) Offshore supply vessels engaged on a voyage of less than six hundred miles—one licensed mate.

(5) Vessels of more than fifteen, but less than one hundred gross tons—one licensed mate.

(6) Inspected vessels of more than fifteen, but less than one hundred gross tons, operating on an inland route—one licensed mate.

15. By revising § 157.20–30 to read as follows:

§ 157.20–30 Master.

Every inspected merchant vessel, except barges, shall be under the command of a master.

16. By adding a new paragraph (c) to § 157.20–37 to read as follows:

§ 157.20–37 Chief Engineer.

* * * * *

(c) Inspected, mechanically propelled vessel of 300 gross tons or over, except those vessels restricted to a river, or lakes (other than the Great Lakes) bays, or sounds routes. On those vessels, the officer in charge of the engineering plant shall, as a minimum, hold a license as assistant engineer with at least one year of prior service in that capacity.

17. By revising 157.20–40(c)(1) to read as follows:

§ 157.20–40 Pilot.

* * * * *

(c)(1) Self-propelled vessels of not more than 1600 gross tons; or,

* * * * *

§ 157.30–7 Removed and reserved

18. By removing and reserving § 157.30–7

19. By revising § 157.30–30 to read as follows:

§ 157.30–30 Licensed operators for uninspected vessels carrying six or less passengers for hire.

(a) Every boat, as defined by 46 U.S.C. 1452, not subject to the inspection laws of the United States, shall be under the direction and control of a person duly licensed for such service by the Coast Guard, when carrying passengers for hire.

(b) A license as master, mate or pilot authorizes the holder to serve as an operator of boats subject to the requirements of paragraph (a) of this section, within any restrictions or limitations of the license.

§ 157.30–35 Removed and reserved

20. By removing and reserving § 157.30–35.

21. By revising the heading of Subpart 157.35 to read as follows:

Subpart 157.35—Special Duties of Pilots and Mates (non-navigating) of River Steam Vessels

22. By revising the heading of § 157.35–5 to read as follows:

§ 157.35–5 Duties of mates (non-navigating) of river steam vessels.

23. By adding new subparts 157.40 and 157.45 as follows:

Subpart 157.40—Manning of Inspected Vessels of Less Than 100 Gross Tons and Certain Sail Propelled Vessels

Sec.

157.40–1 Applicant.
157.40–5 Purpose.
157.40–10 Manning requirements.
157.40–15 Manning entries on the certificate of inspection.
157.40–20 Licenses required.

Subpart 157.45 Manning of MOUs

157.45–1 Authority.
157.45–2 Types of licenses.

Authority: R.S. 4427 as amended, 46 U.S.C. 405(b), 49 CFR 1.46(0)(3).

Subpart 157.40—Manning of Inspected Vessels of Less Than 100 Gross Tons and Certain Sail—Propelled Vessels

§ 157.40–1 Application.

The provisions of this subpart apply to:

(a) All inspected vessels of less than 100 gross tons; and,

(b) All inspected sail-propelled vessels of 700 gross tons or less.

§ 157.40–5 Purpose.

(a) The purpose of this subpart is to ensure that each vessel has sufficient crew and licensed officers for the proper navigation and operation of the vessel. Due regard shall be given to the need for protection of vessel emergencies.

§ 157.40–10 Manning requirements.

(a) No vessel subject to the provisions of this subpoart shall be navigated while its certificate of inspection is in effect unless it has in its service and on board such complement of licensed officers and crew, as may, in the judgment of the Officer in Charge, Marine Inspection, be necessary for its safe operation.

(b) For the purposes of this section—

(1) A voyage is that period of time from a vessel's departure to sea from a harbor of safe refuge until the vessel's return from sea to a harbor of safe refuge.

(2) Harbor of safe refuge does not include an Outer Continental Shelf (OCS) facility as defined in 33 CFR 140.10.

(c) Except as provided in paragraph (d) of this section, vessels subject to the provisions of this subpart must, while on a voyage, be under the actual direction and control of a person licensed by the Coast Guard to operate a vessel in the geographic area in which the vessel is operating.

(d) The manning of vessels employed in the mineral and oil industry solely for the purpose of providing emergency evacuation assistance to platform or mobile offshore drilling rig personnel, but which are inspected under the

provisions of 46 CFR Subchapter T to permit limited or occasional carriage of freight or passengers, or both, between the drill rigs and platforms for which they provide evacuation assistance, will be evaluated by the cognizant Officer in Charge, Marine Inspection, on an individual basis taking into consideration the safety of the vessel and terms of the employment contract.

§ 157.40–15 Manning entries on the certificate of inspection.

The Officer in Charge, Marine Inspection, shall make entries on the certificate of inspection showing the complement of licensed officers and crew required.

§ 157.40–20 Licenses required.

(a) Except as otherwise provided in this section, the licensed master(s) and mate(s) required for the operation of any vessel shall be in possession of a license attesting to their proficiency for the route and type of vessel being navigated.

(b) Within any route or propulsion restrictions of their license, holders of the following license types are authorized to serve as master on vessels subject to this subpart:

(i) Master, or mate (other than mate of vessels of less than 200 gross tons) of ocean or near coastal vessels.

(ii) Master of vessels on waters other than ocean or near coastal.

(iii) Pilot.

(c) (1) A license which authorizes the holder to serve as master of a mechanically propelled vessel subject to this subpart will also authorize the holder to serve as master or mate of a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were mechanically propelled.

(2) A license which authorizes the holder to serve as master of a sail vessel subject to this subpart will also authorize the holder to serve as master or mate of a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were sail propelled.

(3) A license which authorizes the holder to serve as master of an auxiliary sail vessel subject to this subpart will also authorize the holder to serve as master or mate of a mechanically propelled vessel, a sail vessel, or a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were an auxiliary sail vessel.

(d)(1) A license which authorizes the holder to serve as mate of a mechanically propelled vessel subject to this subpart will also authorize the holder to serve as mate of a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were mechanically propelled.

(2) A license which authorizes the holder to serve as mate of a sail vessel subject to this subpart will also authorize the holder to serve as mate of a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were sail propelled.

(3) A license which authorizes the holder to serve as mate of an auxiliary sail vessel subject to this subpart will also authorize the holder to serve as mate of a mechanically propelled vessel, a sail vessel, and a passenger barge subject to this subpart. The authorization is limited to the same conditions as if the vessel were an auxiliary vessel.

(e) A license which authorizes service as a master or mate on vessels subject to this subpart authorizes the holder to serve as pilot of any steam or motor vessel (other than a towing vessel) of less than 200 gross tons subject to the route limitations of the license.

Subpart 157.45—Manning of MOUs

§ 157.45–1 Authority.

Manning requirements for non-self-propelled mobile offshore units (MOUs) in navigation are prescribed under 46 U.S.C. 222. When the MOU is in the bottom bearing mode and not in navigation, as it does not rise and fall with the tide, the authority for manning requirements comes from the Outer Continental Shelf Lands Act, as amended (OCSLA), 43 U.S.C. 1331. The licenses required are the industrial type (MOU) or the superior unlimited types.

§ 157.45–2 Types of licenses.

Licenses as master, mate, chief engineer and assistant engineer on mobile offshore units (MOU) are industrial licenses which authorize service on sea-going non-self-propelled units while under tow or at the exploitation or exploration site. The licenses authorize service on vessels such as mobile offshore drilling units, construction barges, pipe-lay barges, drill tenders, etc.

Subchapter T Small Passenger Vessels (Under 100 Gross Tons)

PART 175—GENERAL PROVISIONS

24. Part 175 is amended by revising § 175.01–1(a) to read as follows:

§ 175.01–1 General.

(a) The regulations in this subchapter are prescribed by the Commandant of the Coast Guard, pursuant to a delegation of authority by the Secretary of Transportation set forth in 49 CFR 1.46(b), to carry out the intent and purpose of Title 46, United States Code, sections 224, 390 through 390g, and 404–1, which require the inspection and certification of certain vessels of less than 100 gross tons carrying freight for hire or more than six passengers.

25. By revising § 175.10.13 to read as follows:

§ 175.10–13 Headquarters.

This term means the Office of the Commandant, United States Coast Guard, Washington, D.C. 20593.

26. By adding a new § 175.10–15 to read as follows:

§ 175.10–15 Master.

This term means the person having command of the vessel.

PART 185—OPERATIONS

27. The authority cite for Part 185 reads as follows:

Authority: R.S. 4405 as amended, (46 U.S.C. 375); R.S. 4462 as amended, (46 U.S.C. 416); R.S. 4417 as amended, (46 U.S.C. 391); R.S. 4418 as amended, (46 U.S.C. 392); R.S. 4426 as amended, R.S. 4453 as amended, (46 U.S.C. 435); c.258, 3, 70 Stat. 152, (46 U.S.C. 390b); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)); 49 CFR 1.46(b), unless otherwise noted.

28. By revising § 185.10–1 to read as follows:

§ 185.10–1 Officers' licenses.

The licensed officers employed upon any vessel subject to the provisions of this subchapter shall have their licenses in their possession and available for examination at all times when the vessel is operated.

29. By revising § 185.17–1 to read as follows:

§ 185.17–1 Use prohibited by law.

No person may use a vessel subject to the provisions of this subchapter in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subpart involving use which is grossly negligent, subject the violator, in addition to any other penalties, to the criminal penalties prescribed in 46 U.S.C. 1483.

30. By revising § 185.19–1 to read as follows:

§ 185.19–1 Duty of master.

The master of a vessel involved in a collision, accident or other casualty, to the extent possible without serious

danger to his or her own vessel, or persons aboard, shall render all practicable and necessary assistance to persons affected by the collision, accident, or casualty. The master shall also give his or her name, address, and the identification of his or her vessel to any person injured and to the owner of any property damaged.

31. By revising § 185.20–1 to read as follows:

§ 185.20–1 Compliance with provisions of certificate of inspection.

The master of the vessel must ensure that all of the provisions of the certificate of inspection are strictly adhered to; however, the master may divert from the route prescribed in the certificate of inspection or take such other steps as deemed necessary and prudent to assist vessels in distress or for other similar emergencies.

32. By revising § 185.20–10 to read as follows:

§ 185.20–10 Steering gear tests.

The master or mate of every vessel, before getting underway for a day's operation, shall test the steering gear, signaling whistle, controls and communication system.

33. By revising § 185.20–15 to read as follows:

§ 185.20–15 Hatches.

It shall be the duty of the master of any vessel to assure that all exposed hatches are properly secured before getting underway for a voyage on unprotected waters.

34. By revising § 185.20–20 to read as follows:

§ 185.20–20 Vessels carrying vehicles.

(a) Automobiles or other vehicles shall be stowed in such a manner as to permit their occupants to get out and away from them freely in the event of fire or other disaster. The decks, where necessary, shall be distinctly marked with painted lines to indicate the vehicle runways and the aisle spaces.

(b) The master shall take any necessary precautions to see that automobiles or other vehicles have their motors turned off and their emergency brakes set when the vessel is underway, and that the motors are not started until the vessel is secured to the landing. In addition, the vehicles at each end shall have their wheels securely blocked, while the vessel is being navigated.

(c) The master shall have appropriate "NO SMOKING" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in the deck area assigned to automobiles or other vehicles.

35. By revising § 185.20–30 (c) to read as follows:

§ 185.20–30 Use of auto pilot.

* * * * *

(c) All other hazardous navigational situations, the master shall ensure that:

(1) It is possible to immediately establish manual control of the ship's steering;

(2) A competent person is ready at all times to take over steering control; and,

(3) The changeover from automatic to manual steering and vice versa is made by, or under the supervision of the master or mate.

36. By revising § 185.22–1 to read as follows:

§ 185.22–1 Duties.

(a) At all times during which bunks in passenger areas located below the main deck may be occupied, the master shall designate a member of the vessel's crew as a roving patrolman.

(b) The roving patrolman shall frequently visit these areas to insure that safe conditions are being maintained.

37. By revising § 185.25–1 (a) and (b), and in paragraph (d), first sentence, the phrase "operator in charge" is replaced by the word "Master" to read as follows:

§ 185.25–1 Emergency instructions.

(a) Except as otherwise provided in this section, the master of any vessel subject to the regulations in this subchapter shall prepare and post emergency checkoff lists in conspicuous places accessible to crew and passengers.

(b) Except where all or part of the emergency instructions are deemed unnecessary by the Officer in Charge, Marine Inspection, the emergency checkoff list shall contain not less than the applicable portions of the "Recommended Emergency Checkoff List" found in § 185.25–5.

* * * * *

38. By revising § 185.25–10 to read as follows:

§ 185.25–10 Drills.

The master shall conduct drills and give instructions as are necessary to insure that all crew members are familiar with their duties.

39. By revising § 185.25–15 to read as follows:

§ 185.25–15 Officers' responsibilities.

Nothing in the recommended emergency instructions in this subpart shall exempt any officer from the exercise of good judgment in any emergency situation.

40. By revising § 185.25–20 to read as follows:

§ 185.25–20 Tests of emergency position indicating radiobeacon (EPIRB).

The master of the vessel shall ensure that—

(a) The EPIRB required in § 180.40–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and,

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83.

PART 186—[REMOVED AND RESERVED]

41. By removing and reserving Part 186.

PART 187—[REMOVED AND RESERVED]

42. By removing and reserving Part 187.

Dated: July 26, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 83–20777 Filed 8–5–83; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–523; RM–3543; RM–3780]

FM Broadcast Station in Helena, Montana; Order Setting Response Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order setting reply period.

SUMMARY: Action taken herein provides a 30-day period to respond to a petition filed by KCAP Broadcasting, Inc. concerning the processing of applications for FM channels in Helena, Montana. The request was submitted by Capital Investments.

DATE: Responses must be filed on or before August 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

Order Providing Time for Filing Responses to Petition Requesting the Commission to Hold Channels and Applications in Abeyance

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Station (Helena, Montana) BC Docket No. 80-523, RM-3543, RM-3780.

Adopted: July 25, 1983.
Released: July 28, 1983.

By the Chief, Policy and Rules Division.

1. On July 13, 1983, Capital Investments ("Capital") filed a Petition for Extension, of Time requesting that the time for responding to an Expedited Petition filed June 28, 1983,[1] by KCAP Broadcasters, Inc. ("KCAP") be extended through July 27, 1983. KCAP's petition was an informal request pursuant to § 1.41 of the Commission's Rules that the Commission not accept new applications and withhold processing on pending applications for newly assigned FM channels at Helena, Montana, until final resolution of the captioned docket and any rule making growing out of that proceeding.

2. Capital states that "a number of parties" in this proceeding are discussing a settlement which could "assist" the Commission in resolving matters raised by this proceeding. According to Capital, an extension would permit continuation of the settlement discussion. Capital further states that KCAP has agreed to the request for an extension.

3. We believe it to be consistent with Commission policy to encourage settlements, especially in situations such as the instant proceeding involving several competing parties. The Commission has not yet given Public Notice of its action in this proceeding pursuant to § 1.4(b) of the Rules. Therefore the Commission has retained jurisdiction over this proceeding. See § 1.103(b) of the Commission's Rules. Accordingly, we shall provide a 30-day period from the date of Capital's request to allow interested parties to submit a response to the petition of KCAP.

4. Accordingly, it is ordered, that the date for filing responses to the petition of KCAP, referred to above, is August 12, 1983.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83-21271 Filed 8-5-83; 8:45 am]

BILLING CODE 6712-01-M

[1] The Petition was never published in the **Federal Register**.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, and 173

[Docket No. HM-145E, Advance Notice]

Reportable Quantity of Hazardous Substance

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires the Secretary of Transportation to list all "hazardous substances," as defined by that act, as "hazardous materials" under the Hazardous Materials Transportation Act (HMTA). By a final rule issued on March 19, 1981 (46 FR 17738) the Department's Materials Transportation Bureau (MTB) fulfilled this requirement, but declined to apply regulations under the HMTA to those substances that were not already subject to the Hazardous Materials Regulations. However, MTB indicated that, when the Environmental Protection Agency (EPA) excercised its authority under section 102(a) of CERCLA to adjust the reportable quantities (RQs) for those substances, MTB would again examine the question of whether to subject them to regulation under the HMTA. By a Notice of Proposed Rulemaking issued on May 25, 1983, (48 FR 23552) EPA has proposed to adjust the RQs for many of the CERCLA "hazardous substances." This Advance Notice of Proposed Rulemaking discusses and solicits comments on issues relating to the application of regulations under the HMTA to those substances.

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

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:30 A.M. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 426-2075

SUPPLEMENTARY INFORMATION

Background

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also known as the "Superfund" law, is the major Federal legislation designed to address the need for a comprehensive system to respond to releases of hazardous substances into the environment and to impose liability for then on responsible persons (42 USC 9601 et seq.). While a principal focus of concern under CERCLA has been releases from hazardous waste disposal facilities, the law also applies extensively to the transportation of hazardous substances. (See, for example, 42 USC 9601(9)).

The comprehensiveness of CERCLA is indicated by the breadth of the definition of the term, "hazardous substance," which includes substances designated by the Environmental Protection Agency (EPA) under six separate statutory authorities:

1. Section 311 of the Clean Water Act (CWA);
2. Section 3001 of the Solid Waste Disposal Act;
3. Section 307(a) of the CWA;
4. Section 112 of the Clean Air Act;
5. Section 7 of the Toxic Substances Control Act; and
6. Section 102 of CERCLA.

In order to coordinate the implementation of CERCLA with the Department's administration of the Hazardous Materials Transportation act (HMTA), Congress adopted section 306(a) of CERCLA (42 U.S.C. 9656), which provides that each substance that is listed or designated as a "hazardous substance" under the Act shall be listed as a "hazardous material" under the HMTA. Section 306(b) provides that, with certain exceptions, carriers of CERCLA "hazardous substances" shall not be held liable under the CERCLA liability scheme until after the effective date of the listing of the released substance as a "hazardous material" in accordance with section 306(a).

MTB Regulations: At the time of the adoption of CERCLA, a large number of CERCLA "hazardous substances" were already subject to the Department's Hazardous Materials Regulations (HMR), as developed and administered by the Department's Materials Transportation Bureau (MTB). Those substances can be divided into three categories. First, substances that meet MTB's hazard class definitions, contained in 49 CFR Part 173, are fully regulated as hazardous materials. For

example, cyanide, while it is a CERCLA "hazardous substance" because it is designated under section 307 of the CWA, is already fully regulated under the HMR because it meets the hazard class definition for a Class B Poison (49 CFR 173.343).

Second, with regard to CERCLA "hazardous substances" that had been designated under section 311 of the CWA, those substances that were not already subject to the HMR had been subjected to them by a final rule issued by MTB on May 22, 1980, the purpose of which was to coordinate the administration of the HMTA with EPA's administration of the CWA (45 FR 34560). The effect of that rule was that, when such a substance is transported in a package containing a quantity of the substance which equals or exceeds the "reportable quantity" (RQ) for that substance, as determined by EPA, the shipment must conform with certain shipping paper and package marking requirements (49 CFR 173.1300). If a quantity of a hazardous substance equal to or exceeding its RQ is releases, the release must be immediately reported (49 CFR 171.17). Thus, for purposes of the HMR, "hazardous substance" is defined, in effect, as a material designated by EPA under section 311 of the CWA, but only when it is transported in a package containing at least the RQ of that substance. These "hazardous substances", along with their RQ's, were incorporated into the Hazardous Materials Table at 49 CFR 172.101.

Third, with regard to CERCLA "hazardous substances" that has been designated under section 3001 of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act (RCRA), i.e., "hazardous wastes," MTB issued a final rule, simultaneously with the rule discussed above, to coordinate the administration of the HMTA with EPA's administration of RCRA (45 FR 34560). That rule incorporated EPA's "cradle-to-grave" manifest system and other requirements for the transportation of hazardous wastes into the HMR (49 CFR 171.3), and defined the term, "hazardous waste," to mean, for purposes of the HMR, any material subject to the EPA manifest system (49 CFR 171.8). One effect of this definition is that shipments by shippers qualifying for EPA's small generator exemption (generally, those generating less than 1,000 kilograms of hazardous waste per month) of materials not satisfying a DOT hazard class definition are not presently subject to the HMR (See 40 CFR 261.5).

MTB Implementation of CERCLA Section 306(a): On March 19, 1981, MTB issued a final rule, listing all CERCLA "hazardous substances" as "hazardous materials" under the HMTA, in accordance with section 306(a) (46 FR 17738). In issuing that rule MTB had examined the issue of whether, in addition to "listing" the substances as hazardous materials, MTB should apply the Hazardous Materials Regulations (HMR) to shipments of those materials that were not already subject to them.

In section 102(b) of CERCLA, borrowing the concept of "reportable quantities" from the CWA, Congress assigned a statutory RQ of one pound to all CERCLA "hazardous substances" (except those for which EPA had already assigned RQs under section 311 of the CWA). Section 102(a) of CERCLA authorized EPA to set different RQs, as appropriate. Therefore, in adopting the rule in accordance with section 306 of CERCLA, MTB faced the issue of whether to treat all CERCLA "hazardous substances" as "hazardous substances" under the HMR, and thereby to impose shipping paper and package marking requirements on all shipments of packages of CERCLA "hazardous substances" equal to or exceeding the statutory RQ of one pound. Since the lists of CERCLA "hazardous substances" contain many common materials that are generally not regarded as hazardous in transportation (e.g., copper, zinc, and lead), and since the increased regulatory and paperwork burden would have been very substantial, MTB decided not to impose those requirements at that time.

MTB indicated, however, that it would reexamine the issue when EPA set RQs for the substances as authorized by section 102(a) of CERCLA: "At such time as EPA exercises its authority under section 102 to establish RQs for particular substances, MTB will determine the appropriateness of listing those substances as "hazardous substances' and assigning those RQs to them" (46 FR 17738).

Subsequently, MTB received petitions for reconsideration of the rule from the National Tank Truck Carriers, Inc., the American Trucking Association, and the American Association of Railroads, three national trade associations representing common carriers of hazardous materials. All of the petitioners objected to MTB's failure to impose shipping paper requirements on shipments of CERCLA "hazardous substances" in packages equal to or exceeding the statutory RQ of one pound. They argued that, since section 306(b) of CERCLA exempted carriers form liability under that act prior to the effective date of the listing required by section 306(a), Congress must have intended that carriers be given actual notice that they are transporting listed materials in order to be subject to liability under CERCLA, and that the HMR shipping paper requirements under that Act prior to the effective date of the listing required by section 306(a), Congress must have intended that carriers be given actual notice that they are transporting listed materials in order to be subject to liability under CERCLA, and that the HMR shipping paper requirements were intended as the means for providing that notice. They argued further that it was inappropriate to subject carriers to the liability and reporting and other requirements of CERCLA unless a means for notifying them of that fact were established.

On November 30, 1981, MTB published a denial of these petitions (46 FR 58086). MTB concluded that, while section 306(a) of CERCLA required the listing of CERCLA "hazardous substances" as "hazardous materials" under the HMTA, Congress had not expressed an intent to affect the Department's long-standing discretion under section 105 of the HMTA to determine whether, and to what extent, to regulate hazardous materials. MTB also restated its position that, given the tremendous paperwork burden that would be required to provide carriers with the notice they sought, it would be inappropriate to impose shipping paper requirements at that time, but that, when EPA adjusted the RQs, MTB would again examine the issue.

EPA Notice of Proposed Rulemaking: On May 25, 1983, EPA published a Notice of Proposed Rulemaking (NPRM) in which it proposed to exercise its authority under section 102(a) of CERCLA to adjust RQ's for CERCLA "hazardous substances" (48 FR 23552). MTB submitted comments to EPA on their notice which are provided as appendix A to this notice. Briefly, EPA has proposed RQ adjustments for 387 out of the 696 CERCLA "hazardous substances." The remainder are still under evaluation by EPA, and adjustments to them will be proposed when the evaluations have been completed. With regard to those substances for which EPA has completed its evaluations, it proposes either to retain the RQ of one pound or to establish a new RQ of 10, 100, 1000, or 5000 pounds. Interested persons are referred to the preamble of the NPRM for detailed discussion of the proposed adjustments and to the proposed rule itself for the proposed RQs.

Regulatory Considerations and Request for Comments

Executive Order 12291: In keeping with its commitment in issuing the rulemaking in accordance with section 306 of CERCLA, MTB is initiating the process of determining whether to incorporate EPA's adjusted RQ's into the HMR and to subject the CERCLA "hazardous substances" to regulation as "hazardous substances" under the HMR. In making that determination, MTB is subject to the provisions of Executive Order 12291, section 2 of which provides:

> In promulgating new regulations, * * * all agencies, to the extent permitted by law, shall adhere to the following requirements:
> (a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;
> (b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;
> (c) Regulatory objectives shall be chosen to maximize the net benefits to society;
> (d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and
> (e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future. (46 FR 13193).

Controlling Paperwork Burderns: By a final rule issued on March 31, 1983 (48 FR 13666), the Office of Management and Budget (OMB) promulgated regulations under the Paperwork Reduction Act of 1980 that impose additional requirements on agencies considering the issuance of regulations that would require the "collection of information" (5 CFR Part 1320). As broadly defined in those regulations, the term, "collection of information" includes the shipping paper and package labeling requirements under the HMR (5 CFR 1320.7(c)(2)). Therefore, in considering whether to subject CERLA "hazardous substances" to those requirements, MTB is required to comply with those regulations.

In part, those regulations provide that agencies may not impose information collection requirements without first obtaining OMB approval (5 CFR 1320.4(a)). Those regulations also provide:

> To obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that:
> (1) The collection of information is the least burdensome necessary for the performance of the agency's functions to comply with legal requirements and achieve program objectives;
> (2) the collection of information is not duplicative of information otherwise accessible to the agency; and
> (3) The collection of information has practical utility * * * (5 CFR 1320.4(b)).

Regulatory Alternatives: MTB has determined that the following are the principal regulatory alternatives available to it when EPA issues its final rule to adjust RQs:

1. MTB may issue a rule to incorporate all CERCLA "hazardous substances" into the Hazardous Materials Table as "hazardous substances" under the HMR, applying the RQ for each substance in effect at that time (including the statutory RQ of one pound for those substances for which EPA has not concluded its evaluations).

2. With regard to those CERCLA "hazardous substances" for which EPA has completed its evaluations and established RQs, MTB may be issue a rule to incorporate those substances into the Hazardous Materials Table as "hazardous substances" under the HMR, but withhold further action on all other CERCLA "hazardous substances" until EPA has completed its evaluations and established RQs for them.

3. MTB may withhold further action until EPA has completed its evaluations and established RQs for all CERCLA "hazardous substances."

4. As a variation of Alternative 1, MTB may issue such a rule with regard only to those substances for which MTB possesses adequate information concerning the need for and consequences of such a rule, and for which the potential benefits outweigh the potential costs.

5. As a varation Alternative 2, MTB may issue such a rule with regard only to those substances for which MTB possesses adequate information concerning the need for and consequences of such a rule, and for which the potential benefits outweigh the potential costs.

6. As a variation of Alternative 3, MTB may issue such a rule with regard only to those substances for which MTB possesses adequate information concerning the need for and consequences of such a rule, and for which the potential benefits outweigh the potential costs.

7. MTB may do nothing. This would mean that the only hazardous substances regulated by the HMR would be those already listed in the Hazardous Materials Table.

8. MTB may decline to apply the HMR to hazardous substances by removing those already listed in the Hazardous Materials Table and by not adding any others. This would return DOT to its traditional role of safety regulation under HMTA.

Categories of Substances: In order to analyze these alternatives in accordance with E.O. 12291 and 5 CFR Part 1320, MTB requires additional information regarding the need for and consequences of adopting the EPA adjusted RQs, the associated costs and benefits, and the relative burdens and the practical utility of the various alternatives. For this purpose, CERCLA "hazardous substances" can be divided into four categories:

1. Those which are already subject to the HMR because they fall within one or more of the hazard classes defined in 49 CFR Part 173.

2. Those which are already subject to the HMR because they have been designated under section 311 of the CWA and are, therefore, incorporated into the HMR as "hazardous substances."

3. Those which are already subject to the HMR because they have been designated under section 3001 of RCRA and are, therefore, incorporated into the HMR as "hazardous wastes."[1]

4. Those which are not currently subject to the HMR.

With regard to Category 1 substances, the impact of the adoption of RQs under the regulatory alternatives generally appears to be relatively minor because most of these materials are already fully regulated under the HMR. The principal change would be that shipping papers would be required to display "RQ" and certain other information (49 CFR 172.203(c)). However, there may be important exception to this generalization. For example, materials classified as ORM–A under the HMR are subject to regulation only when transported on aircraft and/or vessels unless they are hazardous wastes in which case they are regulated by all modes. Designation of these materials as "hazardous substances" under the HMR would subject them to regulation when transported by other modes, as well. For example, tetrachloroethylene, a common drycleaning solvent classified under the HMR as an ORM–A, is a CERCLA "hazardous substance" because it is designated under both

[1] There is considerable overlap among these first three categories. For example, sodium cyanide is regulated under the HMR as a poison B, it has been designated as a "hazardous substance" under section 311 of the CWA, and, when carried for disposal, it is a "hazardous waste" under section 3001 of RCRA. Consideration of this overlapping is essential to determine the impact of the regulatory alternatives on any given material.

section 307 of the CWA and section 3001 of RCRA. EPA is still assessing the effects of this substance, and has proposed retaining the statutory RQ of one pound at least until those assessments are completed. Therefore, if MTB were to adopt that RQ, currently unregulated shipments of tetrachloroethylene by highway and rail in packages exceeding one pound would become subject to the HMR.

With regard to Category 2 substances, the adoption of RQs under the regulatory alternatives would only affect substances for which EPA has adjusted the RQ from that which had been assigned under section 311 of the CWA. For example, EPA has proposed to adjust the RQ for pentachlorophenol, a common wood preservative, from ten pounds to one pound. Thus, if pentachlorophenol were frequently transported in packages containing more that one pound, but less than ten pounds, of the substance, MTB's adoption of an adjusted RQ of one pound could result in a significant increase in the number of shipments subject to the HMR. On the other hand, EPA has proposed to increase the RQs for some of these substances, which might result in a reduction of the number of shipments subject to the HMR. It should be noted that, as discussed above, the original purpose of MTB's adopting RQ's for these materials was to coordinate its program with that of EPA, and that that purpose would no longer be served if DOT were to retain the current RQs after EPA has changed them.

With regard to Category 3 substances, as discussed above, only shipments of hazardous waste that are subject to EPA's manifest requirements are currently subject to the HMR. Therefore, application of the HMR to all shipments of hazardous waste in packages containing more that the RQ for that waste could result in a substantial increase in the number of shipments subject to the HMR. For example, assuming that packages contain at least the RQ, shipments originating with shippers who qualify for EPA's small generator exemption would become subject to the HMR.

Finally, with regard to Category 4 substances, the impact of the adoption of RQs under the regulatory alternatives would be similar to the impact on Category 3 substances that are not subject to EPA's manifest requirements. For example, diethylphthalate (other than waste diethyl phthalate) is currently not subject to the HMR. However, EPA has poposed an RQ for diethyl phthalate, of 100 pounds. Therefore, under the regulatory alternatives, all shipments of diethyl phthalate in packages exceeding 100 pounds would become subject to the HMR.

Questions to be Addressed by Comments: The above discussion of the potential impacts of the regulatory alternatives is based on preliminary observations. By this advance notice, MTB solicits more specific information from the public in order to conduct the analyses required by E.O. 12291 and 5 CFR Part 1320. Specifically, MTB solicits responses to the following questions:

1. What is the anticipated frequency of shipments that are not currently subject to the HMR, but that would become subject to them if MTB were to adopt RQs under the regulatory alternatives?

2. What new cost would the adoption of RQs under the regulatory alternatives impose on shippers and carriers of CERCLA "hazardous substances?"

3. What is the anticipated frequency of releases from these shipments that would exceed the RQ, and what is the likehood of clean-up efforts resulting from the reporting of these releases?

4. What are the anticipated environmental benefits of such clean-up efforts?

5. With regard to these releases, what is the likehood that clean-up would occur even if MTB did not adopt one of the regulatory alternatives?

6. What would be the effect of the adoption of RQs under the regulatory alternatives on internationl commerce?

7. What would be the effects of the adoption of RQs under the regulatory alternatives on the potential for liability and on the insurability of shippers and carriers of CERCLA "hazardous substances?"

8. Some CERCLA "hazardous substances" are hazardous only in certain forms. For example, while lead and other heavy metals are designaed as CERCLA "hazardous substances," they are hazardous only when they occur in very small particles. Therefore, EPA has proposed to exempt from reporting releases of these metals except for particles that are less than 100 micrometers in diameter. Are there other CERCLA "hazardous substances" that are hazardous only in certain forms to which MTB could similarly limit the applicability of the HMR?

9. If MTB were to extend the applicability of its shipping paper and package marking requirements through the adoption of RQs under the regulatory alternatives, would the increased frequency of their use tend to diminish their effectiveness as hazard warnings?

10. What other factors should MTB consider in determining the need for and consequences of the regulatory alternatives?

11. What other factors should MTB consider in determining the potential benefits and the potential costs to society of the regulatory alternatives?

12. What other information would be of value to MTB in conducting the analyses required by E.O. 12291?

13. To assist MTB in fulfilling the requirement of 5 CFR Part 1320, which of the regulatory alternatives, necessary for the proper performance of the agency's function, would be the least burdensome?

14. What is the "practical utility", as that term is defined at 5 CFR Part 1320.7(q), of the "collection of information" that would result from the adoption of RQs under the regulatory alternatives?

List of Subjects

49 CFR Part 171

Experts, Hazardous materials transportation, Imports, Reporting and recordkeeping requirements, Waste treatment and disposal.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers, Waste treatment and disposal.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

Issued in Washington, D.C. on July 29, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

Appendix A—MTB Comments on EPA NPRM "Notification Requirements; Reportable Quantity Adjustments"

In response to EPA's Notice of Proposed Rulemaking (NPRM), entitled, "Notification requirements; Reportable Quantity Adjustments" (48 FR 23552), the Materials Transportation Bureau (MTB) of the U.S. Department of Transportation submits the following comments.

At the outset, MTB notes and concurs with EPA's expressed intention "to work with DOT to develop a cordinated (sic) and integrated set of regulations so that shippers and carriers of hazardous substances will be subject to only one set of regulations" (48 FR 23560). This intention comports fully with the long-standing policy of both agencies to work together in areas of shared regulatory

responsibility to ensure that regulatory duplications, overlaps, inconsistencies, and gaps do not occur.

In accordance with this policy, MTB has previously expressed its commitment to examine the question of whether to subject CERCLA "hazardous substances" to additional regulation under the Hazardous Materials Transportation Act (HMTA) at such time as EPA exercises its authority under section 102(a) of CERCLA to adjust the reportable quantities (RQs) for those substances. The enclosed Advance Notice of Proposed Rulemaking (ANPRM) is MTB's initial step in conducting this examination, and any comments that EPA may have on that ANPRM will be greatly appreciated and fully considered.

Very briefly, the primary purpose of the ANPRM is to solicit information necessary to conduct the analyses that MTB is required to perform by Executive Order (E.O.) 12291 before issuing regulations to subject CERCLA "hazardous substances" to additional regulation under the HMTA. As EPA's contractor, ICF, Inc., has observed, "the extension of the HMR (MTB's Hazardous Materials Regulations) to CERCLA hazardous substances is a discretionary action, and . . . the effects of that extension (such as shipping paper costs) should be attributed to DOT's regulatory action, not EPA's adjustment regulation."

While MTB fully concurs with this conclusion, since EPA has the authority under CERCLA to designate "hazardous substances" and to establish RQs for them, EPA's actions, in effect, establish the starting point for MTB's considerations. Therefore, those actions clearly have a very substantial influence on the ultimate effect of any action by MTB to subject CERCLA "hazardous substances" to additional regulation under the HMR. For example, if a given CERCLA "hazardous substance," is frequently transported in packages containing 15 pounds of the substance, EPA's determination that the RQ for that substance should be 10 pounds, rather than 100 pounds, would result in many more shipments of the substance, being subject to the HMR if MTB were to extend the applicability of the HMR to that substance. Therefore, although E.O. 12291 properly places on MTB the ultimate responsibility to examine the impacts of extension of the HMR, it would be appropriate for EPA, in the process of adjusting RQs, to consider the influence of its actions on those impacts.

An excellent example of EPA's apparent consideration of these impacts is the treatment in the NPRM of metals that are CERCLA "hazardous substances" because they are designated as "toxic pollutants" under section 307 of the CWA. Recognizing that these metals (such as lead, copper and zinc) are hazardous only in the form of very small particles, EPA stated that "no reporting of releases of massive forms of these substances is required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers" (48 FR 23601). This limitation of the form of the substances makes it much more practicable for MTB to subject these substances to regulation under the HMR; large numbers of innocuous shipments containing these metals in other forms would not be subject to regulation.

Similar limitations may also be appropriate for other CERCLA "hazardous substances." For example, asbestos, while demonstrably hazardous in some forms, in a commonly used industrial material that is frequently transported as a part of products that pose little risk, such as brake linings and asbestos-cement pipes. To subject shipments of these products to the HMR because they contain a quantity equal to or greater than the RQ for asbestos (currently one pound) would very probably not be cost-effective. However, if EPA were to limit the forms of asbestos that are subject to the RQ to those forms that present the hazards for which asbestos was designated a CERCLA "hazardous substance" (e.g., unbonded particles), application for the HMR only to those forms of asbestos would be more feasible.

Apart from these general comments relating to coordination between EPA and MTB, MTB has several specific comments relating to the section of the preamble of the NPRM entitled, "Additional criteria considered but not currently used for adjusting reportable quantities." First, EPA states, "until passage of CERCLA, not all releases of CERCLA hazardous substances have been uniformly subject to DOT reporting requirements" (48 FR 23567). This statement implies that, *since* passage of CERCLA, all releases of those substances have been uniformly subject to DOT reporting requirements. As discussed in the enclosed ANPRM, and in the rulemaking actions cited therein, DOT has not extended application of the HMR, including the reporting requirements, to CERCLA "hazardous substances" that were not already subject to them.

Second, MTB disagrees with EPA's suggestion that "Release Potential" might be an appropriate criterion on which to base adjustments to RQs. As EPA states elsewere in the NPRM:

> This rulemaking proposes adjustments to the statutory RQs based upon specific scientific and technical criteria which correlate with *the possibility of hazard or harm upon the release of a substance in a reportable quantity.* These revised RQs, therefore, enable the Agency to focus its resources on those releases which are *most likely to pose potential threats to public health and welfare and the environment* (48 FR 23560) (emphasis added).

The likelihood of release of a substance is irrelevant to these considerations; the "possibility of hazard or harm" and the "potential threats to public health and welfare and the environment" caused by a given release are the same whether the release was likely or unlikely to occur. Therefore, the need for EPA to be notified and to undertake response is likewise the same.

With regard to the specific factors identified by EPA in that section, MTB also disagrees with the suggestion that "Transportation Mode" or "Packaging and Containerization" might be appropriate factors for consideration in determining the likelihood of releases. With regard to transportation mode, the NPRM states, "If some hazardous substances are generally shipped by a transportation mode that exposes them to a particularly high risk of large releases, the RQ may be reduced . . ." (48 FR 23567). It is, of course, the purpose of the HMR to assure that all hazardous materials are transported, by whatever mode, in a manner that does not pose an unreasonable risk of release. Generally, each mode poses equivalent risks of release. In transportation between two specific points in may be possible to determine that one mode presents a lower risk than another, but that conclusion could be established only after a detailed risk analysis and would apply only to that particular situation. For example, while a risk analysis might demonstrate that, for transportation between New Orleans and Houston, barging would pose a minutely lower risk than rail, that conclusion would obviously be absurd for transportation between Denver and Phoenix. Further, other factors, such as condition of equipment, track, or roadway, have a much greater influence on transportation risk than does mode of transportation.

With regard to "packaging and containerization," CERCLA "hazardous substances" that are subject to the packaging requirements of the HMR are required to be packaged in such a way that releases will not occur during the normal course of transportation. In the event of an accident involving properly

packaged materials, the type of packaging will generally have little effect on the likelihood or quantity of release. With regard to package size, MTB agrees with EPA that there is likely to be a correlation between the size of package and the size of release. As discussed previously, to the extent that EPA can establish RQs so that only releases from packages of a sufficient size to pose a substantial threat are subject to reporting requirements, application of the HMR will be more practicable. Again, however, the relevant concern is the severity of the release, rather than its likelihood.

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BILLING CODE 4910-60-M

49 CFR Parts 172, 173, and 179

[Docket No. HM-139F; Notice No. 83-5]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and, eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

DATE: Comments must be received by October 12, 1983.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for the exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the propopsals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo Vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities. Also, because the proposals made in this Notice relate to exemptions which have already been approved by the Materials Transportation Bureau, we have further determined that the Notice—(1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact would be so minimal; (4) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

List of Subject Terms

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials, transportation, Packaging and containers.

49 CFR Part 179

Railroad safety.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 5662	Dow Chemical Co. Great Lakes Chemical Corp.	§ 173.353(a) § 173.353a(a)	Authorizes shipments of Methyl Bromide with more than 2% chloropicrin mixture, liquid; Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid; Methyl bromide-ethylene dibromide mixture, liquid (RQ-1000/454); and Methyl bromide, liquid (*including up to 2% chloropicrin*) in DOT Specification 51 portable tanks. (Modes 1, 2 and 3.)	To add paragraph (a)(8) to § 173.353 to read as follows: (8) Specification 51 (§ 178.245 of this subchapter). Steel portable tanks having a design pressure of not less than 250 pounds per square inch and equipped with a spring loaded safety relief device To revise § 173.353a(a) to include reference to § 173.353(a)(8).

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 6225	Great Lakes Chemical Corp Michigan Chemical Corp	§ 173.252(g)	Authorizes shipments of Bromine in a round glass jug with a screw cap closure securely fastened with tape, shrinkable band or other method to insure tight closure. Jugs may not exceed 80 fluid ounces (2.5 liters) and as many as four jugs may be overpacked in a DOT Specification 33A expanded polystyrene case which is further overpacked in a 275-pound double-wall fiberboard box with spacers and cushioning material; or overpacked in a DOT Specification 15A-100 wooden box with zonolite cushioning and absorbent material. (Modes 1 and 3.)	To add paragraphs (g)(4) and (g)(5) to § 173.252 to read as follows: (4) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. The polystyrene case must be further overpacked in a strong fiberboard box of at least 275-pound test and adequately cushioned. Not authorized for transportation by air. (5) Specification 15A (§ 178.168 of this subchapter). Wooden boxes (for a gross weight of not less than 100 pounds) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. Jugs must be cushioned with an appropriate absorbent material. Not authorized for transportation by air.
DOT-E 6368	E. I. Du Pont	§ 173.346(a)(10) § 173.347(a)(2) § 173.352(a)4 § 173.374(a)(5)	Authorizes shipments of Aniline oil, Nitrobenzene, Nitrochlorobenzene, ortho, Nitrochlorobenzene, para, Sodium cyanide solution, and Poison B liquid, n.o.s. in DOT Specification 105A400W, 112A400W, 114A400W, and proposed 120A300 and 120A400W tank cars. (Note: Proposed amendment does not include the class 120A tank cars). (Modes 2)	To amend paragraph (a)(10) of § 173.346, paragraph (a)(2) of § 173.347 and paragraph (a)(4) of § 173.352 to include DOT Specification 105A400W, 112A400W and 114A400W tank cars. Paragraph (a)(95) of § 173.374 would be added to read as follows: (5) Specification 105A400W, 112A400W, 114A400W (§§ 179.100, 179.101 of this subchapter). Tank cars.
DOT-E 6416	Allied Chemical Corp	§ 179.101-1(a)	Authorizes shipments of Monochlorodifluoromethane in DOT Specification 105A300W tank cars equipped with safety relief valves having a start-to-discharge setting of 247.5 psi with a start-to-discharge tolerance of plus or minus 7.4 psi and a minimum vapor tight pressure of 196 psi. The proposed amendment is for § 179.102-11 because footnote 6 is referenced in the § 179.101-1 Table after safety relief valves, psi. (Mode 2.)	To amend the heading in § 179.102-11 and the introductory text of paragraph (a) to include the commodity chlorodi-fluoromethane.
DOT-E 6523	FMC Corp	§ 173.154	Authorizes shipments of sodium carbonate peroxide; sodium persulfate; sodium perborate monohydrate; ammonium persulfate; potassium persulfate, described as Oxidizer, n.o.s. in tight sift-proof hopper cars; tight sift-proof covered hopper type motor vehicles; DOT Specification 44B and 44C multiwall paper bags; and DOT Specification 44P all-plastic bags. (Modes 1, 2 and 3.)	To revise paragraph (a)(20) and add paragraphs (22) and (23) in § 173.154 to read as follows: (20) As prescribed in § 173.163(a)(7). Authorized only for ammonium persulfate, hydrated calcium hypochlorite, potassium persulfate, sodium carbonate peroxide, sodium chlorate, dry, sodium perborate monohydrate and sodium persulfate. (22) Specification 44 P (§ 178.241 of this subchapter). All plastic bags. Authorized only for ammonium persulfate, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate. Net weight may not exceed 81 pounds. (23) Specification 44B or 44C (§§ 178.236, 178.237 of this subchapter). Multiwall paper bags. Authorized only for ammonium persulfate, dibasic lead phosphite, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate.
DOT-E 6926	Union Carbide Corp	§ 173.365(a)	Authorizes shipments of dry granular mixtures containing not more than 15% by weight of TEMIK and in which the liquid is absorbed in an inert material in five-ply DOT Specification 44D extensible Kraft paper having a minimum total basis weight of 260 pounds and an outer ply of no less than 60 pounds basis weight. Bag must have a metal foil inner liner and contain not over 50 pounds net weight. Bags must be unitized or containerized for transportation via cargo vessel. (Modes 1, 2, and 3.)	To add paragraph (a)(3) to § 173.365 to read as follows: (3) Specification 44D (§ 178.238 of this subchaper). Multiwall paper bags. Where extensible Kraft is used, the minimum total basis weight must be 260 pounds and the outer wall may be no less than 60 pounds basis weight. Bag must have a metal foil inner liner. Net weight not over 50 pounds each. For transportation by water, bags must be unitized or containerized. Not authorized for transportation by air. Authorized only for carbamate pesticide mixtures containing not more than 15 percent active ingredient.
DOT-E 7032	Polaroid Corp	§ 172.101	Authorizes shipments of a film developer which is properly described as a Corrosive solid, n.o.s. in a 55 gallon non-specification removable head drum of 16 gauge stainless steel. Top head is closed by means of a 12 gauge locking ring and ⅝ inch bolt and nut. Drum must be mounted on a wood pallet and enclosed with a plywood cover secured to the pallet with steel strapping. (Mode 4.)	To add a new entry to the § 172.101 Table for "Film developer *having a viscosity over 500,000 centipoises*" See Table for proposed entry.
DOT-E 7040	Polaroid Corp	§ 172.101	Authorizes shipments of a film developer which is properly described as a Corrosive liquid, n.o.s. in a 55 gallon DOT Specification 6D/2SL container mounted on a pallet and covered with a wooden overwrap. (Mode 4.)	Too add a new entry to the § 172.101 Table for "Film developer *having a viscosity between 100,000 and 200,000 centipoises*" See Table for proposed entry.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 7883	E. I. DuPont RMI Co. Ethyl Corp.	§ 173.31(c)	Authorizes shipments of Sodium, metal in DOT Specification 105–A300W tank cars which are visually inspected at least once every 10 years instead of being hydrostatically retested. (Mode 2).	To amend Retest Table 1 in § 173.31 by adding a footnote (L) in Columns 2, 3, and 4 for DOT-105A300W tank cars and by adding footnte (L) (lower case), following the Table, to read as follows: (1) Tanks in sodium metal service may be visually inspected at least once every 10 years instead of being retested hydrostatically. Date of the visual inspection must be stenciled on the tank near the other required markings.
DOT-E 8055	NL Industries, Inc. American Cyanamid Co. Halstab Division, Hammond Lead Products, Inc. Associated Lead, Inc.	§ 173.154	Authorizes shipments of Dibasic lead phosphite described as a Flammable solid, n.o.s. in DOT Specification 44C multiwall paper bags. Net weight not over 50 pounds each. (Modes 1, 2 and 3).	See DOT-E 6523 proposed entry.
DOT-E 8714	The Lubrizol Corp.	§ 173.272(i)(22)	Authorizes shipments of Oleum in DOT Specification 115A60W6 stainless steel tank cars having bottom outlets rendered inoperative and blanked off. (Mode 2).	To amend paragraph (i)(22) of § 173.272 to include DOT Specification 115A60W6 stainless steel tank cars for the shipments of Oleum.
DOT-E 8730	Allied Chemical Corp.	§ 173.154(a)(4)	Authorizes shipments of Potassium nitrite solution in DOT Specification MC 311 and MC 312 cargo tanks. (Mode 1.	To amend paragraph (a)(4) of § 173.154 to include Potassium nitrite in DOT Specification MC 311, Mc 312 cargo tanks.
DOT-E 8732	Aerican Emulsions Co. Inc. Barton Solvents, Inc. Chemcentral/Los Angeles Delta Solvents & Chemicals Dow Chemical Co. Ashland Chemical Co. Coastal Chemical Co. Van Waters & Rogers Union Carbide Corp.	§ 173.245 (a)(29) and (a)(31)	Authorizes shipments of Monoethanolamine and primary amyl alcohol in DOT Specification MC 303 and MC 306 cargo tanks made of aluminum or steel. (Mode 1).	To amend paragraphs (a)(29) and (a)(31) of § 173.245 to include Monoethanolamine and primary amyl alcohol in DOT Specification MC 303 and MC 306 cargo tanks.
DOT-E 8739	Kerr Steamship Co.	§ 173.1075	Authorizes shipments of hand wrapped newspaper bundles of paper scrap in a freight container. The package that is indicated on the shipping documents is the freight container. (Mode 3).	To revise § 173.1075 to read as follows: Scrap paper or waste, when offered for transportation by water, must be packaged in tight bales except that hand wrapped bundles are authorized when overpacked in a freight container.
DOT-E 8754	Columbia Nitrogen Corp.	§ 173.245	Authorizes shipments of Ammonium hydroxide (*containing not less than 12% but not more than 44% ammonia*) in DOT Specification 105A200ALW and 109A200ALW tank cars. (Mode 2).	To revise paragraph (a)(32) of § 173.245 to read as follows: (32) Specification 103AW, 103AALW, 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW, 109A200ALW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, or AAR-201A80W §§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Specification 105A200ALW tank cars authorized only for acetic anhydride and ammonium hydroxide. Specification 105A100W tank cars authorized only for ammonium hydroxide and dimethyl chlorothiophosphate. AAR201A80W and 109A200ALW tank cars authorized only for ammonium hydroxide.
DOT-E 8774	Eastman Kodak Co.	§ 172.101 Column (7)(c)	Waives the segregation requirements for Acetic acid, glacial which reads: "Segregation same as for flammable liquids". (Mode 3).	Amend Column (7)(c) of the § 172.101 Table for the entry Acetic acid, glacial (RQ–1000/454) to read as follows: (7)(c) Stow separate from nitric acid or oxidizing materials.
DOT-E 8798	Stauffer Chemical Co.	§ 173.188(a)(4)	Authorizes shipments of Phosphoric anhydride in DOT Specification 56 portable tanks constructed of Type 316L stainless steel. (Modes 1 and 2).	To add paragraph (a)(4) to § 173.188 to read as follows: (4) Specification 56 (§ 178.252 of this subchapter). Stainless steel portable tanks.
DOT-E 8799	E. I. Du Pont Ethyl Corp.	§ 173.33(d)(1) and (d)(2)	Authorizes shipments of Sodium, metal in DOT Specification MC 330 and MC 331 cargo tanks which have not been subjected to the pressure retest requirements but must have a complete internal visual inspection at least once every 5 years. The date of inspection must be marked on the metal certification plate near the other required markings. (Mode 1).	To amend paragraph (d)(2) of § 173.33 by adding a sentence at the end to read as follows: (2) * * *. Tanks used only in sodium metal service may have a complete internal visual inspection at least once every 5 years instead of a hydrostatic or pneumatic test.
DOT-E 8800	General American Transportation Corp.	§ 173.353	Authorizes shipments of Methyl bromide, liquid in DOT Specification 51 portable tanks having a maximum allowable working pressure of 375 psig. (Modes 1, 2 and 3).	See DOT-E 5662 proposed entry.
DOT-E 8827; DOT-E 8845	Union Carbide Corp. GAF Corp.	§ 173.315(a)(1)	Authorizes shipments of Vinyl methyl ether in DOT Specification MC 330 or MC 331 cargo tanks and a maximum permitted filling density of 68 percent. (Mode 1).	To add Vinyl methyl ether to the Table in § 173.315 to read as follows: Vinyl methyl ether . . . 68 . . . See Note 7 and 13 . . . MC 330, MC 331 . . . 100.
DOT-E 8828	Economics Lab. Inc.	§ 173.277(a)(1)	Authorizes shipments of Hypochlorite solution containing more than 7% available chlorine by weight in a DOT Specification 12A corrugated fiberboard box with vented polyethylene inside bottles of one-gallon capacity each. Not more than four one-gallon polyethylene bottles may be packed in one outside fiberboard box. (Mode 1).	To revise paragraph (a)(1) of § 173.277 to read as follows: (1) Specification 15A, 15B, 15C, 19A or 19B (§ 173.168, 178.169, 178.170, 178.190, 178.191 of this subchapter) wooden boxes, Spec. 12A or 12B (§ 178.210, 178.205 of this subchapter) fiberboard boxes with inside glass, earthenware or polyethylene containers of not more than 1-gallon capacity each. Gross weight must not exceed 65 pounds nor contain more than 4 glass or earthenware inside container if their capacity is greater than 5 pints each, or more than six such polyethylene containers.
DOT-E 8884	Chemical Applicators of Lafayette, Inc.	§ 173.245(a)(38)	Authorizes shipments of Monoethanolamine, and diethanolamine, in DOT Specification 57 steel portable tanks without frangible devices. (Modes 1 and 3).	To amend paragraph (a)(38) of § 173.245 to include the following corrosive materials: (38) *diethanolamine* and monoethanolamine.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8972	Union Carbide Corp	§ 173.247(a)(18)	Authorizes shipments of Anhydrous thionyl chloride and mixtures thereof with non-hazardous inorganic salt in a DOT Specification 3E1600 stainless steel cylinder equipped with one end plug and one valve having a protective cover. (Mode 1).	To revise paragraph (a)(18) of § 173.247(a) to read as follows: (18) Specification 3E1800 (§ 178.42 of this subchapter). Cylinder authorized only for thionyl chloride, anhydrous and titanium tetrachloride, anhydrous.

§ 172.101 Hazardous Materials Table.

+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Packaging: Exceptions	Packaging: Specific requirements	Maximum net quantity in one package: Passenger carrying aircraft or railcar	Maximum net quantity in one package: Cargo only aircraft	Water shipments: Cargo vessel	Water shipments: Passenger vessel	Water shipments: Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Film developer (*having a viscosity range between 100,000 and 200,000 centipoises*).	Corrosive material		Corrosive	173.244	173.245	1 quart	55 gallons	1, 2	1, 2	
	Film developer (*having a viscosity over 500,000 centipoises*).	Corrosive material		Corrosive	173.284	173.245b	25 pounds	850 pounds	1, 2	1, 2	

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53, App. A to Part 1 and paragraph (a)(3) of App. A to Part 106)

Issued in Washington, D.C., on July 29, 1983.

Thomas J. Charlton,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-21405 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of Comment Period.

SUMMARY: In its notice of a proposed rule (48 FR 31417, July 8, 1983) concerning implementation of the "incidental take" and "plant prohibition" aspects of the 1982 Congressional amendments, the Service invited comments for a 30 day period ending August 8, 1983.

In response to several requests, and in recognition of the complexity of the subject matter, the Service hereby extends the comment period to September 2, 1983.

DATE: Comments must be received by September 2, 1983.

ADDRESS: Please address correspondence to the U.S. Fish and Widlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information on this notice is available for review during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235-1903).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: August 3, 1983.

Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 83-21440 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 153
Monday, August 8, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Historic Preservation Program Plan and Treatment of Historic Properties Affected by Bureau of Reclamation's Central Arizona Project, Arizona and New Mexico

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation, the Regional Director, Lower Colorado Region, Bureau of Land Management, the Arizona State Historic Preservation Officer, and the Arizona and New Mexico State Historic Preservation Officers have executed a Programmatic Memorandum of Agreement concerning the activities relating to the construction of the Central Arizona Water Control Project. This Agreement, executed pursuant to 36 CFR 800.8 was the subject of a notice published in the Federal Register on August 6, 1982 (47 FR 34169).

FOR FURTHER INFORMATION CONTACT: Dr. Thomas F. King, Director, Office of Cultural Resource Preservation, 1522 K Street NW., Washington, D.C. 20005.

Dated: August 2, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-21421 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Voluntary Conversion of Multi-Housing Section 515 Loans to a Predetermined Amortization Schedule System (PASS)

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) will change the method by which principal and interest payments are applied to Section 515 loans. This new method will enable the Agency to compute all loans at the note interest rate generating more interest income, lower delinquency percentages, be consistent with the private sector, and more easily administer borrowers' accounts. Borrowers will be able to better determine payment applications of principal and interest for accounting and management purposes.

DATE: FmHA has made a major effort to notify all borrowers by certified mail or in person. Borrowers have until September 30, 1983, to notify FmHA of their choice of options.

FOR FURTHER INFORMATION CONTACT: Paul R. Conn, Director, Multi-Family Housing Servicing and Property Management (MHSPM) Division, Farmers Home Administration, Room 5321, South Agriculture Building, Washington, DC 20250, (202) 382-1599. Additional information may also be obtained from FmHA State and District Offices.

SUPPLEMENTARY INFORMATION: FmHA hereby gives notice of an action that will affect all rural rental housing (RRH) and rural cooperative housing (RCH) borrowers.

On or about August 1, 1983, the Agency mailed each RRH and RCH borrower a notification of a plan to change the method of application of principal and interest payments. Each borrower has been given the option of continuing under the present system in which principal and interest payments are applied as if the loans are amortized at a 1 percent interest rate; or, converting to a new Predetermined Amortization Schedule System (PASS) in which principal payments will be applied at the note rate of interest. Borrowers opting to convert to the new system (PASS) will be able to have their loans converted retroactively to the date the loan was made or transferred on new terms in the case of an assumption. This action will only affect the catalogue of Federal Domestic Assistance Number 10.415—Rural Rental Housing Loan Program. This affected program is subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

(72 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: August 2, 1983.

Charles A. Sowell,

Acting Administrator, Farmers Home Administration.

[FR Doc. 83-21305 Filed 8-5-83; 8:45 am]

BILLING CODE 3410-07-M

Federal Grain Inspection Service

Request for Comments on Designation Applicant in the North Central Texas Area (TX)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for official agency designation in the North Central Texas area.

DATE: Comments to be postmarked on or before September 22, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Unit, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The June 16, 1983 issue of the Federal Register (48 FR 27589) contained a notice from the Federal Grain Inspection Service requesting comments on the need for service in and applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the North Central Texas area. Comments and applications were to be postmarked by July 18, 1983.

No comments were received, but based upon all available information, it has been determined that there is a need for official inspection service in this area.

Amarillo Grain Exchange, Inc. (Amarillo), the only applicant, requested designation for the entire geographic area as cited in the June 16 issue of the **Federal Register.**

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their comments concerning the applicant for designation. All comments must be submitted to the Regulations and Directives Management Unit, Resources Management Division, specified in the address section of this notice, and postmarked not later than September 22, 1983.

Comments and other available information will be considered before a final decision is made in this matter. Notice of the final decision will be published in the **Federal Register,** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: August 2, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–21437 Filed 8–5–83; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

Order Establishing International Cargo Rate Flexibility Policy

The Board, by Policy Statement PS–109, effective February 27, 1983, adopted a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. That policy, implemented by Regulation ER–1322, effective February 27, 1983 (14 CFR Part 221), eliminates the requirement of economic justification for international cargo rates which are within Board established zones of flexibility. As stated in ER–1322, the Board has taken action to allow air carriers to respond more quickly to changing costs and competitive conditions.

In establishing the SFRL for the two-month period starting August 1, 1983 we have projected nonfuel costs based on the year ended March 31, 1983 and have determined fuel prices on the basis of experienced monthly fuel cost levels and reported weekly fuel cost trends.

By Order 83–8–13 cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic, .9333
Western Hemisphere, 1.0151
Pacific, .8728

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

For Further Information Contact: John D. Coakley, (202) 673–5196.

By the Civil Aeronautics Board, August 2, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–21542 Filed 8–5–83; 8:45 am]

BILLING CODE 6320–01–M

Order Establishing Standard Foreign Fare Level

The International Air Transportation Competition Act (IATCA), Pub. L. 96–192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958, as amended. Order 80–2–69 established the first interim SFFL and subsequent Order 81–6–10 established the currently effective two-month SFFL applicable through July 31, 1983.

In establishing the SFFL for the two-month period starting August 1, 1983, we have projected nonfuel costs based on the year ended March 31, 1983 and have determined fuel prices on the basis of experienced monthly fuel cost levels and reported weekly fuel cost trends.

By Order 83–8–12 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic, 1.1279
Western Hemisphere, 1.1880
Pacific, 1.0794
Canada, 1.1948

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: Robert I. Stein, (202) 673–5116.

By the Civil Aeronautics Board; August 2, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–21542 Filed 8–5–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Subpart Q Applications

Filed under Subpart Q of the Board's Procedural Regulations; week ended July 29, 1983.

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
July 28, 1983	41321	British American Air, Inc., c/o H. Grady Gatlin, Jr., 1101 Fifteenth Street, NW., Suite 1010, Washington, D.C. 20005. Correction to Amended Application of British American Air, Inc. British American Air, Inc. was advised by the Board's staff that certain of the co-terminal points listed in Paragraph 4 of said Amended Application are non-gateway points listed in Paragraph 4 of said Amended Application are non-gateway points and as they are not appropriately listed in the necessary bi-lateral agreements they should be deleted from the Amended Application. The points to be deleted are: Washington, D.C.; Baltimore, MD; Philadelphia, PA; Reno, NV; Las Vegas, NV; Altantic City, NJ; Denver, CO; Hilo, HI; Boston, MA; San Jose, CA. It is requested that the 26 day answer period for this filing be waived.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–21504 Filed 8–5–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41562]

Jet Express; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., August 3, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-21503 Filed 8-5-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Louisiana Advisory Committee; Meeting; Amendment

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 Advisory Committee of the Commission originally scheduled for August 18, 1983, at New Orleans, Louisiana (FR Doc 83-20306 on page 34090, has a new convening time.

The meeting will convene at 11:30 a.m. The address and date will remain the same.

Dated at Washington, D.C., August 3, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-21541 Filed 8-5-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Determination of Sales at Less Than Fair Value; Lightweight Polyester Filament Fabrics From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Lightweight Polyester Filament Fabrics From Japan.

SUMMARY: We have preliminarily determined that lightweight polyester filament fabrics (LPFF) from Japan are being, or are likely to be, sold in the United States at less then fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. We have preliminarily determined that two producers should be excluded from this preliminary determination. Those firms which are subject to suspension of liquidation and those firms which are excluded from this action are indicated in the "Suspension of Liquidation" section.

If this investigation proceeds normally, we will make a final determination by October 17, 1983.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Commission, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that LPFF from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have found either no margins or *de minimis* margins on sales of LPFF by seven of the firms investigated. However, we are requesting supplemental information for five of these seven firms. The firms concerned are indicated in the "Suspension of Liquidation" section of this notice.

We have found that the foreign market value of LPFF exceeded the United States price on 20.696 percent of the sales we compared. These margins ranged from 0.023 percent to 82.524 percent. The overall weighted-average margin on all LPFF sales compared is 1.292 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by October 17, 1983.

Case History

On January 4, 1983, we received a petition filed by counsel for Burlington Industries, Inc., Milliken & Co., J. P. Stevens & Co., Inc., Dan River, Inc., Texfi Industries, Frank Ix & Sons, Inc., and Bloomsburg Mills, Inc. on behalf of the U.S. industry producing lightweight polyester filament fabrics. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that LPFF from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than the cost of production in Japan.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on January 24, 1983 (48 FR 3797). The ITC subsequently found, on February 18, 1983, that there is a reasonable indication that imports of LPFF are materially injuring, or are threatening to materially injure, a United States industry.

The petitioner alleged that at least eight Japanese companies produce LPFF for export to the United States. However, we identified 11 producers and exporters which account for approximately 70 percent of the exports to the United States. Questionnaires were presented in Japan to these producers and exporters on February 21, 1983.

On March 28, 1983 and May 19, 1983, we received letters from counsel for the Japanese LPFF producers and exporters requesting additional time in which to respond because of the numerous companies and complicated products. Extensions were granted and we received responses on April 28, 1983, May 2, 1983, May 6, 1983, May 9, 1983, and May 31, 1983. supplemental questionnaires were sent on June 21, and the supplemental responses were received between June 29 and July 19, 1983. We received responses from the following companies: Asahi Chemical Industry Co., Ltd. (Asahi); C. Itoh & Co., Ltd.; Kaneo Synthetic Textiles, Ltd.

(Kanebo); Kuraray Co., Ltd.; Mitsubishi Rayon Co., Ltd. (Mitsubishi); Nichibo Co., Ltd.; Nishikawa Bussan Co., Ltd. (Nishikawa); Teijin Limited; Toray Industries, Inc.; Toyobo Co., Ltd.; and Unitika, Ltd. We also received a response to Section E of the questionnaire, "Data from Certain Resellers" from Chori Company, Ltd. Chori is a trading company related to Toray.

On May 20, 1983, we found this case to be extraordinarily complicated because of the large number of complex transactions and the large number of firms whose activities must be investigated. We postponed our preliminary determination until August 2, 1983 (48 FR 23471).

Scope of Investigation

The products covered by this investigation are lightweight polyester filament fabrics, currently provided for in items 338.5009, 338.5011, 338.5012, 338.5013, and 338.5015, of the *Tariff Schedules of the United States, Annotated (TSUSA).*

Since the respondents produced and exported approximately 70 percent of the LPFF from Japan to the United States during the period of investigation, we limited our investigation to them.

We investigated sales of LPFF by these respondents during the period from July 1, 1982 to December 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sales by the Japanese producers or exporters, because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the ex-factory, ex-go-down, f.o.b., c.&f., c.i.f., duty-paid, or c.i.f., duty-paid, delivered, packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, foreign brokerage and handling charges, ocean freight, marine insurance, U.S. brokerage and handling charges, U.S. excise and other special taxes, U.S. customs duties, U.S. inland freight, and U.S. inland insurance.

Foreign Market Value

In accordance with section 773(a) of the Act, with the exception of Nichibo, we calculated foreign market value based on home market sales and, where appropriate, constructed value. In the case of Nichibo, there were insufficient sales in the home market to use as a basis for foreign market value. As required in section 773(a)(1)(B) of the Act, we selected sales for export to a country other than the United States (a "third country") as the basis for foreign market value. We used Nichibo's sales to Saudi Arabia for the purpose of calculating foreign market value.

The petitioner alleged that sales in the home market were at prices below the cost of producing LPFF. We examined production costs which included all appropriate costs for materials fabrication and general expenses. Sales below the cost of production were found to be made within certain such or similar categories of LPFF. Where sales within any of the categories were made over an extended period of time and in substantial quantities, and were at prices which did not permit recovery of all costs within a reasonable period of time in the normal course of trade, the Department disregarded these sales in its anslysis in accordance with section 773(b) of the Act.

After having disregarded these sales, we found that, for certain categories, sufficient sales of LPFF were made at or above the cost of production and, therefore, those sales were used in making price-to-price comparisons with sales in the U.S. market.

Within certain other categories of LPFF, all sales of particular fabric types were disregarded pursuant to section 773(b). Because we lacked adequate information on which to base adjustments for differences in physical characteristics of the merchandise in order to permit price-to-price comparisons of U.S. sales with sales in the home market of another fabric type within the same category, we used the constructed value of the merchandise to determine the foreign market values of those particular fabric types. For the final determination, we will seek additional information, where necessary, to allow us to make appropriate adjustments in order to make price-to-price comparisons within the categories.

Where we used home market prices as the basis for foreign market value, we calculated the home market prices for each type of LPFF on the basis of delivered packed prices to unrelated purchasers. From these prices, we deducted, where appropriate, foreign inland freight, foreign inland insurance, rebates, and discounts. We made adjustments, where appropriate, for credit expenses, advertising expenses, warranty and servicing expenses, after-sale warehousing expenses, and other direct selling expenses, such as sales promotional activities by company staff in accordance with section 353.15 of the Commerce regulations.

An adjustment was also made, where appropriate, for the differences between commissions on sales to the United States and indirect selling expenses in the home market used as an offset to U.S. commissions, in accordance with § 353.15(c) of the Commerce Regulations. We also made adjustments for the cost of materials, labor and direct factory overhead associated with differences in the merchandise in accordance with § 353.16 of the Commerce regulations. In the case of Unitika, we made an adjustment for the higher market value of trademarked LPFF. We also deducted home market packing cost and added the packing cost incurred on sales to the United States.

The following claims were disallowed in calculating foreign market value. Asahi requested a circumstances-of-sale adjustment for quality testing inspection expenses; however, we did not make the adjustment because the company did not provide sufficient documentation to support this claim. Kanebo, Kuraray, Mitsubishi, Toray, and Unitika also made claims for advertising expenses which we disallowed because the claims include both allowable and non-allowable advertising expenses and we do not have sufficient information to allocate those expenses which are attributable to later sales of the merchandise. We will seek further information for purposes of our final determination.

Asahi, Kuraray and Unitika requested circumstances-of-sale adjustments for other direct selling expenses. We disallowed their claims for other direct selling expenses because the claims include both allowable and non-allowable selling expenses and we do not have sufficient information with which to allocate the allowable expenses. We will seek further information for purposes of our final determination.

In the case of Nichibo, where we used sales to a third country as the basis for foreign market value, we calculated the third country prices on the basis of the c. & f. or c.i.f., packed price to unrelated purchasers in Saudi Arabia. We made deductions, where appropriate, for Japanese brokerage and handling charges, inland freight and ocean freight

and marine insurance. We made circumstances-of-sale adjustments, where appropriate, for commissions, quality control, testing, and inspection expenses, and credit expenses in accordance with § 353.15 of the Commerce regulations. We also made adjustments for the cost of materials, labor and direct factory overhead associated with differences in merchandise in accordance with § 353.16 of the Commerce regulations. We deducted third-country packing costs and added the packing cost incurred on sales to the United States.

Where we used constructed value as the basis for foreign market value, we calculated the cost of materials, fabrication, general expenses, profit, and the cost of packing. The amount added for general expenses was the statutory minimum of 10 percent of the sum of material and fabrication costs or the actual general expenses, whichever was higher. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses or the actual profit, whichever was higher.

In the case of Teijin, because the computer tape submitted by the respondent was incorrectly formatted, we have been unable fully to analyze the data pertaining to that company. Therefore, for purposes of this preliminary determination with respect to Teijin, we are using the weighted-average margin percentage for all other companies.

Supplemental Information Requested

We are requesting the following information from certain respondents. Because we have only partial or no information for certain shipments covered by contracts concluded during the period of investigation, we will obtain production cost information and information concerning charges associated with subsequent shipments covered by these contracts. We are also requesting from Chori an itemization of unit charges incurred by Chori on resales to the United States of LPFF manufactured by Toray. In addition, we are asking Teijin to provide us with a correctly formatted computer tape.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

ITC Notification

In accordance with section 773(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of LPFF from Japan, with the exception of LPFF produced by C. Itoh & Co., Ltd., Chori Company Ltd., Kanebo Synthetic Textiles, Ltd., Kuraray Co., Ltd., Mitsubishi Rayon Company, Ltd., Nichibo Co., and Toray Industries, Inc., which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** Except for the companies noted above, the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. Where sales by trading companies cannot be identified by manufacturer, the Customs Service shall require a cash deposit or the posting of a bond equal to the highest estimated weighted-average margin of 3.679 percent. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer and status	Weighted-average margin percentage
Asahi Chemical Industry Co., Ltd (Subject to suspension)	3.333
C. Itoh & Co., Ltd (Excluded)	0.257
Chori Company, Ltd [LPFF Manufactured by Toray Industries, Inc. and exported by Chori Company, Ltd.] (Not subject to suspension but not excluded from the preliminary determination)	0.000
Kanebo Synthetic Textiles, Ltd (Not subject to suspension but not excluded from the preliminary determination)	0.288
Kuraray Co., Ltd (Not subject to suspension but not excluded from the preliminary determination)	0.282
Mitsubishi Rayon Co., Ltd (Not subject to suspension but not excluded from the preliminary determination)	0.209
Nichibo Co (Excluded)	0.000
Nishikawa Bussan Co., Ltd (Subject to suspension)	2.718
Teijin Limited (Subject to suspension)	1.292
Toray Industries, Inc (Not subject to suspension but not excluded from the preliminary determination)	0.005
Toyobo Co., Ltd (Subject to suspension)	0.845
Unitika, Ltd (Subject to suspension)	3.679
All other companies	1.292

Although Chori Company, Ltd., Kanebo Synthetic Textiles, Ltd., Kuraray Co., Ltd., Mitsubishi Rayon Co., Ltd., and Toray Industries, Inc. have no margins, or *de minimis* margins, we are not excluding these firms from this preliminary determination because the Department needs to analyze the supplemental information requested in order to make more extensive comparisons.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on September 13, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 6, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 2, 1983.

[FR Doc. 83-21499 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Determination of Sales at Less Than Fair Value; Lightweight Polyester Filament Fabrics From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Lightweight polyester filament fabrics from the Republic of Korea.

SUMMARY: We have preliminarily determined that lightweight polyester filament fabrics (LPFF) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entires of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. We have preliminarily determined that eight producers should be excluded from this preliminary determination. Those firms which are subject to the suspension of liquidation and those firms which are excluded from this action are indicated in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by October 17, 1983.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that lightweight polyester filament fabrics (LPFF) from Korea are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have found *de minimis* margins for sales of LPFF produced by eight of the firms investigated. The concerned firms are indicated in the "Suspension of Liquidation" section of this notice.

We have found that the foreign market value of LPFF exceeded the United States price on 9.62 percent of the sales we compared. These margins ranged from 0.183 percent to 33.099 percent. The overall weighted-average margin on all sales compared is 0.519 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by October 17, 1983.

Case History

On January 4, 1983, we received a petition filed by counsel for Burlington Industries, Inc.; Milliken & Co.; J.P. Stevens & Co., Inc.; Dan River, Inc.; Texfi Industries; Frank Ix & Sons, Inc.; and Bloomsburg Mills, Inc. on behalf of the U.S. industry producing LPFF. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that LPFF from Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than the cost of production in Korea.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on January 24, 1983 (48 FR 3797). The ITC subsequently found, on February 18, 1983, that there is a reasonable indication that imports of LPFF are materially injuring, or are threatening to materially injure, a United States industry.

The petitioner alleged that at least three Korean companies produce LPFF for export to the United States. However, we identified 13 producers and exporters which account for approximately 90 percent of the exports to the United States. Questionnaires were presented in Korea to these producers and exporters on February 24, 1982.

On March 21, 1982, we received a letter from counsel for the Korean LPFF producers and exporters requesting additional time in which to respond because of the numerous companies and complicated products. Thirty additional days were granted and we received 11 responses on April 26, 1982 and an additional two on May 2, 1983. Responses were received from Chang Young Co., Ltd.; Dong Sung Trading Co., Ltd.; Kabul Ltd.; Namsun Moolsan Co., Ltd.; Sam-A Co., Ltd.; Seong An Textile Co., Ltd.; Shin Taeyang Co.; Silla Textile Co., Ltd.; Sunkyong Limited; Tae Wang Mulsan Co., Ltd.; Tongkook Corporation; Young Shin Textile Co., Ltd.; and Yuyang Textile and Apparel Ltd.

On May 20, 1983, we found this case to be extraordinarily complicated because of the large number of complex transactions and the large number of firms whose activities must be investigated. We postponed our preliminary determination until August 2, 1983 (48 FR 23471).

Scope of Investigation

The products covered by this investigation are lightweight polyester filament fabrics currently provided for in items 338.5009, 338.5011, 338.5012, 338.5013, and 338.5015, of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Since the 13 respondents produced and exported approximately 90 percent of the LPFF from Korea to the United States during the period of this investigation, we limited our investigation to them.

We investigated sales of LPFF by these respondents during the period from July 1, 1982 to December 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for the majority of sales by the Korean producers because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price for each type of LPFF based on the f.o.b., c.&f., or c.i.f., packed price to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, Korean inspection expenses and customs clearance charges, wharfage, brokerage and handling, ocean or air freight, and transportation insurance. We made an addition for import duties which were rebated or not collected by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act.

A portion of the sales for Sunkyong Limited and Tongkook Corporation were made on the basis of exporter's sales price because the merchandise was sold to unrelated purchasers after

importation into the United States. For these sales, we made additional deductions, where appropriate, for U.S. brokerage and handling, U.S. customs duties, U.S. inland freight, warehousing, commissions and other selling expenses incurred in the United States.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales, and where appropriate, constructed value.

The petitioner alleged that sales in the home market were at prices below the cost of producing LPFF. We examined production costs which included all appropriate costs for materials, fabrication and general expenses. Sales below the cost of producton were found to be made within certain categories of such or similar LPFF examined. Where sales within any of the categories were made over an extended period of time and in substantial quantities, and were at prices which did not permit recovery of all costs within a reasonable period of time in the normal course of trade, the Department disregarded these sales in its analysis in accordance with section 773(b) of the Act. After having disregarded these sales, for certain categories, we found that sufficient sales of LPFF were made at or above the cost of production and, therefore, those sales were used in making price-to-price comparisons with sales in the U.S. market. Within certain other categories of LPFF, all sales of particular fabric types were disregarded pursuant to section 773(b) of the Act. Because we lacked adequate information on which to base adjustments for differences in physical characteristics of the merchandise in order to permit price-to-price comparisons of U.S. sales with sales in the home market of another fabric within the same category, we used the constructed value of the merchandise to determine the foreign market value of those particular fabric types. For the final determination, we will seek additional information, where necessary, to allow us to make appropriate adjustments in order to make price-to-price comparisons within the categories.

The home market prices for all 13 manufacturers were based on ex-factory or f.o.b. delivered, packed prices to unrelated purchasers. From these prices we deducted, where appropriate, inland freight. We made adjustments, where appropriate, for differences in credit costs in accordance with section 353.15(c) of the Commerce Regulations, and for differences associated with the cost of materials, labor, and directly related factory overhead in accordance with § 353.16 of the Commerce Regulations. We also deducted home market packing cost and added the cost of U.S. packing.

Where we used exporter's sales price, we deducted home market indirect selling expenses to offset U.S. commissions and other U.S. selling expenses.

Where we used constructed value as a basis for foreign market value, we calculated it to include the cost of materials, fabrication, general expenses, profit and the cost of packing. The amount added for general expenses was either the statutory minimum of 10 percent of the sum of material and fabrication costs, or the actual reported general expenses, whichever was higher. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses because the actual profit was either not reported or was less than 8 percent.

Suspension of Liquidation

In accordance with section 773(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of LPFF from Korea, with the exception of the LPFF produced by Chang Young Co., Ltd.; Dong Sung Trading Co., Ltd.; Silla Textile Co., Ltd.; Sam-A Co., Ltd.; Kabul Ltd.; Namsun Moolsan Co., Ltd.; Sunkyoung Limited, and Tongkook Corporation, which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. Except for the companies noted above, the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Firm	Weighted-average margin percentage
Chang Young Co., Ltd	0.221
Dong Sung Trading Co., Ltd	0.019
Kabul Ltd	0.003
Namsun Moolsan Co., Ltd	0.009
Sam-A Co., Ltd	0.016
Seong An Textile Co., Ltd	1.607
Shin Taeyang Co	0.924
Silla Textile Co., Ltd	0.286
Sunkyong Limited	0.302
Tae Wang Mulsan Co., Ltd	4.476
Tongkook Corporation	0.031
Young Shin Textile Co., Ltd	0.627
Yuyang Textile and Apparel Ltd	2.516
All other companies	0.519

Verification

In accordance with 776(a) of the Act, we will verify all data used in reaching final determination in this investigation.

ITC Notification

In accordance with section 773(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if required, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:00 p.m. on September 15, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 8, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 2, 1983.

[FR Doc. 83-21500 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-25-M

Steel Wire Rod From Trinidad and Tobago; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, United States Department of Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary countervailing duty determination involving steel wire rod from Trinidad and Tobago is being postponed because the investigation has been determined to be extraordinarily complicated. We intend to issue the preliminary determination no later than October 13, 1983.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew Debicki, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–0184.

SUPPLEMENTARY INFORMATION: On June 6, 1983, we inititated a countervailing duty investigation to determine whether the government of Trinidad and Tobago bestows benefits that could constitute bounties or grants upon the manufacture, production, or exportation of carbon steel wire rod (48 FR 27415). The notice stated that we would issue a preliminary determination by August 9, 1983.

The product covered by this investigation is carbon steel wire rod, a coiled semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued at 4 cents per pound. The merchandise is currently classified under item number 607.17 of the Tariff Schedules of the United States.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges that the government of Trinidad and Tobago provides various programs which constitute bounties or grants to the sole producer, manufacturer, or exporter in Trinidad and Tobago of carbon steel wire rod.

The issues in this investigation are numerous, novel, and complex. The petition alleges that producers, manufacturers, or exporters in Trinidad and Tobago of carbon steel wire rod received the following benefits which constitute bounties or grants: Government equity contributions on terms inconsistent with commercial considerations, government loan guarantees, import duty exemptions on captial equipment, government cash infusions to cover operating losses, preferential natural gas prices, preferential rental or lease terms for facilities provided in a development project, government provision of infrastructure in a development project, worker training subsidies, preferential export credit insurance, preferential shipping rates, government sponsored marketing assistance, and tax concessions. The issue of the commercial feasibility of the provision by the government of the alleged start up investment benefits for a steel producing entity in a lesser developed country is considered to be particularly complex.

We have determined that the government of Trinidad and Tobago and other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination. For these reasons, we determine this case is extraordinarily complicated in accordance with section 703(c)(1)(B)(i) of the Tariff Act of 1930, as amended (the Act), and that additional time is necessary to make the preliminary determination in accordance with section 703(c)(1)(ii) of the Act. We intend to issue the preliminary determination not later than October 13, 1983.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: July 21, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-21432 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Updating Announcement of Availability of National Voluntary Laboratory Accreditation Programs

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice updating announcement of availability of laboratory accreditation programs for thermal insulation materials, freshly mixed field concrete, carpet, solid fuel room heaters, and acoustical testing services.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) updates its announcements of availability of laboratory accreditation programs (LAPs) for thermal insulation materials ("Insulation LAP"), freshly mixed field concrete ("Concrete LAP"), carpet ("Carpet LAP"), solid fuel room heaters ("Stove LAP"), and acoustical testing services ("Acoustics LAP"). A separate notice following this notice presents revised fees for these five LAPs. Laboratories interested in becoming accredited under any of these LAPs may request an application package by contacting the Manager, Laboratory Accreditation.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, Technology Building, Room B141, Washington, DC 20234; (301) 921–3431.

SUPPLEMENTARY INFORMATION:

Background

The last notice of availability of laboratory accreditation programs (LAPs) for themal insulation materials ("Insulation LAP"), freshly mixed field concrete ("Concrete LAP"), and carpet ("Carpet LAP") was published in the **Federal Register** on March 5, 1982 (47 FR 9492–9495). Availability of the Stove LAP was announced in the **Federal Register** on April 20, 1982 (47 FR 16823–16825). Availability of the Acoustics LAP was announced in the **Federal Register** on September 10, 1982 (47 FR 39874–39878). NBS has revised several procedures as described below and in the Appendices to this notice.

Frequency of Insulation LAP Assessments

The frequency of Insulation LAP assessments is changed from once in each of the first two years and every other year thereafter to once every two years. Biennial frequency is comparable to that for other LAPs. Laboratories, currently in the LAP, which have undergone at least three assessments have been found to conform to evaluation criteria after two years to the same degree as after one year. Therefore, we believe that an assessment in each of the first two years of enrollment is not necessary to ensure compliance with the criteria.

Additional Test Methods

An announcement that five test methods of the California Energy Commission and ASTM D2126, Procedure G were added to the Insulation LAP was published in the **Federal Register** on October 27, 1982 (47 FR 47625–47626). Standard test method ASTM C355, which was listed in the referenced March 5, 1982 **Federal Register** notice, has been withdrawn by ASTM and is therefore dropped from the LAP.

Accreditation Process

Updated accreditation processes for the Insulation, Concrete, Carpet, Stove and Acoustic LAPs are described in Appendix 1 to this notice. Only editorial changes have been made; there are no

substantive technical revisions. Operational information for each LAP, including frequency and nature of on-site visits, available test methods, and proficiency testing requirements are presented in Appendices 2 through 6. This updated description of the accreditation process and its appendices supersede the **Federal Register** notices of March 5, 1982, April 20, 1982, and September 10, 1982 referenced above.

Dated: August 3, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

Appendix 1—Updated Accreditation Process for Insulation, Concrete, Carpet, Stove, and Acoustics Laboratory Accreditation Programs (LAPS)

Requesting An Application. A testing laboratory interested in being accredited should contact the Manager, Laboratory Accreditation, National Bureau of Standards, Technology Building, Room B141, Washington, DC 20234; (301) 921–3431. The laboratory will be sent an application package tailored to the LAP(s) in which it is interested.

Application Package. The application package includes an application form with a test method selection list and fee schedule, and a guide to requirements for accreditation.

Fees. In a separate notice appearing in this issue of the **Federal Register,** NBS announces fees for the above mentioned LAPs. The notice provides information needed to calculate fees for the scope of accreditation desired. All fees must be paid to NBS before an initial decision on accreditation is made. Failure by a laboratory to pay renewal fees on a timely basis will lead to automatic expiration of accreditation at the end of its current accreditation period.

Enrollment. After payment of required fees, NBS schedules the laboratory for an on-site visit and notifies it of additional written information which must be supplied and applicable proficiency testing requirements which must be completed for evaluation.

Basic Conditions for Accreditation. A laboratory shall agree in writing to the following basic conditions to be NBLAP-accredited:

(1) Be examined and audited, initially and on a continuing basis;

(2) Pay accreditation fees and charges;

(3) Avoid reference, and forbid reference by others utilizing its services, to its NVLAP accredited status in advertising media, on product labels, containers and packaging or the contents therein, or in any other way which might convey product certification by NBS. A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports and in trade publications and laboratory services advertising media;

(4) Maintain compliance with applicable general and specific criteria and with applicable requirements of NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c);

(5) Participate in proficiency testing required for attaining or maintaining accreditation.

Criteria. NVLAP criteria for evaluating laboratories, described in sections 7a.19–7a.30 of the NVLAP Procedures (15 CFR Part 7a), address a laboratory's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects directly related to reliable performance of each test method for which the laboratory desires accreditation, including staff competence and training, facilities and equipment, test Plans, calibration procedures, record keeping, data handling procedures, and quality control checks and audits.

On-site Visits. Regularly scheduled on-site visits are conducted to assess compliance with NVLAP criteria. Monitoring visits of limited scope are also used to assure continued compliance with the criteria or to resolve any testing problems that an accredited laboratory may have. The on-site assessor conducts an exit interview to summarize his or her findings with laboratory management at the conclusion of the visit and submits a written report to NBS after the visit. Each laboratory is notified of identified deficiencies and is given an opportunity to correct them before formal accreditation recommendations are prepared or any action to revoke accreditation is started. The laboratory shall permit the on-site assessor to examine any records or other documents required by the criteria. The laboratory shall also permit NBS personnel to review and copy any records or other documents required by the criteria if a hearing under 5 U.S.C. 556 has been instituted under the NVLAP Procedures. Failure of the laboratory to cooperate with the on-site assessor may be grounds for initiating adverse accreditation action.

Proficiency Testing. Proficiency testing is an integral part of the NVLAP accreditation process. Information on a laboratory's ability to obtain consistently reliable results is of utmost importance to the users of the laboratory's services. The existence of facilities, equipment, and personnel which meet defined criteria establish a laboratory's overall capability to obtain acceptable results. For certain test methods an analysis of actual test results is also necessary to determine specific capability to produce acceptable results. A laboratory's failure to participate fully in required proficiency testing may be grounds for adverse accreditation action.

Evaluation and Recommendations. Evaluators use the following materials to review each laboratory:

(1) Written information supplied by the laboratory;

(2) Results of proficiency testing; and

(3) Written reports of on-site visits to the laboratory.

The laboratory is given written notification of any deficiencies and has a reasonable period thereafter (ordinarily 30 days) in which to correct or resolve them. After review of the above materials and response to any notification of deficiencies, the evaluators submit a written accreditation recommendation for the laboratory to the Director, Office of Product Standards Policy, National Bureau of Standards.

Accreditation Decision. A decision on approval or denial of initial accreditation for new laboratories, or renewal for previously accredited laboratories is based on evaluator recommendations. The laboratory is notified by letter of its accreditation status. If accreditation denial is proposed, the notification will state the reason(s).

Appeals. The notification indicating proposed denial of accreditation will identify to whom a request for a hearing should be sent. The laboratory for which accreditation denial is proposed has 30 days from the date of receipt of the notification to request a hearing. If a hearing is not requested, the denial becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Accreditation Period. Laboratories are granted accreditation for one year with individual laboratory anniversary dates occurring on the first of January, April, July, or October. A laboratory is assigned one anniversary date which is closest to the time its evaluation is completed and assures that the accreditation period is a minimum of one year.

Accreditation Renewal. Each accredited laboratory is sent a renewal application form before its current accredtitation expires (anniversary date). The lead time will be sufficient to complete evaluation for renewal for the following year. The laboratrory may use the renewal application form to add or

drop test methods from its current accreditation.

Termination. Any accredited laboratory may voluntarily terminate its accreditation at any time for any reason.

Revocation. If an accredited laboratory has violated the terms of its accreditation, NBS may, after consultation with the laboratory, propose in writing to revoke its accreditaiton. As in the case of a denial, the laboratory has 30 days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will identify to whom a request for a hearing should sent. If the hearing is not requested, the revocation becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Public Notification. Accrediation actions are published in the **Federal Register** in monthly notices and in quarterly and annual reports.

Compliance with Existing Laws. NVLAP accreditation does not relieve laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, or regulations that may be applicable to its operations, including consumer protection and antitrust laws.

Appendix 2—Operational Information for the Insulation LAP

On-site Visits. Regularly scheduled on-site visits will be made once every two years. In addition, laboratories may be subject to monitoring visits.

List of Methods and Proficiency Testing Requirements. Test methods for the Insulation LAP are shown in Table 1. They are the latest versions applicable and are identified by NVLAP Code, a recognized test method designation, and a short title. Test methods which require proficiency testing are identified by an asterisk(*) following the applicable NVLAP Code. The adequacy of a laboratory's performance will be based on statistical analyses of returned proficiency test data. Laboratories exhibiting outlying test results will be subject to closer assessment during on-site visits.

TABLE 1

NVLAP test method Code and designation	Short title
01/C01 ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill).
01/C02 HH-I-515 (para. 4.8.5 in D version Amendment 1).	Corrosiveness; Cellulosic fiber (loose-fill).
01/C03 California Energy Commission tests for insulating materials.	Corrosiveness—Mineral fiber blankets and loose-fill.
01/D01 ASTM C136	Sieve or screen analysis.
01/D02 ASTM C167	Thickness and density; Blanket and batt.
01/D03 ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber).
01/D04 ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber).
01/D05 ASTM C209 (para. 13 in 72 version) by D1037 (para. 100–106 in 72 version).	Water absorption, 24 hour; Board (cellulosic fiber).
01/D06 ASTM C209 (para. 13 in 72 version) by D1037 (para. 107–110 in 72 version).	Linear expansion; Board (cellulosic fiber).
01/D07 ASTM C272	Water absorption; Core materials.
01/D08 ASTM C302	Density; Preformed pipe insulation.
01/D09 ASTM C303	Density; Preformed block insulation.
01/D11 ASTM C356	Linear shrinkage; Soaking heat; Preformed high temperature insulation.
01/D12 ASTM C411	Hot-surface performance; High temperature insulation.
01/D13 ASTM C519	Density; Loose-fill (fibrous).
01/D14 ASTM C520	Density; Granular loose-fill.
01/D15 ASTM D756	Weight and shape changes; Accelerated service (proc. A); Plastics.
01/D16 ASTM D756	Weight and shape changes; Accelerated service (proc. B); Plastics.
01/D17 ASTM D756	Weight and shape changes; Accelerated service (proc. E); Plastics.
01/D18 ASTM D1622	Apparent density; Rigid cellular plastics.
01/D19 ASTM D2126	Response to thermal and humid aging (proc. B); Rigid cellular plastics.
01/D20 ASTM D2126	Response to thermal and humid aging (proc. D); Rigid cellular plastics.
01/D21 ASTM D2126	Response to thermal and humid aging (proc. E); Rigid cellular plastics.
01/D22 ASTM D2126	Response to thermal and humid aging (proc. F); Rigid cellular plastics.
01/D23 ASTM D2842	Water absorption; Rigid cellular plastics.
01/D24 ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill).
01/D25 HH-I-515 (para. 4.8.3 in D version, Amendment 1).	Moisture absorption; Cellulosic fiber (loose-fill).
01/D26 HH-I-515 (para. 4.8.1 in D version, Amendment 1)*.	Settled density; Cellulosic fiber (loose-fill).
01/D27 ASTM D2126	Response to thermal and humid aging (proc. C); Rigid cellular plastics.
01/D28 ASTM D2126	Response to thermal and humid aging (proc. G); Rigid cellular plastics.
01/D29 California Energy Commission tests for insulating materials.	Installed compressed thickness.
01/F01 ASTM D777 (as Modified by HH-B-100B).	Flammability; Paper and paperboard.
01/F02 ASTM E84*	Surface burning characteristics; Building materials.
01/F05 ASTM E136	Behavior of Materials in a Vertical Tube Furnace.
01/F06 ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill).
01/F07 HH-I-515 (para 4.8.7 in D version, Amendment 1) *.	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill).
01/F08 HH-I-515 (para. 4.8.8 in D version Amendment 1) *.	Smoldering combustion; Cellulosic fiber (loose-fill).
01/S01 ASTM C165	Compressive properties; Thermal insulation (proc. A).
01/S02 ASTM C203	Breaking load/flexural strength; Preformed block insulation.
01/S03 ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber).
01/S04 ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber).
01/S05 ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber).
01/S06 ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface.
01/S07 ASTM C273	Shear test; Sandwich construction.
01/S08 ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation.
01/S09 ASTM D781	Puncture test; Paperboard and fiberboard.
01/S10 ASTM D828	Tensile breaking strength; Paper and paperboard.
01/S11 ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A/Crosshead).
01/S12 California Energy Commission tests for insulating materials.	Bond strength—Spray applied cellulose.
01/S13 California Energy Commission tests for insulating materials.	Bond deflection—Spray applied cellulose.

TABLE 1—Continued

NVLAP test method Code and designation	Short title
01/S14 California Energy Commission tests for insulating materials.	Air erosion—Spray applied cellulose.
01/T01 ASTM C177 *	Thermal transmission properties; Low-temperature guarded hot plate.
01/T04 ASTM C236	Thermal conductance; Guarded hot box.
01/T05 ASTM C335	Thermal conductivity; Pipe insulation.
01/T06 ASTM C518*	Thermal transmission properties; Heat flow meter.
01/T09 ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber).
01/T10 ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous).
01/V02 ASTM D591	Starch in paper; Qualitative test.
01/V03 ASTM 2020	Mildew (fungus) resistance; Paper and paperboard.
01/V04 ASTM E96	Water vapor transmission; Thin sheets (proc. A).
01/V05 HH-I-515 (para. 4.8.6 in D version, Amendment 1).	Fungus; Cellulosic fiber (loose-fill).
01/V06 HH-I-515 (para. 4.8.9 in D version, Amendment 1).	Starch; Cellulosic fiber (loose-fill).

*Proficiency testing required.

Appendix 3—Operational Information for the Concrete LAP

On-Site Visits. On-site visits for the Concrete LAP are made by staff of the Cement and Concrete Reference Laboratory (CCRL), an inspection service for cement and concrete laboratories sponsored by the American Society for Testing and Materials (ASTM). Generally, as scheduling permits, the CCRL will conduct an initial laboratory visit within six months of application for NVLAP accreditation and thereafter on approximately a 2½ year cycle. In addition to regularly scheduled CCRL visits, laboratories may be subject to monitoring visits. If a laboratory wishes to expedite an accreditation request, it may be possible to arrange a special on-site visit for an additional fee to CCRL.

Arrangements for the on-site visit are made directly by CCRL with laboratories applying for NVLAP accreditation. A date will be selected for the visit and a written confirmation will be sent by the CCRL to the laboratory.

If a laboratory has subscribed to CCRL inspection service prior to seeking NVLAP accreditation, an on-site visit may not be required for initial accreditation. If a laboratory has undergone regular CCRL inspection within two years prior to applying for accreditation, results of that inspection will be accepted in lieu of an additional on-site visit provided that the laboratory:

(1) Authorizes NVLAP staff and technical experts to review the CCRL report;

(2) Provides evidence that all deficiencies noted in the CCRL report have been corrected;

(3) Agrees to undergo a CCRL/NVLAP on-site visit on its next regularly scheduled on-site date;

(4) Completes a questionnaire eliciting information on NVLAP requirements not addressed by the CCRL inspection; and

(5) Pays the NVLAP administrative fee.

Those applicants not having a CCRL inspection within two years prior to submittal of its application will be contacted by CCRL concerning the scheduling of an on-site visit. All fees associated with the inspection will be collected for the CCRL by ASTM. The CCRL inspection report will be made available for review by NVLAP personnel. NVLAP fees will be collected separately. Failure of an applicant or accredited laboratory to pay either CCRL fees or NVLAP fees on a timely basis will be grounds for initiating adverse accreditation action.

Proficiency Testing Requirements. Proficiency testing requirements for the Concrete LAP consist of two programs: (1) A "within-laboratory program" and (2) a "between-laboratory program." Both proficiency programs provide means for a laboratory to statistically monitor the results of compression tests of cylindrical concrete specimens (cylinders). The "within-laboratory program" provides a method to monitor average variation in compression measurements on sets of test cylinders made within the laboratory. The "between-laboratory" program provides a method for comparing results of compression tests and cylinders made by another laboratory with those of that laboratory. Each participating laboratory must locate at least one other laboratory willing to cooperate in the program. Both programs must be implemented by a laboratory within 90 days after application for accreditation.

The programs require a laboratory to submit periodic reports to NVLAP. Failure to submit the required reports may results in adverse accreditation action.

List of Test Methods and Test Method Grouping. Test methods included in the Concrete LAP are arranged into two groups as shown in Table 2. The Field Group (NVLAP Code 02/G01) contains ASTM C31, C172, C143, C138, and C231. The Field and Laboratory Group (NVLAP Code 02/G02) contains the same five test methods plus ASTM C39. Laboratories may seek accreditation for either group by demonstrating competency for all test methods in the chosen group. Laboratories will not be accredited for individual test methods. However, laboratories may seek accreditation for optional method ASTM C173 (NVLAP Code 02/A02), for no additional fee, with either group. Accreditation will not be granted for ASTM C173 alone.

TABLE 2

NVLAP Code/ test method designation[1]	Short title	Field group (02/G01)	Field and laboratory group (02/G02)
02/M01, ASTM C31	Making and Curing Concrete Test Specimens in the Field	X	X
02/M03, ASTM C172	Sampling Fresh Concrete	X	X
02/P01, ASTM C143	Slump of Portland Cement Concrete	X	X
02/W01, ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.	X	X
02/A01, ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.	X	X
02/S01, ASTM C39	Compressive Strength of Cylindrical Concrete Specimens		X
02/A02 ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.	Optional	Optional

[1] Most recent edition published.

Appendix 4—Operational Information for the Carpet LAP

On-site Visits. Regularly scheduled on-site visits will be made every two years. In addition, laboratories may be subject to monitoring visits.

List of Test Methods and Proficiency Testing Requirements. Test methods for the Carpet LAP are shown in Table 3. They are the latest versions applicable and are identified by NVLAP Code, a recognized test method designation, and short title. Test methods requiring proficiency testing are identified by an asterisk(*) following the applicable NVLAP Code. Adequacy of a laboratory's performance will be based on statistical analyses of returned proficiency test data. Laboratories

exhibiting outlying test results will be subject to closer assessment during on-site visits.

TABLE 3

NVLAP Code and test method designation	Short title
03/C01 AATCC 16E*.	Colorfastness to Light (Xenon Arc).
03/C02 AATCC 8	Colorfastness to Crocking.
03/D01 ASTM D418*.	Methods of Testing Woven and Tufted Pile Floor Coverings; Pile Weight—uncoated (Para. 10–19); Pile Weight—Coated (Para. 20–29) as modified by UM 44C; Pile Thickness—(Para. 30–36); Tuft Height—(Para. 37–45) as modified by UM 44C.
03/D02 DDD-C-95A	Shrinkage.
03/S01 ASTM D1335*.	Tuft Bind of Floor Coverings.
Federal Test Method:	
Standard 191–5100.	Textile Test Method—Breaking Strength.
Standard 191–5950.	Textile Test Method—Delamination.
03/E01 AATCC 134/CRI 102.	Electrostatic Propensity of Carpets.
03/F01 ASTM E84	Surface Flammability (Carpet).
03/F02 UL 992	Surface Flammability.
03/F03 DOC FF1–70.	Methenamine Pill Test.
03/F04 ASTM E648*.	Radiant Panel (Carpet).
03/B01 UM 44C, Addendum 3.	Attached Cushion Tests.
03/B02 UM 44C, Addenda 2 and 3.	Attached Cushion Tests.

* Proficiency Testing required.

Appendix 5—Operational Information for the Stove LAP

On-site Visits. Regularly scheduled on-site visits will be made every two years. In addition, laboratories may be subject to monitoring visits.

Test Methods. Standards included in the program are UL 737 and UL 1482. Portions of the standards that deal with certification and labeling are not part of the LAP since accreditation deals only with the determination of a laboratory's ability to test competently. Table 4 shows test method groups within each standard for which accreditation may be granted namely, Physical/Fire Group (NVLAP Code 04/F00), Mobile Home Group (04/M00), and Electreical Group (04/E00). Laboratories have the following four options in seeking accreditation:

(1) Physical/Fire Group only;

(2) Physical/Fire Group and Mobile Home Group;

(3) Physical/Fire Group and Electrical Group; or

(4) All Three Groups.

TABLE 4

NVLAP Code and short title	Section of UL 737, 5th edition (March 1, 1982)	Section of UL 1482, 2nd edition (January 24, 1983)
Physical/Fire Group (04/F00):		
04/F01 Test Installation	8	8
04/F02 Temperature Measurement	9	9
04/F04 Radiant Fire Test	11	11
04/F05 Coal Fire Test		14
04/F06 Brand Fire Test	12	12
04/F07 Flash Fire Test	13	13
04/F08 Strength Tests	15	16
04/F09 Stability Test	16	16
04/F10 Glazing Test	14	15
Mobile Home Group (04/M00): [1]		
04/M01 Test Installation	17	17
04/M02 Toxic Gas	17	17
04/M03 Drop Test	17	17
Electrical Group (04/E00):		
04/E01 Test Voltages	33	33
04/E02 Temperature Measurements, Electrical Components	34	34
04/E03 Input Test	35	35
04/E04 Temperature Test, Electrical Components	36	36
04/E05 Leakage Current	38	38
04/E06 Dielectric Withstand	37	37
04/E07 Locked Rotor (Stalled Motor) Temperature	39	39
04/E08 Power Cord Strain Relief	40	40

[1] Physical/fire tests, required by sections 17 (UL 737) and 17 (UL 1482), are listed under the 04/F00 group (UL 737, Sections 11–16; UL 1482, Section 11–16, as applicable).

Proficiency Testing Requirements. One round of proficiency testing is required annually. Testing will initially focus on four fire test methods of the Physical/Fire Group. Each laboratory is required to purchase one radiant-type stove of a given brand and model. The stove will be used for several rounds of testing in successive years. NBS will supply instructions for testing and data sheets. Each laboratory must test the stove in accordance with test methods of UL 737 and UL 1482 as supplemented by instructions from NBS and return the data sheets to NBS by a given date for analysis.

Appendix 6—Operational Information for the Acoustics LAP

On-site Visits. Regularly scheduled on-site visits will be made every two years. In addition, laboratories may be subject to monitoring visits.

Test Methods. Test methods included in the Acoustics LAP are listed below.

TABLE 5

NVLAP Code and test method designation	Short title
08/P01 ANSI/ASTM C367–78.	Strength Properties, Prefabricated Architectural Acoustical Materials.
08/P02 ANSI/ASTM C384–77.[1]	Impedance and Absorption of Acoustical Materials.
08/P03 ANSI/ASTM C423–81.[1]	Sound Absorption and Sound Absorption Coefficients.
08/P04 ASTM C522–80.[1]	Airflow Resistance of Acoustical Materials.
08/P05 ASTM C523–68 (81)	Light Reflectance of Acoustical Materials
08/P06 ANSI/ASTM E90–82.[1]	Airborne Sound Transmission Loss of Building Partitions.
08/P07 ANSI/ASTM E492–82	Impact Sound Transmission Through Floor-Ceiling Assemblies.
08/P08 ANSI/ASTM E595–78	Noise Reduction of Sound-Isolating Enclosures.
08/P09 ASTM E756–82.[1]	Vibration Damping Properties of Materials.
08/P10 ANSI S1.31–80.[1] [2]	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms.
08/P11 ANSI S1.31–80 (direct method only).[1] [2]	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (direct method only).
08/P12 ANSI S1.31–80 (comparison method only).[1] [2]	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (comparison method only).
08/P13 ANSI S1.32–80.[1] [2]	Sound Power Levels, Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms.
08/P14 ANSI S1.35–79.[1] [2]	Sound Power Levels, Noise Sources in Anechoic and Hemi-Anechoic Rooms.
08/P15 ANSI S1.35–79 (anechoic room method only).[1] [2]	Sound Power Levels, Noise Sources in Anechoic Rooms
08/P16 ANSI S1.35–79 (hemi-anechoic room method only).[1] [2]	Sound Power Levels, Noise Sources in Hemi-Anechoic Rooms.
08/P17 ISO 3741–75.[1] [4]	Sound Power Levels, Broad-Band Sources in Reverberation Rooms.
08/P18 ISO 3741–75 (direct method only).[1] [4]	Sound Power Levels, Borad-Band Sources in Reverberation Rooms (direct method only).
08/P19 ISO 3741–75 (comparison method only).[1] [2]	Sound Power Levels, Borad-band Sources in Reverberation Rooms (comparison method only).
08/P20 ISO 3742–75.[1] [4]	Sound Power Levels, Discrete-Frequency and Narrow-Band Sources in Reverberation Rooms.
08/P21 ISO 3745–77.[1] [4]	Sound Power Levels, of Noise Sources in Anechoic and Semi-Anechoic Rooms.
08/P22 ISO 3745–77 (anechoic room method only).[1] [4]	Sound Power Levels of Noise Sources in Anechoic Rooms
08/P23 ISO 3745–77 (semi-anechoic room method only).[2] [4]	Sound Power Levels of Noise Sources in Semi-Anechoic Rooms.
08/E01 ANSI B71.1–80 (para. 9)	Sound Level Tests; Power Lawn Mowers, Lawn Garden Tractors and Lawn Tractors.
108/E02 ANSI S1.20–79.*	Measurement of Noise Emitted by Computer and Business Equipment.
08/E03 ANSI S1.34–80	Sound Power Levels, Noise Sources over a Reflecting Plane.
08/E04 ANSI S31.9–75	Noise Protection, Hearing Protectors and Earmuffs.
08/E05 ANSI S51.–71	Measurement of Sound from Pneumatic Equipment.
08/E06 ANSI S51.–71 (small machines only)	Measurement of Sound from Pneumatic Equipment (small machines only).
08/E07 ANSI S51.–71 (portable compressors and large items of pneumatic plant only)	Measurement of Sound from Pneumatic Equipment (portable compressors and large items of pneumatic plant only).
08/E08 ANSI S51.–71 (stationmary plant equipment only	Measurement of Sound from Pneumatic Equipment (stationary plant equipment only).
08/E09 ISO 362–81	Noise Emitted by Accelerating Road Vehicles.
08/E10 ISO 512–79	Sound Pressure Levels, Vehicle Signalling Devices.

TABLE 5—Continued

NVLAP Code and test method designation	Short title
08/E11 ISO 3744-81.[1]	Sound Power Levels of Noise Sources Over a Reflecting Plane.
08/E12 ISO 5130-82	Noise Emitted by Stationary Road Vehicles.
08/E13 SAE J192a-75	Exterior Sound Level of Snowmobiles.
08/E14 SAE J1161-76	Sound Level Measurement Procedure for Snow Vehicles.
08/E15 Title 40 CFR Part 205	Transportation Equipment Noise Emission Measurements.
08/E16 Title 40 CFR Part 205 (Subpart B only)	Transportation Equipment Noise Emission Measurements (Subpart B only).
08/E17 Title 40 CFR Part 205 (Subpart D only)	Transportation Equipment Noise Emission Measurements (Subpart D only).
08/E18 Title 40 CFR Part 205 (Subpart E only)	Transportation Equipment Noise Emission Measurements (Subpart E only).
08/E19 Title 40 CFr Part 205 (Subpart F only)	Transportation Equipment Nosie Emission Measurements (Subpart F only).
08/E20 AMCA Test Code 300-1967	Test Code for Sound Ratings.
08/E21 AMA-1-II-67[2]	Ceiling Sound Transmission Test by Two-Room Method.
08/E22 EEC 81/334 (Annex I, para. 5.2)[4]	Sound Levels of Motor Vehicles.
08/E23 EEC 70/388 (Annex I, paras. 1.21., 1.2.2, 1.2.3, and 2)[4]	Type Approval of an Audible Warning Device.
08/E24 TRIAS 20-1980[5]	Noise Test Procedures for Motor Vehicles.
08/E25 TRIAS 21-1979[5]	Horn Sound Level Test Procedure for Motor Vehicles.
08/E26 ECE Regulation No. 28[1,6]	Sound Levels of Vehicle Audible Warning Devices.

[1] Proficiency testing required.
[2] The laboratory will be accredited only for the frequency range for which its test room is qualified.
[3] Accreditation for this test method also requires accreditation for ANSI S1.31. Accreditation for ANSI S1.32 will be only for the frequency range for which the laboratory's test room is qualified.
[4] The laboratory will be accredited only for the frequency range for which its test room is qualified.
[5] Accreditation for this test method also requires accreditation for ISO 3741. Accreditation for ISO 3742 will be only for the frequency range for which the laboratory's test room is qualified.
[6] Accreditation for this test method also requires accreditation for one or more of the following methods: ISO 3741, ISO 3742, ISO 3743, ISO 3744, and ISO 3745.
[7] Adopted by the Ceiling and Interior Systems Contractors Association.
[8] Council of European Communities.
[9] Ministry of Transport—Japan Automobile Importation Association.
[10] United Nations regulation.

Proficiency Testing Requirements. Proficiency testing for the Acoustics LAP is required for the tests shown with an asterisk (*) in Table 5 above.

Periodically each laboratory will be sent test samples, data sheets, and an information package containing instructions for specimen preparation, conditioning, mounting, and testing. Although testing is generally conducted in accordance with applicable test methods, the number of replicate measurements, special conditions of termperature and humidity, and other parameters may be specified by NBS to ensure uniformity in procedures and test conditions among participants. Completed data sheets must be returned to NBS for analysis by the date specified on the sheets.

Alternatively, an assessor may bring a specimen to the laboratory (such as a calibrated sound source) for testing during the course of the on-site visit. As explained above, special testing conditions may be specified to ensure uniformity among participants.

Because of the difficulties in selecting and distributing appropriate samples, proficiency testing for some test methods may periodically be waived.

[FR Doc. 83-21494 Filed 8-5-83; 8:45 am]
BILLING CODE 3510-13-M

Fee Revisions for National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of fee revisions for the laboratory accreditation programs for thermal insulation materials, freshly mixed field concrete, carpet, solid fuel room heaters, and acoustical testing services.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces fee revisions covering laboratory accreditation programs (LAPs) for thermal insulation materials ("Insulation LAP"), freshly mixed field concrete ("Concrete LAP"), carpet ("Carpet LAP"), solid fuel room heaters ("Stove LAP"), and acoustical testing services ("Acoustics LAP"). A separate notice appearing in this issue of the **Federal Register** describes the accreditation process for these five LAPs. Laboratories interested in becoming accredited may request an application package by contacting the Manager, Laboratory Accreditation.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, Technology Building, Room B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background

Fees for Insulation, Concrete, and Carpet LAPs were announced in the **Federal Register** on March 5, 1982 (47 FR 9496-9498). Fees for the Stove LAP were announced in the **Federal Register** on April 20, 1982 (47 FR 16825-16827). Fees for the Acoustics LAP were announced in the **Federal Register** on September 10, 1982 (47 FR 39875-39878). In accordance with paragraph (c) of sections 7a.10 and 7b.10 of the NVLAP Procedures (15 CFR Parts 7a and 7b), notice hereby given of revisions to those fees.

Basis of Fees

NVLAP fees are based on the premise that all operational costs incurred by NBS in evaluating laboratories seeking accreditation are recovered from fees charged to the applicant laboratories. Fees pay for processing applications, administering proficiency testing, preparing evaluation reports and certificates, as well as work-hours, travel, and per diem costs of assessors used in the evaluation process. Fees vary depending on assessment time which depends in turn on complexity of test methods, proficiency testing requirements, and frequency of visits to the laboratories in each of the LAPs. Fees have been increased this year primarily in response to Federal policy to offset recoverable costs of government programs by user fees where direct beneficiaries can be identified. Therefore, indirect costs to maintain established LAPs have been included in this revision.

New Fee Model

NVLAP fee schedules have been restructured to reflect actual operating costs more accurately and to simplify fee calculation. A LAP initiation fee in the range of $200 to $600 has been established to cover higher first year costs for new appicants.

A single administrative fee of $800 per accreditation period per laboratory has replaced the separate LAP administrative charges that ranged from $400 to $890 per LAP. There will no longer be a need to calculate a discount for laboratories enrolled in more than one LAP. The fee of $800 will be the same for all laboratories regardless of the number of LAPs in which each laboratory is enrolled.

Test method fees range from $70 to $450 per test method; an increase of $10 to $140 over previous fees. The larger increases are for test methods that require proficiency testing and are due to the need to offset more indirect costs of administering proficiency testing programs. However, for those LAPs with test method fees there are minimum and maximum fees established for the LAP. For example, a minimum of $600 is charged for the Insulation LAP even if the sum of the test method fees is less than that amount. Conversely, a maximum of $4,000 will be charged even though the sum of all the test method fees is $9,800. These minimum and maximum fees are intended to offset actual costs more accurately since the total time to assess, administer proficiency testing, and evaluate a

laboratory takes a minimum of one to two work-days, and usually can be expected not to exceed five work-days.

A summary of the differences between old and new fee schedules follows.

Fee component	New schedule	Old schedule
A. Administrative Fee	$800 per accreditation period for each.	$400-890 depending on the LAP.
B. Multiple LAP Discount Fee	100%	80% of each additional LAP Administrative Fee.
C. Individual Test Method Fee	$70-$450 depending on the test method.	$60-$310 depending on the test method.
D. Test Method Fee: Minimum and Maximum:		
Insulation	$600/$4,000	None—Total Test Method Fee was total of Individual Test Method Fees.
Concrete	$975/$1,150	None
Carpet	$600/$1,500	None.
Stove	$1,050/$1,500	None.
Acoustics	$600/$2,400	None.
E. One-Time Initiation Fee:		
Insulation	$600	None.
Concrete	$200	None.
Carpet	$600	None.
Stove	$600	None.
Acoustics	$600	None.
F. Special Fees:		
Special Evaluation	Travel Costs	Same.
Special Administrative	Assessor wage costs	Same.
Unusual Cost	Other costs	Same.
Foreign Laboratory		

Effect of Fee Increase

Under the new fee schedule the average increase of costs for laboratories already participating in the program is 16.8%. In general, fees will increase for laboratories accredited in small numbers of test methods or LAPs and will decrease for laboratories accredited in large numbers of test methods and multiple LAPs. The previous fee model was open-ended in that fees increased with increasing scope of accreditation even though costs tended to level off. The new fee model with its fee maximums reflects costs actually experienced more accurately.

Because of one time LAP initation fees, the costs incurred by new applicants will be 27% to 67% higher the first year of enrollment than succeeding years. This LAP fee will not be assessed to laboratories already enrolled in one or more LAPs.

The detailed fees for new and renewal applicants are described in the appendices to this notice.

Dated: August 3, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

Fees for Evaluating a NVLAP Applicant

Administrative Fee. A single administrative fee of $800 covering one accreditation period will be charged each participating laboratory. This fee is derived from direct and indirect administrative costs for operating established LAPs.

LAP Initiation Fees. This is a one-time fee for new applicants in each LAP. The fee for each LAP is based on higher costs for processing new applications, assisting new applicants and initial assessment.

Test Method Fees. The total cost of test method fees is obtained by summing individual fees for those LAPs where test methods are specified. Minimum and maximum fees are charged for each LAP. The total test method fees are limited by the minimum and maximum for each LAP.

Special Fees

Special Evaluation Fee. For those applicants requiring faster service than the normal evaluation schedule allows, a special fee to cover the extra costs for actual travel, per diem, and labor to carry out the special evaluation will be charged.

Special Administrative Fee. If a laboratory has not completed all requirements for accreditation within one year from the first day of the next quarter following receipt of its application, it will be billed an administrative fee of $800 to continue its application in an active status. As an alternative, the laboratory may request that its application be suspended until such time that it is ready to be accredited. The full administrative fee plus the applicable LAP fees may be required when it is ready to be accredited.

Foreign Laboratory Fee. Foreign laboratories are offered NVLAP accreditation on the same basis as domestic laboratories. Costs for travel of assessors and mailing of proficiency testing materials outside of the continental United States will be added to normal charges. Upon application, a foreign laboratory must make arrangement for paying the standard evaluation fee in U.S. currency. When an assessor has been scheduled to visit the foreign laboratory, it will be notified of additional costs of travel to be paid to NBS. Arrangements for paying this cost in U.S. currency must be completed before the assessor leaves the United States. If travel time from port of embarkation to the foreign destination is more than 4 hours but less than 20 hours, the foreign laboratory will also be required to pay the assessor's wage for one additional day. Travel time for the return trip will also be billed to the laboratory. For travel times greater than 20 hours, the assessor's wage equivalent of 2 days wages for each trip will be charged. When an assessor has been scheduled to visit the foreign laboratory, the laboratory will also be notified of the additional costs for assessor's wages to be paid to NBS before an assessor leaves the United States. More than one assessor may be required to assess the laboratory if it requests accreditation in more than one LAP. Costs will be assessed accordingly.

Unusual Cost Fee. NBS reserves the right to impose extra fees for applicants requiring especially long or complex evaluations. Extra fees will be discussed with the applicant before being imposed.

Appendix 1—Insulation LAP Fee

Administrative Fee: $800

One-Time Fee for New Applicants: $600

Total Test Method Fee: The Total Test Method Fee for this LAP is obtained by adding the individual fees for those test methods in which a Laboratory seeks accreditation. The individual fees are given in the following table where each test method is listed by NVLAP Code. An asterisk (*) indicates that required proficiency testing costs are included in the individual test method fee. Refer to Table 1 of the preceding notice for complete designations of the test methods.

There are minimum and maximum Total Test Method Fees for this LAP.

The minimum is $600

The maximum is $4,000

The minimum is assessed when the sum of individual fees is less than that amount. The maximum is assessed when the sum exceeds that amount.

Individual Test Method Fees:

Test method	Annual fee (dollars)	Test method	Annual fee (dollars)
01/C01	140	01/F01	70
01/C02	140	01/F02	*450
01/C03	140	01/F05	70
01/D01	70	01/F06	200
01/D02	70	01/F07	*450
01/D03	70	01/F08	*400
01/D04	70	01/S01	140
01/D05	140	01/S02	140
01/D06	140	01/S03	140
01/D07	70	01/S04	140
01/D08	70	01/S05	140
01/D09	70	01/S06	140
01/D11	70	01/S07	140
01/D12	70	01/S08	140
01/D13	140	01/S09	140
01/D14	140	01/S10	140
01/D15	140	01/S11	140
01/D16	140	01/S12	140
01/D17	140	01/S13	140
01/D18	140	01/S14	140
01/D19	140	01/T01	*450
01/D20	140	01/T04	*430
01/D21	140	01/T05	200
01/D22	140	01/T06	*450
01/D23	140	01/T09	140
01/D24	140	01/T10	140
01/D25	*400	01/V02	70
01/D26	140	01/V03	70
01/D27	140	01/V04	140
01/D28	140	01/V05	70
01/D29	140	01/V06	70

Appendix 2—Concrete LAP Fee

Administrative Fee: $800

One-Time Fee for New Applicants: $200

Total Test Method Fee: The Total Test Method Fee for this LAP is for on-site visits by the inspection organization, ASTM's Cement and Concrete Reference Laboratory (CCRL), authorized by NBS to conduct NVLAP on-site visits. Refer to Table 2 of the preceding notice for complete designations of the test methods. A laboratory that has been inspected by CCRL within two years prior to its application does *not* pay the CCRL fee until the time of its next CCRL inspection. A laboratory that has not been inspected by CCRL within two years prior to its application must be inspected and pay the required CCRL fee. The CCRL fee will be invoiced and collected by ASTM for CCRL with each inspection. Regularly scheduled inspections will occur on the average of once every 2½ years. Refer to Table 2 of the preceeding notice for complete designations of the test methods.

There are minimum and maximum Total Test Method Fees for this LAP.

The minimum is $975 for the Field Group of test methods.

The maximum is $1,150 for the Field plus Laboratory Group of test methods.

Appendix 3—Carpet LAP Fee

Administrative Fee: $800

One-Time Fee for New Applicants: $600

Total Test Method Fee: The Total Test Method Fee for this LAP is obtained by adding the individual fees for those test methods in which a Laboratory seeks accreditation. The individual fees are given in the following table where each test method is listed by NVLAP Code. An asterisk (*) indicates that required proficiency testing costs are included in the individual test method fee. Refer to Table 3 of the proceeding notice for complete designations of the test methods.

There are minimum and maximum Total Test Method Fees for this LAP.

The minimum is $600

The maximum is $1,500

The minimum is assessed when the sum of individual fees is less than that amount. The maximum is assessed when the sum exceeds that amount.

Individual Test Method Fees:

Test method	Annual fees (dollars)	Test method	Annual fees (dollars)
03/C01	*220	03/F01	200
03/C02	70	03/F02	200
03/D01	*230	03/F03	70
03/D02	70	03/F04	*270
03/S01	*160	03/B01	200
03/E01	70	03/B01	270

Appendix 4—Stove LAP Fee

Administrative Fee: $800.

One-Time Fee for New Applicants: $800

Total Test Method Fee: The Total Test Method Fee for this LAP is obtained by selecting one of the four following options.

(1) Physical/Fire Group (04/FOO), $1,050;

(2) Physical/Fire Group (04/FOO) plus Mobile Home Group (04/MOO), $1,300;

(3) Physical/Fire Group (04/FOO) plus Electrical Group (04/EOO), $1,200; or

(4) All three Groups (04/FOO, 04/MOO, 04/EOO), $1,500.

Refer to Table 4 of the preceeding notice for complete designations of the test methods.

There are minimum and maximum Total Test Method Fees for this LAP.

The minimum is $1,050.

The maximum is $1,500.

Appendix 5—Acoustics LAP Fee

Administrative Fee: $800.

One-Time Fee for New Applicants: $600

Total Test Method Fee: The Total Test Method Fee for this LAP is obtained by adding the individual fees for those test methods in which a Laboratory seeks accreditation. The individual fees are given in the following table where each test method is listed by NVLAP Code. An asterisk (*) indicates that required proficiency testing costs are included in the individual test method fee. Refer to Table 5 of the preceding notice for complete designations of the test methods.

There are minimum and maximum Total Test Method Fees for this LAP.

The minimum is $800.

The maximum is $2,400.

The minimum is assessed when the sum of individual fees is less than that amount. The maximum is assessed when the sum exceeds that amount.

Individual Test Method Fees:

Test method	Annual charge (dollars)	Test method	Annual charge (dollars)
08/P01	110	08/E01	70
08/P02*	180	08/E02	100
08/P03*	250	08/E03*	170
08/P04*	180	08/E04*	210
08/P05	80	08/E05	210
08/P06*	280	08/E06	80
08/P07	110	08/E07	80
08/P08	110	08/E08	80
08/P09*	250	08/E09	70
08/P10*	220	08/E10	70
08/P11*	150	08/E11*	170
08/P12*	150	08/E12	100
08/P13*	220	08/E13	70
08/P14*	220	08/E14	70
08/P15*	150	08/E15	270
08/P16*	150	08/E16	80
08/P17*	220	08/E17	80
08/P18*	150	08/E18	80
08/P19*	150	08/E19	80
08/P20*	220	08/E20	100
08/P21*	220	08/E21	100
08/P22*	150	08/E22	70
08/P23*	150	08/E23	70
		08/E24	70
		08/E25	70
		08/E26	70

Certain pairs of test methods in the Acoustics LAP are similar in technical scope. If a laboratory is interested in applying for one or more of these pairs, the laboratory pays a reduced annual charge for one of the test methods in each pair. The reduced charges are listed below.

If a laboratory applies for accreditation for this method—and also wishes to be accredited for this additional method	Annual test method charge for the additional method
08/P10—08/P17	$70
08/P11—08/P18	70
08/P12—08/P19	70
08/P13—08/P20	70
08/P14—08/P21	70
08/P15—08/P22	70
08/P16—08/P23	70
08/P17—08/P10	70
08/P18—08/P11	70
08/P19—08/P12	70
08/P20—08/P13	70
08/P21—08/P14	70
08/P22—08/P15	70
08/P23—08/P16	70
08/E03—08/E11	70
08/E11—08/E03	70

[FR Doc. 83-21543 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Intent to Grant Exclusive Patent License; Key Pharmaceuticals, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Key Pharmaceuticals, Inc., having a place of business at 18425 NW. 2nd Avenue, Miami, Florida 33169 an exclusive right to manufacture, use and sell products embodied in the invention, "A Short Total Synthesis of Dihydrothebainone, Dihydrocedeinone, and Nordihydrocodeinone and Preparation of Chiral 1-Benzyl-1,2,3,4,-Tetra-Hydroisoquinolines Optical Resolution, U.S. Patent 4,368,326 issued January 11, 1983 and U.S. Patent Application Serial Nos. 6-265,469 (dated May 20, 1983), 6-476,830 (dated March 18, 1983) and 6-477,970. 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 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 29, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 83-21434 Filed 8-5-83; 8:45 am]

BILLING CODE 3510-04-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 83-1]

1982 Cable Royalty Distribution

AGENCY: Copyright Royality Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Room 450, Washington, D.C. 20036, (202) 653-5175.

SUMMARY: In accordance with 17 U.S.C. 111(d)(5)(B), the Copyringt Royalty Tribunal (Tribunal) directs that claimants to royalty fees paid by cable operators for secondary transmissions during 1982 shall submit not later than September 20, 1983 any comments concerning whether a controversy exists concerning the distribution of the 1982 royalty fees. Claimants shall at the same time advise the Tribunal of their views concerning partial distribution of the 1982 royalty funds, and their views concerning hearing schedules and procedures if the Tribunal determines that a controversy exists.

Dated: August 1, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83-21441 Filed 8-5-83; 8:45 am]

BILLING CODE 1410-01-M

[Docket No. 82-1]

1981 Cable Royalty Distribution

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Room 450, Washington, D.C. 20036; (202) 653-5175.

SUMMARY: 17 U.S.C. 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners who have filed claims with the Tribunal. The procedures for distribution of the cable royalty fees are set forth at 17 U.S.C. 111(d)(5). On March 2, 1983 the Tribunal pursuant to 17 U.S.C. 111(d)(5)(B) declared the existence of a controversy concerning the distribution of the 1981 royalties (48 FR 8848).

The 1981 distribution proceeding, as those relating to 1978, 1979, and 1980 royalty fees, will be conducted in two phases. Phase I will be devoted to determining the percentages, if any, of the 1981 royalty fund which shall be awarded to general categories of claimants. Phase II shall resolve disputes, if any, among claimants within each of these categories. Participation in Phase I is not a prerequisite to participation in Phase II.

The Tribunal approves the utilization of the record of the 1978, 1979, and 1980 distribution proceedings in both phases of the 1981 proceeding. The Tribunal will accord the same weight to evidence submitted in a prior proceeding that it will to evidence first presented in this proceeding.

Since the declaration of controversy, the Tribunal has been notified that a settlement agreement has been reached by all Phase I claimants, other than Devotional Claimants. It is therefore necessary to modify the structure of the Phase I proceeding.

The Tribunal directs that not later than September 8, 1983 any party wishing to present evidence on the matter of Devotional Claimants shall notify the Tribunal of such intention. The Tribunal further directs that not later than September 30th any party wishing to present evidence on the matter of the Devotional Claimants shall submit any prehearing statements, witness lists, concise summary of each witness' testimony, and copies of all documentary evidence. Exhibits will be identified as in the 1980 proceeding, except that settling parties presenting a joint case may so identify exhibits.

Commencing at 10 a.m. on October 11, 1983, at a location to be announced, the Tribunal will hear any evidence to be presented by Devotional Claimants, followed by any evidence to be presented by other Phase I parties. The Tribunal later will announce a schedule for any requested rebuttal.

The Tribunal reminds parties that issues that may require consideration of the Tribunal shall be presented by written motion.

Dated: August 1, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83-21442 Filed 8-5-83; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Defense Communications Agency

Membership of the Defense Communications Agency SES Performance Review Board

AGENCY: Defense Communications Agency, DOD.

ACTION: Notice of Membership of the Defense Communications Agency SES Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the SES Performance Review Board (PRB) of the Defense Communications Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Director, Defense Communications Agency.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Pittman, Position Classification Division, Assistant Deputy Director for Civilian Personnel, Personnel and Administration Directorate, Defense Communications Agency, (703) 692–2794.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the SES Performance Review Board. They will serve a one-year renewable term, effective August 1, 1983.

Lautermilch, P. A., Rear Admiral, USN, Vice Director, Defense Communications Agency
Petty, Robert O., Brigadier General, USAF, Director, Defense Communications Systems Organization
Morriss, Benham E., Acting Director, Command and Control Technical Center
Helms, Robert W., Comptroller
Israel, David R., Director, Planning and Systems Integration Center
Grimes, John G., Deputy Manager, National Communications System
DiNucci, Richard O., Director, Command and Control Engineering Center

P. A. Lautermilch,
Rear Admiral, USN, Vice Director.

[FR Doc. 83-21427 Filed 8-5-83; 8:45 am]
BILLING CODE 3610-05-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Proposed Debarment; Gerald Luckow

AGENCY: Department of Energy.

ACTION: Notice of proposed debarment.

SUMMARY: This notice announces that the Department of Energy (DOE) proposes to debar Gerald Luckow and all organizations with which he is or may become affiliated, from participating in any new DOE contract or subcontract for a period not to exceed three years beginning on September 16, 1983, or such date as a final DOE decision to debar is entered.

FOR FURTHER INFORMATION CONTACT: James Nelson, Procurement and Assistance Management Directorate, Room II–018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone 202/252–1150.

SUPPLEMENTARY INFORMATION: The proposed debarment action is being taken in accordance with the procedures set forth in Federal Procurement Regulations (FPR) Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982), and the DOE Procurement Regulations (DOE–PR), 41 CFR Subpart 9–1.6. In addition to Mr. Luckow, the known affiliated organizations affected by the debarment actions are Mail America, Mail America, Inc., and Fed-Serv Industries. Mr. Luckow's address is Charles Professional Building, Suite 500, Box 1261, Waldorf, Maryland 20601. The address of all known affiliates is the same.

During the period of proposed debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Luckow or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor. The proposed debarment is based on a demonstrated lack of business integrity in the handling of a payment in the amount of $114,187 which was sent in error by DOE to Mail America, a company owned by Mr. Luckow. The facts of the matter are as follows:

Mr. Luckow had personally executed an assignment of payments form on contract number DE–AC–1–80AD65625, and he had substantial previous experience in the assignment of payments procedures. Notwithstanding these facts, upon receipt of check number 7976159, in the amount of $114,187, which was sent in error by DOE to Mail America, a company owned by Mr. Luckow, Mail America did not forward the proceeds of the contract to the assignee or return it to the Government. Instead, the check was banked by Mail America, Inc., a company also owned by Mr. Luckow.

DOE subsequently paid $114,187 to the assignee in settlement of its claim, was subrogated to the rights of the assignee, and demanded payment of the sum. Mr. Luckow failed to respond to any of the three demands for payment that the DOE sent to him, including a Contracting Officer's decision under the Contract Disputes Act of 1978.

Mr. Luckow has been advised that he has the right to submit, by no later than September 2, 1983, a written request for a hearing and a reply to the notice of proposed debarment.

As required under DOE–PR 9–1.602, Mr. Luckow and the above named affiliated organizations have been placed on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors which is distributed periodically to DOE Contracting Officers.

When the proposed debarment becomes effective, the General Services Administration will be notified in accordance with FPR Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982). Issued in Washington, D.C., on July 29, 1983.

Hilary J. Rauch,
Director, Procurement and Assistance Management Directorate.

[FR Doc. 83-21407 Filed 8-5-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5844–001]

Banister Hydro Associates; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Banister Hydro Associated, Permittee for the proposed Motleys Mill Hydropower Project No. 5844, has requested that its preliminary permit be terminated. The permit was issued on August 11, 1982 and would have expired on January 31, 1984. The project would have been located on the Banister River in Pittsylvania County, Virginia.

The Permittee filed its request on July 20, 1983, and the surrender of the preliminary permit for Project No. 5844 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21456 Filed 8-5-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-411-000]

Equitable Gas Co.; Application

August 2, 1983.

Take notice that on July 13, 1983, Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-411-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon gas service to 18 customers located in Greene County, Pennsylvania, and permission and approval to abandon related transmission pipeline extending from Wetzel County, West Virginia, to Greene County, Pennsylvania, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other gas transmission facilities located in Greene County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Equitable proposes to renew sections of the following transmission lines with 16-inch and 20-inch diameter pipeline:

Transmission line (number)	Present diameter (inches)	Proposed diameter (inches)	Approximate length (miles)	Location (county and state)
H-111	16	16	1.62	Greene, Pennsylvania.
H-111	16	20	8.68	Greene, Pennsylvania.
Total			10.30	

Equitable proposes to install the following transmission pipeline:

Transmission line (number)	Present diameter (inches)	Proposed diameter (inches)	Approximate length (miles)	Location (county and state)
New line	—	16	5.38	Greene Pennsylvannia.

Equitable proposes, in addition, that all or part of the following pipelines are proposed to be abandoned as transmission lines:

Transmission line (number)	Present diameter (inches)	Proposed diameter (inches)	Approximate length (miles)	Location (county and state)
H-515	16		2.25	Wetzel, West Virginia.
H-109	16		17.20	Greene, Pennsylvania.
H-100	10		1.21	Greene, Pennsylvania.
Total			20.66	

It is stated that a total of 63 customers presently receiving gas service from existing facilities would be affected either by the renewal or by the abandonment. It is further stated that all of the 63 customers receive gas service under the rules and regulations of the Pennsylvania Public Utility Commission. Equitable states that 45 customers would continue to receive gas service from the proposed renewed line or from other facilities of Equitable. However, Equitable also states that service to a remaining group of 18 customers is proposed to be terminated.

In the event that the Commission approves the subject proposals, and approximately one and one-half years prior to the abandonment of transmission line H-109 (projected to occur some time during 1986), Equitable states that its representatives would personally visit each of the 18 customers whose service may be terminated and both the proposed changes in Equitable's facilities would be outlined and the proposed termination of gas service would be explained by Equitable's representatives.

Equitable submits that the various alternatives of reconnection to other more distant facilities, or conversion to other sources of energy, would be explained also, including the estimated cost of conversion. At that time, Equitable asserts it would offer monetary assistance in the following form of three options:

Option No. 1: Equitable would contribute three times the previous year's annual revenue which Equitable received from the customer or $2,000.00, whichever is greater, if the customer would extend its present service line or install a new service line to the nearest facilities of Equitable from which other consumers are served. Three times annual revenue would vary among the customers depending upon their usage of natural gas. Costs incurred over and above this figure would be the responsibility of the customer. As part of this alternative, the customer would have the option of having the service line installed by Equitable or making other arrangements for the installation by outside contractors.

Option No. 2: Equitable would convert the customers to bottled gas (liquefied petroleum gas). For such a conversion, Equitable would assume all costs incurred in labor and material for converting the furnace, installing, and filling the tanks, and converting appliances. As part of this alternative, the customer would have the option of having the arrangements for conversion handled by Equitable or by dealing directly with a supplier. However, the installed tank(s) would be filled only once—at the time of installation.

Option No. 3: Monetary assistance in the amount of $2,000.00 per customer is offered in lieu of continued service, to be used in whatever manner the abandoned customer desires.

Equitable states that none of the 18 customers, whose service may be terminated, is a right-of-way grantor for the installation or renewal of Equitable's facilities.

It is stated that Equitable proposes to schedule the renewals, installations, and abandonments during an approximately three-year period from 1984 to 1986 or earlier dependent upon the date of the grant of the requested authorizations. It is further stated that Equitable's total gas supply would not be affected by the construction, operation, and abandonment of the facilities proposed herein.

It is submitted that the total cost of this project is estimated to be $5,937,500 and would be financed from the general funds as required during the construction period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Equitable to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21470 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-561-000]

Florida Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Denying Request To Consolidate, and Establishing Procedures

Issued: August 2, 1983.

On June 9, 1983, Florida Power & Light Company ("FPL") tendered for filing revised Cost Support Schedules C, F, and G which support the revised daily capacity charge for short-term firm interchange service under Service Schedule B of FPL's interchange contracts with eleven wholesale customers.[1] Section B.4.5, Annual Review, of each of the eleven contracts, provides that prior to May 1 of each year, the capacity charge for short-term firm service will be reviewed and updated by the parties. By orders issued in earlier proceedings with respect to each of the eleven contracts, the Commission required FPL to file its annual revision of the capacity charge for this service. The calculations shown on Cost Support Schedules C, F, and G are the same for each of the eleven contracts, and show an increase in the daily capacity charge from $103.53/MW/day to $109.23/MW/day (5.22%). The new capacity charge is based on an increase in generating unit investment and carrying charges on that investment, but reflects the same rate of return on common equity (19.00%) that FPL used in its 1982 filing.

FPL requests waiver of the notice requirements and an effective date of May 1, 1983, for the revised short-term firm capacity charge.

In its filing, FPL also referred to a separate Interconnection Agreement with Seminole Electric Power Cooperative ("Seminole") which it originally filed in Docket No. ER82-307-000. Under the agreement, Seminole pays FPL a Transmission Facilities Use Charge ("TFUC") developed pursuant to a formula rate designed to recover capital costs, depreciation, and income taxes associated with the transmission facilities constructed to provide service to Seminole.[2] As defined in Appendix E of the contract with Seminole, the formula used to calculate the TFUC contains a term "Ei", the annual percentage rate of return on common equity. The agreement provides for use in the formula of a return on common equity equal to that included in FPL's most recent filing for interchange, short-term power rates; thus, the TFUC is to be revised to reflect changes in the common equity return in FPL's annual revisions to its interchange rates for short-term firm power.[3] However, because FPL is not proposing any change in the equity return underlying its short-term interchange rates, no revision under the contract with Seminole is required.

Notice of FPL's submittal was published in the **Federal Register**, with comments due on or before July 7, 1983. On July 6, 1983, Seminole filed a protest, motion to intervene, motion for suspension, and request for a hearing. Seminole states that FPL's proposed 19% return on common equity component is patently excessive and should be suspended and set for hearing. Seminole notes that FPL has requested a 19% return on common equity in its currently pending rate case in Docket No. ER82-793-000 and suggests that the instant docket be made subject to the outcome of the rate of return issue in that docket.

FPL responded on July 21, 1983. The company does not object to Seminole's motion to intervene but does oppose the remaining requests advanced by Seminole. FPL notes that it has not sought to increase the return on equity reflected in Seminole's rates and states that the request for suspension is therefore "anomalous." FPL futher contends that no persuasive basis has been offered for reducing the proposed rate of return. The company also objects to consolidation with Docket No. ER82-793-000 in the event that a hearing is ordered.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), Seminole's timely motion to intervene serves to make it a party to this proceeding.

Initially, we note that Seminole's characterization of FPL's submittal is erroneous. Seminole states that "FPL's filing in the instant docket seeks to raise to 19% the return on equity which is used to calculate the transmission facilities use charge levied under the Interconnection Agreement." In fact, FPL has not proposed to revise the equity return component that has been reflected since last year in both the short-term firm interchange rates and the TFUC applied to Seminole. While FPL's submittal indicates that revenues from Seminole for the forthcoming year will increase by about $1.145 million, these additional revenues are associated exclusively with the projected inclusion in the TFUC formula calculation of additinal 230 KV facilities at the Rice Substation. Because the formula rate itself contemplates inclusion of such facilities, FPL is, in fact, proposing no rate change under Seminole's agreement. Thus, Seminole's only legitimate challenge lies in its objection to the continued use of a 19% return on equity insofar as it is reflected in FPL's short-term interchange rates and incorporated by reference in the charges to Seminole. Since the rate of return applied to Seminole automatically tracks the rate of return applicable to short-term interchange service, Seminole's only effective avenue of recourse is to raise its concerns in the short-term interchange rate case.

Neither Seminole nor the eleven customers served under the short-term firm interchange rates have challenged that proposed rate level *per se*. Our own review indicates that the end result of the formula calculation for those rates is not unreasonable and that, barring other considerations, the rates would be accepted for filing without suspension or a hearing. However, our preliminary evaluation of the rates is not predicated on approval of FPL's filed 19% return on

[1] *See* Attachment A for rate schedule designations and affected customers.

[2] Operation and maintenance expenses and property tax expenses are billed separately at cost.

[3] The term "Ei" is defined to be: The annual percentage rate of return on common equity, expressed as a decimal which is included in FPL's most recent filing with FERC, subject to refund, regarding a revised capacity charge rate for short term interchange service pursuant to its interchange contracts with intrastate utilities which by the terms in those contracts is to become effective on May 1st of each year.

equity. Rather, we find the rates to be cost justified because FPL could have included transmission costs in the capacity charge under the Commission's general ratemaking standards, but did not do so. We could therefore approve the overall rate level using a much lower return on equity than that filed by FPL, because the difference in cost justification is made up by the transmission costs.

The difficulty with Seminole's contract is that it is dependent on a Commission finding of a just and reasonable rate of return on equity for the short-term firm interchange rates. Here, we could accept those rates on an overall basis without making such a finding; and, because of the design of the short-term rates mentioned above, this may generally be the case in the future as well. Therefore, Seminole will have no means by which to challenge the return on equity which is used in determining its quite different rates if we simply accept the short-term firm rates. We must therefore set for hearing the question of rate of return on equity to determine the rate to be applied to Seminole. However, to avoid this problem in the future, we shall set for hearing under section 206 the question of whether Seminole's contract should be reformed to provide a better mechanism for determining the rate of return on equity applicable to Seminole. Accordingly, we shall accept FPL's submittal for filing but we shall suspend the rates for one day and initiate a hearing.[4] Given the facts that FPL's contracts permit adjustment of the rates as of May 1, 1983, that the eleven short-term firm interchange customers have not objected, and that the company was apparently unable to compile all necessary data before May 1, we find that good cause exists to waive the notice requirements. Accordingly, we shall suspend FPL's short-term firm interchange rates for one day from May 1, 1983, to become effective, subject to refund, as of May 2, 1983.

Seminole's agreement with FPL provides for application to Seminole of the equity return proposed by FPL for short-term service "subject to refund." We think that the only reasonable construction of this language is that the parties anticipated that the return on equity applicable to Seminole would also be collected subject to refund. This view appears to be consistent with the characterization of the filing in FPL's transmittal letter. Consequently, we conclude that refund protection is available to Seminole.

As to Seminole's suggestion that this case be consolidated with Docket No. ER82-793-000, we believe that this proceeding may involve more than simply a rate of return issue and that consolidation may inject unnecessary delay into the pending hearing. Accordingly, we shall deny the request for consolidation and initiate a separate proceeding. If, however, the parties agree that a consolidated hearing is more practicable, we note that the Chief Administrative Law Judge has the authority to consider a renewed motion for consolidation.

The Commission orders:

(A) Waiver of the 60 day notice requirement in hereby granted for good cause shown.

(B) FPL's filing with respect to short-term interchange service under its eleven interchange contracts is hereby accepted for filing and suspended for one day from the proposed effective date to become effective, subject to refund, on May 2, 1983.

(C) 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.

(D) Seminole's motion for consolidation with Docket No. ER82-793-000 is hereby denied.

(E) The Commission staff shall serve top sheets in this proceeding within fifteen (15) days of the date of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes 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.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

RATE SCHEDULE DESIGNATIONS

Designation	Other company
Supplement No. 7 to Rate Schedule FPC No. 23 (Supersedes Supplement No. 6)	Tampa Electric Co.
Supplement No. 8 to Rate Schedule FPC No. 24 (Supersedes Supplement No. 7)	Florida Power Corp.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 27 (Supersedes Supplement No. 2 to Supplement No. 2)	City of Gainesville.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 31 (Supersedes Supplement No. 2 to Supplement No. 2)	Jacksonville Electric Authority.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 33 (Supersedes Supplement No. 2 to Supplement No. 2)	Orlando Utilities Commission.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 38 (Supersedes Supplement No. 2 to Supplement No. 2)	City of Kissimmee.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 40 (Supersedes Supplement No. 2 to Supplement No. 2)	City of St. Cloud.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 41 (Supersedes Supplement No. 2 to Supplement No. 2)	Sebring Utilities Commission.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 43 (Supersedes Supplement No. 2 to Supplement No. 2)	City of Lakeland.
Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 44 (Supersedes Supplement No. 2 to Supplement No. 2)	City of Vero Beach.
Supplement No. 2 to Supplement No. 2 to Rate Schedule FERC No. 49 (Supersedes Supplement No. 1 to Supplement No. 2)	Ft. Pierce Utilities Authority.

[4] In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we explained that apart from an excess revenue analysis, we would consider other factors, where appropriate, in making the suspension decision. Here, we believe that a suspension is necessary to allow the Commission to evaluate and, if necessary, modify FPL's equity return component, and that a nominal suspension is all that is required to preserve this ability.

[FR Doc. 83-21471 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-548-000]

Kansas City Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Denying Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued: August 2, 1983.

On June 7, 1983, Kansas City Power & Light Company (KCPL) tendered for filing a proposed increase in rates for sixteen wholesale customers.[1] The proposed rates would increase revenues by approximately $473,000 (3.0%) for the calendar year 1982 test period. KCPL requests an effective date of August 6, 1983, for the revised rates.

Notice of KCPL's filing was published in the **Federal Register** with comments due on or before July 5, 1983. Missouri Power & Light Company (MPL) filed a timely motion to intervene which raised no substantive matters but alleged generally that the proposed rates may not be just and reasonable.

A timely motion to intervene and protest was filed by nine municipal customers of KCPL (Municipals).[2] The Municipals raise a number of cost of service and rate base issues,[3] and request a five month suspension. The Municipals also request an immediate refund, with interest, of amounts representing insurance recoveries by KCPL as a result of an outage at one of KCPL's generating units and at a step-up transformer. The Municipals allege that KCPL has proposed to pass insurance proceeds on to its Kansas retail customers through the retail fuel adjustment clause and that the wholesale customers should receive their share of the insurance payments as well.

The Kansas Electric Power Cooperative, Inc. and its two member cooperatives served by KCPL (Cooperatives) also filed a timely motion to intervene and protest.[4] The Cooperatives raise generally the same issues as the Municipals,[5] and request a five month suspension. The Cooperatives also allege price squeeze.

KCPL filed an answer to the motions to intervene and protests. KCPL states that it has no objection to the interventions or to the initiation of phased price squeeze proceedings, but the company does dispute the intervenors' positions as to a number of cost of service issues. KCPL also states that it is unnecessary for the Commission to direct KCPL to refund to is wholesale customers their share of the insurance proceeds associated with facilities outages, since the company fully intends to make such refunds in any event when the proceeds are received by KCPL.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene make MPL, the Municipals, and the Cooperatives parties to this proceeding.

Our preliminary examination of KCPL's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept KCPL's submittal for filing a suspend the rates as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed rates may be unjust and unreasonable and may produce substantially excessive revenues, as defined in *West Texas*. Because our review suggests that KCPL's proposed rates may be substantially excessive, we shall suspend the rates for five months from 60 days after filing, to become effective, subject to refund, on January 6, 1984.

In view of KCPL's voluntary commitment to pass on an allocated share of insurance proceeds to its wholesale customers as soon as they are received, we do not believe that it is necessary to address the intervenors' requests for an order directing such refunds to be made. Accordingly, the requests will be denied without prejudice to renewed motions in the event that a controversy later arises.

In light of the Cooperatives' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶61,131 (1979).

The Commission orders:

(A) KCPL's proposed rates are hereby accepted for filing and suspended for five months, to become effective, subject to refund, on January 6, 1984.

(B) The Municipals' request for immediate refund of insurance proceeds is hereby denied without prejudice.

(C) 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 KCPL's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before August 10, 1983.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of

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[1] *See* Attachment A for customers and rate schedule designations.

[2] The municipal customers are Gardner, Garnett, Ottawa, and Pomona, Kansas; and Higginsville, Salisbury, Slater, Marshall, and Carrollton, Missouri.

[3] These issues include: (1) Claimed return on common equity; (2) inclusion of maintenance expenditures at two generating units; (3) inclusion of excessive fuel stocks; (4) inclusion of a non-recurring expense associated with a step-up transformer; (5) inclusion of prepaid taxes in rate base; and (6) treatment of revenue credits associated with termination of off-system sales to Associated Electric Cooperative.

[4] The member cooperatives served by KCPL are Coffee County Rural Electric Cooperative Association, Inc., and United Electric Cooperative.

[5] In addition to the insurance proceeds issue and the issues identified in footnote 3, *supra*, the Cooperatives raise issues concerning the inclusion of an adjustment for a deficiency in deferred income tax reserves and inclusion in rate base of excessive CWIP for pollution control facilities.

the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

RATE SCHEDULE DESIGNATIONS

Supplement No.	Rate schedule No.	Supersedes supplement No.	Other party
17	[1] 69	16	KEPCO/Coffey County REC.
14	73	13	Missouri Power & Light Co.
15	74	14	Missouri Public Service Co.
14	76	13	Prescott, Kansas.
19	77	18	Osawatomie, Kansas.
20	78	19	Garnett, Kansas.
10	79	9	Gardner, Kansas.
11	82	10	Pomona, Kansas.
23	83	22	Marshall, Missouri.
13	84	12	KEPCO/United Electric Co-operative, Inc.
20	[2] 85	18	Baldwin, Kansas.
19	86	18	Carrollton, Missouri.
7	87	6	Salisbury, Missouri.
15	90	13	Ottawa, Kansas.
6	91	5	Higginsville, Missouri.
2	98	1	Slater, Missouri.

[1] FPC No.
[2] FERC No.

[FR Doc. 83-21472 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-380-000]

Lone Star Gas Co.; Application

August 2, 1983.

Take notice that on June 16, 1983, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP83-380-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 2.2 miles of new pipeline for the transmission of natural gas and a tap on Line GD to serve a new direct customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed new line would run parallel to existing Line E5-3 in Bryan County, Oklahoma, and would provide additional gas volumes to an existing industrial customer, Universal Parts Company, a manufacturer of turbine engines. Applicant also states that the proposed tap on existing Line GD in Garvin County, Oklahoma, would be used to serve a new direct customer, UFW Lodge 4576, which would use gas for heating and food preparation. It is indicated that the UFW Lodge would use 5 Mcf of gas per day on a peak day in the third year of service.

Applicant asserts that the cost of the proposed construction is estimated to be $190,760 which would be financed from funds currently on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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. 83-21473 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-394-000]

Montana-Dakota Utilities Co.; Application

August 2, 1983.

Take notice that on June 30, 1983, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-394-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of a sales tap and meters and the continued transportation of gas necessary to make a direct sale of gas to Phillips Petroleum Company (Phillips) for use as compressor fuel, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MDU states that it installed the sales tap and meters and initiated service to Phillips pursuant to the emergency transaction authority in § 157.45, *et seq.*, of the Commission's Regulations. MDU states that it was subsequently notified by the Commission's Staff that such a sale does not meet the requirements for an emergency transaction. MDU, therefore, requests all authorization necessary to continue to operate the sales tap and meters and to continue to serve Phillips as a direct sales customer. MDU's rate for the direct sales is that prescribed by the North Dakota Public Utilities Commission, it is asserted.

MDU alleges that the proposed service is necessary because of the immediate need for sweet gas in order for Phillips to operate its Stockyards Booster and Rawson Booster Compressor Stations in McKenzie County, North Dakota. It is explained that prior to MDU's sweet gas service, Phillips used sour gas as compressor fuel and that as a result, at least two compressor engines were destroyed. In order to preserve its physical property and to avoid shutting in oil and gas production, Phillips needs to continue to receive sweet gas from MDU, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 MDU to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21474 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-420-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

August 2, 1983.

Take notice that on July 14, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-420-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to provide a compression service for Northern Border Pipeline Company (Northern Border), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to provide a compression service, utilizing existing compressor facilities, for Northern Border to facilitate the delivery of natural gas by Northern Border into Northern's system at reduced pressures. The reduced pressures have allegedly been caused by the Northwest Alaskan Shippers' (i.e., Panhandle Eastern Pipe Line Company, United Gas Pipe Line Company, and Northern) reduction of their minimum purchase obligations of Canadian gas.

It is asserted that due to the projected low volume throughput on Northern Border's system coupled with the processing of Canadian gas by Foothills Pipeline Ltd., Northern Border cannot operationally deliver gas to Northern at Ventura, Iowa, at the contractual minimum pressure of 820 psig. Consequently, it is asserted, Northern and Northern Border entered into a letter agreement whereby Northern agreed to waive temporarily the minimum contractual pressure provision of 820 psig and to provide a firm compression service on its system for Northern Border when Northern Border is unable to deliver gas to Northern at pressures equal to or greater than 820 psig during the winter period ((October 15 through March 31 and at pressures equal to or greater than 750 psig during the summer period (April 1 through October 14).

It is stated that the proposed compression service would commence on or about the date commission approval is received and would extend until November 1, 1984, at which time the service would terminate. Northern further states that its general system supply requirements would not be impaired by the proposed compression service.

Northern proposes to charge Northern Border a compression rate of 1.7 cents per Mcf of gas delivered at Ventura, Iowa, at pressures less than 820 psig during the winter period and at pressures less than 750 psig during the summer period.

Northern asserts that the proposed compression service is required to enable the Northwest Alaskan Shippers to continue to reduce their purchase obligations of Canadian gas during a period of natural gas surplus thereby resulting in reduced gas purchase costs to natural gas consumers and enabling Northern to operate in a manner necessary to maintain its system integrity.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intevene 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 Nautral 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 Commissions'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 on 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 intevene 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 Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21475 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-540-000]

Portland General Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Noting Interventions, and Denying Without Prejudice Motion for Referral to Joint State Board

Issued: August 2, 1983.

On June 6, 1983, Portland General Electric Company (Portland) tendered for filing, pursuant to section 35.13a of the Commission's regulations, a revised Average System Cost (ASC) rate applicable to exchange sales made to the Bonneville Power Administration (BPA), under the terms of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). The Northwest Power Act authorizes participating electric utility systems to sell to BPA at "average system cost" amounts of energy equivalent to their residential customers' loads and to repurchase such energy from BPA at BPA's lower preference rate.

The Commission issued an Interim Rule [1] governing these exchanges on October 1, 1981. 18 CFR 35.13a. Under the interim procedures, jurisdictional utilities must file each ASC rate proposal with BPA. That rate is to be reviewed by BPA within 120 days. If BPA's review results in an ASC determination different from that developed by the utility, BPA is to issue a report of its findings, together with the ASC rate to be used by the utility. The utility's proposed ASC rate, BPA's report, and BPA's adjusted ASC rate, if any, must then be filed with the

[1] Docket No. RM81-41-000, *Sales of Electric Power to the Bonneville Power Administration: Filing of Rate Schedules: Interim Rule. FERC Statutes and Regulations,* ¶ 30,299.

Commission for review. The interim procedures further provide the opportunity for written comments concerning BPA's ASC rate determination, as well as the opportunity for oral argument, should the Commission determine that a substantial issue of fact or law exists. The Commission may order changes in an ASC rate which was not determined in compliance with the Interim Rule procedures. However, the ASC rate would still remain subject to further adjustment, pending approval of a final rule by the Commission.

In this docket, Portland submitted a revised ASC rate covering exchange sales to BPA from October 28, 1982 through March 31, 1983. Portland's filing includes BPA's written report and redetermination of Portland's ASC rate proposal. Portland also submitted objections to BPA's adjustments to the ASC rate [2] and a motion to refer this docket to a Joint State Board, pursuant to section 9(g) of the Northwest Power Act and section 209 of the Federal Power Act.

Notice of the filing was published in the **Federal Register**, with comments due on or before June 30, 1983. Timely notices or motions to intervene were filed by the Public Utility Commissioner of Oregon (Oregon Commissioner), BPA,[3] the Public Power Council (PPC),[4] and the Direct Service Industrial Customers of BPA (DSIs). The DSIs also submitted a memorandum in response to Portland's motion to refer this matter to a Joint State Board.

BPA, PPC, and the DSIs urge that the Commission accept the BPA-determined ASC rate for Portland and defer further action, pending issuance of a final Commission rule on the ASC methodology. In addition, these intervenors assert that referral of this docket to a Joint State Board would be premature until procedures to resolve all of the outstanding ASC rate proceedings are finally established.

PPC and the DSIs support BPA's determination with respect to the primary issue disputed by Portland—that terminated plant costs were effectively contained in and should be removed from Portland's ASC rate. The DSIs contend, however, that by providing for amortization of these costs over a ten-year period, BPA has failed to remove all terminated plant costs as required by law. PPC and the DSIs also oppose Portland's proposal to include CWIP in its ASC rates as untimely and contrary to the ASC methodology. Citing several other issues,[5] the DPIs request an opportunity to comment and oral argument prior to a final Commission order in this proceeding.

Regarding referral of ASC determinations to a Joint State Board, PPC states that such a procedure would be most useful in developing an evidentiary record to resolve questions of fact, rather than addressing issues of law, such as are present here. In their response to Portland's motion for referral, the DSIs contend that the role of a Joint State Board should be advisory only and limited to "unusual" situations. The DSIs request that, if a Joint State Board is convened in this docket, its representative from Oregon be independent of the Oregon Commissioner, to avoid actual or potential conflict of interest problems. Finally, the DSIs state that all meetings of a Joint State Board should be open with all records available to the public.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed notices and motions to intervene serve to make the Oregon Commissioner, BPA, PPC, and the DSIs parties to this proceeding.

As noted, the major BPA adjustment contested by Portland relates to BPA's determination that the proposed ASC rate included terminated plant costs. We note that, although the interim ASC methodology adopts a jurisdictional costing approach which bases the ASC rate on the revenue requirement determined by the appropriate State commissions, the methodology requires that any terminated plant costs which may be included in the retail revenue requirements must nonetheless be excluded from the ASC rate determination, in accordance with the Northwest Power Act. We further note, however, that neither the Act nor the Interim Rule provides specific guidance on the identification of terminated plant costs or on the procedures for exclusion of such costs, except as concerns recovery by BPA of terminated plant costs included as CWIP in prior ASC submittals.

Portland's proposed ASC rate was based on retail rates established by the Oregon Commissioner, which according to Portland include no costs related to terminated plants, since Oregon excludes plant that is not in service from the rate base used for purposes of retail ratemaking.[6] In its ASC determination, however, BPA concluded that Portland had effectively reflected terminated plant costs in its ASC rate proposal inasmuch as the retail rate decision did not take account of gains associated with three financing arrangements [7] which purportedly generated funds for Portland to offset the write-off of terminated plant costs. Because BPA determined that disaggregation of these costs was not possible, with the exception of the specific revenue credits for off-system sales, BPA quantified and excluded what it characterized as terminated plant costs based on the after-tax loss associated with the cancelled plant write-off, reduced by off-system sales revenues, and amortized over a 10-year period. The result is a reduction in Portland's original ASC rate proposal of about $6.8 million on an annual basis. Portland contests both BPA's identification and calculation of excludable terminated plant costs. As noted, the intervenors also raise questions as to BPA's quantification of the exclusion.

Although we recognize the controversy surrounding BPA's identification of alleged terminated plant costs in Portland's ASC rate and by BPA's approach to excluding those costs, we find Portland's ASC rate, as adjusted by BPA, to be in substantial compliance with the Interim Rule on ASC methodology. Accordingly, consistently with our order in *Puget Sound Power & Light Company, et al.*, Docket Nos. ER82-448-000, *et al.*, 20 FERC ¶61,355 (1982), we shall defer

[2] The adjustments contested by Portland include: (1) BPA's determination that Portland's ASC effectively includes terminated plant costs; (2) BPA's reduction in exchange costs to reflect sales for resale not included in the power cost adjustments; (3) BPA's adjustment of weatherization costs to reflect actual costs; and (4) functionalization of regulatory commission fees and expenses. In addition, Portland criticizes BPA's failure to respond to a further ASC proposal, filed with BPA on May 6, 1983, which incorporated construction work in progress (CWIP). We note that the last question will not be properly before us until BPA's report and determination with respect to that rate proposal are issued and filed with the Commission.

[3] BPA states in its notice of intervention that it will certify and submit to the Commission the record of decision on Portland's ASC rate determination within 45 days.

[4] PPC is a group of 115 Pacific Northwest public utility districts, municipally owned electric systems, and rural electric cooperatives, all of which purchase electric power at wholesale from BPA.

[5] The DSIs raise the following additional issues in their pleading: Improper functionalization of administrative and general expense, substations, general plant, and regulatory commission fees and expenses.

[6] In his order addressing Portland's retail rates, the Oregon Commissioner stated that no costs associated with terminated plants were included in the rates.

[7] The methods cited by BPA include: (1) A safe harbor lease, *i.e.*, a sale of investment tax credits; (2) a debt/equity exchange; and (3) the Oregon Commissioner's failure to recognize revenue credits from Portland's off-system sales to Pacific Gas & Electric Company in Portland's power cost adjustment from January 1, 1983 to July 1, 1983.

further consideration of the contested issues pending issuance of the final rule in Docket No. RM81-41-000 and establishment of procedures for resolving outstanding disputed ASC determinations.[8]

Therefore, we shall accept for filing the BPA adjusted ASC rate for Portland, effective as of October 28, 1982, and subject to refund or further adjustment.[9] As we noted in *Puget Sound, supra*, acceptance of Portland's submittals for filing will be without prejudice to the parties' rights to raise, after issuance of a final rule in Docket No. RM81-41-000, those issues which have not been resolved by the final rule.

We shall also deny Portland's request that a Joint State Board be convened to hold hearings in this docket. Inasmuch as the Commission has not yet established final procedures for resolving disputed adjustments to ASC rates submitted under the Interim Rule, we believe that Portland's motion is premature. Denial of Portland's request is, however, without prejudice to a renewed request after final procedures have been established.

The Commission orders:

(A) Portland's ASC rate, as adjusted by BPA, is hereby accepted for filing and suspended, to become effective as of October 28, 1982, subject to refund or further adjustment and subject to the Commission's final rule in Docket No. RM81-41-000. Acceptance for filing is without prejudice to the parties' rights to raise, after issuance of a final rule in Docket No. RM81-41-000, those issues which they believe have not been resolved by the final rule.

(B) Portland's motion to refer this docket to a Joint State Board is hereby denied, without prejudice to a renewed request after final procedures for resolving outstanding ASC rate issues have been established.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21476 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

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[8] We note that BPA's weatherization and functionalization adjustments contested by Portland are similar to issues raised in previous ASC submittals, where the Commission has declined to act pending issuance of the final rule.

[9] Designated as: Supplement No. 7 to Supplement No. 3 to Portland General Electric Company/Bonneville Power Administration Service Agreement under Pacific Northwest Electric Power Planning and Conservation Act FERC Electric Tariff Original Volume No. 1 [Supersedes Supplement No. 6 to Supplement No. 3]

[Docket No. CP83-400-000]

United Gas Pipe Line Co.; Application

August 2, 1983.

Take notice that on July 1, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in order to effectuate a direct sale of up to 850 Mcf of gas per day on an interruptible basis to VGS Corporation, d.b.a. Southland Oil Company (Southland), an existing on-system direct customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that this sale would be performed only when United's supplies of natural gas exceed the current demands of its customers for certificated firm service, taking into account storage volumes and the reqiurements for storage injection.

The application shows that the rates for the subject sale would be the sum of 55.0 cents per Mcf and the weighted average cost of gas per Mcf on United's System for the billing month. Additionally, it is indicated that Southland would pay any incremental pricing surcharge which may be applicable to the sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21477 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4912-002]

City of Redding, California; Surrender of Preliminary Permit

August 3, 1983.

Take notice that City of Redding, California, the Permittee for the Sacramento River Project 4 No. 4912 has requested that the preliminary permit be terminated. The preliminary permit for Project No. 4912 was issued on December 14, 1981, and would have expired on November 30, 1984. The project would have been located on Anderson-Cottonwood Irrigation District (ACID) canal in Shasta County, California.

The Permittee filed the request on July 5, 1983, and the surrender of the preliminary permit for Project No. 4912 is deemed accepted as of July 5, 1983 and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21457 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6857-001]

City of Yakima, Surrender of Preliminary Permit

August 3, 1983.

Take notice that City of Yakima, Permittee for the Yakima Diversion Dam Hydroelectric Project, FERC No. 6857, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 6857 was issued on March 31, 1983, and would have expired on October 1, 1984. The project would have been located on Naches River in Yakima County, Washington.

City of Yakima filed the request on June 24, 1983, and the surrender of the preliminary permit for Project No. 6857

is deemed accepted as of June 24, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21458 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4559-002]

Clear Creek Community Services District; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Clear Creek Community Services District, Permittee for the Rainbow Lake Project No. 4559 has requested that the preliminary permit be terminated. The preliminary permit for Project No. 4559 was issued on August 12, 1981, and would have expired on January 31, 1984. The project would have been located on the North Fork of Cottonwood Creek in Shasta County, California.

The Permittee filed the request on July 1, 1983, and the surrender of the preliminary permit for Project No. 4559 is deemed accepted as of July 1, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21459 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6357-001]

Energenics Systems Inc.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Energenics Systems Inc. (ESI), Permittee for the Dewey Lake Dam, Project No. 6357 located on Johns Creek in Floyd County, Kentucky has requested that its permit be terminated. The preliminary permit was issued on November 26, 1982, and would have expired on May 31, 1984.

ESI states that the lack of adequate head and flow has rendered the site infeasible.

ESI's request was dated June 6, 1983. The surrender of the permit is effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21460 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5873-000]

Energenics Systems Inc.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Energenics Systems Inc. (ESI), Permittee for the Barre Falls Dam, Project No. 5873 located on Ware River in Worcester County, Massachusetts has requested that its permit be terminated. The preliminary permit was issued on June 1, 1982, and would have expired on November 30, 1983.

ESI states that insufficient head and flow exists at the site rendering the project infeasible.

ESI's request was dated June 6, 1983. The surrender of the permit is effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21461 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5689-001]

Groveton Papers Co.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that the Groveton Papers Company (Groveton), Permittee for the proposed Northumberland Project No. 5689, requested by letter dated January 14, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on April 6, 1982, and would have expired on September 30, 1983. Groveton has decided to suspend development of the project because development of the hydroelectric capacity at the site would not be economically feasible.

The surrender of the preliminary permit for Project No. 5689 will become effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21462 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5692-001]

Groveton Papers Co., Surrender of Preliminary Permit

August 3, 1983.

Take notice that Groveton Papers Company (Groveton), Permittee for the proposed Weston Dam Project No. 5692, requested by letter dated January 14, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on May 19, 1982, and would have expired on November 30, 1983. Groveton has decided to suspend development of the project because development of the hydroelectric capacity at the site would not be economically feasible.

The surrender of the preliminary permit for Project No. 5692 will become effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21463 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5690-001]

Groveton Papers Co.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that the Groveton Papers Company (Groveton), Permittee for the proposed Brooklyn Dam Project No. 5690, requested by letter dated January 14, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on May 21, 1982, and would have expired on September 30, 1983. Groveton has decided to suspend development of the project because development of the hydroelectric capacity at the site would not be economically feasible.

The surrender of the preliminary permit for Project No. 5690 will become effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21464 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5691-001]

Groveton Papers Co.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that the Groveton Papers Company (Groveton), Permittee for the proposed Red Dam Project No. 5691, requested by letter dated January 14, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on April 7, 1982, and would have expired on September 30, 1983. Groveton has decided to suspend development of the project because development of the hydroelectric capacity at the site would not be economically feasible.

The surrender of the preliminary permit for Project No. 5691 will become

effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21465 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5825-000]

Ken Coke; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Ken Coke, Permittee for the proposed May Creek Project No. 5825, has requested that its preliminary permit be terminated. The preliminary permit was issued on October 25, 1982, and would have expired on April 30, 1984. The project would have been located on May Creek in Snohomish County, Washington. The Permittee states that a preliminary study found that the project would not be economically feasible to develop at this time.

The Permittee filed its request on June 6, 1983, and the surrender of the preliminary permit for Project No. 5825 is deemed accepted as of June 6, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21466 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5933-001]

Michael Springer and James Boulden; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Michael Springer and James Boulden, Permittees for the Wolf Creek Hydro Project No. 5933, have requested that their preliminary permit be terminated. The preliminary permit for Project No. 5933 was issued on August 19, 1982, and would have expired on February 28, 1984. The project would have been located on Wolf Creek in Mono County, California.

The Permittees filed the request on June 20, 1983, and the surrender of the preliminary permit for Project No. 5933 is deemed accepted as of June 20, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21467 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6135-001]

Michael E. Springer and James Baynard Boulden; Surrender of Preliminary Permit

August 3, 1983.

Take notice that Michael E. Springer and James Baynard Boulden, Permittees for the New Age Hydroelectric Project, FERC No. 6135, have requested that the preliminary permit be terminated. The preliminary permit for Project No. 6135 was issued on August 19, 1982, and would have expired on April 2, 1984. The project would have been located on Lower Lost Cannon in Mono County, California.

Michael E. Springer and James Baynard Boulden filed the request on June 20, 1983, and the surrender of the preliminary permit for Project No. 6135 is deemed accepted as of June 20, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21468 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5584-001]

ZX Irrigation Co.; Surrender of Preliminary Permit

August 3, 1983.

Take notice that ZX Irrigation Company, Permittee for the Coffeepot Project No. 5584 has requested that the preliminary permit be terminated. The preliminary permit for Project No. 5584 was issued on February 26, 1982, and would have expired on January 31, 1984. The project would have been located on the Chewaucan River in Lake County, Oregon.

ZX Irrigation Company filed the request on June 17, 1983, and the surrender of the preliminary permit for Project No. 5584 is deemed accepted as of June 17, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21469 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of July 11 Through July 15, 1983

During the week of July 11 through July 15, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Chadbourne, Park, Whiteside & Wolff, July 13, 1983, HFA-0156

Chadbourne, Parke, Whiteside & Wolff filed an Appeal from a partial denial by the DOE's Chicago Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that all of the withheld material was exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA. Accordingly, the Appeal was denied. Important issues that were considered in the Decision and Order were (i) whether the withheld material had been incorporated into a final DOE decision and thereby made subject to mandatory disclosure under the FOIA and (ii) whether the material should be released on public interest grounds.

The Painting and Drywall Work Preservation Fund, Inc., July 14, 1983, HFA-0153

The Painting and Drywall Work Preservation Fund, Inc. (the WPF) filed an Appeal from a partial denial by the Assistant Manager of the DOE's San Francisco Operations Office of a Request for Information which the Organization had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Assistant Manager properly withheld certified payroll records found to be responsive to the WPF's request under 5 U.S.C. 552(b) (4) and (6). The appeal was therefore denied.

Robert C. Doyle, July 14, 1983, HFA-0162

The DOE issued a decision and Order concerning an Appeal from a Privacy Act request that was denied in part by the Assistant Manager for Administration of the DOE's Richland Operations Office. The Appellant had sought access to documents indexed or maintained under his name or containing his name. The Assistant Manager released all such documents to the appellant. On appeal Doyle claimed that some responsive documents had not been released. OHA determined that the appellant failed to present evidence that the search for responsive documents was inadequate. Accordingly, the Appeal was denied.

Refund Applications

Alfred B. Alkek/Adams Resources and Energy, Inc. /Plateau, Inc., July 14, 1983, RF6-20

Plateau, Inc. filed an Application for Refund in the *Alkek/Adams* Special Refund Proceeding on the basis of crude oil purchases made from Union Texas Petroleum Corp. during the period October through December 1979. *See Office of Enforcement, ERA: In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982). The DOE determined that Plateau's application failed to satisfy the principal requirements set forth in the *Alkek/Adams* Decision. Specifically, the DOE found that Plateau's claim that the certifications it received from the Union

Texas were invalid was based upon an unsupported assumption. Moreover, even if Plateau were affected by the certification violations alleged in the Union Texas consent order, the firm was unable to show that it absorbed any of the increased costs associated with these alleged miscertifications. Plateau's Application for Refund was therefore denied.

PVM Oil Associates, Inc./ New York State Energy Office, July 15, 1983, RQ30–1

On June 13, 1983, the New York State Energy Office (NYSEO) submitted a plan for the use of its share of the escrow fund obtained by the DOE through a consent order with PVM Oil Associates Inc. (PVM). *See Office of Enforcement,* 10 DOE ¶ 85,072 (1983). In its submission, the NYSEO proposed that the PVM funds be used to supplement its Energy Conservation Bank Program by providing additional loan subsidies to low and moderate income persons in New York City (the area where PVM marketed fuel oil) to make eligible energy conservation improvements. Permissible conservation measures include insulation, storm windows, and water and space heater improvements and replacements. The NYSEO plan also specified a time frame for the implementation of the project and stated that administrative costs would be limited to no more than five percent of the funds. After careful review of the NYSEO plan, the OHA concluded that it should be approved.

Standard Oil Company (Indiana)/ Metropolitan Sanitary District of Chicago et al., July 12, 1983, RF21–4420 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by end-users of Amoco residual fuel oil who purchased that product directly from Amoco. In considering these applications, the DOE concluded that each of the six applicants should receive a refund based upon the total volume of their Amoco residual fuel oil purchases. The refunds granted in this proceeding total $629,437.

Standard Oil Company (Indiana)/ Meyer Oil Co., et al., July 15, 1983, RF21–2271 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed by two firms that were wholesalers and retailers of Amoco motor gasoline, as well as resellers of Amoco middle distillates. Both of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that both of the applicants should receive a refund based upon the total volume of their Amoco motor gasoline and middle distillate purchases. The refunds granted in this proceeding total $2,236.

Standard Oil Company (Indiana)/Sam's Amoco Service, et al., July 12, 1983, RF21–781 et al.

The DOE issued a Decision and Order concerning 145 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). In considering these application, the DOE concluded that each of the 145 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total $156,728.

Standard Oil Company (Indiana)/State of Georgia, July 15, 1983, RF21–10781, RF21–10782, RF21–10783

The DOE issued a Decision and Order concerning an Application for Refund filed by the State of Georgia as a consumer of Amoco motor gasoline. The State elected to apply for a refund based upon the presumption of injury and the formulae outline in *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). In considering the application, the DOE concluded that the State should receive a refund of $1,425 based upon the total volume of its Amoco motor gasoline purchases.

Standard Oil Company (Indiana)/Virginia Electric & Power Company, July 12, 1983, RF21–10770, RF21–10771

The DOE issued a Decision and Order concerning an Application for Refund filed by Virginia Electric and Power Company (VEPCO), an end-user of Amoco crude oil and residual fuel oil. In considering this application, the DOE concluded that VEPCO should receive a refund of $488,065 based upon the total volume of its Amoco crude oil and residual fuel purchases.

Texas Oil & Gas Corp./Koch Hydrocarbon Co., July 12, 1983, RF29–1

Koch Hydrocarbon Company filed an Application for Refund seeking a portion of the settlement fund obtained by the DOE through a Consent Order entered into by the DOE and Texas Oil & Gas Corporation (TOGCO). Koch's claim was based on purchases of propane from TOGCO. In considering Koch's claim, the DOE compared TOGCO's average prices over the period covered by the Consent Order with average market prices, as published in *Platt's Oilgram,* and found that Koch had established that TOGCO's prices were consistently higher than average market prices according to *Platt's.* The DOE therefore found that it was likely that Koch would not have been able to raise its own prices in response to the alleged TOGCO overcharges. The DOE concluded that Koch experienced some injury as a result of the alleged overcharges and should receive a refund. However, the DOE denied Koch's claim that the extent of the firm's injury should be measured by the difference per gallon between TOGCO's prices for propane and the propane prices reported in *Platt's.* Rather the DOE found that Koch should receive a pro rate share of the total fund made available by TOGCO. Accordingly, Koch was granted a refund of $878,553, plus a proportionate share of accrued interest.

Vickers Energy Corporation/Hutchens Oil Company, Inc., July 14, 1983, RF1–328

Hutchens Oil Company, Inc., a reseller of petroleum products, filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order with Vickers Energy Corporation. Because Hutchens' purchases from Vickers exceeded the 50,000 gallon per month small claims threshold, the firm was required to demonstrate that it had been injured as a result of Vickers' pricing practices. Hutchens provided no information which verified its purchase and selling price claims, nor any other data which established that the firm did not pass through the alleged Vickers' overcharges to its customers. The DOE therefore determined that Hutchens had failed to make the necessary showing of injury. Accordingly, Hutchens' application was granted at the threshold level.

Vickers Energy Corporation/Kos-Les Gas, Inc., July 14, 1983, RF1–327

Kos-Les Gas, Inc., a reseller of petroleum products, filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order with Vickers Energy Corporation. Because Kos-Les' purchases from Vickers exceeded the 50,000 gallon per month small claims threshold, the firm was required to demonstrate that it had been injured as a result of Vickers' pricing practices. Kos-Les provided no information which verified its purchase and selling price claims, nor any other data which established that the firm did not pass through the alleged Vickers' overcharges to its customers. The DOE therefore determined that Kos-Les had failed to make the necessary showing of injury. Accordingly, Kos-Les' application was granted at the threshold level.

Dismissals

The following submissions were dismissed:

Name	Case No.
Boro D. Bosovich	RF21–6205.
Burt's Standard Service	RF21–6204.
John Beasley	RF21–10053.
Mirs Oil Co.	HRO–0113 HRD–0116.
Tenley Park High School	RF21–8811.
Village of Arden Hills	RF21–8400.

The following Amoco Refund Applications were dismissed on the grounds that the applicant had already received a refund directly from Amoco:

Name	Case No.
State of Georgia	RF21–10784.
State of Nebraska	RF21–11341.
Western Maryland Railway Company	RF21–7579.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a

commercially published loose leaf reporter system.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

August 2, 1983.

[FR Doc. 83-21496 Filed 8-5-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2411-5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• *Title:* Emission Recall Audit Program Owner Questionnaire (EPA ID 0180).

Abstract: EPA uses this audit program to determine why vehicle owners do not respond to recalls and to assess the manufacturer's performance during the recall campaign.

Respondents: Motor vehicle owners.

• *Title:* Vehicle Emission Control System Defect Survey (EPA ID 0184).

Abstract: During the course of a motor vehicle recall, EPA surveys owners or new/used car dealers to collect data on emission control defects that may cause vehicles to exceed Federal emissions standards established by the Clean Air Act. EPA uses this data to substantiate the need for a recall.

Respondents: Motor vehicle owners and dealers.

• *Title:* Emission Defect Information Report/Recordkeeping (EPA ID 0282).

Abstract: EPA monitors individual vehicle and engine manufacturer compliance with the Clean Air Act stipulation that vehicles be free of Federal emission standards defects during each vehicle's useful life. Manufacturers voluntarily provide: (a) The information that leads to a recall and (b) quarterly reports that permit EPA to assess the effectiveness of the recall procedures and remedial plan.

Respondents: Motor vehicle and engine manufacturers.

Agency PRA Clearance Requests Completed by OMB Between July 7 and July 19, 1983

EPA ID 0877, Environmental Radiation Ambient Monitoring System (ERAMS), was cleared on July 7 (OMB #2060-0015).

EPA ID 1028, Survey of Pesticide Formulating/Packaging Industry, was cleared on July 19 (OMB #2040-0041).

EPA ID 1122, Survey of Information to Assess the Need for a NESHAP for Arsenic—Secondary Lead Smelters, was cleared on July 7 (OMB #2060-0017).

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Stnadards and Regulations, 401 M Street, SW., Washington, D.C. 20460, and

Don Arbuckle, Vartkes Broussalian, or Anita Ducca, Office of Mangement and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: August 1, 1983.

John Warren,

Acting Chief, Statistical Policy Staff.

[FR Doc. 83-21296 Filed 8-5-83; 8:45 am]

BILLING CODE 6560-50-M

[ORD-FRL 241-6]

Draft Health Assessment Document for Chromium

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: On May 5, 1983 (48 FR 20281), EPA announced the availability of three draft Health Assessment Documents on Metals prepared by the Office of Health and Environmental Assessment of the Office of Research and Development. In order to conduct a comprehensive review of the scientific aspects of these documents, external review drafts are being transmitted to the Agency's Science Advisory Board (SAB) for review, and simultaneously, are being made available for public review and comment.

The titles and publication numbers of the draft assessment documents are:

Title	EPA publication No
Health Assessment Document for Nickel	EPA-600/8-83-012
Health Assessment Document for Manganese	EPA-600/8-83-013
Health Assessment Document for Chromium	EPA-600/8-83-014

The draft Health Assessment Document for Nickel became available for public review on May 16, 1983 and the comment period closed July 15, 1983.

The draft Health Assessment Document for Manganese became available on June 13, 1983 and the Agency will accept public comments until August 12, 1983.

The draft Health Assessment Document for Chromium will be available for public review and comment on or about August 8, 1983 and the Agency will accept public comments until October 7, 1983.

After receipt of all comments on the three documents, public meetings will be held to review these documents. Advance notices announcing the time and place for the SAB public meetings and document agenda will be made in the **Federal Register.**

Those persons interested in commenting on the scientific merit of the draft Chromium document will be able to obtain copies as follows:

(1) The draft document will be available in single copy quantity from EPA at the following address: ORD Publications—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684-7562. Requesters should be sure to cite the EPA number assigned to the document.

(2) The draft document will also be available for public inspection and copying at the EPA Library at Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Commenters are requested to submit comments in writing. Comments must be received by close of business October 7, 1983, in order to be considered. Address comments to: Project Officer for Chromium, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

FOR FURTHER INFORMATION CONTACT:
For Chromium—Ms. Diane Chappell, (919) 541–3637.

Erich Bretthauer,

Acting Assistant Administrator for Research and Development.

July 29, 1983.

[FR Doc. 83–21455 Filed 8–5–83 8:45 am]

BILLING CODE 6560–50–M

[OPTS–140037; TSH–FRL 2411–7]

American Management Systems, Inc. and Versar, Inc.; Change in Transfer of Data to Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As announced in the Federal Register of September 30, 1982 (47 FR 43159), American Management Systems, Inc. (AMS), and Versar, Inc., have been granted access to confidential business information submitted to EPA under section 8(b) of the Toxic Substances Control Act (TSCA). Due to a change in contract funding, the companies will be performing their work under new contracts with EPA, rather than as contractor and subcontractor, respectively.

DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT:
Jack P. McCarthy, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: As announced in the Federal Register of September 30, 1982 (47 FR 43159), AMS and Versar, Inc., have been granted access to confidential business information submitted to EPA under the Inventory of Chemical Substances established by section 8(b) of TSCA.

As stated in the notice, this access is necessary in connection with work the companies are performing under EPA contract to review and analyze inventory information for purposes of predicting potential exposures to toxic substances.

Due to a change in contract funding, AMS and Versar, Inc., will now perform this work under new contracts with EPA (Contract Nos. 68–01–6715 and 68–02–3181), rather than as contractor and subcontractor, respectively.

As under the previous contract, AMS and Versar, Inc., are required to safeguard TSCA confidential business information from any unauthorized disclosure and must comply with the provisions of the EPA security manual, "Contractor Requirements for the Control and Security of TSCA Confidential Business Information."

Dated: July 28, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83–21454 Filed 8–5–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

National Council on Health Planning and Developments; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1983:

Name: National Council on Health Planning and Development

Date and Time: September 15–16, 1983, 8:45 a.m.

Place: Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington D.C. 20201. The entire meeting is open.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to: (1) The development of national guidelines under section 1501 of Pub. L. 93–641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93–641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: The Council will focus on the issues surrounding the delivery and financing of long term care. On September 15, a number of presentations will be made concerning the needs for long term care, the shape and scope of the industry, and alternatives to institutional long term care. On September 16, the Council will hear Status Reports from officials of the Health Resources and Services Administration, and conduct other Council business. A public comment period will be provided on each day. A detailed agenda may be obtained after August 20, 1983, by writing or telephoning Mr. Terry E. Shannon.

Anyone requiring information regarding the subject Council should contact Mr. Terry E. Shannon, interim Executive Secretary, National Council on Health Planning and Development, Bureau of Health Maintenance Organizations and Resources Development, Room 13A55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–6745.

Agenda items are subject to change as priorities dictate.

Dated: August 2, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 83–21420 Filed 8–5–83; 8:45 am]

BILLING CODE 4160–16–M

Public Health Service

National Toxicology Program; Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation; Meeting

Notice is hereby given of a meeting of the Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation, Subgroup on Techniques to Supplement or Foreshorten Cancer Tests, National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, to be held on September 21, 1983, in the first floor auditorium, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. The meeting will begin at 9:00 a.m. and end at approximately 4:00 p.m. The meeting is open to the public.

The meeting will be held to review the short-term tests as they are now performed by the NTP, to review the progress of the Panel on the agenda items that were identified at the earlier meeting of May 17, 1983, Federal Register (48 FR 19476) and to receive comments from interested parties.

Items to be discussed include, but are not limited to:

—Rationale for development of short-term tests
—Criteria for selecting tests for review and recommendation
—Applicability to *in vitro* animal, and human studies
—State of development
—Sensitivity
—Complementarity
—Evaluation of short-term tests
—Potential indicator of exposure
—Potential indicators of biologically effective dose
—Potential indicators of preclinical response

—Other
—Co-carcinogenesis
—Promotion
—Transformation

Those wishing to make public presentations on these and other issues related to the evaluation of the techniques to supplement or foreshorten cancer tests will be given that opportunity in the afternoon session. These presentations should be limited to 10–15 minute oral presentations. In order to accommodate as many people wishing to speak as possible, the subgroup chairperson requests that persons wishing to make oral presentations contact the Panel Secretary, Ms. Riley, at the address below no later than September 16, 1983: Dr. Frederica Perera, Chairperson, Subgroup on Techniques to Supplement or Foreshorten Cancer Tests, c/o Ms. Janet Riley, Secretary to the Panel, P.O. Box 12233, Research Triangle Park, NC 27709.

Oral presentations should be supported by written documents that can be left with the subgroup for their use in preparing their draft report. With respect to the written documents, the subgroup will need to make use of the best thinking and evaluation of the scientific and public community at large. The positions offered in these documents should be well referenced by published literature citations so that they will have maximum usefulness to the subgroup in generating a series of scientifically supportable recommendations.

Attendance is limited only by space available. For further information regarding the meeting, please contact the Panel Secretary, Ms. Riley, at the above address or telephone 919/541-7621 or FTS 629-7621. The official government representative for this meeting will be Dr. Raymond Tennant, NTP.

Dated: August 1, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-21422 Filed 8-5-83; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation; Meeting

Notice is hereby given of a meeting of the Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation, Subgroup on Design of Chronic Studies, Natioal Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, to be held on September 15, 1983, Department of Labor Conference Room N3437, 200 Constitution Avenue, NW., Washington, D.C. The meeting will begin at 9:00 a.m. and end at approximately 4:00 p.m. The meeting is open to the public.

The meeting will be held to review the design of chronic studies as they are now performed by the NTP, to review the progress of the Panel on the agenda items that were identified at the earlier meeting of May 17, 1983, **Federal Register** (48 FR 19476) and to receive comments from interested parties.

Items to be discussed include, but are not limited to:

—Definition of cancer and other endpoints
—Number of doses and species
—General pathology requirements, including selective combining of tumors
—Data interpretation; integrating data from multiple studies, historical controls, negative trends, dose trend analyses, statistical decision criteria
—Error rates; consequences of Type I and Type II errors
—Duration of study; recovery experiments
—Quality control practices; "I-life" concerns including husbandry, sentinel animals, criteria for valid assay
—*In utero* exposure
—Selection of route
—Terminology for evaluated conclusions

Those wishing to make public presentations on these and other issues related to the evaluation of the design of chronic studies procedures will be given that opportunity in the afternoon session. These presentations should be limited to 10–15 minute oral presentations. In order to accommodate as many people wishing to speak as possible, the subgroup chairperson requests that persons wishing to make oral presentations contact the Panel Secretary, Ms. Riley, at the address below no later than September 9, 1983: Dr. Robert Scala, Chairperson, Subgroup on the Design of Chronic Studies c/o Ms. Janet Riley, Secretary to the Panel, P.O. Box 12233, Research Triangle Park, NC 27709.

Oral presentations should be supported by written documents that can be left with the subgroup for their use in preparing their draft report. With respect to the written documents, the subgroup will need to make use of the best thinking and evaluation of the scientific and public community at large. The positions offered in these documents should be well referenced by published literature citations so that they will have maximum usefulness to the subgroup in generating a series of scientifically supportable recommendations.

Attendence is limited only by space available. For further information regarding the meeting, please contact the Panel Secretary, Ms. Riley, at the above address or telephone 919/541-7621 or FTS 629-7621. The official government representative for this meeting will be Dr. E. E. McConnell, NTP.

Dated: August 1, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-21423 Filed 8-5-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 32096 and ES 31478]

Realty Action; Recreational Conveyance; Florida

The following described parcels have been classified as suitable for disposal to the State of Florida by conveyance pursuant to the provisions of the Recreation and Public Purposes Act of 1926 (44 Stat. 741), as amended by Section 212 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713):

Tallahassee Meridian, Florida

Collier County

Serial No. ES-32096

T. 50 S., R. 25 E.,
Sec. 36, lots 11, 12, 14, 15, N½SE¼.
T. 50 S., R. 26 E.,
Sec. 31, lot 4.
T. 51 S., R. 25 E.,
Sec. 14, lot 1.
Contains 311.98 acres.

The purpose of this conveyance is the inclusion of these lands into the Rookery Bay Estuarine Sanctuary.

Tallahassee Meridian, Florida

Escambia County

Serial No. ES-31478

T. 3 S., R. 32 W.,
Sec. 33, lots 5–20 inclusive.
Contains 39.91 acres.

The purpose of this conveyance is the preservation and protection of the natural barrier island beach and dune system and associated biological community.

Patents for the land, when issued, will contain the following reservation: All minerals will be reserved to the United States. Said mineral reservation will include the right to explore, prospect for, mine, and remove same under

applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior. Also, in the event of non-compliance with the terms of the patent, these lands will revert to the United States.

Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

The following documents prepared in connection with these proposed conveyances are available for review: an environmental assessment; a land report; including a summary of the Wilderness Inventory; and a mineral report. This action complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Detailed information concerning these conveyances can be obtained by contacting Joyce Troy at (703) 235–2855, or at the following address.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-21481 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18929A]

Conveyance of Public Lands; Owyhee County, Idaho

July 26, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Terry V. Warn, Jordan Valley, Oregon, for the following-described public lands:

Boise Meridian, Idaho

T. 6 S., R. 6 W.,
Sec. 13, NW¼NE¼NW¼SW¼.
Containing 2.5 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Vincent S. Strobel,

Acting Deputy State Director for Operation.

[FR Doc. 83-21431 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18928]

Conveyance of Public Lands; Owyhee County, Idaho

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Terry V. Warn, Jordan Valley, Oregon, for the following-described public lands:

Boise Meridian, Idaho

T. 6 S., R. 6 W.,
Sec. 13, N½ NW¼ NW¼ SW¼ . N½ SE¼ NW¼ NW¼ SW¼.
Containing 6.25 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Vincent S. Strobel,

Acting Deputy State Director for Operation.

[FR Doc. 83-21430 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Recreational Conveyance; Minnesota

The following described parcels have been classified as suitable for disposal to the State of Minnesota by conveyance pursuant to the provisions of the Recreation and Public Purposes Act of 1926 (44 Stat. 741), as amended by Section 212 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713):

	Acres	Serial No.
Fifth P.M., Cass County		
T. 135 N., R. 32 W., Sec. 6, NE¼SW¼	40.00	ES-31804
T. 136 N., R. 31 W., Sec. 32, NE¼SE¼	40.00	ES-31805
T. 135 N., R. 30 W., Sec. 30, lot 1, NW¼NW¼	49.60	ES-31806
T. 140 N., R. 32 W., Sec. 9, lot 9	3.00	ES-31836
T. 140 N., R. 29 W., Sec. 19, lot 1	1.55	ES-31837
Fifth P.M., Crow Wing County		
T. 137 N., R. 27 W., Sec. 2, NW¼SW¼	40.00	ES-31838
T. 138 N., R. 26 W., Sec. 30, lot 1	0.65	ES-31839
Fifth P.M., Hubbard County		
T. 142 N., R. 34 W., Sec. 29, lot 10	2.20	ES-31837
Fourth P.M., Isanti County		
T. 35 N., R. 23 W., Sec. 30, lot 3	1.05	ES-31800
Fourth P.M., Itaska County		
T. 56 N., R. 26 W., Sec. 1, SE¼NW¼	40.00	ES-31834
T. 60 N., R. 25 W., Sec. 4, lot 6	40.00	ES-31834
Fourth P.M., Kanabec County		
T. 39 N., R. 24 W., Sec. 34, lot 7	0.30	ES-31821
T. 39 N., R. 24 W., Sec. 28, SE¼SW¼	40.00	ES-31822
Fifth P.M., Koochiching County		
T. 152 N., R. 25 W., Sec. 33, SE¼NW¼, NW¼SW¼	80.00	ES-31833
Fifth P.M., Pope County		
T. 123 N., R. 36 W., Tract 38	3.50	M-24182
Fifth P.M., Todd County		
T. 129 N., R. 32 W., Sec. 30, lot 1	3.86	ES-31836

The purpose of these conveyances is the preservation of Wildlife Management Areas.

Patents for the land, when issued, will contain the following reservation: All minerals will be reserved to the United States. Said Mineral reservation will include the right to explore, prospect for, mine, and remove same under applicable law and regulations promulgated thereunder, as prescribed by the Secretary of the Interior. Also, in the event of non compliance with the terms of any of these patents, the lands patented thereunder will revert to the United States.

Publication of this Notice will segregate the lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, or 2 years from the date of this Notice, or upon publication of a notice of termination.

The following documents prepared in connection with these proposed conveyances are available for review: an environmental assessment; a land report; including a summary of the Wilderness Inventory; and a mineral report. This action complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Detailed information concerning the conveyances can be obtained by contacting Joyce Troy at (703) 235–2855, or at the following address.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Any adverse comments will be evaluated by the Eastern States Director, who may vacate or modify this Notice of Realty Action and issue a final determination. In the absence of any action by the Eastern States Director, this realty action will become the final determination of the Department of the Interior.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 83-21480 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Sale of Public Land; Nevada

Pub. L. 96–586, enacted December 23, 1980, authorizes and directs the sale of certain public lands in and around Las Vegas, Nevada. The following described lands have been determined to be suitable for sale utilizing competitive procedures, at not less than fair market value:

Parcel No.	Legal description	Acres
	T. 20 S., R. 60 E., MDM	
	Section 22	
83-01	NE¼NW¼NW¼, E½NW¼N W¼NW¼, SW¼NW¼N W¼NW¼.	17.5
83-02	SW¼NW¼NW¼, NW¼SW¼NW¼.	20.0
83-03	S½NW¼SW¼	20.0
83-04	S½NW¼SW¼	20.0
83-05	SW¼SW¼	40.0
83-06	SE¼SW¼	40.0
	Section 27	
83-07	NE¼NE¼NW¼	10.0
83-08	N½NW¼NE¼NW¼	5.0
83-09	NW¼NW¼	40.0
83-10	N½SW¼NW¼	20.0
83-11	NE¼SW¼NE¼SW¼, N½SE¼ NE¼SW¼.	7.5
83-12	N½NE¼NW¼SW¼, NE¼NW¼ NW¼SW¼.	7.5
83-13	E½NE¼SE¼	20.0
83-14	SE¼NE¼SW¼SE¼	2.5
83-15	E½SW¼SE¼SE¼	5.0
83-40	E½NW¼NE¼SE¼, NW¼NW¼ NE¼SE¼.	7.5
	Section 33	
83-16	Lot 13	5.0
83-17	Lot 16	5.0
83-18	Lot 19	5.0
83-19	Lot 36	5.0
83-20	Lot 43	5.0
83-21	Lot 52	5.0
83-22	Lot 55	5.0
83-23	Lots 65, 66 and 67	3.75
	T. 21 S., R. 60 E., MDM	
	Section 3	
83-39	Lot 77	5.33
	Section 9	
83-24	W½NE¼SE¼NE¼	5.0
	Section 11	
83-25	Lots 121, 122, 123, 124, 131, 132, 133 and 134.	20.0
	Section 26	
83-26	NE¼SE¼NW¼, E½NW¼S E¼NW¼.	15.0
	T. 22 S., R. 61 E., MDM	
	Section 6	
83-27	Lot 12	5.24
83-28	Lot 16	5.16
83-29	Lot 56	5.0
83-30	Lots 96, 97 and 110	7.60
83-31	Lot 104	1.31
83-32	Lot 128	2.5
83-33	Lot 130	2.5
83-34	Lots 137, 138, 139, 140, 141, 142, 146, 147, 148, 149, 155 and 156.	25.57
83-35	Lots 161, 162, 163, 164, 165, 166, 167, 169 and 171.	19.1
83-36	Lot 173	2.5
83-37	Lots 136 and 43	5.0
83-38	Lots 145, 150, 151, 152, 153, 154, 157, 158 and 159.	20.0
Total acres		468.06

These parcels, situated in the west portion of the Las Vegas Valley, have potential for urban-suburban, commercial and industrial development. Transfer of the land from Federal ownership will facilitate local land use planning and enhance its compatibility with adjoining private land uses. All or portions of the subject land herein described will be offered for sale initially at a public auction to be held in the last quarter of 1983 in Las Vegas. The parcels not sold through the auction may be available at a later date for purchase "over-the-counter" on a first come-first served basis, at the Bureau of Land Management's Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada. Prior to issuance of patent, the purchaser will also have an opportunity to buy locatable, saleable and available leasable mineral interests on the land in accordance with 43 CFR 2720.

General terms and conditions of the sale are:

1. The land will be sold subject to all valid existing rights such as power transmission and telephone line easements and federally issued oil and gas leases.

2. The land will be sold subject to reservations for streets, roads, flood control and public utilities, both existing and proposed, in accordance with Clark County plans.

3. All land that is sold will be subject to applicable Clark County ordinances.

4. Any development and proposed development of a parcel affected by the 100-year flood plain shall be subject to review and regulation by Clark County Department of Public Works, Flood Control Division for flood control and storm water management.

Adjoining landowners have no preference rights. Personal or certified checks, money orders, and cash are acceptable forms of payment. Only U.S. citizens and legally chartered U.S. corporations are eligible to purchase these lands. Specific information regarding the time and site of the auction, and sale procedures will be published in a sale brochure and made available to the public prior to the sale.

The Bureau of Land Management may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

For a period of 45 days from the date of the notice, interested persons may submit comments regarding this sale to the State Director (NV–943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83–21435 Filed 8–5–83; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–07884]

Termination of Proposed Withdrawal and Reservation of Lands; Idaho

July 28, 1983.

Notice of an application, serial number I–07884, for withdrawal and reservation of lands was posted in the land office records July 28, 1958. A notice was not published in the **Federal Register.** The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on September 2, 1983, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Targhee National Forest

T. 3 N., R. 42 E.,
Sec. 2, W½E½SW¼.
T. 3 N., R. 43 E.,
Sec. 6, lot 4;
Sec. 32, W½W½NE¼.
T. 4 N., R. 43 E.,
Sec. 31, lot 14, N½ lot 15.

The area described aggregates 163.16 acres in Bonneville County.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 83–21429 Filed 8–5–83; 8:45 am]

BILLING CODE 4310–84–M

Montana and North Dakota Lease Sale Schedule for Federal Coal in the Fort Union Federal Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of regional lease sale schedule.

SUMMARY: In accordance with 43 CFR 3420.7–1 and in compliance with 40 CFR 1505.2, this notice contains the Secretary's of the Interior's decision for a regional lease sale for Federal coal lease tracts in the Fort Union Federal Coal Production Region, scheduled for September 14, 1983.

ADDRESS: The lease sale will be held at the Bureau of Land Management's Montana State Office, 222 N. 32nd Street, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Jeanette Bejot or Lloyd Emmons, Montana State Office at the address listed above—(406) 657–6291.

SUPPLEMENTARY INFORMATION: This notice, as required by 43 CFR 3420.7–1 and 40 CFR 1505.2, is to inform the public that the Secretary of the Interior has selected 13 tracts located in the Fort

Union Federal Coal Production Region in Montana and North Dakota and has announced the schedule for the competitive sale of these tracts. The sale will be held on September 14, 1983. The 13 tracts represent about 1137 million tons of Federal coal and include:

North Dakota

Antelope
Center
Glenharold
North Beulah
Renner
Schoolhouse
Underwood
Dunn Center
Truax
Werner

Montana

Bloomfield
Meridian Exchange
South-Wibaux-Beach

This decision to offer thee tracts is contingent on receiving surface owner consents for private surface in the tracts in accordance with Section 714 of the Surface Mining Control and Reclamation Act of 1977. Should surface owner consent not be granted for portions of tracts, a decision will be made on redelineation or the dropping of the tract from the offering based on the percentage of the tract which has been cleared. If tracts receive clearance at a date after the September 14, 1983, offering, they may be offered at that later time. A separate announcement of any such offerings will be made.

Legal descriptions of the tracts to be offered on September 14, 1983, will appear in the official sale notice, which will appear in the **Federal Register** before the sale.

Consultation with the Governors of North Dakota and Montana, the Department of Justice, and representatives of the Indian Tribes in the region, was initiated by letter in April 1983. Responses were received from North Dakota and the Department of Justice. No special requirements were requested. The only changes included in the decision which did not agree with the recommendation to the Secretary for leasing by the Regional Coal Team were as follows:

1. The Garrison and Sakakawea tracts were held out of the sale until Air Force studies relating to impacts of coal mining on those tracts on defense facilities in their vicinity are completed.

2. Two sections containing about 39 million tons of Federal coal, which were determined to be eligible for inclusion on the National Register of Historic Places, were dropped from the Dunn Center tract.

3. Two sale dates were suggested by the RCT, July 1983 and April 1984, but delays caused the initial sale to be postponed until September 14, 1983. The second sale suggested in 1984 was dropped by the Secretary so that any tracts which were not initially cleared for offering could be offered as they were ready rather than waiting a specified period of time.

Copies of the Record of Decision are available from the address listed above.

Dated: August 1, 1983.

James M. Parker,

Acting Director.

[FR Doc. 83-21242 Filed 8-5-83 8:45 am]

BILLING CODE 4310-84-M

Final Bureau of Land Management Coal Lease Sale Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On September 13, 1982, interim Federal coal lease sale procedures were published in the **Federal Register** (47 FR 40242) along with a request for public comment. The comments received have been considered. This notice establishes final Federal coal lease sale procedures.

DATES: These final procedures are effective thirty days after publication.

ADDRESSES: Director (640), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Erick Kaarlela, (202) 343-4537.

SUPPLEMENTARY INFORMATION: On September 13, 1982, the Minerals Management Service published interim coal lease sale procedures in the **Federal Register** (47 FR 40242) and requested public comment. By the close of the comment period on November 15, 1982, 16 responses had been submitted by industry, the general public and environmental groups. On December 3, 1982, the Secretary of the Interior merged the Minerals Management Service's onshore mineral leasing responsibilities into the Bureau of Land Management. The Bureau now has total responsibility for the procedures to ensure receipt of fair market value for Federal coal leases as required by the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)(1)). The Bureau has, therefore, considered the interim procedures and the public comments received with the view of establishing final procedures. Copies of these comments along with copies of the decision document, are available at the address stated above.

Final Competitive Coal Lease Sale Procedures

Pre-Sale Procedures

1. All tracts will be evaluated using standard Federal appraisal practice by the field resource evaluation staff prior to the lease offering. Security measures will be applied so that these pre-sale appraisals and the number and identify of bidders remain confidential until bidding has closed.

2. The Bureau of Land Management shall offer all tracts at the regulatory $100/acre minimum bid in the Notice of Sale posted in the appropriate State Office, and published in the **Federal Register** (43 CFR 3422.1(c)(2)). The minimum bid is to be viewed as an administrative floor price that bears no relation to the fair market value of a tract.

Sale Procedures

1. Sealed bidding only shall be permitted.

2. Bids shall be opened and announced at the lease offering.

3. Only those bids found to be qualifying ($100/acre or higher) will be considered in the bid acceptance/rejection process.

Post-Sale Procedures

1. Bid acceptance or rejection shall be determined after a lease offering has been completed.

2. Pre-sale appraisals for each tract receiving two or more serious bids shall be adjusted, if necessary, through a valid averaging or other statistical technique applied to bids received (including the pre-sale appraisal value) in order to reflect competition on a particular tract and to lessen total dependence on the Bureau appraisal value. The adjusted value shall serve as an acceptance standard for the tract.

3. Tracts with multiple bids having met the test for fair market value will be analyzed for use as comparable sales in evaluation of tracts that received only one bid. Final tract appraisals may therefore be higher or lower than pre-sale estimates on the single-bid tracts.

4. When bid evaluation has been completed, the Bureau of Land Management will announce which high bids have been accepted as fair market value and which have been rejected. Appraisal values for those tracts with acceptable fair market value bids shall be available upon request from the appropriate State Office.

Reofferings

1. Any reofferings of tracts with unacceptable bids shall take place not

less than 1 year after the initial sale or at a scheduled follow-up sale. In the case of unsold tracts which the appropriate State Director deems likely to be bypassed within the next year, an additional request for information on the fair market value of that tract may be published in the **Federal Register**. Based in the comments received, the bypass tract may be reoffered sooner than 1 year.

James M. Parker,

Acting Director.

August 1, 1983.

[FR Doc. 83-21243 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

Colorado and Wyoming; Availability of Draft Environmental Impact Statement for the Second Round of Leasing of Federal Coal, Green River-Hams Fork Region; Announcement of Public Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Draft Environmental Impact Statement (EIS) for the second round of coal leasing in the Green River-Hams Fork Region is available for public review. The EIS analyzes the impacts of leasing up to 990.7 million tons of coal in northwestern Colorado and south-central and southwestern Wyoming.

Public meetings will be held in Denver and Craig, Colorado, and Rawlins and Rock Springs, Wyoming. Oral testimony will be accepted at these meetings. Written comments will be accepted at the following address until October 7, 1983. Meeting dates and locations are listed under supplementary information.

FOR FURTHER INFORMATION CONTACT: Ms. Carol MacDonald, Team Leader, Green River-Hams Fork EIS, Little Snake Resource Area, P.O. Box 1136, Craig, Colorado 81626, Tel. (303) 824-4441.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior has established a leasing target of 750 to 950 million tons of recoverable coal for the next round of leasing in the Green River-Hams Fork Region. The environmental and socioeconomic impacts of leasing up to 990.7 million tons are considered in this EIS. A No Action and four different leasing level alternatives have been analyzed. Public comments are solicited on this Draft EIS.

Single copies of the Draft EIS are available from the following Bureau of Land Management Offices:

Craig District Office, 455 Emerson Street, Craig, Colorado 81625;
Rawlins District Office, 1300 N. Third, P.O. Box 670, Rawlins, Wyoming 82301;
Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82902;
Colorado State Office, 1037 20th Street, Denver, Colorado 80202; and
Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82002.

Public meetings will be held as scheduled below to announce and discuss the results of the ranking and selection process and the potential impacts, including proposed mitigation measures, as presented in the Draft EIS. There will be a maximum length of 10 minutes allotted per speaker to allow all parties with a concern an opportunity to comment. Any prepared materials may be given to the EIS Team Leader at the meeting.

Place	Date and time	Address
Denver, Colo	Sept. 12, 1983, 1:30 p.m. and 7:00 p.m.	Ramada Inn Foothills, 11585 W. Sixth Avenue, Denver, Colo.
Rawlins, Wyo	Sept. 13, 1983, 7:30 p.m.	Bureau of Land Management, Rawlins District Office, 130 N. Third, Rawlins, Wyo.
Rock Springs, Wyo	Sept. 14, 1983, 7:00 p.m.	Holiday Inn, 1675 Sunset Drive, Rock Springs, Wyo.
Craig, Colo	Sept. 15, 1983, 7:00 p.m.	Craig-Moffat County Library, 570 Green Street, Craig, Colo.

Any interested parties are also encouraged to submit written comments to the Team Leader at the above address not later than October 7, 1983. It is not necessary to be present at the public meetings to submit written comments. All comments, whether oral or written, will receive equal consideration.

The preferred alternative identified in the Draft EIS is the High Alternative (759.3 million tons of coal). The EIS, however, is not the decision document. The decision on what tracts will be leased will be made by the Secretary of the Interior based on information provided in the EIS when it is finalized, public concerns and comments, recommendations of the Regional Coal Team, and other resource management considerations.

The final EIS will address issues and comments made on the Draft EIS and is expected to be available to the public early in 1984.

On June 24, 1983, an exchange was consummated involving BLM, Rocky Mountain Energy Company (RME) and the National Park Service. In this action, title to the Federal coal in the Corral Canyon Tract in south-central Wyoming was transferred to RME, removing this tract from the regional lease sale process. This action came too late for the tract to be eliminated from the Draft EIS, but the Final EIS will reflect this new status.

Dated: August 1, 1983.

James M. Parker,

Acting Director, Bureau of Land Management.

Dated: August 2, 1983.

J. Steven Griles,

Acting Assistant Secretary for Land and Water Resources.

[FR Doc. 83-21501 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of Final Environmental Assessment and Supplement, Tuolumne River Flow Schedule Revision (Canyon Power Project), California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Final Environmental Assessment and Supplement on the Tuolumne Flow Schedule Revision (Canyon Power Project), Yosemite National Park and Stanislaus National Forest, California, is available.

FOR FURTHER INFORMATION CONTACT: Mr. Jody Hoffman, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-2727, Sacramento, California 95825, telephone: 916-484-4731, FTS 468-4731.

Individuals requiring a copy of the Final EA and/or supplement should immediately contact the above individual.

SUPPLEMENTARY INFORMATION: The Department of the Interior proposes to adopt stipulations to regulate and increase flows in the Tuolumne River

below O'Shaughnessy Dam in Yosemite National Park, California. The stipulations, recommended by the U.S. Fish and Wildlife Service, are acceptable to the National Park Service, U.S. Forest Service, and California Department of Fish and Game. The stipulations have been negotiated with the City and County of San Francisco (operators of the Hetch Hetchy Water and Power System) and pertain to flows required to protect fishery, recreational and aesthetic qualities of 12 miles of the Tuolumne River traversing lands administered by the National Park Service and the U.S. Forest Service. Rights-of-way to construct and operate water supply and hydroelectric facilities on Federal lands were granted to San Francisco pursuant to provisions of the 1913 Raker Act (38 Stat. 242).

The environmental impacts that would result from implementation of the recommended stipulations are described in a Supplement to an Environmental Assessment that was prepared in February 1981. Several other alternatives were discussed in the Environmental Assessment.

The proposed flow increases (approximately 50 percent greater than present minimum flows) and other regulatory stipulations would provide important benefits to fish, wildlife, and recreation with minor overall reductions in power generation and water supply. Based on the limited adverse impacts and review of the Environmental Assessment and Supplement, the Department of the Interior recorded a "finding of no significant impact." Since this proposal does not constitute a major Federal action significantly affecting the human environment, an environmental impact statement will not be prepared.

Richard J. Myshak,

Regional Director.

[FR Doc. 83-21433 Filed 8-5-83; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-130]

Certain Braiding Machines; Denial of Petition for Reconsideration

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to deny the petition for reconsideration filed by complainant New England Butt Co. in the above-captioned investigation.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.59 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.59).

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 24, 1982. 47 FR 42845 (Sept. 29, 1982). On May 6, 1982, the presiding officer issued an initial determination finding no violation of section 337, and on June 9, 1983, the Commission decided not to review that initial determination. 48 FR 27449 (June 15, 1983).

On June 22, 1983, complainant filed a petition for reconsideration of the Commission's decision. The petition for reconsideration was opposed by respondents and by the Commission investigative attorney on the ground that the Commission's decision on the petition for review raised no new questions. They further argued that because there are no new questions, the petitioner had not lost any opportunity to submit arguments on them.

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: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

By order of the Commission.

Issued: August 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-21531 Filed 8-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-116 and 117 (Final)]

Carton-Closing Staples and Nonautomatic Carton-Closing Staple Machines From Sweden

AGENCY: U.S. International Trade Commission.

ACTION: Cancellation of the prehearing conference and hearing scheduled in connection with the subject investigations.

EFFECTIVE DATE: August 3, 1983.

SUMMARY: The Commission hereby announces the cancellation of the prehearing conference and hearing scheduled in connection with these investigations for August 4 and August 11, 1983, respectively.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone (202-523-0242), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: On June 15, 1983, the Commission instituted these final antidumping investigations and scheduled a hearing to be held in connection therewith for August 11, 1983 (48 FR 28559, June 22, 1983). On August 2, 1983, however, the Department of Commerce extended the investigations in response to a request from Josef Kihlberg Trading AB, a Swedish producer of the subject merchandise. The effect of the extension was to change the scheduled date for Commerce to make its final determinations in the investigations from August 9, 1983, to September 15, 1983. Accordingly, the Commission is revising its schedule in the investigations to conform with Commerce's new schedule, and will reschedule its hearing upon receipt of notice of Commerce's final determinations. Pursuant to section 735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(2)(B)), the Commission must make its final determinations within 45 days of Commerce's final determinations.

By order of the Commission.

Issued: August 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-21529 Filed 8-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; 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. 22) terminating DMZ Offshore Services (DMZ) as a respondent in the above-captioned investigation. Accordingly, the initial determination has become the Commission's determination with respect to this matter.

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 §§ 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, 1983; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On June 24, 1983, complainant Peter J. Chang and respondent DMZ jointly moved (Motion No. 139–18) to terminate the Commission's investigation with respect to DMZ on the basis of a settlement agreement. On July 7, 1983, the presiding officer issued an initial determination granting Motion No. 139–18 and terminating DMZ as a respondent in the investigation. The initial determination was served on the parties and on the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service on July 8, 1983. No petitions for review, or agency or public comments were received.

Pursuant to § 210.53(h)(2), an initial determination of the presiding officer under § 210.53(c) becomes the determination of the Commission no later than 30 days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including Motion No. 139–18, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission found no grounds for review of the initial determination.

Copies of the 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: William E. Perry, Esq, Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

By order of the Commission.

Issued: August 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–21530 Filed 8–5–83; 8:45 am]

BILLING CODE 7020–02–M

[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: Davidcraft 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 August 3, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are availble 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. Suct 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: August 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–21529 Filed 8–5–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondents 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 respondents on the basis of a settlement agreement: Hanover House Industries, Inc. and The Horn and Hardart Company.

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 August 3, 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 respondents. 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: August 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–21532 Filed 8–5–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-129]

Certain Limited-Charge Cell Culture Microcarriers; Decision To Further Extend Time for Completion of Investigation and Change in Schedule for Commission Hearing and Filing Written Submissions in Connections With Review of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to extend to November 18, 1983, the time for completion of the above-captioned investigation and to change the schedule for the Commission hearing and for filing written submissions in connection with the Commission's review of portions of the presiding officer's initial determination of no violation of section 337 as follows:

(1) The Commission hearing, originally scheduled for August 25, 1983, will now be held on September 15, 1983, in the Commission's Hearing Room, 701 E St., NW., Washington, D.C. 20436 beginning at 11:00 a.m.

(2) Written submissions on the issues selected for review, originally scheduled to be filed by August 5, 1983, now must be filed not later than the close of business on September 5, 1983. Written submissions on remedy, bonding, and the public interest, originally scheduled to be filed by August 12, 1983, now must be filed not later than the close of business on September 12, 1983.

(3) Written requests to appear at the Commission hearing, originally due to be filed by August 18, 1983, now must be filed with the Office of the Secretary by September 8, 1983.

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 §§ 210.53–210.56 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; to be codified at 19 CFR 210.53–.56).

SUPPLEMENTARY INFORMATION: On June 6, 1983, the presiding officer issued an initial determination that there is no violation of section 337 in the importation and sale of certain limited-charge cell culture microcarriers. Complainants and respondents petitioned for review of various parts of the initial determination pursuant to § 210.54(a) of the Commission's rules. On July 14, 1983, the Commission ordered review of certain portions of the initial determination, declared the investigation more complicated and established a schedule for written presentations and a Commission hearing. 48 FR 32878 (July 19, 1983). On July 27, 1983, complainants and the Commission investigative attorney filed a motion requesting a one month extension of time and a change in the established schedule. (Motion No. 129–39C). The motion was unopposed and was granted, in modified form, by the Commission.

Notice of this investigation was published in the **Federal Register** of August 25, 1983, 47 FR 37312.

Copies of the nonconfidential version 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: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

By order of the Commission.

Issued: August 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-21527 Filed 8-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments, and Accessories Thereto; 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. 41) granting a motion by complainant Textron, Inc., to terminate the above-captioned investigation with respect to respondent Cadillac Machines, Inc.

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 §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134 (June 10, 1982) as amended by 48 FR 20225 (May 5, 1983) and 48 FR 21115 (May 11, 1983); to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On July 15, 1983, in response to a motion (Motion No. 133–45) filed by complainant Textron, Inc., the presiding officer issued an initial determination terminating with prejudice this investigation as to respondent Cadillac Machines, Inc. Cadillac is no longer in business and its assets were sold to Yang Machine Tool Co. as of June 30, 1982. Yang Machine Tool Co. is not selling a vertical milling machine that has an external configuration like that of complainant's SERIES I machine and it does not use the phrase "Bridgeport-type." Under § 210.54(a) of the Commission's rules, the deadline for filing petitions for review expired on July 25, 1983. No petitions were filed, nor were any agency comments received.

Copies of all nonconfidential documents filed in connection with this investigation, including Motion No. 133–45 and the initial determination, 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: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0375.

By the order of the Commission.

Issued: August 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-21528 Filed 8-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments, and Accessories Thereto; Commission Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Consent Order Agreement

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. 37) granting a joint motion by complainant Textron, Inc., respondent Delta Machine & Tool Company, Inc., and the Commission investigative attorney to terminate the above-captioned investigation with respect to respondent Delta Machine & Tool Company, Inc., on the basis of a consent order agreement.

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 §§ 210.53(c) and

210.53(h), 211.20, and 211.21 of the Commission's Rules of Practice and Procedure (47 FR 25134 (June 10, 1982) as amended by 48 FR 20225 (May 5, 1983) and 48 FR 21115 (May 11, 1983); to be codified at 19 CFR 210.53 (c) and (h) and 19 CFR 211.20 and 211.21).

SUPPLEMENTARY INFORMATION: On July 8, 1983, the presiding officer issued an initial determination granting the joint motion of complainant Tetron, Inc., respondent Delta Machine & Tool Company, Inc. (Delta), and the Commission investigative attorney to terminate the investigation with respect to Delta on the basis of a consent order agreement. Under 210.54(a) of the Commission's rules, the deadline for filing petitions for review expired on July 21, 1983. No petitions were filed, nor were any agency or public comments received.

The Commission has determined not to review the initial determination terminating Delta as a respondent and issuing the consent order. The consent order allows Delta to continue importing and selling vertical milling machines that do not infringe Textron's alleged common law trademark rights. The consent order identifies machines that do not violate the order. Thus, available alternatives to the Textron machine do exist. Furthermore, the provisions regarding other alleged unfair acts will not adversely affect the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles, or the U.S. consumer. Delta can sell and advertise its products through other permissible means.

Copies of all 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: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0375.

By the order of the Commission.

Issued: August 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-21533 Filed 8-5-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[OP2-339; Finance Docket No. 30217]

Universal-Pioneer Freight Systems, Inc., Abandonment of Freight Forwarder Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of the proposed abandonment of service by a freight forwarder affiliated with a motor carrier.

SUMMARY: Universal-Pioneer Freight Systems, Inc. (Universal), and Universal Transcontinental Corporation (UTC), which operates as a division of Universal, conduct freight forwarding operations under permit No. FF–43. Universal is commonly controlled with Westmoreland Freight Lines, Inc., a motor carrier holding authority from this Commission. Universal and UTC have petitioned under 49 U.S.C. 10933 for issuance of a certificate allowing abandonment of their forwarding services.

DATE: Comments are due 30 days from publication in the **Federal Register**.

ADDRESSES: Send an original and 6 copies of comments to:

Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and

Petitioner's representatives, Fritz R. Kahn, Mark J. Andrews, and Elizabeth A. Campbell, Suite 1100, 1600 L Street, NW., Washington, D.C. 20036

Comments should refer to Finance Docket No. 30217.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: The permit in question authorizes the forwarding of general commodities nonradially between points in the United States. Universal has discontinued its domestic forwarding operations due to the fact that these operations were unprofitable, and, although it has terminated some of its employees and disposed of some of its assets, it still maintains tariffs and insurance coverage for domestic movements. While Universal argues that its discontinuance of domestic service does not constitute abandonment it has concluded that there is no possibility of resuming those operations within the foreseeable future. UTC, which handles the forwarding of traffic in foreign commerce, will continue to handle foreign traffic to the extent allowed by its status as a non-vessel operating common carrier by water under the jurisdiction of the Federal Maritime Commission, but will discontinue use of carriers regulated by this Commission in its portion of any joint through service.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Decided: August 2, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21448 Filed 8-5-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 32]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

The following applications(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Intrastate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T–10107, filed December 7, 1982. Applicant: PLACARD TRANSPORTATION INC., Box 181, Kinderhook, NY 12106. Representative: William J. Concoy, II, Esq., 112 State Street, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Hazardous materials, substances and wastes; radioactive materials and liquids; explosives and liquid petroleum waste products in LTL. Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington

Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9573, filed July 12, 1982. Applicant: GORDON STEANE, d.a.b. U- NEED-A-PARCEL DELIVERED, 79 Grace Street, Buffalo, NY 14207. Representative: William J. Hirsch, Esq., 64 Niagara Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities in packages not to exceed 1,000 pounds, and shipments not to exceed 5,000 pounds, to be delivered within 24 hours: Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-21447 Filed 8-5-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on September 7, 1983. Petitions for reconsideration must be filed by August 29, 1983. Petitions for stay must be filed by August 18, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood; (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

By the Commission, Division 1, Commissioners 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-15217]

Ryder Transportation, Inc.—Continuance-in-Control—Exemption—Ranger Transfleet, Inc.

Addresses: Send pleadings to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioner's representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209

Pleadings should refer to No. MC-F-15217.

Decided: August 1, 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 of Ranger Transfleet, Inc., by Ryder Transportation, Inc., which is controlled by I U Transportation Services, Inc., and in turn, by I. U. International Corporation.

[No. MC-F-15259]

Thomas C. Lange—Continuance in Control Exemption—TLC Lines, Inc., and WTS, Inc.

Addresses: Send pleadings to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioner's representative: Peter W. Kinsella, Jr., 9717 Landmark Dr., Suite 201, St. Louis, MO 63127

Pleadings should refer to No. MC-F-15259.

Decided: August 1, 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) (4) the continuance in control of TLC Lines, Inc. (No. MC-144117) and WTS, Inc. (No. MC-166129) by Thomas C. Lange, an individual.

[No. MC-F-15283]

Colorado-Denver/Warehouse-Delivery, Inc.—Purchase Exemption—Rawhide Express, Inc. (Harley Swink, Trustee in Bankruptcy)

Addresses: Send pleadings to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioners' Representatives:
Transferee: Russell R. Sage, Esq., Suite 304, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312
Transferor: Harley Swink, 5301 Central N.E., Suite 805, Albuquerque, NM 87108

Pleadings should refer to No. MC-F-15283.

Decided: August 1, 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 Colorado-Denver/Warehouse-Delivery, Inc., of the operating rights of Rawhide Express, Inc., in No. MC-155078 (Sub-No. 1), authorizing the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between Albuquerque, NM, on the one hand, and, on the other, those points in New Mexico on and north of Interstate Hwy 40.

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-15174]

Bob Roberts—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-bandruptcy)

Addresses:
(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-15174.

Decided: August 1, 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 Bob Roberts of a portion of the operating rights of Shoemaker Trucking Company contained in Certificate No. MC-138875 [Sub-Nos. 308, subparagraph (m) of Sub-No. 309X, and subparagraphs (1), (16), (34), and (52) of Sub-No. 312X]. Shoemaker proposes to transfer to Roberts the underlying authorities, namely, its Sub-Nos. 107F, 85F, 188F, 56 and a portion of its Sub-No. 1.

[No. MC-F-15260]

Westhoff, Inc.—Purchase Exemption—Grand Island Express, Inc.

Addresses: Send pleadings to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce

Commission, Washington, D.C. 20423, and

(2) Petitioner's epersentative, D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101

Pleadings should refer to No. MC–F–15260.

Decided: August 1, 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 a portion of the operating rights of Grand Island Express, Inc. (MC–135283) (Sub-No. 27) by Westhoff Inc., holding authority in No. MC–157610.

[No. MC–F–15270]

Convaire Corporation—Control Exemption—F.M.S. Transportation, Inc. and McBride Express, Inc.

Addresses: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Richard H. Streeter, Esq., Wheeler & Wheeler, 1729 H Street, NW., Washington, D.C. 20006

Pleadings should refer to No. MC–F–15270.

Decided: August 1, 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)(4), the acquisition of control of F.M.S. Transportation, Inc. and McBride Express, Inc. by Convaire Corporation through transfer of stock.

[No. MC–F–15272]

City-Wide Cartage Contract Carrier, Inc.—Purchase Exemption—Geetings, Inc.

Addresses: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Larry D. Knox, 500 Hubbell Building, Des Moines, IA 50309

Pleadings should refer to No. MC–F–15272.

Decided: August 1, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343, the purchase by City-Wide Cartage Contract Carrier, Inc. (MC–151342) of the certificate held by Geetings, Inc., in No. MC–34027 (Sub-No. 25), which authorizes the transportation of food and related products (1) radially, between points in Marion and Polk Counties, IA, and 13 named States, and (2) between points in Marion County, IA, on the one hand, and, on the other, Chicago, IL, and points in Porter County, IN, Van Buren County, MI, and Polk County, FL. Also approved is the right of City-Wide to tack the purchased authority with its existing interstate certificate in MC–151342 (Sub-No. 1), which authorizes the transport of confectionery from Des Moines, IA, to points in Iowa.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett did not participate.

[No. MC–F–15184]

Maislin Industries, Ltd.—Continuance in Control Exemption—Contract Truckers, Inc., Maislin Transportation, Ltd., Maislin Transport of Delaware, Inc., Gateway Transportation Co., Inc., Quinn Freight Lines, Inc., and Port Express International, Inc.

Addresses: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068

Pleadings should refer to No. MC–F–15184.

Decided: July 29, 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)(4), the continuance in control by Maislin Industries, Ltd., of Contract Truckers, Inc. (MC–156254), Maislin Transport, Ltd. (MC–108006), Maislin Transport of Delaware, Inc. (MC–60580), Gateway Transportation Co., Inc. (MC–80430), and Quinn Freight Lines, Inc. (MC–4941).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–21449 Filed 8–5–83; 8:45 am]

BILLING CODE 7035–01–M

Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–340

MC–FC–81547, By the decision of July 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Members Carleton, Dowell and Williams approved the transfer to Production Services, Inc., of Natchez, MS, of all of the authority issued to Kay Lease Service, Inc., (Debtor-in-possession), of Natchez, MS, in Certificate No. MC–50242 (Sub-No. 3), authorizing transportation of (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with

the construction, operation, repair, serving, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in AL, AR, FL, LA, MS, OK, and TX. Applicants' representative: John A. Crawford, P.O. Box 22567, Jackson, MS, 39205.

MC-FC-81599. By decision of July 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Members Williams, Carleton, and Parker, approved the transfer to SHELLEBY TRANSPORTATION LIMITED, Sault Ste. Marie, Ontario, Canada, of authority issued to DONOVAN P. RODRIGUEZ d.b.a. WEST MICHIGAN TRUCKING SERVICE, Benzonia, MI, in Certificates MC-140022 (Subs-2 and 4), authorizing the transportation of pallets and pallet stock, in mixed loads with pallets, (1) between points in MI, on the one hand, and, on the other, points in IN on and north of Interstate Hwy 70, and (2) points in MI (except those points located east of U.S. Hwy 127 and south of MI Hwy M-21), on the one hand, and, on the other, points in OH on and north of Interstate Hwy 70, and (1) wooden shipping devices and wooden warehouse storage devices, and (2) materials used in the manufacture of the commodities in (1) above, between points in MI, on the one hand, and, on the other, points in IN and IL. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI, 48226.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-FC-370.

MC-FC-81527. By decision of July 29, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board, Members Parker, Joyce and Krock approved the transfer to LOUDOUN TRUCKING, INC., of Leesburg, VA, of Certificate No. MC-43165 (Sub-No. 15), issued May 11, 1981, (Sub-No. 16C)X, issued November 12, 1981 and the underlying authority in (Sub-No. 5), issued March 28, 1975, and (Sub-No. 17), issued March 23, 1982 and Permit No. MC-142205 (Sub-No. 7), issued March 25, 1981, (Sub-No. 12), issued March 17, 1981, and (Sub-No. 16P)X, issued November 12, 1981 and the underlying authorities in (Sub-No. 4), issued April 21, 1978, (Sub-No. 8F), issued November 12, 1980, and (Sub-No. 10F), issued March 6, 1980, to LOUDOUN TRANSFER, INC., of Leesburg, VA, authorizing the transportation of (1) *general commodities* (except classes A and B explosives), between points in Loundoun County, VA, on the one hand, and, on the other, points in the U.S., (2) various named commodities such as *general commodities, food and related products, farm products, chemicals and related products, machinery and metal products and coal*, etc., between named points in MD, VA, WV, PA, and DC, on the one hand, and, on the other hand, points in VA, MD, WV, NY, CT, DE, MA, NJ, NC, OH, PA, MD, RI, WV, NY, and DC, (3) *machinery*, between Fairfax County, VA, on the one hand, and, on the other, points in named counties in NC, (4) *custom upholstered furniture*, from Culpeper, VA, to points in the U.S. and *equipment, materials and supplies* in the reverse direction, under continuing contract(s) with Metro Manufacturing Co., of Herndon, VA, (5) *such commodities* as are dealt in or used by manufacturers of polystyrene insulation, between points in the U.S. (except AK and HI), under continuing contract(s) with Insulated Building Systems, Inc., of McLean, VA, (6)(a) *rubber and plastic products and chemicals and related products* and (b) *rubber and plastic products, chemicals and related products and equipment and supplies* used in manufacture and packaging of expanded polystyrene foam, between points in the U.S., under continuing contract(s) with Preferred Plastics, Inc., of Sterling, VA and (7) *food and related products*, between points in the U.S., under continuing contract(s) with Doane Products Company, or Joplin, MO Representative: Eston H. Alt, P.O. Box 99, Stephens City, VA 22655, (703) 869-2733.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-500

MC-FC-81537. By decision of July 29, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board, Members Krock, Williams, and Carleton approved the Transfer to CARNEY BROS. TRUCKING, INC., of Raynham, MA, of Certificate No. MC-156987 (Sub-No. 1), issued May 24, 1982, to T.R.T. SERVICE CORPORATION, of King of Prussia, PA, authorizing the transportation of *general commodities* (except classes A and B exposives, household goods, and commodities in bulk), between points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KY, LA, MD, MA, MO, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC. Representative: Francis E. Barrett, Jr., 22 Central Ave., Hingham, MA 02043.

MC-FC-81566. By decision of August 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board, Members Williams, Carleton, and Parker approved the transfer to WECO, INC., of Kansas City, KS, of License No. MC-130897, issued October 30, 1980, to WEBER TRANSPORTATION CO., INC., of Kansas City, KS, arranging for the transportation of, *general commodities* (except household goods), between points in the United States. Representative: Vince Weber, 500 Scott, P.O. Box 5128, Kansas City, KS 66119.

[FR Doc. 83-21450 Filed 8-5-83; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2([E). Persons wishing to oppose and 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 had 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 indicted: 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 environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence ot 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 apporpriate 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 statisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP-2-337

Decided: July 28, 1983.

By the Commission, Review Board Members Krock, Dowell, and Carleton.

MC 46823 (Sub-4), filed July 7, 1983. Applicant: WOODLAND MOVING & WAREHOUSE, INC., 426 Woodland St., Hartford, CT 06112. Representative: John E. Silliman, 101 Pearl St., P.O. Box 3197, Hartford, CT 06103, 203-549-4500. Transporting *household goods*, between points in the U.S. (except AK and HI).

MC 108393 (Sub-159), filed July 7, 1983. Applicant: SIGNAL DELIVERY SERVICE, INC., 1101 31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216-566-5639. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Ball Corporation, of Muncie, IN.

MC 112822 (Sub-495), filed July 7, 1983. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., Cushing, OK 74023. Representative: Steven B. Cochran (same address as applicant), 918-225-0365. 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 Phillips Petroleum Company, of Bartlesville, OK.

MC 118572 (Sub-8), filed July 7, 1983. Applicant: D. J. KING, INCORPORATED, 370 East Main St., Branford, CT 06405. Representative: Mr. David H. Bowman (same address as applicant), 203-481-3421. Transporting *commodities in bulk*, between points in CT, DE, IL, ME, MA, MI, NJ, NY, NC, OH, PA, RI, and WV, on the one hand, and, on the other, points in CA, MN, NE, TX, WA, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 128133 (Sub-33), filed July 8, 1983. Applicant: H. H. OMPS, INC., Box 295, Route 7, Winchester, VA 22601. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, 202-783-3525. Transporting *commodities in bulk*, between points in DE, MD, NJ, NY, NC, OH, PA, SC, VA, WV, and DC.

MC 133562 (Sub-48), filed July 15, 1983. Applicant: HOLIDAY EXPRESS CORPORATION, Iowa Highway No. 4, P.O. Box 452, Estherville, IA 51334. Representative: Herbert W. Allen (same address as applicant) 712-362-5812. 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 145933 (Sub-2), filed July 18, 1983. Applicant: A.D. LEASING, INC., 8237 McElroy Rd., El Paso, TX 79907. Representative: Hughan R. H. Smith, 28 Kenwood Place, Lawrence, MA 01841, 617-657-6071. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *building material and supplies*, between points in TX, OR, CO, NM, and AZ. Part (2) is published in the Federal Register, this issue, under the preface with "regular applications".

MC 168143, filed July 12, 1983. Applicant: BURCHILL INTERNATIONAL TRANSPORT, INC., P.O. Box 68, Mansfield, PA 16933. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102, 215-735-2707. Transporting *such commodities* as are dealt in or used in the assembly of motor vehicles, between Baltimore, MD, on the one hand, and, on the other, points in CT, DE, IN, MA, MI, NJ, NY, OH, and PA.

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-315

Decided: July 26, 1983.

By the Commisaion, Review Board Members Joyce, Dowell, and Carleton.

MC 74681 (Sub-22), filed July 13, 1983. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1435 G St., NW, Suite 848, Washington, DC 20005, (202)-628-1642. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in

the U.S. (except AK and HI), under continuing contract(s) with Sheller-Globe Corporation, of Toledo, OH.

MC 74681 (Sub-23), filed July 20, 1983. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1435 G St., NW., Suite 848, Washington, DC 20005, (202)–628–1642. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with IBM Corporation, of Princeton, N.J.

MC 76680 (Sub-1), filed July 14, 1983. Applicant: J. FISHMAN & SON, INC., 571 Madison Ave., Paterson, NJ 07500. Representative: Robert J. Gallagher, 1435 G St., NW., Suite 848, Washington, DC 20005, (202)–628–1642. As a *broker* of *household goods*, between points in the U.S. (except AK and HI).

MC 148791 (Sub-44), filed July 13, 1983. Applicant: TRANSPORT-WEST, INC., 1850 S 1100 W, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801)–531–1777. 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) and (1) Owens-Illinois, Inc., of Toledo, OH, (2) Samsonite Corporation, of Denver, CO, and (3) Montgomery Ward & Company, Inc., of Chicago, IL.

MC 153721 (Sub-5), filed July 15, 1983. Applicant: RAF TRANSPORT, INC., Rural Rt. 5, Seymour, IN 46274. Representative: Constance J. Goodwin, 800 Circle Tower Bldg., Five East Market St., Indianapolis, IN 46204, (317)–634–8313. 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 TDS Brokerage, Inc., of Des Plaines, IL.

MC 169250, filed July 14, 1983. Applicant: JOE ELLEDGE d.b.a. ELLEDGE TRUCKING, 465 Portage Trail Ext., Cuyahoga Falls, OH 44223. Representative: James E. Davis, 611 West Market St., Akron, OH 44303, (216)–376–8111. Transporting *such commodities* as are manufactured, processed, or dealt in by ceramic manufacturers, between points in the U.S. (except AK and HI).

MC 169281, filed July 18, 1983. Applicant: RICHARD BECKER AND CARL ELLENBERGER d.b.a. B & E MEATS, 9403 Market St., North Lima, OH 44452. Representative: Richard C. Becker, 1715 Middletown Rd., North Lima, OH 44452, (216) 549–5474. Transporting *food and related products*, between point in OH and PA, under continuing contract(s) with Armour and Company, of Pittsburgh, PA.

Volume No. OP–1–317

Decided: July 29, 1983.

By the Commission, Review Board Members, Kroch, Carleton, and Parker.

FF–720, filed July 7, 1983. Applicant: BETA INTERNATIONAL, 4118 Des Moins St. NE., St. Petersburg, FL 33703. Representative: Kenneth D. Polin, 225 Broadway, Suite 2100, San Diego, CA 92101, (619) 234–1966. As a *freight forwarder* in connection with the transportation of *household goods, baggage, and used automobiles*, between points in the U.S.

MC 2860 (Sub-228), filed July 22, 1983. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Addison Hand (same address as applicant) (800) 257–7910 Ext. 391. Transporting *containers and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Can Company, Inc., of Stamford, CT.

MC 135561 (Sub-3), filed July 21, 1983. Applicant: N.E. FINCH CO., 1120 West Camp St., East Peoria, IL 61611. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in Peoria and Tazewell Counties, IL, on the one hand, and on the other, points in IA, IN, KY, MO and WI.

MC 155070, (Sub-5), filed July 22, 1983. Applicant: APX, INC., 817 McDonald St., Green Bay, WI 54306. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green bay, WI 54306. Transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of containers and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with persons engaged in the business of manufacturing and distributing the described commodities in the industries above.

MC 156480, (Sub-1), filed June 17, 1983. Applicant: STRICKLIN TRUCKING COMPANY, 108 College St., Arcadia, MO 63621. Representative: Joseph E. Tebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *building materials*, between points in AL, AR, GA, IN, IL, KY, LA, MO, MS, OH, OK, TN and TX.

Note.—The purpose of this republication is to include the states of LA and MS as an origin or destination.

MC 166031 (Sub-1), filed July 21, 1983. Applicant: KELLY KOST d.b.a. KELLY KOST TRUCKING, Box 35, Bowdon, ND 58418. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, (701)–235–3300. Transporting *such commodities* as are dealt in or used by wholesale beverage distributors, between Ramsey and Foster Counties, ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169401, filed July 22, 1983. Applicant: CALVIN J. SCOTT, Route 4, Box 393, Hamilton, AL 35570. Representative: Calvin J. Scott, P.O. Box 31022, Birmingham, AL 35222, (205) 428–8629. Transporting *lumber and wood products, and forest products*, between points in Marion County, AL, and Itawamba County, MS, on the one hand, and, on the other, points in GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, OH, TN, and WI.

Volume No. OP–1–319

Decided: July 29, 1983.

By the Commission, Review Board Members Parker, Joyce, and Krock.

MC 160161 (Sub-2), filed July 19, 1983. Applicant: COASTMASTER TRANSPORT, 12912 Silver Creek Drive SE, Tenino, WA 98589. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (202) 383–3998. 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 Nintendo of America, Inc., of Redmond, WA, and Port of Olympia, of Olympia, WA.

MC 167260, filed July 15, 1983. Applicant: S & M CONTRACT HAULING, 4675 Maple Rd., Newport, MI 48166. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *boats and parts and accessories* for boats, between points in CO, FL, IL, IN, MA, MI, MN, NH, OH, PA, VT, NY, NM, TX, and WI.

MC 169221, filed July 14, 1983. Applicant: EDWARD M. CERASI d.b.a. CIRCLE MOTOR SALES, Route 1—Lafayette Rd., Seabrook, NH 03874. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841, (617) 657–8250. Transporting *motor vehicles*, and *motor vehicle parts*, between points in MA, NH, RI, VT, ME, CT, NY, NJ, PA, MD, and OH.

MC 169290, filed July 18, 1983. Applicant: TRANSPORTATION UNLIMITED, INC., 105 Trafton Ave., Lexington, KY 40504. Representative: Rudy Yessin, P.O. Drawer B, Frankfort,

KY 40602, (502) 227–7326. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in KY, TN, IN, OH, IL, AL, FL, GA, NC, SC, VA, PA, NY, NJ, MI, WV, MO, CT, and MA.

MC 169311, filed July 18, 1983. Applicant: MILES & SONS TRUCKING SERVICE, INC., 3311 Stanley Blvd., Pleasanton, CA 94566. Representative: Daniel W. Baker, 100 Pine St., #100, San Francisco, CA 94111, (415) 986–1414. Transporting *commodities in bulk*, between points in CA, OR, WA, NV, and AZ.

MC 169350, filed July 20, 1983. Applicant: LOCAL FREIGHT TRUCKING, INC., 3719 South Albany St., Chicago, IL 60632. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Jack Gray Transportation Services, Inc., of Gary, IN.

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–364

Decided: July 29, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 143144 (Sub-5), filed July 19, 1983. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *commodities in bulk*, between points in CA, NV, OR, AZ, ID, WA, CO, and UT, on the one hand, and, on the other, points in WA.

MC 148075 (Sub-8), filed July 15, 1983. Applicant: CECIL KING TRUCKING, INC., Rt. 2, Seagrove, NC 27341. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986–9030. 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 148274 (Sub-4), filed July 21, 1983. Applicant: M & S TRANSPORT, INC., 140 Broadway, Hawthorne, NY 10532. Representative: A. David Millner, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. 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 151325 (Sub-2), filed July 18, 1983. Applicant: H & R TRANSPORT LTD., 3601 2nd Ave. No., Lethbridge, Alberta, CN T1H 5K7. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting (1) *food and related products*, (2) *Clay, concrete*, glass or stone products, (3) *pulp, paper and related products*, (4) *rubber and plastic products* and (6) *metal cans*, between points in the U.S. (except AK and HI).

MC 152325 (Sub-1), filed July 15, 1983 Applicant: BOWDEN TRANSFER CO., INC., P.O. Box 290, 107 First Ave. So., Lewisburg, TN 37091. Representative: Kim D. Mann, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Williamson County, TN, on the one hand, and, on the other points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority to its existing regular-route authority.

MC 152824 (Sub-3), filed July 18, 1983. Applicant: W & S COMPANY, 7804 Idaho Lane, Minneapolis, MN 55445. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in the U.S. (except HI).

MC 155004 (Sub-7), filed July 20, 1983. Applicant: JOSEPH LAND AND CO., INC., West Central Ave., P.O. Drawer 3310, Lake Wales, FL 33853. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. 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 persons engaged in the grocery and food business and food processing business.

MC 161625 (Sub-1), filed July 20, 1983. Applicant: DAVID GRESSETT, INC., 5601 San Francisco Rd., NE, Albuquerque, NM 87109. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110, (505) 298–7511. Transporting *food and related products*, between points in Finney, Ford and Sedgewick Counties, KS, Curry County, NM, Deaf Smith, Hale, Lipscomb, Lubbock, Moore, Parmer and Potter Counties, TX, on the one hand, and, on the other, point in the U.S. (except AK and HI).

MC 164774, filed July 21, 1983. Applicant: PIN–BRO, INC. 13627 Crystal Brook, Norman OK 73071. Representative: William P. Parker, 4400 N Lincoln, Suite 10, Oklahoma City, OK 73105, (405) 424–3301. Transporting *metal products, machinery and Mercer commodities*, between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168034, filed July 20, 1983. Applicant: CAL PETERS TRANSIT, INC., Box 10, Long Lake, WI 54542. Representative: Nancy J. Johnson, 103 E Washington St., Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *lumber and wood products*, between points in WI, on the one hand, and, on the other, points in IL, IN, MN, MI and IA.

Volume No. OP3–359

Decided: July 28, 1983.

By the Commission, Review Board Members, Williams, Carleton, and Parker.

MC 169155, filed July 12, 1983. Applicant: BORGERT'S INC. 2111 So 1st St., Yakima, WA 98903. Representative: Darrell A. Stock (same address as applicant), (509) 457–0876. Transporting *swimming pools, pool supplies and equipment*, (1) between points in AR and CA, on the one hand, and, on the other, points in OR and WA, and (2) between points in OR on the one hand, and, on the other, points in WA.

MC 169324, filed July 19, 1983. Applicant: BERNIE L. BENNETT AND VALERIE M. BENNETT d.b.a B & V FREIGHT EXPRESS, P.O. Box 118, 285 Mallory Lane, Shady Cove, OR 97539. Representative: Bernie L. Bennett (same address as applicant), (503) 878–2878. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 169325, filed July 19, 1983. Applicant: COLEMAN LUMBER, INC., P.O. Drawer 130, Demopolis, AL 36732. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, (205) 254–3880. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *machinery*, and (4) *building materials*, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 169334, filed July 18, 1983. Applicant: CARRIER SERVICE DIVISION OF KINGETT'S, INC., 115 S. White Horse Pike, Lindenwold, NJ 08021. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in DE, MD, NJ, NY, and PA, and (2) between points in DE, MD, NJ, NY, and

PA, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 169335, filed July 18, 1983. Applicant: HEINELLEN TRUCKING, INC., R. D. 2, Kempton, PA 19529. Representative: Frederick U. Fierst, 78 Main St., Northampton, MA 01060. (413) 584–8067. Transporting *food and related products*, between points in MA, MD, and NY, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, NM, to the International Boundary line between the United States and Canada.

MC 169345, filed July 19, 1983. Applicant: GTE TRANSPORT INC., 10 Hutchison Dr., Danvers, MA 01923. Representative: Stuart M. Kleinfelter (same address as applicant), (617) 777–1900. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–363

Decided: July 29, 1983.

By the Commission, Review Board Members, Parker, Krock, and William.

MC 2934 (Sub-169), filed July 16, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Stouffer Corporation, of Solon, OH.

MC 2934 (Sub-170), filed July 21, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods and electronics*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wang Laboratories, Inc., of Lowell, MA.

MC 18684 (Sub-3), filed July 20, 1983. Applicant: WILSON MOVING & STORAGE CO., INC., 885 Bailey Ave., Buffalo, NY 14206. Representative: Charles J. Wilson, Jr., (same address as applicant), (716) 826–3555. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, and Orleans Counties, NY, on the one hand, and, on the other, points in Bergen, Burlington, Essex, Morris, Passaic, Somerset, Sussex and Union Counties, NJ, and New York, NY.

MC 111274 (Sub-97), filed July 21, 1983. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ciralsky Steel Co., Inc., of Toledo, OH.

MC 116254 (Sub-333), filed July 20, 1983. Applicant: CHEM-HAULERS, INC., 118 E Mobile St., Florence, AL 35631. Representative: P. K. Hubbert (same address as applicant), (205) 766–9111. Transporting *farm products, forest products, metallic ores, coal, nonmetallic minerals (except fuels), ordnance and accessories (except explosives), food and kindred products, tobacco products, textile mill products, apparel or other finished textile products, lumber and wood products (except furniture), furniture and fixtures, pulp paper or allied products, printed matter, chemicals or allied products, petroleum or coal products, rubber or miscellaneous plastic products, leather or leather products, clay, glass, concrete, or stone products, metal products, machinery (except electrical), electrical machinery, equipment or supplies, transportation equipment, miscellaneous products of manufacturing, and waste or scrap material not identified by industry producing*, between points in the U.S. (except AK and HI), under continuing contract(s) with that class of persons or entities engaged as manufacturers, producers, distributors or users of the commodity groups named above.

MC 136155 (Sub-14), filed July 18, 1983. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, GA 31408. Representative: Herbert A. Dubin, 5454 Wisconsin Ave., Suite 1015, Chevy Chase, MD 20815, (301) 951–9600. 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 139005 (Sub-4), filed July 5, 1983. Applicant: MID-AMERICA ENVIRONMENT SERVICE, INC., 138400 So. Halsted St., Riverdale, IL 60627. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236–822. Transporting *waste and waste products*, between points in the U.S.

MC 140334 (Sub-16), filed July 18, 1983. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 141804 (Sub-541), filed July 18, 1983. Applicant: WESTERN EXPRESS (Division of Interstate Rental, Inc.), P.O. Box 10, Austell, GA 30001. Representative: Gene J. Margelli (Same address as applicant), (404) 944–9300. 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 ITOFCA, Inc. of Downers Grove, IL.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–498

Decided: July 29, 1983.

By the Commission, Review Board, Members: Carleton, Parker, and Joyce.

MC 95336 (Sub-16), filed July 21, 1983. Applicant: J. B. WILLIAMS EXPRESS, INC., 320 Maspeth Ave., Brooklyn, NY 11211. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 118776 (Sub-78), filed July 21, 1983. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 140787 (Sub-3), filed July 21, 1983. Applicant: GIVENS TRUCKING COMPANY, INC., 1720 S. Military Hwy., Chesapeake, VA 23320. Representative: Frank B. Hand, Jr., 523 S. Cameron St., Winchester, VA 22601, (703) 662–0927. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, MD, and VA, on the one hand, and, on the other,

those points in the U.S. in and east of MI, IL, KY, TN, and MS.

MC 168597, filed July 21, 1983. Applicant: DON JACOBSON, d.b.a. DON JACOBSON TRUCKING, 2210 Monad Road, Billings, MT 59102. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252-4165. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) transporting *general commodities* (except classes A and B explosives and household goods), between points in WA, ID, MT, WY, and ND, on the one hand, and, on the other, points in CA, OR, WA, ID, MT, ND, WY, SD, UT, CO, NE, KS, OK, TX, MO, IA, MN, WI, IL, MI, AR, and AL.

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 1 will be published in VOL #498. Part 2 will be published in VOL #499.

MC 169356, filed July 20, 1983. Applicant: SCANDURRA TRUCKING CO., INC. Three Wood Terrace, Newburg, NY 12550. Representative: Eugene M. Malkin, P.O. Box 489, 475 S. Main St., New City, NY 10956, (212) 466-0220. Transporting *such commodities* as are dealt in or used by retail stores, between points in CT, DE, DC, IL, IN, MD, MA, MI, NJ, NY, OH, PA, and RI.

MC 169357, filed July 21, 1983. Applicant: R & R DELIVERY SERVICE, 421 Hoboken Ave., Jersey City, NJ 07303. Representative: Salvatore Ricca (same address as applicant), (201) 798-6450. Transporting *furniture and fixtures*, between points in the U.S. (except AK and HI).

MC 169366, filed July 21, 1983. Applicant: CENTER STATE TRANSPORT, INC., 3261 N. Marks Ave., P.O. Box 9021, Fresno, CA 93790. Representative: Ellis Ross Anderson, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of food and related products.

Volume No. OP4-501

Decided: July 27, 1983.

By the Commission, Review Board, Members: Joyce, Williams, and Dowell.

MC 128087 (Sub-16), filed July 20, 1983 Applicant: JOHN N. JOHN III, INC., 1000 W. Second St., Crowley, LA 70526. Representative William M. John (same address as applicant), (318) 783-3394. Transporting *general commodities* (except classes A and B explosives and household goods), between points in TX, on the one hand, and, on the other, points in Calcasieu, Cameron and Jefferson Davis Parishes, LA.

[FR Doc. 83-21452 Filed 8-5-83; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers: Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP-2-338

Decided: July 28, 1983.

By the Commission, Review Board Members Joyce, Krock, and Williams.

MC 145933 (Sub-2), filed July 18, 1983. Applicant: A.D. LEASING, INC., 8237 McElroy Rd., El Paso, TX 79907. Representative: Hughan R.H. Smith, 26

Kenwood Place, Lawrence, MA 01841, 617–657–6071. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *building materials and supplies*, between points in TX, OR, CO, NM, and AZ. Part (1) is published in the **Federal Register**, this issue, under the preface with "fitness applications".

MC 169282, filed July 18, 1983. Applicant: ROBIN LEE SELLAND d.b.a. ROBIN SELLAND REFRIGERATED SERVICE, 318 Sunnyslope Heights, Wenatchee, WA 98801. Representative: Robin Lee Selland (same address as applicant), 509–663–7856. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169283, filed July 18, 1983. Applicant: REGIONAL TRANSPORTATION SERVICE, INC., d.b.a. RTS, 3200 Reisterstown Rd., Baltimore, MD 21215. Representative: Dorothy M. Miller (same address as applicant), 301–367–4004. Transporting *passengers* (1) in charter and special operations, between points in MT, MA, VT, NH, ME, CO, NY, NJ, PA, DE, MD, VA, WV, OH, NC, SC, GA, FL, and DC, and (2) in special operations, beginning and ending at Baltimore, MD, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169293, filed July 18, 1983. Applicant: TRAVEL ASSOCIATES LTD., 9155 Roosevelt Blvd., Philadelphia, PA 19114. Representative: Charlotte Ginsburg, 8500 Frontenac St., Philadelphia, PA 19152, 215–722–5183. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 169312, filed July 18, 1983. Applicant: WESTWIND OVERSEAS LIMITED, One World Trade Center—Suite 8859, New York, NY 10048. Representative: Peter D. Wolf (same address as applicant), 212–466–1200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169323, filed July 19, 1983. Applicant: WILLIAM T ZIEGENBIEN, d.b.a. ZIEG TRUCKING COMPANY, Piedmont Rte., Box 485, Piedmont, SD 57769. Representative: William T. Ziegenbien (same address as applicant) 605–787–4461. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169332, filed July 18, 1983. Applicant: BENJAMIN A. NATIVIDAD, d.b.a. IMS TRAFFIC SERVICES, 485 Garden Ave., Roselle, IL 60172. Representative: Benjamin A. Natividad (same address as applicant) 312–351–9153. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP–1–316 (F)

Decided: July 26, 1983.

By the Commission, Review Board Members Joyce, Dowell, and Carleton.

MC 169220, filed July 13, 1983. Applicant: SUPERIOR BROKERS, INC., 93 Ward Ave. Ext., P.O. Box 2712, Trenton, NJ 08607. Representative: Samuel H. Hann, Jr. (same address as applicant) (609) 587–6600. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OP–1–318

Decided: July 29, 1983.

By the Commission, Review Board Members Krock, Carleton and Parker.

MC 169251, filed July 15, 1983. Applicant: JAMES I. MYERS d.b.a. JIM CO BROKERAGE COMPANY, 9020 "A" Airline Drive, Houston, TX 77037. Representative: C. F. Myers (same address as applicant), (713) 820–5636. As a *broker*, of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–320

Decided: July 29, 1983.

By the Commission, Review Board Members, Parker, Joyce, and Krock.

MC 169240, filed July 15, 1983. Applicant: QUINN DISTRIBUTORS, INC., Rte 2, Box 181–B, Beulaville, NC 28518. Representative: William G. Morris, 202–247 N. Collier Blvd., P.O. Box 1795, Marco Island, FL 33937, (813) 642–6020. As a *broker*, of *general commodities* (except household goods), between points in the U.S.

Please direct status inquiries about the following to Team three (3) at (202) 275–5223

Volume No. OP3–360

Decided: July 28, 1983.

By the Commission, Review Board Members, Williams, Carleton, and Parker.

MC 148414 (Sub-8,) filed July 18, 1983. Applicant: UNIDYNE CORPORATION, 3835 E. Princess Anne Rd. Norfolk, VA 23502. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737–1030. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169004, filed July 5, 1983. Applicant: SEQUOIA SALES, INC., 139 Mitchell Ave., Suite 108, So. San Francisco, CA 94080. Representative: Ronald L. Caserza (same address as applicant) (415) 873–3140. As a *broker, of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169374, filed July 21, 1983. Applicant: ACTION BROKERS, INC., 1000 E 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169375, filed July 21, 1983. Applicant: RADSON, INC., Rt. 1, Clearwater, MN 55320. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. As a *broker of general commodities* (except household goods), between points in the U.S.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–499

Decided: July 29, 1983.

By the Commission, Review Board, Members: Carleton, Parker, and Joyce.

MC 168597, filed July 21, 1983. Applicant: DON JACOBSON, d.b.a. DON JACOBSON TRUCKING, 2210 Monad Road, Billings, MT 59102. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101, (406) 252–4165. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) transporting *general commodities* (except classes A and B explosives and household goods),

between points in WA, ID, MT, WY, and ND, on the one hand, and, on the other, points in CA, OR, WA, ID, MT, ND, WY, SD, UT, CO, NE, KS, OK, TX, MO, IA, MN, WI, IL, MI, AR, and AL.

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 1 will be published in VOL #498. Part 2 will be published in VOL #499.

MC 169376, filed July 21, 1983. Applicant: EDWARD P. TRASFERINI, Old Delsea Dr., Malgara NJ 08328. Representative: Edward P. Trasferini (same address as applicant), (609) 694–2000. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169377, filed July 21, 1983. Applicant: RONALD LIMOUSINE SERVICE, LTD., 1353 White Plains Rd., Bronx, NY 10462. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-21451 Filed 8-5-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Temporary Authority Applications

Important Notice: 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-282

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 17051 (Sub-1–7TA), filed July 26, 1983. Applicant: BARNET'S EXPRESS, INC., 28 Garfield Place, So. Hackensack, NJ 07606. Representative: Fred H. Daly, Barrett, Hanna, Daly & Gaspar, 2555 M Street NW., Suite 100, Washington, DC 20037. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)* between Al, AR, GA, KY, TN, IL, OH, TX, IN and MI. Supporting shipper(s): There are 7 statements attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 169388 (Sub-1–1TA), filed July 22, 1983. Applicant: JOHN LOMANDO d.b.a. HAULING, 900 Jaysan Drive, Angola, NY 14006. Representative: Allan L. Paglia, 160 Lake Street, P.O. Box 313, Angola, NY 14006. *Contract carrier:* irregular routes: *Filtration equipment and materials and supplies incidential to the manufacturers' sale and distribution thereof*, from Angola, NY, Dayton, OH, Cookville, TN, Warminister, PA, San Francisco, CA, Neward, NJ, Houston, TX, Chicago, IL, to points in the U.S., under continuing contract(s) with Duriron Company, Inc., Filtration Systems Division of Angola, NY. Supporting shipper: Duriron Company, Inc., Filtration Systems Division of Angola, NY 14006.

MC 169471 (Sub-1–1TA), filed July 27, 1983. Applicant: MAINE BEVERAGE CONTAINER SERVICE, INC., 193 R. Presumpscot Street, P.O. Box 882, Portland, ME 04104. Representative: John G. Feehan, 178 Middle Street, Portland, ME 04112. *Carbonated soft drinks in cans and bottles* from points in MA to the facilities of Seltzer & Rydholm Distributors, Inc., in Portland, ME. Supporting shipper: Seltzer & Rydholm Distributors, Inc., 250 Canco Road, Portland, ME 04104.

MC 169470 (Sub-1–1TA), filed July 26, 1983. Applicant: RMJ TRANS. INC., 25 Mohawk Drive, Leominster, MA 01453. Representative: John F. Curley, 60 Adams Street, Milton, MA 02187. *(1) Plastic and Plastic Products* between Essex, Franklin, Middlesex and Worcester Counties, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI); *(2) Metal Products* between Worcester County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI); *(3) Paper and Related Products* between Chesire County, NH, Windham County, VT, and Norfolk, Franklin and Worcester Counties, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI); *(4) Petroleum Products* between Worcester County, MA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): There are 12 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 142114 (Sub-1–20TA), filed July 26, 1983. Applicant: RETAIL EXPRESS, INC., 36 South Main Street, Sharon, MA 02067. Representative: Frank M. Cushman, 5 Carbrey Avenue, Sharon, MA 02067. *Contract carrier:* irregular routes: *Copper products, flexible steel conduit, wrought iron conduit pipe strip steel and such commodities as may be used in the manufacture and shipping thereof* between all points in the U.S. (except AK and HI) under continuing contract(s) with Triangle Industries, Inc., New Brunswick, NJ 08903. Supporting shipper: Triangle Industries, Inc., 1 Jersey Avenue, New Brunswick, NJ 08903.

MC 168858 (Sub-1–1TA), filed July 26, 1983. Applicant: SHAWMUT VAN & STORAGE, INC., 150 Centre Street, P.O. Box 87, Boston, MA 02124. Representative: Robert J. Gallagher, Esq., 1435 G Street, NW, Suite 848, Washington, DC 20005. *Household goods, as defined by the Commission*, between points in MA, NH, RI, CT, VT, and ME, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, OH, IN, IL, and DC. Supporting shipper(s): Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02117; Computervision Corporation, Two Crosby Drive, Bedford, MA 01730; Interconex, Inc., 52 Vanderbilt Avenue, New York, NY 10017; T. D. Downing Co., 56 Batterymarch Street, Boston, MA 02110.

MC 168794 (Sub-1–1TA), filed July 26, 1983. Applicant: PAUL SIPOS, INC., 181 Duane Street, New York, NY 10013. Representative: Arthur J. Piken, Esq., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. *Art objects, antiques, and furniture* between all points in the U.S. (except AK and HI). Supporting shipper(s): There are fifteen statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 169419 (Sub-1–1TA), filed July 25, 1983. Applicant: TRANSPORT L.F.L. INC., 1201 Chemin Industriel, Bernieres, Quebec, CD G0S 1C0. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Pulp, paper, and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Les Papiers Reed Ltee of Quebec, CD. Supporting shipper: Les Papiers Reed Ltee, C.P. 1487, Quebec, CD G1K 7H9.

MC 143281 (Sub-1–1TA), filed July 22, 1983. Applicant: VARNEY, INC., R.F.D. #1, Route 5, Windsor, VT 05089. Representative: Robert D. Varney (same as applicant). *(1) Steel and construction materials* from Auburn, and New York City, NY, Sayreville, NJ, Baltimore, MD, Philadelphia, Steelton, Milton, York, and Bristol, PA to Lebanon, NH; *(2) Lumber* from Ely and Wells River, VT to Brooklyn, Bronx, Walton, Athens, No. Tonawanda, NY, Baltimore, MD, Perth Amboy, NJ, Honesdale and Philadelphia, PA. Supporting shipper(s): K–Ross Building Supply Center, Inc., 38 Spencer St., Lebanon, NH 03766; Britton Lumber Company, Inc., Ely, VT 05044.

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 168339 (Sub-II–1TA), filed July 20, 1983. Applicant: WILLIAM R. ANGEL, SR., d.b.a. ANGEL OIL, 4708 Loretta Ave., Cincinnati, OH 45238. Representative: William R. Angel, Sr. (same as applicant). Gasoline, Distillates and Motor Oil between points in the States of OH, KY and IN under continuing contracts, with Triumph Energy Corporation and Oil Distributors Co., both of Cincinnati, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Triumph Energy Corporation, 5706 Hillside Ave., Cincinnati, OH 45233; Four O Corp. d.b.a., Oil Distributing Co., 5052 River Rd., Cincinnati, OH 45238.

MC 156688 (Sub-II–2TA), filed July 21, 1983. Applicant: FRY BROS. COAL CO., 1628 Sherrick Road, S.E., Canton, OH 44707. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract:* General commodities, (except Classes A and B explosives, and household goods), between points in the US, under continuing contract with Consolidation Coal Company of Cleveland, OH for 270 days. Supporting shipper: Consolidation Coal Company, 20325 Center Ridge Rd., Cleveland, OH 44116.

MC 165110 (Sub-II–1TA), filed July 25, 1983. Applicant: KENNEDY MANUFACTURING COMPANY, 520 East Sycamore Street, Van Wert, OH 45891. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515. *Contract, Irregular: Steel, Fiberboard, and plastic products,* from Grand Haven and Adrian, MI, Chicago, IL, and Lithonia, GA to Van Wert, OH, under contract with Continental Forest Industries, Inc., for 270 days. Supporting shipper(s): Continental Forest Industries, Inc., 21 Harbor Plaza, Stamford, CT 06904.

MC 107012 (Sub-II–329TA), filed July 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US (excluding Alaska & Hawaii) under continuing contract(s) with Aetna Life & Casualty of Hartford, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Aetna Life & Casualty, 151 Farmington Ave., Hartford, CT 06156.

MC 107012 (Sub-II–330TA), filed July 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US under continuing contract(s) with Combined Insurance Company of America, of Northbrook, IL. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Combined Insurance Company of America, 707 Combined Centre, Northbrook, IL 60062.

MC 107012 (Sub-II–331TA), filed July 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US (excluding Alaska & Hawaii) under continuing contract(s) with Dart & Kraft, Inc. of Northbrook, IL for 270 days. Supporting shipper: Dart & Kraft, Inc., 2211 Sanders Road, Northbrook, IL 60062.

MC 107012 (Sub-II–332TA), filed July 20, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 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 Data Switch Corp. of Norwalk, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Data Switch Corp., 444 Westport Ave., Norwalk, CT 06851.

MC 107012 (Sub-II–333TA), filed July 22, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 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 Lundy Farrington, Inc. of Glen Head, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lundy Farrington, Inc., No. 1 Roberts Street, Glen Head, NY 11545.

MC 107012 (Sub-II–334TA), filed July 22, 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 Bear Automotive Service Equip. Co. of Milwaukee, WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bear Automotive Service Equip. Co., 12121 West Ferrick Place, Milwaukee, WI 53222.

MC 52861 (Sub-II–9TA), filed July 21, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: James W. Moore, 3185 Columbia Road, Richfield, OH 44286. Rubber and plastic: materials and supplies usd in the production of rubber and plastic products between points in the U.S. (except AK and HI) under continuing contracts with the Cooper Tire and Rubber Company, Findlay, OH for 270 days. Supporting shipper: Cooper Tire and Rubber Co., Lima & Western Ave., Findlay, OH 45839.

MC 52861 (Sub-II–10TA), filed July 22, 1983. Applicant: WILLS TRUCKING,

INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: James W. Moore (same as applicant). Contract Irregular: Chemical products, rubber and plastic products; materials and supplies used in the production of rubber and plastic products between points in the U.S. (except AK and HI) under continuing contracts with Uniroyal, Inc. of Middlebury, CT for 270 days. Supporting shipper: Uniroyal, Inc., World Headquarters, Middlebury, CT 06749.

MC 148971 (Sub-II-1TA), filed July 21, 1983. Applicant: Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151. *Resin compounds*, between the facilities of Air Products and Chemicals, Inc. at or near Elkton, MD, on the one hand, and, on the other, points in PA, NJ, and NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Air Products and Chemicals, Inc., P.O. Box 538, Rte. 22 South, Allentown, PA 18105.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 166902 (Sub-3-1TA), filed July 26, 1983. Applicant: G & B LEASING, INC., 18 Mile Creek Road, Westport, KY 40077. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Such commodities as are dealt in or used by manufacturers of plastic parts, alcoholic beverages, glass bottles, corregated boxes, plastic cups, labels, paper cups, raw steel and knocked down steel panels*, from points in Oldham and Jefferson Counties, KY, to points in the U.S. (except AK and HI). Supporting shippers: Anita Spring Water Corporation, P.O. Box 206, LaGrange, KY 40001; Clayton & Lambert Manufacturing, Highway 146 and 393, Buckner, KY 40010; Ethyl Corporation, Highway 146 East, LaGrange, KY 40031; and House of Nelson d/b/a Kentucky Liquor and Wine Company, 3050 West Broadway, Louisville, KY 40211.

MC 151158 (Sub-3-1TA), filed July 28, 1983. Applicant: PETE SCOTT d/b/a SCOTT TRUCKING COMPANY, Rt. 3, White Oak Road, Cleveland, TN 37311. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Meat and meat products*, from Chicago, IL to points in FL. Supporting shipper: United American Food Processors, 4545 South Racine Ave., Chicago, IL 60609.

MC 151673 (Sub-3-2TA), filed July 26, 1983. Applicant: J & R CARRIERS, INC., Rt. 4, Box 3-7, Haleyville, AL 35565. Representative: James R. Meredith (same address as applicant). (1) *Trailers designed to be drawn by passenger automobiles (except travel trailers and camping trailers)*; and (2) *buildings, mounted on wheel undercarriages*, between points in TN, KY, WV, IL, IN, MO, AR, OK, OH, NC, SC, and VA, for the account of Scott Housing Systems, Inc. Supporting shipper: Scott Housing Systems, Inc., P.O. Box 1499, Columbia, TN 38401.

MC 2934 (Sub-3-86TA), filed July 25, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular: *Household Goods*, between points in the U.S. (excluding AK and HI), under continuing contracts with Sanders Associates, D. W. Highway, Nashua, NH. Supporting shipper: Sanders Associates, D. W. Highway, Nashua, NH.

MC 169418 (Sub-3-1TA), filed July 25, 1983. Applicant: SOUTHEASTERN TRUCK LEASING, INC., P.O. Box 637, Ormond Beach, FL 32074. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Motor vehicles, including parts and accessories therefor, in drive away or truck away service*, between points in the U.S. (except AK and HI). Supporting shippers: Hertz Corp., 8449 Bear Rd., Orlando, FL 32812 and Alamo Rent-a-Car, 1401 S. Federal Hwy., Ft. Lauderdale, FL 33335.

MC 2934 (Sub-87TA), filed July 25, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods and electronic equipment*, between points in the U.S. (excluding AK and HI), under continuing contracts with Tymshare, Inc., 20705 Valley Green Drive, Cupertino, CA, 95014. Supporting shipper: Tymshare, Inc., 20705 Valley Green Drive, Cupertino, CA 95014.

MC 2934 (Sub-3-88TA), filed July 25, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods*, between points in the U.S. (excluding AK and HI), under continuing contracts with Wang Laboratories, Inc., One Industrial Avenue, Lowell, MA 01851. Supporting shipper: Wang Laboratories, Inc., One Industrial Avenue, Lowell, MA 01851.

MC 130904 (Sub-3-1TA), filed July 25, 1983. Applicant: CO-AM TRANSPORT SERVICES, INC., P.O. Box 26457, 4822A North Graham Street, Charlotte, NC 28221. Representative: Leonard S. Cassell (same address as applicant). *Contract carrier:* irregular; *general commodities (except classes A and B explosives)*, between points in the US (except AK and HI), under continuing contract or contracts with: Carolina Puerto Rico, Inc.; CO-AM Transport Services, Inc.; Cooper Group; Eslon Thermoplastics, Inc.; N.P. Express, Inc.; TAS Container Transport, Inc.; Thrifty Express, Inc.; TransAtlantic Service, Inc.; Charlotte Freight Association; and Family Dollar Stores, Inc. Supporting shipper(s): There are ten (10) statements of support to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 2934 (Sub-3-89TA), filed July 25, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods*, between points in the U.S. (excluding AK and HI), under continuing contracts with TRW, Inc., One Space Park, Redondo Beach, CA 90278. Supporting shipper: TRW, Inc., One Space Park, Redondo Beach, CA 90278.

MC 2934 (Sub-3-90TA), filed July 25, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods*, between points in the U.S., under continuing contracts with Stouffer Corporation, 29800 Bainbridge Road, Solon, Ohio 44139. Supporting shipper: Stouffer Corporation, 29800 Bainbridge Road, Solon, Ohio 44139.

MC 2900 (Sub-3-49TA), filed July 25, 1983. Applicant: RYDER/P-I-E NATIONWIDE, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular: *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contract(s) with Lockheed Corporation. Supporting Shipper: Lockheed Corporation, 86 South Cobb Drive, Marietta, Ga 30063.

MC 128372 (Sub-3-4TA), filed July 25, 1983. Applicant: PHILPOT CONTRACTING COMPANY, INC., P.O. Box 44004, Atlanta, GA 30336. Representative: Bruce Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., Atlanta, GA 30326. *Cleaning Compounds & lubricants* between the facilities of Time Chemical.

Inc. at or near Atlanta, GA. on the one hand and on the other, points in the U.S. (except AK & HI). Supporting Shipper: Time Chemical/Custom Spray Prov., 3780 Brown Mill Rd., S. E., Atlanta, GA 30354.

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-4–132TA), filed July 22, 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 continuing contract(s) with ICI Americas, Inc., and its subsidiaries. Supporting shipper: ICI Americas, Inc., Concord Pike & New Murphy Road, Wilmington, DE 19897.

MC 15735 (Sub-4–133TA), filed July 25, 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 &d HI) under continuing contract(s) with Wendy's International, Inc., and its subsidiaries. Supporting shipper: Wendy's International, Inc., 4288 W. Dublin-Granville Rd., Dublin, OH 43017.

MC 151051 (Sub-4–1 TA), filed July 25, 1983. Applicant: HOMANN TRANSPORT, INC., Rt. 1, Jim Falls, WI 54748. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Building materials* between Cadott, WI, on the one hand, and, on the other, Duluth, MN and Minneapolis-St. Paul, MN and its commercial zone. Underlying ETA seeks 120-day authority. Supporting shipper: Lacina Building Center, P.O Box 82, Cadott, WI 54727.

MC 151153 (Sub-4–2 TA), filed July 21, 1983. Applicant: ALES ENTERPRISES CORP., 1409 15th Street, Suites #13 & #3, Moline, IL 61265. Representative: Chris Ales, V.P. (Same address as applicant), (309) 762–2818. *General Commodities as defined by the commission, except Classes A & B explosives, household goods and commodities in tank vehicles,* between points in the U.S. (except AK and HI). Supporting shippers: Service Steel Division of Van Pelt Corp., 2930 Morton Dr., East Moline, IL 61244, Midwest Battery & Metal, 530 S. Howell, Davenport, IA, Case Power & Equipment, 3136 W. 76th St., Davenport, IA.

MC 154645 (Sub-4–3 TA), filed July 21, 1983. Applicant: JOHN FINK TRUCKING, INC., Route 1, Darlington, WI 53530. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular: *Petroleum products in bulk in tank vehicles,* between Rockford, IL on the one hand and on the other hand points in Lafayette County, IL. Supporting shipper: Johnson & Barnard Oil Co., Inc., P.O. Box 86, Darlington, WI 53530.

MC 158588 (Sub-4–2 TA), filed July 22, 1983. Applicant: JAMES K. HALVERSON, 1748 Spring Road, Stoughton, WI 53589. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Cement, in bulk,* from Buffalo, IA, to points in Dane, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, WI. Underlying ETA seeks 120-day authority. Supporting shippers: Alpine Redi-Mix, Inc., Brodhead, WI 53520, and Edgerton Redi-Mix, Inc., 421 Highway 51, Edgerton, WI 53534.

MC 166748 (Sub-4–2 TA), filed July 22, 1983. Applicant: WILDWOOD INDUSTRIES, INC., 409 S. Center, Bloomington, IL 61701. Representative: Andrew J. Carraway, Esquire, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. *Contract;* irregular: *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 Weston Paper and Manufacturing Corporation, its subsidiaries and affiliates. Supporting shipper: Weston Paper and Manufacturing Company, P.O. Box 238, Terre Haute, IN 47808.

MC 168620 (Sub-4–1 TA), filed July 22, 1983. Applicant: INTERSTATE TOWING SERVICE, INC., 701 South Kitley Ave., Indianapolis, IN 46219. Representative: Wallace Gilbert, c/o Interstate Towing Service, Inc., 701 South Kitley Ave., Indianapolis, IN 46219, (317) 359–6417. *Contract;* irregular: *Transportation equipment, farm equipment, construction equipment, machinery, and commodities because of their size and weight require the use of special handling and equipment,* from Indianapolis, IN to Louisville, KY and St. Louis, MO and return to origin under contract with Resco-Rental Equipment Service, Co., of Indianapolis, IN; Supporting shipper: Resco-Rental Equipment Service, Co., 3617 Southeastern Ave., Indianapolis, IN 46203.

MC 169414 (Sub-4–1 TA), filed July 22, 1983. Applicant: A & E TRANSPORTATION INC., 9016 Marsh, Algonac, MI 48001. Representative: Lawrence R. Pierce, 8451 New Bradford, Sterling Hgts., MI 48078. *Contract;* Irregular: *such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses,* between points in the U.S. (except AK and HI). Supporting shipper: Victory Wholesale Grocers, 333 W. First St., Dayton, OH 45402.

MC 169450 (Sub-4–1 TA), filed July 25, 1983. Applicant: JACK A. STUBBENDICK, 537 N. Willard Ave., Janesville, WI 53545. Representative: (same as applicant). *Contract;* irregular: (1) malt beverages, related products and promotional supplies, (2) concrete products, related materials and equipment, between WI, MN, and IL, on the one hand and other points in the U.S. (except AK and HI), under continuing contract(s) with H.P. Goodall, Inc., Osborn Dist. Co., Inc., and Janesville Concrete Products, Division of Condux International, Inc. Supporting shipper(s): H.P. Goodall, Inc., Route 3, 4273 Newville Road, Milton, WI, 53563. Osborn Dist. Co. Inc., 1700 Mound Road, Delavan, WI., 53115. Janesville Concrete Products, Division of Condux International Inc., 301 Benton Ave., Janesville, WI 53547–0877.

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 60066 (Sub-5–12 TA), filed July 26, 1983. Applicant: BEE LINE MOTOR FREIGHT INC., 1804 Paul Street, Omaha, NE 68102. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Contract irregular General commodities (except Classes A & B explosives, household goods, and commodities in bulk),* between points in the U.S. (except AK & HI), under continuing contract(s) with Industrial Freight System, Inc., Sun Valley, CA, and Coast Carloading Co., Los Angeles, CA.

MC 75281 (Sub-5–3TA), filed July 26, 1983. Applicant: BOOTHEEL TRANSPORTATION, INC., P.O. BOX 511, Sikeston, MO 63801. Representative: Harvey E. Henry (same as above). *General commodities (except classes A and B explosives, household goods, commodities in bulk, and hazardous waste)* between Cape Girardeau, Charleston, Ellsinore, Jackson, Poplar Bluff, and Sikeston, MO, Denver and Golden, CO, Memphis, TN, Greenville, SC, Chicago, IL, Elizabethtown and Florence, KY, Lithonia, GA, Sherman, TX, Bennington, VT, Glen Dale, WV, Jewett City, CT, and Milipitas, Los Angeles, San Diego, and San Francisco,

CA, and Phoenix, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 8.

MC 79658 (Sub-5–35TA), filed July 26, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47703. Representative: Michael L. Harvey (same as above). Contract, Irregular; *Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: Dart & Kraft Northbrook, IL, and its subsidiaries.

MC 125254 (Sub-5–13TA), filed July 26, 1983. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Sand and gravel,* in containers, from Muscatine County, IA, to points in the U.S. (except AK & HI). Supporting shipper: Northern Gravel Co., Muscatine, IA.

MC 135399 (Sub-5–8TA), filed July 26, 1983. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract; Irregular. *General commodities (except household goods, commodities in bulk and classes A and B explosives)* between points in Chesterfield County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with A. O. Smith Corporation, Kankakee, IL.

MC 163719 (Sub-5–2TA), filed July 26, 1983. Applicant: BILLY E. WOODBURY, d.b.a. W–W TRUCKING CO., 3619 South 17th Street, St. Joseph, MO 64503. Representative: Ralph W. Hicks, Commerce Bank Building, 5th & Edmond Streets, St. Joseph, MO 64501. Contract; Irregular. *Paper products, supplies and materials used in their manufacture,* between St. Joseph, MO, on the one hand, and, on the other, Eagan, MN and Garland, TX, and their commercial zones. Supporting shipper: Mead Products Co., St. Joseph, MO.

MC 166691 (Sub-5–5TA), filed July 26, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant). Contract: Irregular: *General Commodities (except Classes A and B explosives, household goods, and commodities in bulk)* (1) between points in the U.S. (except AK and HI) under continuing contract(s) with Highway Transport Services, Inc., Chamblee, GA; Hub City Terminals, St. Louis, MO; Alan L. Singer, Canton, OH; (2) between Clarksville, TN, and its commercial zone on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with K.T. Products, Inc., Clarksville, TN.

MC 169280 (Sub-5–1TA), filed July 26, 1983. Applicant: B–W HEALTH PRODUCTS, INC. 2429 Schuetz Rd., Maryland Heights, MO 63043. Representative: Harry A. Crump. (same as above). Contract: Irregular: *General Commodities (except HHG's)* between points in the U.S., under continuing contract with United Intermode, Inc., Fenton, MO.

MC 169369 (Sub-5–1TA), filed July 26, 1983. Applicant: DAVID HOPKINS, #3 Bowman Road, Bearden, AR 71720. Representative: Thomas B. Staley, 1500 Tower Building, Little Rock, AR 72201. *Building Materials,* between points in AR on the one hand, and, on the other, points and places in the U.S. (restricted: to movements originating at or destined to the facilities of Jim Walter Corporation and its subsidiaries). Supporting shipper: Jim Walter Corporation, Tampa, FL.

MC 169431 (Sub-5–1TA), filed July 26, 1983. Applicant: P & M PRODUCTS, INC., 1323 West Martin, San Antonio, TX 78205. Representative: Thomas F. Sedberry, 2600 InterFirst Tower, Austin, TX 78701. *Animal tallow and fat* from points in Bexar and Tom Green Counties, TX to points in Harris County, TX. Supporting parties: Leonard & Harrell Packing Co., San Antonio, TX.

MC 169432 (Sub-5–1TA), filed July 26, 1983. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 623 South Henderson, 2nd Floor, Fort Worth, TX 76d104. Contract: Irregular: *General commodities (except household goods, commodities in bulk and classes A and B explosives),* between points in the U.S. (except AK and HI) under continuing contract(s) with Action Warehouse Services, Inc., Grand Prairie, TX.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board 211, Main St., Suite 501, San Francisco, CA 94105

MC 52793 (Sub-6–32TA), filed July 25, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *General Commodities (except class A & B explosives and commodities in bulk)* between points in the U.S., except AK and HI for 270 days. Restricted to traffic moving under continuing contract with Digital Equipment Corporation. Supporting shipper: Digital Equipment Corporation of Northboro, MA.

MC 169445 (Sub-6–1TA), filed July 25, 1983. Applicant: MIDDLE CREEK FARMS, INC., 8289 Huffine Lane, Bozeman, MT 59715. Representative: Mark D. Refling, P.O. Box 1288, Bozeman, MT 59715. *Contract carrier,* regular route; *Dry phosphate fertilizers, related fertilizer products, including fertilizer additives; Regular Routes:* (1) Between Pocatello or Conda, ID and I–15 N to Idaho Falls, ID; Hwy 191 to Belgrade, MT; (2) Between Pocatello or Conda, ID and I–15 N to Idaho Falls, ID; Hwy 287 from Henry's Lake to I–90 and Belgrade, MT; (3) Between Pocatello or Conda, ID and I–15 N to Dillon, MT, Hwy 41 to Whitehall, MT; and I–90 to Belgrade, MT. Supporting shipper: Gallatin Farmers Company, Caldwell Addition, Belgrade, MT.

MC 150042 (Sub-6–3TA), filed July 25, 1983. Applicant: JOHN W. CAIN, d.b.a. CAIN TRUCK LINE, P.O. Box 538, Sunland Park, NM 88063. Representative: (same as Applicant). *Contract carrier,* irregular route, *Food and related products,* between points in the U.S. (except AK and HI), for 270 days. Supporting shippers: Sysco–Metro, Atlanta, GA, and (b) Sysco Food Services, San Antonio, TX.

MC 169447 (Sub-6–1TA), filed July 25, 1983. Applicant: TRACTOR 8456 CORPORATION, 27790 S.E. Dee St., Boring, OR 97009. Representative: Robert Lee Basey (same as applicant). *Contract Carrier,* Irregular routes; *General Commodities,* between points in WA, OR, CA, MT, AZ, NV, ID, WY, CO, NM, TX, OK, KS, NE, AK, AR, MO and UT for 270 days. Supporting shipper: Itofca, Inc., P.O. Box 88924, Tukwila, WA 98002.

MC 156882 (Sub-6–3TA), filed July 21, 1983. Applicant: L. D. YOUNG, INC., P.O. Box 26885, Salt Lake City, UT 84104. Representative: Steven D. Crawley, Suite 107, 2225 East Murray-Holladay Rd., Salt Lake City, UT 84117. *Contract carrier;* irregular route, *Processed salt in bags and in bulk* from, to and between points in UT, NV, and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Leslie Salt Company, 866 West 2600 South, Salt Lake City, UT 84119.

MC 146044 (Sub-6–4TA), filed July 21, 1983. Applicant: JOE COSTA TRUCKING, Highway 99/Arlington Way, Arcata, CA 95521. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Lumber and forest products,* from Arcata, CA to Kirkland, WA and from McCleary and Shelton, WA to Arcata, Cerritos and Santa Clara, CA, for 270 days. An underlying ETA seeks 120 days

authority. Supporting shipper: Simpson Timber Company, 900 Fourth Ave., Seattle, WA 98164.

MC 143144 (Sub-6–6TA), filed July 18, 1983. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *Dry commodities in bulk* between points in CA, NV, OR, AZ, ID, WA, CO and UT, on the one hand, and on the other, points in WA, for 270 days. Supporting shipper: Bellingham Stevedoring, 4395 Curtis Rd., Bellingham, WA.

MC 169380 (Sub-6–1TA), filed July 21, 1983. Applicant: JAY BEHNKE, d.b.a. JAY BEHNKE TRANSPORTATION, 414 S Falcon St., Anaheim, CA 92804. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Contract Carrier,* Irregular routes: *Clocks,* between Kentwood, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Colonial Clock Company, Division of Thomas Industries, Inc., 4060 Paris, Kentwood, MI 49508.

MC 110325 (Sub-6–61TA), filed July 21, 1983. Applicant: TRANSCON LINES, P.O.B. 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same as above). *Contract carrier,* irregular routes, *General commodities* (except Classes A & B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contract(s) with Lockheed Corporation, subsidiaries for 270 days. Supporting shipper: Lockheed Corporation, 86 South Cobb Drive, Marietta, GA 30063.

MC 169399 (Sub-6–1TA), filed July 22, 1983. Applicant: GREEN CARPET TOURS, LTD., 345 NE 8th Ave., Portland, OR 97232. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. *Passengers,* in charter and special operations, between points in OR and WA, on the one hand, and points in the US, on the other, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Kneisel Travel, Inc., 345 N E 8th Ave., Portland, OR 97232.

MC 169478 (Sub-6–1TA), filed July 27, 1983. Applicant: RONALD H. KELLY, d.b.a. CLASSIC COACH TOURS, P.O. Box 7201, San Jose, CA 95150. Representative: (same as applicant). *Passengers, in charter and special operations,* between points in Alameda, San Francisco, Santa Clara, San Mateo, Santa Cruz, and Contra Costa Counties, CA and points in NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cal's Nevada Tours, 14896 Bancroft Ave., San Leandro, CA 94578.

MC 169045 (Sub-6–1TA), filed July 26, 1983. Applicant: DLM TRANSPORTATION SERVICES, 961 Fairway Drive, City of Industry, CA 91789. Representative: Raleigh Millpaugh (same as applicant). *General Commodities excluding: Commodities in bulk, in tank vehicles. Class A and B explosives and Used household goods* between points and places in CA having prior or subsequent movement by motor or water, for 270 days. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the regional office listed.

MC 41098 (Sub-6–40TA), filed July 26, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *household goods* between points in the U.S. for 270 days. Supporting shipper: Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, CA 92101.

MC 149205 (Sub-6–2TA), filed July 25, 1983. Applicant: BILL D. HAVENS & WILLIAM S. HAVENS, d.b.a. HAVENS TRUCKING, 1609 East 27th St., Farmington, NM 87401. Representative: Roger V. Eaton, 2501 Yale Blvd., SE, Suite 301, Albuquerque, NM 87106. *Clay, cement, glass and stone products,* in bulk, between point in UT, CO, NM and AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Arco Materials Inc., P.O. Box 2439, Farmington, NM 87401 and B & B Ready Mix, P.O. Box 1716, Pagosa Springs, CO 81147.

MC 169463 (Sub-6–1TA), filed July 26, 1983. Applicant: SUN AIRE TRANSPORT CORP., 1502 W. Anaheim St., Wilmington, CA 90744. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956. *Fabricated metal enclosures* from Willoughby, OH to Peoria, AZ, for 270 days. Supporting shipper: Budd Industries, Inc., 4605 E. 355 Street, Willoughby, OH 44094.

MC 169463 (Sub-6–2TA), filed July 26, 1983. Applicant: SUN AIRE TRANSPORT CORP., 1502 W. Anaheim St., Wilmington, CA 90744. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956. *Paint and related products* from points in MA to points in CA, for 270 days. Supporting shipper: Parks Corp., P.O. Box 5, Somerset, MA 02726.

MC 169463 (Sub-6–3TA), filed July 27, 1983. Applicant: SUN AIRE TRANSPORT CORP., 1502 W. Anaheim St., Wilmington, CA 90744. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956. *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* from points in NJ and NY, on the one hand, to, on the other, points in AZ, CA, OR, TX, and WA, for 270 days. Supporting shipper: Johanson Transportation Service, 205 Route 46 West, Suite 7A, Totowa, NJ 07512.

MC 169463 (Sub-6–4TA), filed July 27, 1983. Applicant: SUN AIRE TRANSPORT CORP., 1502 W. Anaheim St., Wilmington, CA 90744. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956. *Building materials and related products* from points in PA, on the one hand, to, on the other, points in AZ, CA, OR, TX, and WA, for 270 days. Supporting shipper: Supradur Manufacturing Corp., 440 Katherine Rd., Wind Gap, PA 18091.

MC 169490 (Sub-6–1TA), filed July 27, 1983. Applicant: WESTERN RABBITT PACKAGE EXPRESS, INC., 2303 E. Burnside, Suite 205, Portland, OR 97214. Representative: Michael E. Brown, 1327 N. E. Sumner St., Portland, OR 97211. *General commodities,* shipments weighing 100 pounds or less transported in a vehicle in which no one exceeds 100 pounds between points in OR and WA for 270 days. Supporting shipper(s): Pepsi Cola Bottling Company, 2505 N. E. Pacific, Portland, OR 97232; Friday's Beauty Supply, 4554 N. E. Union Avenue, Portland, OR 97211.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 21453 Filed 8-5-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 152)]

Burlington Northern Railroad Company; Abandonment, in Morgan, Scott, and Greene Counties, IL; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 29.72 mile rail line between milepost 102.09, near Concord and milepost 72.37, near Whitehall, in Morgan, Scott, and Greene Counties, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is

likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21446 Filed 8-5-83; 8:45 am]

BILLING CODE 7035-01-M

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Regarding Microfilming of Documents Upon Receipt in the Copyright Office

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559; (202) 287-8380.

1. *Background.* Section 205 of the Copyright Act, title 17 of the United States Code, provides that a document which transfers copyright ownership or any other document pertaining to a copyright may be recorded in the Copyright Office, provided that the requirements of the Act and Copyright Office regulations are met. Transfers of exclusive rights may be assignments, grants of exclusive rights, wills, and other documents of transfer. Documents pertaining to a copyright may include exclusive and nonexclusive licenses, contracts, mortgages, powers of attorney, certificates of change of corporate title, wills, and decrees of distribution.

To be recorded in the Copyright Office, documents must meet all of the requirements of the Copyright Act and the Office regulations set forth in 37 CFR 201.4. One of the requirements is that the document must bear the actual signature(s) of the person(s) who executed it, or be accompanied by a sworn certification or an official certification that the reproduction submitted is a true copy of the signed document. 37 CFR 201.4(c)(1).

Until recently, it has been the procedure of the Copyright Office to examine the document, make a determination that it is recordable, microfilm the document as submitted, and then return the submission to the person who requested recordation.

Delays in processing and microfilming have meant that the public has had no access to the actual document submitted for recordation until several weeks after its submission and, indeed, after its examination and acceptance for recordation. The Copyright Office and the public have been concerned for some time about these delays, especially since the recorded documents are frequently consulted as part of the negotiations relating to licensing arrangements.

2. *Policy Decision.* New facilities have been installed in the Copyright Office which, for the first time, enable the Office to microfilm documents and accompanying transmittal letters on its premises. In order to make the documents available for public inspection at the earliest possible time, the Copyright Office decided, effective May 16, 1983, to microfilm documents and other materials submitted for recordation upon their receipt.

This policy decision does not alter, however, the date of recordation, as provided in 37 CFR 201.4(e) of the Copyright Office regulations.

a. *Public availability.* The documents will be available for public viewing on microfilm reader-printers located in the Copyright Card Catalog area, Room LM-459, Copyright Office, Library of Congress, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, D.C., from 8:30 a.m. to 5 p.m. weekdays.

b. *Microfilming before examination.* The documents and related materials will be microfilmed upon receipt, before they have been examined and cataloged. All items submitted, including letters of transmittal, will be microfilmed. The presence of a document in the microfilmed documents file will not indicate that the document has been officially recorded or, if recorded, that the volume and page appearing on the microfilm will be that ultimately assigned to the document in the Copyright Office records. Whether a particular document has been recorded, the date of recordation, and the identifying volume and page numbers, can be determined only by a search of the automated Copyright Office History Documents (COHD) file, after the document has been examined and cataloged.

Dated: July 28, 1983.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 83-21495 Filed 8-5-83; 8:45 am]

BILLING CODE 1410-03-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials; Transnuclear, Inc.

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of this application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

Dated at Bethesda, Maryland this 29th day of July 1983.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material in kilograms or reactor type and power level	Enrichment (percent)	End use	Country of destination
Transnuclear, Inc., July 27, 1983-July 28, 1983, ISNM83018	19,500 191,100	0.98	Enriched uranium for use as feed material under a Japanese enrichment contract.	From France.

[FR Doc. 83-21535 Filed 8-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-131]

Omaha Veterans Administration Medical Center; Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. R-57 to the Omaha Veterans Administration Medical Center (the licensee) that renews the license for operation of the TRIGA reactor (the facility) owned and operated by the Omaha Veterans Administration Medical Center. The facility is a research reactor that has been operating at steady state power levels not in excess of 18 kilowatts (thermal).

The amendment extends the duration of Facility License No. R-57 for ten years from the date of issuance of this amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on June 18, 1979 at 44 FR 35060. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see: (1) The application for amendment dated May 10, 1979, as supplemented, (2) Amendment No. 8 to License R-57, and (3) the Commission's related Safety Evaluation Report (NUREG-0988) and Environmental Impact Appraisal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

The Safety Evaluation Report (Document No. NUREG-0988) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 1st day of August 1983.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 83-21536 Filed 8-5-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on August 23, 1983, Room 1046 at 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:

Tuesday, August 23, 1983—8:30 a.m. until the conclusion of business.

The Subcommittee will review a draft set of the key regulatory issues which are related to severe accidents. This list will also include a discussion of the elements of the Severe Accident Research Program which addresses these issues.

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 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. Gary Quittschreiber or Staff Engineer, Mr. Alan B. Wang (Telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: August 1, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-21534 Filed 8-5-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.151, "Instrument Sensing Lines," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the design and installation of safety-related instrument sensing lines in nuclear power plants. The guide endorses, with certain exceptions, ISA-S67.02, "Nuclear-Safety-Related Instrument Sensing Line Piping and Tubing Standards for Use in Nuclear Power Plants," which was developed by the Instrument Society of America.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through

the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 1st day of August 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-21537 Filed 8-5-83 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Audit Requirements for State and Local Governments

August 2, 1983.

AGENCY: Office of Management and Budget.

ACTION: Notice for comment.

SUMMARY: This notice offers interested parties an opportunity to comment on a proposed revision to Attachment P "Audit Requirements" to Circular A-102 "Uniform Requirements for grants to State and local governments". The revision would clarify and improve the rules governing entity-wide audits of federally assisted programs and exclude smaller recipients of Federal assistance from these audit requirements.

The revised attachment is shown below in its entirety. The major changes are as follows:

Paragraph 2 establishes a floor of $300,000 beneath which state and local government units that provide reliable financial data and have no weaknesses in internal control would need only entity-wide financial audits. Recipients that receive less than $25,000 per year would not be required to have an audit.

Paragraph 4 adds a definition of Federal assistance. It makes it clear that entity-wide audits should include audits of grants, cooperative agreements, loans, loan guarantees, interest subsidies, insurance, direct appropriations and cost type contracts.

Paragraph 4 also defines a major Federal assistance program as one for which the total expenditures for all awards made for the program exceeded either $500,000 or 3% of the entity's total expenditure of Federal assistance funds, whichever is greater, or any Federal assistance program for which $30 million or more was expended during the period.

Paragraph 8 further defines what should be included in the study and evaluation of systems of internal control and systems established to ensure compliance with laws and regulations affecting the receipt and expenditure of Federal assistance funds.

Paragraph 9 further defines what is required for the evaluation of systems established to ensure compliance with applicable laws and regulation.

Paragraph 11 clarifies the responsibilities of recipient entities that transfer Federal funds to subrecipient entities.

Paragraph 13(i) changes the rules for transmitting audit reports to the cognizant agency. Recipient agencies that have not been assigned a cognizant agency by name are not required to transmit audit reports to a Federal agency unless specifically requested to do so.

Paragraph 18 was added to make it clear that the portion of a single audit attributable to the Federal assistance awards may be charged as a direct cost or allocated as an indirect cost to the Federal assistance awards.

Paragraph 19 provides that Federal agencies may not require additional audit work unless warranted, and if they do, they must arrange for funding the cost of such work.

Comments should be submitted in duplicate to the Project Management Branch, Management Reform Division, Office of Management and Budget, Washington, D.C. 20503, Room 10208. All comments should be received within 60 days of the date of this publication. Contact person: Palmer A. Marcantonio, (202) 395-3657.

Harold I. Steinberg,

Associate Director for Management, Office of Management and Budget.

Circular A-102; Attachment P; Audit Requirements for State and Local Governments

1. This Attachment establishes audit requirements for state and local governments and Indian Tribal governments that receive Federal assistance. Specifically, it requires that financial and compliance audits of Federal assistance be made by independent auditors on an entity-wide basis rather than on an individual award basis, as part of the audits of the recipients' general purpose financial statements. Except where specifically required by law, no additional requirements for the recipient to arrange for or obtain audits may be imposed by the Federal Government, unless approved by the Office of Management and Budget.

2. The audit requirements of this Attachment need not be followed by any recipient entity that receives total Federal assistance, including Federal Revenue Sharing funds, of less than $300,000 per year, provided the recipient has an independent financial audit of its financial statements at least every two years. OMB or a Federal Agency may remove this exemption for a specific entity if it becomes aware, through a review of the audit report or by other means, that the entity has not provided reliable financial statements or has material weaknesses in internal control. The requirement for independent financial audits of financial statements is waived for recipient entities that receive total Federal assistance, including Federal Revenue Sharing, of less than $25,000 per year, although the Director of OMB may withdraw that waiver for a specific recipient.

3. The objective of the entity-wide financial and compliance audit is to provide Federal agencies with reasonable assurance that a recipient of Federal assistance has: (a) Provided financial data that can be relied upon, (b) maintained systems for controlling the receipt and expenditure of funds, and (c) complied with the terms and conditions of Federal awards, and thus its claims for funds were proper and supportable.

4. *Definitions.* "Federal Assistance," for the purpose of this attachment, means: the transfer of money, property, services, or anything of value to a recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, through grants, cooperative agreements, loans, loan guarantees, interest subsidies, insurance, direct appropriations and work study programs; cost type contracts which are entered into under Federal procurement regulations for purchase, lease or barter of property or services for the direct benefit or use of the Federal Government, whether received directly or indirectly through another level of government. Federal assistance is provided through different federal assistance programs which are generally listed in the "Catalogue of Federal Domestic Assistance."

"Major Federal Assistance Program" is a Federal assistance program for which the total expenditures for all awards made for that program during the period exceeded either $500,000 or 3% of the entity's total expenditure of Federal assistance funds, whichever is greater, or any Federal assistance program for which $30,000,000 of Federal assistance funds or more was expended during the period.

"Recipient Entity" includes the following types of entities that are receiving Federal assistance directly or indirectly from a Federal agency:

(a) States and territories or a subdivision of such entities. State institutions of higher education and state hospitals are not covered by this attachment.

(b) Local governments, such as counties, boroughs, municipalities, cities, towns, townships, parishes, special districts, school districts, intrastate districts, council of governments, interstate government entities, and other local governmental entities. Local hospitals are not covered by this Attachment.

(c) Indian Tribal government means the governing body or governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the

Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs.

"Independent Auditor" means an independent certified public accountant; an independent licensed public accountant who is licensed by a regulatory body of a state or political subdivision thereof and was licensed on or before December 31, 1970; or an auditor from an independent state or local government audit organization which meets the independence requirements specified in the General Accounting Office's *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.*

"Cognizant Audit Agency" means the Federal department or agency assigned responsibility by the Office of Management and Budget for monitoring audits of a particular recipient entity.

"Basic Financial Statements" are the entity's general purpose financial statements or similar statements that are prepared in order to report the financial position and results of operations of the entity.

"Entity-wide Audit" means an audit of the organizational entity that receives and administers Federal awards. It shall be the entire recipient entity, or in the instance of state and territories, the entire entity or a subdivision of the entity (e.g., Department of Health). The decision as to what constitutes the entity shall be made by the recipient entity, consistent with the objective expressed in Paragraph 1 for entity-wide audits.

5. Federal assistance agreements with recipient entities shall include a requirement for entity-wide audits that conform to the provisions of this attachment.

6. Audits are encouraged to be made annually, but are required not less frequently than every two years. If an audit is performed every two years, it shall cover the two-year period.

7. Audits shall be made in accordance with the general standards and the standards for financial and compliance audits of the U.S. General Accounting Office *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions,* generally accepted auditing standards, the provisions of this attachment, and *The Compliance Supplement for Single Audits of State and Local Governments* and its addendums, published by OMB.

8. Each financial and compliance audit shall include a study and evaluation of the entity's systems of internal control and the systems established to ensure compliance with laws and regulations affecting the receipt and expenditure of Federal assistance funds, as part of the examination of the entity's financial statements. The study and evaluation shall include the selection and testing of a representative number of charges to Federal assistance programs. The representative number of charges shall include charges for each major Federal asistance program operated by the entity. The specific number of charges for each major federal assistance program shall be determined by the auditor, exercising professional judgement, after considering such factors as the amount of expenditures for the program and the individual awards, in relation to the entity's financial position and operations; the newness of/or changes in conditions of the program; prior experiences with the program, particularly as revealed in audits and other evaluations, e.g., inspections, program reviews; the extent to which the program is provided through subrecipients; the extent to which the program contracts out for goods or services; the level to which the program is already subject to program reviews or other forms of independent oversight; the adequacy of the controls for ensuring compliance; the expectation of adherence or lack of adherence to the applicable laws and regulations for the grant program; and the potential impact of adverse findings for the grant program. The representative number of charges shall also include a sample, based on the auditor's judgment, of charges to other than the major Federal assistance programs.

9. The evaluation of the systems established to ensure compliance with applicable laws and regulations and the test of a representative number of charges shall consider, where applicable, whether the amounts claimed were for allowable services; the recipients of the services were tested for eligibility; matching requirements, levels of effort, and earmarking limitations were fulfilled in accordance with the applicable laws and regulations; the Federal financial reports and claims for advances and reimbursements contain reliable information; and other special requirements, pertaining to the applicable Federal assistance programs specifically, and to all state and local governmental recipients of Federal assistance generally, were fulfilled. The evaluation and tests shall also consider whether the amounts claimed or used for matching requirements were in accordance with OMB Circular No. A-87, "Cost Principles for State and Local Governments," and Attachment F of this Circular.

10. A document entitled, "Compliance Supplement for Single Audits of State and Local Governments," available from the Government Printing Office, lists the major compliance requirements pertaining to all state and local governmental recipients of Federal assistance and the major compliance requirements for the larger Federal assistance programs. Addendums will be issued periodically by OMB, providing major compliance requirements for new or significantly revised Federal assistance programs. For those assistance programs contained in this document and its addendums, the evaluation of systems established to ensure compliance and the tests of representative charges need consider only those compliance requirements listed.

The major compliance requirements for Federal assistance programs not included in the Compliance Supplement can be obtained from the administering department or agency, directly or through the cognizant audit agency, or determined from an examination of the applicable laws, regulations, and award agreements.

11. The transfer of Federal funds by the recipient entity to sub-recipient entities will result in certain additional responsibilities:

(a) The recipient entity is responsible for determining that the expenditures of Federal funds by the sub-recipients are also in accordance with applicable laws and regulations. This may be accomplished by the recipient relying upon independent audits performed for the sub-recipients, relying upon appropriate procedures performed by the recipient's internal audit or program management personnel, expanding the scope of the independent financial and compliance audit of the recipient to encompass testing of sub-recipients' charges, or a combination of these procedures. The provisions of this subparagraph do not affect the responsibilities of sub-recipients to comply with the requirements of paragraph 2, where applicable.

(b) The recipient entity is responsible for reviewing audit and other reports submitted by and for sub-recipients, identifying questioned costs and other findings, deciding whether to sustain the questioned costs, and accounting for sustained questioned costs as a receivable and pursuing recovery or taking other appropriate follow-up action.

(c) The recipient's independent auditor is responsible for reviewing te recipient's system for: (1) Monitoring and disbursing funds to sub-recipients, and (2) obtaining and acting on sub-recipient audit reports; testing to determine whether the system is functioning in accordance with prescribed procedures; commenting on the recipient's monitoring and disbursing procedures with respect to sub-recipients, if warranted by the circumstances, and considering whether reported sub-recipient questioned costs require adjustment of the recipient's financial statements, footnote disclosure, or a modification of the auditor's report on compliance.

(d) The recipient entity is responsible for providing technical advice to sub-recipients and their independent auditors, particularly if a Federal cognizant agency is not assigned to the sub-recipient.

12. If the auditor becomes aware of irregularities in the audit, he shall promptly notify the recipient management officials above the level of involvement. The auditor's written notification, together with proposed actions taken by the recipient entity, if any, shall be promptly forwarded to the congnizant audit agency. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

13. The audit report shall be prepared at the completion of the audit stating that the audit was performed in accordance with the provisions of Paragraph 7.

a. The audit report shall include:

1. An auditor's report on financial statements stating the period examined, the scope of the examination, and the degree of responsibility, if any, taken on the entity's basic financial statements and on a schedule of Federal assistance; the entity's basic financial statements; and a schedule of Federal assistance, showing the total expenditures for each Federal assistance program.

2. An auditor's report on the study and evaluation of internal control performed as part of the financial and compliance audit, including a description of material

weaknesses in internal control, if any; and specific recommendations for corrective actions.

3. An auditor's report containing an expression of positive assurance with respect to compliance with the applicable laws and regulations, including the laws and regulations pertaining to financial reports and claims to Federal agencies for advances or reimbursements for tested items and negative assurance for untested items; the instances of noncompliance with the terms of Federal awards and the amounts of the awards questioned, if any, by specific Federal assistance program where appropriate, regardless of amount of materiality, whether the condition giving rise to the questioned cost has been corrected, and/or the recipient entity does or does not agree with the finding or questioned cost; and specific recommendations for corrective actions.

b. The three parts may be bound into a single audit report or presented as three separate documents.

c. Recipient entities for whom a cognizant audit agency has been assigned by name shall transmit the audit report(s) to the cognizant audit agency. Other recipient entities need not transmit the audit report(s) to a Federal agency, unless specifically requested to do so.

14. Workpapers and reports shall be retained for a minimum of three years from the date of the audit report, unless the auditor is notified in writing by the cognizant audit agency to extend the retention period. The audit workpapers shall be made available upon request to the cognizant audit agency or its designee or to the General Accounting Office at the completion of the audit.

15. The Office of Management and Budget will assign cognizant audit agencies for the larger recipient entities. Where a cognizant audit agency for a given recipient is not specifically assigned by OMB, a Federal Agency or the recipient may request OMB to assign a cognizant audit agency.

16. The cognizant audit agency shall have the following responsibilities:

a. Establish contact with the recipient entities that the Office of Management and Budget has assigned by name, and determine the status or plans for an entity-wide financial and compliance audit.

b. Provide the liaison between the Federal audit establishment and the recipient entities and independent auditors.

c. Provide technical advice to recipient entities and independent auditors.

d. Assure that audit reports or recipient entities that the Office of Management and Budget has assigned by name are received in a timely manner, and that they, along with other audit reports received, are reviewed and distributed to audit officials of other departments and agencies providing Federal assistance. The audit officials will be responsible for distributing the audit reports to program officials.

e. Obtain or make quality control reviews of audits made by non-Federal audit organizations, or use other quality assurance techniques, and provide the results to other interested audit organizations.

f. Inform other affected Federal organizations of any reported irregularities. The Federal organizations, in turn, shall inform appropriate Federal law enforcement officials. State or local government law enforcement and prosecuting authorities, if not advised by the recipient entity, may also be informed of any violation of law within their jurisdiction by the cognizant audit agency.

g. Advise the recipient entity of audits ascertained by review to be inadequate. In such instances, the recipient entity will request the auditor to take corrective action. If corrective action is not taken, the cognizant audit agency shall notify the recipient entity and Federal awarding agencies, through their respective audit agencies, of the facts and make recommendations, if appropriate. Major inadequacies or repetitive substandard performance of independent auditors shall be referred to appropriate professional bodies.

h. The reasons an audit may be ascertained to be inadequate include failure to conduct the audit in accordance with the general standards and the financial and compliance standards of *Audits of Governmental Organizations, Programs, Activities, and Functions;* failure to include tests of all major Federal assistance programs; failure to include a test of a sample of the other than major Federal assistance programs; failure to include the required audit reports; or other specific instances of not performing the audit in accordance with the provisions of this Attachment.

17. The cognizant audit agency will be responsible for tracking the resolution of audit findings which affect the programs of more than one Federal agency (referred to as "crosscutting findings"). Resolution of findings which relate solely to the programs of a single agency will be the responsibility of the recipient entity and that agency. Alternate arrangements may be made on a case-by-case basis by agreement between the agencies concerned.

18. The portion of the cost of a single audit attributable to the Federal assistance awards may be charged as a direct or allocated as an indirect cost to the Federal assistance awards, in accordance with the provisions of OMB Circular A-87, "Cost Principles for State and Local Governments."

19. The provisions of this Attachment do not limit the authority of Federal agencies to perform audits or other reviews of recipient entities. If, however, audits arranged for by recipients meet the requirements of this Attachment, all Federal agencies shall rely on them, and no additional financial and compliance audit work shall be required, obtained, or conducted, unless warranted. If, on the other hand, additional audit work is performed, it shall build upon the work already done. The Federal agency requiring additional audit work shall arrange for funding the cost of such additional audit work.

20. Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter. Entities receiving Federal assistance shall take the following steps to further this goal:

a. Assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals as defined in Pub. L. 95-507 are used to the fullest extent practicable.

b. Make information on forthcoming opportunities available and arrange timeframes for the audit so as to encourage and facilitate participation by small or disadvantaged audit firms.

c. Consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantaged firms.

d. Encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs and, in such cases where this is not possible, assure that these firms are given consideration for audit subcontracting opportunities.

e. Encourage contracting with consortiums of small or disadvantaged audit firms as described in paragraph (a) above when a contract is too large for an individual small or disadvantaged audit firm.

f. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small or disadvantaged audit firms.

[FR Doc. 83-21345 Filed 8-5-83; 8:45 am]
BILLING CODE 3110-01-M

[Circular No. A-45; Revised Transmittal Memorandum No. 3]

Policy Governing Charges for Rental Quarters and Related Facilities; Invitation for Public Comment

August 2, 1983.

AGENCY: Office of Management and Budget.

ACTION: Request for comments on proposed revision of OMB Circular No. A-45, "Policy Governing Charges for Rental Quarters and Related Facilities."

SUMMARY: OMB Circular No. A-45, issued nearly 20 years ago and amended twice, provides guidance to agencies on establishing rental rates for Government provided quarters and related facilities in accordance with the requirements of 5 U.S.C. 5911.

Earlier this year and as a part of the Administration's Reform 88 program, the Assistant Secretaries for Management Group reviewed OMB Circular No. A-45 to determine its currency and usefulness. They concluded that while the Circular provides guidance of significant value to the agencies, it had become outmoded and required simplification. OMB concurred in that conclusion and authorized establishment of an interagency task group to develop a proposed revision of the Circular. That proposal, as developed by the interagency task group

over the last two months, is attached for public review and comment.

In addition to a significant reduction in length and numerous clarifications and simplifications in the text, six major substantive changes have been made:

(1) Provision of a new, more flexible and comprehensive system for establishing rental rates for quarters in isolated locations;

(2) Elimination of employee appraisal committees as one of three mechanisms for establishing rental rates;

(3) Revision of the definition of established community to eliminate numerous subjective criteria, and their replacement with uniform population and accessibility criteria;

(4) Elimination of an artificial constraint on real estate appraisors which had prevented them from reflecting "institutional atmosphere" in the value of quarters;

(5) Reduction in the number and incorporation of greater specificity in the definition of rental rate adjustments reflecting site amenities; and

(6) Provision of uniform annual schedules for adjusting rental rates and related charges.

The intended effect of the proposed changes is to simplify the Circular and facilitate the establishment of uniform and equitable rental rates for Government housing that are comparable to those charges for like housing in the private sector, which is the intent of the law. Since the proposed Circular will not have a $100 million (or greater) effect on the economy, will not result in major increases in price or cost, and will not have adverse effects on employment, investment, competition, productivity or innovation, it is not a major rule as defined in Executive Order 12291.

DATE: Comments must be received on or before October 7, 1983.

ADDRESS: Comments should be submitted to the Director, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Baker, Office of Management and Budget, (202) 395-7207.

Joseph R. Wright, Jr.,
Deputy Director.

To the Heads of Executive Departments and Establishments

Subject: Policy Governing Charges for Rental Quarters and Related Facilities

1. *Purpose.* This Circular sets forth policies and administrative guidance to be used by executive agencies in establishing and administering rental rates and other charges for Government-owned or leased rental quarters and related facilities.

2. *Rescissions.* This rescinds OMB Circular No. A-45, dated October 31 1964, as amended.

3. *Authority.* This Circular is issued by virtue of the authority vested in the President by 5 U.S.C. 5911(f), and delegated to the Director of the Office of Management and Budget by Section 9 of Executive Order 11609 of July 22, 1971.

4. *Coverage.* The provisions of this Circular apply to all Government rental quarters located within the fifty States, the District of Columbia, and the territories and possessions of the United States.

5. *Policy.* It is the policy of the Federal Government that:

a. Rental rates and charges for Government quarters and other facilities will be based upon their "* * * reasonable value * * * in the circumstances under which provided, occupied or made available" (5 U.S.C. 5911). As intended by the Congress, reasonable value is determined by the rule of equivalence, namely, that charges for rent and related facilities should be set at levels equal to those prevailing for comparable private housing located in the same area, when practicable; and

b. Federal employees whose pay and allowances are fixed by statute may not receive additional pay and allowances for any service or duty unless specifically authorized by law (5 U.S.C. 5536). Consequently, rents and other charges may not be set so as to provide a housing subsidy, serve as an inducement or obstacle in the recruitment or retention of employees, or serve as an inducement to encourage occupancy of existing Government housing.

When properly determined in accordance with the provisions of this Circular, rental rates will be fair to both the Government and the employee (or other authorized occupant) and set so as to maintain fairness between the employee in Government quarters and the employee who lives in private sector leased housing. Rental rates, moreover, should be uniform for all Federal agencies in a given location.

6. Definitions.

a. *Base rental rate.* The base rental rate is the rental value of the quarters, established in accordance with the provisions of this Circular, before applying any administrative adjustments or charges for related facilities.

b. *Comparable housing.* Comparable housing is housing in the private sector which is generally equivalent in size to the rental quarters, with the same number of bedrooms, and with generally equivalent amenities and related facilities. Such housing is housing available on a landlord-tenant basis, with rental rates reflecting the fair market value of the accommodations. This is distinguished from housing rented on an "employer-employee' basis, or between friends and relations, for which other considerations may have influenced the rental rates. Thus, such housing as other Government-owned housing (Federal, state or local) and housing provided by churches or religious societies are excluded from this definition of private housing.

c. *Established community.* An established community is ordinarily the nearest population center (Metropolitan Statistical Area or an incorporated or unincorporated city or town) having a year-round population of 1,000 or more, provided that it is accessible year-round by highway or boat. A community of less than 1,000 but more than 700 persons may also qualify as an established community, if it is the county seat.

d. *Hazardous travel conditions.* For purposes of calculating the isolation adjustment, hazardous conditions are defined as those travel conditions which, regardless of road surface, involve repeated exposures to high risk of harm or injury over a substantial portion of the year.

e. *Reasonable value.* Reasonable value for rental quarters is to be measured by the test of equivalence—what the employee would pay for comparable housing in the open market. Rental rates, including charges for related facilities when appropriate, will be based upon prevailing rates for comparable private housing located in the same general area, after taking into account those factors which reduce the value of the housing to the tenant.

f. *Related facilities.* Related facilities are equipment, supplies and services made available in connection with the occupancy of quarters including, but not limited to, household furniture and equipment, garage space, utilities, subsistence, and trash and laundry services.

g. *Rental quarters.* Except as specifically excluded herein or by statute, the term "rental quarters," includes all furnished and unfurnished quarters supplied under specific Government authority to Government employees, contractors, contractor employees, and all other persons to whom housing is provided as an incidental service in support of Government programs. It includes Government-owned or leased single family dwellings, apartments, bunkhouses, dormitories, trailer pads, cabins, guard stations and lookouts, mobile homes, house trailers, permanent and semi-permanent tents, and housekeeping as well as non-housekeeping units. The term excludes "public quarters" designated for occupancy by members of the uniformed services with loss of allowances, but it includes quarters occupied by such personnel on a rental basis under 37 U.S.C. 403(e), 42 U.S.C. 1594a(f) and 1594b, and other authorities.

7. *Procedures.*

a. *Charges for quarters.* The determination of reasonable value of Government-owned quarters will be based upon an impartial study of comparable private rental housing. There are two methods which may be employed to determine the base rental rate. The first, an appraisal, involves direct comparison with individual private rental housing units. The second, the regional survey, creates a series of ecomonic models based upon a survey of comparable private rental properties throughout the region. Both methods are subject to certain conditions and limitation set forth below.

(1) *Appraisals:*

(a) *Urban and suburban locations.* Where Government quarters are located in or near an established community, in an urban or suburban location, the base rental rate may be determined by either a staff or contract

appraiser, applying recognized real estate valuation principles.

None of the administrative adjustments provided in paragraph 7c will be made for isolation, site amenities, or space devoted to official use, or excessive heating or cooling costs where an appraisal is made in an urban or suburban location. These factors, if appropriate, will already have been considered by the appraiser in the appraisal process.

(b) *Rural areas.* When the appraisal method is used to determine the reasonable value of quarters which are not located in or near an established community, it will be subject to the following limitation: To ensure a uniform approach to valuation when conducting an appraisal in areas outside an established community, the appraiser will be limited to comparing the Government-owned quarters with housing in the nearest established community. Such comparison will be limited to adjustments for the physical differences in the housing. The appraiser in such instances shall not make adjustments for isolation or site amenities. These adjustment will be made administratively in the same manner as authorized for regional surveys, as provided in paragraph 7c.

(2) *Regional surveys.* Regional surveys may be used in all locations where Government quarters are located. Where the regional survey method is used, the base rental rates are set by means of an economic model that utilizes typical rental rates for comparable private rental housing in the general area in which the Government quarters are located. (The actual analysis of rental data for the establishment of base rental rates may be accomplished using appropriate statistical techniques.)

The area selected for survey should be large enough to permit an adequate sampling of comparable rental properties in several established communities and may encompass one or more States. Ideally the survey would establish the rental rates for a large number of Government quarters, thereby providing an economy to the Government. The methods of analysis must be capable of recognizing both the physical characteristics and the differences in economic conditions, and reflecting such differences in the base rental rates. Private rental housing samples reflecting extremely high or low rental rates should be excluded from the data base subjected to final analysis. In those communities where the rental rates are extremely high or low, in general, the rental housing market should be reviewed periodically between surveys to determine whether changes in the private rental market warrant revision of the base rental rates for the quarters located in proximity to those communities.

B. *Charges for related facilities.*

(1) *Utilities.* It is Government policy to minimize energy consumption. Consumption has been found to decrease when occupants of Government-furnished quarters are required to pay for the actual cost of utilities (such as electricity, oil, natural gas, propane, telephone, cable television, water and sewer) used. Utilities should be furnished by a private company and billed directly to the occupant, whenever possible.

When Government-furnished utilities are provided, they should be metered or measured to the fullest extent possible. The rate for utilities furnished by the Government will be the same as the residential rate for these utilities in the established community or survey area. The consumed amount of Government-furnished utilities that are individually metered or measured will be determined by actual readings.

When Government-furnished utilities are not individually metered or measured, consumption will be determined on the basis of an analysis of the average amounts of utilities used in comparable private sector housing in the established community or survey area. (Such estimates are usually available from local utility companies.) Normally, utility charges will be clearly shown and separated from rent charges. Utility charges may be combined, however in one charge for non-housekeeping rooms.

(2) *Furnishings.* If there is an inadequate market of comparably furnished housing for purposes of comparison with furnished quarters, the rents on otherwise comparable unfurnished private units may be used as the base and adjusted by a reasonable charge for furnishings (i.e., household furniture and equipment). This adjustment should be based on actual replacement costs allocated over the useful life of the furnishing.

(3) *Other services.* Charges for other services provided by the Government including, but not limited to, laundry, trash and garbage removal, lawn care and snow removal shall be based upon prevailing rates for such services in the established community or survey area.

c. *Administrative adjustments.* Application of the preceding guidelines might result in some instances in rental rates that are either higher or lower than "the reasonable value of the quarters." In such instances, adjustments in the form of additions to, or deductions from, the base rental rate are appropriate in the specific situations described below. The total amount deducted for all reasons must not be excessive, resulting in a rental rate to the occupant that is less that the reasonable value of the quarters, since this would constitute a supplement of salary in contravention of law. In no instance will the rental rate, after all adjustments, be less that 40 percent of the base rental rate.

(1) *Isolated locations.* In some cases, the Government supplies quarters in locations where minimal community services are available but only at some distance from the location of the quarters. In addition, travel conditions or mode of transportation may serve to further isolate some employees from minimal community services. In such situations, the head of an agency may grant a reasonable adjustment to ameliorate the direct economic effects of the isloation, utilizing the procedure described below and in Appendix A.

The nearest established community will be used as the community for calculating the deduction even though that community may not serve as the location of the comparable private housing used is establishing the base rental rates. The mileage used in computing the adjustment will be that of the shortest route usually traveled from the rental quarters to the nearest established community. Where that route is seasonally closed, a weighted average adjustment will be used for the entire year, based upon the number of months each route would ordinarily be used.

The adjustment is designed to recognize different categories of highway and modes of transportation. Because of the range of possible travel conditions and modes of transportation, point values have been assigned to each category of transportation. These point values represent differences in time, cost, or both associated with each mile of each category of transportation from the quarters to the nearest established community.

The point values are multiplied by the number of one-way miles from the quarters to the nearest established community, to produce one-way points. Where travel from the quarters to the nearest established community involves more than one category of transportation, the one-way miles are distributed accordingly. The one-way points in each cagegory are then added to produce total one-way points, which must exceed 30, or there is no adjustment. Finally, the total one-way points for all modes of transport are multiplied by an Isolation Adjustment Factor (based on the automobile mileage allowance determined by the General Services Administration) to produce the monthly dollar adjustment.

(2) *Site amenities.* Living conditions at the locations of some Government housing are not always the same as those found in, or immediately adjacent to, the survey or appraisal communities. In such communities, the amenities listed below are generally present and their contributory value included in the base rent. The unavailablility of any of these items at the quarters location represents a generally less desirable condition which should be reflected as a negative percentage adjustment to the base rental rate, as shown below.

(a) *Reliability and adequacy of water supply.* The system should provide potable water (free of significant discoloration or odor) at adequate pressure at usual outlets. (−3%)

(b) *Reliability and adequacy of electric service.* Service must equal or exceed a 100 ampere power system capable of providing 24-hour service under normal conditions. (Occasional temporary outages are considered normal.) If an adequate backup generator is available, the amenity will be rated as present regardless of the reliability of the primary power source. (−3%)

(c) *Reliability and adequacy for fuel of heating, cooling and cooking.* There should be sufficient fuel storage capacity to meet prevailing weather conditions and cooking needs. Where electricty is used to heat, cool or cook, this adjustment is to be made only when the deduction in (b), above, applies. (−3%)

(d) *Reliability and adequacy of police protection.* Law enforcement personnel, including Government employees with law enforcement authority, should be available on a 24-hour basis. Availability is defined as the ability to respond to emergencies as

quickly as if located in, or adjacent to, an established community. (−3%)

(e) *Reliability and adequacy of fire protection.* Fire insurance should be available with the premium charge based upon a rating equal to the rating available to comparable housing located in or adjacent to the nearest established community, or adequate equipment and trained personnel available on a 24-hour basis to meet foreseeable emergencies. (−3%)

(f) *Reliability and adequacy of sanitation service.* An adequately functioning sewage disposal system and a solid waste disposal system, whether community or individually provided, should be available. Individual sewage disposal systems (septic, cesspool or other) will be considered adeqate even though they may require periodic maintenance, as long as they are usable during periods of occupancy. (−3%)

(g) *Reliability and adequacy of telephone service.* 24-hour accessibility to commercial facilities with private lines should be available. (−1.5%) The service interruption level should not substantially exceed that normally occuring in the nearest established community. (−1.5%)

(h) *Absence of noise and odors.* There should be an absence of significant, frequent disturbing noises or offensive odors. (−3%)

(i) *Other factors:*

• The landscaping should be compatible with the environment and consistent with the norm of the surrounding area. (−1%)

• There should be one or more of the following improvements: paved roads, sidewalks, or street lights. (−1%)

(3) *Impositions on privacy or living space.* Administrative adjustments in the base rental rate are allowed if the living space or privacy of the occupant is restricted. In each such case, the agency will make a special determination of the specific conditions making certain that the conditions have not already been reflected in establishing the base rental rate.

(a) *Loss of privacy.* If occupants are subject to loss of privacy during non-duty hours by virtue of repeated public visits (i.e. occurring several times daily) a deduction not to exceed 10% of the base rental rate is allowable. Proportional deductions will be made in situations of less frequency or seriousness in their impact upon privacy, or to reflect seasonal variations.

(b) *Space devoted to official use.* When the head of the agency determines that the use of a portion of the quarters is required for official business (i.e. office, storage, etc.), loss of living space should be reflected by an appropriate and reasonable adjustment to the base rental rate.

(4) Transient and temporary use of ' quarters.

(a) *Transient quarters.* Charges for quarters occupied on a transient basis, that is, normally for 90 days or less, will be assessed at rates equivalent to private transient housing of comparable type and quality. These rates may be set on a nightly or weekly basis, or both. If comparable private transient housing does not exist in the area, the rental may be established by determining the reasonable monthly rental rate for the quarters through application of the other provisions of this Circular, and adding to the monthly rate an additional charge of at least 20 percent to cover necessary additional administrative and service charges. The total will be divided by 30 days for the nightly rate or 4½ weeks for the weekly rate.

(b) *Temporary quarters.* This adjustment will apply when an employee occupies qurters for the convenience of the government on a temporary basis (normally more than 60 days) and does not receive per diem. Under these circumstances, if the employee maintains two households, the head of the agency is authorized to adjust the rental rate on the quarters unit so that the combined rent or rent and mortgage payment paid during the period of occupancy is not excessively burdensome. The adjustment may not exceed 20 percent of the base rental rate of the quarters unit unless the head of the agency determines that the circumstances fully justify a greater deduction.

(5) *Quarters of excessive or inadequate size.* If there is a lack of appropriately sized housing, an employee may be provided Government quarters of a size either excessive or inadequate to that which the prudent employee would have selected in the private community. In these exceptional circumstances, the base rental rate will be reduced by up to 10 percent in direct proportion to the degree of the excess or deficiency. This reduction will not continue beyond one month after the availability of either appropriately sized rental quarters or private housing, except when the head of the agency determines that the reassignment of quarters will not serve to benefit the Government. The determination of the availability of alternate housing will comply with the rules of availability of housing for rent, for sale, or recently rented or sold and those concerning commuting distances contained in OMB Circular No. A-18.

(6) *Excessive Heating and Cooling Costs.* A deduction from the base rental rate is permissible if quarters require an unreasonable additional expense to the employee for heating or cooling because of poor design, the lack of all-weather construction or other related factors. The amount of the deduction will be determined as follows: If the rental quarters in question require expenses to the occupant in excess of 25% for the heating or cooling season over the average of heating or cooling for comparable housing as determined by a suitable survey or appraisal, the head of the agency may determine that the excessive costs (i.e. those in excess of 25% over the average) may be deducted from the annual rental rates. The total deduction will be applied to rentals applicable to the months of the heating or cooling season.

(d) *Cyclical and annual adjustments.* Charges for rental quarters and related facilities shall be adjusted periodically in accordance with the following:

(1) *Adjustments based on surveys or appraisals.* Base rental rates established for rental quarters shall be affirmed or adjusted by a survey or appraisal of the private rental market, as follows:

(a) At least every fifth year or when the base rental rate for the quarters has been increased by 40 percent through application of the rent series of the U.S. City Average-Regional Consumer Price Index, whichever occurs first, or

(b) Any year when changes in the private rental market in the nearby established community indicate a need to adjust base rental rates on the basis of a survey or appraisal of the rental market.

(2) *Adjustments based on changes in the CPI.* Annual adjustments in the base rental rate shall be made by applying the percent change in the U.S. City Average-Regional CPI from the month and year that the last regional survey or reappraisal of the private rental market was conducted. The new rates shall be effective on February of each year or at the beginning of the first pay period which starts on or after February 1 of each year. Though effective in February, the adjustment shall be based on the preceding September CPI data to provide the required lead time.

(3) *Annual adjustments for isolation.* The Isolation Adjustment Factor (currently 1.6) will be recomputed by the individual agencies each October. The recomputation will reflect the Government mileage allowance for automobiles published by the General Services Administration as of the last day of September each year. The new Isolation Adjustment Factor will be used to compute the monthly isolation adjustment applicable to rents being charged the first full pay period in February of each year. This is done to coincide with the implementation of rental rates adjusted by the CPI Rent Series each year as required in paragraph 7d(2) of this Circular.

(4) *Annual adjustments of utilities.* To ensure that rates for Government-furnished utilities keep pace with current costs, they shall be adjusted annually. The rate will be the average residential rate for the utility in the established community or survey area as of the last day of September. The new utility rate will be charged in the first full pay period in the following February to coincide with the CPI rent series adjustment to rental rates.

(5) *Periodic/cycle year adjustment.* It is recognized that the cycle year (and survey or appraisal month within the cycle year) occurs at different times for different employee quarters within a department or agency. Therefore, since annual CPI adjustments effective in February are based on the preceding September CPI data, cycle year adjustment for any particular quarters or facility shall be made as follows:

(a) When the private rental market survey or appraisal is made during the months of August through January, no CPI adjustment will be made on the upcoming February 1, but will be deferred until the following February 1 or the start of the first pay period which begins after February 1 of the following year. Rental adjustments based on the survey or appraisal will be put into effect in the usual manner. *Example:* If the survey month is September 1984, no CPI adjustment will be made on February 1, 1985, but will be deferred until February 1, 1986. Such CPI adjustments will be based on the changes in the CPI from the actual date of the survey through September 1985.

(b) When the private rental market survey or appraisal is scheduled to be made during the months of February through July, no CPI adjustments will be made on February 1 of that year, but will be deferred until February 1 or at the start of the first pay period which begins after February 1 of the following year. Rental adjustments based on the survey will be put into effect in the usual manner.

Example: If the survey month is March 1984, no CPI adjustment will be made on February 1, 1984, but will be deferred until February 1, 1985. Such CPI adjustment will be based on the changes in the CPI from the actual date of the survey through September 1984.

(6) *Newly acquired quarters.* Rates for newly acquired quarters shall be the same as those prevailing for similar Government quarters in the area. If there are no established rates, an initial survey or appraisal to establish valid and realistic comparability with private rental facilities shall be made upon acceptance of newly acquired quarters and the corresponding rental rates shall be made effective upon occupancy. The initial CPI adjustment in rental rates shall be made as follows:

(a) When the initial survey or appraisal of the private rental market is made during the months of February through July, the initial CPI adjustment will be made on the upcoming February 1, or at the start of the first pay period which begins after the upcoming February 1.

(b) When the inital survey or appraisal of the private rental market is made during the months of August through January, the initial CPI adjustment will be made in accordance with the procedure set forth in paragraph 5a, above.

(7) *Incremental adjustments.* If new appraisals, surveys or CPI adjustments result in substantial increases in rental rates (i.e., 50% or more), such increases may be imposed incrementally over a period not to exceed one year, on the condition that they be applied in equal increments on at least a quarterly basis.

e. *Qualifications and extensions:* The principle of comparability with private rental practice may be modified under the conditions described below:

(1) *Extension of comparability.* For lack of available alternative quarters, employees must sometimes occupy space for use as quarters which is generally unsuitable for that purpose. Such space may be unsuitable, for example, because it was originally built for seasonal occupancy only, or because it was not originally built for use as quarters. In other instances, quarters may be suitable only for particular types of occupancy, such as roominghouses, bunkhouses, bachelor quarters, residence hotel-type structures, barracks-type structures, or guard stations and lookouts.

In all such cases, if no comparable rental data can be obtained or professional appraisals are not made, rental rates will be determined by the square footage occupied, at a rate equivalent to one-half the base rental rate per square foot charged for the nearest adequate rental quarters of the same or any other Federal agency. This rate will apply only to the shelter rental, with additions thereto for all other related facilities at rates comparable to those in the area. Rental and other charges will be based upon normal capacity and, when so determined, will remain in effect for each occupant without regard to fluctuations in the number of occupants from time to time either above or below normal capacity.

In buildings where space is assigned for occupancy of several persons or families, common use space in the building will be distributed to all occupants in proportion to the space assigned for the sole occupancy of each, to determine the number of square feet chargeable to each. Common-use space includes, for example, washrooms, stairs, hallways, storage, lobby, and lounge areas.

(2) *Quarters for uniformed service personnel.* Rental rates and other charges incident to the occupancy of quarters on a rental basis by members of the uniformed services will be established in accordance with the provisions of this Circular.

Those quarters which have been designated inadequate public quarters pursuant to law and regulations of the Secretary of Defense require special treatment in one respect. The total of the rental rate, plus charges for furniture and utilities (except telephone), will be adjusted, if required, so as not to exceed the quarters allowance of the occupant. The rental rate, as used in the preceding sentence, is the base rental rate after the additions or deductions required or authorized elsewhere in this Circular have been given effect, including that requirement contained in paragraph 7c, that the rental rate, after adjustments, will not be less than 40 percent of the base rental rate.

(3) *Exceptions.* Efforts have been made in the preparation of the Circular to allow for unusual circumstances that may exist with respect to rental quarters. Alternatives to the requirements included in this Circular will be prescribed, therefore, only upon written request in those very unusual circumstances where it is demonstrated to the Office of Management and Budget that the application of the provisions of the Circular will not result in a rental rate equivalent to the reasonable value of the quarters to the occupant. Whenever alternative requirements may be prescribed by the Director of the Office of Management and Budget, the agency concerned will be notified in writing.

8. *Agency regulations.* The following guidelines should be observed in developing agency regulations and procedures implementing this Circular:

a. To avoid potential conflicts of interest, agencies will not assign employee occupants of quarters or their subordinates to perform appraisals or serve as members of survey teams used to recommend rents and other charges.

b. Where several different Federal agencies provide rental quarters in the same area, those agencies will take necessary steps to ensure a consistent local pattern in rents and utility rates.

c. A full record of the findings and recommendations of the appraiser or survey team, as well as documentation to justify administrative adjustments, will be kept by the agency concerned.

d. Sufficient information will be maintained centrally by the agency to allow agency management to be informed of, and to monitor, the status of administration of the requirements of this Circular.

e. A system or procedure for reconsideration of rental determinations and other charges will be provided.

f. Employees on leave will continue to be charged for quarters and related facilities, unless the quarters are vacated and made available for reassignment.

g. In keeping with the principle of comparability, the agencies assume the customary responsibilites of the landlord; those who occupy rental quarters assume the responsibilities of tenants.

h. Agency regulations will specify the conditions under which the agency head will require occupancy of Government-furnished quarters, in accordance with the limitations cited in 5 U.S.C. 5911(e).

9. *Policy Review.* The policies and procedures contained in the Circular shall be reviewed within three years of the date of issuance.

10. *Inquires.* For information concerning this Circular, contact the Office of Management and Budget, telephone 202/395-7207.

Appendix A—Isolation Adjustment Computation

The monthly adjustment for isolation, as described in paragraph 7c(1), is computed, as follows:

- *Step 1.* Determine the one way distance in miles (from the quarters to the nearest established community) for each affected category of transportation listed in Figure I. Enter mileage(s) in the appropriate block(s) under Column B.
- *Step 2.* Multiply mileage figures entered in Column B by point values listed in Column A for each affected category of transportation to produce one-way points for each category. Add 29 points to the category 4 subtotal and 27 points to the category 5 subtotal to reflect relative differences in cost or time by use of these modes of travel.
- *Step 3.* Add all categories of one-way points in Column C to produce total one-way points. (The total must exceed 30 points or there is no adjustment for isolation.)

FIGURE I

Category of travel	Column A point value		Column B one-way miles		Column C one-way points
(1) Paved road or rail	1.0	x	_____	=	_____
(2) Unpaved but inproved road (or hazardous conditions at least 4 months per year)	1.5	x	_____	=	_____

FIGURE I—Continued

Category of travel	Column A point value		Column B one-way miles		Column C one-way points
(3) Unimproved road (or hazardous conditions at least 6 months per year)	2.0	x		=	
(4) Water, snowmobile, pack animal, foot or other special purpose conveyance	2.5	x		=	+ 26 =
(5) Air	4.0	x		=	+ 27 =
Total one-way points equals					

• *Step 4.* Calculate the Isolation Adjustment Factor (IAF) using the following formula: 2 (to reflect round trip points) times 4 (to reflect number of trips per month) times $X.XXX (GSA's current automobile mileage Allowance). For example, the GSA mileage allowance, as of the date of this Circular, is $0.205, resulting in a IAF of 1.6 (rounded to the nearest tenth).

• *Step 5.* Multiply total one-way points (sum of Column C) by the Isolation Adjustment Factor to produce the monthly adjustment for isolation (and round to the nearest whole dollar).

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BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13415; 812-5513]

American Property Mortgage, Inc.; Filing of Application

July 29, 1983.

Notice is hereby given that American Property Mortgage, Inc. ("Applicant"), 500 West Wilson Bridge Road, Worthington, OH 43085, filed an application on April 4, 1983, and an amendment thereto on July 7, 1983, for an order of the Commission: (i) Pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of Section 17(a) of the Act certain proposed transactions between the applicant and Tax Exempt Equity Fund, Inc. ("Fund"), registered under the Act as a closed-end, diversified, management investment company and (ii) pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting certain joint transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the applicable sections and rules.

Applicant is a corporation formed pursuant to the laws of Ohio in October, 1981. Arthur Lowe, III and Tom D. McVay each owns 37.5% of Applicant's shares, and the Ohio Casualty Insurance Company ("Ohio Casualty") owns 25% of such shares. Applicant formed the Fund under the laws of the State of Delaware, and will act as investment adviser to the Fund. Applicant states that the board of directors of the Fund ("Board") includes Messrs. Lowe and McVay and Mr. J. David Creighton, a Vice-President of Ohio Casualty. The application further states that these persons are interested persons of the Fund as defined in Section 2(a)(19) of the Act. Applicant represents that the composition of the rest of the Board is such that the Board will comply with the independence requirements of Section 10 of the Act. Messrs. Lowe, McVay and Creighton will also serve as members of the boards of directors of each "Owner Corporation" (as hereinafter defined).

The application states that the Fund has registered as a closed-end investment company under the Act and has filed a registration statement under the Securities Act of 1933 with the Commission in order to make a public offering of its shares ("Shares"). After payment of syndication and organizational expenses, the money raised from the sale of Shares will be used by the Fund to purchase industrial development bonds ("IDB's") with respect to which the requirements exempting the interest paid to bondholders from Federal income taxation will be met. The application further states that the IDB's will be purchased from municipalities or other governmental units which will, in turn, pass the proceeds of the IDB's through corporations ("Owner Corporations"), which will be formed solely for the pupose of this arrangement. The Owner Corporations will use these proceeds to purchase commercial and industrial real estate for lease to prime tenants ("Projects"). The Fund will also purchase equity interest in the Owner corporations.

Applicant asserts that current tax laws and rulings do not permit the Fund to have an equity interest greater than 50% in any Owner Corporation, or for the Fund to have more than 50% of its assets consisting of securities representing more than 10% of the voting control of any Owner Corporation, if the Participants are to realize tax-free income from the IDB's. Therefore, the program will be structured such that: (i) American Property and Mortgage Company ("APM") [1] and the Fund will be joint owners of the Owner Corporations—owning 51% and 49%, respectively, of the issued and outstanding stock of each Owner Corporation, and (ii) APM will have 100% voting control of each Owner Corporation. Applicant has sought exemptive relief because most of the parties to the proposed arrangement are "affiliated persons" within the meaning of the Act. Applicant, as investment adviser to the fund, is considered to be an affiliated person of the Fund. APM, an affiliate of Applicant's, is therefore an affiliate of an affiliate of a registered investment company. The application states that by virtue of the ownership by APM of voting securities of the Owner Corporations, APM and the Owner Corporations will be affiliated persons of one another and, accordingly, the sale by the Owner Corporations to the Fund of common stock representing a 49% equity interest may not comply with Section 17(a)(1) of the Act. In addition, since APM will be an affiliate of Applicant which, in turn, will be an affiliate of the Fund within the meaning of the Act, Section 17(d) of the Act requires that the proposed joint participation by APM and the Fund in the ownership of equity interests in the Owner Corporations be approved by the Commission.

Therefore, Applicant has requested: (i) An order of the Commission pursuant to Section 17(b) of the Act exempting APM, Applicant and the Fund from the prohibitions of Section 17(a) of the Act as required to permit the proposed transactions and (ii) an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the joint participation of APM and the Fund in the Ownership of equity interests in the Owner Corporations.

In support of the requested relief, Applicant asserts that the terms of the Participants' investment are reasonable and fair and do not involve overreaching by any person, and that the proposed transactions are consistent with both the policies of the Fund and the purposes of the Act. Applicant states that the proposed program will provide

[1] APM is an Ohio limited partnership which is 66% owned by Messrs. Lowe and McVay and 10% owned by Ohio Casualty. The application states that various persons affiliated with Messrs. Lowe and McVay in other business enterprises own the remaining 24% of APM.

a tax-free return comparable to that offered by direct purchases of IDB's or by purchasing interests in municipal bond funds, plus the additional benefit of an interest in real estate. Applicant represents that this extra benefit can only add to the reasonableness and fairness of the transaction. In addition, the application states that bond counsel to the Fund has stated that the Fund may not own more than 50% of the equity shares in the Owner Corporations without raising issues which may adversely affect the tax treatment of the interest on the IDB's. Accordingly, the proposed transactions have been structured to give the Participants the maximum equity interest in the real estate without endangering the tax-exempt status of the IDB income.

The application states that since the Fund is being formed to participate in this program, its purposes will be consistent with the proposed transactions. In addition, Applicant states that certain procedures have been built into the proposed program, incorporated in the registration statement and included in the advisory agreement, to protect the Fund and its Participants in a manner consistent with the general purposes of the Act. Applicant, in its capacity as the Fund's investment adviser, will act subject to the supervision and instruction of the Fund's Board of Directors. The terms of all transactions involved in the purchase or sale of IDB's and Projects must come within the boundaries of a written proposal approved in each case by the independent members of the Board. Investment criteria governing the purchase of Projects have been incorporated into the Fund's fundamental policies. The Board will at all times be represented by independent counsel. A majority of the independent Directors must approve the sale of any Project. In the event that the Fund's Board of Directors approves the sale of a Project and APM does *not* agree to the sale, Applicant has undertaken that the Board of Directors will include in the minutes of its meeting a description of the proposed sale and the consequences to the Fund of the failure to consummate the sale. APM must offer the Fund a chance to participate in all transactions which come to its attention and which meet the Fund's investment criteria.

Applicant submits that, on balance, the benefits being made available to the Fund in the proposed program are not being offered on a basis that differs substantially from or is less advantageous than the basis of investment by the other participant (APM) and that, to the extent that there are differences, such differences are necessary and justifiable in light of the potential benefits afforded to the Participants and the burdens accepted by APM and Applicant under this program.

In support of its request, Applicant notes that the Fund and APM will each pay the same price per share for equity interests in the Owner Corporations. Thus, Applicant asserts that the Fund and APM will each benefit from the residual value of the underlying real estate in direct proportion to its initial capital contribution to the Owner Corporations. This investment is in addition to the Fund's investment in the IDB's (an investment in which APM does not participate) and constitutes the "equity kicker" which is, according to the application, not available in other bond funds. In addition, Applicant represents that the actual "investment" of APM and its affiliates in the proposed program is almost as large as that of the Participants. In addition to the consideration to be paid by APM for its shares of the Owner Corporations, the application points out that, prior to the Fund becoming effective, APM, Applicant and its shareholders will have invested considerable time, money and effort in bringing this concept to the public. APM will realize no return from that investment until the Projects are liquidated, and then only if, and to the extent that, there is residual value to such Projects. The application further states that APM and its affiliates are foregoing substantial fees of a type normally paid in respect of the services it will perform in managing the Projects. Applicant also maintains that, while the return to the Fund of its investment is substantially assured through the relatively secure repayments under the IDB's, virually all of the return to APM is highly speculative and contingent on the future value of the Projects and will remain contigent for a full 20 years, during which time the Fund will be receiving the return of its full investment.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than August 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21512 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23016; 70-6888]

Consolidated Natural Gas Co.; Proposal by Parent To Indemnify Subsidiaries

August 1, 1983.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed a declaration with this Commission pusuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

CNG Producing Company ("Producing") is a natural gas exploration and production subsidiary of Consolidated. CNG pipeline Company ("Pipeline"), a subsidiary of Producing, owns and operates segments of an offshore piepline. Under the Outer Continental Shelf Lands Act ("Shelf Lands Act") Producing and Pipeline must provide evidence of financial responsibility by guarantee, surety bond, liability insurance or self-insurance of $35 million to respond to all costs arising from an oil spillage or like pollution (43 U.S.C. 1815).

It is stated that, although Producing and Pipeline have pollution liability insurance coverage well in excess of the required amounts, the Coast Guard does not view such insurance as meeting the requirements of the Shelf Lands Act. Producing and Pipeline also do not qualify as self-insurers, but the Coast Guard will treat them as self-insurers if Consolidated indemnifies them and guarantees that they will meet their liability in the event of pollution of the Gulf of Mexico. Consolidated, therefore, proposes to act as surety, indemnitor, or guarantor for Producing and Pipeline and to execute an appropriate undertaking in the amount of $35 million with the United States Coast Guard.

From time to time Consolidated has for convenience and economy indemnified its subsidiaries by reason of law, regulation, or ordinance, as in a rate case or for worker's compensation

self-insurance. As it is anticipated that comparable occasions will arise in the future, Consolidated also proposes to act as surety, indemnitor, or guarantor for its subsidiaries in an aggregate amount not in excess of $15 million in instances when required by any governmental authority or agency by reason of law, regulation or otherwise.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 25, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21515 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13416; 803-30]

Shaw Management Co., Inc. and Ralph R. Shaw; Application

July 29, 1983.

Notice is hereby given, That Shaw Management Company, Inc. ("SMC"), an Oregon corporation, and Ralph R. Shaw ("Shaw"), president and sole owner of SMC (SMC and Shaw together are referred to hereinafter as "Applicants"), 921 S.W. Washington, Suite 870, Portland, Oregon 97205, filed an application on March 7, 1983, and an amendment thereto on June 14, 1983, requesting an order of the Commission pursuant to Section 206A of the Investment Company Act of 1940 ("Act"), exemption: (1) Certain performance-based fee arrangements entered into by limited partnerships of which SMC or Shaw (or an affiliate) is or may become the general partner from the provisions of Section 205(l) of the Act, and (2) Applicants from the record-keeping requirements of Section 204 of the Act and Rule 204–2 (b) and (c) under the Act to the extent those provisions would otherwise require separate records to be maintained for each limited partner in such partnerships. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that, in accordance with the exemption from registration afforded by Section 203(b)(3) of the Act, neither Applicant is presently registered under the Act, each having fewer than 15 clients, and neither holding himself out generally to the public as an investment adviser, nor acting as an investment adviser to a registered investment company or to a company which has elected to be a business development company pursuant to Section 54 of the Act. Applicants represent, however, that they intend to register under the Act in the event that the exemptions requested herein are granted.

Applicants further represent that Shaw has been engaged in the securities business for more than 20 years. Shaw formed SMC in August, 1980, to provide management services to certain investment partnerships. Applicants also state that the officers and directors of SMC are Shaw and his wife and that SMC has six full-time employees.

Applicants further state that Shaw is the sole general partner and investment manager of Vista Partners ("Vista"), a limited partnership formed under the laws of the State of Oregon in December, 1980, and Pinel Partners ("Pinel"), an Oregon limited partnership which commenced operations in May, 1981. It is stated that there are nine limited partners of Vista, which as of January 31, 1983 had assets of approximately $11,677,000, and that there are two limited partners of Pinel, which as of January 31, 1983 had approximately $1,668,000 in total assets. Applicants represent further that no additional partners will be admitted to Vista or Pinel, and that with the exception of Shaw acting in the capacity of trustee for his minor son, the limited partners of Vista and Pinel, both individual and institutional, ae "accredited investors" as that term is defined in Rule 501 of Regulation D under the Securities Act of 1933 ("Securities Act"). Each such limited partner, Applicants state, invested a minimum of $500,000 in Vista or Pinel, while Shaw, as general partner, made an investment of $80,000 in Vista (having a market value at January 31, 1983 of $115,678, or approximately .99 percent of the toal assets of Vista), and an investment of $11,000 in Pinel (having a value of $16,924 at January 31, 1983, or approximately 1.01 percent of the total assets of Pinel). Applicants represent that as a condition to granting the exemption from Section 205(l) sought herein, Shaw will undertake to maintain his personal capital investment in each of Vista and Pinel at a minimum of the lesser of one percent of their respective total assets or $50,000, and it is stated that Shaw does not intend to reduce his existing personal investment in either entity.

Applicants state that the portfolios of Vista and Pinel consist of common stocks, the investment objectives of both partnerships are capital preservation and appreciation, rather than current income. Both Vista and Pinel are excluded from the definition of an investment company set forth in Section 3(a) of the Act by reason of the provisions of Section 3(c)(1) of the Act, which excludes from the definition of an investment company any issuer the outstanding securities of which (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

It is further stated that Shaw receives three types of fees for managing the assets of Vista and Pinel: (i) A quarterly management fee, (ii) a management incentive fee, and (iii) a management percentage fee. Each of these fees is determined on the basis of the "Adjusted Net Capital" of the respective partnership. Applicants state further that "Adjusted Net Capital" is defined as the capital accounts of the partnership (or of an individual partner, as the context indicates): (i) After adjustments for additions and withdrawals of capital, (ii) plus realized and unrealized gains, (iii) minus realized and unrealized depreciation of assets, and (iv) plus income, minus expenses (including management fees). The quarterly management fee, it is stated, is .75% of Adjusted Net Capital up to $12 million of capital, with a maximum fee of $90,000 per quarter.[1] The management

[1] The Quarterly Management Fee thus is equivalent to 3 percent of Adjusted Net Capital on an annual basis. Applicants note. It is noted that such level of compensation exceeds that which the Commission's Division of Investment Management regards as the industry standard. Therefore, it is stated that Shaw undertakes to inform the limited partners of Vista and Pinel that the management fee which he is receiving from those partnerships is higher than the level of fees charged by traditional investment counseling firms specializing in standard debt or equity securities regularly traded in the securities markets, and that, accordingly, comparable services might be available to such limited partners elsewhere at a lesser cost.

incentive fee, it is stated, is equal to 20% of the amount by which the rate of increase in Adjusted Net Capital up to $12 million for Vista or Pinel, respectively, exceeds the sum of the average 90-day Treasury Bill rate plus 5 percentage points. The management percentage fee is applicable with respect to the portion of Adjusted Net Capital exceeding $12 million, and is computed at the rate of 20% of the yearly increase in Adjusted Net Capital. Applicants represent that in the event that a limited partner of either Vista or Pinel contests Shaw's valuation of the unrealized gain on any portfolio security which is not publicly traded, Shaw will submit the determination of the value of such security to one or more independent evaluators and be bound by such evaluator's decision.

The management incentive fee and management percentage fee are treated as an annual expense rather than a special partnership allocation, it is stated, and are not payable if Vista or Pinel experiences a net loss for the year, or if any cumulative prior losses (including any deficit for prior years below the Treasury Bill-plus-five-percentage-point index) have not been recouped.

Applicants represent that Shaw proposes to form and become the general partner of a new partnership ("New Partnership") which will also provide for an incentive fee arrangement. It is represented that each limited partner of the New Partnership will be an accredited investor as defined in Regulation D, and, in addition, will be required to make a minimum investment in Net Partnership of $250,000 and have a net worth of $1 million. No limited partner of Net Partnership will be permitted to contribute more than 25% of such partner's gross assets to the enterprise. Applicants represent further that Shaw will undertake, as a condition to the granting of the exemptive relief requested herein, to maintain his personal capital investment in New Partnership at a minimum of the lesser of one percent of its total assets or $50,000, and further, to maintain his personal capital investment in Vista, Pinel and New Partnership in the aggregate, at a minimum of the lesser of one percent of their aggregate total assets or $150,000.

Applicants state that New Partnership will pay Shaw a quarterly management fee equal to 0.25% of its total assets. In addition, it is stated, each year New Partnership will allocate to Shaw 20% of the increase during that year in its Adjusted Net Capital. This incentive fee will not be payable, it is stated, if New Partnership experiences a net loss for the year, or if any cumulative prior losses have not been recouped. it is represented that in the event that a limited partner in New Partnership contests Shaw's valuation of the unrealized gain on any portfolio security which is not publicly traded, Shaw undertakes to submit the determination of the value of such security to one or more independent evaluators and to be bound by such evaluator's decision.

Applicants further state that in January, 1983, Shaw formed and became the general partner of Shaw Venture Partners ("Venture"), a venture capital limited partnership organized under the laws of the State of Oregon for the purpose of investing in, and giving management advice to small companies having high growth potential. The sole limited partner in Venture is a wholly-owned subsidiary of U.S. Bancorp, the parent company of U.S. National Bank of Oregon, it is stated, and Applicants represent that the funds invested in Venture by the limited partner are the assets of the holding company, U.S. Bancorp, not the assets of the bank subsidiary. Therefore, it is stated, no depositors' funds or fiduciary funds of the subsidiary bank are or will be invested in Venture. It is further stated that Shaw intends to assign his general partner's interest in Venture to another limited partnership of which he will be the sole general partner and through which he will continue to advise Venture as to its investments. Such limited partnership, it is stated, will register as an investment adviser under the Act.

Applicants further state that Shaw has contributed $25,000 in cash to Venture, and is required to contribute an additional $25,000 on or before January 31, 1984. The limited partner has committed to invest $20 million in Venture, it is stated. Applicants represent that the general and limited partner may make additional capital contributions in their discretion, except that the limited partner's total contribution may not exceed $35 million without the consent of the general partner.

Applicants state that Venture will pay the general partner a management fee as follows: (i) $336,000 for the period ending December 31, 1983, payable in equal monthly installments; (ii) $425,000 for the year ending December 31, 1984, payable in equal monthly installments; and (iii) for each succeeding year, the greater of $500,000 or 2.5% of the capital account of the limited partner as of the last day of the year preceding the year for which such fee is due, payable in equal monthly installments.

It is further stated that this management fee will constitute an expense of the partnership in determining profit and loss, rather than a distribution of profits or return of capital to the general partner.

Venture will also provide for an incentive fee for the general partner, in the form of an allocation of 20% of the realized and unrealized gains (net of realized and unrealized losses) of the partnership, Applicants state. It is further stated that such fee is not payable if Venture has a net loss for the year or, if any cumulative prior losses have not been recouped, and that in the event that any limited partner disputes Shaw's valuation of the unrealized gain on an asset of Venture, the partnership agreement provides for an independent valuation of such gain. Applicants state, in addition, that until an amount equal to the limited partner's capital contribution has been distributed to such partner, annual cash distributions to Shaw will be limited to an amount equal to 50% of the ordinary income and net short-term capital gain allocated to Shaw for such year, plus an amount equal to 25% of the realized long-term capital gains allocated to Shaw for such year. After the return of an amount equal to the limited partner's capital contribution, the annual distribution of Venture's net gains will be made to the partners in the same proportions in which realized gains for such fiscal year have been allocated to them, Applicants state.

Section 205(1) of the Act provides that no investment adviser, unless exempt from registration pursuant to Section 203(b) of the Act, shall enter into or perform any investment advisory contract which provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the client's funds, or any portion thereof. The purpose of this prohibition, Applicants state, is to prevent an adviser from being encouraged to take undue risks with his client's assets as the result of an arrangement under which he shares in the gains experienced by these assets but does not share in the losses. On the basis of representations and analysis described below, Applicants seek an exemption from Section 205(1) to the extent necessary to permit the general partner of each of Vista, Pinel, New Partnership and Venture (referred to collectively hereinafter as "Partnerships", and individually as a "Partnership") to

receive the incentive fees and distributions summarized above.

In support of the exemptive relief they request, Applicants cite certain passages of the final paragraph of Section 205, wherein it is provided as that the incentive fee prohibition of the section is not intended to apply: (1) To advisory contracts pursuant to which compensation is determined on the basis of the total value of a fund either averaged over a definite period, as of definite dates, or taken as of a definite date; or (2) to advisory contracts entered into by business development companies regulated under the Investment Company Act, provided that the compensation payable under the contract does not exceed 20% of the realized capital gains, net of realized capital losses and unrealized capital depreciation upon the funds of the business development company over a specified period or as of definite dates. It is stated that although Applicants' performance-based compensation arrangements do not conform to either of these provisions, Applicants' proposals in general do afford comparable investor protections. The basic formula, Adjusted Net Capital, for computing all of the management compensation described herein, it is noted, follows in principle the formula prescribed in the exception which Section 205(1) establishes for compensation determined on the basis of the "total value" of a fund. It is asserted that use of the Adjusted Net Capital base should in general, be a deterrent to speculation on the part of the general partner of any of the Partnerships because capital losses (both realized and unrealized) as well as gains, will be required to be taken into account in determining management remuneration. Moreover, it is noted that in the event that a partnership suffers a loss for a given year, the general partner will not receive any incentive compensation for that year, or for future years until the losses for all prior years have been recouped. The 20% ceiling upon incentive compensation applicable with respect to each Partnership follows the provision of Section 205(3)(ii)(c) of the Act and thus should constitute an appropriate limiting standard for enterprises which have an investment purpose similar to that of business development companies.

Additional protection for the limited partners of the Partnerships may be found in their status as "sophisticated investors", Applicants state. It is represented that each limited partner of Vista, Pinel and New Partnership is or will qualify as an "accredited investor" as defined in Rule 501 under the Securities Act, and will be subject to a substantial minimum investment requirement, and in the case of New Partnership, to a $1 Million net worth requirement. The sole limited partner of Venture is, as a subsidiary of a bank holding company, managed by persons experienced in financial matters, and has an asset base sufficient to enable it to make a commitment to invest $20 million in Venture. Investors of this class, it is asserted, are capable of making informed decisions as to the desirability of the performance-based aspects of the compensation arrangements proposed for the partnerships, and therefore do not need the protections offered by Section 205(1) of the Act.

A further deterrent to speculation and overtrading on the part of the general partner of the Partnerships is provided, Applicants state, by Shaw's undertaking to maintain, on both a per-entity basis and an aggregate basis, a minimum personal capital investment in each of Vista, Pinel and New Partnership, and by the substantial personal capital commitment he has made to Venture. Applicants contend that the general partner would be deterred from taking undue risk with the assets of the Partnerships because to do so would jeopardize his own financial resources in addition to those of his clients.

Applicants request exemption, in addition, from the provisions of Section 204 of the Act and paragraphs (b) and (c) of Rule 204–2 thereunder, which require a registered investment adviser having custody or possession of a client's securities or rendering investment supervisory or managerial services to a client to maintain designated books and records for each such client. Applicants propose to maintain the designated books and records for each Partnership, rather than for each limited partner thereof. Applicants consider it impractical and unduly burdensome to prepare and maintain all of the designated books and records for each limited partner individually, although Applicants will maintain separate capital accounts for each limited partner reflecting each such investor's contribution, allocations, distributions, and withdrawals. Applicants further represent that they will comply with all other applicable provisions of Rule 204–2.

In addition to the exemptions applied for hereby with respect to Vista, Pinel, New Partnership and Venture individually, Applicants request that identical relief be extended to such incentive fee arrangements as Shaw or SMC may, in the capacity of general partner, enter into with limited partnerships which may be formed in the future ("Future Partnerships"), in accordance with terms specified below, and that Future Partnerships likewise be exempted from the recordkeeping requirements of the Act to the same extent, and on the same grounds, as Vista, Pinel, New Partnership and Venture. Applicants represent that each Future Partnership would be engaged in the business of investing in securities, but would be excluded from the definition of investment company contained in the Investment Company Act by Section 3(c)(1) thereof. Limited partnership interests in Future Partnerships would be offered and sold pursuant to an exemption from the prospectus-delivery requirements of Section 5 of the Securities Act, pursuant either to Section 4(2) of the Securities Act, or to rules issued thereunder, it is stated. Applicants further state that each prospective investor in a Future Partnership would be required: (i) To qualify as an accredited investor within the meaning of Rule 501(a) under the Securities Act, (ii) to make a minimum capital contribution of $250,000, and (iii) to have a net worth of not less than $1 million. No limited partner of any Future Partnership would be permitted to invest more than 25% of his gross assets in any single Future Partnership.

It is further stated that, with regard to any performance-based compensation arrangements between Applicants and Future Partnerships, any realized or unrealized capital gains which are included in such compensation will be net of all realized and unrealized capital losses and depreciation for the applicable period, plus all prior realized and unrealized capital losses and depreciation to the extent that such prior losses and depreciation had not been offset by intervening realized and unrealized capital gains. In no event, Applicants state would the general partner's share of such net capital gains of a Future Partnerships exceed 20% of such gains, it is stated. Finally, Applicants represent that incentive fee arrangements into which they may enter with Future Partnership will include provision for independent determination of the value of any portfolio security which is not publicly-traded, in circumstances in which the general partner's determination of the amount of unrealized gain on any such security is disputed by a limited partner.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than August 23, 1983, at 5:30 p.m., do so

by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21516 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20024; File No. SR-AMEX-82-22, Amdt. No. 5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc., Relating to Narrow-based Stock Index 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 July 21, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is submitting Amendment No. 5 to File No. SR-AMEX-82-22 ("Amendment No. 5") to revise the component stocks of nine of the industry groups ("stock index industry groups") set forth in that submission as the bases for stock indices proposed to underlie exchange-traded options, and also to change the titles of six of the indices which are based on them.

The following table summarizes the changes of titles and/or number of stocks in each stock index industry group.

STOCK INDEX INDUSTRY GROUPS

As filed SR-AMEX-82-22, Nov. 22, 1983		As amended SR-AMEX-82-22, amendment No. 5	
Title	No. of Stocks	Title	No. of Stocks
Aerospace/Air Transport	11	Aerospace/Defense	25
Drugs	14	Drugs	15
Electronics/Instrumentation and Components	34	Electronics	25
Financial Services	30	Financial Services	25
Hospital Management/Specialties/Supplies	14	Health Care Services	15
Media/Entertainment	27	Leisure	25
Merchandising	42	Retail Merchandising	14
Metals	27	Precious Metals-Mining/Refining	12
Oil Services	18	Oil Services	25

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 basic reasons for revising the stocks included in the nine stock index industry groups covered by Amendment No. 5, and for changing the titles of six of the indices representing those groups, are to more sharply define the industry category represented by each index and to broaden the representation of companies within each category. In making these revisions, the Exchange also has deleted, from the stock index industry groups as originally proposed, several stocks which have relatively low market values.

The Exchange has generally sought to avoid any overlap of component stocks among the eleven stock index idustry groups set forth in File No. SR-AMEX-82-22, as amended. The only exception to the general policy of avoiding overlap occurs with respect to the Computer Technology Index and the Electronics Index, which have four stocks in common.

The revised stock index industry groups were designed with reference to the standards specified in Amex Rule 901C (captioned "Designation of Stock Index Options") concerning the composition of stock index industry groups which underlie listed options. Paragraph (a) of that Rule requires that each group consist of at least 10 stocks, and it also sets forth standards governing the inclusion of stocks which are listed on the Amex or which are not eligible to underlie individual stock options.

The revisons of the stock index industry groups have also been affected by the Exchange's decision not to include any over-the-counter stocks in those groups. The Exchange made this decision because it believes that the inclusion of such stocks could lead to difficulties in connection with the settlement of option exercises. As in the case of broad-based stock index options which have already been approved by the Commission, exercises of the proposed options would be settled in cash, with the settlement amount based on the closing value of the relevant underlying index. There are significant questions as to whether a closing index value can be computed with an acceptable degree of precision if over-the-counter stocks are involved because of the problem of determining closing prices for such stocks comparable to the closing prices in the primary exchange markets for stocks. Therefore, the Exchange is concerned that the inclusion of over-the-counter stocks in a stock index industry group would present problems with respect to market fariness and investor protection.

The Exchange believes that the Commission's approval of options trading on the stock index industry groups set forth in File No. SR-AMEX-82-22, revised as indicated in Amendment No. 5, would be consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange. The Exchange has refined the list of stocks included in the nine stock index industry groups covered by Amendment No. 5 in a manner intended to improve the utility of options on the indices based on those groups for the purpose of hedging the industry risks associated with stock ownership, and these refinements have been made in a manner consistent with the Exchange's general regulatory criteria governing the composition of

underlying stock indices. Thus, the stock index industry group revisions set forth in Amendment No. 5 are consistent, in particular, with the requirements of Section 6(b)(5) of the Act, in that they would serve to further the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition. The proposed rule changes will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others. No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory orgainzation 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 submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Judiciary Plaza, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will 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 29, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21511 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20029; SR-BSE-83-7]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 1, 1983.

The Boston Stock Exchange, Inc. (BSE), One Boston Place, Boston, MA 02108, submitted on June 24, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to increase to 1,299 from 1,099 shares the size of orders for which BSE specialists must guarantee an execution based upon the best bid or offer in the security disseminated through the consolidated quotation system.[1] Under BSE's guaranteed execution system, orders are delivered in the ordinary fashion and executed manually on the floor of the BSE.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19918, June 27, 1983) and by publication in the **Federal Register** (48 FR 30504, July 1, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed increase in the number of shares for which guaranteed, manual execution is to be provided under BSE's Guaranteed Execution System is designed to enable the BSE to compete more effectively for small order business, attract order flow and enhance the depth and liquidity of the BSE markets. In the Commission's opinion, the increase from 1,099 to 1,299 shares, like the increase from 599 to 1,099 shares previously approved by the Commission, increases the degree but not the kind of risks to which BSE specialists are exposed; this increased degree of specialist risk is a necessary consequence of BSE's attempt to make itself more competitive through enhancements to its guaranteed execution system. The Commission, therefore, finds that the proposed rule change has the potential to increase competition among markets (and their members) and, by providing investors an opportunity to have larger securities transactions executed at competitive prices, to serve the public. For these reasons the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations of the Act thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) and 6(b)(8).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21518 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

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[1] The Commission approved BSE's implementation of its guaranteed execution system on an indefinite basis on July 8, 1980 (Securities Exchange Act Release No. 16970, July 8, 1980; 45 FR 47286, July 14, 1980). On April 13, 1982, the Commission approved an increase in the size of orders to be guaranteed under this system from 399 to 599 (Securities Exchange Act Release No. 18640, April 15, 1982; 47 FR 16922, April 20, 1982); and on October 14, 1982, the Commission approved an increase to the current 1,099 shares (Securities Exchange Act Release No. 19141, October 14, 1982, 47 FR 46932, October 21, 1982).

[2] In this respect BSE's guaranteed execution system differs from the execution systems of the Pacific Stock Exchange, Inc. (Scorex), the Midwest Stock Exchange, Inc. (MAX); and the Philadelphia Stock Exchange, Inc. (PACE) which provide automated executions at the best bid or offer, and the New York Stock Exchange's Registered Representative Rapid Response (R4) system, in which customer orders are executed at the best bid or offer in participating broker-dealer's offices and then reported to the specialist in the security on the New York Stock Exchange.

[Release No. 20025; File No. SR-CBOE-83-20]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Chicago Board Options Exchange, Inc.

July 20, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 30, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange, Commission the proposed rule change as described herein.[1] The Commission is publishing

[1] On July 25, 1983, CBOE filed an amendment to the proposed rule change noting final action by the CBOE Board of Directors approving the proposed rule change.

this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would revise CBOE's Rule 11.1(b) and the Interpretations and Policies thereunder relating to option exercise cut-off times and exercise procedures. Exercise cut-off in expiring series would be set at 4:30 p.m. Chicago time (5:30 for index options) with later exercises permitted only to remedy good faith errors or failure to reconcile unmatched Exchange transactions, or in case of exceptional circumstances interfering with communication of exercise instructions. Provision is also made for time-stamping of exercise instructions by the receiving member organization. An explanatory reference to the rules of the Options Clearing Corporation would be dropped.

The proposed rule change would delete interpretive sections requiring each member organization to prepare a memorandum subject to the requirements of Commission Rules 17a-3(a)(6) and 17a-4(b) for every customer exercise instruction. CBOE believes that the substance of this intepretive requirement would be adequately addressed by Rule 11.1(b) itself, as revised, and that reference to the Commission rule is unnecessary. The proposed rule change would also remove an interpretive provision requiring that memoranda of certain exceptional exercise notices or instructions be filed with CBOE. CBOE believes that its access to these memoranda during its regulatory examinations will be sufficient.

CBOE states that the purpose of its proposed rule changes is to conform CBOE's exercise cut-off rule with the exercise by exception procedures of the Options Clearing Corporation. It relies on Section 6(b)(5) of the Act as a statutory basis for the proposed rule change, on the ground that the change will facilitate the trading of listed options and will protect investors and the public interest.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-20.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21510 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20026; File No. SR-CBOE-83-24]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Chicago Board Options Exchange, Inc.

July 29, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 20, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change proposal provides that proprietary account transaction fees rather than customer account transaction fees will be applicable to transactions in Standard & Poor's 500 and 100 index options for members of the Chicago Mercantile Exchange ("CME"). Transactions will be cleared, unless the CME member is also a CBOE member, with customer transaction fees applied, and the difference between proprietary and customer fees will be rebated at the end of the month to the CBOE member clearing the transaction.

This proposed rule change implements part of an agreement between CBOE and the CME to provide access to each other's facilities for purposes of trading contracts on the Standard & Poor's 100 and 500 indices. CBOE and the CME trade, respectively, options and futures on the S&P 500 and 100 indices. In the filing, CBOE has indicated that it expects most CME trading in the options will be for the purpose of hedging futures positions. It relies on Section 6(b)(4) of the Act, providing for equitable allocation of fees, as statutory basis for the proposed rule change.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-24.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21509 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20027; File No. SR-CSE-83-2]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange; Revision of Fee Schedule and Dues

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 30, 1983, The Cincinnati Stock Exchange (the "Exchange") 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. The Cincinnati Stock Exchange's Statement of the Terms of Substance of the Proposed Rule Change.

Effective July 1, 1983, the Board of Trustees of The Cincinnati Stock Exchange revised the following fee schedule and dues:

Note.—*Additions italicized;* deletions [bracketed].

Floor Fee Schedule

Members present on the floor of the Exchange or members using a representative of a member present on the floor of the Exchange, whether executing orders for their firms or others, will be obligated to pay to the Exchange a floor fee equal to $0.05 per 100 shares per single side of each round lot transaction executed outside the National Securities Trading System (NSTS) with a maximum of [$12.50] *$37.50* per single side of such transaction.

[On transactions executed outside the NSTS, the floor fees charged to any member shall not exceed $500.00 per month.]

Member billing for this floor fee will be forwarded by the 15th of the month on the previous month's trading. Members whose fees total less than $5.00 will be billed quarterly.

Dues

The dues of all members shall be [four hundred ($400)] *nine hundred ($900)* per annum payable semi-annually, in advance, on January 1st and July 1st.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

The Board of Trustees determined that administrative expenses and operational expenditures warrant an increase in the respective fee and dues. Section 6(b)(4) of the Act is the basis for these fees since specified charges are reasonable and equitably allocated to those who avail themselves of such Exchange services.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange believes that the Proposed Changes impose no burden on competition, charges are reasonable and equitably allocated.

C. Self-Regulatory Organization's Statement on Comments Received from Members, Participants or Others on Proposed Rule Change

Comments were solicited by the Board of Trustees. No negative comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 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: August 1, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21439 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20031; SR-MSRB-83-6]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

August 1, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted on June 7, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend MSRB Rules G-12 and G-15 to require that, if the municipal securities involved in a transaction are periodic interest securities paying interest otherwise than on a semi-annual basis, the transaction's confirmation must contain a statement of the basis on which the interest is paid. Currently, Rules G-12 and G-15, which set forth requirements for inter-dealer and customer confirmations respectively, require confirmations to state any unusual aspect of the payment of principal or interest for a security. The MSRB states that both professionals and public investors assume that periodic interest payments on municipal securities will be made on a semi-annual basis because the vast majority of such securities pay interest in this manner. Accordingly, purchasers should be made aware if the payment of interest is on other than a semi-annual basis. The MSRB has requested that the proposed rule change not be effective until October 3, 1983.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Release No. 19895, June 20, 1983) and by publication in the **Federal Register** (48 FR 29639, June 24, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21520 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20034; SR-MSRB-83-5]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

August 1, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted on June 7, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 91b-4 thereunder, to require that when the yield of a municipal securities transaction effected on a dollar basis is calculated to premium call or par option, this fact must be stated on the customer confirmation along with the call or option date and price used in the yield calculation. Currently, Rule G-15 requires such confirmation disclosure only when the dollar price of a municipal securities transaction effected on a yield basis is computed to premium call or par option. The MSRB believes that the proposed rule change will make the requirements of G-15 internally consistent, will help customers know the exact basis on which their securities yield would be realized and ensure that dealers and customers agree on the determinants of the yield calculation. The MSRB has requested that the proposed rule change not be effective until October 3, 1983.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 19894, June 20, 1983) and by publication in the **Federal Register** (48 FR 29640, June 24, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21519 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20028; SR-NYSE-83-21]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 1, 1983.

On June 14, 1983, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change [1] which implements, on a floorwide basis, [2] certain enhancements to the NYSE's Designated Order Turnaround ("DOT") System and Limit Order ("LMT") System. Specifically, the enhancements provide for system-generated reporting of DOT and LMT orders if the specialist fails to report an execution under certain circumstances and within predetermined periods of time. The rule change also introduces universal contra comparisons to the LMT System.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 19897 (June 20, 1983)) and by publication in the **Federal Register** (48 FR 29768 (June 28, 1983)). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

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[1] *See* SR-NYSE-83-21.

[2] The NYSE also had filed a proposed rule that would extend the DOT enhancements to, at maximum, 100 NYSE stocks. *See* SR-NYSE-83-20. The Commission approved this proposed rule change on an accelerated basis. *See* Securities Exchange Act Release No. 19896 (June 20, 1983), 48 FR 29642.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority (17 CFR 200.30-3(a)(12)).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21517 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

August 1, 1983.

The above named national securities exchange has filed application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

American Sterilizer Company
Common Stock, $.83⅓ Par Value (File No. 7-6916)

Bard (C.R.) Inc.
Common Stock, $.25 Par Value (File No. 7-6917)

Campbell Red Lake Mines Ltd.
Common Stock, No Par Value (File No. 7-6918)

Cessna Aircraft Company
Common Stock, $1 Par Value (File No. 7-6919)

Church's Fried Chicken, Inc.
Common Stock, $.04 Par Value (File No. 7-6920)

CCI Corp.
Common Stock, $.50 Par Value (File No. 7-6921)

Champion Spark Plug Company
Common Stock, $.30 Par Value (File No. 7-6922)

Computer Sciences Corporation
Common Stock, $1 Par Value (File No. 7-6923)

Dayton Hudson Corporation
Common Stock, $1 Par Value (File No. 7-6924)

Diebold, Inc.
Common Stock, $1.25 Par Value (File No. 7-6925)

Dun & Bradstreet Corporation (The)
Common Stock, $1 Par Value (File No. 7-6926)

Eastern Utilities Associates
Common Stock, $5 Par Value (File No. 7-6927)

Electronic Data Systems Corp.
Common Stock, No Par Value (File No. 7-6928)

First Boston, Inc.
Capital Stock, $1.66⅔ Par Value (File No. 7-6929)

Flow General Inc.
Common Stock, $.10 Par Value (File No. 7-6930)

Fort Howard Paper Company
Common Stock, $1 Par Value (File No. 7-6931)

Genuine Parts Company

Common Stock, $1 Par Value (File No. 7–6932)
Gulfstream Aerospace Corporation
Common Stock, $.10 Par Value (File No. 7–6933)
Joy Manufacturing Company
Common Stock, $1 Par Value (File No. 7–6934)
Lee Enterprises, Inc.
Common Stock, $2 Par Value (File No. 7–6935)
Lehman Corporation (The)
Capital Stock, $1 Par Value (File No. 7–6936)
Loral Corp.
Common Stock, $.25 Par Value (File No. 7–6937)
Medtronic, Inc.
Common Stock, $.10 Par Value (File No. 7–6938)
Murphy Oil Corporation
Common Stock, $1 Par Value (File No. 7–6939)
Northern Telecom Ltd.
Common Stock, No Par Value (File No. 7–6940)
Paine Webber, Inc.
Common Stock, $1 Par Value (File No. 7–6941)
Parker-Hannifin Corp.
Common Stock, No Par Value (File No. 7–6942)
Petrolane Inc.
Common Stock, No Par Value (File No. 7–6943)
Rolm Corporation
Common Stock, $.002½ Par Value (File No. 7–6944)
Seagram Company Ltd. (The)
Common Stock, No Par Value (File No. 7–6945)
Shaklee Corporation
Common Stock, No Par Value (File No. 7–6946)
Smith International, Inc.
Common Stock, No Par Value (File No. 7–6947)
Southwest Airlines Company
Common Stock, $1 Par Value (File No. 7–6948)
Standex International Corporation
Common Stock, No Par Value (File No. 7–6949)
Sybron Corporation
Common Stock, $2.50 Par Value (File No. 7–6950)
Tidewater Inc.
Common Stock, $.50 Par Value (File No. 7–6951)
Tymshare, Inc.
Common Stock, No Par Value (File No. 7–6952)
U.S. Home Corporation
Common Stock, $.10 Par Value (File No. 7–6953)
Wal-Mart Stores, Inc.
Common Stock, $.10 Par Value (File No. 7–6954)
Williams Electronics, Inc.
Common Stock, $.50 Par Value (File No. 7–6955)
Zero Corporation
Common Stock, $1 Par Value (File No. 7–6956)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 22, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–21507 Filed 8–5–83; 8:45 am]

BILLING CODE 8010–1–M

[File No. 1–8021]

Self-Regulatory Organizations; First Bankers Corporation of Florida; Application To Withdraw From Listing and Registration

August 1, 1983.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of First Bankers Corporation of Florida ("Company") has been listed and registered on the Amex since October 1980. Pursuant to a Registration Statement on Form 8–A which became effective on November 22, 1982, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before August 22, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–21513 Filed 8–5–83; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 1, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Banco Central, S.A.
American Depositary Shares (File No. 7–6910)
Harper & Row Publishers, Inc.
Common Stock, $.10 Par Value (File No. 7–6911)
Inspiration Resources Corporation
Common Stock, No Par Value (File No. 7–6912)
Interstate Uniform Services Corporation
Common Stock, $.10 Par Value (File No. 7–6913)
Legg Mason, Inc.
Common Stock, $.10 Par Value (File No. 7–6914)
McDonald & Company Investments
Common Stock, $1 Par Value (File No. 7–6915)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 22, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three

copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21506 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

August 1, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Imperial Chemical Industries
American Depositary Receipts (File No. 7-6909)

This security is registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 22, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21508 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

August 1, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

American Natural Resources Company (Delaware)
Common Stock, $1 Par Value (File No. 7-6908)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 22, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21514 Filed 8-5-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/650]

National Bipartisan Commission on Central America; Closed Meeting

The National Bipartisan Commission on Central America will meet at 3:00 P.M., Wednesday, August 10, 1983, in Room 1105, Department of State, Washington, D.C. It will continue its meeting on Thursday, August 11 and Friday, August 12.

These sessions will be closed, pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and (c)(9). The disclosure of classified material and revelation of considerations contributing to policy development could adversely affect U.S. foreign relations and would substantially undermine the conduct of U.S. foreign policy and the ability of the Commission to provide advice to the President, the Secretary of State and the Congress. The purpose of these discussions will be to begin consideration of policy issues relating to the Commission's mandate under Executive Order 12433. The meeting will include classified briefings and examination and discussion of documents classified pursuant to Executive Order 12356.

In light of the requirement that the Commission report to the President in the near future, and the consequent need for the Commission to begin its work at the earliest possible time, it has been impossible to provide earlier notice of this meeting or to reschedule it to a later date.

Requests for further information should be directed to Sharon Mussomeli, Room 1004, Department of State. She may be reached by telephone on (202) 632-7804.

Dated: August 4, 1983.

Harry W. Shlaudeman,

Executive Director.

[FR Doc. 83-21676 Filed 8-5-83; 8:45 am]

BILLING CODE 4710-29-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Hazardous Materials Regulations; Applications for Exemptions; Fabricated Metals, Inc., et al.

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes September 14, 1983.

ADDRESS: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9100-N	Fabricated Metals, Inc., San Leandro, CA	49 CFR 178.253-5(a)(3)	To manufacture, mark and sell non-DOT specification steel jacketed polyethylene portable tanks, for shipment of various corrosive liquids, n.o.s. (Modes 1, 2.)
9101-N	RCA Corp., Princeton, NJ	49 CFR 172.101 column 6(b), 175.30	To authorize shipment of two rocket motors, Class B explosives, exceeding gross weight limitations by cargo-only aircraft. (Mode 4.)
9102-N	U.S. Department of Energy, Washington, DC	49 CFR 172.101, 173.393(f)	To authorize shipment of up to 200 grams of uranium metal pyrophoric, by cargo-only aircraft. (Mode 4.)
9105-N	Sea-Land Service, Inc., Elizabeth, NJ	49 CFR 176.76(g)(3)	To authorize IM-101 and IM-102 portable tanks containing ethyl alcohol, classed as flammable liquid to be stowed below deck. (Mode 3.)
9106-N	Kitty Hawk Airways, Inc., Dallas, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9107-N	Ark Distributing Co., Inc., Martinez, CA	49 CFR 178.24a-6	To authorize shipment of methyl ethyl ketone peroxide, classed as organic peroxide, in 16 ounce polyethylene bottles meeting DOT Specification 2E except for required embossing. (Mode 1.)
9108-N	The Ensign-Bickford Co., Simsbury, CT	49 CFR 173.77(b)	To authorize shipment of an initiating explosive (PETN), Class A explosive (25% wet) in 4 mil polyethylene bags overpacked in a 4 mil polyethylene lined DOT Specification 12H65 fiberboard box. (Mode 1.)
9109-N	Matheson, Secaucus, NJ	49 CFR 172.400(a)	To authorize shipment of DOT Specification cylinders in truckload lots containing various compatible compressed gases and, other hazardous materials, without labeling, by company owned trailers hauled by common carriers. (Mode 1.)
9110-N	Occidental Chemical Corp., Niagara Falls, NY	49 CFR 173.163	To authorize shipment of sodium chlorate, classed as an oxidizer, in non-DOT specification polypropylene bags of approximately 2,204 pound capacity. (Modes 1, 2, 3.)
9111-N	Matheson Gas Products, Inc., Secaucus, NJ	49 CFR 173.314(c), 173.432	To authorize shipment of hydrogen sulfide in DOT Specification 110A1000W tanks. (Mode 1.)
9112-N	Petron, Inc., Alexandria, LA	49 CFR 178.341-5	To authorize shipment of gasoline, classed as a flammable liquid in cargo tanks comparable to DOT Specification MC-306 except they are not equipped with an emergency flow control. (Mode 1.)
9114-N	Western Electric Co., Inc., Lee's Summit, MO	49 CFR 172.203(d), 172.403(g)	To authorize shipment of cold cathode tubes containing either Radium 226 or Krypton 85 to be described on shipping papers with less details than presently required and to allow use of a pre-determined transport index. (Mode 1.)
9115-N	Mauser Packaging Ltd., New York, NY	49 CFR Part 173, Subpart H	To manufacture, mark and sell DOT Specification 34 polyethylene drums for shipment of various Class B poisons. (Modes 1, 2, 3.)
9116-N	Hoover Universal, Inc., Beatrice, NE	49 CFR Part 173, Subpart D, Subpart F	To manufacture, mark and sell non-DOT specification 400 gallon polyethylene portable tanks within a protective steel frame for shipment of various flammable and corrosive liquids. (Modes 1, 2, 3.)
9117-N	Krafcor Corp., Houston, TX	49 CFR 173.163	To manufacture, mark and sell non-DOT specification 22 cubic feet capacity PVC coated polyester bags for shipment of sodium chlorate, classed as an oxidizer. (Mode 1.)
9118-N	ICI Americas, Inc., Wilmington, DE	49 CFR 173.245(a)(38)	To authorize shipment of various corrosive liquids, n.o.s., in DOT Specification 57 portable tanks. (Modes 1, 2, 3.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 2, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-21538 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Regulations; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption; Union Carbide Corp., et al.

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes August 25, 1983.

ADDRESS: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S.

Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
5485-X	Union Carbide Corp., Danbury, CT	5485
5967-X	Rocket Research Corp., Redmond, WA [1]	5967
6397-X	Foote Mineral Co., Exton, PA	6397
6397-X	Allied Corp., Morristown, NJ	6397
6452-X	Pennwalt Corp., Buffalo, NY	6452
6536-X	L. P. Transportation, Inc., Chester, NY.	6536
6657-X	Liquid Air Corp., San Francisco, CA	6657
6602-X	Monroe Welding Supply Co., Sioux City, IA.	6602
6902-X	Halocarbon Products Corp., Hackensack, NJ.	6902
6902-X	Great Lakes Chemical Corp., El Dorado, AR.	6902
6971-X	PolyScience Corp., Niles, IL	6971
7023-X	Western Electric Co., Greensboro, NC [2]	7023
7023-X	Texas Instruments, Inc., Dallas, TX	7023
7274-X	Union Carbide Corp., Danbury, CT	7274
7730-X	The Western Co. of North America, Fort Worth, TX.	7730
8129-X	IT Corp., Wilmington, CA	8129
8129-X	Multichem Corp., Baltimore, MD	8129
8134-X	J.T. Baker Chemical Co., Phillipsburg, NJ.	8134
8137-X	Ensign Bickford Co., Simsbury, CT	8137
8196-X	Allied Chemical Co., Morristown, NJ	8196
8230-X	G. Frederick Smith Chemical Co., Columbus, OH.	8230
8248-X	Air Products and Chemicals, Inc., Allentown, PA.	8248
8249-X	LPS Industries Inc., Formerly Lawrence Packaging, Newark, NJ [3].	8249
8667-X	Federal Emergency Management Agency, Washington, DC.	8667
8688-X	Sajen Air, Inc., Manchester, NH	8688
8692-X	Dow Chemical U.S.A., Midland, MI	8692
8730-X	Allied Chemical, Morristown, NJ	8730
8742-X	Cusco Fabricators Ltd., Richmond Hill, Ont., Can.	8742

[1] To authorize an alternate gas generator assembly similar to the one presently authorized.
[2] To renew and to authorize modification to the portable tanks protective collar to facilitate maintenance.
[3] To authorize increase in weight limitations for poison (solid) package from 5 pounds to 6¼ pounds and from 20 pounds per 4 pack to 25 pounds.

Application No.	Applicant	Parties to exemption
2587-P	Welders Supply Inc., Dallas, TX	2587
6538-P	Intourgas S. R. L., Milano, Italy	6538
6538-P	Uniflame S. R. L., Milano, Italy	6538
6762-P	Continental Products of Texas, Odessa, TX.	6762
7052-P	U.S. Department of Commerce, NSTL Station, MS.	7052
7607-P	Interscience, Inc., Tampa, FL	7607
8009-P	Tri-Energy, Inc., Prairie Village, KS	8009
8129-P	Environmental Cleaning Specialists, Kingston, PA.	8129
8129-P	Monsanto Co., St. Louis, MO	8129
8129-P	Kansas State University, Manhattan, KS.	8129
8129-P	Henkel Corp., Minneapolis, MN	8129
8129-P	RCA Corp., Cherry Hill, NJ	8129
8129-P	The BFGoodrich Co., Cleveland, OH	8129
8445-P	RCA Corp., Cherry Hill, NJ	8445
8451-P	U.S. Department of Defense, Washington, DC.	8451
8554-P	Mesabi Powder Co., Hibbing, MN	8554
8786-P	Stabilus, gmbh, Koblenz, West Germany.	8786
8908-P	M&T Chemicals Inc., Baltimore, MD	8908
9024-P	Logemafer S.A., Paris, France	9024
9064-P	KBI Division of Cabot Corp., Reading, PA.	9064

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 2, 1983.

J. R. Grothe,
Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-21539 Filed 8-5-83; 8:45 am]
BILLING CODE 4910-60-M

[Docket No. 83-1W; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Petition for Waiver

The Florida Gas Transmission Company has petitioned the Materials Transportation Bureau (MTB) for a waiver from compliance with the requirements of 49 CFR 192.611(e)(2) to permit the maximum allowable operating pressure (MAOP) to temporarily continue at 975 psig (72 percent of specified minimum yield strength) (SMYS) for a 4,900-foot section of its 24-inch gas transmission pipeline between MP 679.50 and MP 680.43. The area in which this segment of pipeline is located became a Class 3 location in May 1982, due to the added development of the Pepper Mill Subdivision in Orange County, Florida. Under § 192.611(e)(2), the company has 18 months from that date to confirm or revise the MAOP commensurate with the new class location.

In accordance with an application recently given final approval by the Federal Energy Regulatory Commission (FERC), Docket No. CP74-192, this segment of pipeline is to be converted to liquid petroleum product service, which would make the line subject to Part 195 rather than Part 192. Conversion to liquid service is expected to commence by December 31, 1986. As a result, this segment will need to continue in natural gas service for approximately 3 years after the time has expired for confirmation or revision of the MAOP in accordance with § 192.611(e)(2).

The pipeline was designed for an operating pressure of 975 psig in a Class 1 location. It was tested to 91 percent SMYS (1,230 psig) for a period of 8 hours. The pipeline has been under cathodic protection since original installation in 1959. The operating history of this segment shows there have been no leaks or failures and that the actual maximum operating pressure at the subdivision location has been 950 psig (70 percent SMYS). The replacement that would be required to comply with § 192.611(e)(2) will cost an estimated $500,000. This reconstruction would be unnecessary under Part 195 because liquid pipelines may operate at 72 percent of SMYS.

Based on the above information, Florida Gas is requesting a waiver from the requirements of § 192.611(e)(2) to allow this 4,900-foot segment to continue operation at a design factor of 0.72 rather than 0.60 until such time as this line is taken out of natural gas service and converted to liquid service under Part 195.

Considering the design, operating, and maintenance history and previous testing of the segment of pipeline, MTB believes that because of the pending conversion of the pipeline to liquid service, a waiver of § 192.611(e)(2) is justified to permit continued operation of the 4,900 feet of the Florida Gas Transmission Company pipeline between MP 679.50 and MP 680.43. MTB proposes to grant such a waiver until such time as this line is taken out of gas service or December 31, 1986, whichever is earlier.

Section 192.611(e)(2) is intended to minimize the possibility of catastrophic pipeline failure in populous areas. Therefore, to help reduce this risk before conversion occurs, a condition of the waiver would be that the hydrostatic pressure test that is required under Part 195, § 195.5(a)(4), for conversion of this segment of pipeline to liquid service shall be done prior to the date that confirmation or revision of the MAOP would otherwise be required under § 192.611(e)(2).

Interested persons are invited to comment on the proposed waiver by submitting in triplicate such data, views, or arguments as they may desire. Communications should identify the Docket and Notice numbers and be submitted to: Dockets Branch, Room 8426, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

All comments received before (30 days after publication) will be considered before final action is taken. Late filed comments will be considered so far as practicable. All comments will be available for inspection at the Dockets Branch, Materials Transportation Bureau, between the hours of 8:30 a.m. to 5 p.m. before and after the closing date for comments. No public hearing is contemplated, but one may be held at a time and place set in a notice in the **Federal Register** if requested by an interested person desiring to comment at a public hearing and raising a genuine issue.

(49 U.S.C. 1672; 49 CFR Part 1.53(a); Appendix A of Part 1; and Appendix A of Part 106)

Issued in Washington, D.C., on August 1, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-21340 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

[UMTA Docket No. 83-E]

Advance Notice Concerning Implementation of the Federal Public Transportation Act of 1982; Invitation for Comment

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Advance notice.

SUMMARY: The Federal Public Transportation Act of 1982 (Pub. L. 97-424) establishes a new formula program for FY 1983 (Section 9A) and following years (Section 9). Final fund apportionments for FY 1983 and the initial published guidelines for FY 1984 and following years (UMTA Circular C 9030.1 of June 27, 1983, "Section 9 Formula Grant Application Instructions") provide for inclusion of data for private mass transportation providers in computing fund apportionments only when such services are provided under contract to a public agency for specific monetary consideration. This Notice solicits public comment on the possibility of UMTA adopting a broader definition of eligibility, by including various non-contractual privately provided mass transportation services in computing the apportionment of Section 9 formula funds for FY 1984 or future years.

DATE: Comments must be received by UMTA by September 6, 1983.

ADDRESS: Comments should be submitted to Docket Clerk, UMTA Docket 83-E, Urban Mass Transportation Administration, 400 7th Street, S.W., Room 9223 Washington, D.C. 20590. Those submitting comments who wish to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. Comments will be available for review at the above address from 9:00 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth E. Bolton, Director of Policy, (202) 426-4060, 400 Seventh Street, SW., Room 9300, Washington, D.C. 20590. Office hours are Monday through Friday from 9:00 a.m. to 5:30 p.m., e.d.t.

SUPPLEMENTARY INFORMATION: 1. The Federal Public Transportation Act of 1982 (Pub. L. 97-424) established new formula grant programs for FY 1983 (Section 9A) and following years (Section 9). For urbanized areas greater than 200,000 population, one of the factors for apportionment of funds is "bus revenue vehicle miles" of public transportation service (the related passenger miles and operating costs would also become factors in computing allocation of the incentive tier).

2. The initial UMTA Notice and Instructional Circular implementing the new Section 9A formula grant program allowed the inclusion of privately provided mass transportation services (including a variety of shared-ride paratransit services) in the data base for apportionment of funds only when such services are provided under contract to a public agency. Completion of the formula apportionment for FY 1983 required the solicitation of supplementary data submissions for the 1981 reporting year under the Section 15 Reporting System and Uniform System of Accounts and Records. In the course of reviewing the data supplements which were submitted, UMTA was faced with a submission covering a type of privately provided mass transportation service which did not appear to meet the contractual test, but which nevertheless constitutes an overwhelming proportion of the total public transportation service in the urbanized area submitting the data.

3. Although it was necessary to exclude this data from the final computation of the FY 1983 Section 9A fund apportionments because it did not meet the published eligibility criteria, this submission brought to UMTA's attention a significant issue with respect to the requirement that private service be under contract in order to be included in the data base for apportionment of funds.

4. the initial UMTA Circular convering the Section 9 program for FY 1984 and following years (UMTA circular c 9030.1 of June 27, 1983, "Section 9 Formula Grant Application Instructions") similarly would restrict the inclusion of data covering privately provided mass transportation services to those services provided under contract to a public agency for specific monetary consideration. However, UMTA is reconsidering this issue with respect to apportionments for FY 1984 or later years and solicits comments on the matters addressed below.

5. The range of privately provided mass transportation services which are at issue include the following conventional mass transit and paratransit services, when they are *not* provided under contract to a public agency:

a. Conventional fixed-route or demand-responsive bus service (may be provided using any type of vehicle);

b. Subscription bus service (normally a fixed-route service contracted for by employers, employees or community groups);

c. Taxis, or similar licensed service, when operating in a shared ride mode (i.e., individuals cannot reserve a trip for their own private use);

d. Jitneys (which usually operate over a predetermined route in a manner similar to taxis), when operating in a shared ride mode;

e. Specialized fixed-route services, such as airport limousine;

f. Specialized demand-responsive services oriented to a particular user group, such as the elderly and handicapped; and

g. Various forms of ridesharing, such as carpooling and vanpooling, when they are part of the local public transportation program, which may include extensive coordination, promotion, or financial support by public agencies, community groups, employers, employee associations or other bodies.

6. Excluding the entire range of privately provided mass transportation services which are not provided under contract with public subsidy could be counterproductive from the standpoint of current Federal policy promoting private sector participation in providing mass transportation service and encouraging a variety of so-called "paratransit" services. Such services can be cost-effective supplements to conventional transit service, whether subsidized or not; their exclusion from the computation of fund apportionments

would penalize an urban area which succeeds in inducing such services, particularly as an unsubsidized substitute for current service. (See 47 FR 46410, "UMTA Statement of Paratransit Policy," for a more extensive discussion of the basis for Federal support of paratransit as part of local mass transportation systems and the eligibility of such services for use of Federal funds, which is not at issue here.)

7. On the other hand, inclusion of all such services, especially those generally provided in small vehicles, would raise a question of equity if all such vehicle miles were simply equated with those of other mass transit services on a one-for-one basis. (This concern may be offset by the fact that the vehicle miles of paratransit service are tailored to specific travel needs and may therefore have a higher utilization rate than the average for conventional services.) There are also serious questions of how to assure reliable data estimation and reporting for services which do not have fixed routes or schedules, or which may operate in a shared-ride mode only part of the time.

8. UMTA is inviting public comments on the feasibility and desirability of adopting a broader definition of eligibility for the inclusion of privately provided services in the computation of Section 9 fund apportionments for FY 1984 or later. All comments received by August 26, 1983, will be considered in developing any change to the definition of eligibility now contained in Appendix C to UMTA Circular C 9030.1.

9. UMTA will be especially interested in receiving comments addressing the following aspects of this issue:

a. Possible distinctions between such services which might be a fair and reasonable basis for counting them or not counting them; for example, allowing taxi/jitney/livery/limousine services it they are: (i) Licensed or franchised exclusively for shared the franchise, license or other agreement with a public agency, and (ii) designated by the Metropolitan Planning Organization as part of the area's mass transportation system.

b. The desirability of establishing operational criteria for including private operators, such as the degree of functional integration with publicly provided services and facilities or various forms of indirect public subsidy or support; for example, publicly funded terminals or parking areas.

c. The equity and financial implications of including or excluding any or all such services, especially where they may constitute a substantial portion of the total mass transportation service of an area; for example, the "publico" jitney services in Puerto Rico which appear to represent more than five times the vehicle miles of the publicly operated buses.

d. The potentially for creating desirable and/or perverse incentives or disincentives with respect to the objective of increasing private sector participation in the provision of mass transportation service and encouraging the maximum amount of private ridesharing.

e. The desirability and feasibility of weighting vehicle mile data for those services deemed eligibile by a factor related to vehicle size, passenger capacity or some other characteristic; for example, weighting each vehicle mile by its square feet of passenger floor area in order to accurately account for the difference between a large bus and a jitney, van or a carpool.

f. Possible solutions to data collection and reliability issues which would arise from attempting to estimate vehicle miles and other operating data for one or another type of ridesharing or for shared ride taxi service.

Issued at Washington, D.C. on August 2, 1983.

G. Kent Woodman,

Acting Administrator.

[FR Doc. 83-21486 Filed 8-5-83; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-172]

Customhouse Broker License; Revocation of Individual License No. 3837 Issued on June 21, 1973, for District 49-09, San Juan, Puerto Rico

Notice is hereby given that the Commissioner of Customs on pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and § 111.53, Customs Regulations, as amended (19 CFR 111.53), revokes individual Customhouse Broker's License No. 3837 issued for Norma E. Sanchez on June 21, 1973, for District 49-09, San Juan, Puerto Rico.

The Commissioner's decision is effective as of August 1, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83-21502 Filed 8-5-83; 8:45 am]

BILLING CODE 4820-02-M

Privacy Act of 1974; Revised System of Records

AGENCY: Customs Service, Treasury.

ACTION: Notice of a Revised System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury , United States Customs Service, gives notice of a revised system of records, the "Bank Secrecy Act Reports File", Treasury/Customs 00.067, which constitutes a revision of an existing system of records, "Currency and Monetary Instrunment Reporting System."

Recently, the Department of the Treasury and the Customs Service established the Financial Law Enforcement Center, which has as one of its central purposes responsibility for the collection, storage, utilization, and dissemination of the information required to be reported on three Bank Secrecy Act forms: Currency and Monetary Instruments Report (Form 4790) (31 U.S.C. 5316 and 31 CFR 103.23), Currency Transaction Report (Form 4789) (31 U.S.C. 5313 and 31 CFR 103.22), and Foreign Bank Account Report (Form 90.22-1) (31 U.S.C. 5314 and 31 CFR 103.24).

Customs' existing system of records, "Currency and Monetary Instruments Reportng System," Treasury/Customs 00.067, which currently includes information reported on Forms 4790, is being expanded to include data reported on Forms 4789 and Forms 90.22-1. The name of the system is being amended to "Bank Secrecy Act Reports File" to reflect its expanded scope. The routine uses have also been expanded to include disclosures to Federal, State, local or foreign agencies to assist their respective law enforcement efforts. The revised system consists of the three forms and computerized abstracts of information contained on the three forms. Historically, Forms 4789 have been included in both IRS and Customs systems of records, and Forms 4790 and 90.22-1 have been included in Customs systems of records.

A report on the proposal to revise the existing system of records has been filed with the Office of Management and Budget, the Speaker of the House, and the President of the Senate.

DATES: Any comments must be received not later than September 7, 1983. This proposed system will become effective on October 7, 1983, unless notice is given by this Department prior to that time.

ADDRESS: United States Customs Service, Office of Investigations, Financial Law Enforcement Center, Room 4339, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Stuart Seidel, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202) 566–2482.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has the responsibility for ensuring compliance with the reporting requirements of the Bank Secrecy Act (31 U.S.C. 5311 *et seq.*). Generally, the Bank Secrecy Act requires reports of unusually large cash transactions that have a high degree of unsefulness in criminal tax and regulatory matters. In January 1982 the Financial Law Enforcement Center was established to aid in carrying out that responsibility.

In a July 23, 1981 report the General Accounting Office recommended that the Secretary of the Treasury "revise the Department's Bank Secrecy Act data dissemination guidelines to provide (1) law enforcement investigator easier access to Bank Secrecy Act report data and (2) regulatory examiners data to verify financial institutions' report filings." In order to effectuate this recommendation while at the same time protecting the privacy rights of the individuals named in the reports, the routine uses under the existing system of records are being revised to authorize disclosure to Federal, state, local and foreign agencies to assist in their law enforcement efforts.

Dated: June 20, 1983.

Cora P. Beebe,

Assistant Secretary (Administration).

Treasury/Customs 00.067

SYSTEM NAME:

Bank Secrecy Act Reports File

SYSTEM LOCATION:

Computerized Records: U.S. Customs Service, Financial Law Enforcement Center, 1301 Constitution Avenue, NW, Washington, D.C. 20229: Treasury Enforcement Communications System, San Diego, California, with computer terminal access in various Customs and IRS regional offices. Originals: 4790's—Customs ports of entry or departure; 4789's—Internal Revenue Service, Ogden, Utah; 90.22–1's—Customs Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Listing of individuals who filed Form 4790 (Currency and Monetary Instrument Report), Form 4789 (Currency Transaction Report), and Form 90.22–1 (Foreign Banking Account Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals and other entities filing the above-referenced forms, reports of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, accounts numbers, addresses, personal identifiers, dates of birth, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. § 5311 *et seq.*; 31 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) In the event that this system of records includes information which indicates a violation or potential violation of law, or which may be relevant to such violation or potential violation, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto upon their request or on the initiative of the Customs Service; (c) A record from this system of records may be disclosed as a "routine use" to a Federal, state, local or foreign agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (d) A record from this system of records may be disclosed to a Federal, state, local, or foreign agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (e) Disclosures to Federal, state, local, or foreign agencies to assist their respective enforcement functions.

For additional routine uses see Appendix AA, 46 F.R. 16651 (March 12, 1981).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes (original 4790's are stored at the appropriate Customs port of entry or departure, original 4789's are stored by IRS in Ogden, Utah, and original 90.22–1's are stored at Customs Headquarters in Washington, D.C.).

RETRIEVABILITY:

By name and other unique identifiers.

SAFEGFUARDS:

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patroling the area, restricted access and alarm protection systems, special communication security, etc.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant commissioner, Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. *See* 5 U.S.C. 552a(e) (4) (G) and (f) (1).

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The provisions of 5 U.S.C. 552a from which this system of records is exempt and the justification for the exemptions

are contained in a general notice which appears in 31 CFR 1.36.

[FR Doc. 83-21392 Filed 8-5-83; 8:45 am]
BILLING CODE 4810-22-M

UNITED STATES INFORMATION AGENCY

Privacy Act of 1974; Report of System

AGENCY: United States Information Agency—Presidential Commission for the German-American Tricentennial.

ACTION: Final notice of system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 we are establishing a new system of records on behalf of the German-American Tricentennial Commission. The system is intended to provide names, telephone numbers, and mailing addresses of persons or institutions interested in German-American relations and the Tricentennial. Individuals or institutions so identified may be contacted in order to provide them with information on the activities of the Commission and Tricentennial events, to solicit participation in these activities, or to obtain support, financial or otherwise, and to enable the Commission to carry out its activities. By notice published at 48 FR 23016 (May 23, 1983), the public was requested to submit comments. No comments were received.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: John Scafe, Presidential Commission for the German-American Tricentennial, 730 Jackson Place, NW., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION: The United States Information Agency is publishing final comments on the proposed system of records for the Presidential Commission for the German-American Tricentennial. The system is intended to provide names, telephone numbers, and mailing addresses of persons or institutions interested in youth exchange. Individuals or institutions so identified may be contacted in order to provide them with information on the activities of the President's Council for International Youth Exchange, to solicit participation in these activities, or to obtain support, financial or otherwise, and to enable the Commission to carry out its activities. By notice published at 48 FR 23016 (May 23, 1983), the public was requested to submit comments. No comments were recieved. Therefore the Agency is adopting the proposed system.

USIA-58

SYSTEM NAME:

Contacts.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Presidential Commission for the German-American Tricentennial, 730 Jackson Place, Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

U.S. private sector leaders; representatives of foreign countries resident and not resident in the U.S.; U.S. legislative and executive branch personnel; private citizens, business, academic, student, cultural, labor, military and social leaders, federal and state employees, members of the press, organizations, and corporations interested in German-American relations and the German-American Tricentennial.

CATEGORIES OF RECORD IN THE SYSTEM:

Name, title, affiliation, address, telephone number, participation in Tricentennial and German-American activities, amount of money contributed or pledged by individuals and by organizations to the Commission.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Authority for this system of records is derived from the Federal Records Act, 44 U.S.C. 3101, U.S. Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 *et seq.*), and the Mutual Educational and Cultural Exchange Act of 1981, as amended (22 U.S.C. 2451 *et seq.*)

PURPOSE OF THE SYSTEM:

The Presidential Commission for the German-American Tricentennial has established a contact system for use by the Commission Staff. The system is intended to provide names, telephone numbers, and mailing addresses of persons or institutions interested in German-American relations and the Tricentennial. Individuals or institutions so identified may be contacted in order to provide them with information on the activities of the Commission and Tricentennial events, to request information on programs they may be planning for the Tricentennial, to solicit participation in these activities, or to obtain support, financial or otherwise, to enable the Commission to carry out its activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of persons or institutions who may have interest in German-American relations and the Tricentennial; solicitation of support, including contributions, and recording participation of individuals in various activities of the Tricentennial.

Information is available to the Presidential Commission for the German-American Tricentennial staff, including volunteers, as may be required for the performance of their official duties.

These records may be turned over to a contractor for use in the name of the Presidential Commission for the German-American Tricentennial and under conditions specified by the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained on an automated system—on a magnetic disk for active use and back-up.

RETRIEVABILITY:

Records are retrieved by name, functional title, organization, address, city , state, ZIP code, occupational category, specialty, affiliation and comments.

SAFEGUARDS:

Files are kept at the offices of the Presidential Commission for the German-American Tricentennial and may be called up only by the Commission staff, including volunteers.

RETENTION AND DISPOSAL:

Files will be destroyed upon termination of the Commission no later than January 31, 1984.

SYSTEM MANAGER(S) AND ADDRESS:

Presidential Commission for the German-American Tricentennial, 730 Jackson Place, Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Director, Office of Public Liaison, United States Information Agency, 400 C Street SW., Washington, D.C. 20547.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Office of Public Liaison, USIA, 400 C Street SW., Washington, D.C.

CONTESTING RECORD PROCEDURES:

The United States Information Agency's rules for access and for

contesting contents and appealing inital determinations by the individual concerned are published in Part 505 of Title 22, Code of Federal Regulations.

RECORD SOURCE CATEGORY:

Information is provided by the individual concerned, from published sources or from lists provided by German-American organizations and individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: July 29, 1983.

Charles Z. Wick,

Director, United States Information Agency.

[FR Doc. 83-21482 Filed 8-5-83; 8:45 am]

BILLING CODE 8230-01-M

Privacy Act of 1974; Report of New System

AGENCY: United States Information Agency.

ACTION: Notice of system of records.

SUMMARY: In accordance with the requirement of the Privacy Act of 1974 we are establishing a new system of records for the International Youth Exchange Contact System. The system is intended to provide information on organizations and individuals involved with the President's International Youth Exchange Initiative. The public was requested to submit comments. Only one comment was received. The system has been modified to reflect that comment.

DATE: This system shall become effective 30 days from date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Chief, International Youth Exchange Staff, USIA, 400 C Street SW., Washington, D.C. 20547.

SUPPLEMENTARY INFORMATION: The United States Information Agency sought comments on the proposed system of records for the International Youth Exchange Contact System. The Office of Management and Budget submitted the only comment. The system has been modified to reflect that comment. The system is intended to provide names, telephone numbers, and mailing addresses of persons or institutions involved with the President's International Youth Exchange Initiative. It was proposed that individuals or institutions so identified may be contacted in order to provide them with information on the activities of the President's Council for International Youth Exchange, to solicit participation in these activities, or to obtain support, financial or otherwise, for participation in the youth exchange initiative. After receiving the comment from the Office of Management and Budget and upon further consideration, we determined that the contact system would be composed of:

(1) Members of The President's Council for International Youth Exchange. These are public positions. The contact system will allow access by name. The office address and phone number of the individual will be available.

(2) Contributions—the system will list contributions by organization and the contact person in the organization. Whenever a contributor is a private individual his/her permission will be secured in writing before including his/her name on the list. The list of contributions and contributors is updated regularly and will be available.

(3) Guest lists for public events, for example a White House luncheon—the list is composed of government officials and private citizens. The person's name and office address will appear on the list. The list will be used by the Office of the International Youth Exchange Staff and by the President's Council for International Youth Exchange.

USIA-59

SYSTEM NAME:

Staff for International Youth Exchange Contact System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of International Youth Exchange Staff, United States Information Agency, 400 C Street SW., Washington, D.C. 20547.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the President's Council for International Youth Exchange; representatives of foreign countries resident and not resident in the U.S.; private citizens, organizations, and corporations involved in the President's International Youth Exchange Initiative.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, affiliation, office address, office telephone number, degree of participation in Youth Exchange activities, attendance records of President's Council events, amount of money contributed or pledged to President's Initiative by companies and by individuals where written permission is secured.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system of records is derived from the Federal Records Act, 44 U.S.C. 3101, U.S. Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 *et seq.*) and the Mutual Educational and Cultural Exchange Act of 1981, as amended (22 U.S.C. 2451 *et seq.*)

PURPOSE OF THE SYSTEM:

The United States Information Agency intends to establish a contact system for use by the International Yuth Exchange Staff. The system is intended to provide names, telephone numbers, and mailing addresses of persons or institutions involved with the President's Initiative. Individuals or institutions so identifies may be contacted in order to provide them with information on the activities of the President's Council for International Youth Exchange, to solicit participation in these activities, or to obtain support, financial or otherwise, for participation in the youth exchange initiative.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Idenification of persons or institutions who are involved with the President's International Youth Exchange Initiative, distribution of information to individuals interested in supporting youth exchange and to solicit support including contributions, and recording participation of individuals in various activities of the President's Council for International Youth Exchange.

Information is available to the International Youth Exchange Staff, the President's Council for Youth Exchange, and to other personnel of the United States Information Agency as may be required for the performance of their official duties.

Information in these records within the guidelines of the Freedom of Information Act is available upon written request to individuals, organizations or agencies outside the United States Information Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained on an automated system—on a magnetic disk for active use and back-up.

RETRIEVABILITY:

Records are retrieved by name of organization or by individuals, geographic location, invitation list,

contact history, invitation history, pledge and contribution records.

SAFEGUARDS:

Files are to be called up by designated persons only with preassigned passwords on a terminal in the Office of the Staff for International Youth Exchange, the Office of the President's Council for International Youth Exchange, and the Office of the Chairman of the Council whether or not situated at the USIA.

RETENTION AND DISPOSAL:

Files on individuals will be reviewed by the Administrative Officer of the International Youth Exhange Office for retention or destruction as their membership in the President's Council and/or involvement with the Initiative changes. Files on contributions from organizations will be reviewed annually by the Administrative Officer for retention or destruction in accordance with guidelines set forth in the Federal Records Act.

SYSTEM MANAGER(S) AND ADDRESS:

International Youth Exchange Staff, USIA, 400 C Street, SW., Washington, D.C. 20547.

NOTIFICATION PROCEDURE:

International Youth Exchange Staff, USIA, 400 C Street, SW., Washington, D.C. 20547.

RECORDS ACCESS PROCEDURES:

The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned are published in Part 505 of Title 22, Code of Federal Regulations.

RECORD SOURCE CATEGORY:

Information is provided by the individual concerned or from published sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: July 29, 1983.

Charles Z. Wick,

Director, United States Information Agency.

[FR Doc. 83-21548 Filed 8-5-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 153
Monday, August 8, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

August 3, 1983.

TIME AND DATE: 10 a.m., Wednesday, August 10, 1983.

STATUS: Open in part, Closed in part.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following items in an open meeting:

1. Monterey Coal Company, Docket No. LAKE 80-413-R, etc. (Petition for Reconsideration of Commission decision concerning impoundment classification.)
2. Rosalie Edwards v. Aaron Mining Co., Docket No. WEST 80-441-DM. (Issues include whether the judge erred in concluding that discrimination under § 105(c) occurred.)

The Commission will then consider and act upon the following items in a closed meeting:

3. U.S. Steel Mining Corporation, Docket Nos. WEST 80-386-R, etc., and LAKE 81-116-M, etc. (Motion to disqualify.)
4. UMWA v. Secretary of Labor, Docket No. LAKE 82-70-R. (Issues include whether miners can contest the Secretary's vacation of a withdrawl order.)
5. Local Union 1889, District 17, UMWA v. Westmoreland Coal Company, Docket No. WEVA 81-256-C. (Issues include whether the judge properly dismissed a compensation claim without prejudice.)
6. Thompson Brothers Coal Company, Docket No. PENN 81-171. (Issues include whether the judge properly found violations of 30 CFR § 77.400(a).)

A majority of Commissioners present and voting voted to close items 3, 4, 5, and 6. (Pursuant to 5 U.S.C. § 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[FR Doc. S-1137-83 Filed 8-4-83; 3:33 pm]

BILLING CODE 6735-01-M

2

NATIONAL LABOR RELATIONS BOARD

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 10 a.m., Thursday, 11 August 1983.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and 552b(c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254-9430.

Dated: Washington, D.C. 4 August 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-1138-83 Filed 8-4-83; 3:59 pm]

BILLING CODE 7545-01-M

3

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9 a.m. (closed portion), 10 a.m. (open portion) Tuesday, August 16, 1983.

PLACE: Offices of the Corporation, seventh floor board room, 1129 20th Street, NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10 a.m. will be closed to the public. The open portion of the meeting will start at 10 a.m.

MATTERS TO BE CONSIDERED: Closed to the public 9 a.m. to 10 a.m.

1. Finance Project in Two Caribbean Countries.
2. Insurance Project in a Middle Eastern Country.
3. Overview of OPIC's Operations, Strategic Plan, Goals and Results.
4. Proposed OPIC Budget for FY 1985 and Proposed Amendments for FY 1984.
5. Pending Legislation Affecting OPIC.
6. Claims Report.
7. Information Reports: General.
8. Information Report: China Projects.

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 10 a.m.)

9. Approval of the Minutes of the Previous Two Board Meetings.
10. Approval of Proposed Regular Meetings.
11. Financial Statements for the Nine Month Period Ended June 30, 1983.
12. Allocation of Retained Earnings.
13. Information Reports.

CONTACT PERSON FOR MORE INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653-2925.

Elizabeth A. Burton,

Corporate Secretary.

August 4, 1983.

[S-1135-83 Filed 8-4-83; 10:13 am]

BILLING CODE 3210-01-M

4

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 33964/July 26, 1983.

STATUS: Closed meetings.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, July 21, 1983.

CHANGE IN THE MEETING: Additional meeting/items/deletion.

The following items will be considered at a closed meeting scheduled for Wednesday, August 3, 1983, at 3 p.m:

Litigation matters.

The following additional items will be considered at a closed meeting scheduled for Thursday, August 4, 1983, following the 10 a.m. open meeting:

Settlement of administrative proceeding of an enforcement nature.

Litigation matter.

The following item will not be considerd at a closed meeting scheduled for Tuesday, August 9, 1983, at 10 a.m:

Formal order of investigation.

Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

August 3, 1983.

[S-1133-83 Filed 8-4-83; 11:56 am]

BILLING CODE 8010-01-M

federal register

Monday
August 8, 1983

Part II

Department of the Interior

Fish and Wildlife Service

Department of Commerce

National Oceanic and Atmospheric Administration

Listing Endangered and Threatened Species and Designating Critical Habitat; Amended Procedures To Comply With the 1982 Amendments to the Endangered Species Act; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

Listing Endangered and Threatened Species and Designating Critical Habitat; Amended Procedures To Comply With the 1982 Amendments to the Endangered Species Act

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services) propose to amend Part 424 of Title 50 of the Code of Federal Regulations in order to comply with changes made in the Endangered Species Act of 1973 (Act) by the Endangered Species Act Amendments of 1982 (Amendments). Part 424 would be amended to alter the procedures followed by the Services in determining whether species are Endangered or Threatened and in designating and revising Critical Habitat. Changes would be made in the treatment of petitions from the public, mandatory time limits for various actions, standards under which determinations are made, and other procedural matters.

DATES: Comments must be received by October 7, 1983.

ADDRESSES: Interested persons or organizations are requested to submit comments to: Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Attention: Listing Regulations. Comments should refer to individual sections of the proposed rules being addressed. Comments and other materials relating to these rules will be available for public inspection by appointment during normal business hours (7:45–4:15 p.m.) at the Service's Office of Endangered Species, 1000 North Glebe Road, Suite 500, Arlington, Virginia.

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), or Charles Karnella, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235 (202/634–7471).

SUPPLEMENTARY INFORMATION: The Services first adopted regulations governing the listing, delisting, and reclassification of species, and the designation and revision of Critical Habitat, on February 27, 1980 (45 FR 13022). These regulations are codified at 50 CFR Part 424. The Endangered Species Act Amendments of 1982 became law on October 13, 1982, making several changes in the required procedures to be followed under the Act.

The present proposal seeks to amend 50 CFR Part 424 to reflect procedural changes required by the Amendments and to make technical and editorial changes in 50 CFR Part 424 providing greater clarity or better reflecting Departmental policies and procedures.

Changes made by the Amendments were designed to ensure that decisions in every phase of the listing process are based *solely* on biological consideration, and to prohibit considerations of economic or other nonbiological factors from affecting such decisions. The legislative history accompanying the Amendments makes it clear that, although economic considerations are relevant for the designation of Critical Habitat, such considerations should not be taken into account in deciding whether to list a given species. The listing process has been streamlined by reducing the time periods for rulemaking, consolidating public meeting and hearing requirements, and providing for the separation of Critical Habitat designations from the listing process when appropriate.

After receiving a petition to list, delist, or reclassify a species, the Secretary must now act "to the maximum extent practicable" within a 90-day period to publish a finding that the petition does or does not present substantial information indicating that the petitioned action may be warranted. The requirement to make such a finding within 90 days may be waived only if the devotion of staff resources to petition responses would interfere with actions needed to list other species in greater need of protection. Decisions to take one action rather than another must be made in conjunction with a scientifically-based priority system (such a system is embodied in draft guidelines published April 19, 1983, 48 FR 16756).

Within 12 months of receiving a "substantial" petition, the Secretary must publish a proposed rule, determine that the petitioned action is not warranted, or determine that the action is warranted but that other listing, delisting, or reclassification actions preclude the preparation of a proposal. In any case, a notice of such findings must be published in the **Federal Register**. If a negative finding is made with regard to a petition, the finding is subject to judicial review.

The Amendments also state that the 12-month time period may be extended only if the Secretary can demonstrate expeditious progress on other listings, delistings, and reclassifications. Any petition so extended is treated as if resubmitted and an additional year is allowed for the required action. The failure to propose an otherwise warranted petitioned species will be subject to judicial review.

Petitions to revise Critical habitat are not required to present economic information relevant to the proposed revision, and will be treated in the same manner as other petitions except that the Services need not propose a revision supported by a substantial petition within 12 months of receipt, but must publish notice of an intended course of action. Petitions pending at the time of passage of the Amendments are also covered by these new provisions.

Final action on listing, delisting, or Critical Habitat proposals now must be taken within 1 year, instead of 2 years as previously allowed. A 6-month extension is permissible only if there exists substantial disagreement among specialists regarding the sufficiency or accuracy of the required biological data. Extensions are not permissible to allow additional time to conduct economic or other analyses relating to Critical Habitat designations. A determination to withdraw a listing or delisting proposal is also subject to judicial review.

The Amendments restate the general requirement of concurrent listing and Critical Habitat designation for a given species but authorize listing without the latter in certain circumstances. If a Critical Habitat designation is found "not prudent," the listing can become final at any time during the new 1-year (or 18-month) period. When scientific and commercial information indicates that prompt listing of the species is essential to its conservation, but the analysis necessary to designate Critical Habitat has not been completed, the listing must be made final within the 1-year period (or 18-month period) without designating Critical Habitat; the Critical Habitat segment of the proposal then would be completed and made final separately as soon possible.

When Critical Habitat has been deemed "not determinable" within the 1-year (or 18-month) period, the initial review period may be extended by not more than 1 additional year. At the end of the additional year or sooner, Critical Habitat must be determined to "the

maximum extent prudent." Revisions may be made as new information becomes available.

Finally, the new Amendments also require that if the Secretary adopts a rule over the objection of a State government or fails to take an action petitioned by a State conservation agency, a written justification must be provided to the State agency.

Section-by-Section Analysis

Subpart A—General provisions

§ 424.01 Scope and purpose. Only technical changes to improve clarity would be made in this section. The words ". . . to designate or revise Critical Habitat . . ." would be substituted for ". . . designating Critical Habitat . . ." in order to conform more closely to the language of the Act, as amended.

§ 424.02 Definitions. Several definitions are proposed to be added or amended in this section. The affected paragraphs are:

(b) The term "candidate" would be added and defined to provide for its use in these regulations and in related actions. This reflects a recent effort on the part of the Fish and Wildlife Service to provide centralized lists of candidate species for listing under the Act.

(h) The term "public hearing" would be redefined to reflect the consolidation of public meeting and public hearing procedures provided in the Amendments. The purposes of both former procedures are now to be encompassed in a public hearing. The term "public meeting" has been deleted from the list of terms defined.

(i) The term "Secretary" would be added to reflect current approval policy for rules issued by the Department of the Interior. Secretarial authority in the Department of the Interior has been delegated to the Assistant Secretary for Fish and Wildlife and Parks. Authority in the Commerce Department is delegated to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Adminstration. The term "Director" has been deleted.

(l) The term "State agency" would be added and defined to provide for its use in §§ 424.16(c)(1)(ii) and 424.18(c).

Subpart B—Revision of the lists

§ 424.10 General. No changes are proposed in this section.

§ 424.11 Factors for listing, reclassifying, or removing species. The following paragraphs would be amended in this section:

(b) This new paragraph is proposed to implement the requirement of the Amendments that determinations regarding the biological status of a given species not be affected or delayed by any consideration of the possible economic or other effects of such a determination.

(c) This paragraph would contain material presently at § 424.11(b). The only change would be made in subparagraph (2), by substituting "recreational" for "sporting," in order to reflect a change made in the Amendments.

(d) This paragraph would be amended to reflect the Act's requirement that the Secretary conduct a review of the status of a species before proposing to delist it.

(e) This paragraph would contain material presently at § 424.11(c). It would be expanded to reflect the Amendments' provision calling for consideration of a species' identification by States or foreign nations as being in danger of extinction or likely to become so.

(f) This new paragraph is proposed to be added to implement Section 4(b)(1)(A) of the Act as amended. It provides that conservation measures of States or foreign nations are to be taken into account in determining whether any species should be listed.

§ 424.12 Criteria for designating Critical Habitat. The following paragraphs would be amended in this section:

(a) This paragraph would be changed to conform to the Amendments' provision that Critical Habitat be specified to the maximum extent prudent and determinable at the time a species is proposed to be listed. The provision that Critical Habitat be designated concurrently with a given species' listing to the maximum extent prudent and determinable is nevertheless intended to allow a listing to become final before the analyses required in the designation of Critical Habitat have been completed or when current knowledge of the species' habitat needs are not well enough known to permit delineation of Critical Habitat. It should be recognized that, if Critical Habitat is judged not to be determinable at the time a species is listed, the Secretary is required within one year of the listing to designate Critical Habitat to the maximum extent prudent. Thus, a finding that Critical Habitat is not determinable may delay its designation, but does not permanently relieve the Secretary from making such a designation.

Designation of Critical Habitat may be foregone completely, however, when the Secretary finds that such designation would not be prudent. The Endangered Species Act Amendments of 1978 established a standard of benefit to the species in determining whether it is prudent to designate Critical Habitat for that species. In general, the Services intend to designate Critical Habitat concurrently with a species' listing, but will consider such designation as not prudent when the publication of maps and descriptions of Critical Habitat is likely to exacerbate threats to a species from taking and vandalism, or when it is not possible to delineate an area that can satisfy the definition of "Critical Habitat."

(c) The material presently contained in this paragraph would be relocated at § 424.19, in keeping with Congressional intent that economic considerations not delay determinations regarding species' status. The remaining paragraphs of the Section would be re-lettered in sequence.

(h) This paragraph is added to reflect legislative history of the Amendments indicating that Critical Habitat provisions do not apply in foreign countries.

§ 424.13 Sources of information and relevant data. The last sentence of this section would be deleted because a similar provision is proposed to be added to § 424.11(d).

§ 424.14 Petitions. This section would be modified throughout to reflect changes made in the Amendments. In general, these require that specific responses be made to petitions, establish time frames for required actions, and reduce the degree of discretion allowed to the Secretary in taking action on matters under petition. The proposal also reflects the provisions of the Amendments that call for treating petitions regarding determinations of a species' status differently from those that advocate revision of Critical Habitat, designation of Critical Habitat for species listed before passage of the Amendments, or adoption of special rules.

The Amendments require an initial finding regarding the substantiality of a petition within 90 days of receipt and, for a petition that presents substantial information regarding status of a species, require publication of a proposed rule or an explanation of the reasons for not proposing a rule within 12 months of receipt. Petitions to revise Critical Habitat that present substantial information require publication within 12 months of a notice detailing the Secretary's intended course of action.

As for the requisite information to be included in a petition, this section has been revised to reflect the legislative history of the Amendments, which permits a petitioner to present only biological or trade data regarding a

species' status; the petition need not address any economic consequences of a petitioned action.

§ 424.15 Notices of review. This section would be amended to reflect current practice of the Fish and Wildlife Service in identifying, by means of consolidated notices, those species considered candidates for listing under the Act and those former candidates no longer being considered for listing. Such notices have been published for plants (December 15, 1980; 45 FR 82480) and vertebrate animals (December 30, 1982; 47 FR 58454). A similar notice is in preparation for invertebrate animals. The Service intends to keep such notices current with periodic revisions so that they will serve as convenient centralized sources of information regarding the Service's contemplated future listing actions, public notifications, and data requests. No legal consequences or protections shall arise under the Endangered Species Act as a result of the publication of a list of candidate species.

§ 424.16 Proposed rules—general. The following paragraphs would be amended in this section:

(a) Only minor technical changes are proposed. No substantive amendment would be made in this paragraph.

(b) The material presently contained in this paragraph would be divided for the sake of clarity between new paragraphs (b) and (c). Procedures for notifications and public hearings would be changed to reflect requirements in the Amendments. Specifically, proposals would require notification of affected State agencies [rather than governors (see 424.02(l))], counties, foreign nations, and scientific societies, as well as the publication of notices in local newspapers. Present provisions for public hearings and public meetings would be consolidated and a hearing would be required whenever requested within 45 days of publication of a proposal (see 424.02(h)).

§ 424.17 Time limits and required actions. Present § 424.17 contains special provisions for proposal content, comment period, notification, and public hearings applying to rules dealing with Critical Habitat. Those would not be consolidated in § 424.16, dealing with proposals generally, to reflect similar consolidated provisions in the Amendments. The proposed § 424.17 reflects provisions of the Amendments setting time limits and requiring specific actions and findings with regard to proposed rules. Because of the complexity of these requirements, it is proposed to treat them together in this section.

§ 424.18 Final rules—general. The general procedures governing promulgation of final rules are proposed to be located in § 424.18. Paragraphs (a) and (b) contain provisions substantially the same as those now at § 424.18 (c) and (e), with editorial changes for purposes of clarity or closer conformance with the Act, as amended. The provisions of present paragraph (b), regarding the requirement to publish either a final rule or a withdrawal subsequent to a proposed rule, are superseded by proposed § 424.17. Paragraph (d), providing a 2-year limitation on proposed rules, requires change to comply with the Amendments. Whereas formerly withdrawal was required of any listing proposal if a final rule had not been issued within 2 years, the Act now requires that a final rule be promulgated within 1 year of proposal unless available information fails to support the action proposed or substantial disagreement exists regarding the sufficiency or accuracy of the available, relevant data. The relevant provisions are now contained in § 424.17. Proposed paragraph (c) implements the requirement of the Amendments that the Secretary justify in writing any adoption of a final rule over the objections of an affected State agency, or any failure to adopt a rule to implement an action petitioned by a State agency.

§ 424.19 Final rules—impact analysis of Critical Habitat. Present § 424.19 contains provisions governing emergency rules. Such provisions are proposed to be placed at § 424.20. Proposed § 424.19 sets forth procedures for the examination of impacts required in the formulation of final rules dealing with Critical Habitat. The proposed provisions are substantially the same as those now at § 424.12(c). Minor editorial changes are proposed for the sake of clarity. Language in the legislative history of the 1982 Amendments, prohibiting the consideration of economic impacts in formulating rules pertaining to the listing or delisting of a species, requires the placement of economic analysis provisions in a separate section that would apply only to the designation or revision of Critical Habitat.

§ 424.20 Emergency rules. Present § 424.20 deals with periodic review of the lists. Such provisions are proposed to be placed at § 424.21. The provisions of the proposed section are substantially the same as those now at § 424.19. Editorial changes are proposed for the sake of clarity and conformance with current policies and the Amendments.

§ 424.21 Periodic review. The provisions proposed for this section are substantially the same as those now at § 424.20, except for minor clarifying changes.

Public Comments Solicited

The Services intend that any rule finally adopted be as effective as possible in implementing the Act, as amended. Therefore, comments or recommendations concerning any aspect of these proposed rules are hereby invited from the public, concerned government agencies, the scientific community, industry, private interests, or any other interested party. Comments should be as specific as possible and refer to section and paragraph being treated.

Final promulgation of a rule to implement this proposed action will take into consideration any comments or additional information received by the Services. Such communications may lead to a final rule that differs from this proposal.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The U.S. Fish and Wildlife Service, as lead agency in the development of this proposal, has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96–354); and that the rule as proposed does not contain any information collection or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

The rules contained in this proposal are procedural in nature and principally implement the 1982 Amendments to the Endangered Species Act. In so doing, the proposal seeks to conform to new requirements of the Amendments. Any potential effects of such compliance stem directly from legislation and cannot be evaluated as independent effects of the proposal.

National Environmental Policy Act

The Fish and Wildlife Service has determined that these proposed regulations are categorically excluded from National Environmental Policy Act (NEPA) requirements [part 516 of the Departmental Manual, Chapter 6, Appendix I, Section 1.4 A.(3) categorically excludes the issuance of regulatory procedures when the impacts are limited to administrative or technological effects]. This rule is procedural in nature, adopted in strict, non-discretionary compliance with the

Amendments and will have no environmental consequences.

Author

The principal author of this proposal is Dr. John J. Fay, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

List of Subjects in 50 CFR Part 424

Administrative practice and procedure, Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is proposed to amend Part 424 of Chapter IV of title 50 of the Code of Federal Regulations as set forth below:

Part 424 is proposed to be revised to read as follows:

PART 424—LISTING ENDANGERED AND THREATENED SPECIES AND DESIGNATING CRITICAL HABITAT

Subpart A—General Provisions

Sec.

424.01 Scope and purpose.
424.02 Definitions.

Subpart B—Revision of the Lists

424.10 General.
424.11 Factors for listing, reclassifying, or delisting species.
424.12 Criteria for designating Critical Habitat.
424.13 Sources of information and relevant data.
424.14 Petitions.
424.15 Notices of review.
424.16 Proposed rules—general.
424.17 Time limits and required actions.
424.18 Final rules—general.
424.19 Final rules—impact analysis of Critical Habitat.
424.20 Emergency rules.
424.21 Periodic review.

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

Subpart A—General Provisions

§ 424.01 Scope and Purpose.

(a) Part 424 provides rules for revising the Lists of Endangered and Threatened Wildlife and Plants and, where appropriate, designating or revising their Critical Habitats. Criteria are provided for determining species to be Endangered or Threatened and for designating Critical Habitats. Procedures for receiving and considering petitions to revise the lists and for conducting periodic reviews of listed species also are established.

(b) The purpose of these rules is to interpret and implement those portions of the Endangered Species Act of 1973, as amended (16 U.S. C. 1531 *et seq.*), that pertain to the listing of species and the determination of Critical Habitats.

§ 424.02 Definitions.

(a) The definitions of terms in 50 CFR 402.02 shall apply to this Part 424, except as otherwise stated.

(b) "Candidate" means any species being considered by the Secretary for listing as an Endangered species or a Threatened species.

(c) "Conservation," "conserve," and "conserving" mean to use and the use of all methods and procedures that are necessary to bring any Endangered species or Threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(d) "Critical Habitat" means (1) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (i) essential to the conservation of the species and (ii) that may require special management considerations or protection, and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species.

(e) "Endangered species" means a species that is in danger of extinction throughout all or a significant portion of its range.

(f) "List" or "lists" means the lists of Endangered and Threatened wildlife and plants found at 50 CFR 17.11(h) or 17.12(h).

(g) "Plant" means any member of the Plant Kingdom, including seeds, roots, and other parts thereof.

(h) "Public hearing" means an informal hearing to provide the public with the opportunity to give comments and to permit an exchange of information and opinion on a proposed rule.

(i) "Secretary" means the Secretary of the Interior or the Secretary of Commerce, as appropriate, or their authorized representatives.

(j) "Special management considerations or protection" means any methods or procedures useful in protecting physical and biological features of the environment for the conservation of listed species.

(k) "Species" includes any species or subspecies of fish or wildlife or plant, and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature. Excluded is any species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of the Act would present an overwhelming and overriding risk to man.

(l) "State agency" means any State agency, department, board, commission, or other governmental entity that is responsible for the management and conservation of fish, plant, or wildlife resources within a State.

(m) "Threatened species" means any species that is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.

(n) "Wildlife" or "fish and wildlife" means any member of the Animal Kingdom, including without limitation, any vertebrate, mollusk, crustacean, arthropod, or other invertebrate and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

Subpart B—Revision of the Lists

§ 424.10 General.

The Secretary may add a species to the lists or designate Critical Habitat, delete a species or Critical Habitat, change the listed status of a species, revise the boundary of an area designated as Critical Habitat, or adopt or modify special rules (see 50 CFR 17.40-17.48 and Parts 222 and 227) applied to an Endangered or Threatened species only in accordance with the procedures of this part.

§ 424.11 Factors for listing, reclassifying, or delisting species.

(a) Any species or taxonomic group of species (e.g., genus, subgenus) as defined in § 424.02(k) is eligible for listing under the Act. A taxon of higher rank than species will be listed only if all included species are individually found to be Endangered or Threatened. In determining whether a particular taxon or population is a species for the purposes of the Act, the Secretary shall rely on standard taxonomic distinctions and the biological expertise of the Department and the scientific community concerning the relevant taxonomic group.

(b) The Secretary shall make any determination required by paragraphs

(c) or (d) of this section *solely* on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such determination.

(c) A species shall be listed or reclassified if the Secretary determines, on the basis of the best scientific and commercial data available after conducting a review of the species' status, that the species is Endangered or Threatened because of any one or a combination of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, recreational, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms, or

(5) Other natural or manmade factors affecting its continued existence.

(d) The factors considered in delisting a species are those in paragraph (c) of this section as they relate to the definitions at § 424.02(e) and § 424.02(m). Such removal must be supported by the best scientific and commercial data available to the Secretary after conducting a review of the status of the species. A species may be delisted only if such data substantiate that it is neither Endangered nor Threatened for one or more of the following reasons:

(1) *Extinction.* Unless each individual of the listed species had been previously identified and located, a sufficient period of time must be allowed before delisting to indicate clearly that the species is extinct.

(2) *Recovery.* The principal goal of the Services is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.

(3) *Original data for classification in error.* Subsequent investigations may show that the best scientific or commercial data available when the species was listed were in error.

(e) The fact that a species of fish, wildlife, or plant is protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora or similar international agreement on such species, or has been identified as requiring protection from unrestricted commerce by any foreign nation or, as in danger of extinction, or likely to become so within the foreseeable future, by any State agency or by any agency of a foreign nation that is responsible for the conservation of fish or wildlife or plants, may constitute evidence that the species is Endangered or Threatened. The weight given such evidence will vary depending on any international agreement in question, the criteria pursuant to which the species is eligible for protection under such authorities, and the degree of protection afforded the species. The Secretary shall give full consideration to any species protected under such an international agreement, or by any State or foreign nation, to determine whether the species is Endangered or Threatened.

(f) The Secretary shall take into account, in making determinations under paragraphs (c) or (d) of this section, those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas.

§ 424.12 Criteria for designating Critical Habitat.

(a) Critical Habitat shall be specified to the maximum extent prudent and determinable at the time a species is proposed for listing. If designation of Critical Habitat is not prudent or if Critical Habitat is not determinable, the reasons for failure to designate Critical Habitat will be stated in the publication of proposed and final rules listing a species.

(1) A designation of Critical Habitat is not prudent when: (i) The species is threatened by taking or other human activity, and identification of Critical Habitat can be expected to increase the degree of such threat to the species, or

(ii) Such designation of Critical Habitat would not be beneficial to the species.

(2) Critical Habitat is not determinable when:

(i) Information sufficient to perform required analyses of the impacts of the designation is lacking, or

(ii) The biological needs of the species are not sufficiently well known to permit identification of an area as Critical Habitat.

(b) In determining what areas are Critical Habitat, the Secretary shall consider those physiological, behavioral, ecological, and evolutionary requirements that are essential to the conservation of a given species and that may require special management considerations or protection. Such requirements include, but are not limited to:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally,

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

When considering the designation of Critical Habitat, the Secretary shall focus on the principal biological or physical constituent elements within the defined area that are essential to the conservation of the species. Known primary constituent elements shall be listed with the Critical Habitat description. Primary constituent elements that may be identified include, but are not limited to, the following: Roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host animal or plant pollinator, geological formation, vegetation type, tide, and specific soil types.

(c) Each Critical Habitat will be defined by specific prescribed limits using reference points and lines as found on standard topographic maps of the area. Each area will be referenced to the State(s), county(ies), or other local governmental units within which all or part of the Critical Habitat is located. Unless otherwise indicated within the Critical Habitat descriptions, the names of the State(s) and county(ies) are provided for informational purposes only and do not constitute the boundaries of the area. Ephemeral reference points (e.g., trees, sand bars) shall not be used.

(d) When several suitable habitats are located in close proximity to one another, an inclusive area may be designated as Critical Habitat.

Example—Several dozen or more small ponds, lakes, and springs are found in a small local area. The entire area could be designated Critical Habitat if it were concluded that the upland areas were important in maintaining suitable habitat for an aquatic species located in the ponds and lakes.

(e) The Secretary shall designate as Critical Habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.

(f) Critical Habitat may be designated for those species listed as Threatened or Endangered before October 13, 1982, but for which no Critical Habitat has been previously designated.

(g) Existing Critical Habitat may be revised according to procedures in this Section as new data become available to the Secretary.

(h) Critical Habitat shall not be designated within foreign countries.

§ 424.13 Sources of information and relevant data.

When considering any revision of the lists, the Secretary shall consult as appropriate with affected States, interested persons and organizations, other affected Federal agencies, and, in cooperation with the Secretary of State, with the country or countries in which the species concerned are normally found or whose citizens harvest such species from the high seas. Data reviewed by the Secretary may include, but are not limited to, scientific or commercial publications, administrative reports, maps or other graphic materials, information received from persons expert on the subject, and comments from interested parties.

§ 424.14 Petitions.

(a) *General.* Any interested person may submit a written petition to the Secretary requesting that one of the actions described in § 424.10 be taken. Such a document must clearly identify itself as a petition and be dated. It must contain the name, signature, address, telephone number, if any, and the association, institution, or business affiliation, if any, of the petitioner. The Secretary shall acknowledge in writing receipt of such a petition within 30 days.

(b) *Petitions to list, delist, or reclassify species.* (1) To the maximum extent practicable, within 90 days of receiving a petition to list, delist, or reclassify a species, the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. For the purposes of this Section, "substantial information" is that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. The Secretary shall promptly publish such finding in the **Federal Register.**

(2) In making a finding under paragraph (b)(1) of this Section, the Secretary shall consider whether such petition:

(i) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved;

(ii) Contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species;

(iii) Describes any recommended Critical Habitat as to boundaries and physical features and indicates any benefits and/or adverse effects on the species of such designation.

(iv) Provides information regarding the status of the species over all or a significant portion of its range; and

(v) Is accompanied by appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps.

(3) Upon making a positive finding under paragraph (b)(1) of this section, the Secretary shall commence a review of the status of the species concerned and shall make, within 12 months of receipt of such petition, one of the following findings:

(i) The petitioned action is not warranted, in which case the Secretary shall promptly publish such finding in the **Federal Register.**

(ii) The petitioned action is warranted, in which case the Secretary shall promptly publish in the **Federal Register** a proposed regulation to implement the action pursuant to § 424.16 of this part, or

(iii) The petitioned action is warranted, but that—

(A) The immediate proposal and timely promulgation of a regulation to implement the petitioned action is precluded because of other pending proposals to list, delist, or reclassify species, and

(B) Expeditious progress is being made to list, delist, or reclassify qualified species,

In which case such finding shall be promptly published in the **Federal Register** together with a description and evaluation of the reasons and data on which the finding is based.

(4) If a finding is made under paragraph (b)(3)(iii) of this section with regard to any petition, the Secretary shall, within 12 months of such finding, again make one of the findings described in paragraph (b)(3) of this section with regard to such petition, but no further finding of substantial information will be required.

(c) *Petitions to revise Critical Habitat.* (1) To the maximum extent practicable, within 90 days of receiving a petition to revise a Critical Habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific information indicating that the revision may be warranted. The Secretary shall promptly publish such finding in the **Federal Register.**

(2) In making the finding required by paragraph (c)(1) of this section, the Secretary shall consider whether a petition contains:

(i) Information indicating that areas petitioned to be added to Critical Habitat contain resources essential to, or require special management to provide for, the conservation of the species involved; or

(ii) Information indicating that areas now designated as Critical Habitat do not contain resources essential to, or do not require special management to provide for, the conservation of the species involved.

(3) Within 12 months after receiving a petition found under paragraph (c)(1) of this section to present substantial information indicating that revision of a Critical Habitat may be warranted, the Secretary shall determine how he intends to proceed with the requested revision, and shall promptly publish notice of such intention in the **Federal Register.**

(4) If the Secretary finds that a petition does not present substantial information indicating that revision of a Critical Habitat may be warranted, the petition shall be denied and the petitioner so notified.

(d) *Petitions to designate Critical Habitat or adopt special rules.* Upon receiving a petition to designate Critical Habitat or to adopt a special rule to provide for the conservation of a species, the Secretary shall promptly conduct a review in accordance with the Administrative Procedure Act (5 U.S.C. 553) and applicable departmental regulations, and take appropriate action.

§ 424.15 Notices of review.

(a) If the Secretary finds that one of the actions described in § 424.10 may be warranted, but that the available evidence is not sufficiently definitive to justify proposing the action at that time, he may publish a notice of review in the **Federal Register.** The notice will describe the measure under consideration, briefly explain the reasons for considering the action, and solicit comments and additional information on the action under consideration.

(b) The Secretary from time to time also may publish notices of review containing the names of species that are considered to be candidates for listing under the Act and indicating whether sufficient scientific or commercial information is then available to warrant proposing to list such species, the names of species no longer being considered for listing, or the names of listed species being considered for delisting or

reclassification. No legal consequences shall arise under the Act as a result of the designation of a species as a candidate for listing.

(c) Such notices of review shall invite comment from all interested parties regarding the status of the species named. At the time of publication of such a notice, notification in writing shall be sent to State agencies in any affected States and, to the greatest extent practicable, to the governments of any foreign countries in which the subject species normally occur.

§ 424.16 Proposed rules—general.

(a) Based on the information discovered through §§ 424.13, 424.14, 424.15, and 424.21, or through other avenues available to him, the Secretary may propose revising the lists as described in § 424.10.

(b) *Contents.* A notice of a proposed rule to carry out one of the actions described in § 424.10 shall contain the complete text of the proposed rule, a summary of the data on which the proposal is based (including, as appropriate, citation of pertinent information sources), and shall show the relationship of such data to the rule proposed. If such a rule designates or revises Critical Habitat, such summary shall, to the maximum extent practicable, include a brief description and evaluation of those activities (whether public or private) that, in the opinion of the Secretary, if undertaken, may adversely modify such habitat, or may be affected by such designation. Any proposed rule to designate or revise Critical Habitat shall contain a map of such habitat. Any such notice proposing the listing, delisting, or reclassification of a species or the designation or revision of Critical Habitat shall also include a summary of factors affecting the species and/or Critical Habitat.

(c) *Procedures*—(1) *Notifications.* In the case of any proposed rule to list, delist, or reclassify a species, or to designate or revise Critical Habitat, the Secretary shall:

(i) Publish notice of the proposal in the **Federal Register**;

(ii) Give actual notice of the proposed regulation (including complete text of the regulation) to the State agency in each State in which the species is believed to occur, and to each county or equivalent jurisdiction therein in which the species is believed to occur, and invite the comment of each such agency and jurisdiction;

(iii) Insofar as practical, and in cooperation with the Secretary of State, give notice of the proposed regulation to list, delist, or reclassify a species to each foreign nation in which the species is believed to occur or whose citizens harvest the species on the high seas, and invite the comment of such nation;

(iv) Give notice of the proposed regulation to such professional scientific organizations as the Secretary deems appropriate;

(v) Publish a summary of the proposed regulation in a newspaper of general circulation in each area of the United States in which the species is believed to occur.

(2) *Period for public comments.* At least 60 days shall be allowed for public comment following publication in the **Federal Register** of a rule proposing the listing, delisting, or reclassification of a species, or the designation or revision of Critical Habitat. All other proposed rules shall be subject to a comment period of at least 30 days following publication in the **Federal Register**.

(3) *Public hearings.* The Secretary shall promptly hold one public hearing if any person so requests within 45 days of publication of a proposed regulation to list, delist, or reclassify a species, or to designate or revise Critical Habitat. Notice of the location and time of any such hearing shall be published in the **Federal Register** not less than 15 days before the hearing is held.

§ 424.17 Time limits and required actions.

(a) *General.* (1) Within 1 year of the publication of a rule proposing to determine whether a species is an Endangered or Threatened species, or to designate or revise Critical Habitat, the Secretary shall publish in the **Federal Register**:

(i) A final rule to implement such determination or revision,

(ii) A finding that such revision should not be made,

(iii) A notice extending such 1-year period by an additional period of not more than 6 months because there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination or revision concerned, or

(iv) A notice withdrawing the proposed rule upon a finding that available evidence does not justify the action proposed by the rule.

(2) If an extension is made under paragraph (a)(1)(iii) of this section, the Secretary shall, within the extended period, take one of the actions described in paragraphs (a)(1)(i), (ii), or (iv) of this section.

(3) If a proposed rule is withdrawn under paragraph (a)(1)(iv) of this section, the notice of withdrawal shall set forth the basis upon which the proposed rule has been found not to be supported by available evidence. The Secretary shall not again propose a rule withdrawn under such provision except on the basis of sufficient new information that warrants a re-proposal.

(b) *Critical Habitat designations.* A final rule designating Critical Habitat of an Endangered species or a Threatened species shall be published concurrently with the final rule listing such species, unless the Secretary deems that—

(1) It is essential to the conservation of such species that it be listed promptly; or

(2) Critical Habitat of such species is not then determinable, in which case the Secretary, with respect to the proposed regulation to designate such habitat, may extend the 1-year period specified in paragraph (a) of this Section by not more than one additional year. Not later than the close of such additional year the Secretary must publish a final regulation, based on such data as may be available at that time, designating, to the maximum extent prudent, such habitat.

§ 424.18 Final rules—general.

(a) *Contents.* A final rule promulgated to carry out the purposes of the Act will be published in the **Federal Register**. This publication will contain the complete text of the rule, a summary of the comments and recommendations received in response to the proposal (including applicable public hearings), summaries of the data on which the rule is based and the relationship of such data to the final rule, and a description of any conservation measures available under the rule. Publication of a final rule to list, delist, or reclassify a species or designate or revise Critical Habitat shall also provide a summary of factors affecting the species. A rule designating or revising Critical Habitat will also contain a description of the boundaries and a map of such habitat and will, to the maximum extent practicable, be accompanied by a brief description and evaluation of those activities (whether public or private) that might occur in the area and which, in the opinion of the Secretary, may adversely modify such habitat or be affected by such designation.

(b) *Effective date.* A final rule shall take effect:

(1) Not less than 30 days after it is published in the **Federal Register**, except as otherwise provided for good cause found and published with the rule; and

(2) Not less than 90 days after (i) publication in the **Federal Register** of the proposed rule, and (ii) actual notification of any affected State agencies and counties or equivalent jurisdictions in accordance with § 424.16(c)(1)(ii).

(c) *Disagreement with State agency.* If a State agency, given notice of a proposed rule in accordance with § 424.16(c)(1)(ii), submits comments disagreeing in whole or in part with a proposed rule, and the Secretary issues a final rule that is in conflict with such comments, or if the Secretary fails to adopt a regulation for which a State agency has made a petition in accordance with § 424.14, the Secretary shall provide such agency with a written justification for the failure to adopt a rule consistent with the agency's comments or petition.

§ 424.19 Final rules—impact analysis of Critical Habitat.

The Secretary shall identify any significant activities that would either affect an area considered for designation as Critical Habitat or be likely to be affected by the designation, and shall consider the reasonably probable economic and other impacts of the designation upon such activities. The Secretary may exclude any such area from the Critical Habitat if the benefits of such exclusion outweigh the benefits of specifying the area as part of the Critical Habitat. The Secretary shall not exclude any such area if, based on the best scientific and commercial data available, the failure to designate that area as Critical Habitat will result in the extinction of the species concerned.

§ 424.20 Emergency rules.

(a) Sections 424.16, 424.17, 424.18, and 424.19 notwithstanding, the Secretary may at any time issue a regulation implementing any action described in § 424.10 in regard to any emergency posing a significant risk to the well-being of a species of fish or wildlife or plant. Such rules shall, at the discretion of the Secretary, take effect immediately on publication in the **Federal Register**. In the case of any such action that applies to a resident species, the Secretary shall give actual notice of such regulation to the State agency in each State in which such species is believed to occur. Publication in the **Federal Register** of such an emergency rule shall provide detailed reasons why the rule is necessary. An emergency rule shall cease to have force and effect after 240 days unless the procedures described in §§ 424.16, 424.17, 424.18, and 424.19 (as appropriate) have been complied with during that period.

(b) If at any time after issuing an emergency rule the Secretary determines, on the basis of the best scientific and commercial data available, that substantial evidence does not than exist to warrant such regulation, it shall be withdrawn.

§ 424.21 Periodic review.

At least once every 5 years the Secretary shall conduct a review of each listed species to determine whether it should be delisted or reclassified. Each such determination shall be made in accordance with §§ 424.11, 424.16, and 424.17 of this Part, as appropriate. A notice announcing those species under active review will be published in the **Federal Register**. Notwithstanding this section's provisions, the Secretary may review any species at any time based upon a petition (see § 424.14) or upon other data available to the Service.

Dated: June 14, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Dated: June 28, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 83-20326 Filed 8-5-83; 8:45 am]

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federal register

Monday
August 8, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Notices of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 943]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 3, 1983.

The following notices of determinations were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New Well (2.5 Mile rule)
102–3: New Well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–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 943

ISSUED AUGUST 3, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ARAPAHOE PRODUCTION CO				RECEIVED:	07/15/83	JA: TX			
8345243	F-10-69724	4223331499		103		VIDA (05159) #2	PANHANDLE HUTCHINSON	29.0	DIAMOND SHAMROCK
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/15/83	JA: TX			
8345545	F-7C-070190	4241330268		108		J H TREADWELL #3	FT MCKAVITT	5.0	ARCO OIL & GAS CO
8345546	F-7C-070191	4241300622		108		VIRGIL J POWELL TR "A" A #5	TILLERY	16.0	ARCO OIL & GAS CO
8345544	F-7C-070189	4241331091		108		VIRGIL J POWELL TR "B" #11	TILLERY	4.0	ARCO OIL & GAS CO
-BRADCORP INC				RECEIVED:	07/15/83	JA: TX			
8345278	F-7C-69834	4239932722		103		WORKMAN VIVIAN HOLLIS	ANDERGRAM (PALO PINTO	11.0	UNION TEXAS PETRO
-CHEVRON U S A INC				RECEIVED:	07/15/83	JA: TX			
8345306	F-04-069885	4204700824		108		BRAULIA DE GARCIA 1 #2	ALTA MESA (1100)	2.9	TENNESSEE GAS PIP
8345305	F-04-069884	4204708111		108		BRAULIA DE GARCIA 5 #1	ALTA MESA (1100)	15.3	TENNESSEE GAS PIP
8345307	F-04-069886	4204700775		108		MESTENA OIL & GAS CO 1 #32	ALTA MESA (GARCIA SAN	10.2	TENNESSEE GAS PIP
-CONOCO INC				RECEIVED:	07/15/83	JA: TX			
8345203	F-08-69618	4238931386		102-4	103	TXL "43" #6 ID 28078	JESS BURNER (DELAWARE	29.2	EL PASO NATURAL G
8345261	F-08-69784	4238931343		102-4	103	W E BELL "44" #16 ID 27756	JESS BURNER (DELAWARE	912.5	EL PASO NATURAL G
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	07/15/83	JA: TX			
8345224	F-10-69677	4221100000		108		BLASDEL-WHEELER #1-55	BUFFALO WALLOW	0.0	EL PASO NATURAL G
8345282	F-10-69838	4221131394		108		HILDENBRAND #3	CANADIAN SE	7.0	NORTHERN NATURAL
-DINERO OIL CO				RECEIVED:	07/15/83	JA: TX			
8345312	F-01-069912	4250731352		103		R B WILLOUGHBY #5	LEONA (ELAINE)	58.0	VALERO TRANSMISSI
-EXXON CORPORATION				RECEIVED:	07/15/83	JA: TX			
8345235	F-08-69700	4249531571		103		BROWN-ALTMAN B #37	EMPEROR (DEEP)	21.0	
8345265	F-04-69791	4213135256		102-4		D C R C STATE A-6-D 103852	GOVT WELLS N (A-93)	101.4	ARMCO STEEL CORP
8345193	F-04-69607	4226130723		102-4		GARCIA RANCH 1 (103487)	GARCIA RANCH (L-40 LO	345.0	ARMCO STEEL CORP
8345541	F-04-070160	4226130772		103		KR SH JOSE DE LA PARRA 43-F 104937	CALAMORIA (I-60)	730.0	ARMCO STEEL CORP
8345194	F-04-69608	4226130793		102-4		KING RANCH BADENO 13 (104985)	SAN JOSE S (H-41)	365.0	ARMCO STEEL CORP
8345195	F-04-69609	4227331722		102-4		KING RANCH BORREGOS 588 (104936)	BORREGOS (V-19 NW)	427.0	ARMCO STEEL CORP
8345196	F-04-69610	4227331686		102-4		KING RANCH E LAURELES B-16 104928	BINA NE (H-89)	465.0	ARMCO STEEL CORP
8345192	F-04-69606	4227331652		102-4		KING RANCH MORGAN M-83 (104790)	STRATTON (G-24)	106.0	ARMCO STEEL CORP
8345304	F-04-069883	4204700000		108		MCGILL BROS 478 (098972)	KELSEY DEEP (18-D)	16.0	TRUNKLINE GAS CO
8345540	F-04-070159	4226130770		102-4		MRS S K EAST 146-F (105088)	RITA N E (J-42)	700.0	ARMCO STEEL CORP
8345197	F-04-69611	4226130769		102-4		MRS S K EAST 147-F (104959)	RITA NE (I-45)	475.0	ARMCO STEEL CORP
8345539	F-04-070158	4204730940		102-4		R J KLEBERG VIBORAS PST #95 105138	VIBORAS (MASSIVE FIRS	550.0	ARMCO STEEL CORP
8345272	F-08-69823	4231732564		103		STATE UNIVERSITY FA #1	LACAFF (WOLFCAMP)	1.0	
8345234	F-08-69697	4200333437		103		STATE UNIVERSITY HUTEX CONS #21	HUTEX (DEVONIAN)	3.0	PHILLIPS PETROLEU
8345199	F-04-69613	4204731232		103		VIBORAS FIELD GAS UNIT #1 V-111	VIBORAS (MASSIVE SECO	343.0	ARMCO STEEL CORP
8345198	F-04-69612	4204730830		103		VIBORAS FIELD GAS UNIT #1 Z-8-SD	VIBORAS (MASSIVE FIRS	670.0	ARMCO STEEL CORP
-FAGADAU ENERGY CORP				RECEIVED:	07/15/83	JA: TX			
8345538	F-09-070152	4207732573		102-4		SCALING RANCH "A" #1 #22008	BELLEVUE WEST (CADDO)	50.0	BLUEGROVE GASOLIN
8345536	F-09-070150	4207732628		102-4		SCALING RANCH "A" #2 RRC #22008	BELLEVUE WEST (CADDO)	36.0	BLUEGROVE GASOLIN
8345537	F-09-070151	4207732882		102-4		WRIGHT HEIRS #1 RRC #23065	BELLEVUE WEST (CADDO)	20.0	BLUEGROVE GASOLIN
-FOUR WAY JOINT VENTURE				RECEIVED:	07/15/83	JA: TX			
8345232	F-7B-69693	4225332546		102-4		HORACE DRIVER #3	FOUR WAY (FLIPPEN LIM	15.0	TEXAS UTILITIES F
-FRIEMEL & CARPENTER				RECEIVED:	07/15/83	JA: TX			
8345273	F-08-69824	4200332680		103		UNIVERSITY 16 #2 #25678	FUHRMAN-MASCHO	36.5	PHILLIPS PETROLEU
-GEODYNE RESOURCES INC				RECEIVED:	07/15/83	JA: TX			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8345253	F-10-69740	4229531283		102-4		M P CHEW #3
-GETTY OIL COMPANY				RECEIVED:	07/15/83	JA: TX
8345236	F-7B-69714	4243300000		108		FLOWERS CANYON SAND UNIT #139
8345237	F-7B-69715	4243300000		108		FLOWERS CANYON SAND UNIT #141
8345238	F-7B-69716	4243300000		108		FLOWERS CANYON SAND UNIT #163
8345239	F-7B-69717	4243300000		108		FLOWERS CANYON SAND UNIT #169
8345240	F-7B-69718	4243300000		108		FLOWERS CANYON SAND UNIT #195
8345241	F-7B-69719	4243300000		108		FLOWERS CANYON SAND UNIT #211
8345242	F-7B-69720	4243300000		108		FLOWERS CANYON SAND UNIT #215
-GILLRING OIL CO				RECEIVED:	07/15/83	JA: TX
8345216	F-04-69639	4235532118		102-4		SIMMONDS & PERRY #3
-GROTHE BROTHERS				RECEIVED:	07/15/83	JA: TX
8345281	F-7B-69837	4205934159		103		HART #2
8345280	F-7B-69836	4241734972		103		ROYAL #1
-GULF OIL CORPORATION				RECEIVED:	07/15/83	JA: TX
8345300	F-08-69872	4247532702		103		HUTCHINGS STOCK ASSN #1211
8345231	F-08-69692	4238931378		103		TXL "BM" (NCT-8) #9
8345230	F-08-69689	4247532711		103		UNIVERSITY 1829 #7
-HILLIARD OIL & GAS INC				RECEIVED:	07/15/83	JA: TX
8345557	F-08-070254	4200333346		103		UNIVERSITY LANDS SURVEY 10-5 #1
-IKE LOVELADY INC				RECEIVED:	07/15/83	JA: TX
8345302	F-7C-069881	4245130892		102-4	103	COT #1
8345303	F-7C-069882	4245130902		103		COT #2
8345301	F-7C-069880	4245130837		102-4	103	TIMM #1
-INDIAN WELLS OIL CO				RECEIVED:	07/15/83	JA: TX
8345274	F-7C-69825	4210534334		103	107-TF	MCDONALD 12-1
8345275	F-7C-69826	4210534335		103	107-TF	MCDONALD 12-2
-J-O'B OPERATING CO & ENTERPRISE RES				RECEIVED:	07/15/83	JA: TX
8345297	F-06-69867	4242330384		102-4		A B SMITH #1 - RRC LSE #10192
8345298	F-06-69868	4242330359		102-4		KELLY SPRINGFIELD TIRE CO #2
-L M YOUNG				RECEIVED:	07/15/83	JA: TX
8345542	F-7B-070163	4204932208		103		RONNIE BELL #2B
-LACY & BYRD INC				RECEIVED:	07/15/83	JA: TX
8345310	F-7C-069804	4246131979		103		MEINERS #1 RRC #10153
8345313	F-7C-069913	4246131956		103		POWELL 19 #3 RRC #10154
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	07/15/83	JA: TX
8345555	F-03-070247	4205132414		102-4		AUSLEY #5
8345556	F-03-070248	4228731370		102-4		C F PAYTON #2
-LARB OIL CO				RECEIVED:	07/15/83	JA: TX
8345264	F-7B-69790	4213331561		103		PAUL HODGE #1
-MARATHON OIL COMPANY				RECEIVED:	07/15/83	JA: TX
8345220	F-7C-69671	4210500000		108		UNIVERSITY "I" WELL #1
8345221	F-7C-69672	4210500000		108		UNIVERSITY "Y" WELL #3
-MEADCO PROPERTIES				RECEIVED:	07/15/83	JA: TX
8345225	F-7C-69678	4223530787		108		SCOTT #2 RRC #081006
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	07/15/83	JA: TX
8345222	F-8A-69674	4221933764		103		NORTH CENTRAL LEVELLAND UNIT #372
8345223	F-8A-69675	4221933761		103		NORTH CENTRAL LEVELLAND UNIT #380
-MONSANTO COMPANY				RECEIVED:	07/15/83	JA: TX
8345311	F-8A-069911	4207931578		103		CALVIN 39 #10-9
8345308	F-8A-069896	4207931577		103		WOOD 46 #9-12
-MURPHY H BAXTER				RECEIVED:	07/15/83	JA: TX
8345191	F-03-69599	4215731340		103		SOUTH KATY GAS UNIT #2 WELL #1
-NEUMIN PRODUCTION CO				RECEIVED:	07/15/83	JA: TX
8345269	F-02-69808	4205731228		103		STATE TRACT 176 WELL 4-F
-PETROLEUM EQUITIES CORP				RECEIVED:	07/15/83	JA: TX
8345271	F-7B-69822	4242932485		102-4		JESSIE LORD #1
8345270	F-7B-69821	4242932903		102-4		JESSIE LORD #3
-PYRO ENERGY CORP				RECEIVED:	07/15/83	JA: TX
8345283	F-03-69840	4208931350		102-4		WINTERMAN #1 #104546
-RANKIN OIL CO				RECEIVED:	07/15/83	JA: TX
8345254	F-7C-69752	4208130592		103		ARLEDGE #2
8345219	F-08-69653	4200332685		103		ERNESTEEN B 2
8345229	F-08-69682	4200332688		103		LEONA C #1
8345217	F-08-69648	4200332123		103		PARKER 1
8345226	F-08-69679	4200332564		103		SAVAGE STATE #1
8345227	F-08-69680	4200332591		103		SAVAGE STATE #3
8345228	F-08-69681	4200332243		103		ZEISMER #2
-RAW HIDE PRODUCTION CO INC				RECEIVED:	07/15/83	JA: TX
8345262	F-10-69786	4206531555		103		HAYLEY #1
8345263	F-10-69788	4206531556		103		HAYLEY #2
-RIDGEWAY OIL EXPL & DEVELOPMENT INC				RECEIVED:	07/15/83	JA: TX
8345554	F-7B-070207	4213334396		102-4		TARVER "A" #3 (19061)
8345553	F-7B-070206	4213334478		102-4		TARVER "A" #4 (19061)
-RIO PETROLEUM INC				RECEIVED:	07/15/83	JA: TX
8345552	F-10-070204	4248300000		108		ATKINS #1
8345551	F-10-070203	4248300000		108		FRANKS #1
8345284	F-10-69846	4221131548		108		HOOVER #1
8345260	F-10-69777	4248300000		108		MAJORS #1
8345535	F-10-070144	4217900000		108		MCLARTY-LESTER #2
-S K ROGERS OIL CO				RECEIVED:	07/15/83	JA: TX
8345250	F-8A-69735	4221933403		103		LAWSON #1
8345246	F-8A-69731	4221933448		103		LAWSON "A" #1
8345245	F-8A-69730	4221933436		103		LAWSON "A" #2
8345252	F-8A-69738	4221933489		103		LAWSON "A" #3
8345251	F-8A-69737	4221933490		103		LAWSON "A" #4
8345247	F-8A-69732	4221933803		103		NEAL #5
8345249	F-8A-69734	4221933435		103		STANLEY #1
8345248	F-8A-69733	4221933465		103		STANLEY #2
-SAGE ENERGY CO				RECEIVED:	07/15/83	JA: TX
8345187	F-7C-69590	4238332510		103		UNIVERSITY 12-GA #2 RRC #09043
8345189	F-7C-069593	4238332475		103		UNIVERSITY 16 #5 RRC #07556
8345188	F-7C-69592	4238332507		103		UNIVERSITY 18-G #5 RRC #09558
8345190	F-7C-69594	4238332512		103		UNIVERSITY 23-B #5 RRC #07705
-SHELL OIL CO				RECEIVED:	07/15/83	JA: TX
8345259	F-09-69770	4218100000		108		BIG MINERAL CR/STRAWN II/UNIT #101
8345258	F-08-69769	4213500000		108		EAST HARPER UNIT #346
8345257	F-8A-69768	4216500000		108		GAINES WASSON CLEARFORK UNIT #5605G
8345255	F-08-69766	4213500000		108		TXL-E- #10
8345256	F-8A-69767	4250100000		108		YOAKUM WASSON CLEARFORK UNIT #3804Y
-SKLAR & PHILLIPS OIL CO				RECEIVED:	07/15/83	JA: TX
8345244	F-06-69728	4242330589		103		JONES #1
-SMW INC				RECEIVED:	07/15/83	JA: TX
8345215	F-10-69636	4217931350		103		CLOYS #1 (ID# 05367)

FIELD NAME	PROD	PURCHASER
DARDEN (MORROW UPPER)	53.0	PHILLIPS PETROLEU
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
BRAYTON N	170.0	CHANNEL INDUSTRIE
CALLAHAN COUNTY REGUL	0.0	
SHACKELFORD COUNTY RE	0.0	LONE STAR GAS CO
WAGON WHEEL (PENN)	78.0	CABOT CORP
JESS BURNER (DELAWARE	84.0	CONOCO INC
WAR-WINK S (WOLFCAMP)	59.0	VALERO TRANSMISSI
FUHRMAN MASCHO	28.0	PHILLIPS PETROLEU
VERIBEST EAST (STRAWN	21.9	SUN OIL CO
VERIBEST EAST (LOWER	9.1	SUN OIL CO
VERIBEST EAST (STRAWN	27.3	SUN OIL CO
OZONA (CAHYON)	0.0	NORTHERN NATURAL
OZONA (CANYON)	0.0	NORTHERN NATURAL
ANN MCKNIGHT (PALUXY)	13.0	LONE STAR GAS CO
ANN MCKNIGHT (PALUXY)	10.0	LONE STAR GAS CO
BROWN COUNTY REGULAR	10.0	BROWN INDUSTRIAL
SPRABERRY (TREND AREA	20.0	MOBIL PRODUCING T
SPRABERRY (TREND AREA	30.0	MOBIL PRODUCING T
HOOKER CREEK (NAVARRO	20.5	FERGUSON CROSSING
HOOKER CREEK (NAVARRO	20.5	PHILLIPS PETROLEU
EASTLAND COUNTY REGUL	0.0	LONE STAR GAS CO
FARMER (SAN ANDRES)	4.0	BIG LAKE GAS CORP
FARMER (SAN ANDRES)	9.0	BIG LAKE GAS CORP
ELA SUGG (WOLFCAMP)	0.0	NORTHERN NATURAL
LEVELLAND	5.1	AMOCO PRODUCTION
LEVELLAND	6.2	AMOCO PRODUCTION
LEVELLAND (SAN ANDRES	6.0	CITIES SERVICE CO
LEVELLAND	6.0	CITIES SERVICE CO
KATY S (FIRST WILCOX)	73.0	UNITED TEXAS TRAN
STEAMBOAT PASS	389.7	ALUMINUM CO OF AM
L C CLEVINGER (RANGER	7.0	LONE STAR GAS CO
L C CLEVINGER (STRAWN	18.0	LONE STAR GAS CO
HENDLER (10,500) FIEL	365.0	
ARLEDGE	8.0	SUN GAS CO
FUHRMAN-MASCHO	2.0	PHILLIPS PETROLEU
FUHRMAN MASCHO	1.0	PHILLIPS PETROLEU
FUHRMAN-MASCHO	1.0	PHILLIPS PETROLEU
SHAFTER LAKE - SAN AN	1.0	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	1.0	PHILLIPS PETROLEU
FUHRMAN-MASCHO	2.0	PHILLIPS PETROLEU
PANHANDLE CARSON COUN	180.0	GETTY OIL CO
PANHANDLE CARSON COUN	180.0	GETTY OIL CO
HAWK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
HAWK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
PANHANDLE EAST	12.3	WARREN PETROLEUM
PANHANDLE EAST	7.9	WARREN PETROLEUM
BIG TIMBER CREEK (DOU	100.0	DIAMOND SHAMROCK
PANHANDLE EAST	7.2	PHILLIPS PETROLEU
PANHANDLE EAST	5.6	COLTEXO CORP
LEVELLAND	0.0	CABOT PIPELINE CO
LEVELLAND	6.0	CABOT PIPELINE CO
LEVELLAND	4.0	CABOT PIPELINE CO
LEVELLAND	12.0	CABOT PIPELINE CO
LEVELLAND	4.0	CABOT PIPELINE CO
LEVELLAND	6.0	AMOCO PRODUCTION
LEVELLAND	2.0	CABOT PIPELINE CO
LEVELLAND	4.0	CABOT PIPELINE CO
FARMER (SAN ANDRES)	0.7	NORTHERN NATURAL
FARMER (SAN ANDRES)	0.9	NORTHERN NATURAL
FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
BIG MINERAL CREEK (ST HARPER	0.3	UNION TEXAS PETRO
	0.5	PHILLIPS PETROLEU
WASSON 72	5.7	COLTEXO CORP
TXL (DEVONIAN)	9.6	SHELL OIL CO
WASSON 72	3.9	COLTEXO CORP
CHAPEL HILL (RODESSA)	12.0	ETEXAS PRODUCERS
PANHANDLE GRAY	40.0	GETTY OIL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345279	F-10-69835	4217931351		103		CLOYS #2 (ID# 05367)	PANHANDLE GRAY	40.0	GETTY OIL CO
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	07/15/83	JA: TX			
8345268	F-7C-69806	4209530645		102-4	103	MALCORINE W STASNEY #1-28	FUZZY CREEK	20.0	J-W OPERATING CO
-SOUTHLAND ROYALTY CO				RECEIVED:	07/15/83	JA: TX			
8345550	F-08-070200	4231780000		108		BIG VALLEY RANCH #3	SPRABERRY (TREND AREA	1.8	PHILLIPS PETROLEU
8345549	F-08-070199	4213580000		108		EDWARDS FLD GRAYBURG UNIT #6-6	EDWARDS	1.9	PHILLIPS PETROLEU
8345548	F-08-070198	4249580000		108		GAR-TEX B #1	KERMIT	2.7	CABOT CORP
8345547	F-08-070197	4249580000		108		GAR-TEX B #7	KERMIT	3.5	CABOT CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/15/83	JA: TX			
8345267	F-08-69798	4249500000		108		J B WALTON #32	KERMIT	0.8	CABOT CORP
8345266	F-08-69797	4249500000		108		S M HALLEY -B- #2	WEIHER (COLBY SAND)	0.4	NORTHERN NATURAL
8345233	F-04-69696	4224900000		108		SEELIGSON UNIT #14-19T	SEELIGSON/ZONE 20C-02	22.0	TENNESSEE GAS PIP
-TEX-WELL OIL & GAS CORP				RECEIVED:	07/15/83	JA: TX			
8345543	F-10-070173	4206531435		103		WILLIAMS #3 (ID #05221)	PANHANDLE CARSON	50.0	GETTY OIL CO
-TEXACO INC				RECEIVED:	07/15/83	JA: TX			
8345452	F-10-070056	4217900000		108		A CHAPMAN "A" NCT-3 #16	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345451	F-10-070055	4217900000		108		A CHAPMAN "A" NCT-3 #17	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345446	F-10-070050	4217900000		108		A CHAPMAN "A" NCT-3 #33	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345432	F-10-070036	4217900000		108		A CHAPMAN "B" NCT-3 #21	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345433	F-10-070037	4217900000		108		A CHAPMAN "B" NCT-3 #22	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345524	F-10-070130	4217900000		108		A CHAPMAN B NCT-3 #14	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345428	F-10-070032	4217900000		108		A CHAPMAN B NCT-3 #15	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345429	F-10-070033	4217900000		108		A CHAPMAN B NCT-3 #18	PANHANDLE GRAY COUNTY	0.3	COLTEXO CORP
8345431	F-10-070035	4217900000		108		A CHAPMAN B NCT-3 #19	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8345430	F-10-070034	4217900000		108		A CHAPMAN B NCT-3 #23	TXL DEVONIAN	10.2	SHELL OIL CO
8345455	F-08-070061	4213500000		108		A E THOMAS "A" NCT-1 #10L	TXL DEVONIAN	10.2	SHELL OIL CO
8345456	F-08-070062	4213500000		108		A E THOMAS "A" NCT-1 #24-M	VEALMOOR	0.4	GETTY OIL CO
8345371	F-08-069973	4222700000		108		AKIN SIMPSON "A" #3	SLAUGHTER	0.9	AMOCO PRODUCTION
8345518	F-8A-070116	4221900000		108		BOB SLAUGHTER BLOCK #T-2	SLAUGHTER	0.7	AMOCO PRODUCTION
8345375	F-8A-069977	4221900000		108		BOB SLAUGHTER BLOCK #166	SLAUGHTER	0.7	AMOCO PRODUCTION
8345388	F-8A-069991	4221900000		108		BOB SLAUGHTER BLOCK #195	SLAUGHTER	0.4	AMOCO PRODUCTION
8345462	F-8A-070068	4221900000		108		BOB SLAUGHTER BLOCK #311	SLAUGHTER	0.6	AMOCO PRODUCTION
8345461	F-8A-070067	4221900000		108		BOB SLAUGHTER BLOCK #317	SLAUGHTER	0.4	AMOCO PRODUCTION
8345526	F-8A-070132	4221900000		108		BOB SLAUGHTER BLOCK #318	SLAUGHTER	0.7	AMOCO PRODUCTION
8345389	F-8A-069992	4221900000		108		BOB SLAUGHTER BLOCK #328	SLAUGHTER	0.6	AMOCO PRODUCTION
8345527	F-8A-070134	4221900000		108		BOB SLAUGHTER BLOCK #334	SLAUGHTER	0.7	AMOCO PRODUCTION
8345528	F-8A-070135	4221900000		108		BOB SLAUGHTER BLOCK #335	SLAUGHTER	0.4	AMOCO PRODUCTION
8345529	F-8A-070136	4221900000		108		BOB SLAUGHTER BLOCK #338	SLAUGHTER	2.1	AMOCO PRODUCTION
8345511	F-8A-070117	4221900000		108		BOB SLAUGHTER BLOCK #94	TWIN (DES MOINES)	5.2	NORTHERN NATURAL
8345358	F-10-069959	4219500000		108		C C O'LOUGHLIN JR "D" #1L	TWIN (DES MOINES)	2.4	NORTHERN NATURAL
8345357	F-10-069958	4219500000		108		C C O'LOUGHLIN JR "D" #3L	COGDELL (AREA)	0.8	EL PASO NATURAL G
8345387	F-8A-069990	4241500000		108		COGDELL CANYON REEF UNIT #1108	COGDELL (AREA)	2.6	EL PASO NATURAL G
8345383	F-8A-069981	4241500000		108		COGDELL CANYON REEF UNIT #195	COGDELL (AREA)	2.0	EL PASO NATURAL G
8345386	F-8A-069989	4241500000		108		COGDELL CANYON REEF UNIT #627	COGDELL (AREA)	3.0	EL PASO NATURAL G
8345499	F-8A-070105	4241500000		108		COGDELL CANYON REEF UNIT #6355	COGDELL (AREA)	11.7	EL PASO NATURAL G
8345500	F-8A-070106	4241500000		108		COGDELL CANYON REEF UNIT #6361	COGDELL (AREA)	0.7	EL PASO NATURAL G
8345498	F-8A-070104	4241500000		108		COGDELL CANYON REEF UNIT #6395	COGDELL (AREA)	0.2	EL PASO NATURAL G
8345385	F-8A-069988	4241500000		108		COGDELL CANYON REEF UNIT #657	COGDELL (AREA)	0.5	EL PASO NATURAL G
8345384	F-8A-069987	4241500000		108		COGDELL CANYON REEF UNIT #661	COGDELL (AREA)	1.6	EL PASO NATURAL G
8345501	F-8A-070107	4241500000		108		COGDELL CANYON REEF UNIT #681	SADLER (PENN)	1.6	UNION TEXAS PETRO
8345352	F-09-069953	4218100000		108		DOLLY ANDERSON #1	SADLER (PENN)	2.4	UNION TEXAS PETRO
8345351	F-09-069952	4218100000		108		DOLLY ANDERSON #3	SADLER (PENN)	0.7	UNION TEXAS PETRO
8345350	F-09-069951	4218100000		108		DOLLY ANDERSON #4	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345440	F-10-070044	4217900000		108		E KEY #11	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345439	F-10-070043	4217900000		108		E KEY #17	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345438	F-10-070042	4217900000		108		E KEY #19	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345437	F-10-070041	4217900000		108		E KEY #20	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345442	F-10-070046	4217900000		108		E KEY #5	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8345441	F-10-070045	4217900000		108		E KEY #8	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345443	F-10-070047	4217900000		108		E KEY #9	ROBERTSON N (CLEARFOR	3.2	PHILLIPS PETROLEU
8345355	F-8A-069956	4216500000		108		E M BYERS "C" NCT-1 #2	HARPER	0.7	SHELL OIL CO
8345366	F-08-069968	4213500000		108		ECTOR "AP" FEE #1	HARPER	0.3	SHELL OIL CO
8345367	F-08-069969	4213500000		108		ECTOR "AP" FEE #2	HARPER	0.6	SHELL OIL CO
8345364	F-08-069966	4213500000		108		ECTOR "AP" FEE #5	HARPER	0.3	SHELL OIL CO
8345365	F-08-069967	4213500000		108		ECTOR "AP" FEE #6	HARPER	0.6	SHELL OIL CO
8345368	F-08-069970	4213500000		108		ECTOR "AP" FEE #7	SADLER (PENN)	6.3	UNION TEXAS PETRO
8345459	F-09-070065	4218100000		108		G C SCARBROUGH #1	SADLER (PENN)	7.5	UNION TEXAS PETRO
8345458	F-09-070064	4218100000		108		G C SCARBROUGH #2	SADLER (PENN)	4.2	UNION TEXAS PETRO
8345457	F-09-070063	4218100000		108		G C SCARBROUGH #5	PANHANDLE GRAY	1.4	COLTEXO CORP
8345444	F-10-070048	4217900000		108		G H SAUNDERS #11	PANHANDLE GRAY	0.3	COLTEXO CORP
8345445	F-10-070049	4217900000		108		G H SAUNDERS #38	OCEANIC (PENN)	3.9	GETTY OIL CO
8345414	F-08-070017	4222700000		108		H N ZANT "A" #2	LEVELLAND	0.4	AMOCO PRODUCTION
8345454	F-8A-070059	4221900000		108		IRA P DELOACHE #1	LEVELLAND	0.9	AMOCO PRODUCTION
8345512	F-8A-070118	4221900000		108		IRA P DELOACHE #34	LEVELLAND	2.0	AMOCO PRODUCTION
8345517	F-8A-070123	4221900000		108		IRA P DELOACHE #47	PANHANDLE GRAY COUNTY	7.6	PHILLIPS PETROLEU
8345476	F-10-070082	4217900000		108		J B BOWERS NCT-1 #1	PANHANDLE GRAY COUNTY	2.9	PHILLIPS PETROLEU
8345475	F-10-070081	4217900000		108		J B BOWERS NCT-1 #14	PANHANDLE GRAY COUNTY	7.2	PHILLIPS PETROLEU
8345474	F-10-070080	4217900000		108		J B BOWERS NCT-1 #15	PANHANDLE GRAY COUNTY	4.1	PHILLIPS PETROLEU
8345473	F-10-070079	4217900000		108		J B BOWERS NCT-1 #17	PANHANDLE GRAY COUNTY	1.5	PHILLIPS PETROLEU
8345472	F-10-070078	4217900000		108		J B BOWERS NCT-1 #19	PANHANDLE GRAY COUNTY	7.5	PHILLIPS PETROLEU
8345382	F-10-069985	4217900000		108		J B BOWERS NCT-1 #7	TXL SAN ANDRES	4.9	SHELL OIL CO
8345394	F-08-069997	4213500000		108		J D SLATOR "B" #10	TXL SAN ANDRES	5.7	SHELL OIL CO
8345393	F-08-069996	4213500000		108		J D SLATOR "B" #4	PANHANDLE GRAY	2.3	COLTEXO CORP
8345481	F-10-070087	4217900000		108		J E WILLIAMS #10	PANHANDLE GRAY	2.5	COLTEXO CORP
8345482	F-10-070088	4217900000		108		J E WILLIAMS #12	PANHANDLE GRAY	2.8	COLTEXO CORP
8345483	F-10-070089	4217900000		108		J E WILLIAMS #14	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345504	F-10-070110	4217900000		108		J E WILLIAMS #17	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345505	F-10-070111	4217900000		108		J E WILLIAMS #2	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345509	F-10-070115	4217900000		108		J E WILLIAMS #35	PANHANDLE GRAY	1.3	COLTEXO CORP
8345477	F-10-070083	4217900000		108		J E WILLIAMS #42	PANHANDLE GRAY	1.3	COLTEXO CORP
8345484	F-10-070090	4217900000		108		J E WILLIAMS #44	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345506	F-10-070112	4217900000		108		J E WILLIAMS #48	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345507	F-10-070113	4217900000		108		J E WILLIAMS #5	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345503	F-10-070109	4217900000		108		J E WILLIAMS #6	PANHANDLE GRAY COUNTY	1.3	COLTEXO CORP
8345508	F-10-070114	4217900000		108		J E WILLIAMS #8	PANHANDLE GRAY	2.3	COLTEXO CORP
8345480	F-10-070086	4217900000		108		J E WILLIAMS #9	HAZEL (SPRABERRY)	4.2	MOBIL OIL CORP
8345359	F-7C-069960	4246100000		108		J H GRAF NCT-4 #3	HAZEL (SPRABERRY)	4.9	MOBIL OIL CORP
8345391	F-7C-069994	4246100000		108		J H VAUGHN #1	HAZEL (SPRABERRY)	7.6	MOBIL OIL CORP
8345398	F-7C-069993	4246100000		108		J H VAUGHN #2	HAZEL (SPRABERRY)	4.3	MOBIL OIL CORP
8345502	F-7C-070108	4246100000		108		J H VAUGHN #3	GOLDSMITH N (SAN ANDR	0.6	PHILLIPS PETROLEU
8345496	F-08-070102	4213500000		108		J M WILLIAMSON "B" #1U	PANHANDLE GRAY	1.2	PHILLIPS PETROLEU
8345520	F-10-070126	4217900000		108		J P CUNNINGHAM #11	PANHANDLE GRAY COUNTY	2.3	PHILLIPS PETROLEU
8345346	F-10-069947	4217900000		108		J P CUNNINGHAM #12	PANHANDLE GRAY	1.5	PHILLIPS PETROLEU
8345347	F-10-069948	4217900000		108		J P CUNNINGHAM #3			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345521	F-10-070127	4217900000	108			J P CUNNINGHAM #4	PANHANDLE GRAY	0.7	PHILLIPS PETROLEU
8345423	F-8A-070026	4200300000	108			JERRY B CLAYTON "B" #3	GOOD	1.0	GETTY OIL CO
8345349	F-08-069950	4213500000	108			JESSIE MAY WILLIAMSON #2-U	GOLDSMITH N (SAN ANDR	1.7	PHILLIPS PETROLEU
8345348	F-08-069949	4213500000	108			JESSIE MAY WILLIAMSON #5-U	GOLDSMITH N (SAN ANDR	1.2	PHILLIPS PETROLEU
8345427	F-08-070031	4213500000	108			JESSIE MAY WILLIAMSON #8-L	GOLDSMITH (5600)	8.6	PHILLIPS PETROLEU
8345369	F-09-069971	4218100000	108			M A SCARBROUGH #3	SANDUSKY	4.0	UNION TEXAS PETRO
8345370	F-09-069972	4218100000	108			M A SCARBROUGH #6	SADLER (PENN)	9.9	UNION TEXAS PETRO
8345340	F-10-069941	4217900000	108			M B DAVIS NCT-1 #10	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345337	F-10-069938	4217900000	108			M B DAVIS NCT-1 #12	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345342	F-10-069943	4217900000	108			M B DAVIS NCT-1 #13	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8345343	F-10-069944	4217900000	108			M B DAVIS NCT-1 #15	PANHANDLE GRAY COUNTY	0.4	COLTEXO CORP
8345338	F-10-069939	4217900000	108			M B DAVIS NCT-1 #16	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8345344	F-10-069945	4217900000	108			M B DAVIS NCT-1 #19	PANHANDLE GRAY COUNTY	0.8	COLTEXO CORP
8345336	F-10-069937	4217900000	108			M B DAVIS NCT-1 #23	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345372	F-10-069974	4217900000	108			M B DAVIS NCT-1 #30	PANHANDLE GRAY COUNTY	0.8	COLTEXO CORP
8345335	F-10-069936	4217900000	108			M B DAVIS NCT-1 #31	PANHANDLE GRAY COUNTY	0.7	COLTEXO CORP
8345322	F-10-069923	4217900000	108			M B DAVIS NCT-1 #33	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345373	F-10-069975	4217900000	108			M B DAVIS NCT-1 #37	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8345321	F-10-069922	4217900000	108			M B DAVIS NCT-1 #38	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345341	F-10-069942	4217900000	108			M B DAVIS NCT-1 #39	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345339	F-10-069940	4217900000	108			M B DAVIS NCT-1 #40	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345374	F-10-069976	4217900000	108			M B DAVIS NCT-1 #8	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8345392	F-8A-069995	4211500000	108			M B WEAVER #3	GIN (SPRAGBERRY)	2.8	PHILLIPS PETROLEU
8345380	F-08-069983	4200300000	108			MAGUTEX QUEEN UNIT #1120	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345379	F-08-069982	4200300000	108			MAGUTEX QUEEN UNIT #1317	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345378	F-08-069981	4200300000	108			MAGUTEX QUEEN UNIT #2224	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345376	F-08-069979	4200300000	108			MAGUTEX QUEEN UNIT #2418	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345377	F-08-069980	4200300000	108			MAGUTEX QUEEN UNIT #3119	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345381	F-08-069984	4200300000	108			MAGUTEX QUEEN UNIT #3318	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345333	F-08-069934	4200300000	108			MAGUTEX QUEEN UNIT #4224	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345334	F-08-069935	4200300000	108			MAGUTEX QUEEN UNIT #4413	MAGUTEX (QUEEN)	0.5	PHILLIPS PETROLEU
8345330	F-8A-070137	4221900000	108			MALLET L&C CO "D" #11	SLAUGHTER	1.3	AMOCO PRODUCTION
8345331	F-8A-070138	4221900000	108			MALLET L&C CO "D" #18	SLAUGHTER	2.0	AMOCO PRODUCTION
8345553	F-8A-070140	4221900000	108			MALLET LAND & CATTLE CO #46	SLAUGHTER	0.4	AMOCO PRODUCTION
8345468	F-8A-070074	4221900000	108			MALLET LAND & CATTLE CO "C" #28	SLAUGHTER	1.0	AMOCO PRODUCTION
8345532	F-8A-070139	4221900000	108			MALLET LAND & CATTLE CO "F" #28	SLAUGHTER	0.4	AMOCO PRODUCTION
8345534	F-8A-070141	4221900000	108			MALLET LAND & CATTLE CO "G" #1	SLAUGHTER	1.0	AMOCO PRODUCTION
8345318	F-08-069919	4200300000	108			MCFARLAND QUEEN "A" #2241	MCFARLAND (QUEEN)	0.3	PHILLIPS PETROLEU
8345317	F-08-069918	4200300000	108			MCFARLAND QUEEN "A" #2531	MCFARLAND (QUEEN)	0.5	PHILLIPS PETROLEU
8345316	F-08-069917	4200300000	108			MCFARLAND QUEEN "A" #4242	MCFARLAND (QUEEN)	0.7	PHILLIPS PETROLEU
8345469	F-8A-070075	4221900000	108			MEDARBY UNIT #51	LEVELLAND	0.4	AMOCO PRODUCTION
8345554	F-09-069955	4218100000	108			MINNIE BARNES #1	SADLER (PENN)	0.3	UNION TEXAS PETRO
8345553	F-09-069954	4218100000	108			MINNIE BARNES #2	SADLER (PENN)	0.6	UNION TEXAS PETRO
8345471	F-8A-070077	4221900000	108			MONTGOMERY ESTATE DAVIES NCT-2 #19	LEVELLAND	0.6	AMOCO PRODUCTION
8345515	F-8A-070121	4221900000	108			MONTGOMERY ESTATE DAVIES NCT-2 #58	LEVELLAND	2.1	AMOCO PRODUCTION
8345514	F-8A-070120	4221900000	108			MONTGOMERY ESTATE DAVIES NCT-2 #60	LEVELLAND	0.9	AMOCO PRODUCTION
8345513	F-8A-070119	4221900000	108			MONTGOMERY ESTATE DAVIES NCT-2 #62	LEVELLAND	0.7	AMOCO PRODUCTION
8345516	F-8A-070122	4221900000	108			MONTGOMERY ESTATE DAVIES NCT-2 #68	LEVELLAND	4.0	AMOCO PRODUCTION
8345495	F-7C-070101	4245100000	108			N G KENT "B" NCT-9 #1	KENT (STRAWN)	1.7	ARCO OIL & GAS CO
8345328	F-10-069929	4217900000	108			O N FRASHIER #14	PANHANDLE GRAY	0.8	KERR MCGEE CORP
8345360	F-10-069961	4217900000	108			O N FRASHIER #4	PANHANDLE GRAY	0.6	KERR MCGEE CORP
8345361	F-10-069962	4217900000	108			O N FRASHIER #8	PANHANDLE GRAY	0.7	KERR MCGEE CORP
8345425	F-8A-070028	4221900000	108			O O BAKER #14	SLAUGHTER	0.9	AMOCO PRODUCTION
8345426	F-8A-070029	4221900000	108			O O BAKER #16	SLAUGHTER	0.9	AMOCO PRODUCTION
8345492	F-8A-070098	4241500000	108			P L FULLER NCT-1 #219F	FULLER	0.7	TEXACO INC
8345493	F-8A-070099	4241500000	108			P L FULLER NCT-1 #249	EAST FULLER (FULLER 8	0.2	TEXACO INC
8345491	F-7B-070097	4241500000	108			P L FULLER NCT-1 #277	FULLER	0.7	TEXACO INC
8345429	F-08-070085	4238900000	108			REEVES "AX" FEE #1	KENNEDY-PAULKNER S (D	10.7	CONOCO INC
8345497	F-08-070103	4238900000	108			REEVES "J" FEE #1	SABRE (DELAWARE)	0.4	CONOCO INC
8345498	F-08-070096	4238900000	108			REEVES "J" FEE #5	SABRE (DELAWARE)	1.9	CONOCO INC
8345428	F-08-070084	4238900000	108			REEVES "Y" FEE #1	NE SCREWBEAN (DELAWAR	2.5	CONOCO INC
8345463	F-8A-070069	4200300000	108			ROBERTSON UNIT #2	ROBERTSON N (CLEARFOR	0.7	PHILLIPS PETROLEU
8345406	F-8A-070009	4200300000	108			ROBERTSON UNIT #28	ROBERTSON N (CLEARFOR	0.7	PHILLIPS PETROLEU
8345464	F-8A-070070	4200300000	108			ROBERTSON UNIT #3	ROBERTSON N (CLEARFOR	0.7	PHILLIPS PETROLEU
8345362	F-10-069963	4223300000	108			S B BURNETT NCT-5 #11	PANHANDLE HUTCHINSON	1.5	PHILLIPS PETROLEU
8345363	F-10-069964	4223300000	108			S B BURNETT NCT-5 #45	PANHANDLE HUTCHINSON	2.6	PHILLIPS PETROLEU
8345448	F-10-070052	4217900000	108			S FAULKNER #10	PANHANDLE GRAY COUNTY	0.8	COLTEXO CORP
8345449	F-10-070053	4217900000	108			S FAULKNER #12	PANHANDLE GRAY COUNTY	0.8	COLTEXO CORP
8345447	F-10-070051	4217900000	108			S FAULKNER #13	PANHANDLE GRAY COUNTY	0.9	COLTEXO CORP
8345450	F-10-070054	4217900000	108			S FAULKNER #2	PANHANDLE GRAY COUNTY	0.8	COLTEXO CORP
8345435	F-08-070039	4213500000	108			S W RATLIFF "A" #13-J	HEADLEE N (DEVONIAN)	0.9	EL PASO NATURAL G
8345434	F-08-070038	4213500000	108			S W RATLIFF "A" #14	HEADLEE N (CANYON)	0.7	EL PASO NATURAL G
8345436	F-08-070040	4213500000	108			S W RATLIFF "A" #15-L	HEADLEE N (DEVONIAN)	2.2	EL PASO NATURAL G
8345485	F-08-070091	4213500000	108			S W RATLIFF "A" #2	HEADLEE N (CANYON)	0.4	EL PASO NATURAL G
8345424	F-8A-070027	4216500000	108			SAM C JENKINS #9	JENKINS (SAN ANDRES)	1.6	PHILLIPS PETROLEU
8345407	F-08-070010	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #1513	FUHRMAN MASCHO	0.5	PHILLIPS PETROLEU
8345522	F-08-070128	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #1622	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345398	F-08-070001	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #1632	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345399	F-08-070002	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #1642	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345397	F-08-070000	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #514	FUHRMAN MASCHO	0.8	PHILLIPS PETROLEU
8345396	F-08-069999	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #524	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345395	F-08-069998	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #532	FUHRMAN MASCHO	0.5	PHILLIPS PETROLEU
8345405	F-08-070008	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #534	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345404	F-08-070007	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #542	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345403	F-08-070006	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #544	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345402	F-08-070005	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #822	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345401	F-08-070004	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #834	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345410	F-08-070013	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #914	FUHRMAN MASCHO	0.5	PHILLIPS PETROLEU
8345400	F-08-070003	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #924	FUHRMAN MASCHO	0.8	PHILLIPS PETROLEU
8345409	F-08-070012	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #934	FUHRMAN MASCHO	0.3	PHILLIPS PETROLEU
8345408	F-08-070011	4200300000	108			SOUTH FUHRMAN MASCHO UNIT #944	FUHRMAN MASCHO	0.5	PHILLIPS PETROLEU
8345466	F-08-070072	4200300000	108			STATE OF TEXAS "BK" #1	EMBAR (5600)	3.8	PHILLIPS PETROLEU
8345345	F-08-069946	4200300000	108			STATE OF TEXAS "CE" #10	MAGUTEX (ELLENBURGER)	0.1	PHILLIPS PETROLEU
8345315	F-08-069916	4200300000	108			STATE OF TEXAS "CN" #10	MAGUTEX (QUEEN)	0.1	PHILLIPS PETROLEU
8345487	F-08-070093	4210300000	108			STATE OF TEXAS "DX" #9	UNIVERSITY WADDELL (D	2.7	PHILLIPS PETROLEU
8345488	F-08-070094	4210300000	108			STATE OF TEXAS "DY" #1	DUNE (WOLFCAMP)	1.3	PHILLIPS PETROLEU
8345489	F-08-070095	4210300000	108			STATE OF TEXAS "EF" #1	DUNE	0.5	PHILLIPS PETROLEU
8345486	F-08-070092	4210300000	108			STATE OF TEXAS "EF" #2	DUNE	0.6	PHILLIPS PETROLEU
8345465	F-08-070071	4200300000	108			STATE OF TEXAS "FE" #2	MAGUTEX (QUEEN)	0.2	PHILLIPS PETROLEU
8345319	F-08-069920	4200300000	108			STATE OF TEXAS "FE" #3	MAGUTEX (QUEEN)	0.2	PHILLIPS PETROLEU
8345320	F-08-069921	4203300000	108			STATE OF TEXAS "FE" #4	MAGUTEX (QUEEN)	0.2	PHILLIPS PETROLEU
8345323	F-08-069924	4200300000	108			STATE OF TEXAS "FM" #1	MAGUTEX (QUEEN)	0.1	PHILLIPS PETROLEU
8345467	F-08-070073	4200300000	108			STATE OF TEXAS "I" #1	BLOCK 12	2.1	PHILLIPS PETROLEU
8345411	F-08-070014	4200300000	108			STATE OF TEXAS "V" #2	BLOCK 12	2.1	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345460	F-7B-070066	4243300000		108		T A UPSHAW "A" #11	BOYD (CANYON REEF)	1.1	CITIES SERVICE CO
8345525	F-7B-070131	4243300000		108		T A UPSHAW "A" #12	BOYD (CANYON REEF)	0.8	CITIES SERVICE CO
8345453	F-7B-070057	4243300000		108		T A UPSHAW "B" #5	BOYD (CANYON REEF)	2.1	CITIES SERVICE CO
8345329	F-10-069930	4223300000		108		T D LEWIS NCT-1 #1	PANHANDLE HUTCHINSON	0.9	GETTY OIL CO
8345330	F-10-069931	4223300000		108		T D LEWIS NCT-1 #3	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345331	F-10-069932	4223300000		108		T D LEWIS NCT-1 #40	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345332	F-10-069933	4223300000		108		T D LEWIS NCT-1 #45	PANHANDLE HUTCHINSON	1.2	GETTY OIL CO
8345314	F-10-069915	4223300000		108		T D LEWIS NCT-1 #46	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345413	F-10-070016	4223300000		108		T D LEWIS NCT-1 #47	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345412	F-10-070015	4223300000		108		T D LEWIS NCT-1 #48	PANHANDLE HUTCHINSON	0.3	GETTY OIL CO
8345325	F-10-069926	4223300000		108		T D LEWIS NCT-1 #49	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345326	F-10-069927	4223300000		108		T D LEWIS NCT-1 #51	PANHANDLE HUTCHINSON	0.9	GETTY OIL CO
8345327	F-10-069928	4223300000		108		T D LEWIS NCT-1 #53	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345324	F-10-069925	4223300000		108		T D LEWIS NCT-1 #55	PANHANDLE HUTCHINSON	1.2	GETTY OIL CO
8345422	F-10-070025	4223300000		108		T D LEWIS NCT-1 #56	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345421	F-10-070024	4223300000		108		T D LEWIS NCT-1 #58	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345420	F-10-070023	4223300000		108		T D LEWIS NCT-1 #63	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345419	F-10-070022	4223300000		108		T D LEWIS NCT-1 #70	PANHANDLE HUTCHINSON	1.3	GETTY OIL CO
8345417	F-10-070020	4223300000		108		T D LEWIS NCT-1 #73	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345416	F-10-070019	4223300000		108		T D LEWIS NCT-1 #75	PANHANDLE HUTCHINSON	0.9	GETTY OIL CO
8345415	F-10-070018	4223300000		108		T D LEWIS NCT-1 #85	PANHANDLE HUTCHINSON	0.9	GETTY OIL CO
8345418	F-10-070021	4223300000		108		T D LEWIS NCT-1 #86	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO
8345356	F-8B-069957	4213500000		108		TXL "D" #3	GOLDSMITH (5600)	2.5	PHILLIPS PETROLEU
8345494	F-7C-070100	4246100000		108		V J POWELL #2	PEGASUS S (DEVONIAN)	12.2	MOBIL OIL CORP
8345523	F-8B-070129	4230100000		108		V P MINGUS #4	TUNSTILL EAST (DELAWA	0.8	PHILLIPS PETROLEU
8345470	F-8A-070076	4221900000		108		W T COBLE "A" NCT-1 #7	LEVELLAND	0.6	AMOCO PRODUCTION
8345519	F-8A-070125	4221900000		108		W T COBLE "B" NCT-1 #1	LEVELLAND	0.3	AMOCO PRODUCTION
8345518	F-8A-070124	4221900000		108		W T COBLE "B" NCT-1 #3	LEVELLAND	0.6	AMOCO PRODUCTION
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	07/15/83	JA: TX			
8345309	F-7C-069897	4241300000		103	107-TF	UNIVERSITY 52-16 #1	UNIVERSITY 53 (CANYON	65.0	FARMLAND INDUSTRI
-W L BRUCE OPERATOR				RECEIVED:	07/15/83	JA: TX			
8345277	F-10-69831	4206531397		103		A J RAMMING #4 (ID# 04772)	PANHANDLE CARSON	80.0	GETTY OIL CO
8345207	F-10-69623	4206531346		103		DARLENE #1 (ID# 05362)	PANHANDLE CARSON	50.0	GETTY OIL CO
8345206	F-10-69622	4206531347		103		DARLENE #2 (ID# 05362)	PANHANDLE CARSON	40.0	GETTY OIL CO
8345205	F-10-69621	4206531360		103		DARLENE #3 (ID# 05362)	PANHANDLE CARSON	40.0	GETTY OIL CO
8345204	F-10-69619	4206531348		103		EVELYN #1 (ID# 05363)	PANHANDLE CARSON	40.0	GETTY OIL CO
8345208	F-10-69624	4206531257		103		LOCKE #1 (ID# 05368)	PANHANDLE CARSON	50.0	GETTY OIL CO
8345209	F-10-69625	4206531382		103		LOCKE #5 (ID# 05368)	PANHANDLE CARSON	80.0	GETTY OIL CO
-WALSH AND WATTS INC				RECEIVED:	07/15/83	JA: TX			
8345202	F-8B-69617	4247532159		103		MCDONALD UNIT #6-B (LEASE NO 07223)	WARD SOUTH	1.5	WARREN PETROLEUM
8345201	F-8B-69616	4247532280		103		MCDONALD UNIT #7-B (LEASE NO 07223)	WARD SOUTH	3.3	WARREN PETROLEUM
8345200	F-8B-69615	4247532281		103		MCDONALD UNIT #8-B (LEASE NO 07223)	WARD SOUTH	0.8	WARREN PETROLEUM
8345299	F-7B-69869	4215131645		103		WITT "B" (LEASE NO 17581) WELL #2	JUDY GAIL (CANYON SAN	0.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO RECEIVED:					07/15/83	JA: TX			
8345295	F-8B-69863	4210300807		108		C EDWARDS JR "A" #6	ARMER (6350')	0.4	EL PASO NATURAL G
8345293	F-8B-69861	4210331179		108		C-BAR SAN ANDRES UNIT #A-17	C-BAR (SAN ANDRES)	0.7	EL PASO NATURAL G
8345294	F-8B-69862	4210331235		108		C-BAR SAN ANDRES UNIT #F-14	C-BAR (SAN ANDRES)	0.9	EL PASO NATURAL G
8345289	F-8B-69857	4210300004		108		M B MCKNIGHT #36	ARMER (6350')	4.9	EL PASO NATURAL G
8345287	F-8B-69855	4210300050		108		M B MCKNIGHT #81	SAND HILLS (MCKNIGHT)	5.6	EL PASO NATURAL G
8345296	F-8B-69864	4210300190		108		M F HENDERSON #122	DUNE	1.6	EL PASO NATURAL G
8345292	F-8B-69860	4210300223		108		P J LEA #12	LEA (ELLENBURGER)	1.9	EL PASO NATURAL G
8345288	F-8B-69856	4210300241		108		P J LEA #24	LEA (SAN ANDRES)	2.1	EL PASO NATURAL G
8345291	F-8B-69859	4210311033		108		P J LEA #65	LEA (ELLENBURGER)	1.9	EL PASO NATURAL G
8345290	F-8B-69858	4210331950		108		P J LEA #74	LEA (SAN ANDRES)	1.2	EL PASO NATURAL G
8345286	F-8B-69854	4210332047		108		STATE "EB" #7	DUNE	0.2	EL PASO NATURAL G
8345285	F-8B-69853	4210300817		108		TUBB #3	SAND HILLS (TUBB)	0.9	EL PASO NATURAL G
-WATSON EXPLORATION INC				RECEIVED:	07/15/83	JA: TX			
8345213	F-10-69632	4206531163		103		TWO-BAR RANCH #1-93	PANHANDLE CARSON COUN	0.8	CABOT PIPELINE CO
8345214	F-10-69633	4206531234		103		TWO-BAR RANCH #1-94	PANHANDLE CARSON COUN	0.2	CABOT PIPELINE CO
8345212	F-10-69631	4206531304		103		TWO-BAR RANCH #2-93	PANHANDLE CARSON COUN	0.4	CABOT PIPELINE CO
-WY-YEL CORP				RECEIVED:	07/15/83	JA: TX			
8345218	F-10-69652	4206531303		103		BURNETT (04270) 12	PANHANDLE-CARSON COUN	0.5	PHILLIPS PETROLEU
-WYOMING RESOURCES				RECEIVED:	07/15/83	JA: TX			
8345276	F-7C-69827	4238332432		103		PALOMINO '37' #1	SPRABERRY (TREND AREA	110.0	UNION TEXAS PETRO
-ZENA-B OIL & GAS INC				RECEIVED:	07/15/83	JA: TX			
8345211	F-10-69627	4217931286		103		GINN (05327) #1	PANHANDLE GRAY COUNTY	5.0	CABOT PIPELINE CO
8345210	F-10-69626	4217931285		103		GINN (05327) #2	PANHANDLE GRAY COUNTY	69.0	CABOT PIPELINE CO

[FR Doc. 83-21489 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 944]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 3, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED AUGUST 3, 1983

VOLUME 944

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARGO PETROLEUM CORP				RECEIVED:	07/15/83	JA: CA			
8345562	83-6-0037	0406720204		102-4		NGC-ELLIOT 32-48X	STONE LAKE AREA	0.0	PACIFIC GAS & ELE
-CAPITOL OIL CORP				RECEIVED:	07/15/83	JA: CA			
8345563	83-6-0034	0409520568		102-4		MCELWAINE #2	BUNKER	0.5	PACIFIC GAS & ELE
8345564	83-6-0035	0409520566		102-4		WOODEN #2	MAINE PRAIRIE	0.5	PACIFIC GAS & ELE
-CHALLENGER MINERALS INC				RECEIVED:	07/15/83	JA: CA			
8345576	83-4-0227	0402966864		102-4		JENSEN #36X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8345575	83-4-0226	0402967258		102-4		KLIEWER-MESSENGER #23X-A-33	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8345574	83-4-0225	0402966862		102-4		WILLIAMS #83X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
-DEPCO INC				RECEIVED:	07/15/83	JA: CA			
8345573	83-6-0038	0410120202		102-4		CREPS #67-27	TISDALE GAS SOUTHEAST	0.0	
8345572	83-6-0039	0410120175		102-4		CREPS #73-34	WILDCAT	0.0	
-HAMILTON BROTHERS OIL CO				RECEIVED:	07/15/83	JA: CA			
8345560	82-6-0087	0409500008		102-4		BELLEAIRE # 5-9	MILLAR GAS	0.0	PACIFIC GAS & ELE
-HILLIARD OIL & GAS INC				RECEIVED:	07/15/83	JA: CA			
8345566	83-6-0036	0409520600		102-4		PARDI #2	NORTH BUNKER	50.4	SHELL OIL CO
-HUSKY OIL COMPANY				RECEIVED:	07/15/83	JA: CA			
8345559	83-5-0003	0403120242		102-2		KCDC 74-8	TULARE LAKE	120.0	PACIFIC GAS & ELE
-MCOR OIL & GAS CO				RECEIVED:	07/15/83	JA: CA			
8345565	83-6-0040	0409520586		102-4		HASTINGS RANCH #1-16	LINDSEY SLOUGH	540.0	PACIFIC GAS & ELE
-PANCANADIAN PETROLEUM CO				RECEIVED:	07/15/83	JA: CA			
8345561	83-6-0033	0409520051		102-4		WILLIAMS-HAPPE 13-15 #1	LINDSEY SLOUGH GAS	918.0	PACIFIC GAS & ELE
-PETRO-LEWIS CORPORATION				RECEIVED:	07/15/83	JA: CA			
8345567	83-4-0229	0402968634		103		ELLIS 65J-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
8345568	83-4-0230	0402968387		103		ELLIS 66L-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
8345569	83-4-0232	0402968635		103		ELLIS 66M-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
8345571	83-4-0228	0402968390		103		ELLIS 76K-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
8345570	83-4-0231	0402968633		103		KING 67H-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
KANSAS CORPORATION COMMISSION									
-JONES ROBERT W				RECEIVED:	07/15/83	JA: KS			
8345663	K-83-0441	1512525840		102-2		SOUTH HOWELL A #5	CHERRYVALE COFFEYVILL	30.5	NORTHWEST CENTRAL
-SMITH TERRY				RECEIVED:	07/15/83	JA: KS			
8345664	K-83-0089	1508721335		103		GEORGE #1	TRAFFAS	70.0	PEOPLES NATURAL G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-HUNT ENERGY CORPORATION ET AL				RECEIVED:	07/13/83	JA: MI			
8345558		2103500000		102-3		WINTERFIELD DEEP UNIT "A" #1	WINTERFIELD	70.0	CONSUMERS POWER C
MONTANA BOARD OF OIL & GAS CONSERVATION									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	07/18/83	JA: MT			
8345679	7-82-191	2510122271		102-2		ADAMSON #21-5	TIBER	18.3	
8345666	7-82-192	2510122268		102-2		FRYDENLUND #21-10	EAST TIBER	18.3	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345678	7-82-190	2510122270		102-2		LEVI #11-11	WILDCAT	18.3	
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	07/18/83	JA: MT			
8345675	7-82-197	2509121462		102-2		MINER TWIN FEE 14-11	COMERTOWN	1.0	PHILLIPS PETROLEU
8345665	7-82-196	2509100000		102-2		LAGERQUIST TWIN FEE 12-14	COMERTOWN	0.0	PHILLIPS PETROLEU
-MIDLANDS GAS CORPORATION				RECEIVED:	07/18/83	JA: MT			
8345671	7-82-201	2507121790		103		BELL FARMING 1 1712	BOWDOIN	80.0	K N ENERGY INC
8345667	7-82-189	2507121540		108		BROWN 1-15 1570	BOWDOIN	15.0	K N ENERGY INC
8345669	7-82-200	2507121792		103		STATE OF MONTANA 2 1621	BOWDOIN	69.0	K N ENERGY INC
8345670	7-82-202	2507121781		102-2		STATE OF MONTANA 2 1651	BOWDOIN	92.0	K N ENERGY INC
8345668	7-82-198	2507121791		103		STATE 1 0812	BOWDOIN	110.0	K N ENERGY INC
8345672	7-82-199	2507121793		103		YELLOWSTONE 1 0324	BOWDOIN	116.0	K N ENERGY INC
-NOR-AM EXPLORATION CORP				RECEIVED:	07/18/83	JA: MT			
8345677	7-82-184	2501521563		102-2		J G THORNBERRY #1-28	WILDCAT	1680.0	NATURAL GAS PROCE
-PENNZOIL COMPANY				RECEIVED:	07/18/83	JA: MT			
8345673	7-82-193	2508521238		102-4		LARSON FARMS #1	BAINVILLE II	0.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	07/18/83	JA: MT			
8345674	7-82-194	2502521220		103		UNIT 31-17B	PENNEL	0.7	MONTANA DAKOTA UT
8345676	7-82-195	2502621219		103		UNIT 33-18B	PENNEL	21.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMAX PETROLEUM CORPORATION				RECEIVED:	07/18/83	JA: NM			
8345717		3003900000		108-PB		BISHOP #2	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	07/18/83	JA: NM			
8345698		3004520374		103		BRUINGTON GAS COM "C" #1	BASIN DAKOTA	13.0	EL PASO NATURAL G
8345724		3004521147		108-PB		CANDELARIA GAS COM #1	AZTEC	0.0	EL PASO NATURAL G
8345697		3004508131		108		GALLEGOS CANYON UNIT #107	BASIN DAKOTA	17.0	EL PASO NATURAL G
8345723		3004509487		108-PB		HANCOCK GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8345726		3004508552		108-PB		HEATH GAS UNIT F #1	BLANCO	0.0	EL PASO NATURAL G
8345695		3004507786		108		MADDOX GAS COM "A" #1 (2ND)	AZTEC-PICTURED CLIFFS	14.0	EL PASO NATURAL G
8345696		3004508335		108		MARSROW GAS COM #1 (3RD FILING)	BASIN DAKOTA	18.0	EL PASO NATURAL G
8345694		3004507915		103		SANCHEZ GAS COM #1 (3RD)	AZTEC-PICTURED CLIFFS	14.0	EL PASO NATURAL G
8345727		3004512171		108-PB		SNYDER GAS COM B #1	BASIN	0.0	EL PASO NATURAL G
8345721		3004509476		108-PB		STATE GAS COM BE #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
8345729		3004508387		108-PB		STATE GAS COM BF #1	BASIN	0.0	EL PASO NATURAL G
8345722		3004501008		108-PB		STATE GAS COM BJ #1	BASIN	0.0	EL PASO NATURAL G
8345728		3004520293		108-PB		STATE GAS COM BN #1	BLANCO	0.0	EL PASO NATURAL G
8345725		3004507649		108-PB		STATE OF NM GAS UNIT V #1	BLANCO	0.0	EL PASO NATURAL G
-COLLIER ENERGY INC				RECEIVED:	07/18/83	JA: NM			
8345691		3001500000		102-4		SOUTH #1	UNDESIGNATED - GRAYBU	54.8	PHILLIPS PETROLEU
-CONSOLIDATED OIL & GAS INC				RECEIVED:	07/18/83	JA: NM			
8345712		3004500000		108-PB		JAQUEZ #2	BASIN DAKOTA	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/18/83	JA: NM			
8345680		3004520885		108-PB		ATLANTIC D COM H #9	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8345707		3004500000		108-PB		ATLANTIC D COM L #13 PC	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8345681		3004510770		108-PB		BROOKHAVEN COM G #9	BASIN DAKOTA	0.0	EL PASO NATURAL G
8345706		3004511814		108		BURROUGHS COM C #5	BASIN-DAKOTA	0.0	EL PASO NATURAL G
8345711		3004520407		108-PB		HUERFANO UNIT #194	BASIN DAKOTA	0.0	EL PASO NATURAL G
8345708		3003920691		108-PB		RINCON UNIT #194	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8345709		3003906838		108-PB		RINCON UNIT #25	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8345710		3003906766		108-PB		RINCON UNIT #31	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8345705		3003906978		108-PB		RINCON UNIT #53	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8345682		3003907069		108-PB		SAN JUAN 28-7 UNIT #80	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8345683		3004511137		108-PB		SAN JUAN 32-9 UNIT #36	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	07/18/83	JA: NM			
8345693		3003905681		108		FARMING "E" #1	BASIN DAKOTA	20.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	07/18/83	JA: NM			
8345684		3001524473		103		HONDO A STATE #4	UNDESIGNATED DELAWARE	16.0	
8345686		3000561821		103		MESA STATE COM #2	DIAMOND MOUND ATOKA-M	970.0	NORTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/18/83	JA: NM			
8345702		3002502824		108		EAST VACUUM GB/SA UN TR 1910 #001	VACUUM GRAYBURG/SAN A	1.0	EL PASO NATURAL G
8345700		3002502915		108		EAST VACUUM GB/SA UNIT TR 2864 #012	VACUUM GB/SA	1.0	EL PASO NATURAL G
8345699		3002526678		108		EAST VACUUM GB/SA UNIT TR 3236 #007	VACUUM GRAYBURG - SAN	7.0	EL PASO NATURAL G
8345701		3002526573		108		EAST VACUUM GB/SA UNIT TR 2622 #002	VACUUM GRAYBURG - SAN	1.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	07/18/83	JA: NM			
8345714		3004500000		108-PB		FARMINGTON C COM #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-STEVENS OPERATING CORP				RECEIVED:	07/18/83	JA: NM			
8345692		3000500000		108		CITGO STATE "A" #1	TWIN LAKES - SAN ANDR	3.0	MAPCO PRODUCTION
8345703		3000500000		108		CITGO STATE "A" #3	TWIN LAKES - SAN ANDR	3.0	MAPCO PRODUCTION
8345704		3000561030		108		O'BRIEN "L" #11	TWIN LAKES - SAN ANDR	2.0	MAPCO PRODUCTION
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/18/83	JA: NM			
8345715		3002500000		108		STATE "A" A/C1 #90	LANGLIE MATTIX (7 RVR	10.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	07/18/83	JA: NM			
8345720		3004520382		108-PB		STATE COM C #5	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
8345719		3004520382		108-PB		STATE COM C #5	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
8345718		3004520382		108-PB		STATE COM C #5	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	07/18/83	JA: NM			
8345690		3002500000		108		J K RECTOR #3	EUMONT YATES SEVEN RI	0.0	PHILLIPS PETROLEU
8345716		3004512158		108-PB		NEW MEXICO COM P #1	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-UNICON PRODUCING CO				RECEIVED:	07/18/83	JA: NM			
8345689		3004523943		107-TF		PAYNE 3-A	BASIN DAKOTA	0.0	SOUTHERN UNION GA
-UNION OIL COMPANY OF CALIF				RECEIVED:	07/18/83	JA: NM			
8345688		3000520686		108		TOM "36" STATE #1	TOMAHAWK SAN ANDRES	7.0	CITIES SERVICE OI
8345687		3000520687		108		TOM "36" STATE #2	TOMAHAWK SAN ANDRES	1.0	CITIES SERVICE OI
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	07/18/83	JA: NM			
8345685		3002528158		103		LEA "12" STATE #1	SCHARB BONE SPRINGS	0.0	EL PASO NATURAL G
-ZACHARY OIL OPERATING CO				RECEIVED:	07/18/83	JA: NM			
8345713		3002500000		108-PB		MARSHALL #1	EUMONT	0.0	EL PASO NATURAL G
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BAY ENERGY CO #3				RECEIVED:	07/19/83	JA: NY			
8345754	5147	3102918017		103		CHAPMAN #1 03268	LAKE SHORE	8.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	07/19/83	JA: NY			
8345732	4738	3101317715		102-2	107-TF	C PIAZZA UNIT #3	WILDCAT	15.0	COLUMBIA GAS TRAN
8345731	4754	3101317994		102-2	107-TF	CHARRINGTON CREEK INC UNIT #4	WILDCAT	14.0	COLUMBIA GAS TRAN
8345733	4736	3101317875		102-2	107-TF	D MOUNT #2	WILDCAT	0.0	COLUMBIA GAS TRAN
8345730	4679	3101317775		102-2	107-TF	MOUNT UNIT #1	WILDCAT	16.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC				RECEIVED:	07/19/83	JA: NY			
8345737	4724	3101317941		102-2	107-TF	B ANDERSON UNIT #1	BUSTI	0.0	COLUMBIA GAS TRAN
8345735		3101317680		102-2	107-TF	D ANDERSON #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8345736	4726	3101318000		102-2	107-TF	HENDERSON #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8345734	4734	3101317692		102-2	107-TF	SANDERS #1	WILDCAT	0.0	COLUMBIA GAS TRAN
-ENVIRDGAS INC				RECEIVED:	07/19/83	JA: NY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345742	4455	3101317801		107-TF		B BUNCE #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8345756	4453	3100917619		107-TF		E HARTER #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8345745	4459	3100917778		107-TF		G LOCKWOOD #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345751	4464	3100917632		107-TF		H WALTERS #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8345743	4611	3101317870		107-TF		J FAULKNER #1-A	CLYMER	18.0	COLUMBIA GAS TRAN
8345749	4462	3101317286		107-TF		J HILL #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345755	4458	3100917697		107-TF		J NEUREUTER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345753	4467	3100917670		107-TF		K KENT #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345740	4454	3100917638		107-TF		K MAIDA #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345741	4612	3101317853		107-TF		M BEMIS #1	FRENCH CREEK	18.0	TENNESSEE GAS PIP
8345739	4457	3101317666		107-TF		R BURKHOLDER #1	CLYMER	18.0	COLUMBIA GAS TRAN
8345750	4463	3101317685		107-TF		W CASS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345744	4613	3101317709		107-TF		W ROBINSON #2	WILDCAT	18.0	TENNESSEE GAS PIP
8345746	4460	3100917687		107-TF		W WAITE #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345748	4466	3100917289		107-TF		X BEAVER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8345752	4465	3100917290		107-TF		X BEAVER #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8345747	4461	3100917744		107-TF		X WALTERS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
-SHESHUNOFF ALEXANDER				RECEIVED:	07/19/83	JA: NY			
8345738	4578	3112115824		102-2	107-TF	HAROLD E JAMES #1	ARCADE	18.0	SCG GAS QUEST INC
OKLAHOMA CORPORATION COMMISSION									
-AN-SON CORPORATION				RECEIVED:	07/14/83	JA: OK			
8345578	22903	3507321617		108		VOTH #1-5	W LOYAL	4.4	NORTHWEST CENTRAL
-BARBOUR ENERGY CORP				RECEIVED:	07/14/83	JA: OK			
8345600	21012	3508322157		102-4		CHRISTMAN #1-31		0.0	BUCKEYE NATURAL G
-BLUE QUAIL ENERGY INC				RECEIVED:	07/14/83	JA: OK			
8345584	22735	3502720694		103		HOLLAND #2	WHEATLAND	54.0	MOBIL OIL CORP
-CIMARRON MANAGEMENT CORP				RECEIVED:	07/14/83	JA: OK			
8345610	22507	3511721268		108		WARD #1-B	HALLETT	3.6	EMPIRE PIPELINE C
-D & J OIL COMPANY				RECEIVED:	07/14/83	JA: OK			
8345585	22640	3505321023		103		FOTHERGILL 1-8	S E POND CREEK	8.0	FARMLAND INDUSTRI
-DYCO PETROLEUM CORPORATION				RECEIVED:	07/14/83	JA: OK			
8345613	18795	3500920466		102-4		WHITE #1-13		350.0	MICHIGAN WISCONSI
-EAGLE MINERALS INC.				RECEIVED:	07/14/83	JA: OK			
8345601	21115	3510721398		102-4		JIMBOY #1		0.0	TRANSOK PIPE LINE
-GEC PRODUCTION CO				RECEIVED:	07/14/83	JA: OK			
8345612	15558	3504900000		103		FERGUSON #1	GOLDEN TREND	0.0	WARREN PETROLEUM
8345611	15557	3504921657		103		HOLT #2	S ANTIOCH	0.0	BUCKEYE NATURAL G
-GULF OIL CORPORATION				RECEIVED:	07/14/83	JA: OK			
8345593	22941	3515100000		108		DIETZ #1	OAKDALE NORTH (CHEROK	4.0	MICHIGAN-WISCONSI
-JET OIL COMPANY				RECEIVED:	07/14/83	JA: OK			
8345595	20736	3504723075		103		MOTLEY #1	WILSON	0.0	EASON OIL CO
-LOCATORS OIL & GAS INC				RECEIVED:	07/14/83	JA: OK			
8345580	22753	3508322097		103		RUSSELL #1	S E GUTHRIE	182.5	BUCKEYE NATURAL G
-MONSANTO COMPANY				RECEIVED:	07/14/83	JA: OK			
8345602	21116	3508320879		102-2		HARNED #1	EAST GUTHRIE LAKE	24.0	NORTHWEST CENTRAL
8345604	21118	3508321034		102-2		HARNED #2	EAST GUTHRIE LAKE	30.0	NORTHWEST CENTRAL
8345603	21117	3508321504		102-2		HARNED #3	EAST GUTHRIE LAKE	25.0	NORTHWEST CENTRAL
8345605	21119	3508321346		102-2		KIGHTLINGER #1	EAST GUTHRIE LAKE	90.0	NORTHWEST CENTRAL
-OK-TEX OIL & GAS INC				RECEIVED:	07/14/83	JA: OK			
8345609	22424	3504921995		103		WILLIAMS OK-TEX #4	HOOVER	0.0	AMINOIL OIL CORP
-PETRO-LEWIS CORPORATION				RECEIVED:	07/14/83	JA: OK			
8345587	22415	3509322607		103		SEIBEL 12-2	LOWER UPPER HUNTON ME	0.0	CITIES SERVICE CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/14/83	JA: OK			
8345582	22747	3501721686		103		CONNELLY TRUST A #1	WEST OKARCHE	0.0	ONG WESTERN INC
8345586	22556	3501521501		103		EAST BINGER UNIT #21-02	EAST BINGER	0.0	OKLAHOMA NATURAL
8345592	22839	3505100000		108		JOHN D #1		7.4	TRANSOK PIPELINE
-REMMER OIL CO				RECEIVED:	07/14/83	JA: OK			
8345607	21560	3515321289		103		DAVIS #1		220.8	PHILLIPS PETROLEU
-SEARCH DRILLING CO				RECEIVED:	07/14/83	JA: OK			
8345583	22736	3500722329		103		OVERTON 1-7	MOCANE-LAVERNE	460.0	PHILLIPS PETROLEU
-SELLERS RESOURCES CORP				RECEIVED:	07/14/83	JA: OK			
8345591	21090	3503723994		102-4		BURKE #1	CUSHING	1.0	PARKS ENERGY INVE
8345590	21091	3503724079		102-4		LANDRUM #1	CUSHING	1.0	PARKS ENERGY INVE
-STRIKER DRILLING CO				RECEIVED:	07/14/83	JA: OK			
8345589	22401	3508121906		103		CORY #A-1	SOUTH STROUD	0.0	NATURAL GAS ENTER
8345588	22402	3508121927		103		CROW #A-1	SOUTH STROUD	0.0	NATURAL GAS ENTER
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/14/83	JA: OK			
8345596	20859	3507100000		108		BUESING #2	BLACKWELL DISTRICT EA	9.0	CITIES SERVICE CO
8345597	20858	3500700000		108		H E CORNELL "B" #1	ELMWOOD	3.0	PHILLIPS PETROLEU
8345577	22773	3505121280		103		NORGE MARCHAND UNIT #53-3	CHICKASHA N W	32.0	TRANSOK PIPELINE
8345598	20860	3504700000		108		S E FLYNN #22-1	S E FLYNN	10.0	EXXON CO USA
8345599	22729	3503722764		103		STROUD PRUE SAND UT #7-9	STROUD	4.0	KERR MCGEE OIL CO
-TAYLOR INTERNATIONAL INC				RECEIVED:	07/14/83	JA: OK			
8345608	21775	3503723138		103		DERRISAW #3	CUSHING	8.0	ARCO OIL & GAS CO
-TENNECO OIL COMPANY				RECEIVED:	07/14/83	JA: OK			
8345579	22787	3510321858		103		S E LONE ELM CLEVELAND S U #1-3	SOUTH LONE ELM	4.0	AMINOIL USA INC
-TXO PRODUCTION CORP				RECEIVED:	07/14/83	JA: OK			
8345581	22749	3507323722		103		YOST #2	N OKARCHE	0.0	DELHI GAS PIPELIN
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	07/14/83	JA: OK			
8345594	22948	3501120449		108		BOSTON 1-20		0.0	DELHI GAS PIPELIN
-WAGNER & BROWN				RECEIVED:	07/14/83	JA: OK			
8345606	21466	3512920593		103		PENNINGTON #1-17	SOUTHEAST REYDON	165.0	
WEST VIRGINIA DEPARTMENT OF MINES									
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	07/14/83	JA: WV			
8345641		4703901341		108		B M HANSFORD - 801491	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345655		4704301939		108		B R VANDELINDE 801766	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8345624		4701501318		108		B T & CORA V CARPER - 801743	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8345628		4701501336		108		B V SAMPLES - 801552	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345625		4701501346		108		BURDETTE COAL & LD CO - 801581	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345656		4708702331		108		C H OSBORNE - 801613	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8345634		4703903000		108		C P NELSON - 801671	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345619		4701100588		108		C W MILLER 801851	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8345615		4703903128		108		F C PATTERSON - 800746	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8345633		4703903002		108		F M TAWNEY #1 801750	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345638		4703903003		108		F M TAWNEY #2 801751	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345650		4704300930		108		FRANCIS COOPER - 801990	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8345639		4708702172		108		GEO W GANDEE - 801610	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345653		4704301953		108		HARVEY CARPER 801928	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8345618		4700501198		108		HORSE CRK COAL LD - 801735	W VA FIELD AREA B	0.7	COLUMBIA GAS TRAN
8345649		4704300469		108		HORSE CRK COAL LD 801652	W VA FIELD AREA B	9.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345652		4704300174		108		HORSE CRK COAL LD 801762	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8345628		4701100592		108		J E WHITE 801899	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8345648		4704302045		108		J W DINGERS - 801583	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8345626		4703903164		108		J W LAYTON - 801439	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345644		4703903165		108		J W LAYTON - 801440	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345614		4703903015		108		JOHN CROMWELL - 801614	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345643		4703903166		108		L F PERRY 801458	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8345627		4701501350		108		L J REED 801582	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345635		4703903029		108		LITTLEPAGE & GARDENER - 801658	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345636		4703903030		108		M A COBB - 801634	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345647		4704301914		108		M C BIAS 801869	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8345657		4708702236		108		MARY F TAYLOR 801608	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345621		4701100593		108		MARY J DAVIS 801870	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8345616		4704302063		108		MOHLER LUMBER CO - 800811	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8345637		4703903419		108		M B THOMPKINS 801430	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8345617		4703903068		108		NELLIE B TOMPKINS - 800810	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8345638		4703903170		108		PAINT CK TERMINAL - 801507	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8345639		4703903171		108		PAINT CRK TERMINAL - 801628	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345651		4704300459		108		PATTERSON TONEY 801988	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8345629		4701501351		108		PRINCE LAND CO - 801553	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8345623		4701501352		108		R H & G H MARTIN 801489	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345642		4703903037		108		R W KING - 801621	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8345631		4703903044		108		S F CART 801515	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8345646		4704301964		108		S L OXLEY 801989	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8345660		4708702375		108		SARAH F TAYLOR 801803	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8345648		4703903079		108		SARAH M HOPE 801599	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8345632		4703903049		108		TOWNSHEND & YOUNG - 801482	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8345658		4708702272		108		W A GEARY 801849	W VA FIELD AREA A	0.4	COLUMBIA GAS TRAN
8345662		4708702377		108		W C CAMPBELL - 801681	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8345622		4701100597		108		W E CART 801913	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8345654		4704302062		108		W H MCMILLAN - 801947	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8345661		4708702386		108		WM M YOUNG 801955	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8345645		4703903053		108		WW KENNEDY - 801480	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN

[FR Doc. 83-21490 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 945]

Determinations by Judisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 3, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 945
ISSUED AUGUST 3, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/19/83	JA: CO			
8345802	82-1248	0506706477		107-TF		SOUTHERN UTE 20-1 33-10 (TF)	IGNACIO BLANCO	55.0	WESTERN SLOPE GAS
8345803	82-1294	0506706606		107-TF		SOUTHERN UTE 20-2 33-10 (TF)	IGNACIO BLANCO	115.0	WESTERN SLOPE GAS
-BASIN-WARREN JOINT VENTURE				RECEIVED:	07/19/83	JA: CO			
8345804	82-1132	0512310642		107-TF		BACON #1	WILDCAT	146.0	PANHANDLE EASTERN
8345782	82-1130	0512310642		103		BACON #1	WILDCAT	146.0	PANHANDLE EASTERN
-BELLWETHER EXPLORATION CO				RECEIVED:	07/19/83	JA: CO			
8345805	82-1159	0512310738		107-TF		CAR BODY LAKE #1-23	BRACEWELL	72.0	NORTHERN NATURAL
8345806	82-1162	0512310740		107-TF		CROISSANT #1-27	BRACEWELL	15.0	NORTHERN NATURAL
8345757	82-1118	0512510581		102-4		MEMOVICH #1	WILDCAT	2.7	PANTERA ENERGY CO
8345807	82-1163	0512310654		107-TF		MILLS-FELT #1-22	BRACEWELL	18.0	NORTHERN NATURAL
8345808	82-1160	0512310657		107-TF		RUTT-ADAMS HEIRS #1-22	BRACEWELL	23.0	NORTHERN NATURAL
8345809	82-1161	0512310655		107-TF		SCHAEFER #1-22	BRACEWELL	27.0	NORTHERN NATURAL
8345810	82-1164	0512310656		107-TF		SCHAEFER #2-22	BRACEWELL	28.0	NORTHERN NATURAL
-CARL A HOUY				RECEIVED:	07/19/83	JA: CO			
8345758	82-1155	0512310620		102-4		CAROL BELL #1		58.0	PHILLIPS PETROLEU
-CENTENNIAL OIL COMPANY				RECEIVED:	07/19/83	JA: CO			
8345871	83-263	0506705786		108-PB		UTE B #1	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
8345870	83-163	0506705786		108-PB		UTE B #1	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-CGT INC				RECEIVED:	07/19/83	JA: CO			
8345860	83-241	0500107727		108		BECKER 42-32	HAWKEYE	9.0	PANHANDLE EASTERN
8345861	83-240	0500107356		108		CHAMPLIN 1-35	QUAIL	11.0	PANHANDLE EASTERN
8345862	83-242	0500107718		108		HARTMAN 21-14	ZENITH	8.0	PANHANDLE EASTERN
8345863	83-243	0500107608		108		MEYER 2-14	PORTER	8.0	PANHANDLE EASTERN
8345864	83-239	0500107650		108		MEYER 3-14	PORTER	14.0	PANHANDLE EASTERN
8345865	83-238	0500107538		108		TRUPP 2-32	HAWKEYE	10.0	PANHANDLE EASTERN
-COORS ENERGY CO				RECEIVED:	07/19/83	JA: CO			
8345811	82-1083	0507708459		107-TF		PRATHER 1-5	ASHMEAD	767.0	
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:	07/19/83	JA: CO			
8345783	82-882	0504501334		103		ROCK CANYON #3-4-5-101	UNNAMED	125.9	NORTHWEST PIPELIN
-DOME PETROLEUM CORP				RECEIVED:	07/19/83	JA: CO			
8345812	82-1251	0506700000		107-TF		ANIMAS #1	IGNCACIO BLANCO - MES	601.0	NORTHWEST PIPELIN
8345813	82-1303	0507708381		107-TF		DOME ALBERTSON 1-32	CAMEO	135.0	NORTHWEST PIPELIN
8345814	82-1250	0506700000		107-TF		TIFFANY #1	IGNACIO BLANCO - MESA	761.0	NORTHWEST PIPELIN
8345815	82-1249	0506700000		107-TF		TIFFANY #2	IGNACIO BLANCO - MESA	985.0	NORTHWEST PIPELIN
8345816	82-1193	0506706495		107-TF		UNITED #35-1	IGNACIO BLANCO	1181.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/19/83	JA: CO			
8345872	83-250	0506705525		108-PB		IGNACIO 33-8 #7	IGNACIO BLANCO	0.0	EL PASO NATURAL G
-EXCEL ENERGY CORP				RECEIVED:	07/19/83	JA: CO			
8345817	82-1318	0512310699		107-TF		CRESSWELL #1	WATTENBERG	125.2	PANHANDLE EASTERN
8345818	82-1293	0512310780		107-TF		RICE #1	WATTENBERG	109.5	PANHANDLE EASTERN
-FRANK H WALSH				RECEIVED:	07/19/83	JA: CO			
8345761	82-1115	0508700000		102-4		J A FARMS #1	TENDERFOOT	75.0	KN ENERGY INC
-GULF ENERGY CORP				RECEIVED:	07/19/83	JA: CO			
8345784	82-1287	0500108171		103		W TUPPS #4-31	BEAR GULCH	36.0	COLORADO INTERSTA
-J M HUBER CORPORATION				RECEIVED:	07/19/83	JA: CO			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345820	82-1111	0512506758		107-TF		PERLENFEIN #12-1	WILDCAT	10.0	KN ENERGY INC
-J-W OPERATING COMPANY				RECEIVED:	07/19/83	JA: CO			
8345823	82-1346	0512506831		107-TF		C JOSH #2-32	ROCK CREEK	80.0	KN ENERGY INC
8345770	82-1345	0512506831		102-2		C JOSH #2-32	ROCK CREEK	80.0	KN ENERGY INC
8345771	82-1344	0512506838		102-2		M MURRAIN #3-30	WAVERLY	180.0	KN ENERGY INC
8345772	82-1343	0512506839		102-2		M MURRAIN #4-30	WAVERLY	160.0	KN ENERGY INC
8345785	82-1332	0512506487		103		MALCOLM AKEY #1-32	BEECHER ISLAND	42.4	NORTHWEST CENTRAL
8345786	82-1331	0512506488		103		MALCOLM AKEY #2-32	BEECHER ISLAND	13.3	NORTHWEST CENTRAL
8345787	82-1330	0512506489		103		MALCOLM AKEY #3-32	BEECHER ISLAND	18.9	NORTHWEST CENTRAL
8345824	82-1284	0512506811		107-TF		MURRELL #1-25	PEREGRINE	21.9	NORTHWEST CENTRAL
8345773	82-1283	0512506811		102-2		MURRELL #1-25	PEREGRINE	21.9	NORTHWEST CENTRAL
8345768	82-1347	0512506823		102-2		T BROPHY #34-23	OLD BALDY	436.0	KN ENERGY INC
8345821	82-1348	0512506823		107-TF		T BROPHY #34-23	OLD BALDY	436.0	KN ENERGY INC
8345774	82-1349	0512506819		102-2		TUELLAND #1-2	OLD BALDY	345.0	KN ENERGY INC
8345825	82-1350	0512506819		107-TF		TUELLAND #1-2	OLD BALDY	345.0	KN ENERGY INC
8345822	82-1282	0512506812		107-TF		V BRUEGGEMAN #2-26	PEREGRINE	10.7	NORTHWEST CENTRAL
8345769	82-1281	0512506812		102-2		V BRUEGGEMAN #2-26	PEREGRINE	10.7	NORTHWEST CENTRAL
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	07/19/83	JA: CO			
8345866	83-249	0512506294		108		FONTE 1-22	REPUBLICAN	18.0	
8345867	83-244	0512506134		108		SHORT 1-23	REPUBLICAN	17.6	
-KENAI OIL AND GAS INC				RECEIVED:	07/19/83	JA: CO			
8345826	82-1144	0507708449		107-TF		ESPERANZA RANCH CORP #1	PLATEAU	70.0	
8345827	82-1143	0507708460		107-TF		KENAI LATHUM #25-41	SHIRE GULCH	36.0	
8345828	82-1145	0507708444		107-TF		TEXACO STARNER #26-32	WILDCAT	70.0	
-L & B OIL CO INC				RECEIVED:	07/19/83	JA: CO			
8345788	82-1188	0512310210		103		STATE OF COLORADO #7-36 CG	SPACE CITY	250.0	PANHANDLE EASTERN
-LADD PETROLEUM CORPORATION				RECEIVED:	07/19/83	JA: CO			
8345789	82-1134	0506706519		103		FEE #2-30	IGNACIO-BLANCO	69.8	NORTHWEST PIPELIN
-LOCKRIDGE THOMPSON & CANTRALL				RECEIVED:	07/19/83	JA: CO			
8345829	82-1265	0512506828		107-TF		CANTRALL 2-35		0.0	
-LYNX EXPLORATION CO				RECEIVED:	07/19/83	JA: CO			
8345830	82-1150	0500108084		107-TF		WAILES #1	CHIEFTAIN	40.0	PANHANDLE EASTERN
8345831	82-1149	0500108152		107-TF		WAILES #2	CHIEFTAIN	40.0	PANHANDLE EASTERN
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	07/19/83	JA: CO			
8345790	82-979	0501306080		103		ALMQUIST #1	BOULDER VALLEY	0.0	PANHANDLE EASTERN
8345833	82-1109	0501306125		107-TF		ANDERSON #1-33	WATTENBERG	0.0	PANHANDLE EASTERN
8345791	82-1108	0501306125		103		ANDERSON #1-33	WATTENBERG	0.0	PANHANDLE EASTERN
8345834	82-1107	0501306092		107-TF		DODD #1-33	WATTENBERG	0.0	PANHANDLE EASTERN
8345792	82-1106	0501306092		103		DODD #1-33	WATTENBERG	0.0	PANHANDLE EASTERN
8345835	82-1105	0501306026		107-TF		ERTL #1	WILDCAT	0.0	PANHANDLE EASTERN
8345793	82-1197	0500108180		103		GOETZ #3-23	SPINDLE	27.0	PANHANDLE EASTERN
8345836	82-1173	0501306101		107-TF		MC CARTY #1-34	WATTENBERG	0.0	PANHANDLE EASTERN
8345837	82-1194	0506706537		107-TF		SHELHAMMER #1 (33-73	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
-MCKNAB V W II				RECEIVED:	07/19/83	JA: CO			
8345794	82-1138	0500108108		103		HANDKE #1	SONAR	95.0	COLORADO INTERSTA
-MGF OIL CORP				RECEIVED:	07/19/83	JA: CO			
8345762	82-1245	0512310739		102-2		BANZHAF #23-4	JUPITER	342.0	
8345759	82-1310	0500106161		102-4		BRENDA #41-34	FULL HOUSE	14.4	DAMSON OIL CORP
8345832	82-1311	0500107695		107-TF		HACK #12-14	WATTENBERG	0.0	PANHANDLE EASTERN
8345763	82-1258	0512300000		102-2		JANE STATE #33-16	JUPITER	0.0	
8345764	82-1254	0512310206		102-2		JOSEY #12-8	JUPITER	381.6	
8345765	82-1309	0512309849		102-2		MABEL 24-33	CALUMET	0.7	
8345766	82-1256	0512310463		102-2		SUSIE #11-9	JUPITER	294.5	
8345767	82-1257	0512310381		102-2		VELVET #21-17	JUPITER	0.0	
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED:	07/19/83	JA: CO			
8345760	82-1136	0500906328		102-4		GRIFFIN #1-11	WALSH	91.0	PANHANDLE EASTERN
-MIDLANDS GAS CORPORATION				RECEIVED:	07/19/83	JA: CO			
8345868	83-103	0512506436		108		CANNON 1-17	WHISPER	9.0	KN ENERGY INC
8345869	83-223	0512506439		108		STATE 1-36-247	SCHRAMM	13.1	KN ENERGY INC
-MOUNTAIN PETROLEUM CORPORATION				RECEIVED:	07/19/83	JA: CO			
8345838	82-1128	0512506806		107-TF		LAWYER 1-5	VERNON	25.0	KN ENERGY INC
8345839	82-1327	0512506827		107-TF		SALVADOR 1-18	PHUMA	0.0	KN ENERGY INC
8345840	82-1129	0512506807		107-TF		SCHOBE #2-8	BEECHER ISLAND	28.0	KN ENERGY INC
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	07/19/83	JA: CO			
8345775	82-1196	0512310477		102-2		FORD #1	COUNTY LINE "D" SAND	0.0	PANTERA ENERGY CO
8345776	82-1195	0512310766		102-2		SHEETS #2	COUNTY LINE "D" SAND	5.8	PANTERA ENERGY CO
-NUCORP ENERGY INC				RECEIVED:	07/19/83	JA: CO			
8345795	82-1237	0504506347		103		TATE 1-30	WILDCAT	583.0	NORTHWEST PIPELIN
-PETROQUEST INC				RECEIVED:	07/19/83	JA: CO			
8345842	82-1201	0512310542		107-TF		STATE "B" #41-36	WATTENBERG	55.0	PANHANDLE EASTERN
8345843	82-1200	0512310541		107-TF		STATE "C" #41-36	WATTENBERG	27.0	PANHANDLE EASTERN
8345841	82-1241	0512310531		107-TF		STATE B 14-36	WATTENBERG	55.0	PANHANDLE EASTERN
-SAMSON RESOURCES COMPANY				RECEIVED:	07/19/83	JA: CO			
8345844	82-1142	0506706600		107-TF		FASSETT #1	IGNACIO BLANCO	18.3	NORTHWEST PIPELIN
-SIERRA ENERGY ASSOCIATES				RECEIVED:	07/19/83	JA: CO			
8345846	82-1302	0512310558		107-TF		ANDERSON #1	WATTENBURG	0.0	PANHANDLE EASTERN
-SIERRA GROUP				RECEIVED:	07/19/83	JA: CO			
8345845	82-1179	0512310773		107-TF		AMEN #1	WATTENBURG	0.0	PANHANDLE EASTERN
8345847	82-1285	0512310233		107-TF		NELSON #1	WATTENBURG	0.0	PANHANDLE EASTERN
-ST MICHAEL EXPLORATION CO				RECEIVED:	07/19/83	JA: CO			
8345848	82-1153	0512306706		107-TF		DAVIS FARMS #33-28	GREELEY	0.0	NORTHERN NATURAL
8345851	82-1154	0512310705		107-TF		DON UHRICH #31-27	GREELEY	90.2	NORTHERN NATURAL
8345850	82-1152	0512310704		107-TF		SWANSON FARMS #11-27	GREELEY	105.5	NORTHERN NATURAL
8345849	82-1112	0512310703		107-TF		WILLIAM R KELLY ESTATE #44-19	GREELEY	101.8	NORTHERN NATURAL
-TETON ENERGY CO INC				RECEIVED:	07/19/83	JA: CO			
8345852	82-1124	0501306028		107-TF		COWDREY-MOORE #1	SUPERIOR	65.7	NORTHERN NATURAL
8345777	82-1125	0501306028		102-2		COWDREY-MOORE #1	SUPERIOR	65.7	NORTHERN NATURAL
8345853	82-1119	0501306074		107-TF		MAYHOFFER/ROTOLO 25-2	SUPERIOR	190.5	NORTHERN NATURAL
8345778	82-1120	0501306074		102-2		MAYHOFFER/ROTOLO 25-2	SUPERIOR	190.5	NORTHERN NATURAL
8345779	82-1121	0501306019		102-2		ROCKY MOUNTAIN FUEL #1	SUPERIOR	96.0	NORTHERN NATURAL
8345854	82-1123	0501306040		107-TF		SUPERIOR ASSOCIATES 26-1	SUPERIOR	115.0	NORTHERN NATURAL
8345780	82-1122	0501306040		102-2		SUPERIOR ASSOCIATES 26-1	SUPERIOR	115.0	NORTHERN NATURAL
-TWIN RICHFIELD OILS INC				RECEIVED:	07/19/83	JA: CO			
8345796	82-1295	0512506233		103		HAYES-CANTRALL #1-12	BEECHER ISLAND	160.0	NORTHWEST CENTRAL
8345797	82-1323	0512506339		103		STATE #1-12	BEECHER ISLAND	160.0	NORTHWEST CENTRAL
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	07/19/83	JA: CO			
8345798	82-1091	0508106502		103		SUGAR LOAF 1-3	MESA VERDE	0.0	MOUNTAIN FUEL SUP
-UTE ENERGY CO				RECEIVED:	07/19/83	JA: CO			
8345781	82-1244	0500506799		102-2		DAN KISSLER #1	CHALICE	64.1	NATURAL PIPELINE
-VESSELS GAS PROCESSING LTD				RECEIVED:	07/19/83	JA: CO			
8345799	82-1141	0512309170		103		J LEE SEARS #1	SPINDLE	1196.0	VESSELS GAS PROCE
8345800	82-1140	0512309291		103		J LEE SEARS #2	SPINDLE	1196.0	VESSELS GAS PROCE
-VESSELS OIL & GAS COMPANY				RECEIVED:	07/19/83	JA: CO			
8345855	82-1172	0501306054		107-TF		CALDWELL "H" UNIT #1	WATTENBERG	273.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345856	82-1178	0501306110		107-TF		CALDWELL "K" UNIT #1	WATTENBERG	313.0	PANHANDLE EASTERN
8345857	82-1202	0501306123		107-TF		DEASON "G" UNIT #1	WATTENBERG	383.0	PANHANDLE EASTERN
8345858	82-1074	0512310538		107-TF		NELSON "E" UNIT #2	WATTENBERG	310.0	PANHANDLE EASTERN
8345859	82-1139	0501306105		107-TF		OGREN "H" UNIT #1	WATTENBERG	438.0	PANHANDLE EASTERN
8345801	82-1289	0512310629		103		WANDELL "C" UNIT #1	WATTENBERG	438.0	ADOLPH COORS CO
-WALTER 5 FEES JR				RECEIVED:	07/19/83	JA: CO			
8345819	82-1203	0518308974		107-TF		KIRBY-EIDSON #28-4	BLUE CLOUD	500.0	NORTHWEST PIPELIN
**********									
KENTUCKY DEPARTMENT OF MINES & MINERALS									
**********									
-BLAIR W LYNN				RECEIVED:	07/18/83	JA: KY			
8346005	505985	1617700000		102-4		JIMMY D STRADER #1	ROSEWOOD	90.0	TEXAS GAS TRANSMI
8346006	505986	1617700000		102-4		JIMMY STRADER #2	ROSEWOOD FIELD	90.0	TEXAS GAS TRANSMI
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMCANA OIL CORP				RECEIVED:	07/15/83	JA: OK			
8345889	22780	3510920639		103		THOMAS #2-14	N E EDMOND	182.5	CHAMPLIN PETROLEU
-AN-SON CORPORATION				RECEIVED:	07/15/83	JA: OK			
8345875	21278	3503920810		102-2		STOCKTON #1-19	WEST CLINTON	2062.0	PRODUCERS GAS CO
-ANADARKO PRODUCTION COMPANY				RECEIVED:	07/15/83	JA: OK			
8345878	23008	3509322635		103		HUBBLE A 2-28	ROSCOE NORTHWEST	18.0	AMINOIL USA INC
-APACHE CORPORATION				RECEIVED:	07/15/83	JA: OK		821.0	EL PASO NATURAL G
8346003	21072	3508920526		102-3		MIKLES #3-4			
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	07/15/83	JA: OK			
8345972	20978	3507323237		103		VERHINES 1-8	SOONER TREND	26.0	PHILLIPS PETROLEU
-AUTUMN ENERGY CORP				RECEIVED:	07/15/83	JA: OK			
8345955	22684	3503724596		103		MCGUIRE #2	KELLYVILLE	150.0	GOLDEN ARROW GAS
-B R POLK INC				RECEIVED:	07/15/83	JA: OK			
8345874	22727	3508322217		103		DITTELMIER #2	S ORLANDO	50.0	EASON OIL CO
-BETA OIL & GAS DEVELOPMENT				RECEIVED:	07/15/83	JA: OK			
8345999	22911	3510721522		103		VIVIAN #1		0.0	SWAB CORP
-BLUE QUAIL ENERGY INC				RECEIVED:	07/15/83	JA: OK			
8345954	22682	3510920648		103		KING #1	WHEATLAND	468.0	CONOCO INC
8345973	20302	3501722034		103		SCHOOLLAND #1		0.0	PHILLIPS PETROLEU
-BURCHFIELD LAWRENCE				RECEIVED:	07/15/83	JA: OK			
8345964	22761	3511100000		108		BURCHFIELD #1 FEI #55 558-40-7424	SOUTH MORRIS	16.3	PHILLIPS PETROLEU
-CARNES PETROLEUM CO				RECEIVED:	07/15/83	JA: OK			
8345970	22685	3511721732		103		WEST BRANCH #1		2.7	H J D CATTLE CO
-CIMARRON MANAGEMENT CORP				RECEIVED:	07/15/83	JA: OK			
8345873	22513	3511721341		108		WARD #3-8	HALLETT	4.0	EMPIRE PIPELINE C
-CIMARRON PETROLEUM CORPORATION				RECEIVED:	07/15/83	JA: OK			
8345880	22977	3507323714		103		CPC #106-6 ROBISON		201.6	PHILLIPS PETROLEU
8345879	22978	3507323721		103		CPC #106-9 BARR		36.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED:	07/15/83	JA: OK			
8345983	21304	3506120479		102-2		BERRY A #1	BROOKEN	128.7	UNITED GAS PIPELI
8345982	21306	3512120932		102-2		DANIEL A #1	BROOKEN	42.1	UNITED GAS PIPELI
8345981	21307	3512120968		102-2		FIRST REALTY ADVISOR INC A #1	BROOKEN	167.9	UNITED GAS PIPELI
8345980	21308	3512120927		102-2		PHILLIPS E #1	BROOKEN	152.5	UNITED GAS PIPELI
8345883	22856	3513921133		103		STONEBRAKER AN #4	N W GUYMON	75.0	
-COTTON PETROLEUM CORPORATION				RECEIVED:	07/15/83	JA: OK			
8345969	24673	3505121394		107-DP		RINKER #1	RUSH SPRINGS S W	8.0	UNITED GAS PIPELI
-D & G GAS & OIL CO				RECEIVED:	07/15/83	JA: OK			
8345886	22830	3504723358		103		NEALIS #1 (OTC APPLIED FOR API)	ELKHORN	150.0	EASON OIL CO
-DLB ENERGY CORP				RECEIVED:	07/15/83	JA: OK			
8345885	22836	3507323733		103		YOWELL #32-9	SOONER TREND	73.0	PHILLIPS PETROLEU
-DOMESTIC RESOURCES CORP				RECEIVED:	07/15/83	JA: OK			
8345945	21016	3510920566		102-4		B J CROSBY #1-32	NE ORCHARD	273.0	
-EARLSBORO OIL AND GAS CO INC				RECEIVED:	07/15/83	JA: OK			
8345932	22782	3509322636		103		CORNELSON RANCH #1-4	RINGWOOD	0.0	PIONEER GAS PRODU
-ECC OIL CO				RECEIVED:	07/15/83	JA: OK			
8345961	22732	3514722189		108		LAIR #1 SW/4 SE/4 SE/4 S31-T25N-14E	OGLESBY GAS	16.4	OKAN GAS CO
8345960	22731	3514721269		108		PIERCE #3	OGLESBY GAS	16.4	OKAN GAS CO
8345963	22734	3514702261		108		THOMAS #32-1 NE/4 S32-T25N-R14E	OGLESBY GAS	16.4	OKAN GAS CO
8345962	22733	3514722612		108		THOMAS #32-2 NE S32-T25N-R14E	OGLESBY GAS	16.4	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/15/83	JA: OK			
8345976	21303	3503920767		102-2		USA #1	CARPENTER NE DES MOIN	626.2	EL PASO NATURAL G
-ENERGY SERVICES INC				RECEIVED:	07/15/83	JA: OK			
8345947	20999	3512920916		102-2		SMITH #15-2	SOUTH WEST LEEDY	550.6	DELHI GAS PIPELIN
-FALCON PETROLEUM COMPANY				RECEIVED:	07/15/83	JA: OK			
8345996	22984	3509722421		102-4		OGILVIE #1	WEST LEHMAN	666.1	PHILLIPS PETROLEU
-FLOYD BERGEN				RECEIVED:	07/15/83	JA: OK			
8346004	21089	3506120540		102-2		CHARLES HOWELL #1	BROOKEN	185.6	ARKANSAS LOUISIAN
-FUNK EXPLORATION INC				RECEIVED:	07/15/83	JA: OK			
8346002	20836	3508722382		102-4		GERALDINE #1	CAMNICK GAS AREA	350.0	PANHANDLE EASTERN
8345943	21039	3513921667		102-4		SMITH #1-28	TYRONE	350.0	PANHANDLE EASTERN
-GADSCO INC				RECEIVED:	07/15/83	JA: OK			
8345968	24637	3503920874		107-DP		GADSCO - HOFFMAN #1		365.0	TRANSWESTERN PIPE
-GEC PRODUCTION CO				RECEIVED:	07/15/83	JA: OK			
8345906	15556	3504921658		103		MCCASKILL #1	S ANTIOCH	0.0	BUCKEYE NATURAL G
-GILL JOHN K				RECEIVED:	07/15/83	JA: OK			
8345908	22489	3511121530		108		PARKER #1	NORTH WILDCAT JUNCTIO	12.0	PHILLIPS PETROLEU
8345907	22488	3511123565		103		RANDY #3	MORRIS DIST	50.0	PHILLIPS PETROLEU
-GLENCO PETROLEUM CORP				RECEIVED:	07/15/83	JA: OK			
8345918	22664	3513321839		103		CONTINENTAL #1		901.6	WELLHEAD ENTERPRI
-GULF OIL CORPORATION				RECEIVED:	07/15/83	JA: OK			
8345990	22808	3501121751		103		SCOTT-BENEDA NO 1-29	UNDESIGNATED (MISSISS	260.0	
-HAMM PRODUCTION CO				RECEIVED:	07/15/83	JA: OK			
8345882	22910	3509300000		103		OAKELY MG-7	RINGWOOD	0.0	PIONEER GAS PRODU
-HESTON OIL CO				RECEIVED:	07/15/83	JA: OK			
8345893	22758	3509322639		103		HERBERT#5-1	RINGWOOD	144.0	PIONEER GAS PRODU
-HPC INC				RECEIVED:	07/15/83	JA: OK			
8345902	21826	3507323703		103		MOFFAT #1		0.0	PHILLIPS PETROLEU
8345900	22217	3503920853		103		NORMA #1-4		0.0	TRANSOK PIPELINE
-IREX CORP				RECEIVED:	07/15/83	JA: OK			
8345995	22986	3515112135		102-2		HYDE #1		0.0	
-JAMES C MEADE				RECEIVED:	07/15/83	JA: OK			
8345935	22774	3512120029		108		EBERLY AND MEADE #1-22 BANE	S PINE HOLLOW	16.0	ARKANSAS LOUISIAN
8345966	22766	3504320368		108		EBERLY AND MEADE #1-28 WADDLE	HUCMAC	5.0	PHILLIPS PETROLEU
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	07/15/83	JA: OK			
8345890	22776	3510321856		103		K A SPAULDING #6	CERES SOUTH	180.0	ARCO OIL & GAS CO
-JET OIL COMPANY				RECEIVED:	07/15/83	JA: OK			
8345956	22686	3504723163		103		HARMON #1	MITCHELL	0.0	EASON OIL CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	07/15/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345905	20084	3504521883		103		JAHAY #1	GAGE	258.0	
8345977	20745	3504521101		102-4		STATE BOB #3	LAVERNE	529.0	MICHIGAN WISCONSI
-KENNEDY & MITCHELL INC				RECEIVED:		07/15/83 JA: OK			
8345881	22924	3505921167		103		PETTY #10-119-3		350.0	MICHIGAN WISCONSI
8345941	21071	3500721794		102-4		STICKLER #24-359-1	UNDESIGNATED SEC 6-3N	100.0	PHILLIPS PETROLEU
8345940	21069	3500721916		102-4		STICKLER #24-359-2	UNDESIGNATED SEC 6-3N	100.0	PHILLIPS PETROLEU
-L G WILLIAMS OIL COMPANY INC				RECEIVED:		07/15/83 JA: OK			
8345904	19146	3509322257		103		REXROAT #1-23	RINGWOOD	1.0	PANHANDLE EASTERN
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:		07/15/83 JA: OK			
8345942	21041	3501521333		102-2		PECK #1-10	NE SICKLES	2.4	EL PASO NATURAL G
-LERIN EXPLORATION INC				RECEIVED:		07/15/83 JA: OK			
8345957	22696	3511700000		103		FOGEL A-5 WELL	UNKNOWN	3.7	H J D CATTLE CO
-MAC ENGINEERING & OPERATING CO				RECEIVED:		07/15/83 JA: OK			
8345888	22821	3511721654		103		YOWELL #2-A	LAUDERDALE	100.0	H J D CATTLE CO
-MACKELLAR INC				RECEIVED:		07/15/83 JA: OK			
8345921	22668	3510321734		103		PFEIFFER A-3	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8345920	22667	3510321735		103		PFEIFFER A-4	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
-MAGIC CIRCLE ENERGY CORP				RECEIVED:		07/15/83 JA: OK			
8345887	22825	3515121315		103		FAYE #1	EAST WAYNOKA	120.0	MAGIC CIRCLE GAS
-MOBIL OIL CORP				RECEIVED:		07/15/83 JA: OK			
8345959	22713	3501900000		108		C F ADAMS #17	SHO VEL TUM	0.5	LONE STAR GAS CO
8345953	22644	3509500000		108		W M SPICER #2	AYLESWORTH	3.5	PIONEER GAS PRODU
-MONTERREY PETROLEUM CORP				RECEIVED:		07/15/83 JA: OK			
8345923	22663	3500722506		103		GHEEN #1-3	SW COMO	0.0	TRANSWESTERN PIPE
8345917	22662	3500722506		103		GHEEN #1-3	WILDCAT	0.0	TRANSWESTERN PIPE
8345894	22754	3500722119		103		MAHANEY #1-34		0.0	PHILLIPS PETROLEU
-NELSON TRUST				RECEIVED:		07/15/83 JA: OK			
8345903	18839	3511121057		108		NELSON 3-18	BALD HILL	0.0	PHILLIPS PETROLEU
-NOVA ENERGY CORPORATION				RECEIVED:		07/15/83 JA: OK			
8345994	24541	3512920963		107-DP		CAMPBELL #1-15A		0.0	CAJUN NATURAL GAS
8345993	24542	3501521448		107-DP		LITTLE CHIEF #1-3		0.0	CAJUN NATURAL GAS
-O I L ENERGY INC				RECEIVED:		07/15/83 JA: OK			
8345971	21712	3501722395		103		KAPLAN 2-2	UNION CITY	1.0	
-PETRO-ENERGY EXPLORATION INC				RECEIVED:		07/15/83 JA: OK			
8345967	22770	3504722432		108		DIERKSEN-PETRO #1-10	SOONER TREND	0.0	NORTHWEST CENTRAL
-PETROLEUM RESERVE CORP				RECEIVED:		07/15/83 JA: OK			
8345936	22738	3510526063		103		ARMBRUSTER 19-1	WOODY	7.0	ENICO PIPELINE IN
8345896	22737	3510522152		103		COLLIER 1-A	WOODY	10.0	ENICO PIPELINE IN
8345934	22739	3510526198		103		COLLIER 1B	WOODY	75.0	ENICO PIPELINE IN
8345895	22740	3510523883		103		COLLIER 2-A	WOODY	30.0	ENICO PIPELINE CO
-PRIME ENERGY CO				RECEIVED:		07/15/83 JA: OK			
8345949	20107	3508121355		103		BIRDSONG 19-1		0.0	SUN GAS CO
-QUINCY O STEVENS				RECEIVED:		07/15/83 JA: OK			
8345924	22863	3511720568		108		RYAN #2	MARAMEC	5.5	PHILLIPS PETROLEU
8345987	22864	3511721310		103		RYAN #4	MARAMAC	7.7	PHILLIPS PET CO
-RALPH E PLOTNER OIL & GAS INVEST			IN	RECEIVED:		07/15/83 JA: OK			
8345979	22037	3501722284		103		PLOTNER-TREECE #1		73.0	PHILLIPS PETROLEU
-RATLIFF EXPLORATION CO				RECEIVED:		07/15/83 JA: OK			
8345876	21121	3510920661		102-4		CLARKLAND #28-Z		0.0	CONOCO INC
-RED EAGLE OIL CO				RECEIVED:		07/15/83 JA: OK			
8345899	22710	3501121759		103		CHURCH #1	N W OKEENE	182.0	PIONEER GAS PRODU
8345898	22711	3501121755		103		KRAUSE #1	N W OKEENE	175.0	PIONEER GAS PRODU
-REX R MOORE JR				RECEIVED:		07/15/83 JA: OK			
8345948	20891	3508322183		102-4	103	BRYANT #1	W WELLSTON	91.0	SUN EXPLORATION &
-ROBERT P LAMMERTS				RECEIVED:		07/15/83 JA: OK			
8345931	22784	3501100000		108		COFF #1	NORTH COOPER	0.0	ARKANSAS LOUISIAN
-ROYE REALTY & DEVELOPMENT INC				RECEIVED:		07/15/83 JA: OK			
8345919	22666	3560120565		103		DIXON #1-29		52.9	ARKANSAS LOUISIAN
-RUTH THELMA				RECEIVED:		07/15/83 JA: OK			
8345974	19721	3510700000		108		PHAROAH #1 #32123	TIGER FLATS	1.1	PHILLIPS PETROLEU
-SAKET PETROLEUM CO				RECEIVED:		07/15/83 JA: OK			
8345930	22786	3511122916		108		NOBLE #2		4.5	PHILLIPS PETROLEU
-SANTA FE-ANDOVER OIL CO				RECEIVED:		07/15/83 JA: OK			
8345891	22775	3503920473		103		MANSON #5-1		180.0	DELHI GAS PIPELIN
-SENECA OIL CO				RECEIVED:		07/15/83 JA: OK			
8345946	21007	3501722259		102-4	103	BAUMEISTER #1-29		21.9	PHILLIPS PETROLEU
-SOUTHLAND OIL CORP				RECEIVED:		07/15/83 JA: OK			
8345914	22658	3503723764		103		GIBSON #30-1	S MANNFORD	80.0	COLORADO GAS COMP
8345892	22772	3503700000		103		GIBSON #30-2	S MANNFORD	75.0	COLORADO GAS COMP
8345913	22657	3503723357		103		MONTGOMERY #30-1	S MANNFORD	90.0	COLORADO GAS COMP
8345912	22656	3503723690		103		MONTGOMERY #30-2	S MANNFORD	90.0	COLORADO GAS COMP
8345916	22659	3503700000		103		YOUNG #30-1	S MANNFORD	150.0	COLORADO GAS COMP
-SPECTRA ENERGY CORP				RECEIVED:		07/15/83 JA: OK			
8345958	22703	3500722048		108		BALDWIN #1	S LOGAN	136.0	PHILLIPS PETROLEU
-STAR RESOURCES INC				RECEIVED:		07/15/83 JA: OK			
8345975	21582	3510721350		103		WALKER 2-24	N E WELEETKA	3.0	PUBLIC SERVICE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		07/15/83 JA: OK			
8345901	22160	3505900000		108		L BARBY "B" #2	MOC-LAV GAS AREA	5.0	COLORADO INTERSTA
8345992	22730	3512300000		103		MT GILCREASE UNIT #2-13	ALLEN	5.0	ARKANSAS LOUISIAN
8345986	22897	3505121337		103		NORGE MARCHAND UNIT #10-2	CHICKASHA NW	91.0	TRANSOK PIPELINE
8345985	22898	3505121350		103		NORGE MARCHAND UNIT #56-3	CHICKASHA NW	89.0	TRANSOK PIPELINE
8345984	22899	3505121354		103		NORGE MARCHAND UNIT #46-2	CHICKASHA NW	60.0	TRANSOK PIPELINE
8346000	22901	3505121265		103		NORGE MARCHAND UNIT #51-3	CHICKASHA NW	87.0	TRANSOK PIPELINE
8345897	22728	3508121101		103		STROUD PRUE SAND UNIT #27-7	STROUD	4.0	KERR MCGEE CORP
-SUNRISE EXPLORATION INC				RECEIVED:		07/15/83 JA: OK			
8345939	21064	3503920509		103		BASLER HOGG #1	SOUTH LEEDY	50.0	DELHI GAS PIPELIN
-TENNECO OIL COMPANY				RECEIVED:		07/15/83 JA: OK			
8345938	21052	3514920326		102-2	103	MEGET #1-12	SENTINEL WEST	50.0	
8345991	22796	3512920906		103		MERRICK #1-26	EAST CHEYENNE	460.0	DELHI GAS PIPELIN
8345978	22790	3512920913		103		MERRICK #1-35	EAST CHEYENNE	300.0	DELHI GAS PIPELIN
8345911	22595	3510321800		103		S LONE ELM CLEVELAND SAND UNIT #65	SOUTH LONE ELM	10.0	AMINOIL U S A INC
8345929	22788	3510321804		103		S LONE ELM CLEVELAND SAND UNIT #67	SOUTH LONE ELM	4.0	AMINOIL U S A INC
8345925	22794	3510321825		103		S LONE ELM CLEVELAND SAND UNIT #74	SOUTH LONE ELM	7.0	AMINOIL U S A INC
8345909	22593	3510321853		103		S LONE ELM CLEVELAND SAND UNIT #76	SOUTH LONE ELM	1.0	AMINOIL U S A INC
8345937	22670	3510321809		103		S LONE ELM CLEVELAND SAND UNIT #77	SOUTH LONE ELM	10.0	AMINOIL U S A INC
8345926	22793	3510321830		103		S LONE ELM CLEVELAND SAND UNIT #78	SOUTH LONE ELM	1.0	AMINOIL U S A INC
8345922	22669	3510321835		103		S LONE ELM CLEVELAND SAND UNIT #81	SOUTH LONE ELM	3.0	AMINOIL U S A INC
8345910	22594	3510321827		103		S LONE ELM CLEVELAND SAND UNIT #86	SOUTH LONE ELM	5.0	AMINOIL U S A INC
8345927	22792	3510321852		103		S LONE ELM CLEVELAND SAND UNIT #97	SOUTH LONE ELM	8.0	AMINOIL U S A INC
8345928	22791	3510321879		103		S LONE ELM CLEVELAND SAND UNIT #100	SOUTH LONE ELM	1.0	AMINOIL U S A INC
-TEXACO INC				RECEIVED:		07/15/83 JA: OK			
8345877	21102	3515121291		102-2		HARVIE STUCKEY #1		88.7	PANHANDLE EASTERN
8345965	22764	3500700000		108		NELLIE PHELPS #1	MOCANE-LAVERNE	3.2	NORTHERN NATURAL
8345997	22929	3505320999		102-2		O C FITHIAN #1	GILBERT SOUTH POOL	113.6	SUN EXPLORATION &

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345998	22928	3505320821		102-2		R BABCOCK #1		36.9	SUN EXPLORATION &
-THE GHK COMPANY				RECEIVED:	07/15/83	JA: OK			
8345989	22813	3512920844		103		K C CATTLE #2-16		0.0	
-TOMMY M MOORE				RECEIVED:	07/15/83	JA: OK			
8345915	22655	3511124107		103		HOLLOWAY #2-A		98.0	PHILLIPS PETROLEU
-TRIGG DRILLING COMPANY INC				RECEIVED:	07/15/83	JA: OK			
8345988	22819	3508720854		103		ASHFORD #1	WALNUT CREEK	73.0	LONE STAR GAS CO
-WESTERN OAKS RESOURCES LTD				RECEIVED:	07/15/83	JA: OK			
8346001	11533	3510700080		108		JOHN SIMMER #10	LYONS-QUINN	1.4	PHILLIPS PETROLEU
-WESTWIND PRODUCTION CO INC				RECEIVED:	07/15/83	JA: OK			
8345884	22853	3512321294		103		SURGNIER #1-Z	EAST FRANCIS	18.0	CONTINENTAL GAS S
-WHEELER OIL COMPANY				RECEIVED:	07/15/83	JA: OK			
8345933	22777	3504722989		103		BIRCHALL-BARTLETT 2-22	S DRUMMOND	55.0	NORTHWEST CENTRAL
-WILLARD OIL & GAS INC				RECEIVED:	07/15/83	JA: OK			
8345944	21035	3500722365		102-4		WOODSON #1-36		1538.5	
-WORLDWIDE ENERGY CORPORATION				RECEIVED:	07/15/83	JA: OK			
8345952	19319	3500700000		108		PYLE "J" #1	DOMBEY	0.0	KN ENERGY INC
8345951	19320	3500700000		108		RATZLAFF #1	DOMBEY	0.0	KN ENERGY INC
8345950	19321	3500720048		108		VENABLE #1	SIX MILE SOUTH	0.0	PHILLIPS PETROLEU
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CABOT OIL & GAS CORP				RECEIVED:	07/18/83	JA: WV			
8346009		4703902871		108-ER		HUNTINGTON 21-378	MD	0.0	TENNESSEE GAS PIP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	07/18/83	JA: WV			
8346021		4703903436		108		F M STAUNTON - 801248	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8346024		4704500565		108		J E PECK 800707	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8346020		4703903129		108		J M STAUNTON - 801249	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8346018		4703903439		108		J M STAUNTON - 801251	W VA FIELD AREA A	11.0	COLUMBIA GAS TRAN
8346017		4703903131		108		J M STAUNTON - 801256	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8346019		4703903130		108		J M STAUNTON 801250	W VA FIELD AREA A	10.0	COLUMBIA GAS TRAN
8346016		4703903423		108		J M STAUNTON 801255	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8346022		4703903435		108		NANCY MYERS - 801175	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8346023		4704500176		108		T CONLEY ET AL 800367	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/18/83	JA: WV			
8346012		4707700128		108-PB		HALBRITTER A #1		0.0	CONSOLIDATED GAS
8346010		4707700102		108-PB		HOLMES B #1		0.0	CONSOLIDATED GAS
8346011		4707700110		108-PB		HOLMES C #1		0.0	CONSOLIDATED GAS
8346014		4706100312		108-PB		MANNING B #1		0.0	CONSOLIDATED GAS
8346015		4706100314		108-PB		SELLARD A #1		0.0	CONSOLIDATED GAS
8346013		4706100289		108-PB		SMITH Q #2		0.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
**********									
-TEXACO INC				RECEIVED:	07/18/83	JA: CA 2			
8346008	OCS-P-1283	0431100000		102-1		PITAS POINT UNIT #1 BLK 63	CHANNEL ISLANDS AREA	0.0	PACIFIC INTERSTAT
8346007	OCS-P 10-83	0431120487		102-5		PITAS POINT UNIT WELL #A-1 UPPER	CHANNEL ISLANDS AREA	2193.0	PACIFIC INTERSTAT

[FR Doc. 83-21401 Filed 8-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 946]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 3, 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 determinations are available for inspection except to the extend such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 946

ISSUED AUGUST 3, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	07/21/83	JA: NM			
8346201		3002527915		102-4		ELKAN #2	SCHARB BONE SPRINGS	1.9	WARREN PETROLEUM
-BELCO PETROLEUM CORPORATION				RECEIVED:	07/21/83	JA: NM			
8346200		3002500000		103		CAUDILL STATE #2	DEAN (PERMO PENN)	0.0	WARREN PETROLEUM
-EL PAMCO INC				RECEIVED:	07/21/83	JA: NM			
8346207		3004500000		108-PB		SULLIVAN #6	AZTEC FRUITLAND	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	07/21/83	JA: NM			
8346199		3002504700		108		D L COLEMAN #4	EUNICE MONUMENT G-SA	10.2	PHILLIPS PETROLEU
-HEGNER ERNIE L				RECEIVED:	07/21/83	JA: NM			
8346202		3002500000		108		STATE 334-1	EUMONT YATES	0.0	PHILLIPS PETROLEU
-LEWIS B BURLESON				RECEIVED:	07/21/83	JA: NM			
8346204		3002500000		108		SAUNDERS #2	JALMAT	24.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	07/21/83	JA: NM			
8346196		3002510174		108-SA		BRUNSON ARGO #1-T	BLINEBRY-GAS	21.7	NORTHERN NATURAL
-PETRO-LEWIS CORPORATION				RECEIVED:	07/21/83	JA: NM			
8346194		3002500000		108		GILL #1	EUMONT	19.8	NORTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/21/83	JA: NM			
8346203		3002502828		108		E VAC GB/SA UNIT TR 1903 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	07/21/83	JA: NM			
8346206		3004500000		108-PB		FEDERAL #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-SOUTHLAND ROYALTY CO				RECEIVED:	07/21/83	JA: NM			
8346205		3001523133		108-ER		JEB STUART 13 COM #1	ANGEL RANCH	0.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/21/83	JA: NM			
8346195		3002500000		108		COOPER -G- #1	JALMAT	20.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	07/21/83	JA: NM			
8346198		3004523196		108		MONTOYA 25-1	BASIN DAKOTA/BLANCO M	7.0	SOUTHWEST GAS COR
8346197		3002528035		102-4		STATE LF 28 #1	UNDES (STRAWN)	0.0	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-CABOT OIL & GAS CORP				RECEIVED:	07/20/83	JA: PA			
8346147	20171	3712133887		102-2		GAGE ALLAM #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8346146	20170	3712133887		107-TF		GAGE ALLAM #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED:	07/20/83	JA: PA			
8346159	20341	3706323649		108		J E STITT #1 (PNG-5129) IND-23649	GRANT TOWNSHIP	2.0	PEOPLES NATURAL G
8346153	20335	3706324511		108		V MCCULLOUGH #2 (C-286) IND-24511	YOUNG TOWNSHIP	3.1	PEOPLES NATURAL G
8346154	20336	3706324512		108		V MCCULLOUGH #3 (C-287) IND-24512	YOUNG TOWNSHIP	3.1	PEOPLES NATURAL G
8346155	20337	3706324692		108		V MCCULLOUGH #4 (C-555) IND-24692	YOUNG TOWNSHIP	10.9	PEOPLES NATURAL G
8346156	20338	3706324693		108		V MCCULLOUGH #5 (C-556) IND-24693	YOUNG TOWNSHIP	10.9	PEOPLES NATURAL G
8346157	20339	3706325531		108		W PLESS #1 (C-290) IND-25531	YOUNG TOWNSHIP	10.5	PEOPLES NATURAL G
8346158	20340	3706324955		108		W PLESS #2 (C-609) IND-24955	YOUNG TOWNSHIP	10.5	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	07/20/83	JA: PA			
8346185	20375	3702300000		108		B & O RR #2 WN-1687	GIBSON	17.0	GENERAL SYSTEM PU
8346186	20377	3703321511		103		R SPENCER #2 WN-1988	FERGUSON	17.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	07/20/83	JA: PA			
8346164	20347	3704922557		107-TF		EUGENE WRIGHT #1 DJ-4	LEBOEUF	30.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORSO ENERGY				RECEIVED:	07/20/83	JA: PA			
8346141	20159	3702120202		102-2		CLEARFIELD BIT COAL #1 WELL #182	CHEST	40.0	
-J C ENTERPRISES				RECEIVED:	07/20/83	JA: PA			
8346193	20386	3706300000		103		B D DRUMMOND #096-2 IND-24287	SMICKSBURG	7.3	
8346168	20351	3706521569		103		BLAIR GAHAGAN #089-1 JEF-21569	TIMBLIN	4.5	
8346190	20383	3706500000		103		CHARLES BUSH #100-1 JEF-21638	NORTH POINT	5.5	
8346192	20385	3706300000		103		CRIST KUHNS #097-1 IND-24239	MARCHAND	9.1	
8346182	20366	3706323677		103		D CHAMBERS #052-1 IND-23677	MARCHAND	11.0	
8346178	20362	3706521473		103		GERALD MEESE #065-1 JEF-21473	TIMBLIN	1.2	
8346152	20326	3706300000		103		GORDON HAYES #080-1 IND-23843	MARCHAND	28.0	
8346171	20354	3706325809		103		GORDON HAYES #086-2 IND-23869	MARCHAND	27.7	
8346191	20384	3706300000		103		GORDON HAYES #099-3 IND-24278	MARCHAND	18.0	
8346176	20360	3706521461		103		HAROLD RUGH #067-1 JEF-21461	TIMBLIN	10.7	
8346189	20381	3706500000		103		HAZEL COLEMAN #104-1 JEF-21763	NORTH POINT	17.2	
8346180	20364	3706323688		103		JEAN DINGER #060-1 IND-23688	SMICKSBURG	14.0	
8346187	20379	3706500000		103		JOHN SMITH #106-1 JEF-21636	NORTH POINT	5.7	
8346166	20349	3706324068		103		LEROY BARRETT #091-1 IND 24068	SMICKSBURG	8.0	
8346181	20365	3706323676		103		M CHAMBERS #054-2 IND-23676	MARCHAND	30.0	
8346179	20363	3706522009		103		MATTILIO #063-1 ARM-22009	PLUMVILLE	4.5	
8346170	20353	3706521508		103		MYRON SHOFFNER #087-1 JEF-21508	TIMBLIN	17.0	
8346167	20350	3706324057		103		ROBERT DICKEY #090-1 IND-24057	SMICKSBURG	12.8	
8346188	20380	3706500000		103		SCHURR-MOWER #105-2 JEF-21642	NORTH POINT	5.1	
8346175	20359	3706521462		103		SKYLINE DAIRY #068-1 JEF-21462	TIMBLIN	1.2	
8346177	20361	3706521493		103		VEIL HAMMOND #066-1 JEF-21493	TIMBLIN	1.0	
8346183	20367	3706323640		103		W BARRETT #051-1 IND-23640	SMICKSBURG	11.0	
8346174	20358	3706521463		103		WILLIAM BODDORF #069-1 JEF-21463	TIMBLIN	1.0	
8346172	20355	3706323861		103		WM BARRETT #085-2 IND-23861	SMICKSBURG	55.0	
8346165	20348	3706324241		103		WM BARRETT #092-1 IND-24241	SMICKSBURG	29.0	
8346169	20352	3706323901		103		WM HOOVER #088-1 IND-23901	MARCHAND	12.0	
8346173	20357	3706323722		103		WM RUMMEL #073-1 IND-23722	SMICKSBURG	22.0	
-KEPCO INC				RECEIVED:	07/20/83	JA: PA			
8346124	20255	3705921793		102-4		JAMES R RETHAGE #2 (PK-78)	GUMP	25.0	TEXAS EASTERN TRA
-KRIEBEL WELLS &2				RECEIVED:	07/20/83	JA: PA			
8346127	19202	3706327287		103		RELLICK #1	INDIANA	20.0	
-MID-EAST OIL CO				RECEIVED:	07/20/83	JA: PA			
8346160	20342	3706326882		103		HARBRIGE/KNUPP #1	COMMODORE	4.0	
8346161	20343	3706522588		103		HELEN A SMOUSE #1	PUNXSUTAWNEY	7.0	
8346162	20344	3706327176		103		ROBERT BUTERBAUGH #1	CLYMER	16.4	
8346163	20346	3706327177		103		ROBERT BUTERBAUGH #2	CLYMER	14.0	
-MITCHELL ENERGY CORPORATION				RECEIVED:	07/20/83	JA: PA			
8346143	20164	3708500000		103		R E MCKEAN UNIT #1 MER-20494	SANDY LAKE (MEDINA-WH	41.1	COLUMBIA GAS TRAN
8346142	20163	3708500000		107-TF		R E MCKEAN UNIT #1 MER-20494	SANDY LAKE (MEDINA-WH	41.1	COLUMBIA GAS TRAN
8346145	20169	3708520507		107-TF		R L PETERSON UNIT #1 MER-20507	NEW LEBANON (MEDINA-W	41.1	COLUMBIA GAS TRAN
8346144	20168	3708520507		103		R L PETERSON UNIT #1 MER-20507	NEW LEBANON (MEDINA-W	41.1	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	07/20/83	JA: PA			
8346184	20368	3708520439		103		GEORGE V HUNTER	WORTH	0.3	GENERAL SYSTEM PU
-NIAGARAN DEVELOPMENT CO INC				RECEIVED:	07/20/83	JA: PA			
8346129	19888	3712330194		107-TF		ANDERSON #1	PICADILLI	18.0	COLUMBIA GAS TRAN
8346128	19887	3712330188		107-TF		MESSENGER #1	SPRING CREEK	486.0	COLUMBIA GAS TRAN
-PNB PETROLEUM CORP				RECEIVED:	07/20/83	JA: PA			
8346149	20266	3708520503		103		M PIECUCH #1	DEER CREEK	25.0	TENNESSEE GAS PIP
8346148	20265	3708520503		107-TF		M PIECUCH #1	DEER CREEK	25.0	TENNESSEE GAS PIP
8346151	20268	3708520497		103		R SMITH #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8346150	20267	3708520497		107-TF		R SMITH #1	DEER CREEK	50.0	TENNESSEE GAS PIP
-QUAKER STATE OIL REFINING CORP				RECEIVED:	07/20/83	JA: PA			
8346131	20055	3705323659		108		MCCOY-SMALLWOOD 80	QUEEN POOL	1.7	QUAKER STATE OIL
-QUESTA JOINT VENTURE &2-2				RECEIVED:	07/20/83	JA: PA			
8346130	19996	3712922040		103		RUTH E BELL #1	ROSTRAVER	20.0	
-TURM OIL INC				RECEIVED:	07/20/83	JA: PA			
8346134	20108	3700522810		103		H BERNARD & M ALIENE BUSSARD #1	DAYTON	45.0	PEOPLES NATURAL G
8346133	20107	3700522819		103		KATHERINE S PLISCOF #1	BEYER	48.0	APOLLO GAS CO
8346132	20091	3700522804		103		MORRIS B & SYLVIA J KIRSHENBAUM #2	RURAL VALLEY	40.0	T W PHILLIPS GAS
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	07/20/83	JA: PA			
8346125	18139	3712331034		107-TF		M SEKERAK #3	COLUMBUS	20.0	NATIONAL FUEL GAS
8346126	18140	3712331034		102-2		M SEKERAK #3	COLUMBUS	20.0	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	07/20/83	JA: PA			
8346138	20114	3712332413		107-TF		KECER-LAUGER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8346137	20113	3712332413		102-2		KECER-LAUGER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8346136	20112	3712332257		102-2		LLOYD MCCRAY #1	COLUMBUS #43 (STROUP)	20.0	COLUMBIA GAS TRAN
8346135	20111	3712332257		107-TF		LLOYD MCCRAY #1	COLUMBUS #43 (STROUP)	20.0	COLUMBIA GAS TRAN
8346140	20116	3712332363		107-TF		M MESSENGER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8346139	20115	3712332363		102-2		M MESSENGER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
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-R & B PETROLEUM INC				RECEIVED:	07/19/83	JA: VA			
8346208		4518520546		103	107-TF	NEW RIVER & POCAHONTAS COAL #2-A	MAIDEN SPRINGS DISTRI	73.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
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-COORS ENERGY CO				RECEIVED:	07/20/83	JA: CO 1			
8346222	CD 0304-82	0507708293		107-TF		USA 1-14HC	HORSESHOE CANYON FEDE	94.9	NORTHWEST PIPELIN
-EL PASO EXPLORATION CO				RECEIVED:	07/20/83	JA: CO 1			
8346223	CD 0111-83PB	0506705302		108-PB		IGNACIO 33-8 30 #11	IGNACIO BLANCO	0.0	NORTHWEST PIPELIN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	07/20/83	JA: CO 1			
8346225	CD 0098-83	0510308832		103	107-TF	D-16-3-101-S	CATHEDRAL	24.2	MOUNTAIN FUEL RES
8346218	CD 0120-83	0510308797		103	107-TF	L-35-3-101-S	CATHEDRAL	59.2	NORTHWEST PIPELIN
8346224	CD 0105-83	0510308588		102-2	107-TF	O-22-3-101-S	CATHEDRAL	26.5	MOUNTAIN FUEL RES
-GETTY OIL COMPANY				RECEIVED:	07/20/83	JA: CO 1			
8346219	CD 0119-83	0506706096		108		SAM BURCH #9	IGNACIO BLANCO PICTUR	20.0	WESTERN SLOPE GAS
-NORRIS OIL CO				RECEIVED:	07/20/83	JA: CO 1			
8346212	CD 0004-83	0507708184		108		FEDERAL 3-1	SHIRE GULCH	2.9	ROCKY MOUNTAIN NA
8346210	CD-0002-83	0507708157		108		FEDERAL 36-2	SHIRE GULCH	2.8	ROCKY MOUNTAIN NA
8346213	CD 0005-83	0507708186		108		FEDERAL 4-1	UNNAMED	11.4	ROCKY MOUNTAIN NA
8346211	CD 0003-83	0507708185		108		FEDERAL 9-1	UNNAMED	0.1	ROCKY MOUNTAIN NA
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	07/20/83	JA: CO 1			
8346221	CD 0135-83	0510308065		108		PHILADELPHIA CREEK #17	PHILADELPHIA CREEK MA	0.0	NORTHWEST PIPELIN
-SUPERIOR OIL CO				RECEIVED:	07/20/83	JA: CO 1			
8346220	CD 0109-83	0504506440		107-TF		W F CLOUGH #14-24	RULISON	127.0	
8346217	CD 0110-83	0504506440		103		W F CLOUGH #14-24	RULISON	127.0	
8346216	CD 0108-83	0504506441		103		W F CLOUGH #14-24A	RULISON	146.0	
8346215	CD 0107-83	0504506441		107-TF		W F CLOUGH #14-24A	RULISON	146.0	
-TERRA RESOURCES INC				RECEIVED:	07/20/83	JA: CO 1			
8346214	CD 0086-83	0507708245		103		BAR X #16	BAR X	120.0	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WALTER S FEES JR				RECEIVED: 07/20/83		JA: CO 1			
8346227	CD 0103-83	0506506392		103		GOVERNMENT 2-10-84	BRIDLE	73.0	NORTHWEST PIPELIN
8346226	CD 0102-83	0507708472		103		GOVERNMENT 2-19-84	BAR X	63.0	NORTHWEST PIPELIN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
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-CHEVRON U S A INC				RECEIVED: 07/21/83		JA: CA 2			
8346209	OCS-P 13-83	0431120482		102-5		OCS-P-0217 #A-29	SANTA CLARA UNIT	36.0	PACIFIC LIGHTING
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
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-AMOCO PRODUCTION CO				RECEIVED: 07/18/83		JA: NM 4			
8346099	NM-0421-83PB	3004507158		108-PB		GALLEGOS CANYON UNIT #175	BASIN	0.0	EL PASO NATURAL G
8346097	NM-0419-83PB	3004511739		108-PB		GALLEGOS CANYON UNIT #240	BASIN	0.0	EL PASO NATURAL G
8346098	NM-0422-83PB	3004511678		108-PB		GALLEGOS CANYON UNIT #247	BASIN	0.0	EL PASO NATURAL G
8346100	NM-0420-83PB	3004506981		108-PB		GALLEGOS CANYON UNIT #90	BASIN	0.0	EL PASO NATURAL G
8346095	NM-0434-83PB	3004506402		108-PB		H B MCGRADY A	BASIN	0.0	EL PASO NATURAL G
8346096	NM-0435-83PB	3003982337		108-PB		JICARILLA CONTRACT 148 #14	OTERO	0.0	EL PASO NATURAL G
-DEPCO INC				RECEIVED: 07/18/83		JA: NM 4			
8346118	NM-0415-83PB	3003906632		108-PB		MKL #10	BLANCO MV	0.0	EL PASO NATURAL G
8346117	NM-0416-83PB	3003906554		108-PB		MKL #11	BLANCO MV	0.0	EL PASO NATURAL G
8346115	NM-0398-83PB	3003906712		108-PB		MKL #14	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8346116	NM-0417-83PB	3003906688		108-PB		MKL #17	BLANCO MV	0.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED: 07/18/83		JA: NM 4			
8346122	NM-0404-83PB	3003922556		108-PB		JICARILLA 123C #29	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED: 07/18/83		JA: NM 4			
8346087	NM-0441-83PB	3004521141		108-PB		ATLANTIC C #12	BLANCO	0.0	EL PASO NATURAL G
8346042	NM 0349-83PB	3004521171		108-PB		BARNES #12	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346066	NM-0357-83PB	3004511712		108-PB		BOLACK B #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346072	NM-0377-83PB	3004520446		108-PB		BOLACK B #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346032	NM 0268-83PB	3003906059		108-PB		CANYON LARGO UNIT #29	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346065	NM-0358-83PB	3003905867		108-PB		CANYON LARGO UNIT #56	BALLARD	0.0	EL PASO NATURAL G
8346068	NM-0363-83PB	3003906187		108-PB		CANYON LARGO UNIT #65	BLANCO SOUTH	0.0	EL PASO NATURAL G
8346082	NM-0394-83PB	3003920758		108-PB		CANYON LARGO UT #208	BALLARD	0.0	EL PASO NATURAL G
8346093	NM-0432-83PB	3004521512		108-PB		DAY A #17	BLANCO	0.0	EL PASO NATURAL G
8346077	NM-0393-83PB	3004521512		108-PB		DAY A #17	BLANCO	0.0	EL PASO NATURAL G
8346070	NM-0361-83PB	3004512192		108-PB		DAY A #8	BLANCO	0.0	EL PASO NATURAL G
8346094	NM-0429-83PB	3004520444		108-PB		DRYDEN #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346046	NM 0372-83PB	3004502111		108-PB		DRYDEN #7	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346030	NM 0336-83PB	3004506791		108-PB		FILAN #2	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346060	NM-0355-83PB	3004506332		108-PB		GORDON #5	FULCHER KUTZ	0.0	EL PASO NATURAL G
8346047	NM 0373-83PB	3004521045		108-PB		GRAMBLING C #11	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346062	NM-0353-83PB	3004511785		108-PB		HEATON #20	AZTEC	0.0	EL PASO NATURAL G
8346038	NM 0276-83PB	3004520757		108-PB		HEATON #26	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346037	NM-0277-83PB	3004522883		108-PB		HORTON #2	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346039	NM 0273-83PB	3004508920		108-PB		HOWELL #5	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346074	NM-0364-83PB	3004520334		108-PB		HOWELL #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346050	NM 0365-83PB	3004520308		108-PB		HUERFANO UNIT #181	BASIN DAKOTA	0.0	EL PASO NATURAL G
8346041	NM 0374-83PB	3004511680		108-PB		HUGHES #22	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346064	NM-0359-83PB	3003906282		108-PB		HUGHES #9	BALLARD	0.0	EL PASO NATURAL G
8346063	NM-0352-83PB	3003921158		108-PB		JICARILLA APACHE TRIBAL LEASE #65	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346052	NM 0344-83PB	3003906448		108-PB		JICARILLA F #10	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346071	NM-0360-83PB	3003906409		108-PB		JICARILLA F #8	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346025	NM-0267-83PB	3004521191		108-PB		JONES #4	BLANCO	0.0	EL PASO NATURAL G
8346059	NM-0375-83PB	3003906244		108-PB		KLEIN #7 CH & PC	OTERO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8346083	NM-0444-83PB	3004521559		108-PB		LACKEY #5	HARRIS MESA	0.0	EL PASO NATURAL G
8346043	NM 0350-83PB	3004520861		108-PB		LACKEY A #6	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
8346073	NM-0376-83PB	3004507220		108-PB		LACKEY B #4 MV & CH	BLANCO & HARRIS MESA	0.0	EL PASO NATURAL G
8346086	NM-0439-83PB	3004507288		108-PB		LACKEY B #7	AZTEC	0.0	EL PASO NATURAL G
8346061	NM-0354-83PB	3003905206		108-PB		LINDRITH UNIT #53	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346031	NM 0337-83PB	3004507056		108-PB		MICHENER A #1	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346090	NM-0433-PB	3004521025		108-PB		MUDGE #38 PC	BLANCO	0.0	EL PASO NATURAL G
8346048	NM 0348-83PB	3004521084		108-PB		MUDGE #42 PC	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346069	NM-0362-83PB	3004512070		108-PB		NEUDECKER #4	AZTEC	0.0	EL PASO NATURAL G
8346089	NM-0443-83PB	3004520864		108-PB		PAUM #8	AZTEC	0.0	EL PASO NATURAL G
8346081	NM-0400-83PB	3004520463		108-PB		PIERCE #5	BLANCO	0.0	EL PASO NATURAL G
8346045	NM 0371-83PB	3004520848		108-PB		RIDDLE B #7	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346051	NM 0370-83PB	3004521130		108-PB		RIDDLE G #4	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346055	NM 0347-83PB	3003920699		108-PB		RINCON UNIT #142	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346088	NM-0442-83PB	3003920496		108-PB		RINCON UNIT #191	OTERO	0.0	EL PASO NATURAL G
8346057	NM 0339-83PB	3003920713		108-PB		RINCON UNIT #195	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346085	NM-0446-83PB	3004521089		108-PB		ROELOFF #7	BLANCO	0.0	EL PASO NATURAL G
8346075	NM-0381-83PB	3004520281		108-PB		ROELOFS #4	BLANCO	0.0	EL PASO NATURAL G
8346092	NM-0431-83PB	3004521263		108-PB		RUSSELL #9	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346044	NM 0351-83PB	3004521263		108-PB		RUSSELL #9	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346028	NM 0342-83PB	3004500000		108-PB		SAN JUAN #21	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
8346080	NM-0401-83PB	3003906939		108-PB		SAN JUAN 27-4 UNIT #29	BLANCO	0.0	EL PASO NATURAL G
8346076	NM-0380-83PB	3003920883		108-PB		SAN JUAN 27-4 UNIT #79	TAPACITO	0.0	EL PASO NATURAL G
8346036	NM 0204-82PB	3003920883		108-PB		SAN JUAN 27-4 UNIT #79	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8346035	NM 0261-82PB	3003920883		108-PB		SAN JUAN 27-4 UNIT #79	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8346034	NM 0339-82PB	3003920883		108-PB		SAN JUAN 27-4 UNIT #79	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8346033	NM 0022-83PB	3003920883		108-PB		SAN JUAN 27-4 UNIT #79	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8346026	NM-0144-83PB	3003920883		108-PB		SAN JUAN 27-4 UT #79	TAPACITO	0.0	EL PASO NATURAL G
8346058	NM 0340-83PB	3003920509		108-PB		SAN JUAN 27-5 UNIT #103	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346027	NM 0341-83PB	3003920510		108-PB		SAN JUAN 28-4 UNIT #35	BASIN DAKOTA	0.0	EL PASO NATURAL G
8346056	NM 0335-83PB	3003920577		108-PB		SAN JUAN 28-6 UNIT #135	BASIN DAKOTA	0.0	EL PASO NATURAL G
8346054	NM 0346-83PB	3003920608		108-PB		SAN JUAN 28-6 UNIT #172	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346053	NM 0345-83PB	3003920897		108-PB		SAN JUAN 28-6 UNIT #194	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8346079	NM-0398-83PB	3003907073		108-PB		SAN JUAN 28-6 UNIT #82 PC & MV	SOUTH BLANCO & BLANCO	0.0	EL PASO NATURAL G
8346040	NM 0270-83PB	3003921093		108-PB		SAN JUAN 28-7 UNIT #242	BASIN DAKOTA	0.0	EL PASO NATURAL G
8346084	NM-0445-83PB	3003920502		108-PB		SAN JUAN 28-7 UNIT NP #161	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346049	NM 0359-83PB	3003907671		108-PB		SAN JUAN 29-7 UNIT #101	BASIN DAKOTA	0.0	EL PASO NATURAL G
8346078	NM-0392-83PB	3003900000		108-PB		SAN JUAN 29-7 UNIT #78	BLANCO	0.0	EL PASO NATURAL G
8346029	NM 0278-83PB	3004520791		108-PB		SUNRAY #4	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8346091	NM-0430-83PB	3004512098		108-PB		TAPP #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8346067	NM-0356-83PB	3004512098		108-PB		TAPP #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED: 07/18/83		JA: NM 4			
8346120	NM-0406-83PB	3004523130		108-PB		BUNCE A #1	UNDESIGNATED MESAVERD	0.0	EL PASO NATURAL G
8346121	NM-0403-83PB	3004506772		108-PB		J Q MARSHALL #1	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8346119	NM-0407-83PB	3004513247		108-PB		NEAH VICTORIA #1	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 07/18/83		JA: NM 4			
8346123	NM-0405-83PB	3003900000		108-PB		JICARILLA CONTRACT #12	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 07/18/83		JA: NM 4			
8346106	NM-0384-83PB	3003907838		108-PB		SAN JUAN 30-5 UNIT 10	BLANCO MV	0.0	EL PASO NATURAL G

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8346107	NM-0385-83PB	3003907912		108-PB		SAN JUAN 31-6 UNIT 13	BLANCO MV	0.0	EL PASO NATURAL G
8346101	NM-0418-83PB	3003907907		108-PB		SAN JUAN 31-6 UNIT 14	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8346111	NM-0383-83PB	3003907916		108-PB		SAN JUAN 31-6 UNIT 22	BLANCO MV	0.0	NORTHWEST PIPELIN
8346110	NM-0382-83PB	3003982390		108-PB		SAN JUAN 31-6 UNIT 23	BLANCO MV	0.0	EL PASO NATURAL G
8346109	NM-0388-83PB	3003907907		108-PB		SAN JUAN 31-6 UT #14	BLANCO MV	0.0	EL PASO NATURAL G
8346103	NM-0412-83PB	3004510457		108-PB		SAN JUAN 32-8 UNIT #15	BLANCO MV	0.0	EL PASO NATURAL G
8346102	NM-0411-83PB	3004510700		108-PB		SAN JUAN 32-8 UNIT #16	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8346104	NM-0413-83PB	3004510675		108-PB		SAN JUAN 32-8 UNIT #23	BLANCO MV	0.0	EL PASO NATURAL G
8346105	NM-0414-83PB	3004510943		108-PB		SAN JUAN 32-8 UNIT #33	BLANCO MV	0.0	EL PASO NATURAL G
8346108	NM-0386-83PB	3004510943		108-PB		SAN JUAN 32-8 UNIT 33	BLANCO MV	0.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	07/18/83	JA: NM 4			
8346114	NM-0425-83PB	3004507794		108-PB		CAIN #16	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8346112	NM-0423-83PB	3004507573		108-PB		REID #22	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
8346113	NM-0424-83PB	3004513240		108-PB		REID #3	AZTEC PC	0.0	SOUTHERN UNION GA

[FR Doc. 83-21492 Filed 8-5-83; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing August 5, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

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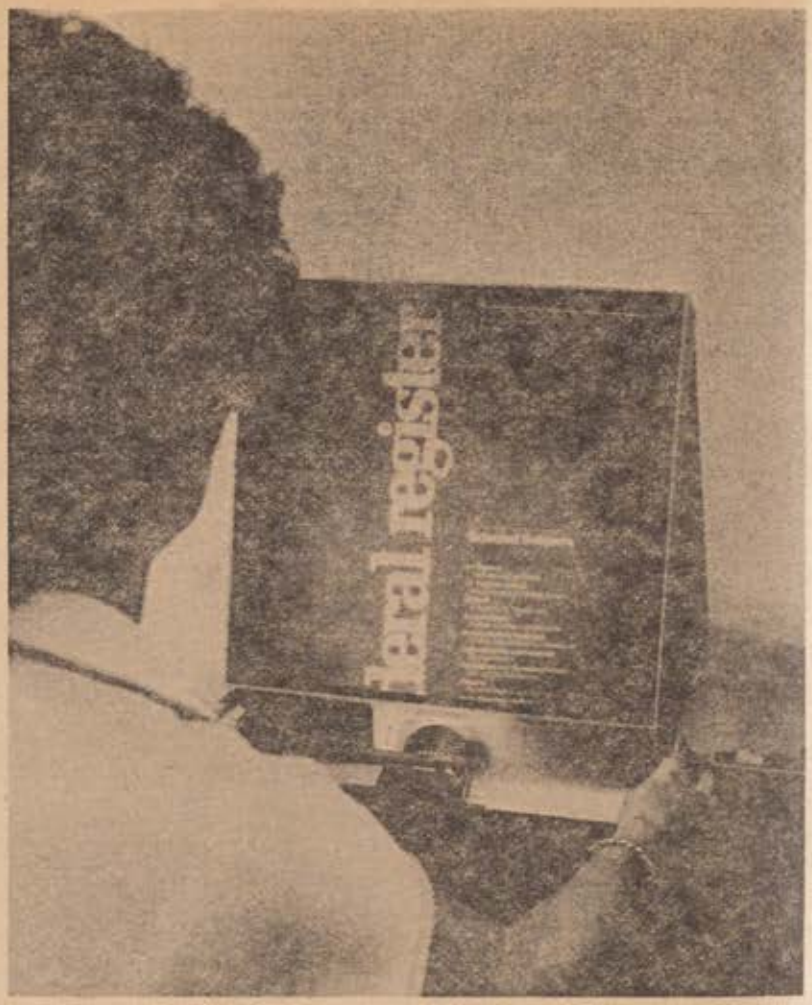
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