AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

OK

9-6-83
Vol. 48 No. 173
Pages 40187-40364

federal register

Tuesday
September 6, 1983

Selected Subjects

Administrative Practice and Procedure
Navy Department

Air Pollution Control
Environmental Protection Agency

Airspace
Federal Aviation Administration

Aviation Safety
Federal Aviation Adminstration

Education
Veterans Administration

Endangered and Threatened Wildlife
Fish and Wildlife Service
National Oceanic and Atmospheric Administration

Excise Taxes
Internal Revenue Service

Food Stamps
Food and Nutrition Service

Income Taxes
Internal Revenue Service

Labor-Management Relations
Federal Labor Relations Authority

Loan Programs—Agriculture
Farmers Home Administration

Loan Programs—Housing and Community Development
Veterans Administration

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Medical Devices
Food and Drug Administration

Motor Vehicle Safety
National Highway Traffic Safety Administration

Plant Diseases and Pests
Animal and Plant Health Inspection Service

Postal Service
Postal Service

Railroads
Interstate Commerce Commission

Satellites
Federal Communications Commission

School Breakfast and Lunch Programs
Food and Nutrition Service

Surface Mining
Surface Mining Reclamation and Enforcement Office

Contents

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

The President
PROCLAMATIONS
40187 Korean Airlines flight, death of American citizens (Proc. 5086)

Executive Agencies

Agriculture Department
See Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service.

Animal and Plant Health Inspection Service
RULES
Plant quarantine, domestic:
40198 Imported fire ant; regulated areas; interim
NOTICES
40356 Stockyards; brucellosis prevention; specific approval; list

Army Department
NOTICES
Meetings:
40308 Science Board
40291 Privacy Act; systems of records

Arts and Humanities, National Foundation
NOTICES
Meetings:
40329 Humanities and Media Arts Advisory Panels

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.

Consumer Product Safety Commission
NOTICES
40291 Agency information collection activities under OMB review
40344 Meetings; Sunshine Act

Defense Department
See Army Department; Navy Department.

Education Department
NOTICES
Authority delegations:
40308 Secretary; express approval in writing under General Education Provisions Act to hold an office in, or act in any capacity for, etc.

Energy Department
See also Energy Information Administration; Federal Energy Regulatory Commission.
PROPOSED RULES
40265 Nuclear information, unclassified controlled; identification and protection; extension of time and hearing
NOTICES
40309 Privacy Act; systems of records

Energy Information Administration
NOTICES
40310 Reporting and recordkeeping requirements

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; delayed compliance orders:
40278 Louisiana
Toxic substances:
40282 1,2-Benzenediamine, 4-ethoxy, sulfate; significant new uses; correction
NOTICES
Meetings:
40318 Science Advisory Board

Farm Credit Administration
NOTICES
40319 Puget Sound Production Credit Association, Mt. Vernon, Wash.; special supervisory procedures; correction
40319 Southern Oregon Production Credit Association, Medford, Oreg.; special supervisory procedures; correction

Farmers Home Administration
RULES
Account servicing:
40202 Borrowers; analyzing credit needs and graduation

Federal Aviation Administration
RULES
Airworthiness directives:
40210 British Aerospace
40211 DeHavilland
40212 McDonnell Douglas
40213 Control zones
40214 Jet routes and reporting points
PROPOSED RULES
Airworthiness directives:
40266 Boeing
40267 Control zones and transition areas
40270 Transition areas

Federal Communications Commission
RULES
Common carrier services:
40233 Domestic fixed-satellite service; space stations licensing
40256 Domestic fixed-satellite service; space stations licensing; domestic satellite application processing procedures

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
40312 Abrams, Robert, et al.; extension of time
40312 Iowa-Illinois Gas & Electric Co.
40313 Montana Power Co.
40316 Public Service Co. of Oklahoma et al.

40313 Resources Recovery (Dade County) Construction Corp. et al.
40313 Virginia Electric & Power Co.
Natural Gas Policy Act:
40346, 40349 Jurisdictional agency determinations (2 documents)

Federal Labor Relations Authority
RULES
40189 General Counsel; case processing requirements

Federal Maritime Commission
NOTICES
40319 Agency information collection activities under OMB review
40319 Agreements filed, etc.; correction
Energy and environmental statements; availability, etc.:
40319 North Europe-North Atlantic et al.
Freight forwarder licenses:
40320 Amstutz International Co.
40320 Intercontinental Export Ltd.
40320 ITC, Inc., et al.
40320 Linnehan, James R.
40321 Ven-Air Service, Inc.

Federal Reserve System
NOTICES
Applications, etc.:
40321 Horizon Bancorp et al.
40321 Union Bancorp of Evansville, Inc., et al.
Bank holding companies; proposed de novo nonbank activities:
40321 Old Stone Corp. et al.

Fish and Wildlife Service
PROPOSED RULES
40288 Endangered and threatened species; interagency cooperation with National Oceanic and Atmospheric Administration; consultation requirements, etc.; extension of time

Food and Drug Administration
PROPOSED RULES
Medical devices:
40273 Implanted cerebellar stimulator; premarket approval
40272 Premarket approval of preamendment devices; intent to initiate proceedings
NOTICES
Human drugs:
40322 Cough, cold, or allergy prescription drugs; tussornade spansules and liquid; drug efficacy study implementation; exemption revoked, etc.

Food and Nutrition Service
RULES
Child nutrition programs:
40197 Cost as reimbursement factor to centers, elimination; correction
40194 School lunch and breakfast programs; food service financial accountability requirements; final
PROPOSED RULES
Food stamp program:
40263 Food retailers and wholesalers and financial institutions; bonding of authorized firms

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
40289 North Dakota
40289 Oklahoma

Health and Human Services Department
See Food and Drug Administration.

Immigration and Naturalization Service
RULES
40209 Immigration, arrival-departure manifests and lists; supporting documents; correction
Transportation line contracts:
40210 Wadair Canada (1975) Ltd.; correction

Inter-American Foundation
NOTICES
40344 Meetings; Sunshine Act

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
RULES
Excise taxes:
40217 Petroleum products
Income taxes:
40214 Life-nonlife consolidated returns

International Trade Administration
NOTICES
Antidumping:
40290 Tool steel from West Germany

Interstate Commerce Commission
PROPOSED RULES
Rail carriers:
40287 Commuter rail service continuation subsidies; determining standards dominant user definition
NOTICES
Rail carriers:
40327 Cost recovery percentage; proposed standards and decision; extension of time
40328 Waybill sample data; availability
40328 Western Division and Southern Territory; grain and grain products rate structures; proposed cancellation

Justice Department
See Immigration and Naturalization Service.

Land Management Bureau
RULES
Public land orders:
40232 Alaska

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
40260 Rearview mirrors; school bus non-uniform radius of curvature, view area immediately in front of bus
PROPOSED RULES
Motor vehicle safety standards:
40282 Motorcycle controls and displays; manual fuel control shut off valve

40286 Motorcycle controls and displays; symbols as option to words
NOTICES
Meetings:
40339 Crash test repeatability program; inquiry
Motor vehicle safety standards; exemption petitions, etc.:
40342 Uniroyal Tire Co.

National Oceanic and Atmospheric Administration
PROPOSED RULES
40288 Endangered and threatened species; interagency cooperation with Fish and Wildlife Service; consultation requirements, etc.; extension of time

National Park Service
NOTICES
Historic Places National Register; pending nominations:
40325 Alabama et al.

Navy Department
RULES
Personnel:
40224 Administrative discharges and related matters concerning separations from Naval Service

Nuclear Regulatory Commission
NOTICES
40344 Meetings; Sunshine Act

Postal Service
RULES
Procurement of property and services:
40232 Postal Contracting Manual; amendments

Securities and Exchange Commission
NOTICES
40329, 40330 Agency information collection activities under OMB review (3 documents)
Hearings, etc.:
40336 Fiduciary Variable Annuity Fund, Inc.
40330 General Public Utilities Corp. et al.
40336 Travelers Insurance Co. et al.
Self-regulatory organizations; proposed rule changes:
40337 Cincinnati Stock Exchange, Inc.
40333, 40334 Municipal Securities Rulemaking Board (2 documents)
40335 Pacific Clearing Corp.
40331 Pacific Securities Depository Trust Co.
Self-regulatory organizations; unlisted trading privileges:
40332 Cincinnati Stock Exchange
40332 Midwest Stock Exchange, Inc.
40333 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
40337 First Indiana Equity Group, Inc.
Disaster loan areas:
40337 Texas

State Department
NOTICES
Fishing permits, applications:
40337 East Germany
Meetings:
40338 Central America National Bipartisan Commission

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
40223 Pennsylvania
NOTICES
Environmental statements; availability, etc.:
40327 Absaloka Mine, Bighorn County, Mont.

Tennessee Valley Authority
NOTICES
40338 Agency information collection activities under OMB review

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, or man-made textiles:
40290 Romania

Transportation Department
See Federal Aviation Administration; National Highway Traffic Safety Administration.

Treasury Department
See Internal Revenue Service.

United States Information Agency
NOTICES
Art objects, importation for exhibitions:
40343 Fifty Years of Babar
40343 Gainsborough Drawings
40343 Henry Moore: A New Dimension
40343 Juan Gris

Veterans Administration
RULES
Loan guaranty:
40226 Manufactured home unit together with purchase of lot; refinancing
Vocational rehabilitation and education:
40224 Mitigating circumstances, submission; time limit

Separate Parts in This Issue

Part II
40346 Department of Energy, Federal Energy Regulatory Commission

Part III
40356 Department of Agriculture, Animal and Plant Health Inspection Service

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Executive Orders:
8854 (Amended by PLO 6458) 40232

Proclamations:
5086 40187

5 CFR
2422 40189
2426 40189
2429 40189

7 CFR
210 40194
220 40194
226 40197
301 40198
1865 40202
1944 40202
1945 40202
1951 40202

Proposed Rules:
278 40263
279 40263

8 CFR
109 40209
231 40209
238 40210

10 CFR

Proposed Rules:
1017 40265

14 CFR
39 (3 documents) 40210–40212
71 40213
75 40214

Proposed Rules:
39 40266
71 (2 documents) 40267, 40270

21 CFR

Proposed Rules:
Subch. H 40272
882 40273

26 CFR
1 40214
48 40217

30 CFR
938 40223

32 CFR
730 40224

38 CFR
21 40224
36 40226

39 CFR
601 40232

40 CFR

Proposed Rules:
65 40278
721 40282

43 CFR

Public Land Orders:
1707 (Amended by PLO 6458) 40232
6458 40232

47 CFR
25 (2 documents) 40233, 40256

49 CFR
571 40260

Proposed Rules:
571 (2 documents) 40282, 40286
1157 40287

50 CFR

Proposed Rules:
17 40288

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

Presidential Documents

Title 3—

The President

Proclamation 5086 of September 1, 1983

Death of American Citizens on Board Korean Airlines Flight

By the President of the United States of America

A Proclamation

As a mark of respect for the American citizens and all those who died violently on board the Korean Airlines flight which was ruthlessly shot down by Soviet fighters between Sakhalin and Monoron Islands on September 1, 1983, I hereby order, by virtue of the authority vested in me as President of the United States of America, that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through Sunday, September 4, 1983. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, 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. 83-24443
Filed 9-2-83; 9:20 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

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.

FEDERAL LABOR RELATIONS AUTHORITY AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Parts 2422, 2426, and 2429

Processing of Cases; General Requirements

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Amendment of rules and regulations.

SUMMARY: These amendments implement the amendment to the memorandum describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority which delegates to the Regional Directors the authority to render final decisions in representation matters.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Shepard, Executive Director, Federal Labor Relations Authority, (202) 382-0711 or David L. Feder, Assistant General Counsel, Office of the General Counsel, (202) 382-0834.

SUPPLEMENTARY INFORMATION: On June 16, 1983, the Federal Labor Relations Authority, pursuant to 5 U.S.C. 7105(e)(1), delegated to its Regional Directors, who are directed and supervised by the General Counsel of the Federal Labor Relations Authority, its authority to determine whether a group of employees is an appropriate unit, to conduct investigations and to provide for hearings, to determine whether a question of representation exists and to direct an election, and to supervise or conduct secret ballot elections and certify the results thereof.

The amendment to the memorandum, published at 48 FR 28814, is effective on October 1, 1983, the date on which the amendments published herein are effective. Thus, the amendment to the memorandum and the amendments to the regulations published herein apply to any referenced petition filed pursuant to sections 7111, 7112(d), 7113, 7115 and 7117(d) of the Statute on or after October 1, 1983.

The parts of the final rules and regulations affected by the amendments are: Parts 2422 and 2426, which, respectively, govern the processing of representation and consultation rights cases by the Authority and the Regional Directors; and Part 2429, which establishes the miscellaneous and general procedural requirements for parties in cases before the Authority.

The amendments implement the delegation to the Regional Directors and provide for a review procedure by the Authority of Decisions and Orders of Regional Directors in representation cases as required by 5 U.S.C. 7105(f).

Analysis of Comments and Changes

On June 23, 1983, the Authority and the General Counsel published the proposed amendments to the Regulations at 48 FR 28814–28820. Parties were afforded an opportunity to submit written comments by July 29, 1983. Two agencies and one labor organization submitted written comments on the proposed regulations. All parties commenting supported the proposed amendments and the delegation to the Regional Directors.

One agency which fully supported the proposed amendments made no recommendation for change. The other agency's only recommendation was that the regulations should provide for an automatic stay during the prescribed sixty (60) day period for filing an application for review with the Authority of a Regional Director's Decision and Order and the prescribed sixty (60) day period during which the Authority will consider whether to undertake to grant review of such a timely application for review. The labor organization commenting opposed any automatic stay of a Regional Director's Decision and Order.

Section 7105(f) of the Statute provides, in part, that the Authority's decision to review a Regional Director's Decision and Order "shall not, unless specifically ordered by the Authority, operate as a stay of action." This statutory mandate is reiterated in §§ 2422.16(b) and 2422.17(g) which, respectively, provide that the filing of an application for review and the granting of an application for review shall not, unless specifically ordered by the Authority, operate as a stay of the Regional Director's Decision and Order. In view of the statutory mandate that stays must be specifically ordered by the Authority, the commenting agency's recommendation must be rejected. Thus, absent a stay ordered by the Authority upon the filing or granting of review of an application for review of a Regional Director's Decision and Order directing an election, Regional Directors will begin preparation for the holding of the election. However, in order to preclude the unnecessary expenditure of funds should the Authority determine to grant review of the Regional Director's Decision and Order directing an election, it is the intent of the Authority and the General Counsel that Regional Directors will not supervise or conduct an election until the Authority has had the opportunity to decide, within the statutory time frame, whether to undertake review based upon the timely filing of an application for review.

The labor organization which submitted written comments recommended that the time period to file briefs with the Authority set forth in § 2422.17(g), if the Authority grants an application for review, should be extended beyond the seven (7) days proposed. It was decided to extend the period to ten (10) days, which is the same time period parties have had to file an opposition to a request for review under the existing regulations. In this regard, past experience has indicated that this ten (10) day time period is adequate and thus should be retained in § 2422.17(d) with respect to filing an opposition with the Authority to an application for review. In view of the limited statutory time frames established in section 7105(f) of the Statute, it is intended that the limited time frames in which to file an opposition to an application for review and briefs with the Authority, should review be granted, will allow the Authority to rule expeditiously on applications for review.

As to the labor organization's comment recommending a procedure for reconsideration of a Regional Director's Decision and Order, it was decided that

such procedure is unnecessary in that upon the filing of an application for review (which must be served on the Regional Director under § 2422.17(a)), the Regional Director on his/her own initiative, may treat the application for review as a request for reconsideration and request the Authority to remand the case for further appropriate action. With respect to the labor organization's comment regarding the bar contained in § 2422.17(e) with respect to relitigating representation issues in any related subsequent unfair labor practice proceeding, it is the intent of the amendment that an issue which was, or could have been, raised in an application for review in a representation proceeding is precluded from being litigated by a party as an affirmative defense in any related subsequent unfair labor practice proceeding. As to the labor oranization's comment that Administrative Law Judges, rather than Hearing Officers, should conduct hearings on objections and challenges as well as in national consultation rights and consultation rights cases, the Statute in section 7105(e)(1), and the Authority's delegation pursuant thereto, 48 FR 28814, provide only for delegation to the Regional Directors in representation cases. Hence, the labor organization's recommendation must be rejected.

List of Subjects in 5 CFR Parts 2422, 2426, and 2429

Administrative practice and procedure, Government employees, labor-management relations.

Accordingly, the final rules and regulations of the Authority and the General Counsel of the Authority are amended as follows:

PART 2422—[AMENDED]

1. Section 2422.2 is amended by revising paragraphs (f), (g), and (h)(6) and (h)(7)(iii) to read as follows:

§ 2422.2 Contents of petition; procedures for consolidation of existing exclusively recognized units; filing and service of petition; challenges to petition.

* * * * *

(f) *Adequacy and validity of showing of interest or showing of membership.* (1) The Regional Director shall determine the adequacy of the showing of interest or the showing of membership administratively, and such determination shall not be subject to collateral attack at a unit or representation hearing. A Regional Director's Decision and Order dismissing a petition or denying intervention shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17.

(2) Any party challenging the validity of any showing of interest or showing of membership of a petitioner, or of a cross-petitioner filing pursuant to § 2422.5(b), or of a labor organization seeking to intervene pursuant to § 2422.5, must file its challenge with the Regional Director, with respect to the petitioner or a cross-petitioner, within ten (10) days after the initial date of posting of the notice of petition as provided in § 2422.4(a), and with respect to any labor organization seeking to intervene, within ten (10) days of service of copy of the request for intervention on the challenging party. The challenge shall be supported with evidence including signed statements of employees and any other written evidence. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate which shall be final and not subject to the filing of an application for review with the Authority unless the Regional Director issues a Decision and Order dismissing a petition or denying intervention on the basis of the challenge. Such a Regional Director Decision and Order shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17.

(g) Challenge to status of a labor organization. Any party challenging the status of a labor organization under chapter 71 of title 5 of the United States Code must file its challenge with the Regional Director and support the challenge with evidence. With respect to the petitioner or a cross-petitioner filing pursuant to § 2422.5(b), such a challenge must be filed within ten (10) days after the initial date of posting of the notice of petition as provided in § 2422.4(a), and with respect to a labor organization seeking to intervene pursuant to § 2422.5, within ten (10) days after service of a copy of the request for intervention on the challenging party. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate. A Regional Director's Decision and Order on such challenge shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17.

(h) Petition and procedures for consolidation of existing exclusively recognized units. * * *

(6) The Regional Director shall make such investigation as the Regional Director deems necessary and thereafter shall issue and serve on the labor organization(s) and activity(ies) or agency involved a Decision and Order with respect to the petition to consolidate existing exclusively recognized units. The Regional Director's Decision and Order shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17. If no application for review is filed, or if one is filed and denied, or if the Authority does not undertake to grant review of the action within sixty (60) days after the filing of an application for review, the Regional Director shall take such action as may be appropriate, which may include issuance of a certification on consolidation of units: *Provided, however,* That where the Regional Director approves a withdrawal request, or determines to supervise or conduct an election, or to issue a notice of hearing, no such Decision and Order shall be issued and such action shall not be subject to the filing of an application for review with the Authority. The Regional Director, if appropriate, may cause a notice of hearing to be issued where substantial factual issues exist warranting a hearing. Hearings shall be conducted by Hearing Officers in accordance with §§ 2422.9 through 2422.15 and after the close of the hearing a Decision and Order shall be issued by the Regional Director in accordance with § 2422.16.

(7) Agreement for Unit Consolidation Election: * * *

(iii) If the Regional Director approves the agreement, the election by secret ballot shall be conducted by the activity(ies) or agency, as appropriate, under the supervision of the Regional Director, in accordance with §§ 2422.18 (a), (b), (c), and (f), 2422.19, 2422.20, and 2422.21. There shall be no runoff elections.

* * * * *

2. Section 2422.4 is amended by revising paragraphs (f), (g) and (h) to read as follows:

§ 2422.4 Investigation of petition and posting of notice of petition; action by Regional Director.

* * * *

(f) The Regional Director shall make such investigation as the Regional Director deems necessary and thereafter

shall take action which may consist of the following, as appropriate:

(1) Approve an agreement for consent election in an agreed-upon appropriate unit as provided under § 2422.7;

(2) Approve a withdrawal request;

(3) Issue a Decision and Order dismissing the petition;

(4) Issue a notice of hearing; or

(5) Issue a Decision and Order where the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists.

(g) In processing a petition for clarification of unit or for amendment of recognition or certification, or dues allotment, where appropriate, the Regional Director shall issue and serve a Decision and Order upon all parties to the proceedings which shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17. If no application for review is filed, or if one is filed and denied, or if the Authority does not undertake to grant review of the action within sixty (60) days after the filing of an application for review, the Regional Director shall take such action as may be appropriate, which may include issuing a clarification of unit, an amendment of recognition or certification, or a determination of eligibility for dues allotment.

(h) a determination by the Regional Director to issue a notice of hearing shall not be subject to the filing of an application for review with the Authority.

3. Section 2422.6 is revised to read as follows:

§ 2422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention.

(a) If the Regional Director determines, after such investigation as the Regional Director deems necessary, that the petition has not been timely filed, or the claimed unit is not appropriate, or the petitioner has not made a sufficient showing of interest, or the petition is not otherwise actionable, or an intervention is not appropriate, the Regional Director may request the petitioner or intervenor to withdraw the petition or the request for intervention. In the absence of such withdrawal within a reasonable period of time, the Regional Director may issue a Decision and Order dismissing the petition or denying the request for intervention.

(b) If the Regional Director determines, after investigation, that a valid issue has been raised by a challenge under § 2422.2 (f) or (g), the Regional Director may take action which may consist of the following, as appropriate:

(1) Request the petitioner or intervenor to withdraw the petition or the request for intervention;

(2) Issue a Decision and Order dismissing the petition and/or denying the request for intervention if a withdrawal request is not submitted within a reasonable period of time;

(3) Defer action on the petition or request for intervention until such time as issues raised by the challenges have been resolved pursuant to this part; or

(4) Consolidate such issues with the representation matter for resolution of all issues.

(c) If the Regional Director issues a Decision and Order dismissing the petition and/or denying the request for intervention, such Decision and Order shall be served on the petitioner, the party requesting intervention, the activity and other intervenors, as appropriate. Such a Regional Director's Decision and Order shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17.

4. Section 2422.7 is amended by revising paragraphs (d) and (e) and by adding paragraph (g) to read as follows:

§ 2422.7 Agreement for consent election.

* * * * *

(d) In the event that the parties cannot agree on the matters contained in paragraph (c) of this section, the Regional Director, acting on behalf of the Authority, shall decide these matters without prejudice to the right of a party to file objections to the procedural conduct of the election under § 2422.21(b).

(e) If the Regional Director approves the agreement, the election shall be conducted by the activity or agency, as appropriate, under the supervision of the Regional Director, in accordance with § 2422.18.

* * * * *

(g) As part of the consent election agreement, the parties may waive their right to file an application for review of a Regional Director's Decision and Order which may issue on objections and/or determinative challenged ballots.

5. Section 2422.10 is amended by revising paragraphs (b)(2) and (c) and by adding paragraph (b)(3) to read as follows:

§ 24422.10 Motions.

* * * * *

(b) *Filing of motions.* * * *

(2) After the close of the hearing, except as otherwise provided, motions and responses thereto shall be filed with the Regional Directors, *Provided,* That following the close of a hearing, motions to correct the transcript should be filed with the Hearing Officer within ten (10) days after the transcript is received in the regional office.

(3) If an application for review is filed with the Authority, all subsequent motions and responses thereto shall be filed with the Authority.

(c) *Rulings on motions.* (1) Regional Directors may rule on all motions filed with them, or they may refer them to the Hearing Officer. A Regional Director's Decision and Order granting a motion to dismiss a petition is final: *Provided, however,* That an application for review of the Regional Director's Decision and Order my be filed with the Authority in accordance with the procedure set forth in § 2422.17.

(2) Hearing Officers shall rule, either orally on the record or in writing, on all motions made at the hearing or referred to them, except that a motion to dismiss a petition shall be refered for appropriate action at such time as the record is considered by the Regional Director. Rulings by a Hearing Officer reduced to writing shall be served on the parties.

(3) The Regional Director shall consider the rulings by the Hearing Officer when the case is before the Regional Director for decision.

6. Section 2422.14 is revised to read as follows:

§ 2422.14 Filing of briefs.

A party desiring to file a brief with the Regional Director shall file the original and one (1) copy within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other other parties to the proceeding. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be submitted to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extensions of time shall be in writing and received by the Regional Director not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Regional Director.

7. Section 2422.15 is revised to read as follows:

§ 2422.15 Contents of record.

The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, interrogatories, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

8. Section 2422.16 is revised to read as follows:

§ 2422.16 Decision and Order of the Regional Director.

(a) Upon the close of the hearing, or based upon a stipulation by the parties where the Regional Director has determined that no material issue of fact exists, the Regional Director shall issue a Decision and Order determining the appropriate unit, directing an election or dismissing the petition, or making other disposition of the matters before the Regional Director. The Regional Director's Decision and Order shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17.

(b) The filing of an application for review shall not, unless specifically ordered by the Authority, operate as a stay of the election or any other action taken by the Regional Director.

9. A new section 2422.17 is added to read as follows:

§ 2422.17 Application for review of a Decision and Order of the Regional Director.

(a) A Regional Director's Decision and Order shall be final: *Provided, however,* That a party may file an application for review of the Regional Director's Decision and Order with the Authority within sixty (60) days of the date of such action. Copies of the application for review shall be served on the Regional Director and all other parties, and a statement of service shall be filed with the application for review. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f) for the filing of an application for review may not be extended or waived.

(b) Any application for review must be a self-contained document enabling the Authority to rule on the basis of its contents without the necessity of recourse to the record; however, the Authority may, in its discretion, examine the record in evaluating the application. An application must contain a summary of all evidence or rulings relating to the issue(s) raised together with page citations from the transcript, if applicable, and supporting argument. An application may not raise any issue or allege any facts not timely presented to the Regional Director.

(c) The Authority may grant an application for review only where it appears that compelling reasons exist therefor. Accordingly, an application for review may be granted only upon one or more of the following grounds:

(1) That a substantial question of law or policy is raised because of (i) the absence of, or (ii) a departure from, Authority precedent;

(2) That there are extraordinary circumstances warranting reconsideration of an Authority policy;

(3) That the conduct of the hearing held or any ruling made in connection with the proceeding has resulted in prejudicial error; or

(4) That the Regional Director's decision on a substantial factual issue is clearly erroneous and such error prejudicially affects the rights of a party.

(d) Any party may file an opposition to an application for review with the Authority within ten (10) days after service of the application for review. Copies of the opposition to the application for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the application for review. The Authority may deny the application for review without awaiting a statement in opposition thereto.

(e) The parties may, at any time, waive the right to file an application for review. Failure to file an application for review shall preclude such parties from relitigating, in any related subsequent unfair labor practice proceeding, any issue which was, or could have been, raised in the representation proceeding. The denial of an application for review by the Authority, the failure of the Authority to undertake to grant review of a Regional Director's Decision and Order within sixty (60) days after the date of the filing of the application, or the granting of review and affirming by the Authority of the Regional Director's Decision and Order shall preclude relitigating any such issue in any related subsequent unfair labor practice proceeding.

(f) A Decision and Order of a Regional Director becomes the action of the Authority when:

(1) No application for review is filed within sixty (60) days after the date of the Regional Director's Decision and Order; or

(2) A timely application for review is filed with the Authority and the Authority does not undertake to grant review of the Regional Director's Decision and Order within sixty (60) days after the date of the filing of the application; or

(3) The Authority denies an application for review of the Regional Director's Decision and Order.

(g) The Authority may rule upon the issue(s) in its order granting the application for review. The granting of an application for review shall not stay the Regional Director's Decision and Order unless otherwise ordered by the Authority. Except where the Authority rules upon the issue(s) in the order granting review, the parties may, within ten (10) days after issuance of an order granting review, file briefs with the Authority. Such briefs may be reproductions of those previously filed with the Regional Director and/or other briefs shall be limited to the issue(s) raised in the application for review. Where review has been granted, the Authority will consider the entire record in the light of the grounds relied upon for review. Any application for review may be withdrawn with the permission of the Authority at any time prior to the issuance of the decision of the Authority thereon. Upon granting review of a timely application, the Authority may issue a decision or ruling affirming, modifying or reversing any action reviewed.

§ 2422.17 [Redesignated as § 2422.18]

10. Section 2422.17 is redesignated as § 2422.18 and is amended by revising paragraph (g) to read as follows:

§ 2422.18 Election procedure; request for authorized representation election observers.

* * * * *

(g) A party's request to the Regional Director for named observers shall be in writing and filed with the Regional Director not less than fifteen (15) days prior to an election to be supervised or conducted pursuant to this part. The request shall name and identify the authorized representation election observers sought, and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. Within five (5) days after service of a copy of the request, a party may file objections to the request with the Regional Director and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. The Regional Director shall rule upon the request not later than five (5) days prior to the date of the election. However, for good cause shown by a party, or on the Regional Director's own

motion, the Regional Director may vary the time limits prescribed in this paragraph. The Regional Director's ruling is not subject to the filing of an application for review with the Authority.

§ 2422.18 [Redesignated as § 2422.19]

11. Section 2422.18 is redesignated as § 2422.19.

§ 2422.19 [Redesignated as § 2422.20]

12. Section 2422.19 is redesignated as § 2422.20.

§ 2422.20 [Redesignated as § 2422.21]

13. Section 2422.20 is redesignated as § 2422.21 and is amended by revising paragraphs (d), (e), (f), (g) and (i) read as follows:

§ 2422.21 Certification; objections to election; determination on objections and challenged ballots.

* * * * *

(d) When the Regional Director determines that no relevant question of fact exists, the Regional Director:

(1) Shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election, and/or

(2) Shall rule on determinative challenged ballots, if any. The Regional Director shall issue a Decision and Order on objections and/or determinative challenged ballots which shall be served upon all parties to the proceeding. Such Decision and Order shall contain therein any additional matter such as an Order to rerun the election or count ballots at a specified date, time, and place, and if appropriate, that the Regional Director will cause to be issued a revised tally of ballots.

(e) The Regional Director's Decision and Order shall be final: *Provided however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17. *Provided, however,* That a determination by a Regional Director to issue a notice of hearing shall not be subject to the filing of an application for review.

(f) Any party filing an application for review of the Regional Director's Decision and Order when no hearing is conducted may support its submission to the Authority by appending thereto copies of documentary evidence, including copies of any affidavits, it had timely submitted to the Regional Director. Documentary evidence so appended shall thereupon become part of the record in the proceeding. Failure to timely submit such documentary evidence to the Regional Director, or to append that evidence to its submission to the Authority in the representation proceedings as provided above, shall preclude a party from relying on such evidence in any subsequent unfair labor practice proceeding.

(g) Where it appears to the Regional Director that the objections or determinative challenged ballots raise any relevant question of fact which may have affected the results of the election, the Regional Director shall cause to be issued a notice of hearing. Hearings shall be conducted by a Hearing Officer in accordance with §§ 2422.9 through 2422.15 and after the close of the hearing a Decision and Order shall be issued by the Regional Director in accordance with § 2422.16. *Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing, such a consolidated hearing shall be conducted and decisions issued by Administrative Law Judges and exceptions and related submissions shall be filed with the Authority in accordance with §§ 2423.14 through 2423.28 of this subchapter. *Provided, however,* That with regard to the representation case:

(1) Sections 2423.18 and 2423.19(j) will not be applicable;

(2) The Administrative Law Judge may not recommend remedial action to be taken or notices to be posted, as provided under § 2423.26(a); and

(3) Reference to "charge, complaint" in § 2423.26(b) shall be omitted.

* * * * *

(i) Upon the close of a hearing conducted by an Administrative Law Judge pursuant to paragraph (g) of this section, the Authority shall issue a decision adopting, modifying or reversing the Administrative Law Judge's decision.

§ 2422.21 [Redesignated as § 2422.22]

14. Section 2422.21 is redesignated as § 2422.22.

§ 2422.22 [Redesignated as § 2422.23]

15. Section 2422.22 is redesignated as § 2422.23.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

16. Section 2426.2 is amended by revising paragraph (b)(3)(vii) to read as follows:

§ 2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

* * * * *

(b) * * *

(3) * * *

(vii) The Regional Director shall make such investigations as the Regional Director deems necessary and thereafter shall issue and serve on the parties a Decision and Order with respect to the eligibility for national consultation rights which shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17 of this subchapter. A determination by the Regional Director to issue a notice of hearing shall not be subject to the filing of an application for review. The Regional Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting a hearing. Hearings shall be conducted by a Hearing Officer in accordance with §§ 2422.9 through 2422.15 of this subchapter and after the close of the hearing a Decision and Order shall be issued by the Regional Director in accordnce with § 2422.16 of this subchapter.

17. Section 2426.12 is amended by revising paragraph (b)(3)(vii) to read as follows:

§ 2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

* * * * *

(b) * * *

(3) * * *

(vii) The Regional Director shall make such investigation as the Regional Director deems necessary and thereafter shall issue and serve on the parties a Decision and Order with respect to the eligibility for consultation rights which shall be final: *Provided, however,* That an application for review of the Regional Director's Decision and Order may be filed with the Authority in accordance with the procedure set forth in § 2422.17 of this subchapter. A determination by the Regional Director to issue a notice of hearing shall not be subject to the filing of an application for review. The Regional Director, if appropriate, may cause a notice of hearing to be issued where substantial factual issues exist warranting a hearing. Hearings shall be conducted by a Hearing Officer in accordance with §§ 2422.9 through 2422.15 of this chapter and after the close of the hearing a Decision and Order shall be issued by

the Regional Director in accordance with § 2422.16 of this subchapter.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

18. Section 2429.1 is revised to read as follows:

§ 2429.1 Transfer of cases to the Authority.

(a) In any unfair labor practice case under Part 2423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. The Authority may also remand any such case to the Regional Director for further processing. Orders of transfer and remand shall be served on all parties.

(b) In any case under Part 2423 of this subchapter in which it appears to the Regional Director that the proceedings raise questions which should be decided by the Authority, the Regional Director may, at any time, issue an order transferring the case to the Authority for decision or other appropriate action. Such an order shall be served on the parties.

19. Section 2429.12 is amended by revising paragraph (a) to read as follows:

§ 2429.12 Service of process and papers by the Authority.

(a) *Methods of service.* Notices of hearings, Decisions and Orders of Regional Directors, decisions of Administrative Law Judges, complaints, written rulings on motions, decisions and orders, and all other papers required by this subchapter to be issued by the Authority, the General Counsel, Regional Directors, Hearing Officers and Administrative Law Judges, shall be served personally or be certified mail or by telegraph.

* * * * *

20. Section 2429.22 is revised to read as follows:

§ 2429.22 Additional time after service by mail.

Except as to the filing of an application for review to a Regional Director's Decision and Order under § 2422.17 of this subchapter, whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period: Provided, however, That five (5) days shall not be added in any instance where an extension of time has been granted.

21. Section 2429.23 is amended by revising paragraph (d) to read as follows:

§ 2429.23 Extension; waiver.

* * * * *

(d) Time limits established in 5 U.S.C. *7105(f),* 7117(c)(2) and 7122(b) may not be extended or waived under this section.

(5 U.S.C. 7134)

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority have determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated: August 31, 1983.

Federal Labor Relations Authority.

Barbara J. Mahone,

Chairman.

Ronald W. Haughton,

Member.

Henry B. Frazier III,

Member.

John C. Miller,

General Counsel.

[FR Doc. 83-24305 Filed 9-2-83; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210 and 220

Revision of School Food Service Accountability Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) is amending the regulations for the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to permanently restructure the financial accountability requirements for these programs. This rule finalizes interim regulations which were published on July 20, 1982 at 47 FR 31371. Under this rule, the determination of nonprofit status, as a condition for program participation, is made by determining the financial status of the school food service as a whole rather than the financial status of each Federal program and nongrant activity separately. This rule sets forth definitions for nonprofit school food service and for revenue to such food service and requires School Food Authorities (SFAs) to maintain appropriate revenue and expenditure records in order to substantiate the nonprofit status of their school food service. State agencies (SAs) are responsible for establishing financial management systems for SFAs to use and for monitoring nonprofit school food service net cash resources. SAs are also responsible for establishing systems for determining and monitoring SBP costs for the purpose of establishing eligibility for and determining the amount of severe need SBP payments.

This rule simplifies Federal program requirements, reduces federally required reporting and recordkeeping burdens and, by removing most program specific restrictions on Federal reimbursement, provides added flexibility to SFAs in financing school food service operations. The rule also provides SAs with additional flexibility in administering the National School Lunch and School Breakfast Programs.

EFFECTIVE DATE: October 6, 1983 except for the reporting and recordkeeping requirements in § 210.14(a–1) and § 210.14(g)(3) which are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia, 22302 (703)756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under Executive Order 12291 and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. It does not have an annual effect on the economy of $100 million or more, nor does it result in major increases in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. Furthermore, it does not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. Robert E. Leard, Administrator of the

Food and Nutrition Service, has certified that this rule does not have a significant adverse economic impact on a substantial number of small entities. In accordance with the Paperwork Reduction Act of 1980 44 U.S.C. 3507), the reporting and/or recordkeeping requirements that are included in § 210.14(a–1) and § 210.14(g)(3) of this final rule have been submitted to the Office of Management and Budget (OMB) for approval. The recordkeeping requirements included in § 220.13(i) have been approved by OMB for use through September, 1985 (OMB No. 0584–0310).

Background

On April 9, 1982, the Department published a proposed rule in the **Federal Register** (47 FR 15342) to restructure the financial accountability requirements for the NSLP and SBP. The proposal was designed to implement Section 819 of Pub. L. 97–35 which removed most references to cost from the provisions of the National School Lunch and Child Nutrition Acts dealing with the use of Federal funds in these programs. Under Section 819, Federal NSLP and non-severe need SBP funds are no longer restricted by law to the financing of certain specific costs. Rather, NSLP and non-severe need SBP funds may now be used to assist SFAs in providing program benefits within an overall nonprofit school food service environment.

In response to the April 9 proposal, the Department received 29 comments which were generally supportive of the Department's approach. These comments were taken into consideration in formulating an interim rule which was published on July 20, 1982 (47 FR 31371) and became effective on October 1, 1982.

Under the interim regulations, SAs could allow SFAs to use Federal lunch and non-severe need breakfast payments to support their overall nonprofit school food service. Federal funds could be used to support non-program food service, such as a la carte service, in addition to NSLP and SBP food service. However, this would be rare since SFAs have traditionally utilized profits from a la carte sales to subsidize their NSLP and SBP operations.

In addition to providing SFAs with added flexibility in financing their nonprofit school food service operations, the interim regulation decreased the amount of recordkeeping and reporting at the SFA level since separate costs for the NSLP, SBP and other nonprofit school food service were not required. However, SFAs were required to maintain revenue and expenditure records sufficient to establish the nonprofit status of their food service operations.

The interim revision in Federal program accountability requirements did not alter existing Federal financial management standards. The requirement that SAs establish and maintain financial management systems conforming to the standards enumerated in Departmental regulations (7 CFR Part 3015, Subpart H) remained in effect. In so doing, State agencies had the option of continuing their established cost-based accounting systems if they wished or of establishing new or revised financial management systems to monitor and support revised Federal program accountability requirements. This was in keeping with the Department's long established policy of allowing SAs to impose additional requirements for participation in the NSLP and SBP which may be more stringent than the Department's regulations but are not inconsistent with them. The Department recognizes however, that reductions in accounting and recordkeeping at the local level were dependent upon the extent to which SAs have altered their existing cost-based accounting systems.

In response to the interim rule the Department received nine comments—four from State agencies and five from FNS Regional Offices. Again, the commentors were generally supportive of the Department's rule but had specific concerns and recommendations. The Department has made every effort to incorporate into this final rule all commentor suggestions which clarify or improve the overall approach to revised program accountability requirements as set forth in the proposed and interim rules.

The remainder of this preamble will discuss the specific changes in program financial requirements that are being made under the final rule. For ease of reference the changes are presented under the same headings as in the preamble of the interim rule.

1. *Reimbursement payments*—In the interim rule, § 210.11(a) stated in part that "* * * General cash-for-food assistance payments shall be made to assist schools in obtaining food for the program. Special cash assistance payments shall be made to assist schools in providing free and reduced price lunches to children eligible for such lunches * * *" One commentor felt that this language appeared to be restrictive and, as such, seemed to contradict the objective of eliminating program specific cost accounting as a Federal requirement. The Department agrees and has revised the paragraph to reflect the concept that Federal program payments can be used to finance overall nonprofit school food service operations. However, in keeping with the intent of authorizing program legislation, this paragraph also states that the primary purpose of NSLP payments is to obtain food for the program and to provide free and reduced price lunches to eligible children.

The Department has also taken the opportunity in this final rule to revise §§ 210.11(b) and 210.11(c) to: (1) Indicate that payment rates are assigned and payments made to School Food Authorities not schools, and (2) remove obsolete and duplicative provisions.

2. *Nonprofit school food service*—One commentor pointed out that the interim definition of "nonprofit" in Parts 210 and 220 omitted the specific reference to Section 510(c)(3) of the Internal Revenue Code of 1954. Since this specific reference is cited in both the National School Lunch and Child Nutrition Acts, the Department agrees that it should appear in program regulations and has so revised these final rules.

Two commentors also pointed out that § 220.12(a) did not allow for profit from competitive food sales to accrue to the benefit of the school in certain instances whereas § 210.15b(a) did allow for such accrual. This was an oversight by the Department and § 220.12(a) has been revised in this final rule to conform to § 210.15b(a).

3. *Allowable expenditures*—Under the interim rule, nonprofit school food service revenues could be used for the operation or improvement of school food service but not to purchase land or buildings or to construct buildings. The preamble to the interim rule explained that, under this concept, expenditures could be made to alter or improve existing school food service facilities. One commentor expressed concern that, in the absence of specific guidance, the general wording of the interim rule was open to broad interpretation. It was felt that local school boards might see this as an opportunity to use school food service funds for purposes beyond that intended. The Department is sensitive to this concern but believes that safeguards do exist to protect the integrity of nonprofit school food service revenues. The Federal financial management standards contained in OMB Circulars A–87, A–102 and A–110 and in the Department's regulations at 7 CFR Part 3015 apply to the NSLP and SBP. If these programs are not accounted for separately but are operated as part of an overall nonprofit

school food service, the Federal standards would apply to that food service. For example, the cost principles of OMB Circular A–87 and 7 CFR Part 3015, Subpart T, would be applied to local School Food Authorities through the financial management system established by the State agency. That system should prescribe categories of costs for which expenditure of nonprofit school food service revenues could be made both with or without State agency approval. For expenditures requiring State agency approval, the system should establish procedures for obtaining approval. One category of costs which requires approval by the awarding (State) agency is capital expenditures. Thus, a School Food Authority that desires to expend nonprofit school food service revenues for the capital improvement of existing school food service facilities would have to obtain prior approval from the State agency. The Department would look to the State agency to insure that the Federal cost principles are properly applied and that nonprofit school food service revenues are used only for the operation or improvement of school food service.

This final rule contains language which clarifies the State agency's responsibility in establishing a financial management system and requires that expenditures of nonprofit school food service revenues be made in accordance with that system.

4. *Net cash resources*—This final rule removes the requirement that the State agency's financial management system include criteria for approval of net cash resources *of less than* three months average expenditures. Since any such levels would be within the regulatory limitation for net cash resources and since State agencies have the authority to impose additional requirements for program participation that are not inconsistent with program regulations, the Department believes this requirement was superfluous. However, criteria for approval of net cash resource levels in excess of three months average expenditures would still be required as part of the State agency's financial management system. This area is of particular concern to FNS and State criteria and net cash resources will be closely monitored by FNS in the future.

5. *Severe need reimbursement rates for the SBP*—Three commentors addressed this area. One commentor felt that severe need rates should be eliminated; another stated that the interim rule offered little recordkeeping relief for many of the schools receiving severe need rates; and two commentors felt that the maximum allowable reduced price charge should be subtracted from the cost of severe need breakfasts when determining the school's maximum payment amount for severe need breakfasts rather than the actual payments received for reduced price breakfasts. With respect to the first two issues, a legislative change would be needed in order to revise the interim rule. With respect to the third issue, the net cost to the School Food Authority of providing severe need breakfasts is most accurately determined if actual reduced price children's payments are deducted from gross costs. Therefore, the Department believes that the provisions of the interim rule properly implement the current severe need SBP payment requirements of the Child Nutrition Act and has adopted those provisions without change in this final rule.

List of Subjects

7 CFR Part 210

Food assistance programs, National school lunch program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 220

Food assistance programs, School breakfast program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements.

Accordingly, Parts 210 and 220 are amended by adopting the interim rule which was published on July 20, 1982 (47 FR 31371) with and including the following revisions:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.2, paragraph (k) is revised to read as follows:

§ 210.2 Definitions.

* * * * *

(k) "Nonprofit" when applied to schools or institutions eligible for the Program means exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or in the Commonwealth of Puerto Rico, certified as nonprofit by the Governor.

* * * * *

2. In § 210.7, paragraph (b) is amended by adding a sentence to the end of the paragraph to read as follows:

§ 210.7 Use of funds.

* * * * *

(b) * * * Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the State agency, or FNS where applicable under § 210.14(a–1) of this part.

* * * * *

3. In § 210.11, the third sentence of paragraph (c) is removed. The first, second and third sentence of paragraph (a), the first and second sentences of paragraph (b), and the first and second sentences of paragraph (c) are revised to read as follows:

§ 210.11 Reimbursement payments.

(a) State agencies, or FNS where applicable shall make reimbursement payments to School Food Authorities only in connection with lunches meeting the requirements of § 210.10 of this part and reported in accordance with § 210.13(b) of this part. General cash-for-food assistance payments and special cash assistance payments shall be made to assist School Food Authorities in financing nonprofit school food service operations. The primary purpose of these payments shall be to obtain food for the Program and to provide free and reduced price lunches to eligible children. * * *

(b) Maximum general cash-for-food assistance and special cash assistance rates of reimbursement which may be paid to School Food Authorities by State agencies, or FNS where applicable, shall be prescribed by the Secretary by July 1 of each year. At the beginning of the school year, State agencies, or FNSROs where applicable, shall, within these maximums, initially assign rates of reimbursement for each School Food Authority. * * *

(c) Based on the principles set forth in this section, State agencies, and FNSROs where applicable, shall have maximum flexibility in assigning rates of reimbursement from general cash-for-food assistance and special cash assistance funds among School Food Authorities: *Except that*, for any School Food Authority, the same rate of reimbursement from general cash-for-food assistance funds shall be assigned for the lunches served to children at the full price and for lunches served to children free or at a reduced price. * * *

* * * * *

4. In 210.14, paragraph (a–1) is revised to read as follows:

§ 210.14 Special responsibilities of State agencies.

* * * * *

(a–1) Each State agency, or FNS where applicable, shall establish a financial management system under which School Food Authorities shall account for all revenues and

expenditures of their nonprofit school food service. The system shall prescribe the allowability of nonprofit school food service expenditures in accordance with this part and, as applicable, the cost principles contained in OMB Circular A-87 and 7 CFR Part 3015. The system shall permit determination of school food service net cash resources, and shall include any criteria for approval of net cash resources in excess of three months average expenditures. In addition, School Food Authorities shall be required to account separately for other food services which are operated by the School Food Authority.

* * * * *

PART 220—SCHOOL BREAKFAST PROGRAM

1. In § 220.2, paragraph (p) is revised to read as follows:

§ 220.2 Definitions.

* * * * *

(p) "Nonprofit" when applied to schools or institutions eligible for the Program means exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or in the Commonwealth of Puerto Rico, certified by the Governor.

* * * * *

2. In § 220.7, paragraph (e)(1)(ii) is revised to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(e) * * *

(1) * * *

(ii) In accordance with the financial management system established under § 220.13(i) of this part, use all revenues received by such food service only for the operation or improvement of that food service except that such revenues shall not be used to purchase land or buildings or to construct buildings.

* * * * *

§ 220.9 [Amended]

3. In § 220.9, the first sentence of paragraph (a) is amended by removing the period and adding the words "and reported in accordance with § 220.11(b) of this part."

§ 220.12 [Amended]

4. In § 220.12, the second sentence of paragraph (a) is amended by inserting the words "or to the school" immediately before the words "or to student organizations approved by the school."

5. In § 220.13, paragraph (i) is revised to read as follows:

§ 220.13 Special responsibilities of State agencies.

* * * * *

(i) Each State agency, or FNS where applicable, shall establish a financial management system under which School Food Authorities shall account for all revenues and expenditures of their nonprofit school food service. The system shall prescribe the allowability of nonprofit school food service expenditures in accordance with this part and, as applicable, the cost principles contained in OMB Circular A-87 and 7 CFR Part 3015. The system shall permit determination of school food service net cash resources, and shall include any criteria for approval of net cash resources in excess of three months average expenditures. In addition, School Food Authorities shall be required to account separately for other food services which are operated by the School Food Authority.

* * * * *

(Catalog of Federal Domestic Assistance Nos. 10.553 and 10.555) (Sec. 819, Pub. L. 97-35, 95 Stat. 533, 42 U.S.C. 1759a, 1773 and 1757)

Dated: August 29, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Services.

[FR Doc. 83-24288 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-30-M

---

7 CFR Part 226

Child Care Food Program; Correction and Amendment

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule, correction and amendment.

SUMMARY: This docket corrects several passages and updates the address of two Regional Offices contained in the final Child Care Food Program rulemaking published on August 20, 1982, at 47 FR 36524-36551, and corrects an error in the Elimination of Cost as a Factor for Reimbursement to Child Care Centers, an amendment to the final rule which was published on May 13, 1983, at 48 FR 21527-21530.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Walstrom or Ms. Mary Lou Wheeler, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 416, Alexandria, Virginia 22302, or by telephone at (703) 756-3886.

Accordingly, the Food and Nutrition Service is correcting and amending 7 CFR Part 226 as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. On page 36542, correcting § 226.20(b)(3)(ii) by changing the word "or" to "and" to read as follows:

§ 226.20 Requirements for meals.

* * * * *

(b) * * *

(3) * * *

(ii) Lunch or supper—6-8 fluid ounces of infant formula, or 6-8 fluid ounces whole fluid milk and 0-3 fluid ounces of full-strength fruit juice; * * *

* * * * *

2. Section 226.26 (b) and (c) are revised to read as follows:

§ 226.26 Program information.

* * * * *

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, Mercer Corporate Park, Corporate Boulevard, CN 02150, Trenton, NJ 08650.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street, N.W., Atlanta, GA 30367.

* * * * *

3. Section 226.26(e) is corrected by changing the zip code of the Mountain Plains Regional Office to read as follows:

§ 226.26 Program information.

* * * * *

(e) * * * 2420 West 26th Avenue, Room 430, Denver, CO 80211.

* * * * *

4. On page 21529 in the amendment to the final rule, correcting the List of Subjects in 7 CFR Part 226 to read as follows:

List of Subjects in 7 CFR Part 226

Day Care, Food assistance programs, Grant programs-health, infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

* * * * *

(Secs. 810, 819, and 820, Pub. L. 97-35; Section 2, Pub. L. 95-627, 92 Stat. 3603 (42 U.S.C. 1766); Sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779)

Dated: August 23, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-23201 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 83-336]

Imported Fire Ant Regulated Areas; Interim Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of regulated areas under the imported fire ant quarantine and regulations by (1) designating previously nonregulated areas in Alabama, Georgia, and Mississippi as generally infested areas; (2) expanding previously designated generally infested areas in Alabama, Mississippi, and South Carolina; and (3) deleting a previously designated generally infested area in Alabama. The quarantine and regulations, among other things, impose restrictions on the interstate movement of regulated articles from generally infested areas. This action is necessary as an emergency measure to prevent the artificial spread of the imported fire ant and to delete unnecessary restrictions on the interstate movement of regulated articles.

DATES: Effective date of the interim rule: September 6, 1983. Written comments concerning this interim rule must be received on or before November 7, 1983.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Edward J. Stubbs, Senior Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than $1,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Because of the possibility that the imported fire ant could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Alabama, Georgia, Mississippi, and South Carolina. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that approximately 138 small entities move such articles interstate from the specified areas in those States. Further, the overall economic impact from this action is estimated to be less than $1,000.

Background

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas.

The imported fire ant quarantine and regulations (7 CFR 301.81 through 301.81-10) quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas because of the imported fire ant; and restrict the interstate movement of regulated articles from regulated areas in these States in order to prevent the artificial spread of the imported fire ant.

Under the quarantine and regulations an area may be designated as a regulated area if it is an area in which the imported fire ant has been found, or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas in which eradication of the imported fire ant is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from both generally infested areas and suppressive areas in order to prevent the artificial movement of the imported fire ant into noninfested areas, and to prevent the reinfestation of suppressive areas after the imported fire ant has been eradicated.

Designation of Areas as Generally Infested Areas

As an emergency measure, portions of DeKalb and Madison Counties in Alabama; Hall, Lincoln, and Wilkes Counties in Georgia; and Benton and Panola Counties in Mississippi are designated as imported fire ant generally infested areas. These areas were previously nonregulated areas.

Also, as an emergency measure, certain designated imported fire ant generally infested areas in Alabama, Mississippi, and South Carolina are expanded as set forth below.

The imported fire ant generally infested area in Lawrence County, Alabama, previously described as "T. 4, 5, 6, 7, and 8 S., E. ½ R. 7 W., T. 4, 5, 6, 7, and 8 S., R. 6 W.; S ½, T. 7 S., R. 7, 8, and 9 W.; T. 8 S., R. 7, 8, and 9 W.", is expanded and redescribed as "That portion of the county lying south of the north line of T. 6 S.; E. ½ T. 3, 4, and 5 S., R. 7 W.; T. 3, 4, and 5 S., R. 6 W."

The imported fire ant generally infested area in Marshall County, Alabama, previously described as "T. 7 S., R. 1 E; T. 8 S., R. 1, 2, and 3 E. T. 9 S., R. 2, 3, and 4 E.; T. 10 S., R. 2, 3, 4, and 5 E.; T. 11 S., R. 3 E.", is expanded and redescribed as "That portion of the county lying south of the north line of T. 8 S., T. 7 S., R. 1, 2, and 3 E.; and T. 6 S., R. 2 E."

The imported fire ant generally infested area in Alcorn County, Mississippi, previously described as "That portion of T. 2, 3, and 4 S., R. 9 E. lying in the county; that portion of T. 4 S., R. 8 E. lying in the county; and T. 2 and 3 S., R. 8 E.", is expanded and redescribed as "The entire county."

The imported fire ant generally infested area in Sunflower County, Mississippi, previously described as "That portion of the county lying south of the north line of T. 18 N.; sections 31–36, T. 19 N., R. 4 W.; and T. 19 and 20 N., R. 5 W.", is expanded and redescribed as "That portion of the county lying south of the north line of T. 19 N., and T. 20 N., R. 5 W."

The imported fire ant generally infested area in Tishomingo County, Mississippi, previously described as "That portion of the county lying south of the north line of T. 5 S.", is expanded and redescribed as "The entire county."

The imported fire ant generally infested area in Aiken County, South Carolina, previously described as "The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.", is expanded and redescribed as "The entire county."

The imported fire ant generally infested area in Allendale County, South Carolina, previously described as "The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.", expanded and redescribed as "The entire county."

The imported fire ant generally infested area in Barnwell County, South Carolina, previously described as "The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.", is expanded and redescribed as "The entire county."

The imported fire ant generally infested area in Marlboro County, South Carolina, previously described as "That portion of the county bounded by a line beginning at the junction of State Secondary Highway 611 and the Great Pee Dee River, thence east along said highway to its junction with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 29, thence northeast and east along said highway to its intersection with State Primary Highway 381, thence northeast along said highway to its junction with State Primary Highway 9, thence southeast along said highway to its intersection with the Marlboro-Dillon County line, thence southwest along said county line to its junction with the Great Pee Dee River, thence northwesterly along said river to the point of beginning.", is expanded and redescribed as "That portion of the county bounded by a line beginning at the intersection of U.S. Highway 15 and 401 with the South Carolina-North Carolina State line, then southeast along said State line to its junction with the Marlboro-Dillon County line, then southwest along said county line to its junction with the Great Pee Dee River, then northwesterly along said river to a point due west from the junction of State Secondary Highway 209 and State Primary Highway 912, then due east along an imaginary line from said point to said junction, then northeast from said junction along State Primary Highway 912, to its junction with Secondary Highway 33, then east along said highway to its intersection with State Primary Highway 9, then southeast along said highway to its intersection with the corporate limits of the city of Bennettsville, then southerly, westerly, and easterly along said city limits to its intersection with State Primary Highway 9, then southeast along said highway to its intersection with U.S. Highway 15 and 401, then northeasterly along said highway to the point of beginning, excluding the cities of Bennettsville, McColl, and Tatum."

The imported fire ant generally infested area in Newberry County, South Carolina, previously described as "That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, thence northeasterly, easterly, and southerly along the Newberry County line to its intersection with U.S. Highway 76, thence northeast along said highway to the point of beginning.", is expanded and redescribed as "That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, then northeasterly, easterly, southerly, and westerly along the Newberry County line to its intersection with State Primary Highway 395, then northerly along said highway to its junction with State Secondary Highway 41, then northeasterly along said highway to its junction with U.S. Highway 76, then northwesterly along said highway to the point of beginning."

Based on recent surveys, inspectors have determined with respect to all of the areas added to the list of imported fire ant generally infested areas, that the imported fire ant has spread, or is likely to spread, to such areas. Therefore, as an emergency measure, it is necessary to designate such areas as imported fire ant generally infested areas and impose restrictions on the interstate movement of regulated articles from these areas in order to prevent the artificial spread of the imported fire ant.

Deletion of an Area From List of Regulated Areas

A portion of an area in Limestone County, Alabama, described as "S ½ T. 3 S. R. 4 and 5 W., T. 4. S. R. 4 W., and E ½ T. 4 S. R. 5 W." is deleted from the list of imported fire ant regulated areas. Based on treatments, with insecticides and subsequent negative surveys, it has been determined that the imported fire ant no longer occurs in this area. Accordingly, there is no basis to continue listing such area as a regulated area for the purpose of preventing the artificial spread of the imported fire ant. Therefore, as an emergency, it is necessary to delete this area from the list of regulated areas in order to delete unnecessary restrictions on the movement of imported fire ant regulated articles.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantines, Transportation, Imported fire ant.

PART 301—[AMENDED]

Accordingly, § 301.81–2a of the imported fire ant quarantine and regulations (7 CFR 301.81–2a) revises the

list of regulated areas in the States of Alabama, Georgia, Mississippi, and South Carolina to read as follows:

§ 301.81-2a Regulated areas; suppressive and generally infested areas.

* * * * *

Alabama

(1) *Generally infested areas.*

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. The entire county.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Cherokee County. That portion of the county lying south of the north line of T. 9 S.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Cleburne County. The entire county.
Coffee County. The entire county.
Colbert County. That portion of the county lying south of the north line of T. 4 S.; and T. 3 S., R. 13, 14, and 15 W.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Cullman County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
DeKalb County. T. 8 and 9 S., R. 5 E.; W. ½ T. 8 and 9 S., R. 6 E.; Secs 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, T. 9 S., R. 6 E., T. 8 and 9 S., R. 7 E.; T. 8 and 9 S., R. 8 E.; Secs. 26 and 35, T. 7 S., R. 7 E.; Secs 9, 10, 15 and 16, T. 7 S.; R. 8 E.
Elmore County. The entire county.
Escambia County. The entire county.
Etowah County. The entire county.
Fayette County. The entire county.
Franklin County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. That portion of the county lying south of the north line of T. 6 S.; E. ½ T. 3, 4 and 5 S., R. 7 W., T. 3, 4 and 5 S., R. 6 W.
Lee County. The entire county.
Limestone County. S. ½, T. 3 S., R. 6 W.; W. ½ T. 4 S., R. 5 W.; T. 4 S., R. 6 W.; T. 5 S., R. 4 W.
Lowndes County. The entire county.
Macon County. The entire county.
Madison County. T. 6 S., R. 2 and 3 E.; T. 5 S., R. 3 E.
Marengo County. The entire county.
Marion County. The entire county.
Marshall County. That portion of the county lying south of the north line of T. 8 S.; T. 7 S., R. 1, 2 and 3 E.; and T. 6 S., R. 2 E.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 and 5 W.; T. 6 S., R. 4 and 5 W.; and that portion of the county lying south of the north line of T. 7 S.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Randolph County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.
Winston County. The entire county.

(2) *Suppressive areas.* None.

* * * * *

Georgia

(1) *Generally infested areas.*

Appling County. The entire county.
Atkinson County. The entire county.
Bacon County. The entire county.
Baker County. The entire county.
Baldwin County. The entire county.
Barrow County. That portion of the county in Georgia Militia District 316 south of U.S. Highway 29, excluding the corporate city limits of Auburn and Carl.
Ben Hill County. The entire county.
Berrien County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Brooks County. The entire county.
Bryan County. The entire county.
Bulloch County. The entire county.
Burke County. The entire county.
Butts County. The entire county.
Calhoun County. The entire county.
Camden County. The entire county.
Candler County. The entire county.
Carroll County. The entire county.
Charlton County. The entire county.
Chatham County. The entire county.
Chattachoochee County. The entire county.
Cherokee County. That portion of the county lying within Georgia Militia District 817.
Clarke County. That portion of the county in Georgia Militia District 1467 outside the corporate limits of Athens.
Clay County. The entire county.
Clayton County. The entire county.
Clinch County. The entire county.
Cobb County. The entire county.
Coffee County. The entire county.
Colquitt County. The entire county.
Columbia County. The entire county.
Cook County. The entire county.
Coweta County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Douglas County. The entire county.
Early County. The entire county.
Echols County. The entire county.
Effingham County. The entire county.
Emanuel County. The entire county.
Evans County. The entire county.
Fayette County. The entire county.
Floyd County. That portion of the county lying within Georgia Militia Districts 829, 855, 1059, and 1453.
Forsyth County. That portion of the county lying within Georgia Militia Districts 879, 1276, and 795.
Fulton County. The entire county.
Glascock County. The entire county.
Glynn County. The entire county.
Grady County. The entire county.
Greene County. That portion of the county lying within Georgia Militia Districts 142, 143, 145, 160, 161, 162, and 163.
Gwinnett County. The entire county.
Hall County. That portion of the county lying within Georgia Militia Districts 413, 1270, and 1419.
Hancock County. The entire county.
Haralson County. The entire county.
Harris County. The entire county.
Heard County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. The entire county.
Jefferson County. The entire county.
Jenkins County. The entire county.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. The entire county.
Laurens County. The entire county.
Lee County. The entire county.
Liberty County. The entire county.
Lincoln County. That portion of the county lying within Georgia Militia District 184.
Long County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
McDuffie County. The entire county.
McIntosh County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Muscogee County. The entire county.
Newton County. The entire county.
Oconee County. The entire county.
Paulding County. That portion of the county lying within Georgia Militia Districts 942, 951, 839, and 1553.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Polk County. That portion of the county lying within Georgia Militia Districts 1075, 1079, 1223, 1469, and 1570.
Pulaski County. The entire county.
Putnam County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Richmond County. The entire county.
Rockdale County. The entire county.
Schley County. The entire county.
Screven County. The entire county.
Seminole County. The entire county.
Spalding County. The entire county.

Stewart County. The entire county.
Sumter County. The entire county.
Talbot County. The entire county.
Taliaferro County. The entire county.
Tattnall County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Tift County. The entire county.
Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Twiggs County. The entire county.
Upson County. The entire county.
Walton County. The entire county.
Ware County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkes County. That portion of the county lying within Georgia Militia Districts 174, 176, and 177.
Wilkinson County. The entire county.
Worth County. The entire county.
(2) *Suppressive areas.* None.

* * * * *

Mississippi

(1) *Generally infested areas.*
Adams County. The entire county.
Alcorn County. The entire county.
Amite County. The entire county.
Attala County. The entire county.
Benton County. That portion of the county lying south of the north line of T. 4 S.
Bolivar County. T. 20 N., R. 6, 7, and 8 W.; T. 21 N., R. 5, 6, and 7 W., and S. ½ T. 22 N., R. 6 W.
Carroll County. The entire county.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. The entire county.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Holmes County. The entire county.
Humphreys County. The entire county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lafayette County. That portion of the county lying south of the north line of T. 10 S., T. 9 S., R. 1, 2, and 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W., and S.E. ¼, T. 6 S., R. 3 W.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Leflore County. That portion of the county lying south of the north line of T. 19 N.; S. ½ of T. 20 N., R. 1 E.; and that portion of T. 20 and 21 N., R. 2 E. lying in the county.
Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Panola County. That portion of T. 10 S., R. 5 W. lying in the county and T. 10 S., R. 6 W.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Prentiss County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Sunflower County. That portion of the county lying south of the north line of T. 19 N. and T. 20 N., R. 5 W.
Tippah County. That portion of the county lying south of the north line of T. 3 S.
Tishomingo County. The entire county.
Union County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
Yalobusha County. The entire county.
Yazoo County. The entire county.
(2) *Suppressive areas.* None.

* * * * *

South Carolina

(1) *Generally infested areas.*
Aiken County. The entire county.
Allendale County. The entire county.
Bamberg County. The entire county.
Barnwell County. The entire county.
Beaufort County. The entire county.
Berkeley County. The entire county.
Calhoun County. The entire county.
Charleston County. The entire county.
Clarendon County. The entire county.
Colleton County. The entire county.
Darlington County. The entire county.
Dillon County. The entire county.
Dorchester County. The entire county.
Edgefield County. That portion of the county bounded by a line beginning at a point where State Primary Highway 23 intersects the Edgefield-McCormick County line, thence east along said highway to its intersection with State Secondary Highway 10, thence southeast along said highway to its junction with U.S. Highway 25, thence southeast along said highway to its junction with State Primary Highway 19, thence southeast along said highway to its intersection with Edgefield-Aiken County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its junction with the Edgefield-McCormick County line, thence north along said county line to the point of beginning.
Fairfield County. The entire county.
Florence County. The entire county.
Georgetown County. The entire county.
Hampton County. The entire county.
Horry County. The entire county.
Jasper County. The entire county.
Kershaw County. The entire county.
Lee County. The entire county.
Lexington County. The entire county.
Marion County. The entire county.
Marlboro County. That portion of the county bounded by a line beginning at the intersection of U.S. Highway 15 and 401 with the South Carolina-North Carolina State line, then southeast along said State line to its junction with the Marlboro-Dillon County line, then southwest along said county line to its junction with the Great Pee Dee River, then northwesterly along said river to a point due west from the junction of State Secondary Highway 209 and State Primary Highway 912, then due east along an imaginary line from said point to said junction, then northeast from said junction along State Primary Highway 912 to its junction with State Secondary Highway 33, then east along said highway to its intersection with State Primary Highway 9, then southeast along said highway to its intersection with the corporate limits of the city of Bennettsville, then southerly, westerly, and easterly along said city limits to its intersection with State Primary Highway 9, then southeast along said highway to its intersection with U.S. Highway 15 and 401, then northeasterly along said highway to the point of beginning, excluding the cities of Bennettsville, McColl, and Tatum.
McCormick County. That portion of the county bounded by a line beginning at the junction of State Secondary Highway 179 and the Clark Hill Reservoir, thence northeast along said highway to its junction with State Primary Highway 283 at Plum Branch, thence east along said highway to its intersection with the McCormick-Edgefield County line, thence southerly along said county line to its junction with the Savannah River, thence northwesterly along said river and Clark Hill Reservoir to the point of beginning.
Newberry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, then northeasterly, easterly, southerly, and westerly along the Newberry County line to its intersection with State Primary Highway 395, then northerly along said highway to its junction with State Secondary Highway 41, then northeasterly along said highway to its junction with U.S. Highway 76, then northwesterly along said highway to the point of beginning.
Orangeburg County. The entire county.
Richland County. The entire county.
Sumter County. The entire county.
Williamsburg County. The entire county.
(2) *Suppressive areas.* None.

* * * * *

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141; 7 CFR 301.81-2, 39 FR 21117)

Done at Washington, D.C., this 31st day of August 1983.

William F. Helms,

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

[FR Doc. 83-24300 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

7 CFR Parts 1865, 1944, 1945, and 1951

Analyzing Credit Needs and Graduation of Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises and redesignates its regulations pertaining to the analysis of credit needs and graduation of borrowers. The purpose of this revision is to define the District Director's responsibilities for analyzing the credit needs and graduation of Community Program and Multiple Housing borrowers. Also this revision reorganizes and renumbers the regulations to comply with an overall restructuring of FmHA regulations. The intended effect of this action is to meet the requirements for review of existing regulations and to reflect FmHA's field office reorganization.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: John H. Madding, Deputy Director, Community Facility Division, Room 6312, South Agriculture Building, Washington, DC 20250, telephone 202-382-1490.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated "non-major" because this revision would not increase the costs to borrowers since graduation was part of their agreement when loans were made. It is the Agency's intent to provide assistance to rural populations only until they are eligible for credit elsewhere.

All loan servicing actions described in this regulation will be conducted without regard to race, color, sex, marital status, national origin, age, physical or mental handicap. FmHA revises and redesignates its regulations on analyzing credit needs and graduation of borrowers from Part 1865 to Subpart F of Part 1951, Chapter XVIII, Title 7, Code of Federal Regulations.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

These regulations enable FmHA loans to be analyzed to determine credit needs and to be reviewed for graduation to other sources of credit. They prescribe the authorities, policies, and routines for analyzing and reviewing FmHA borrowers for graduation in addition to those referenced in other FmHA regulations.

This change will affect all of the listed Catalog of Federal Domestic Assistance FmHA programs.

Sec.
10.404 Emergency Loans.
10.405 Farm Labor Housing Loans and Grants.
10.406 Farm Operating Loans.
10.407 Farm Ownership Loans
10.408 Grazing Association Loans.
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans.
10.410 Low to Moderate Income Housing Loans.
10.413 Recreation Facility Loans.
10.415 Rural Rental Housing Loans.
10.416 Soil and Water Loans.
10.417 Very Low-Income Housing Repair Loans and Grants.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.421 Indian Tribes and Tribal Corporation Loans.
10.423 Community Facilities Loans.
10.428 Economic Emergency Loans.

Major Alternatives Considered

Leaving the regulations as they are presently written was considered. This was not done since it would not clearly define the responsibilities of FmHA personnel and did not address the requirements of graduation for all borrowers. Continuing with the existing regulations would not comply with the overall reorganization of FmHA's field offices. Also, a review is required by Executive Order 12291 and the regulations need to be renumbered to conform with present numbering system.

The proposed alternative was used since it enables FmHA to review loans in a more efficient, effective and uniform manner to analyze credit and graduation of borrowers. It also enables FmHA to comply with Executive Order 12291 requiring review of existing regulations.

Cost Impact

The administrative changes will require FmHA to more efficiently and effectively review its active loans for graduation to other credit sources. These actions will increase the cost to FmHA by requiring more time of FmHA personnel. However, the future costs to the Government, and ultimately, the public should decrease as account servicing costs are eliminated when borrowers graduate.

Discussion of Final Rule

A proposed rule was published in the **Federal Register** (47 FR 33) on January 4, 1982. That proposal provided for a 60-day comment period. The comment period ended March 5, 1982. In response to the notice of proposed rulemaking, comments were received from ten (10) individuals or groups. Three of the comments were received following the March 5, 1982, deadline. All comments were considered in the final rule.

The proposed rule has been rewritten and restructured to clarify and simplify the graduation process. The final rule contains no major policy shifts to the proposed rule.

The following is a discussion of the revisions made, comments received, and the FmHA's responses:

Section 1951.252 retitled *Definitions.* Definitions have been added to provide a uniform meaning.

Section 1951.253 renamed *Objectives.* This section has been revised to incorporate FmHA's position with respect to competition with private lenders.

Section 1951.254 previously reserved, now titled *Responsibility.* This section has been expanded to include the responsibilities of the County Committee in the graduation process.

Section 1951.255 previously reserved, now titled *Nondiscrimination.* The nondiscrimination statement was originally numbered § 1951.252(c).

Section 1951.261(a), *Reaching an understanding with applicants and borrowers,* has been expanded to ensure that the servicing official provides more complete information concerning graduation policies.

Section 1951.261(b), retitled *The graduation review period.* This section has been changed to: (1) Reflect a new date (October 1) for the National Finance Office to provide a graduation review list to county offices and (2) Reflect a decrease from 10 to 6 the number of years a Community Program

borrower will be indebted before being included on the graduation review list.

Section 1951.261(c), *Survey of the lender criteria and policies*, section 1951.261(d), *The initial screening*, and section 1951.261(e), *The thorough review*, have been added to clarify the steps to be taken by the servicing official in the selection of candidates for graduation.

Section 1951.261(f), *Trial referral*, has been added to provide for the optional use of a borrower's prospectus to reduce the impact of this subpart on borrowers, lenders, and servicing officials caused by referral for graduation in the absence of lender interest.

Section 1951.261(g), *Requesting the borrower to graduate*, has been revised to reflect the period of time a borrower has to produce evidence of ability or inability to graduate: 30 days for Farmer Program and Rural Housing borrowers and 90 days for group type borrowers.

Section 1951.262 retitled *Action when borrower fails to cooperate, respond and/or graduate*. This section has been revised to clarify the responsibilities of the borrower, the servicing official and the State Director with respect to graduation enforcement.

Section 1951.263 retitled *Application for subsequent loan, subordination, or consent to additional indebtedness from a borrower who has been requested to graduate*. This section has been rewritten to provide the servicing official a greater degree of control over requests of this nature.

Section 1951.264 previously reserved, now titled *Special requirements for Multiple Housing borrowers*. This section was previously numbered § 1951.263

Section 1951.265 previously reserved, now titled *Documents for Office of General Counsel (OGC) review*. This section has been added to provide the servicing official and the State Director a list of those documents needed by OGC for graduation review.

Section 1951.266 previously reserved, now titled *State supplements and guides*. This section has been added to allow the State Director to supplement this subpart to meet State and local laws, regulations, and practices.

Exhibit A, "Suggested Outline for Seeking Information from Lenders on Credit Criteria for Graduation of Agricultural Loans," and Exhibit B, "Suggested Outline for Seeking Information from Lenders on Credit Criteria for Graduation of Rural Housing Loans," have been added.

FmHA Guide Letters 1951–1, 1951–2, 1951–5, 1951–6, and 1951–7 have been added as guide letters for the servicing official's use in contacting borrowers who may be eligible for graduation and followup as appropriate.

FmHA Guide Letters 1951–3 and 1951–4 have been added as guide letters for the servicing official's use in providing borrower prospectus information to lenders.

One comment suggested that the word "reasonable" be changed to "prevailing". The law specifies the term reasonable be used to describe the rates, terms and conditions in the area. However, the word commercial has been incorporated into the definition of reasonable rates and terms to clarify the meaning.

One comment suggested clarifying the review of borrowers with RH loans only. The final rule contains language to this effect in § 1951.254 (c) and (d).

A general comment was made with regard to a more direct requirement for refinancing after a certain number of years. This approach would place a hardship on some borrowers and would not be in line with the overall mission of the Agency as a lender of supervised credit. If a good job is done at loan closing and on other supervisory opportunities, the present language will be sufficient.

A more direct letter was suggested in the place of FmHA Guide Letter 451–1. Although this guide letter has been revised and renumbered to 1951–5, this suggestion was not adopted because it lacks the compassion that is necessary by a lender of last resort.

For FmHA borrowers who have improved their financial positions, graduation to conventional credit when it becomes reasonably available is an integral part of all FmHA lending. After a borrower is requested to graduate, and the borrower finds other credit is not available at reasonable rates and terms, FmHA will continue with the borrowers until the next review period.

Our past experience, including a recent survey, indicates many bond buyers and commercial lenders like the graduation feature in FmHA lending. In joint funding situations, where the borrower can handle conventional credit terms and the commercial lender has had a good experience with the borrower, the lender has been willing to refinance the FmHA loan balance.

One comment received highlighted some problems that may be expected in connection with graduation of Community Program borrowers. However, the graduation provisions contained in the standard loan agreement is a statutory requirement of the Consolidated Farm and Rural Development Act, not an administrative requirement. Therefore, we must proceed toward graduation of those borrowers who are truly able to graduate.

List of Subjects on 7 CFR Part 1951

Loan programs—agriculture, Rural areas.

Therefore, FmHA amends Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1865—[REMOVED AND RESERVED]

1. Part 1865 is removed and reserved.

PART 1944—HOUSING

§ 1944.44 [Amended]

2. Section 1944.44 is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 456.1)" to "Subpart F of Part 1951 of this chapter."

§ 1944.200 [Amended]

3. Section 1944.200(a) is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 451.6)" to "Subpart F of Part 1951 of this chapter."

PART 1945—EMERGENCY

§ 1945.136 [Amended]

4. Section 1945.136 is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 451.6)" to "Subpart F of Part 1951 of this chapter."

§ 1945.168 [Amended]

5. Section 1945.168(d) is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 451.6, a copy of which is available in any FmHA County Office)" to "Subpart F of Part 1951 of this chapter."

PART 1951—SERVICING AND COLLECTIONS

§ 1951.25 [Amended]

6. Section 1951.25(b)(3) is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 451.6)" to "Subpart F of Part 1951 of this chapter."

7. Subpart F is added and reads as follows:

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

Sec.

1951.251 Purpose.
1951.252 Definitions.
1951.253 Objectives.
1951.254 Responsibility.
1951.255 Nondiscrimination.
1951.256–1951.260 [Reserved]

Sec.

1951.261 Graduation of FmHA borrowers to other sources of credit.
1951.262 Action when borrower fails to cooperate, respond and/or graduate.
1951.263 Application for subsequent loan, subordination, or consent to additional indebtedness from a borrower who has been requested to graduate.
1951.264 Special requirements for Multiple Housing borrowers.
1951.265 Documents for Office of General Counsel (OGC) review.
1951.266 State supplements and guides.
1951.267–1951.299 [Reserved]
1951.300 OMB control number.
Exibit A—Suggested outline for seeking information from lenders on credit criteria for graduation of agricultural loans
Exhibit B—Suggested outline for seeking information from lenders on credit criteria for graduation of single family housing loans

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

§ 1951.251 Purpose.

This subpart prescribes the policies to be followed when analyzing a borrower's needs for continued Farmers Home Administration (FmHA) supervision, further credit and graduation. All borrowers' loan account(s) will be reviewed for graduation in accordance with this Subpart, except Guaranteed, Watershed, and Resource Conservation and Development loans.

§ 1951.252 Definitions.

(a) *Graduation.* The payment in full of an FmHA loan before maturity by refinancing through other credit sources. This definition does not include those borrrowers indebted for only the current year's operating expenses or who sell out voluntarily or involuntarily and pay their loan(s) in full.

(b) *Reasonable rates and terms.* Those commercial rates and terms which borrowers are expected to meet when borrowing for similar purposes and similar periods of time. The "similar periods of time" of available commercial loans will be measured against, but need not be the same as, the remaining or original term of the FmHA loan.

(c) *Servicing official.* The District or County Office official responsible for the immediate servicing functions of the borrower.

(d) *Trial referral.* A program whereby lenders voluntarily participate in reviewing selected financial information supplied by servicing officials on FmHA borrowers who have been selected for graduation.

§ 1951.253 Objectives.

(a) The FmHA credit programs will be administered in a manner that will assure they do not supplant or compete with credit available to rural families and groups from other reliable credit sources.

(b) Borrowers should graduate to other credit on reasonable rates and terms when they are able to do so.

(c) If FmHA cannot accomplish graduation voluntarily, liquidation will be enforced when the following conditions exist:

(1) The borrower has both the legal capacity and financial ability to accept other credit.

(2) Other credit appears to be available from a cooperative or private credit source at reasonable rates and terms. In the case of Labor Housing (LH), Rural Rental Housing (RRH), and Rural Cooperative Housing (RCH) Programs, reasonable rates and terms must also permit the borrowers to continue providing housing for low and moderate income persons at rental rates tenants can afford considering the loss of any subsidy which will be cancelled when the FmHA loan is paid in full. The District Director will do a comparative analysis of rents and incomes of tenants living the FmHA project(s) eligible for graduation and conventionally financed projects of the local area.

(d) The FmHA has the legal ability to require borrowers to graduate. It must be recognized most, but not all, FmHA notes, security instruments and/or loan agreements contain clauses requiring a borrower to graduate when other credit can be obtained. The clause may say "upon reasonable terms and conditions," "on terms prevailing in the area for loans for similar periods of time and purpose," or "at reasonable rates and terms for loans for similar purposes and periods of time." These three provisions are all construed to mean the borrower agrees to and can be forced, through legal action if necessary, to graduate if it appears to FmHA that other credit can be obtained from another source at reasonable rates and terms.

§ 1951.254 Responsibility.

(a) The State Director is responsible for:

(1) Monitoring the orderly and timely review of the graduation process and to assure the provisions of this subpart are complied with in each State under his or her jurisdiction.

(2) Meeting with investment bankers, insurance and mortgage companies, District President of the Federal Intermediate Credit Bank, leaders of banks and organizations such as banking and savings and loan associations serving areas within the State to discuss the FmHA graduation policy. State Directors should also look for opportunities at State or area banking or savings and loan association meetings to convey the same messages.

(b) The District Director is responsible for:

(1) Monitoring the County Office graduation process for effectiveness and conformance to this Subpart.

(2) Graduation review and follow-up on all Community Program and Multiple Housing borrowers.

(3) Follow-up to ensure that County Supervisors meet with conventional lenders in the area.

(c) The County Supervisor is responsible for:

(1) Graduation review and follow-up action on all Farmer Program and rural Housing borrowers.

(2) Meeting with leaders from insurance and mortgage companies, banks, savings and loan associations, Federal Land Banks and Production Credit Associations as often as necessary to keep abreast of current lending activities and to discuss the FmHA graduation policy.

(d) The County Committee is responsible for assisting the County Supervisor in the review of only Farmer Program borrowers. However, an exception will occur when a borrower has both a farm loan and another type FmHA loan. In this case the County Committee will assist the County Supervisor in the simultaneous review of all FmHA loans for which the borrower is indebted.

§ 1951.255 Nondiscrimination.

All loan servicing actions described in this subpart will be conducted without regard to race, color, sex, marital status, national origin, age, or physical or mental handicap (borrower must possess the capacity to enter into a legal contract for services).

§ 1951.256–1951.260 [Reserved]

§ 1951.261 Graduation of FmHA borrowers to other sources of credit.

(a) *Reaching an understanding with applicants and borrowers.* (1) Prior to loan closing, the servicing official will thoroughly discuss the graduation requirements with the applicant and document the discussion in the runing case record or other form provided for this purpose. During the discussion, the applicant will be informed that:

(i) FmHA loans are a temporary source of credit; and that borrowers will be requested to refinance their loans with other lenders when such credit is available at reasonable rates and terms.

(ii) FmHA will expect them to comply with the FmHA graduation requirement.

as evidenced by the legally enforceable graduation clause contained in the FmHA note, security instrument and/or loan agreement.

(iii) The loan will be reviewed on a regular basis for graduation even though the loan has not matured.

(iv) A meeting may be requested by FmHA to discuss the graduation requirement; and that they will be required to provide specific types of financial information upon request.

(v) In certain cases, there are prepayment restrictions and/or other limiting conditions which must be considered in the graduation process.

(vi) Requests for an additional loan, subordination, or consent to additional indebtedness will not normally be approved until the graduation request is resolved. (See § 1951.263 of this Subpart).

(2) Periodically the servicing official will reemphasize the graduation requirement with borrowers during routine field visits and office contacts.

(3) The servicing official will review in detail the possibility of graduation during account servicing contacts.

(b) *The graduation review period.* (1) Graduation review lists will be prepared as follows:

(i) By October 1 of each year the Finance Office will furnish the County Office a list of active borrowers who are to be considered for graduation.

(A) The list will contain borrowers who have been indebted for at least 3 years for Emergency (EM) and Economic Emergency (EE) loans; 4 years for Operating Loans (OL); 6 years for Farm Ownership (FO); Soil and Water (SW), and Rural Housing (RH) loans.

(B) The County Supervisor will, upon receipt of the list:

(*1*) Identify RH borrowers that will, in accordance with § 1951.254(d), not require County Committee review action.

(*2*) Divide those RH borrowers identified in § 1951.261(b)(1)(i)(B)(*1*) of this section into four groups in such a manner that approximately one-fourth will be reviewed each quarter.

(ii) For Community Programs, the District Director, using Management System Cards and/or the Rural Community Facilities Tracking System (RCFTS) will prepare a list by June 1 of each year, indicating borrowers who have been indebted for at least 6 years.

(iii) By March 1 of each year the State Office will furnish each District Office a list of Multiple Family Housing (MFH) Program borrowers and MFH Program transferees who have assumed loans on new terms and who have been indebted for 15 years in the case of an unsubsidized project and 20 years in the case of a subsidized project. The State Office will compile the list using the Multi-Family Housing Information Status Tracking and Retrieval System (MISTR).

(iv) By October 1 of each year, the County Supervisor, using Management System Cards, will prepare a graduation review list indicating borrowers who have been indebted for at least 6 years under the Grazing, Irrigation and Drainage, Recreation (RL), and Indian Land Acquisition Loan Programs.

(2) The graduation review lists will be compiled on the basis of the year in which the initial loan or the transfer was closed. The graduation review lists compiled in odd numbered years will include the names of all borrowers whose loans were closed during odd numbered calendar years. The same procedure will apply to borrowers whose loans closed during even numbered calendar years. Once a borrower has appeared on the graduation review list, the borrower will automatically reappear on the list every 2 years. However, if the servicing official or County Committee has knowledge of any other borrower whose financial circumstances have changed sufficiently to warrant consideration, that borrower will also be included in the graduation review.

(3) The servicing official will manage the graduation of borrowers throughout the year to accomplish graduation prior to receiving a new graduation list. The State Director through the issuance of a State Supplement will establish program timetables. The National Office will establish reporting requirements to monitor the administration of this Subpart.

(c) *Survey of the lender criteria and policies.* In order for the graduation program to work effectively, both the servicing official and lender(s) must be briefed on each other's programs, lending criteria and policies. Periodically during the year, the servicing official will briefly explain the graduation process and solicit lender assistance in refinancing FmHA borrowers. Information gathered from these contacts will be summarized in narrative form for each FmHA program and placed with the graduation review list in the District or County Office operational file on other credit. (The servicing official, in lieu of writing a narrative for all programs, may use Exhibit A for Farmer Program loans and Exhibit B for Rural Housing loans.) For Community Program borrowers, the servicing official will request the assistance of the State Director pursuant to § 1942.2(a)(2)(i) of Supbart A of Part 1942. At a minimum, the narrative for each loan program will contain the following:

(1) Lenders' interest in refinancing FmHA borrowers.

(2) Lenders' rates, terms, fees, loan conditions and policies.

(3) The amount of estimated credit available to FmHA borrowers.

(4) Lenders' interest in screening borrowers under the trial referral provisions of § 1951.261(f) of this Subpart.

(d) *The initial screening.* Upon receipt of the graduation review list, the servicing official will screen the list for those borrowers who are clearly unable to graduate. This initial screening will focus upon information immediately available in the borrower's case file and in the operational file on other credit.

(1) The servicing official will eliminate those borrowers from the list who are:

(i) Under an approved liquidation plan,

(ii) In bankruptcy,

(iii) Currently under a moratorium (deferment),

(iv) Rural Housing borrowers on interest credit,

(v) Limited resources, or

(vi) Unable to meet the established minimum lending criteria and/or policies set forth pursuant to paragraph (c) of this section.

(2) It will not be necessary to review borrowers with a specified interest rate refinancing ceiling clause in their loan instruments, as long as credit at the specific interest rate is not available from other sources. It will also not be necessary to review borrowers who have notes, security instruments, or loan agreements which do not contain a graduation clause. However, the servicing official will encourage either type of borrower to graduate voluntarily.

(3) A borrower's ability to accept other credit may be limited by factors over which the borrower has little or no control, such as a referendum required by a public body borrower. However, the existence of such factors will not preclude FmHA from requesting a borrower to graduate nor the borrower from making a diligent effort to seek other credit should such a request be made. The prepayment restriction contained in Section 502(c)(1) of Title V of the Housing Act of 1949, as amended, for RRH, RCH, and LH loans and transfers approved on new terms after December 21, 1979, is a factor which must be considered. These prepayment restrictions are found in § 1944.176(c)(2) of Subpart D of Part 1944 for LH loans and § 1944.236(b)(4) of Subpart E of Part 1944 for RRH and RCH loans.

(4) The decision reached by the servicing official during the screening process will be briefly documented next to each borrower's name on the graduation review list. If the borrower is eliminated from further review due to an inability to meet the minimum lending criteria and/or established policies (see paragraph (d)(1)(vi) of this section), an explanation will be included in the borrower's case file.

(e) *The thorough review.* For those borrowers who are not eliminated from the graduation review list by the initial screening, the servicing official will conduct a thorough review of financial information already in the borrower's case file or request additional information. Borrowers, upon request by FmHA, are required to supply such financial information as is necessary to determine whether they are to graduate to other credit.

(1) For borrowers who are required to submit annual financial statements and for which a copy of the most recent fiscal year's statements are in the borrower's case file, the servicing official will review these statements in accordance with paragraph (e)(4) of this section.

(2) In cases where copies of the most recent fiscal year's financial statements are not in the borrower's case file, FmHA Guide Letter No. 1951–1, or a letter of similar format, will be used by the servicing official to request the borrower to provide such financial statements within 60 days for group type loans and 30 days for individual type loans. At a minimum, the financial statements requested from the borrower will be a balance sheet and a statement of income and expense. Otherwise, the financial statements will be those normally required of a particular borrower at the end of that borrower's fiscal year. For borrowers who are not required to furnish audited financial statements, the balance sheet and statement of income and expense may be of the borrower's own format if the borrower's financial situation is accurately reflected. The following FmHA forms may also be used:

(i) Farmer Program and Rural Housing: Form FmHA 431–2, "Farm and Home Plan;" Form FmHA 431–3, "Household Financial Statement and Budget;" and Form FmHA 431–4, "Business Analysis-Nonagricultural Enterprise," as appropriate.

(ii) Community Programs; Grazing, Irrigation and Drainage: Form FmHA 442–2, "Statement of Budget Income and Equity;" and Form FmHA 442–3, "Balance Sheet."

(iii) Multiple Family Housing: Form FmHA 1930–7, "Statement of Budget, Income and Expense (excluding depreciation);" and Form FmHA 1930–8, "Year End Report and Analysis for Fiscal Year Ending ——."

(3) FmHA Guide Letter No. 1951–2, or letter of similar format, will be used if the borrower fails to respond to the first request.

(4) The servicing official, with the assistance of the County Committee, when applicable, will conduct a thorough review of the borrower's financial and repayment position. The thorough review will eliminate those borrowers on the graduation review list who are unable to meet the established minimum lending criteria and/or policies. Additional factors to be considered during the thorough review will include:

(i) The borrower's present and potential income to meet the rates, terms, loan fees and conditions of other credit (i.e., dept repayment ability).

(ii) The borrower's liquid and nonessential assets.

(iii) The borrower's equity in real property (including consideration of any subsidy recapture) and personal property.

(iv) The borrower's repayment history.

(v) The impact graduation would have on typical user costs. User costs, rental rates, lease fees, or other charges, when borrowers rely on collection from these sources for debt repayment, should be reasonable for the area served.

(vi) The Federal, State or local statutory constraints, which may limit the borrower's ability to refinance, such as a referendum required of the public body.

(5) Those borrowers who will not be requested to graduate, as a result of the thorough reviews, will be so noted on the graduation review list and handled in the same manner as those borrowers eliminated during the initial screening process. (See paragraph (d)(4) of this section).

(6) When a borrower has been requested to provide financial information in accordance with FmHA Guide Letter No. 1951–1, or letter of similar format, and the subsequent review process (including the trial referrals) determines the borrower will not be requested to graduate, the borrower will be informed in writing that no further action will be considered this year. FmHA Guide Letter No. 1951–7 may be used for this purpose.

(7) The servicing official, following the thorough review, will prepare Form FmHA 1951–24, "Results of Borrower Graduation Review," listing only borrowers who will be requested to graduate. Separate Forms FmHA 1951–24 will be prepared by program area as follows:

(i) For Community Program and Multiple Family Housing borrowers, the servicing official will obtain the advice and written concurrence of the State Director prior to making the request for a borrower to graduate and prior to execution of the last page of Form FmHA 1951–24.

(ii) For all other programs, the servicing official, and when applicable, the County Committee, will execute the last page of Form FmHA 1951–24.

(f) *Trial referral.* The servicing official, prior to actually requesting a borrower to graduate as described in paragraph (g) of this section, may make a trial referral. This trial referral can be either verbal or written with individual lenders or by group method and could include all or part of those borrowers selected for graduation in accordance with paragraph (e)(7) of this section. Prospectus information will be obtained from the borrower's file and will be submitted to the lender using FmHA Guide Letter No. 1951–3 for Farm Program borrowers, FmHA Guide Letter No. 1951–4 for Rural Housing borrowers, or letters of similar format. Other data may be added if requested by lenders. The prospectus, however, will not include the borrower's name, social security number, exact address, place of employment, or other information that could be used by others to link a specific borrower to the information being provided. For those borrowers selected for a trial referral, a prospectus will be prepared and provided to each lender who chooses to participate, whose lending area would include the borrower's location and whose criteria the borrower appears to meet. Lenders, following receipt and review of a prospectus, will be encouraged to indicate their willingness to accept the borrower's application for further consideration. If one or more lenders does express interest in a particular borrower, the borrower will be provided the names of such lenders as possible sources of other credit when the servicing official requests the borrower to graduate. If the lenders participating in the trial referral represent the most likely sources of other credit in a given lending area, and if these lenders fail to show interest in a particular borrower, this is evidence that there is no credit available for that particular borrower and no further effort needs to be made to effect graduation at this time. This information will be noted next to the borrower's name on the graduation review list and the name will be

removed from Form FmHA 1951–24 by the servicing official.

(1) The lender's participation in the trial referral provision of this paragraph will be optional. Normally, the lender's interest will be determined at the time of the servicing official's survey of lender criteria and policies (see paragraph (c) of this section). If one or more lenders indicate a willingness to participate, the servicing official should use the trial referral provision if one or more of the following factors exists:

(i) When the servicing official is not sure that local lenders would be interested in a particular borrower due to such factors as low unpaid balance, location of the security within the lending area or other factors not made clear at the time of the servicing official's contact with the local lender.

(ii) When there is a substantial cost imposed by the lender on the FmHA borrower for filing a loan application.

(iii) When the servicing official has reason to believe borrowers will not actively seek, on a voluntary basis, refinancing credit from those lenders believed to be most willing to consider such credit.

(iv) When failure to employ this system would make it difficult or time consuming for the servicing official to identify potential willing lenders in the event the borrower refuses to voluntarily contact lenders.

(2) For identification purposes, each borrower's prospectus will be coded by the servicing official. The borrower's name and identification code will be maintained in the operational file by the name of the lender to which trial referrals were made.

(g) *Requesting the borrower to graduate.* Borrowers who are to be requested to graduate will be listed on Form FmHA 1951–24. In selecting borrowers who will be required to graduate, the servicing official will give full consideration to the financial strength, income capability, and debtor characteristics which appear to meet lender criteria.

(1) FmHA Guide Letter No. 1951–5, or a letter of similar format, will be used to request the borrower to graduate. The approximate date by which the borrower will provide evidence of the borrower's ability or inability to graduate will be shown on the management system card for appropriate follow-up action. That date, determined by the number of days following the date on which the FmHA Guide Letter No. 1951–5, or letter of similar format, is mailed to the borrower, will be as follows:

(i) 30 days for Farmer Program and Rural Housing borrowers.

(ii) 90 days for group type borrowers.

(iii) Additional time may be allowed, for example, when a borrower expects to receive income in the near future for the payment of FmHA account(s) which would substantially reduce the amount required for refinancing, or when a borrower is a public body and must issue bonds to accomplish graduation.

(2) In applying for other credit, FmHA Guide Letter No. 1951–5, or a letter of similar format, will inform the borrower to seek a loan only in the amount necessary to repay the unpaid balance of the FmHA debt.

(3) If a borrower is unable to graduate the loan in full, written evidence must be furnished to FmHA by the borrower, showing:

(i) The name(s) of other lender(s) contacted,

(ii) The amount of loan requested by the borrower and the amount, if any, offered by the lender(s),

(iii) The rates and terms offered by the lender(s) or the *specific reason(s)* why other credit is not available, and

(iv) The purpose of the loan request.

(4) The District Director with the advice of the State Director, or the County Supervisor in consultation with the County Committee, when applicable, will consider new information submitted by the borrower or obtained from other reliable sources following a graduation request. The servicing official must verify all information submitted by the borrower or obtained from other sources to determine the information's reliability and reevaluate the borrower's financial circumstances. If the information submitted is not adequate and/or reliable, the servicing official will contact other sources of credit in the area and document the findings in the borrower's case file. The difference in interest rates between FmHA and other lenders will not be sufficient reason for failure to graduate if that other credit is available at rates and terms which the borrower can reasonably be expected to pay. An exception is made where there is an interest rate ceiling imposed by Federal law or contained in the note or mortgage.

(5) Under certain circumstances, an appearance of a Farmer Program borrower before the FmHA County Committee may be advisable. For all other types of loans, the servicing official may offer to meet with the borrower.

(i) If additional information confirms the borrower will be unable to graduate, the servicing official will notify the borrower in writing that the request to graduate has been withdrawn. The specific reasons for withdrawing the request will be recorded on Form FmHA 1951–24, in the borrower's case file and noted briefly on the graduation review list.

(ii) If the additional information confirms the borrower can graduate, the servicing official will inform the borrower using FmHA Guide Letter No. 1951–6, or letter of similar format, that legal action will be recommended if positive steps to graduate are not taken in 15 days for individual loans and 60 days for group loans. However, a longer period may be granted by the servicing official if conditions warrant such action.

§ 1951.262 Action when borrower fails to cooperate, respond and/or graduate.

(a) When a borrower fails to:

(1) Provide information following receipt of both FmHA Guide Letters No. 1951–1 and 1951–2, or letters of similar format, such borrowers will not be asked to graduate. They are, at that point, in default of their security instruments, which require the borrower to comply with all future FmHA regulations not inconsistent with the security instruments. The servicing official will, based on the borrower's failure to supply information in accordance with § 1951.261(e) of this subpart, prepare the required documents recommending legal action and submit them together with the borrower's case file to the State Director with a written report outlining credit sources contacted by FmHA and the borrower, the reasons given by the borrower for failure to graduate, action taken by FmHA to verify the availability of credit, and the borrower's available financial resources along with any other data pertinent to the case. The State Director may, with the concurrence of the Regional Attorney, accelerate the account based on the borrower's failure to perform as required by this Subpart and the loan and security instruments.

(2) Apply for or accept other credit following receipt of both FmHA Guide Letters No. 1951–5 and 1951–6, or letters of similar format, such borrowers will not be given further notice to graduate but at that point are in default under the graduation requirement of their security instruments. The servicing official will prepare the required documents to recommend legal action and submit them to the State Director as outlined in paragraph (a)(1) of this section.

(b) The State Director will review those cases submitted to his or her office and determine what action must be taken on the basis of the FmHA notes, security instruments, and/or loan agreements signed by the borrower and

the facts and recommendations provided by the servicing official.

(1) If the State Director determines the borrower is unable to graduate, the graduation request may be withdrawn. The State Director will request the servicing official to notify the borrower and withdraw the graduation request in accordance wih §1951.261(g)(5)(i) of this subpart.

(2) If the State Director determines the borrower is able to graduate, the State Director will accelerate the borrower's account(s) in accordance with § 1955.15(d)(2)(ii) of Subpart A of Part 1955 of this chapter. If the borrower's account(s) are accelerated, the borrower will be given the right to appeal the decision in accordance with Subpart B of Part 1900 of this chapter. The advice of the Regional Attorney is required before accelerating the account.

§ 1951.263 Application for subsequent loan, subordination, or consent to additional indebtedness from a borrower who has been requested to graduate.

(a) Borrowers who have been requested to graduate in accordance with § 1951.261(g) of this subpart will not normally be considered for a subsequent loan, subordination, or consent to additional indebtedness until the graduation issue is resolved. An exception may be made where the proposed action is needed to alleviate an emergency situation, such as meeting applicable health and/or sanitary standards which require immediate attention.

(b) In situations where the borrower has been requested to graduate and has also been denied a request for a subsequent loan, subordination, or consent to additional indebtedness, appeal rights should be given simultaneously for both issues.

(c) When FmHA's graduation request has been upheld through the appeals process, any request for additional assistance under this section may be denied without further appeal rights.

§ 1951.264 Special requirements for Multiple Housing borrowers.

Upon graduation and acceptance of the full payment from a Multiple Housing borrower, the State Director will provide the National Office with a report as described in § 1965.90(d) of Subpart B of Part 1965 of this chapter.

§ 1951.265 Documents for Office of General Counsel (OGC) review.

When the State Director requests advice pertaining to a graduation request, the borrower's case file will be sent to the Regional Attorney and will include:

(a) Organizational documents;

(b) Debt instruments;

(c) Security instruments, including loan agreements and/or resolutions;

(d) Recent financial data;

(e) The servicing official's survey of lender criteria and policies;

(f) The servicing official's narrative outlining factors considered and specific reasons for making graduation request of the borrower;

(g) Copies of the letter requesting borrower to graduate and all subsequent correspondence between servicing official and borrower relative to the graduation request;

(h) Any other pertinent information, including copies of any Federal, State, or local statutory constraints which may impact on the borrower's ability to refinance.

§ 1951.266 State Supplements and guides.

State Directors may supplement this Subpart to meet State and local laws, regulations, and practices in accordance with FmHA Instruction 2006–B (available in any FmHA office).

§§ 1951.267–1951.299 [Reserved]

§ 1951.300 OMB control number.

Collections of information requirements contained in this Subpart have been approved by the Office of Management and Budget and have been assigned OMB control number 0575–0093.

Exhibit A—Suggested Outline for Seeking Information From Lenders on Credit Criteria for Graduation of Agricultural Loans

Agricultural Loans

Date: _____
Name of Lender: _____
Title: _____
Address: _____
Name of County Supervisor: _____
Service Area: _____

1. Is the lender interested in making additional agricultural loans to new borrowers in your FmHA service area for:

• Annual Operating Purposes—Yes: ——; No: ——.

• Intermediate term loans—(i.e. Machinery or Breeding Livestock)—Yes: ——; No: ——.

• Long Term—(i.e. Real Estate)—Yes: ——; No: ——.

• Is there any limitation on the amount of new Agriculture credit or number of new customers the lender will consider? Yes: ——; No: ——;
Explain: _____

2. What are the current interest rates, loan terms, loan fees, and approximate processing time for:

	Rates [1]	Terms	Loan fees	Processing time
a. Short term loans, (i.e. Operating Loans).				
b. Intermediate loans (i.e. Machinery & Livestock).				
c. Long term loans, (i.e. R.E. Gen. Farms).				
d. Long term loans, (i.e. R. E. Specialized farms).				

[1] Please indicate if rates are fixed (F) or Variable (V). If variable, how figured——————.

3. Is there a risk differential in establishing interest rate charges for new customers? Yes: ——; No: ——.
If yes, explain: _____

4. Is there a minimum or maximum loan size policy? Yes: ——; No: ——.
If yes, explain: _____

5. Is there any geographical restrictions or types of enterprises for which the lender will not make an operating or real estate loan? Yes: ——; No: ——.
If yes, explain: _____

6. Is there a minimum gross or net income to qualify as a farm or farm operator? Yes:—— No:——.
If yes explain: _____

7. What type and how many years records does the lender require on new and/or highly leveraged operators (i.e., balance sheets, P&L statements, tax returns, etc.)?——————

8. Will the lender make a low percentage "security" loan if cash flow is weak.
Yes: ——; No: ——.

9. What debt to equity ratio must be maintained before additional collateral or debt reduction is required? ——————

10. Will the lender make a loan that has a negative first year cash flow but shows positive cash flow by the second or third year when realistic "normal" prices are used or because of declining term debts? Yes: ——; No: ——.
Explain: _____

11. Will the lender make a "Full Budget" operating loan? Yes: ——; No: ——. Would the lender require all crop and/or livestock sales to be turned into the bank? Yes: ——; No: ——.
Explain: _____

12. What is the normal loan to market value of security (by type of collateral or enterprise)?
Cattle _____
General Farms _____
Machinery _____
Specialized Farms _____

13. What is the financial criteria and/or ratios the lender uses for a typical Agriculture borrower?

	Desired	Minimum
a Liquidity Measurement: Current assets/current liabilities		
b Financial Leverage: Total debt/total assets		
Total debt/net worth		
Minimum new worth		
Maximum debt/asset		

	Desired	Minimum
c Profitability Measurement:		
Net income/gross income		
Net income/net worth		
Total debt/gross sales		
Minimum cash flow margin		

14. For the purpose of reducing the number of inappropriate referrals, would the lender like the opportunity to review specific borrower financial information prior to the borrower being asked to file a formal application? Yes: —— No: ——. If the answer is yes, *only* those borrowers who are listed on Form FmHA 1951–24 will be referred to the lender. The lenders should be advised, however, the information supplied to them will not include the borrowers name, social security number, exact address, or place of employment that could be used to link specific borrowers to the information being provided by FmHA.

Exhibit B—Suggested Outline for Seeking Information From Lenders on Credit Criteria for Graduation of Rural Housing Loans

Date: ——
Name of Lender: ——
Title: ——
Address: ——
Name of County Supervisor: ——
Service Area: ——

1. Is the lender interested in making loans to refinance rural housing borrowers? Yes:——; No:——.
If later, when? ——

How much credit does the lender expect to have available in the next three to four months for making such loans? $——
In the next twelve (12) months?
$——

2. What are the loan terms? ——

3. What is the current interest rate?
—— ☐ Variable Rate. ☐ Fixed rate.
If variable, how is it determined?
——

4. Is a risk differential used in establishing interest rates charged for new customers? Yes: ——; No: ——.
If yes, explain: ——

5. What can a typical loan applicant be expected to pay for:

	Dollars	Or percent
a. Filing an application		
b. Real estate appraisal		
c. Credit report		
d. Loan orgination fee		
e. Loan closing costs		

6. Is mortgage guarantee insurance required? Yes: ——; No: ——. If yes, how many years? ——. Cost? ——.

7. Is there a minimum or maximum loan size policy? Yes: ——; No: ——.
If yes, explain: ——

8. Is there a minimum and maximum home value the lender will loan on? Yes: ——; No: ——. If yes, minimum: $——; maximum: $——.

9. Does the lender use a loan to market value ratio? ——

10. Is there a minimum net and gross income criteria? Yes: ——; No: ——. If yes, net: $——; gross: $——.

11. Does the lender use a minimum loan or home value to income ratio? Yes: ——; No: ——. If yes, loan to income ratio: —— Value to income ratio: ——

12. Is there a percentage of gross income a typical applicant should have available to pay housing costs? ——

a. To pay for principal, interest, taxes and insurance (PITI)? ——%.

b. To pay for the total housing costs and other credit obligations? ——%.

13. Are there any age of home, housing type, site size, and/or geographic restriction policies? Yes: ——; No: ——.
If yes, List: ——

14. Other Comments: ——

15. For the purpose of reducing the number of inappropriate referrals, would the lender like the opportunity to review specific borrower financial information prior to the borrower being asked to file a formal application? Yes: ——; No: ——. If the answer is yes, *only* those borrowers who are listed on Form FmHA 1951–24 will be referred to the bank. The lenders should be advised, however, the information supplied to them will include the borrower's name, social security number, exact address, or place of employment that could be used to link a specific borrower to the information being provided by FmHA.

§ 1951.307 [Amended]

8. Section 1951.307(a)(4) is amended by changing the reference from "Part 1865 of this chapter (FmHA Instruction 451.6)" to "Subpart F of Part 1951 of this chapter."

(7 U.S.C. 1989; 42 U.S.C. 1480; Title II of Pub. L. 95–334; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: June 21, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-24301 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 109 and 231

Employment Authorization; Arrival-Departure Manifests; Corrections

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This document makes editorial corrections to 8 CFR sections 109.1(c) and 231.1(a) without changing the substance of the affected paragraphs relating to the employment authorization in regulations.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: On November 13, 1981 at 46 FR 55920, the Service published a final rule clarifying the employment authorization in regulations. This document corrects a typographical error that occurred in § 109.1(c).

In the title of paragraph (a) of § 231.1, the preposition "of" is removed and the word "for" is substituted in its place to correct a final rule published on August 9, 1983 at 48 FR 36093 concerning certain manifest requirements for carriers transporting aliens.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the corrections in this order are merely editorial in nature.

This order is not a rule within the meaning of 5 U.S.C. 601(2) since it is merely a technical correction and the Regulatory Flexibility Act does not apply.

This rule is not a rule within the meaning of section 1(b) of EO 12291.

List of Subjects

8 CFR Part 109

Aliens, Employment.

8 CFR Part 231

Air carriers, Aliens, Crewmen, Inspections, Maritime carriers, Passenger vessels.

Accordingly, Chapter 1 of Title 8 of Code of Federal Regulations is corrected as follows:

PART 109—EMPLOYMENT AUTHORIZATION

§ 109.1 [Corrected]

1. Paragraph (c) is corrected by changing the word "basis" to read "basic" in the first sentence.

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 231.1 [Corrected]

2. The title of paragraph (a) is corrected by removing the word "of" and substituting "for" in its place.

* * * * *

(Secs. 103, 212, 231 and 245, Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1182, 1221 and 1255))

Dated: August 30, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-24277 Filed 9-2-83; 8:45 am]

BILLING CODE 4410-01-M

---

8 CFR Part 238

Contracts With Transportation Lines; Wardair Canada (1975) Ltd.; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This rule corrects the listing of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries by changing the name of Wardair Canada, Ltd. to Wardair Canada (1975) Ltd.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: On April 28, 1983 (48 FR 19157), 8 CFR 238.3(b) was amended by adding Wardair Canada Ltd. to the list of carriers which have entered into agreements with the Service to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The carrier's name was erroneously listed as Wardair Canada Ltd. instead of the correct name of Wardair Canada (1975) Ltd.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial correction to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, 8 CFR Part 238 is corrected as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Corrected]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is corrected by:

1. Changing the name of "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd".

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: August 30, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-24275 Filed 9-2-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-60-AD; Amdt. 39-4713]

British Aerospace BAC 1-11 200 and 400 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to BAC 1-11 airplanes which requires overhaul of the flap secondary drive shafts by extending the compliance time. The time extension is prompted by the lack of an adequate supply of replacement parts. In the interim, repetitive inspections will provide for an equivalent level of safe operation.

EFFECTIVE DATE: September 6, 1983.

ADDRESSES: The service bulletin specified in this airworthiness directive may be obtained upon request to British Aerospace, Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: After the FAA issued amendment 39-4616 to AD 77-17-10 (48 FR 15447; April 11, 1983) the British Aerospace Corporation informed an operator of BAC 1-11 200 series airplanes that it could not deliver the replacement parts required to accomplish the overhaul of the flap secondary drive shafts in accordance with the schedule specified in the amendment.

The manufacturer has proposed to the FAA that, pending the capability to deliver replacement parts in a timely manner, flap secondary drive shafts with time in service between 35,000 and 48,000 hours should be allowed to remain in service if inspected every 1000 hours before 38,000 hours total time in service, and every 600 hours thereafter. Upon consideration, the FAA has determined that these inspection intervals are sufficiently frequent to provide an equivalent level of safety until the required parts can be installed.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

For the foregoing reasons, the FAA has determined that it is necessary to revise amendment 39-4616 by extending the time before overhaul of the flap secondary drive shafts to a maximum of 48,000 hours total time in service, provided certain inspections are conducted at the repetitive intervals.

This amendment sets forth an alternate means of compliance, which provides operators of the affected aircraft with a means to avoid possible grounding of their aircraft due to a temporary shortage of replacement parts. Under these circumstances, notice and public procedure are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive (AD) 77-17-10 Amendment 39-3021 as amended by Amendment 39-4616, as follows:

A. Revise subparagraph (b)(2) to read as follows:

"For flap secondary drive shafts with 24,000 hours but less than 30,000 hours time in

service, at intervals not to exceed 2,400 hours time in service from the last inspection."

B. Revise paragraph (f) to read as follows:

"The overhaul of the flap secondary drive shafts and inspection of the adjacent shaft support bearings, required by paragraph (e) of this amendment, may be accomplished upon the accumulation of 48,000 hours total time in service if the inspection required by paragraph (a) of this amendment is accomplished as follows:

(1) For shafts that accumulated between 30,000 and 38,000 hours time in service, every 1,000 hours time in service from the last inspection.

(2) For shafts that accumulated between 38,000 and 48,000 hours time in service, every 600 hours time in service from the last inspection."

This amendment becomes effective September 6, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed in the preamble, the FAA has determined that this document involves an amendment that provides an alternate means of compliance and does not impose any additional burden on any person. Therefore, (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 25, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I further certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves few, if any, small entities.

Issued in Seattle, Washington on August 17, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-24264 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-67-AD; Amendment 39-4719]

Airworthiness Directives; DeHavilland DHC-6 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to DeHavilland DHC-6 (all series) airplanes which supersedes AD 71-01-01R2. It requires repetitive visual and dye penetrant inspections of all elevator tail plane outboard hinge assemblies for cracking, galling or enlargement of the hinge assembly bolt holes and correction of any unsatisfactory conditions found.

Since the issuance of AD 71-01-01R2, service reports of cracks and elongated bolt holes in the elevator outboard hinge assemblies have been received. This action will detect and assure correction of service deterioration of these hinge assemblies before failures occur which may result in loss of elevator control.

DATES: Effective date: September 9, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: DeHavilland Service Bulletin (S/B) No. 6/421 dated February 4, 1983, and (S/B) No. 6/228, Revision "B", dated December 11, 1981, applicable to this AD may be obtained from DeHavilland Aircraft of Canada Ltd., Donsview, Ontario, Canada M3K 1Y5. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Lester Lipsius, New York Aircraft Certification Office, ANE-172, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. (516) 791-6220; or Mr. Larry Werth, ACE-109, Foreign FAR 23 Section, FAA, Aircraft Certification Division, 601 East 12th Street, Kansas City, Missouri 64106, Telephone No. (816) 374-6932.

SUPPLEMENTARY INFORMATION: As a result of finding a single failure of a lug on a horizontal tailplane outboard hinge fitting found during a routine inspection of an airplane with more than 4000 hours in service, DeHavilland issued Service Bulletin (S/B) No. 6/228, dated December 9, 1969, requiring a special one-time inspection on all aircraft inservice at that time. The FAA found that the condition addressed by this Service Bulletin was an unairworthy condition likely to exist on airplanes certificated for operation in the United States and issued AD 71-01-01 which required compliance with the DeHavilland (S/B) No. 6/228.

Subsequently the AD was amended by Revision 1 (R1), Amendment 39-4265 (46 FR 56158, 56159) to limit effectivity to airplanes with serial number (S/N) 1 through 285, which were the airplanes in the field at the time of issue of DeHavilland (S/B) No. 6/228, Revision A, dated April 30, 1971, and because DeHavilland more thoroughly inspected the aircraft subsequent to S/N 285 on the production line as a substitute for the one-time special inspection in the (S/B). Subsequently, the 200 hour inservice repetitive inspection requirement was deleted by Revision 2 (R2) of AD 71-01-01, because there were no reports of service difficulties with the affected parts for 5 years previous to November 1981, the effective date of Revision 2, and because all DHC-6 airplanes are subject to part reinspection per DeHavilland DHC-6 Inspection Requirements Manual PSM 1-6-7, Chapter 55. Since November 1981, there have been several reports of service difficulties with the tailplane-elevator outboard hinge assemblies involving elongated bolt holes in the hinge fitting, a cracked lug on a hinge plate, and a cracked hinge arm. As a result DeHavilland Aircraft of Canada, Ltd., has issued Service Bulletin (S/B) No. 6/421 dated February 4, 1983, which institutes Modification No. 6/1799 affecting airplane S/N 811 and subsequent, prior to delivery, and authorizes this redesign hinge arm assembly as a replacement of unserviceable parts, together with 1200 hours inservice repetitive inspections. Transport Canada, who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Canada, has issued AD CF-83-11 dated May 6, 1983, which makes certain inspections and modifications recommended in DeHavilland Service Bulletins 6/421 and 6/228 mandatory on airplanes operated in Canada to assure the continued airworthiness of the affected airplanes. On airplanes operated under Canadian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of Transport Canada combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of DeHavilland S/B No. 6/228, Revision "B", dated December 11, 1981, and S/B No. 6/421, dated February 4, 1983, and the mandatory classification of these Service Bulletins by Transport Canada in Canadian AD CF-83-11 dated May 16, 1983. Based on the foregoing, the FAA has determined that the condition addressed by DeHavilland and Transport Canada is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD superseding AD 71-01-01R2 is being issued which requires repetitive inspection of the tailplane-elevator outboard hinge

assemblies, and provides for replacement of unserviceable parts with redesigned hinge arm assemblies on DeHavilland DHC-6 Series airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

DeHavilland DHC-6 Series: Applies to Model DeHavilland Aircraft of Canada, DHC-6 airplanes all series certificated in any category.

Compliance: Required as indicated.

To prevent hazards in flight associated with horizontal tail damage, accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished within the last 1150 hours time-in-service, and at intervals thereafter not to exceed 1200 hours time-in-service, perform the inspection procedure under "Accomplishment Instructions" in DeHavilland Service Bulletin (S/B) No. 6/421 dated February 4, 1983, or later approved revision or equivalent inspection, either of which must be approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

(b) Replace damaged parts before further flight, in accordance with S/B No. 6/421, with unused parts of the same part number or with equivalent parts approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

This AD supersedes AD 71-01-01, Amendment 39-1135, Amendment 39-1223, and Amendment 39-4265.

This amendment becomes effective on September 9, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

Issued in Kansas City, Missouri, on August 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-24298 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 82-NM-84-AD; Amdt. 39-4714]

McDonnell Douglas Model DC-8-70 Series Airplanes: Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On September 9, 1982, the FAA issued telegraphic airworthiness directive (AD) T82-19-51, effective upon receipt, to all known operators of CFM-56 powered McDonnell Douglas Model DC-8-70 series airplanes. This AD required a revision to the limitations section of the FAA approved Airplane Flight Manual (AFM) to preclude the inability to stow thrust reversers following in-flight inboard reverser deployment. This action was prompted by testing which revealed the potential for the DC-8-70 series thrust reverser emergency stow system to become inoperative if an incorrect procedure is used. This amendment publishes the telegraphic AD in the **Federal Register** to make it effective to all persons and also provides a modification which will allow removal of the above mentioned limitations.

DATE: Effective September 6, 1983. This AD was effective earlier to all recipients of telegraphic AD 82-19-51, dated September 9, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Stephen Kolb, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: On September 9, 1982, the FAA issued telegraphic AD T82-19-51 applicable to CFM-56 powered McDonnell Douglas Model DC-8-70 series airplanes requiring a revision to the limitations section of the FAA approved Airplane Flight Manual (AFM). This action was prompted by tests conducted by McDonnell Douglas which demonstrated that with a loss of main aircraft hydraulic supply to the thrust reverser and bleed down of the thrust reverser accumulator pressure, stowing of the thrust reversers after inflight deployment is ineffective if the thrust reverser lever(s) are placed in the forward idle position prior to activating the emergency stow switch. If the emergency system is activated with the thrust reverser lever in the forward idle position, subsequent placement of the handle into reverse will not make the emergency stow system effective. Additional testing confirmed that if the thrust reverser levers are left in the reverse range prior to activating the emergency stow system, the emergency system will function as intended and will stow the thrust reversers regardless of the main system supply pressure. Since existing procedures allow deployment of the inboard engine thrust reversers for normal or emergency descent, the problem described above presents the possibility that the crew could deploy the reversers inflight and then be unable to stow them. For this reason the limitations prescribed in this AD prohibit in-flight use of reverse thrust in the event of complete or partial hydraulic system failure. A procedure for stowing thrust reversers, if a hydraulic system failure should occur during in-flight thrust reverser operation, also is defined.

This AD differs from the telegraphic AD by changing the applicability to those airplanes with unmodified hydraulic control units (HCUs) installed in the inboard engine thrust reverser positions. This AD also indentifies a service bulletin defining the modification for affected HCUs by addition of new paragraph C.

Since this condition is likely to exist or develop on other airplanes of the

same type design, this AD requires a revision to the limitations section of the FAA approved AFM on those airplanes equipped with P/N C24466000 HCUs on the inboard thrust reversers.

Since a situation existed, and still exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to CFM-56 powered McDonnell Douglas Model DC-8-70 series airplanes with P/N C24466000 Thrust Reverser Hydraulic Control Units (HCUs) installed on inboard thrust reversers, certificated in all categories.

Compliance required as indicated unless previously accomplished:

A. Within seven (7) days after the effective date of this AD, revise the limitations section of the FAA approved Airplane Flight Manual (AFM) to specify the following:

1. For a complete or partial hydraulic system failure, in-flight use of reverse thrust is prohibited and inoperative reversers altitude limitations must be observed.

2. For a complete or partial hydraulic system failure during in-flight thrust reverser operation, the emergency stow system must be used to stow the reversers prior to positioning the reverse levers to the forward thrust position.

3. If the thrust reversers fail to stow normally in-flight, the affected reverser lever(s) must be returned to the reverse idle position prior to activating the emergency stow system.

4. Place the reverse levers in the forward thrust position after the thrust reversers have been stowed using the emergency stow system.

B. A copy of the AD inserted in the FAA approved Airplane Flight Manual is as an acceptable means of compliance with the required AFM revisions.

C. The limitations required under paragraph A., above, may be removed after replacement of the P/N C24466000 HCU on both inboard (#2 & #3) engine thrust reversers with P/N C24466000-/-2, P/N C24466001-2 or other units approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, has been completed on all aircraft in each operator's fleet.

Note.—P/N C24466000 HCU's can be modified to P/N C24466000-/-2 in accordance with CFMI Service Bulletin (CFM-56-2) 78-057 dated March 30, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angles Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). The documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective September 6, 1983, and was effective earlier to those recipients of telegraphic AD T82-19-51, dated September 9, 1982.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, or appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on August 17, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-24263 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-27]

Alteration of Transition Area and Designation of Control Zone; Camden, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area and designate a control zone at Camden, AR. The intended effort of the amendment is to provide controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to Harrell Field. This action is necessary since Sunbelt Airlines will be taking weather observations and providing two-way radio communications to the surface for all aircraft operating from the airport, and the airport will meet the requirement for the establishment of controlled airspace to the surface. In addition, a review of the 700-foot transition area revealed the extensions to the north and south need realignment.

EFFECTIVE DATE: November 24, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On July 5, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 30667) stating that the Federal Aviation Administration proposed to alter the Camden, AR, transition area and designate a control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory

Circular AC 70–3A dated January 3, 1983, are amended, effective 0901 GMT, November 24, 1983, as follows:

§ 71.171 [Amended]

Camden, AR New

Within a 5-mile radius of Harrell Field (latitude 33°37'15" N., longitude 92°45'45" W.); and within 2 miles each side of a 011° bearing from the airport extending from the 5-mile radius area to 8.5 miles north. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

Camden, AR Revised

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Harrell Field (latitude 33°37'15" N., longitude 92°45'45" W.); and within 3.5 miles each side of the El Dorado VORTAC 353° radial, extending from the 6.5-mile radius area to 13 miles north of the VORTAC; and within 3 miles each side of the 011° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles north of Harrell Field.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.61(c))

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. 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 Fort Worth, TX, on August 26, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-24285 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 83-AWA-9]

Alteration of Jet Route J-30, Minneapolis, MN, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects **Federal Register** Document 83–20409 that was published in the **Federal Register** on July 28, 1983 (48 FR 34250). An error was noted in the description of J–30. The jet route includes Nodine, MN, which was inadvertently deleted.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Boyd V. Archer, Airspace and Air Traffic Rules Branch (AAT–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 83–20409 was published in the **Federal Register** on July 28, 1983 (48 FR 34250), that amended the description of J–30 by deleting the jet route from Farmington, MN, via Nodine, MN; to Joliet, IL, which was in error. This action adds Nodine, MN, to the description.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

Adoption of the Correction

PART 75—[AMENDED]

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 83–20409, as published in the **Federal Register** on July 28, 1983 (48 FR 34250) is corrected as follows:

J–30 [Amended]

By deleting the words "Farmington, MN, via Nodine, MN; Joliet, IL," and substituting for them the words "Nodine, MN, via Joliet, IL;"

(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)); and 14 CFR 11.69)

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 29, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-24287 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7912]

Income Tax; Taxable Years Beginning After December 31, 1953; Permission To Discontinue Filing Consolidated Returns for Certain Affiliated Groups

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to an affiliated group that is composed of at least one life or mutual insurance company and one or more different companies. It primarily clarifies the time and manner for exercising and the effect of exercising an election to discontinue the filing of consolidated returns by such a group and also makes one other minor clarification.

DATES: The regulations are effective for the first taxable year for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Keith E. Stanley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3458; not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 1504(c)(2) of the Internal Revenue Code permits an affiliated group of corporations that is composed of one or more life or mutual insurance companies and one or more other companies to elect to make a consolidated return. Final regulations relating to section 1504(c)(2) were issued under the authority of sections 1502 and 7805 of the Internal Revenue Code and were published as T.D. 7877 in the **Federal Register** for March 18, 1983 (48 FR 11436). T.D. 7877 was filed on March 14, 1983 (see the **Federal Register** for March 25, 1983, 48 FR 12521) and is effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

Explanation of Provisions

T.D. 7877 amended the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code by adding a new § 1.1502–47. Section 1.1502–47(e)(4) permits a group that had elected to file consolidated returns under section 1504(c)(2) to elect to discontinue filing under section 1504(c)(2) for its first taxable year for which § 1.1502–47 is effective. The final regulations set forth in this document amend § 1.1502–47(e)(4) to clarify the time and manner for exercising and the effect of exercising the election to discontinue. These final regulations also make one other minor clarification by changing one sentence at § 1.1502–47(d)(12)(v)(A). Because these regulations merely clarify T.D. 7877, their effective date is the same as the effective date for T.D. 7877.

Time and Manner of Making an Election to Discontinue

Section 1.1502–47(e)(4), as set forth in T.D. 7877, indirectly provides guidance relating to the time and manner for making an election to discontinue the filing of consolidated returns filed pursuant to section 1504(c)(2). This guidance in effect is provided under § 1.1502–75(c)(3) which provides that an election to discontinue the filing of consolidated returns (made pursuant to § 1.1502–75(c)(2)(ii)) is made by the common parent filing a separate return on or before the due date (including extensions) for the filing of the consolidated return.

The general rule set forth in this document makes it clear that a common parent makes the election to discontinue by filing an appropriate separate or consolidated return. The time for making the election to discontinue is not changed in the general rule. Accordingly, the common parent must file an appropriate return on or before the due date (including extensions) for the filing of the consolidated return under section 1504(c)(2).

Once the common parent has properly made the election to discontinue, each of the other members of the group is required to file on or before the due date (with extensions) for that member's taxable year an appropriate separate or consolidated return.

Effect on Restoration Rules

The "restoration rules" are the rules under §§ 1.1502–13(f), 1.1502–14, 1.1502–18, and 1.1502–19 which provide that certain items of income, gain, or loss on transactions between members are taken into account when a group ceases to file a consolidated return or terminates or when a member leaves the group. This document clarifies the manner in which these restoration rules are applied in a situation in which the reason for their application is an election to discontinue.

Additional Rules

Additional rules are set forth in this document for two situations. For the first, an election under section 1504(c)(2) may be discontinued and, for the second, an election may be withdrawn. These two situations can arise only if a group under section 1504(c)(2) has filed before March 16, 1983, a return pursuant to section 1504(c)(2) for a taxable year ending in the month of December, 1982, and no extension of time was granted for filing that return.

For the first situation, the election under section 1504(c)(2) was made for a taxable year ending prior to December 1, 1982. Regulations prescribed in this document permit the common parent of such a group to elect to discontinue the section 1504(c)(2) election by filing an appropriate return before September 16, 1983. Other members of the group must then file the appropriate return or returns before September 16, 1983.

For the second situation, the election under section 1504(c)(2) was first made for the taxable year ending in the month of December, 1982. Regulations prescribed in this document permit that election to be withdrawn. The common parent elects this withdrawal by filing before September 16, 1983, any return that it could have filed had the section 1504(c)(2) election never been made. Other members of the group must then also file any return or returns that they could have filed had the section 1504(c)(2) election never been made. The making of the section 1504(c)(2) election, followed by its withdrawal, does not change the taxable year of any member from what it would have been had the section 1504(c)(2) election never been made.

Special treatment is accorded these two situations to prevent possible hardship arising from the fact that T.D. 7877 was filed at the **Federal Register** on March 14, 1983, and is effective for taxable years for which the due date (without extensions) for filing is after that date.

Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Treasury decision as it will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required. The collection of information requirements contained in this regulation has been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB.

Drafting Information

The principal author of this final regulation is Keith E. Stanley of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.1501–1 Through 1.1564–1

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the regulations

Accordingly, the following amendment is made to Part 1 of Title 26.

Section 1.1502–47 is amended as follows:

1. Paragraph (d)(12)(v)(A) is amended by removing the third sentence and adding instead the sentence set forth below.

2. Paragraph (e)(4) is revised to read as set forth below.

§ 1.1502–47 Consolidated returns by life-nonlife groups.

* * * * *

(d) *Definitions.* * * *

(12) *Eligible corporations*— * * *

(v) *Tacking rule.* * * *

(A) * * * Assets acquired in the ordinary course of business will be excluded from total assets only if they were acquired after the new corporation became a member of the group (determined without section 1504(b)(2)).

* * * * *

(e) *Election*— * * *

(4) *Permission to discontinue*—(i) *General rule.* A "section 1504(c)(2) group" with a common parent that has made the election to file a consolidated return under section 1504(c)(2) in a previous taxable year is granted permission to elect (under § 1.1502–75(c)(2)(ii)) to discontinue filing such a

consolidated return for that group's first taxable year for which the regulations under this section are effective. This election to discontinue shall be exercised in the time and manner prescribed in § 1.1502–75(c)(3), except that the group's common parent shall exercise this election to discontinue (and the other members of the section 1504(c)(2) group must comply with this election) by filing appropriate returns. For purposes of this paragraph (e)(4), an appropriate return is either a separate return or a consolidated return that is filed by newly exercising the privilege under § 1.1502–75(a)(1).

(ii) *Types of groups.* (A) A "section 1504(c)(2) group" is an affiliated group which files or filed a consolidated return pursuant to an election under section 1504(c)(2).

(B) A "limited group" is an affiliated group (determined without section 1504(c)(2)) having at least one member which was a member of a section 1504(c)(2) group on the date that the section 1504(c)(2) group elected to discontinue under paragraph (e)(4)(i) of this section.

(iii) *Effect on restoration rules.* If a group ceases to file a consolidated return or terminates or if a member leaves the group, certain items of income, gain, or loss on transactions between members are taken into account under §§ 1.1502–13(f), 1.1502–14, 1.1502.18, and 1.1502–19 ("restoration rules"). For purposes of applying these restoration rules solely by reason of an election under paragraph (e)(4)(i) or (e)(4)(v)(A) of this section to discontinue filing consolidated returns as a section 1504(c)(2) group, the following rules apply:

(A) The section 1504(c)(2) group shall not be considered to terminate and no member of that group shall be treated as ceasing to be a member.

(B) Members of that section 1504(c)(2) group that are included in the consolidated return of a limited group for the first taxable year for which the discontinuance is effective shall be considered to be filing a consolidated return as a continuation of the section 1504(c)(2) group. However, a corporation that is not a member of a particular limited group for that taxable year is considered to have a separate return year (and, for purposes of § 1.1502–19(b)(2)(vi), not to be a member of a group filing a consolidated return) with respect to that limited group's members.

(C) Section 1.1502–13 shall be applied without regard to paragraph (f)(1)(vii).

(iv) *Illustrations.* The following examples illustrate paragraph (e)(4)(i)–(iii) of this section. In these examples, L indicates a life company and another letter indicates a nonlife company. All corporations use the calendar year as the taxable year. For all taxable years involved, P owns all the stock of L_1 and of S, L_1 owns all the stock of L_2, L_2 owns all the stock of L_3, and S owns all the stock of L_4. For 1981, P makes the life-nonlife election of section 1504(c)(2) and L_4 is an eligible corporation. For 1982, P makes the election to discontinue filing consolidated returns under section 1504(c)(2) in accordance with the permission granted in this paragraph (e)(4).

Example (1). L_1, L_2, and L_3 were eligible members. For 1982, P and S may either file separate returns or may file, as a limited group, a consolidated return. Similarly, L_1, L_2, and L_3 may either file separate returns or may file a consolidated return as a limited group under section 1504(c)(1). L_4 must file a separate return.

Example (2). For 1981, L_1 was an ineligible member and L_1, L_2, and L_3 filed a consolidated return under section 1504(c)(1). For 1982, L_1, L_2, and L_3 must continue filing a consolidated return under Section 1504(c)(1).

Example (3). For 1981, L_1 was an eligible member and L_2 and L_3 were ineligible members. For 1982, L_1, L_2, and L_3 either must each file a separate return or must file a consolidated return as a limited group under section 1504(c)(1) having L_1 as a common parent.

Example (4). The facts are the same as in example (3). Assume further that for 1981, L_2 and L_3 file a consolidated return. During 1981, deferred intercompany transactions (see § 1.1502–13(a)(2)) occur in the life-nonlife group between P and L_1, between P and S, and between S and L_4 and occur in the ineligible life subgroup between L_2 and L_3. For 1982, the restoration rules of § 1.1502–13(f)(1)(iv), as modified by paragraph (e)(4)(iii)(B) of this section, will be applicable as indicated in the following table:

Deferred intercompany transactions between	§ 1.1502–13(f)(1)(iv)
P and L_1	Yes.
P and S, if they file:	
Separate returns	Yes.
A consolidated return	No.
S and L_4	Yes.
L_2 and L_3, if L_1, L_2, and L_3 file:	
Separate returns	Yes.
A consolidated return	No.

(v) *Additional rules.* (A) If a group with a taxable year ending in the month of December, 1982, had made the election under section 1504(c)(2) for a taxable year ending prior to December 1, 1982, and if that group meets the conditions of subdivision (vi) of this paragraph (e)(4), then the common parent may elect to discontinue filing a consolidated return for its taxable year ending in the month of December, 1982 (and other members of the section 1504(c)(2) group must comply with this election) by filing appropriate returns (see paragraph (e)(4)(i) of this section) before September 16, 1983.

(B) If a group made the election under section 1504(c)(2) for its taxable year ending in the month of December, 1982, and if that group meets the conditions of subdivision (vi) of this paragraph (e)(4), then the common parent may elect to withdraw the section 1504(c)(2) election (and all other members of the group determined without section 1504(b)(2) comply with the election) by filing before September 16, 1983, any returns for the appropriate taxable years that would have been filed had the section 1504(c)(2) election never been made.

(vi) A group referred to at subdivision (v) (A) or (B) of this paragraph (e)(4) meets the conditions of this subdivision (vi) if it—

(A) Filed before March 16, 1983, a return for its taxable year ending in the month of December, 1982, and

(B) Had not been granted an extension of time beyond March 15, 1983, for the filing of that return.

(vii) *Interest.* For purposes of section 6601(a), interest runs from the original due date (without extensions) for the filing of such returns as are filed pursuant to an election (to discontinue or withdraw as the case may be) under this paragraph (e)(4).

* * * * *

This Treasury decision merely makes clear that certain taxpayers are permitted to elect to discontinue filing consolidated returns and clarified the manner of making the election and the effect of the election. For this reason, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805). Approved by the Office of Management and Budget under control number 1545–0123.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 30, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-24426 Filed 9-1-83; 4:50 pm]

BILLING CODE 4830-01-M

26 CFR Part 48

[T.D. 7908]

Manufacturers Excise Taxes on Petroleum Products

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations which revise and update manufacturers excise taxes on petroleum products under sections 4081 through 4102 of the Internal Revenue Code of 1954. Changes to the applicable law made by the Highway Revenue Act of 1982 are reflected in this document. These regulations provide necessary guidance to the public for compliance with the law.

DATES: Except as otherwise provided in this document, the regulations are effective for sales of gasoline after December 31, 1954 and for sales of lubricating oil after December 31, 1965 and before January 7, 1983.

FOR FURTHER INFORMATION CONTACT: Ada S. Rousso of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T: 202-566-4336, not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1983, the Federal Register published proposed amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under sections 4081 through 4102 of the Internal Revenue Code of 1954 (48 FR 437). Subsequent to the publication of the proposed amendments, changes to the applicable law were made by the Highway Revenue Act of 1982 (96 Stat. 2181). Section 515 of the Highway Revenue Act repealed the tax on lubricating oil. These final regulations have been revised to reflect that change to the law. No public hearing was held because no one requested one. However, one comment was received which suggested two changes.

Summary of Comments

ASTM Octane Ceiling

Under the final regulations § 48.4082-1(b)(1) defines "gasoline" to include all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Not included is any product sold as a product other than gasoline and that has American Society for Testing Materials ("A.S.T.M") octane number of less than 75 as determined by the "motor method". The proposed regulations reflect an increase in the ASTM rating from 70 to 75. It was suggested by the commentator that the ASTM ceiling should be raised to 80 from 75. According to the American Society for Testing Materials, in the highest altitudes a product sold as gasoline with an ASTM rating of less than 80 may be used for motor fuel. Thus, to ensure that no product used as gasoline for motor fuel will be sold tax free, the final regulations do not reflect the suggested revision.

Certification Requirement for Pipeline Common Carriers

Section 48.4083-1(a) of the proposed regulations provides that pipeline common carriers may purchase gasoline tax free as producers if the gasoline is used exclusively to indemnify shippers for in transit losses of tax-free gasoline. The carrier must certify to the seller that the gasoline purchased tax free will be used as described in the preceding sentence.

The commentator suggested that this certification requirement is a burdensome one. However, since the certification is only required to be made once every three years and the Internal Revenue Service would not be able to police the tax-free sale without the certificates, no change has been made in the final regulations.

Summary of Issues Resolved in the Regulations

Nonlubricating Uses

The Code has never contained a provision expressly authorizing tax-free sales of oil for nonlubricating use although the regulations have provided for the tax-free sale of oil for nonlubricating use almost continuously since the excise tax on lubricating oil was first imposed by the Revenue Act of 1932. Section 48.4091-4 of the final regulations provides that the Commissioner may issue determinations that oil suitable for use as a lubricant is seldom used as a lubricant and thus may be sold tax free by its manufacturer.

Overpayments

Section 6416 lists specific instances in which payment of the manufacturers excise taxes will be considered an overpayment. In four situations not described in section 6416, a manufacturer who would not have been required to pay the tax had the purchaser given the manufacturer an exemption certificate before the due date of the manufacturer's return, may claim a credit or refund of the tax under section 6402, a general relief provision authorizing the Commissioner to credit or refund overpayments of any Internal Revenue tax. Although the credit or refund is allowed under section 6402 rather than section 6416, the regulations provide that the manufacturer must comply with the requirement of section 6416(a) which states that no credit or refund of any overpayment of the manufacturers excise tax will be allowed unless the manufacturer establishes that it has not passed the tax on to its purchaser. Nothing in section 6416(a) limits this requirement to overpayments of manufacturers excise tax described in section 6416. The four situations not described in section 6416 are dealt with in the following sections of the regulations: §§ 48.4083-1(c), 48.4091-3(a)(4), 48.4091-4(b)(3) and 48.4093-1(b).

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirement of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Office of Management and Budget (OMB) has assigned No. 1545-0725 to this regulation pursuant to the Paperwork Reduction Act of 1980.

Drafting Information

The principal author of this regulation is Ada S. Rousso of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matter of substance and style.

List of Subjects in 26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 48 is amended as follows:

PART 48—[AMENDED]

Paragraph 1. Sections 48.4081–1, 48.4082–1, 48.4083–1, 48.4083–2, 48.4084–1, 48.4091, 48.4091–1, 48.4091–2, 48.4091–3, 48.4091–4, 48.4091–5, 48.4091–6, 48.4092–1, 48.4093–1, 48.4101–1, and 48.4102–1, of the Manufacturers and Retailers Excise Tax Regulations are removed.

Par. 2. The following new § 48.4081–1 is added immediately after § 48.4973–4 to the Manufacturers and Retailers Excise Tax Regulations:

Gasoline

§ 48.081–1 Imposition and rates of tax.

(a) *In general.* Section 4081 imposes a tax on the sale of gasoline by its producer or importer, or by any producer of gasoline, whether or not the gasoline was produced by it. For the requirement that producers and importers of gasoline be registered, see section 4101 and § 48.4101–1. See section 4082(c) and paragraph (c) of § 48.4082–1 for certain uses of gasoline that are considered to be sales of gasoline.

(b) *Rate of tax.* Tax is imposed on the sale of gasoline at the rate applicable on the date on which the gasoline is sold. See section 4081 for the rate of tax.

(c) *Liability for tax.* The tax imposed by section 4081 is payable by the producer or importer making the sale of the gasoline.

Par. 3. The following new §§ 48.4082–1, 48.4083–1, 48.4083–2, 48.4084–1, 48.4091–0, 48.4091–1, 48.4091–2, 48.4091–3, 48.4091–4, 48.4091–5, 48.4092–1, 48.4093–1, 48.4101–1, and 48.4102–1 are added immediately after § 48.4081–2:

§ 48.4082–1 Definitions.

For purposes of the regulations in this subpart, unless otherwise expressly indicated:

(a) *Producer.* For purposes of the tax imposed by section 4081, the term "producer" includes an actual producer, a refiner, compounder, or blender, and a dealer selling gasoline exclusively to producers of gasoline. The term also includes a person who is a "wholesale distributor" as defined in paragraph (d) of this section. The term also includes a common carrier by pipeline subject to the Interstate Commerce Act that is engaged in transportation for hire of gasoline, but only with respect to gasoline acquired tax free by the carrier for use exclusively in indemnifying in kind (normally the shipper) for tax-free gasoline lost in transit through evaporation, leakage, spillage, theft, or casualty. Any other person to whom gasoline is sold tax free under this subpart is considered to be a "producer", but only with respect to gasoline acquired tax free. The mere blending or mixing by any person of gasoline to adapt it for seasonal use or to meet the requirements of particular vendees, or mere blending which is not a substantial part of the blender's regular year-round business, does not cause the person to be a producer.

(b) *Gasoline.* (1) The term "gasoline" includes all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. The term does not include any product that (i) is sold as a product other than gasoline, and (ii) has an American Society for Testing Materials ("A.S.T.M.") octane number of less than 75 as determined by the "motor method".

(c) *Use defined as sale*—(1) *In general.* When an importer or producer of gasoline uses gasoline purchased by it tax free, or gasoline it imported or produced (otherwise than in the production of gasoline or of special fuels referred to in section 4041), the use constitutes a sale of the gasoline by the producer or importer. The phrase "otherwise than in the production of gasoline or of special fuels referred to in section 4041" includes any use of gasoline by its producer or importer other than as component material in the manufacture or production of gasoline or special fuels. For circumstances under which gasoline may be used tax free as a material in the manufacture of any other article, see section 4218(a) and § 48.4218–1(b)(4).

(2) *Indemnification for gasoline lost in transit.* An indemnification in kind for gasoline lost in transit, made by a pipeline common carrier that is a producer for purposes described in paragraph (a)(1) of this section, is not considered to be a sale or use of gasoline for purposes of the tax imposed by section 4081.

(d) *Wholesale distributor*—(1) *In general.* The term "wholesale distributor" includes any person who—

(i) Holds one's self out to the public as being engaged in the trade or business of selling gasoline to producers of gasoline (including other wholesale distributors), to retailers of gasoline, or to users of gasoline who purchase in bulk quantities for delivery into bulk storage tanks;

(ii) Actually makes more than casual sales of gasoline to the producers, retailers, or users described in subdivision (i) of this subparagraph (1); and

(iii) Has elected to be treated as a producer of gasoline as provided in paragraph (d)(2) of this section.

(2) *Election.* The election to be treated as a producer is made by registering as a producer of gasoline in accordance with the provisions of section 4101 and the regulations thereunder. A wholesale distributor will be considered a producer of gasoline only with respect to gasoline sold by the distributor on and after the date on which the distributor is issued a Certificate of Registry (Form 637) as a producer of gasoline.

(3) *Persons otherwise qualifying as producers.* The term "wholesale distributor" does not include any person who is a producer or importer of gasoline without regard to paragraph (d)(1).

(4) *Gasoline on hand.* Since a wholesale distributor is considered a producer with respect to all gasoline sold by it on and after the date on which it qualifies as a producer of gasoline, the distributor may incur tax liability under section 4081 on the sale of gasoline which it has on hand at the time it so qualifies and on which tax under section 4081 has already been paid. Such a wholesale distributor is assumed to sell the gasoline which it has on hand before selling any gasoline which it purchases after qualifying as a producer of gasoline. However, the distributor may take a credit against the tax imposed under section 4081 on the sale of any such gasoline on hand in an amount equal to any tax which had been previously paid pursuant to section 4081 with respect to the sale of the gasoline.

(e) *Effective date.* In general, the regulations in this section are effective with respect to gasoline sold on or after December 31, 1954. However, the first sentence of paragraph (b)(1) of this section is effective only with respect to gasoline sold on or after July 1, 1965. In addition, the regulations in this section dealing with wholesale distributors are effective with respect to gasoline sold on or after January 1, 1960.

§ 48.4083–1 Exemptions; sales to producers of gasoline.

(a) *In general.* Gasoline may be sold tax free by a producer or importer of gasoline to other producers of gasoline, but only if:

(1) Both the seller and the purchaser are registered in accordance with the provisions of section 4101,

(2) The purchaser has notified the seller in writing which district director the purchaser is registered with and the certificate registry number, and

(3) In the case of sales to a pipeline common carrier—

(i) The carrier also certifies to the seller that the gasoline purchased tax free will be used exclusively to indemnify in kind losses of tax-free

gasoline by the common carrier in transit through evaporation, leakage, spillage, theft, or casualty, and

(ii) The carrier maintains for inspection by an Internal Revenue Service officer the records required under paragraph (b) of this section.

A single notification containing the information described in subparagraph (2) or (3) of this paragraph (a) may cover all sales by the seller to the purchaser made during a designated period not to exceed 12 successive calendar quarters.

(b) *Pipeline common carrier records.* Pipeline common carriers who qualify as producers of gasoline under the conditions described in paragraph (a) of § 48.4082–1 must, in addition to any other records required under section 6001 and the regulations thereunder, maintain for inspection the following information:

(1) *Records of purchases.* The records of each purchase shall include:

(i) Name and address of the seller,

(ii) Date of purchase and place of delivery of each lot purchased, and

(iii) Quantity and grade of each lot purchased.

(2) *Records of indemnifications.* The records of indemnifications shall include:

(i) Name and address of the person indemnified,

(ii) Date and place of indemnification with respect to each shipment,

(iii) Quantity and grade of each shipment,

(iv) Quantity and grade of gasoline lost through evaporation, leakage, spillage, theft, or casualty from each shipment that is indemnified in kind upon termination of the shipment,

(v) An explanation of the nature or type of the loss, and

(vi) The percent that the loss from each shipment represents to the total quantity of the shipment.

(c) *Seller not notified prior to filing of excise tax return.* If the written information required under paragraph (a) (2) and (3) of this section is not furnished to the seller before the seller files a return covering taxes due for the period during which the sale was made, the seller must include the tax on the sale in its return for that period. However, if the information is later obtained, a claim for refund or a credit of the tax under section 6402 may be filed. The seller filing the claim must comply with the provisions of section 6416(a) and § 48.6416(a)–1.

(d) *Seller relieved of liability.* See section 4221(c) and § 48.4221–1(b) for provisions under which the seller is relieved of liability for tax in respect of gasoline sold tax free under section 4083 when it accepts in good faith the evidence required of the purchaser in support of the tax-free sale. If, however, the seller has knowledge at the time of its sale that the purchaser is not registered pursuant to section 4101, the seller is not relieved, under the provisions of section 4083, from liability for the tax. For provisions under which the purchaser is considered to be producer of gasoline purchased tax free, see section 4082(a).

§ 48.4083–2 Other tax-free sales.

For provisions relating to other tax-free sales of gasoline, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture; and the regulations thereunder contained in Subpart H of this part.

§ 48.4084–1 Cross references; payments to ultimate purchasers of gasoline.

For provisions relating to payments that may be made to the ultimate purchaser of gasoline—

(a) Used on a farm for farming purposes, see section 6420 and § 48.6420(a)–1; or

(b) Used for certain nonhighway purpose, by local transit systems, or by certain taxicabs, see section 6421 and §§ 48.6421(a)–1 and 48.6421(b)–1 and section 6427(e).

Lubricating Oil

§ 48.4091–0 Internal Revenue Code references.

All references to sections of the Internal Revenue Code in §§ 48.4091–1 through 48.4102–1 are to the Code prior to revision by the Highway Revenue Act of 1982.

§ 48.4091–1 Tax on lubricating oil.

(a) *Imposition of tax.* Section 4091 imposes a tax on lubricating oil (other than cutting oil) sold in the United States by the manufacturer or producer of the oil. For definition of the term "cutting oil", see paragraph (b) of § 48.4092–1.

(b) *Rate of tax.* Tax is imposed upon lubricating oil sold on or after January 1, 1966, and before January 7, 1983, at the rate prescribed in section 4091. In the case of nonfluid lubricating oil sold by weight, 8 pounds to the gallon must be used as the basis for computing the tax.

(c) *Effective date.* The regulations in this section and in §§ 48.4091–2 through 48.4093–1 are effective with respect to lubricating oil sold on or after January 1, 1966, and before January 7, 1983.

§ 48.4091–2 Definitions.

(a) *Lubricating oil.* The term "lubricating oil" includes all oil regardless of origin, which:

(1) Is suitable for use as a lubricant, or

(2) Is sold for use as a lubricant.

The term does not include synthetic materials which possess lubricating properties and does not ordinarily include products of the type commonly known as grease. Oleaginous substances which are classed as grease and which contain oil are not subject to the tax when of a worked consistency of less than 390 penetration units or an unworked consistency of less than 360 penetration units by the method of test of the American Society for Testing and Materials D–217–68.

(b) *Manufacturer.* (1) For purposes of the tax imposed under section 4091, the term "manufacturer" includes:

(i) Any person who produces lubricating oil by any process of manufacturing, refining, or compounding, or any manipulation involving substantially more than mere mixing of taxable oils, and

(ii) Any person who produces lubricating oil by mixing taxable oils with other substances.

(2) For purposes of the tax imposed under section 4091, the term "manufacturer" does not include:

(i) Any person who merely blends or mixes two or more taxable oils,

(ii) Any person who merely cleans, renovates, or refines used or waste lubricating oil, or

(iii) Any person who merely blends or mixes one or more taxable oils with used or waste lubricating oil that has been cleaned, renovate, or refined.

Neither does the term "manufacturer" include an importer of lubricating oil, since section 4091 does not impose a tax on lubricating oil sold by the importer of the lubricating oil.

§ 48.4091–3 Sales of cutting oil.

(a) *Exemption certificates.* (1) Lubricating oil may be sold tax free by the manufacturer or producer for use, or for resale for use, in cutting and machining operations on metals if the manufacturer obtains a properly executed cutting oil certificate from its purchaser. The following form of certificiate is acceptable and must be adhered to in substance:

Cutting Oil Certificate

(For use by purchaser of lubricating oil, otherwise subject to tax under section 4091 of the Internal Revenue Code of 1954, as amended, for use by it in cutting and machining operations on metals or for resale for such use.)

(Date) ——————, 19——

The undersigned certifies that he/she or the (Name of purchaser if other than undersigned) ———— of which he/she is (Title) ————, is in the business of (State business and, except in case of a purchase for resale, article or articles manufactured) ———— and that the oil covered by the accompanying order or contract for purchase from (Name and address of vendor) ———— of oil produced by (Name and address of producer if other than vendor) ———— is purchased for the following—

Check one:

——— use as a lubricant in cutting and machining operations on metals: ————

——— resale for use as a lubricant in cutting and machining operations on metals.

The purchaser understands that it must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon its use of the oil for a lubricating purpose other than in cutting and machining operations on metals, or upon its sale or other disposition of the oil, prior to use in cutting and machining operations on metal, it is required to notify the manufacturer. The purchaser further understands that if any of the oil purchased tax free by use of this certificate is resold by it for use as a lubricant in cutting and machining operations on metals or for resale for such use, it must obtain a similar certificate from its vendee. In addition, the purchaser also understands that the above listed oils which are purchased tax free by use of this certificate do not qualify for the tax credit or payment under sections 39(a)(3) and 6424 of the Code.

The undersigned understands that he/she and all other parties who make fraudulent use of this certificate for the purpose of purchasing oil tax free instead of at the tax rate of 6 cents a gallon are subject to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

(Signature) ————

(Address) ————

(2) A manufacturer making a tax-free sale under a cutting oil certificate must use reasonable diligence to satisfy itself that the use of the certificate is warranted under this paragraph (a). If the manufacturer has knowledge at the time of its sale that the oil is not intended for use as specified in the certificate, the manufacturer is liable for the tax on the sale at the rate of 6 cents per gallon. If the manufacturer receives information establishing that oil sold tax free for use in cutting machining operations on metals has not been and will not be so used by the purchaser, or that oil sold to a purchaser tax free for resale for use in cutting and machining operations on metals has been resold for use otherwise, or has not been and will not be used by the ultimate purchaser in cutting and machining operations on metals, tax at the rate of 6 cents per gallon with respect to the sale by the manufacturer must be included in the manufacturer's return for the return period in which the information is received.

(3) Where only occasional sales of cutting oil are made to a purchaser, a separate cutting oil certificate must be furnished for each order. However, where sales of cutting oil are regularly or frequently made to a purchaser a certificate covering all orders for a specified period not to exceed 12 calendar quarters is acceptable. Such certificates and proper records of invoices, orders, etc., relative to cutting oil sales must be kept for inspection by the district director as provided in section 6001 of the Code.

(4) If the cutting oil certificate in respect of any sale to which this paragraph (2) applies is not obtained before the time the manufacturer files its return for the period during which the sale was made, the manufacturer must include tax on that sale in its return. If a certificate is later obtained, a claim for refund may be filed or a credit claimed under section 6402 for excess tax paid. The manufacturer filing the claim must comply with the requirements of section 6416(a) and § 48.6416(a)–1.

(b) *Containers of 5 gallons or less.* Lubricating oil may be sold tax free by the manufacturer or producer as cutting oil without the necessity of obtaining exemption certificates where—

(1) The manufacturer or producer packages the oil in containers of 5 gallons or less furnished by it and labeled by it to indicate use of the oil only in cutting and machining operations on metals;

(2) Any advertising of the oil so packaged and labeled indicates that the oil is for use only in cutting and machining operations on metals; and

(3) The oil so packaged and labeled is sold by the manufacturer or producer to a purchaser for such use by it or for resale by it for such use.

(c) *Oil unsuitable for lubricating use except in cutting and machining operations on metals.* No exemption certificate is required where the Commissioner has determined certain oil to be suitable for use as a lubricant only in cutting and machining operations on metals. Oils as to which the Commissioner has made such a determination may be sold tax free, whether in bulk or otherwise, unless the manufacturer has knowledge, before or at the time of the sale of such oil, that the oil is not being purchased for use, or for resale for use, in cutting and machining operations on metals. However, the Commissioner may require that the oil be specifically represented to the purchaser, whether by labeling or otherwise, as being suitable for use only in cutting and machining operations on metals.

§ 48.4091–4 Sale after December 31, 1965, and before January 7, 1983, of oil seldom used as a lubricant.

(a) *General rule.* The Commissioner may issue determinations that any oil that is suitable for use as a lubricant is seldom used as a lubricant. This determination is based on the specific use of the oil rather than on its physical characteristics. If the Commissioner makes such a determination, the sale by the manufacturer of the oil directly to a purchaser for the specific nonlubricating use under a name identifying it for such use, or for resale by it for the specific nonlubricating use under a name identifying it for such use, may be made tax free. Except as provided in paragraph (c) of this section, the manufacturer, in order to establish the right to sell lubricating oil tax free under this section, must obtain from the purchaser and retain in its possession a properly executed exemption certificate.

(b) *Exemption certificates*—(1) *Form of certificate.* The following form of certificate is acceptable and must be adhered to in substance:

Exemption Certificate

(For use by purchaser of lubricating oil, otherwise subject to tax under section 4091 of the Internal Revenue Code of 1954, as amended, which the Commission of Internal Revenue has determined to be seldom used as a lubricant, for use by the purchaser for nonlubricating purposes, or for resale for nonlubricating use.)

(Date) ————, 19——

The undersigned certifies that he/she, or the (Name of purchaser if other than undersigned) ———— of which he/she is (Title) ————, is in the business of (State business and, except in case of a purchase for resale, article or articles manufactured) ———— and that the oil covered by the accompanying order or contract for purchase from (Name and address of vendor) ———— of oil produced by (Name and address of producer if other than vendor) ———— is (Type or types of oil which the Commissioner has determined to be seldom used as a lubricant) ———— and is purchased for—

Check One:

——— The following nonlubricating purposes: ————

——— Resale for nonlubricating use (specify use or uses if known): ————

The purchaser understands that if any of the oil purchased tax free by use of this certificate is resold by it for nonlubricating use or for further resale for such use, it must obtain a similar certificate from its vendee. The purchaser further understands that it must be prepared to establish by satisfactory

evidence the actual use or disposition made of such oil, and that upon use of the oil for a lubricating purpose, or sale for a lubricating purpose, it is required to notify the vendor named above. The purchaser also understands that if its vendee notifies it that the oil covered by this certificate has been used for a lubricating purpose or sold for a lubricating purpose, it is required to so notify the vendor from whom it purchased the oil covered by this certificate. In addition, the purchaser understands that the above listed oils which are purchased tax free by use of this certificate do not qualify for the tax credit or refund under sections 39(a)(3) and 6424 of the Code.

The undersigned understands that he/she and all other parties who make fraudulent use of this certificate for the purpose of purchasing oil tax free are subject to a fine of not more than $10,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

(Signature) _____ _____
(Address) _____ _____

(2) *Period covered.* Where only occasional sales of an oil which the Commissioner has determined to be seldom used as a lubricant are made to a purchaser for nonlubricating use, a separate exemption certificate must be furnished for each order. However, where sales of such oil for nonlubricating use are regularly or frequently made to a purchaser, a certificate covering all orders for a specified period, not to exceed 12 calendar quarters, is acceptable. The certificates and proper records of invoices, orders, etc., relative to sales of lubricating oil under this section must be kept for inspection by the district director as provided in section 6001 of the Code.

(3) *Certificate not obtained prior to filing of manufacturer's excise tax return.* Except as provided in paragraph (c) of this section, if an exemption certificate in respect of any sale to which this section applies is not obtained before the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on the sale in its return for that period. If a certificate is later obtained the manufacturer will be entitled to file a claim for credit or refund of tax under section 6402. However, the manufacturer must comply with the requirements of section 6416(a) and § 48.6416(a)–1.

(4) *Duty of manufacturer to ascertain validity of certificate.* A manufacturer making a tax-free sale under a certificate for oil seldom used as a lubricant must use reasonable diligence to satisfy itself that the use of the certificate is warranted under paragraph (a) of this section. If the manufacturer has knowledge at the time of its sale that the oil is not intended for nonlubricating use, the manufacturer is liable for the tax on the sale at the rate imposed by section 4091 on each gallon. If the manufacturer receives information establishing that oil sold tax free for nonlubricating use has not been and will not be so used by the purchaser, or that oil sold to a purchaser tax free for resale for nonlubricating use has been resold for use otherwise, or has not been and will not be used by the ultimate purchaser in a nonlubricating use, tax at the rate imposed by section 4091 on each gallon with respect to the sale by the manufacturer must be included in the manufacturer's return for the period in which the information is received.

(c) *Oils determined before July 1, 1966, to be "seldom used a a lubricant".* The requirement of an exemption certificate is waived in respect of sales by the manufacturer of oils which, before July 1, 1966, the Commissioner determined to be seldom used as a lubricant but used almost exclusively for nonlubricating purposes.

(d) *Tax-paid oil used for nontaxable purpose.* If oil, with respect to which the manufacturer has paid tax under section 4091, is subsequently used in a qualified business use or in a qualified bus, the ultimate purchaser of the oil may file a claim for refund under section 6424, or for credit under section 39(a)(3), as applicable.

§ 48.4091–5 Other tax-free sales.

For provisions relating to tax-free sales of lubricating oils (including cutting oil), see:

(a) Section 4093, relating to exemption of sales to producers;

(b) Section 4221, relating to certain tax-free sales;

(c) Section 4222, relating to registration; and

(d) Section 4223, relating to special rules with respect to sales for further manufacturer, and the regulations thereunder.

§ 48.4092–1 Definitions.

(a) *Certain vendees considered as manufacturers.* Any person who purchases lubricating oil free of tax under section 4093(a) (see § 48.4093–1) is considered to be the manufacturer of the lubricating oil so purchased.

(b) *Definition of cutting oil.* The term "cutting oil" includes all lubricating oil which is sold for use in cutting and machining operations on metals. The term does not include any oil which is sold for use in cutting and machining operations on plastics or any other substance which is not a metal. The term "cutting and machining operations" includes, but is not limited to, forging, drawing, rolling, shearing, punching, and stamping.

§ 48.4093–1 Tax-free sales to manufacturers for resale.

(a) *In general.* No tax attaches to the sale of lubricating oil by the manufacturer direct to another manufacturer of lubricating oil for resale by it, if:

(1) Both the purchasing manufacturer and the selling manufacturer are registered as manufacturers of lubricating oil in accordance with the provisions of § 48.4101–1, and

(2) The purchasing manufacturer notifies the selling manufacturer in writing that:

(i) The lubricating oil to be purchased by it in the period beginning _____, and ending _____ (such period not to exceed 12 calendar quarters) is purchased for resale by it, unless otherwise indicated, and it is registered with the District Director at _____ under Certificate of Registry No. _____.

It is immaterial for purposes of this section whether the lubricating oil is to be resold for general lubricating use, for lubricating use in cutting and machining operations on metals, or for nonlubricating use. See § 48.4092–1 for liability of the purchasing manufacturer.

(b) *Selling manufacturer not notified prior to filing of excise tax return.* If the written information required under paragraph (a)(2) of this section is not furnished to the selling manufacturer before the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on the sale in its return for that period. However, if the information is later obtained, a claim for refund of the tax paid on the sale may be filed, or a credit may be claimed, under section 6402. The manufacturer filing the claim must comply with the provisions of section 6416(a) and § 48.6416(a)–1.

(c) *Selling manufacturer relieved of liability.* See section 4221(c) and § 48.4221–1(b) for provisions under which the selling manufacturer is relieved of liability for the tax in respect of oil sold tax free under section 4093 where it accepts in good faith the evidence required of the purchasing manufacturer in support of the tax-free sale. If, however, the selling manufacturer has knowledge at the time of its sale that the lubricating oil sold by it is not intended for resale as indicated by the purchaser, or that the purchaser is not a registered manufacturer of lubricating oil, the selling manufacturer is not relieved under the provisions of section 4093 of liability for the tax. For provisions under which the purchasing manufacturer is considered to be the

manufacturer of lubricating oil purchased tax free for resale by it, see § 48.4092–1.

Special Provisions Applicable to Petroleum Products

§ 48.4101–1 Registration.

(a) *Requirement*—(1) *In general.* Except to the extent otherwise provided in paragraph (a)(2) of this section, every producer or importer of gasoline (see section 4082 and the regulations thereunder) and every manufacturer of lubricating oil (see § 48.4091–2(b)) must, before incurring any liability for tax with respect to such articles under section 4081 or 4091, as the case may be, make application for registry in accordance with the provisions of paragraph (b) of this section. Upon approval of the application, the applicant will be furnished a Certificate of Registry bearing its registration number. Such certificate may not be transferred from one person to another. For the civil penalty imposed for failure to register, see section 7272. For provisions relating to the criminal penalties imposed for failure to register as required by section 4101, for false representation as a person so registered, or for willfully making any false statement in an application for registry under such section, see section 7232.

(2) *Exception for prior registration or applicatons.* In any case in which a producer or importer of gasoline, or a manufacturer of lubricating oil, has made application for registry under corresponding provisions of prior regulations, or holds a Certificate of Registry in effect under the prior regulations, the person is not required to make application for registry under this section, unless the district director furnishes the person with written notification that an application is required. In that event, the application of registry must be made at the time, in the form, and in the manner prescribed in written notification.

(b) *Application for registry.* The application for registry required under paragraph (a) of this section must be prepared on Form 637 in accordance with the instructions and applicable regulations. The application shall include a statement as to whether the applicant is a refiner, compounder, blender, actual producer, or pipeline common carrier of gasoline; whether it is a dealer selling exclusively to producers of gasoline; whether it is a wholesale distributor of gasoline; and whether it is a manufacturer of lubricating oil. In addition, the application shall include a statement setting forth in detail:

(1) A description of the equipment and facilities, if any, maintained for the production of gasoline or lubricating oil, as the case may be,

(2) A description of the equipment and methods actually employed in such production,

(3) The ingredients or materials utilized,

(4) In the case of a refiner, compounder, blender, or actual producer of gasoline, the percentage which its sales, if any, of gasoline produced by it is expected to bear to its total sales of gasoline,

(5) In the case of a wholesale distributor of gasoline, a description of the storage facilities maintained by the distributor and the percentage which its bulk sales of gasoline is expected to bear to its total sale of gasoline,

(6) In the case of a pipeline common carrier of gasoline for the purposes described in § 48.4082–1(a), a description of the pipeline equipment, terminal points, and storage facilities, and

(7) In the case of a manufacturer of lubricating oil, the percentage which its sales of lubricating oil produced by it is expected to bear to its total sales of lubricating oil.

The application for registry on Form 637 required under paragraph (a) of this section must be signed by the individual if the applicant is an individual; the president, vice president, or other principal officer, if the applicant is a corporation; a responsible and duly authorized member or officer having knowledge of its affairs, if the applicant is a partnership or other unincorporated organization; or the fiduciary, if the applicant is a trust or estate. The application on Form 637 shall be filed with the district director for the district in which the applicant has his or her principal office or place of business. Copies of Form 637 may be obtained from any district director.

(c) *Effective date.* The regulations in this section are effective with respect to gasoline sold on or after July 1, 1965, and with respect to lubricating oil sold on or after July 1, 1965 and before January 7, 1983.

§ 48.4102–1 Inspection of records by State or local tax officers.

(a) *Inspection of records maintained by taxpayer* The records which a producer or importer of gasoline or a manufacturer of lubricating oil is required to keep pursuant to section 6001 and the regulations thereunder must be open to inspection by any officer of any State or political subdivision thereof, or of the District of Columbia, who is charged with the enforcement or collection of any tax on gasoline or lubricating oil.

(b) *Inspection of records maintained by Internal Revenue Service*—(1) *In general.* The records maintained by the Internal Revenue Service with respect to the taxes imposed by sections 4081 and 4091 on the sale or use of gasoline or lubricating oil, respectively, shall, upon the request of an officer (described in paragraph (b)(2) of this section) of a State or political subdivision thereof, or of the District of Columbia, be open to inspection by the officer for purposes of collection or enforcement.

(2) *Requests for inspection.* Requests for inspection under this paragraph shall be made in writing, signed by any officer of a State, political subdivision, or the District of Columbia, who is charged with the enforcement or collection of any tax on gasoline or lubricating oil imposed by the State, political subdivision, or the District of Columbia, and shall be addressed to the director of the Internal Revenue Service Center having custody of the records which it is desired to inspect. Each such request shall state (i) the kind of records (whether pertaining to gasoline or lubricating oil) it is desired to inspect, (ii) the period or periods covered by the records involved, (iii) the name of the officer by whom the inspection is to be made, (iv) the name of the representative of the officer who has been designated to make the inspection, (v) by specific reference, the law of the State, political subdivision, or the District of Columbia imposing the tax which the officer is charged with collecting or enforcing, and the law under which the officer is so charged, and (vi) the purpose for which the inspection is to be made. The service center director will notify the person making the request upon approval or disapproval of the request.

(3) *Time and place for inspection.* In any case where a request for inspection under this paragraph (b) is approved, the inspection shall be made in the office of the service center director having custody of the records which it is desired to inspect, but only in the presence of an internal revenue officer or employee and during the regular hours of business of the office.

Par. 4. There is added after § 48.6675–1 the following new section.

§ 48.9000–0 Paperwork Reduction Act.

The regulations in this part (to the extent required) have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3507). Regulations §§ 48.4081–1, 48.4082–1, 48.4083–1 and

-2, 48.4084-1, 48.9091-0 through -5, 48.4092-1, 48.4093-1, 48.4101-1 and 48.4102-1 were assigned by OMB the Control number 1545-0725.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: August 15, 1983.

Ronald A. Pearlman,
Acting Assistant Secretary of the Treasury.

[FR Doc. 83-24318 Filed 9-2-83; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Pennsylvania Permanent Program

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

ACTION: Final rule.

SUMMARY: This document imposes a new condition on the Secretary of the Interior's approval of the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The new condition relates to the hearings provision for bond release in the Pennsylvania program.

Following notification to the State that a State program amendment was required to meet the requirements of SMCRA and the Federal regulations, receipt of the State's agreement to submit an amendment, and review of the public comments in response to the proposed condition, the Secretary is imposing a new condition on his approval of the Pennsylvania program.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101; Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION: On January 25, 1982, Pennsylvania resubmitted its proposed regulatory program to OSM. On July 30, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of ten minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the July 30, 1982 **Federal Register** (47 FR 33050-33080).

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 Pennsylvania program can be found in the July 30, 1982 Federal Register notice (47 FR 33050-33080).

Background

Section 509(a) of SMCRA provides that the permittee file a performance bond with the regulatory authority before a surface coal mining and reclamation permit is issued. The permittee may file a request for release of all or part of the performance bond as specified in section 519 of SMCRA. Section 519(f) further provides that a hearing, if requested, be held within 30 days of the request for the hearing.

Similarly, the Federal regulations published July 19, 1983, at 30 CFR 800.40(f) require the regulatory authority to hold the informal conference or hearing within 30 days of the receipt of the request for review and that the hearing decision be made within 30 days of the hearing or informal conference pursuant to 30 CFR 800.40(b)(2).

The United States District Court for the Middle District of Pennsylvania in *Pennsylvania Coal Mining Assoc.* v. *Watt*, Civil No. 82-1129, April 20, 1983, remanded to the Secretary the corresponding provision in the Pennsylvania program concerning the timing of the bond release hearing and the decision. The District Court decided that Pennsylvania's program concerning the timing of the bond release provisions was not consistent with SMCRA and the Federal regulations in that the Pennsylvania program does not provide when or how soon the hearing must be held after it is requested and does not require a decision to be announced until 60 days after the hearing. The District Court remanded this provision to the Secretary with instructions to rectify this matter.

Pursuant to 30 CFR 732.17(e), the Secretary notified Pennsylvania by a letter dated June 7, 1983, that a State program amendment was required because conditions or events indicated that the approved State program no longer met the requirements of SMCRA and the Federal regulations. The letter notified Pennsylvania, pursuant to 30 CFR 732.17(f)(1), that it must submit to the Secretary within 60 days of receipt of notification, either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established administrative or legislative procedures. OSM also noted that the Secretary would propose adding a new condition to the Pennsylvania program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 807.11(e)(2), (f)(2) and (h)(ii). Since that time, OMS's bonding rules have been amended. No substantive change was made to these segments but these provisions are now contained in 30 CFR 800.40(b)(2) and (f) as published in the **Federal Register** dated July 19, 1983. The proposed rule announcing intent to impose a new condition and requesting public comment was published June 13, 1983 (48 FR 27102).

On July 27, 1983, Pennsylvania responded to OSM's June 7, 1983, letter. The State's letter indicated that it would propose to amend the Pennsylvania program by revising PA 86.171 to require that the informal conference for bond release be held within thirty (30) days of the date of receipt of such request.

PA 86.171(f)(3) requires the decision to be rendered within 30 days after such an informal conference. The proposed amendment, coupled with the existing regulation, provides a timely bond release process and addresses the District Court's concern that the informal conference be held and the decision rendered within a total of 60 days consistent with Federal standards.

Public Comment

The Pennsylvania Coal Mining Association commented that the State should (1) implement bond release procedures consistent with SMCRA by a policy directive no later than September 1, 1983; and 2) promulgate regulations that include bond release procedures no less effective than 30 CFR 807.11(e)(2), (f)(2) and (h)(ii) no later than December 31, 1983.

In its letter dated July 27, 1983, Pennsylvania indicated it would resolve the issue remanded by the District Court to Secretary Watt by (1) promulgating adequate regulations by August 1, 1984; and (2) conducting an evaluation to determine by December 1, 1983, if a policy statement could be used in the interim to implement adequate bond release procedures.

The State explained that because of the Regulatory Review Act which took effect on March 1, 1983, proposed regulations must be submitted to both houses of the Pennsylvania General

Assembly and an Independent Regulatory Review Commission prior to adoption. Proposed regulations can be disapproved by either the General Assembly or the Commission. Since the bond release provisions require a regulatory change, it would be highly unlikely that the State would be able to meet a deadline before August 1, 1984.

In the interim, the State has agreed to conduct bond release hearings or informal conferences and render the associated decisions in a manner consistent with the District Court's decision and Federal standards.

Additionally, Pennsylvania will examine the feasibility of implementing such bond release procedures by a policy statement and if it determines a policy statement can be used to implement such bond release provisions, the policy statement will be submitted to OSM for formal review.

Secretary's Decision

Accordingly, the Secretary has determined to impose a new condition, (k), on his approval of the Pennsylvania program. The Secretary will take appropriate steps under 30 CFR Part 733 to terminate the approval of the Pennsylvania program if provision correcting the deficiency are not made by the date specified in 30 CFR 938.11(k).

Additional Determinations

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

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

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

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

List of Subjects in 30 CFR Part 938

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

Dated: August 30, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

PART 938—PENNSYLVANIA

30 CFR 938.11 is amended to add a new paragraph (k) as follows:

§ 938.11 Conditions of State regulatory program approval.

* * * * *

(k) Termination of the approval found in Section 938.10 will be initiated on August 1, 1984, unless Pennsylvania submits to the Secretary by that date a copy of promulgated regulations or otherwise amends its program to contain provisions no less effective than 30 CFR 800.40(b)(2) and (f) to require the State to hold a bond release hearing or informal conference within 30 days after it is requested and that a decision be rendered within 30 days after the hearing or informal conference has been held. In the interim, the State will conduct bond release hearings and informal conferences and render the associated decision in a manner no less effective than 30 CFR 800.40(b)(2) and (f) and in accordance with section 519(f) of SMCRA.

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

[FR Doc. 83-24304 Filed 9-2-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 730

Administrative Discharges and Related Matters; Separations From the Naval Service

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR Part 730 by removal of Subparts A and C thereof, whose publication is not required. These subparts relate to internal management and personnel rules and practices and do not affect the public. Removal of these subparts will not cancel the underlying source directives upon which they are derived.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Frederick N. Ottie, JAGC, U.S. Navy 325-9860.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 730

Administrative practice and procedure, Conscientious objectors, Military personnel.

PART 730—[REMOVED]

1. 32 CFR Part 730 is amended by removing Subpart A (§§ 730.1-730.18) and Subpart C (§§ 730.301-730.305). Part 730 is thereby vacated.

(Secs. 280, 1162, 1163, 6291-6298, 70A Stat. 14, 89, 391-393, as amended 76 Stat. 508, 517, sec. 301, 80 Stat. 379; 5 U.S.C. 301; 10 U.S.C. 133, 280 1162, 1163, 1168, 6291-6298, unless otherwise noted)

Dated: August 31, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-24218 Filed 9-2-83; 8:45 am]

BILLING CODE 3810-AE-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Submission of Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations concern two groups of people. The first of these are veterans who are receiving educational assistance under chapter 34, title 38, United States Code. These regulations lengthen the time period these veterans have to report any mitigating circumstances that may be connected with withdrawals or receipt of a grade which is not computed in the veteran's graduation requirements.

The second group are recipients of educational assistance under chapter 35, title 38, United States Code. These regulations set a limit on the amount of time these eligible persons have to report mitigating circumstances.

Unless mitigating circumstances exist, the law prohibits the VA (Veterans Administration) from paying for a course from which a veteran or eligible person withdraws or for which he or she receives a grade which is not computed in determining graduation requirements.

EFFECTIVE DATE: August 16, 1983.

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 15491 and 15492 of the **Federal Register** of April 11, 1983 there was published a notice of intent to amend part 21 to state time limits for reporting mitigating circumstances.

Interested people were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The VA received two letters containing comments and suggestions. One letter was from a U.S. Senator. The other was from the Governor of a State.

The Senator questioned whether a shorter period to submit mitigating circumstances would not give the individual ample opportunity to report the circumstances and by allowing the VA to identify overpayments more quickly, enhance the recovery of them. He suggested giving veterans and eligible persons 90 or 120 days from the day they are notified that they must submit mitigating circumstances.

After careful consideration the VA has decided not to accept this suggestion. The agency thinks that a veteran or eligible person should have sufficient time to submit mitigating circumstances.

However, the VA is also concerned about the overpayment problem. Section 1.911a, Title 38, Code of Federal Regulations, addresses collection of debts owed by reason of participation in a benefits program. When that regulation is read together with §§ 21.4136 and 21.4137, it results in the following procedure.

When the VA notifies the veteran or eligible person of the need to report mitigating circumstances, it will also notify him or her that although he or she has 1 year to submit acceptable mitigating circumstances, if they are not reported within 30 days, an overpayment will be created. The VA tries to recover all overpayments. If the veteran or eligible person reports acceptable mitigating circumstances after 30 days, but before the expiration of 1 year, payment for the course or courses in question will be restored. This will cancel the overpayment.

Hence, requiring mitigating circumstances to be submitted within 90 to 120 days will not enable the VA to identify overpayments more quickly; it will not enhance the recovery of overpayments; and will not give the individual as much time to submit mitigating circumstances as these regulations do.

The Governor wrote that his State supported the change to § 21.4136. He wanted to make sure that an eligible person would have the same amount of time as a veteran to report mitigating circumstances.

Since § 21.4137 is now worded the same as § 21.4136, except that "eligible person" is substituted for "veteran", the VA will treat eligible persons the same as veterans with regard to the reporting of mitigating circumstances. Accordingly, the VA is adopting these regulations without change.

The VA has determined that these regulations do 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 than $100 million. The regulations will not result in any major increases in costs or prices for anyone. They 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 these regulations 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), these regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because these changes regulate only individual benefit recipients. They will have no significant impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these regulations are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

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

Approved: August 16, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

38 CFR Part 21 is amended as follows:

1. In § 21.4136, paragraph (k)(1)(ii) is revised to read as follows. The text of the introductory paragraph of (k)(1) is set out for the convenience of the reader.

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

(k) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

* * * * *

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the veteran that he or she must submit the mitigating circumstances.

(38 U.S.C. 1780(a))

* * * * *

2. In § 21.4137, paragraph (h) is revised as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

* * * * *

(h) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any eligible person for a course from which the eligible person withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The eligible person submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the eligible person that he or she must submit the mitigating circumstances.

(2) The following circumstances are representative of those which the Veterans Administration considers to be mitigating provided they prevent the eligible person from pursuing the program of education continuously. This list is not all inclusive.

(i) An illness of the eligible person,

(ii) An illness or death in the eligible person's family,

(iii) An unavoidable geographical transfer resulting from the eligible person's employment,

(iv) An unavoidable change in the eligible person's conditions of employment,

(v) Immediate family or financial obligations beyond the control of the eligible person which require him or her to suspend pursuit of the program of education to obtain employment,

(vi) Discontinuance of a course by a school,

(vii) Unanticipated active duty military service including active duty for training.

(3) If the eligible child fails to complete satisfactorily a course of special restorative training or if the eligible person fails to complete satisfactorily a course under section 1733, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education.

(38 U.S.C. 1780(a))

[FR Doc. 83-24260 Filed 9-2-83; 8:45 am]
BILLING CODE 8320-01-M

---

38 CFR Part 36

Loan Guaranty; Refinancing of Existing Loan on a Manufactured Home Unit Together With the Purchase of a Lot

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration), is amending its regulations to implement a loan guaranty provision of the Veterans' Compensation, Education, and Employment Amendments of 1982. These amendments allow the VA guaranty of a loan for the purpose of refinancing an existing loan that was made for the purchase of, and is secured by, a manufactured home and simultaneously purchasing a lot on which the manufactured home is or will be located.

EFFECTIVE DATE: October 14, 1982.

FOR FURTHER INFORMATION CONTACT: George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389-3042.

SUPPLEMENTARY INFORMATION: These amendments implement the provisions of section 406 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Pub. L. 97-306, 96 Stat. 1429). The statute provides that a veteran owner of a manufactured home on which there is an outstanding loan may obtain a VA-guaranteed loan to refinance the existing purchase money loan and to purchase a lot on which the manufactured home is or will be located. The refinancing loan must be secured by the lot being acquired and by the same manufactured home as the loan being refinanced. The manufactured home must be owned and occupied by the veteran as his or her home.

The new law gives veterans an option to acquire lots on which to place their previously acquired manufactured home units. It is difficult to obtain a loan for the purchase of a vacant lot. This new type of loan will allow veterans owning a manufactured home which is subject to a purchase money lien to refinance the unit in order to buy their own lots. Some rental home parks are converting to condominium type ownership or to planned unit developments. These conversions require the lot lessee to either acquire an ownership interest in the property or to move the unit. Lenders are unwilling to finance rental park conversion lot purchases without security in the lot and the unit. The new loan purpose allows a veteran to refinance an existing VA, FHA, or conventional unit loan and remain on the currently occupied lot while acquiring a home site at the lowest possible interest rate.

Veteran unit owners may also utilize this refinancing loan procedure to buy a developed or undeveloped manufactured home lot at some other location if they so desire, provided the manufactured home will be moved to the lot to complete the home site.

The amount of the loan may not exceed the sum of: the purchase price, not to exceed the reasonable value, of the lot; the amount, if any, to be determined by the Administrator as appropriate to cover the cost of necessary preparation of the lot; the balance of the loan being refinanced; and closing costs, including a reasonable discount on that portion of the loan used to refinance the existing loan on the manufactured home. Site preparations to an undeveloped lot may include the costs of installing utility connections, sanitary facilities, paving and construction of a suitable pad.

The fees and charges which a veteran may pay with a combination unit refinancing and a lot acquisition loan will be the same as those contained presently in the regulations for acquiring a manufactured home and a lot.

When the loan being refinanced was guaranteed originally or insured by the VA, the veteran's guaranty entitlement of up to $20,000 was charged as the basis for the VA guaranty. Generally, a veteran would not have entitlement to a new GI loan for that portion of his or her eligibility used to secure the original unit loan. However, under this new purpose, the portion of the loan made for refinancing the existing VA loan may be guaranteed without regard to the amount of any outstanding guaranty entitlement still available to the veteran. In computing the total amount of guaranty entitlement available to the veteran, the entitlement used for refinancing the original VA loan will be combined with any additional entitlement available to the veteran for manufactured home purposes and applied to the total amount of the refinancing loan up to a maximum of fifty (50) percent of the loan amount, or $20,000, whichever is less.

Technical amendments have also been made to the appropriate sections of the regulations to change the term "mobile home" to "manufactured home." These changes are made so that the terminology of the regulations will be in conformity with the language of Pub. L. 97-306, 96 Stat. 1429, enacted October 14, 1982. Four editorial amendments have been made to §§ 36.4202(s), 36.4204(d)(7), 36.4222 and 36.4223.

These amendments conform the existing regulations to the requirements of Pub. L. 97-306. Since these changes have no effect independent of the statute and provide an additional benefit for veteran owners of manufactured homes, the VA is not seeking public participation in promulgating these regulations. Because a proposed notice is not necessary and will not be published, these changes do not come within the definition of the term "rule" (5 U.S.C. 601(2)) under the Regulatory Flexibility Act, and are not subject to the requirements of that Act.

The regulations have been reviewed under Executive Order 12291, entitled Federal Regulation, and are not considered major as defined in the Executive Order. They are designed to insure that the VA field offices comply with the new statutory provisions for the refinancing of used manufactured housing units along with the purchase of a suitable lot on which the unit will be located. They will have no substantive effect independent of the statute. They will not impact on the public or private sectors as a major rule. They will not have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or have 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.

(Catalog of Federal Domestic Assistance Program number is 64.119)

These amendments are adopted under authority granted to the Administrator by sections 210(c), and 1819(g), of Title 38, United States Code, and the enabling legislation.

List of Subjects in 38 CFR Part 36

Condominium, Handicapped, Housing, Loan programs—housing and community development, Loan programs—business, Manufactured homes, Veterans, Veterans Administration.

Approved: August 17, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as set forth below.

1. In § 36.4202, paragraph (s) is revised as follows:

§ 36.4202 Definitions.

* * * * *

(s) *Used manufactured home.* A manufactured home which has been previously occupied or which was manufactured more than 1 year prior to date of loan application.

2. In § 36.4203, the section heading, paragraph (b) and the introductory text of paragraphs (a) and (c) are revised as follows:

§ 36.4203 Eligibility of the veteran for the manufactured home loan benefit under 38 U.S.C. 1819.

(a) To be eligible for the manufactured home loan benefit a veteran must have loan guaranty entitlement for manufactured home purposes available for use. Notwithstanding the provisions of § 36.4205(e), the Administrator may exclude the amount of guaranty entitlement used for any guaranteed manufactured home loan provided:

* * * * *

(b) A veteran may use his or her remaining home loan guaranty entitlement for any purpose authorized by 38 U.S.C. 1810, 1811, or 1819 except that a veteran who has purchased a manufactured home unit may not purchase a second manufactured home unit until the unit which secured the first loan has been disposed of by the veteran or has been destroyed by fire or other natural hazard.

(c) The available entitlement of a veteran will be determined by the Administrator as of the date of receipt of an application for guaranty of a manufactured home loan or loan report. Such date of receipt shall be the date the application or loan report is date stamped into the Veterans Administration. Eligibility derived from the most recent period of service (1) shall cancel any unused entitlement derived from any earlier period of service, and (2) shall be reduced by the amount by which entitlement from service during any earlier period has been used to obtain a direct, guaranteed, or insured loan—

* * * * *

3. Section 36.4204 is revised as follows:

§ 36.4204 Loan purposes, maximum loan amounts and terms.

(a) A manufactured home loan may be guaranteed if the loan is for one of the following purposes;

(1) To purchase a lot on which to place a manufactured home already owned by the veteran;

(2) To purchase a single-wide manufactured home;

(3) To purchase a single-wide manufactured home and a lot on which to place such home;

(4) To purchase a double-wide manufactured home;

(5) To purchase a double-wide manufactured home and lot on which to place such home;

(6) To refinance an existing loan, including a previously refinanced purchase money loan, that was made for the purchase of and is secured by a manufactured home and to purchase a lot on which the manufactured home is or will be placed; or

(7) To refinance in accordance with § 36.4223 an existing manufactured home loan guaranteed, insured or made under paragraphs (1) through (6) of this paragraph. (38 U.S.C. 1819(a)(1))

(b) A loan for any of the purposes described in paragraph (a) (1) through (6) of this section may include an amount determined by the Administrator to be appropriate to cover the cost of necessary preparation of a lot already owned or to be acquired by the veteran, including the costs of installing utility connections and sanitary facilities, of paving, and of constructing a suitable pad for the manufactured home.

(c) the maximum permissible loan terms shall not exceed;

(1) 20 years and 32 days in the case of a loan to purchase a single-wide manufactured home or a single-wide manufactured home and lot;

(2) 15 years and 32 days in the case of a loan to purchase a lot on which to place a manufactured home already owned by the veteran;

(3) 23 years and 32 days in the case of a loan to purchase a double-wide manufactured home, or 25 years and 32 days in the case of a loan to purchase a double-wide manufactured home and lot; or

(4) In the case of a used manufactured home the maximum term set forth in paragraph (c) (1) or (3) of this section or the remaining physical life expectancy of the unit as established by the Administrator, whichever is less. (38 U.S.C. 1819(a) (1) and (2), (d)(1), (e)(4)(B))

(d) The loan amount in an individual case shall not exceed the following:

(1) In the case of a loan to purchase a new manufactured home unit only, the loan amount shall not exceed the sum of the following:

(i) 120 percent of the figure produced by the following computation:

Subtract from the manufacturer's invoice cost the manufactuer's invoice cost of any components (furnishings, accessories, equipment) removed from the unit by the dealer. To the remainder add the dealer's cost for any components added by such dealer. The sum so obtained shall be the figure to be multiplied by the specified percentage.

(ii) 100 percent of the actual amount of fees and charge permitted in § 36.4232.

(2) In the case of a loan to purchase a new manufactured home unit plus the cost of necessary site preparation where the veteran owns the lot, the loan amount shall be limited to the amount determined in paragraph (d)(1) of this section plus such costs of necessary site preparation as are approved by the Administrator.

(3) In the case of a loan to purchase a new manufactured home unit plus the purchase of an undeveloped lot on which to place such home plus the cost of necessary site preparation, the loan amount shall be limited to the amount determined in paragraph (d)(1) of this section plus the reasonable value of the undeveloped lot as determined by the Administrator plus such costs of necessary site preparation as are approved by the Administrator.

(4) In the case of a loan to purchase a new manufactured home unit plus the cost of a suitably developed lot on which to place such home, the loan amount shall be limited to the amount determined in paragraph (d)(1) of this section plus the reasonable value of the developed lot as determined by the Administrator.

(5) In the case of a loan to purchase a lot upon which will be placed a manufactured home owned by the veteran the loan is limited to the reasonable value of a developed lot or the reasonable value plus such amount as is determined by the Administrator to be appropriate to cover the cost of

necessary site preparation for an undeveloped lot.

(6) In the case of a used manufactured home the maximum loan may not exceed the reasonable value as established by the Administrator, plus:

(i) Actual fees or charges for required recordation of documents;

(ii) The amount of any documentary stamp taxes levied on the transaction;

(iii) The amount of State and local taxes levied on the transaction; and

(iv) The premium for customary physical damage insurance and vendor's single interest coverage on the manufactured home for an initial policy term of not to exceed 5 years.

(7) In the case of an interest rate reduction refinancing loan (38 U.S.C. 1819(a)(1)(F)) the maximum loan may not exceed:

(i) The balance of the Veterans Administration loan being refinanced;

(ii) Closing costs as authorized by § 36.4232 or § 36.4254, as appropriate; and

(iii) Allowable discounts provided:

(A) The loan application is submitted to the Administrator for prior approval;

(B) The amount of discount is disclosed to the Administrator and the veteran prior to the issuance of the certificate of commitment by the Administrator. Said certificate of commitment shall specify the discount to be paid by the veteran, and this discount may not be increased once the commitment has been issued without the approval of the Administrator;

(C) The discount has been determined by the Administrator to be reasonable in amount; and

(D) All powers of the Administrator under this paragraph (7) of this paragraph, except the authority to revise the discount after the commitment is issued, are hereby delegated to those officials designated by § 36.4221(b). The power of the Administrator to approve an increase in the discount after the commitment is issued is delegated to those officials designated by § 36.4220(a). (38 U.S.C. 1819 (a)(4) and (g))

(8) In the case of a loan to refinance a purchase money lien on a manufactured home and to buy a lot (38 U.S.C. 1819(a)(1)(G)) on which the manufactured home is or will be placed:

(i) The loan must be secured by the same manufactured home which must be owned and occupied by the veteran as the veteran's home; and

(ii) The amount of the loan may not exceed an amount equal to the sum of:

(A) The purchase price, not to exceed the reasonable value of the lot, as authorized by § 36.4252,

(B) The amount determined by the Administrator to be appropriate to cover the cost of necessary preparation of the lot,

(C) The balance of the loan being refinanced, and

(D) Closing costs, as authorized by § 36.4232 or § 36.4254, as appropriate, and a reasonable discount with respect to that portion of the loan used to refinance the existing purchase money lien.

(iii) Allowable discounts may be charged to the veteran on the portion of the loan used to refinance the existing purchase money lien provided:

(A) The loan application is submitted to the Administrator for prior approval;

(B) The amount of discount to be paid on the unit portion of the loan is disclosed to the Administrator and the veteran prior to the issuance of the certificate of commitment by the Administrator. The certificate of commitment shall specify the discount to be paid by the veteran on the unit portion of the loan, and this discount may not be increased once the commitment has been issued without the approval of the Administrator;

(C) The discount on the unit portion of the loan has been determined by the Administrator to be reasonable in amount; and

(D) All powers of the Administrator under subparagraph (8) of this paragraph, except the authority to revise the discount after the commitment is issued, are hereby delegated to those officials designated by § 36.4221(b). The power of the Administrator to approve an increase in the discount on the unit portion of the loan after the commitment is issued is delegated to those officials designated by § 36.4220(a). (38 U.S.C. 1819 (a)(1)(G), (a) (5) and (g))

(e) The cost of the transaction which will not be paid from the proceeds of the loan must be paid by the veteran in cash from the veteran's own resources. Except for interest rate reduction refinancing loans pursuant to paragraph (a)(7) of this section or loans to refinance a manufactured home and to buy a lot pursuant to paragraph (a)(8) of this section, closing costs and prepaid items incident to the real estate portion of any manufactured home loan must be paid in cash and may not be included in the loan amount. (38 U.S.C. 1819 (a)(4), (a)(5), (g))

4. In § 36.4205, paragraphs (a), (b) (1), (2) and (3), (c) and (e) are revised as follows:

§ 36.4205 Computation of guaranty.

(a) The amount of guaranty in respect to a loan guaranteed under 38 U.S.C. 1819 shall be fifty (50) percent of the original principal amount of the loan or $20,000, whichever is less. With respect to a loan guaranteed under 38 U.S.C. 1819(a)(1)(F), the dollar amount of guaranty may not exceed the original dollar amount of guaranty on the loan being refinanced. With respect to a loan guaranteed under 38 U.S.C. 1819(a)(1)(G), the dollar amount of guaranty previously used to obtain a manufactured unit loan may be transferred pursuant to § 36.4224(b) for use in refinancing the unit when simultaneously acquiring a lot.

(b) * * *

(1) If a veteran previously secured a nonrealty (business) loan, the amount of nonrealty entitlement used is doubled and subtracted from $27,500. The sum remaining is the amount of available entitlement for use not to exceed $20,000 for manufactured home purposes.

(2) If a veteran previously secured a realty (home) loan, the amount of realty (home) loan entitlement used is subtracted from $27,500. The sum remaining is the amount of available entitlement for use not to exceed $20,000 for manufactured home purposes.

(3) If a veteran previously secured a manufactured home loan, the amount of entitlement used for manufactured home purposes is subtracted from $27,500. The sum remaining is the amount of available entitlement for use for home loan purposes only. To determine the amount of additional entitlement available for manufactured home purposes, the amount of entitlement previously used for manufactured home purposes is subtracted from $20,000. Except for manufactured home loans to be obtained pursuant to 38 U.S.C. 1819(a)(1) (F) or (G), the sum remaining is the amount of available entitlement for use for manufactured home purposes.

(c) For the purpose of computing the remaining guaranty benefit to which a veteran is entitled, manufactured home and manufactured home lot loans guaranteed prior to October 1, 1978, shall be taken into consideration as if made subsequent thereto, and the veteran's entitlement will be reduced by the amount of the Administrator's guaranty issued in the particular loan transaction.

* * * * *

(e) The amount of any guaranty for a manufactured home or manufactured home lot loan shall be charged against the original or remainder of the borrower's guaranty benefit available for manufactured home purposes. Complete or partial liquidation, by payment or otherwise, of the veteran's guaranteed indebtedness does not

increase the remainder of the guaranty benefit, if any, otherwise available to the veteran. When the maximum guaranty available legally to a veteran for manufactured home purposes shall have been granted, no further guaranty for manufactured home purposes shall be available to the veteran.

* * * * *

5. Section 36.4222 is revised as follows:

§ 36.4222 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be required, including coverage of the contents to the extent such contents are security for the loan, in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Federal Emergency Management Agency as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

6. In § 36.4223, paragraphs (a) (1), (2) and (4) and (b) are revised as follows:

§ 36.4223 Interest rate reduction refinancing loan.

(a) * * *

(1) The loan application must be submitted to the Administrator for prior approval;

(2) The loan must be secured by the same real and/or personal property as the loan being refinanced and the manufactured home (or a manufactured home on a lot) must be owned and occupied by the veteran as such veteran's home;

* * * * *

(4) The dollar amount of the guaranty of the 38 U.S.C. 1819(a)(1)(F) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty paid previously as a claim on the loan being refinanced; and

* * * * *

(b) Notwithstanding any other regulatory provision, the interest rate reduction refinancing loan may be guaranteed without regard to the amount of guaranty entitlement for manufactured home purposes available for use by the veteran, and the amount of the veteran's remaining guaranty entitlement for manufactured home purposes shall not be charged for an interest rate reduction refinancing loan. The interest rate reduction refinancing loan will be guaranteed with the entitlement used by the veteran to obtain the loan being refinanced. The veteran's loan guaranty entitlement used originally for a purpose as enumerated in 38 U.S.C. 1819(a)(1) (A) through (E) or (G) and subsequently transferred for use on an interest rate reduction refinancing loan (38 U.S.C. 1819(a)(1)(F)) shall be eligible for restoration when the interest rate reduction refinancing loan or subsequent interest rate reduction refinancing loan on the same property meets the requirements of § 36.4203(a).

* * * * *

7. Section 36.4224 is added as follows:

§ 36.4224 Refinancing existing manufactured home loan including purchase of lot.

(a) A veteran may refinance (38 U.S.C. 1819(a)(1)(G)) an existing purchase money lien on a manufactured home owned and occupied by the veteran as his or her home in conjunction with a loan to acquire a suitable lot on which that manufactured home is or will be located provided the following requirements are met.

(1) The loan application must be submitted to the Administrator for prior approval;

(2) The loan must be secured by the same manufactured home which is being refinanced and the real property on which the manufactured home is or will be located.

(3) The amount of the loan may not exceed an amount equal to the sum of the balance of the loan being refinanced; the purchase price, not to exceed the reasonable value of the lot, as authorized in § 36.4252; the costs of necessary site preparation of the lot as determined by the Administrator; a reasonable discount as authorized in § 36.4204(d)(8) with respect to that portion of the loan used to refinance the existing purchase money lien on the manufactured home, and closing costs as authorized in § 36.4232 or § 36.4254, as appropriate.

(b) If the loan being refinanced was guaranteed by the Veterans Administration, the portion of the loan made for the purpose of refinancing an existing purchase money manufactured home loan may be guaranteed without regard to the outstanding guaranty entitlement available for use by the veteran, and the veteran's guaranty entitlement shall not be charged as a result of any guaranty provided for the refinancing portion of the loan. For the purposes enumerated in 38 U.S.C. 1802(b) the refinancing portion of the loan shall be considered to have been obtained with the guaranty entitlement used to obtain the VA-guaranteed loan being refinanced. Guaranty for the refinancing loan shall be computed by first applying to the loan a combined total of the guaranty entitlement used to obtain the VA-guaranteed loan being refinanced and second any additional guaranty entitlement available to the veteran for manufactured home purposes, up to a maximum of $20,000 or fifty (50) percent of the original principal amount of the loan, whichever is less. (38 U.S.C. 1819(a) (1)(G) and (5))

8. The center heading preceding § 36.4231 is changed to read "Financing manufactured home units".

9. Section 36.4231 is revised as follows:

§ 36.4231 Warranty requirements.

(a) When a new manufactured home purchased with financing guaranteed under 38 U.S.C. 1819 is delivered to the veteran-borrower he or she will be supplied a written warranty by the manufacturer in the form and content prescribed by the Administrator. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument, and the warranty instrument will so provide. No evidence of guaranty shall be issued by the Administrator unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

(b) The Administrator may from time to time conduct inspections of the manufacturing process of manufactured homes constructed for sale to veterans and onsite inspections of manufactured homes purchased with the assistance of loans guaranteed under 38 U.S.C. 1819.

(c) When a used manufactured home is purchased from a manufactured home dealer with financing guaranteed under 38 U.S.C. 1819 the veteran-borrower must be supplied with a written warranty by the manufactured home dealer in the form and content prescribed by the Administrator. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument, and the warranty instrument will so provide. No evidence of guaranty shall be issued by the Administrator unless a copy of such warranty duly

receipted by the purchaser is submitted with the loan papers.

10. In § 36.4232, section heading, paragraphs (a) (introductory text) (4) and (5), (c), (d) and (e)(1) are revised as follows:

§ 36.4232 Allowable fees and charges; manufactured home unit.

(a) Incident to the origination of a guaranteed loan for the purchase or refinancing of a manufactured home unit only, no charge shall be made against, or paid by, the veteran-borrower without the express prior approval of the Administrator except as provided in paragraph (e) of this section and as follows:

* * * * *

(4) The premium for customary physical damage insurance and vendor's single interest coverage on the manufactured home for an initial policy term of not to exceed five (5) years, and

(5) For the purposes of obtaining a refinancing loan for interest rate reduction or a refinancing loan to simultaneously refinance a unit and acquire a lot, the cost of a credit report and an appraisal. (38 U.S.C. 1819 (a)(1)(b), (a)(4)(A) and (g)).

* * * * *

(c)(1) Costs of a credit report (except for 38 U.S.C. 1819(a)(1) (F) or (G) refinancing loans) such additional insurance as the veteran may desire, and any other expenses normally charged to a manufactured home purchaser under local customs may be paid by the borrower other than from the loan proceeds.

(2) For the purchase of a used manufactured home unit, the fee of a Veterans Administration appraiser and of compliance inspectors designated by the Veterans Administration, except appraisal fees incurred for the predetermination of reasonable value requested by others than veteran or lender, may be paid by the borrower from other than the loan proceeds. (38 U.S.C. 1819 (e)(4) and (g))

(d) Subject to the limitations set forth in this section, the following may be included in the loan made for the purchase of a new (not used) manufactured home unit and paid out of the proceeds of the loan:

(1) The actual cost of transportation or freight not to exceed $400 for a single-wide manufactured home or $600 for a double-wide manufactured home;

(2) Setup charges for installing the manufactured home on site not to exceed $400 for a single-wide manufactured home or $800 for a double-wide manufactured home. (38 U.S.C. 1819(g))

If the actual costs exceed the limitations in this section, the veteran must certify that any excess cost has been paid in cash from the veteran's own resources without borrowing.

(e)(1) Subject to the limitations set out in paragraph (e) (2) and (3) of this section, a fee of one-half of 1 percent of the total loan amount must be paid to the Administrator before a manufactured home unit loan will be eligible for guaranty. All or part of the fee may be paid in cash at loan closing or all or part of the fee may be included in the loan without regard to the reasonable value of the property or the computed maximum loan amount, as appropriate. In computing the fee, the lender will disregard any amount included in the loan to enable the borrower to pay such fee. (38 U.S.C. 1829(a))

* * * * *

11. The center heading preceding § 36.4251 is changed to read "Combination and Manufactured Home Lot Loans".

12. In § 36.4251, the section heading, paragraphs (a) (introductory text) and (a)(3) and (b) are revised as follows:

§ 36.4251 Loans to finance the purchase of manufactured homes and the cost of necessary site preparation.

(a) A loan to finance the purchase of a manufactured home may include funds (or be augmented by a separate loan) to pay all or a part of the cost of the necessary site preparation of a lot on which to place the manufactured home and the loan shall be eligible for guaranty: Provided, that—

* * * * *

(3) The lot is determined by the Administrator to be an acceptable manufactured homesite pursuant to § 36.4208,

* * * * *

(b) Notwithstanding that the veteran-borrower's obligation for such site preparation be evidenced and secured separately from the obligation for purchase of the manufactured home, the obligations together shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

* * * * *

13. In § 36.4252, the section heading, paragraph (a) (introductory text) and (a)(3), (b) and (d) are revised and paragraph (e) is added so that the added and revised material reads as follows:

§ 36.4252 Loans for purchase or refinancing of a manufactured home.

(a) A loan to purchase a manufactured home may include funds (or be augmented by a separate loan) to finance all or part of the cost of acquisition by the veteran of a lot on which to place the manufactured home and the loan shall be eligible for guaranty: Provided, That—

* * * * *

(3) The lot is determined by the Administrator to be an acceptable manufactured homesite pursuant to § 36.4208,

* * * * *

(b) Notwithstanding that the veteran-borrower's obligation for acquisition of the lot be evidenced and secured separately from the obligation for purchase of the manufactured home, the obligations together (including, where appropriate, that for site preparation) shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

* * * * *

(d) For the purpose of this section acquisition of a manufactured home lot includes

(1) The refinancing of the balance owed by the veteran as purchaser under an existing real estate installment contract, and

(2) The refinancing of existing mortgage loans or other liens which are secured of record on a manufactured home lot owned by the veteran.

(e) A loan to acquire a lot on which to site a manufactured home may include funds to refinance an existing loan made for the purchase of and secured by a manufactured home on which lot the manufactured home is located or will be placed, provided that:

(1) The veteran will acquire or retain title to such manufactured home and lot that conforms to the requirements of §§ 36.4234 and 36.4253,

(2) The loan is secured as required by § 36.4253(g),

(3) The lot is determined by the Administrator to be an acceptable manufactured homesite pursuant to § 36.4208,

(4) The portion of the loan allocated to the acquisition and preparation of the lot does not exceed the reasonable value of the developed lot as determined by the Administrator,

(5) The cost of necessary site preparation is determined by the Administrator to be reasonable.

(6) The portion of the loan allocated to the refinancing of the manufactured home does not exceed an amount equal to the sum of the balance of the loan being refinanced; a reasonable discount as authorized in § 36.4204(d)(8) with respect to that portion of the loan used to refinance the existing purchase

money lien on the manufactured loan, and closing costs as authorized in § 36.4232 or § 36.4254, as appropriate.

(7) The loan conforms otherwise to the requirements of the § 36.4200 series.

(8) The veteran-borrower's obligation for acquisition of the lot and for refinancing the existing loan on the manufactured home (including site preparation, where appropriate), shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability. (38 U.S.C. 1819(a) (1) (G) or (5)).

14. In § 36.4253, paragraph (a) (introductory text), (c) (6), (d), (e) and (f) are revised and paragraph (g) is added so that the added and revised material reads as follows:

§ 36.4253 Title and lien requirements.

(a) The interest in the realty constituting a manufactured home lot acquired by the veteran wholly or in part with the proceeds of a guaranteed loan, or in the realty constituting a manufactured home lot improved wholly or in part with the proceeds of a guaranteed loan, shall not be less than:

* * * * *

(c) * * *

(6) *Variations of lot lines.* Variations between the length of the subject property lines as shown on the plot plan or other exhibits submitted to the Veterans Administration and as shown by the record or possession lines, provided such variations do not interfere with the current use of any of the improvements on the subject property including the manufactured home and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line.

(d) In a combination loan (loan to finance the purchase of a manufactured home and to finance the purchase of a lot and/or necessary site preparation) the total indebtedness of the veteran arising from such combination loan transaction must be secured by a first lien or the equivalent thereof on the estate of the veteran in the manufactured home lot, which real estate security interest shall be in addition to the manufactured home security interest required by §36.4234.

(e) Tax liens special assessment liens, and ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or improvement of a manufactured home lot is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Administrator determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

(f) In the case of a combination loan or a loan to purchase a lot upon which a manufactured home owned by the veteran will be placed it shall be the responsibility of the lender that the veteran initially obtains or has an estate in the land constituting the manufactured home lot meeting the requirements of paragraph (a) of this section and to obtain and retain a security interest thereon meeting the requirements of paragraph (d) of this section.

(g) In the case of a combination loan to purchase a manufactured home lot and to refinance an existing purchase money loan on a manufactured home unit which is or will be located on the lot to be purchased, it shall be the responsibility of the lender to assure that the veteran obtains or retains an estate in the manufactured home and in the land meeting the requirements of paragraph (a) of this section and § 36.4234. The lender must also obtain and retain a first lien or the equivalent thereof on the estate of the veteran in both the manufactured home and in the lot on which the manufactured home is located. (38 U.S.C. 1819 (a)(1)(G), (e)(3) and (g)).

15. In § 36.4254, paragraph (a) (introductory text), (b), (c) and (d)(1) are revised as follows:

§ 36.4254 Fees and charges.

(a) Except as provided in § 36.4232 fees and charges incident to origination of a combination loan or a loan to purchase a lot upon which a manufactured home owned by the veteran will be placed which may be paid by the veteran shall be limited, with respect to the real estate portion of the loan, to reasonable and customary amounts for any of the following:

* * * * *

(b) A lender may charge and the veteran may pay a flat charge not exceeding one (1) percent of the amount of the loan less the portion thereof allocated to the manufactured home: *Provided,* That such flat charge shall be in lieu of all other charges relating to costs of origination not expressly specified and allowed in this schedule.

(c) Except for a refinancing loan pursuant to 38 U.S.C. 1819(a)(1) (F) or (G) fees and charges specified in this section may not be included in the loan.

(d)(1) Notwithstanding the provisions of paragraph (c) of this section and subject to the limitations set out in subparagraphs (2) and (3) of this paragraph, a fee of one-half of 1 percent of the total loan amount must be paid to the Administrator before a combination manufactured home and lot loan (or a loan to purchase a lot upon which a manufactured home owned by the veteran will be placed) will be eligible for guaranty. All or part of such fee may be paid in cash at loan closing or all or part of the fee may be included in the loan without regard to the reasonable value of the property or the computed maximum loan amount, as appropriate. In computing the fee, the lender will disregard any amount included in the loan to enable the borrower to pay such fee. (38 U.S.C. 1829(a)).

* * * * *

16. In § 36.4255, paragraphs (a) (introductory text) and (a)(3) and (c) (introductory text) and (c)(2) are revised as follows:

§ 36.4255 Loans for the acquisition of a lot.

(a) A loan to finance all or part of the cost of acquisition by the veteran of a lot on which to place a manufactured home owned by the veteran shall be eligible for guaranty, *Provided,* That:

* * * * *

(3) The lot is determined by the Administrator to be an acceptable manufactured homesite pursuant to § 36.4208.

* * * * *

(c) For the purpose of this section, acquisition of a manufactured home lot includes:

* * * * *

(2) The refinancing of existing mortgage loans or other liens which are secured of record on a manufactured

home lot owned by the veteran. (38 U.S.C. 210(c), and 1819(g)).

[FR Doc. 83-24261 Filed 9-2-83; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service announces that it is revising the Postal Contracting Manual to (1) revise and simplify the gratuities clause, (2) add a definition for code "X", (3) make certain changes consistent with an earlier increase of the informal purchasing limit, and (4) make a change consistent with an earlier increase in the dollar threshold above which requests for proposals on negotiated contracts require Regional Counsel or Law Department coordination.

EFFECTIVE DATE: August 30, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which is incorporated by reference in the **Federal Register** (see 39 CFR 601.100), has been amended by the issue of PCM Circular 83-6, dated August 30, 1983.

In accordance with 39 CFR 601.105, notice of these changes in hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subcribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104)

List of Subjects in 39 CFR Part 601

Government procurement, Postal Service, Incorporation by reference.

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation of Changes

1. The gratuities clause in 7-104.11 has been revised and simplified.

2. Section 20-202.1(c) is revised to add a definition for code "X", for recording purchases of $1,000 or less where competition is not solicited because an acceptable price is available from a single source.

3. PCM Circular 83-1 (1-13-83) directed changes to increase the informal purchasing limit to $25,000. Some sections and paragraphs were omitted from that circular and are revised here.

4. PCM Circular 82-1 (9-13-82) raised the dollar threshold above which requests for proposals on negotiated contracts require Regional Counsel or Law Department coordination (from $50,000 to $100,000). This circular changes the requirement in 3-306.1(d) for legal review of determinations and findings so that it agrees with the new threshold.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-24270 Filed 9-2-83; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6458

[AA-51018, AA-51034, AA-51035, AA-26417, AA-26418]

Alaska; Transfer of Jurisdiction; Description of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will accomplish the following: (1) Describe 1.84 acres, most of which was previously conveyed to the Veterans' Administration (VA) by the Sitka National Cemetery Act of 1983, (2) describe a strip of land not affected by the Cemetery Act and transfer it from the National Oceanic and Atmospheric Administration (NOAA) to the VA, (3) describe 0.57 acre remaining in a Forest Service administrative site, and (4) transfer jurisdiction of 117.13 acres from NOAA to the U.S. Geological Survey. The 117.13 acres will remain closed to surface entry and mining, but not mineral leasing, for 20 years from the effective date of this order.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT:

John J. Rumps, Washington, D.C., 202-343-6486; or

Terry R. Hassett, Alaska State Office, 907-271-3240.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and the Sitka National Cemetery Transfer Act of 1983, Public Law 98-63, dated July 30, 1983, it is ordered as follows:

1. The actual description of the lands transferred to and administered by the Veterans' Administration as an addition to the Sitka National Cemetery by Public Law 98-63 and Paragraph No. 2 of this order is as follows:

Sitka, Alaska

Lots 1 and 2, U.S. Survey No. 2545.

The areas described contain 1.84 acres.

2. A strip of land withdrawn by Executive Order No. 8854 of August 16, 1941, which lies between the areas withdrawn by Presidential Proclamation No. 2965 of February 25, 1952, and Public Land Order No. 1707 of August 6, 1958, and now described as part of Lot 1, is hereby deleted from Executive Order No. 8854 and made a part of the lands described in paragraph 1 of this order. Jurisdiction over this portion of Lot 1 is hereby transferred from the National Oceanic and Atmospheric Administration (formerly the United States Coast and Geodetic Survey) to the Veterans' Administration.

3. Subject to valid existing rights, the following described land remains withdrawn by Public Land Order No. 1707 of August 6, 1958, for the United States Forest Service, Department of Agriculture, for use as an administrative site:

Sitka, Alaska

Lot 3, U.S. Survey No. 2545.

The area described contains 0.57 acre.

4. Subject to valid existing rights, jurisdiction over the following described lands withdrawn by Executive Order No. 8854 of August 16, 1941, as amended, for use by the United States Coast and Geodetic Survey (now the National Oceanic and Atmospheric Administration), Department of Commerce, is hereby transferred to the United States Geological Survey, Department of the Interior, and reserved for use as a magnetic and seismological observatory site:

Sitka, Alaska

Lot 4, U.S. Survey No. 2545.

The area described contains 117.13 acres.

5. The withdrawal described in paragraph 4 shall remain in effect for a period of 20 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Dated: August 25, 1983.

James G. Watt,

Secretary of the Interior.

[FR Doc. 83-24239 Filed 9-2-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 81-704; FCC 83-184]

Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this proceeding the Commission evaluates the feasibility of its proposals to reduce orbital separations to 2° between domestic satellites operating in the 4/6 GHz and 12/14 GHz bands. Reductions in orbital spacing are necessary if an increasing number of satellites are going to be authorized to meet growing user demand. The Commission determined that its proposals were technically feasible and adopted 2° orbital spacing criteria for both pairs of bands. However, the 2° spacing criteria would be uniformly applied only in the 12/14 GHz bands at this time. At 4/6 GHz, the 2° spacing criteria would be applied as a long-term objective and to all new satellite designs. As a transition over the next few years, this order establishes a variable orbital spacing between 2° and 3°, averaging 2.5°, in the 4/6 GHz bands and 2° in the 12/14 GHz band for domestic fixed satellites. Revisions are also adopted to Part 25 of the Rules, including more stringent requirements for earth stations antenna performance, to implement this new orbital spacing criteria. Reaffirmation of competitive and open-entry Commission policies is also provided.

DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Lepkowski, Common Carrier Bureau, (202) 634-1624.

List of Subjects in 47 CFR Part 25

Satellite radio communication, Satellites.

Report and Order

(Proceeding Terminated)

In the Matter of Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations; CC Docket No. 81-704.

Adopted: April 27, 1983.

Released: August 16, 1983.

By the Commission. Commissioners Fogarty and Rivera dissenting in part and issuing statements; Commissioner Jones absent.

Table of Contents

I. Summary
II. Introduction
III. Orbital Spacings at 4/6 GHz
  A. Technical Analysis
  B. Discussion
IV. Orbital Spacings at 12/14 GHz
V. International Considerations
VI. Licensing Policies and Procedures
  A. Application Requirements
  B. Applicant Qualifications
  C. Technical Standards
  D. Processing Procedures
  E. Hybrid Satellites
  F. Orbital Assignment Policies
  G. Common Carrier Offerings
  H. Launch Services Procurement
  I. Reporting Requirements
VII. Antenna Performance Standard and Other Part 25 Revisions
VIII. Future Proceedings
  A. Application Processing
  B. Advisory Committee
  C. Technological Advances
IX. Conclusion

I. Summary

1. Demand for voice, data and video services delivered by domestic fixed satellites is expected to grow steadily through at least the end of this century. it is clear that additional domestic satellites must be licensed to meet this demand. But the usable orbital arc in which these satellites can be operated is limited. The search for new ways to maximize use of the orbital spectrum must necessarily be of a continuing nature. Moreover, our licensing procedures must be efficient. They should not encumber the ability of licensees to respond to changing user needs nor delay new services. The most promising avenue towards the achievement of these objectives has been the placement of more satellites closer together in orbit. We therefore began this proceeding to evaluate that approach as well as other options to increase capacity. Based on the record before us, reduced orbital spacings afford the best opportunities now for both existing operators and new entrants to satisfy growing user requirements with a minimum of administrative costs and delay.

2. In our *Notice of Inquiry and Proposed Rulemaking (Notice)*[1], we proposed 2° orbital separations between domestic satellites in both the 4/6 GHz and 12/14 GHz bands. These reductions from the present 4° at 4/6 GHz and 3° at 12/14 GHz would significantly increase the number of satellites that could be licensed. To achieve these reductions, we proposed a 3 dB improvement in earth station antenna sidelobe performance and a 10 dB cross-polarization isolation standard. We also proposed to review our policies and procedures governing the disposition of pending and future requests for additional domestic satellites. Detailed technical analyses of the feasibility of reduced orbital spacings were solicited in the *Notice*. We also requested carriers, equipment suppliers and users to submit information on the impacts and costs of our proposals. Finally, specific revisions and additions to Part 25 of the rules and regulations were proposed.

3. Over 35 parties filed comments or reply comments in this proceeding.[2] Support for immediate reductions to 3° in orbital separations at 4/6 GHz is almost unanimous, and spacing between 2.5° and 3° appear acceptable at this time to most parties. Most parties also acknowledge the ultimate feasibility of 2° satellite spacings at 4/6 GHz. However, virtually all parties contend that an immediate implementation of 2° orbital separations in these bands would cause serious difficulties and significant costs to both carriers and users. With respect to the 12/14 GHz bands, uniform 2° orbital separations are apparently now acceptable to all of the applicants for domestic satellites in these bands.

4. Based on these views, as well as our own technical analyses of the record, we conclude that 2° orbital separations between United States domestic satellites in the 12/14 GHz band are technically feasible. Moreover, such separations can be implemented immediately at little cost to users. We will therefore immediately implement uniform 2° orbital spacings for newly launched satellites at 12/14 GHz in our *1983 Orbit Assignment Order*.[3]

---

[1] *Domestic Fixed-Satellite Service*, 88 FCC 2d 318 (1981), 46 FR 57067 (November 20, 1981).

[2] Appendix A lists these parties and briefly summarizes their positions. We grant the request of Dow Jones to accept its comments filed 15 days after the due date. On December 10, 1982, Ford Aerospace Satellite Services Corporation requested leave to file comments in this proceeding. This request, over 7 months past the deadline for reply comments, is opposed by United States Satellite Systems, Inc. (USSSI). Ford's motion is granted to the extent of treating its submission as informal comments with respect to its general views regarding hybrid satellites. However, we agree with USSSI that the lateness of this filing precludes detailed consideration of Ford's technical analyses by us or other parties to this proceeding.

[3] *Memorandum Opinion and Order*, FCC 83-186 adopted today.

However, at 4/6 GHz, we believe the costs and difficulties of immediately implementing 2° spacings to be sufficiently high at this time to warrant a more cautious approach. While we adopt 2° as the basic, long-term orbital spacing criterion at 4/6 GHz, today's *1983 Orbit Assignment Order* provides a combination of 3°, 2.5° and 2° orbital spacings. This average orbital spacing of 2.5° at 4/6 GHz provides a transitional arrangement to uniform 2° separations in the future. Moreover, it should also allow several years for the amortization and the upgrading or replacement of existing facilities before actual operations begin with 2° orbital spacings between satellites at 4/6 GHz.

5. We also clarify our space station application processing and licensing procedures. Under our reduced orbital spacing criteria, enough orbital locations are available to grant all of the space station applications covered by our *1982 Processing Order*.[4] Thus, the open entry policies we have successfully applied in the past continue to guide our actions today. However, circumstances warrant the imposition of certain performance conditions on permittees and licensees to insure prompt and effective utilization of assigned orbital locations. If such conditions are not satisfied, the authorization automatically becomes null and void. As in the past, we continue to apply flexible licensing proceedings and decline to conduct evidentiary hearings on qualifications or traffic demand issues. Such hearings would not assist us in achieving our domestic satellite licensing objectives in a prompt and efficient manner, but would impose significant costs and delays on the applicants and the Commission that appear unnecessary at this time.

6. We are also issuing our *1983 Processing Order* to establish a new processing group including all space station applications filed after May 18, 1982.[5] Once this new group is defined, we will be able to determine what, if any, adjustments will be needed to our current administrative procedures and licensing policies to efficiently process those applications. Some further reductions in orbital spacings may be sufficient to grant all such applications promptly. On the other hand, other alternatives may have to be considered. These include the possibility of comparative hearings or a rulemaking proceeding to define stricter eligibility or qualifications standards. In fashioning any such future procedures, the experience gained with the authorizations and satellite spacing criteria adopted today will be valuable.[6] We also task the Chief, Common Carrier Bureau with conducting informal consultations with affected parties to identify the detailed technical tasks needed to efficiently implement our reduced orbital spacing criteria and the new orbit deployment plan. He will then present his recommendations concerning either the formation of the Industry/Government Advisory Committee urged by various parties or the adoption of other means to effectively address these matters.

II. Introduction

7. Almost a decade ago, the Commission authorized the first domestic satellites.[7] Replacements for that initial generation of satellites were licensed in 1980, together with a modest expansion of in-orbit capacity.[8] Because we envisioned the further expansion of authorized systems, as well as new entry into the market by companies proposing to build their own satellites for the first time, we began this docket. The resulting re-assessment of our orbital spacing criteria, as well as our licensing policies and procedures, appears vital to such growth. Our purpose is to maintain entrepreneurial opportunities for expansion and new entry through the end of the decade.

8. We adopted our initial and experimental satellite policies and procedures in Docket No. 16495.[9] Those proceedings established open entry by qualified companies as the best means of satisfying our statutory mandate [10] and our domestic satellite licensing objectives.[11] The Commission also determined that the breadth and diversity of the benefits flowing to the public from satellite technology were most likely to be maximized by competition among multiple entities and by the Commission's flexible responses to concrete domestic satellite facility proposals.

9. The result of these open-entry policies was the prompt development of domestic satellite services without the constraints of time consuming and costly administrative hearings. Our *1980 Orbit Assignment Order* displayed the flexibility that has allowed our policies and decisions to be formulated in a way that directly responds to particular, yet changing, market conditions and technological advances.[12] The fact that domestic satellite licensees generally operate unencumbered from undue regulatory intrusions appears to be a contributing factor to the technical, service and market innovation that currently exemplifies this industry. Competition between and among all of the participants in this market has allowed economical and innovative services to develop in a prompt and efficient manner.

10. The changes in the domestic satellite industry over the past decade have been dramatic. Our initial policy decisions and flexible regulatory mechanisms, formulated for a speculative and experimental industry, have generally proven resilient enough to accommodate today's healthy and

[4] *Domestic Fixed-Satellite Service*, 90 FCC 2d 1 (1982). In that order, we decided that all applications filed by May 18, 1982 would be processed as a group. By separate action, we are denying a request for reconsideration of that order. *See Memorandum Opinion and Order*, FCC 83-183 adopted today.

[5] *Memorandum Opinion and Order*, FCC 83-185 adopted today. As of April 26, 1983, these pending applications propose the construction of 22 new satellites and the launch of 18 additional satellites. A reasonable period of time is also being allowed for others to file applications to be included in this group.

[6] We expect to take final action on this next group of applications during 1984. A limited period of time will be provided after today's processing order for the filing, initial review and acceptance of applications, as well as the opportunity for filing comments in the course of the normal application pleading cycle. If many applications are filed, a rulemaking proceeding and/or expedited hearings may also be needed. If not, action may be taken at an earlier date. This schedule should accommodate launches of newly constructed satellites that may be planned by applicants in the 1987–1988 time frame. Launch of previously constructed ground spares to expand operational satellite systems may be possible at even earlier dates after these application proceedings are completed.

[7] *Western Union Telegraph Company*, 38 FCC 2d 1197 (1973); *COMSAT General Corporation*, 42 FCC 2d 677 (1973), 45 FCC 2d 444 (1974); and *National Satellite Services*, 43 FCC 23 1141 (1973. System authorizations were later granted to other companies in *RCA Global Communications*, 56 FCC 2d 660 (1975) and *Satellite Business Systems*, 62 FCC 2d 997 (1977).

[8] Replacement satellites and expansions of existing systems were authorized in *COMSAT General Corporation*, 84 FCC 2d 547 (1981), *RCA American Communications, Inc.*, 84 FCC 2d 633 (1981), *Western Union Telegraph Company*, 86 FCC 2d 196 (1981) and *Satellite Business Systems*, 86 FCC 2d 180 (1981). Initial satellites for new system entrants were approved in *Hughes Communications, Inc.*, 84 FCC 2d 578 (1981), *Southern Pacific Communications Company*, 84 FCC 2d 650 (1981) and *GTE Satellite Corporation*, 84 FCC 2d 562 (1981).

[9] Domestic Communications Satellite Facilities, 22 FCC 2d 86 (1970), 35 FCC 2d 844 (1972), *recon. in part*, 38 FCC 2d 665 (1972) (hereinafter referred to respectively as *Domsat I, II*, and *III*).

[10] *See* 47 U.S.C. 151 and 301 *et seq.*

[11] *Domsat II*, *supra* note 9 at 846–47.

[12] *Domestic Fixed-Satellite Service—Orbit Deployment Plan*, 84 FCC 2d 584 (1981). Additional examples of our flexible responses to industry changes are our decisions in *American Broadcasting Companies*, 62 FCC 2d 901 (1977), and its progeny listed in our *Notice* at Appendix A, Table 16; and *Domestic Fixed Satellite Transponder Sales*, 90 FCC 2d 1238 (1982) *Transponder Sales Order*).

growing one.[13] Our *Notice* affirmed the success of these policies and procedures that were first applied on an experimental basis. Commitment to our initial licensing objectives was also reaffirmed for the current phase of this regulatory program. However, we recognized that the continued efficacy of our policies and procedures must be evaluated periodically in light of market and technological developments. Thus, adjustments may become necessary as the industry continues to develop.

11. In particular, we recognized the critical relationship between our orbital spacing criteria in the 4/6 and 12/14 GHz bands and our ability to achieve our domestic satellite licensing objectives in a timely and efficient manner. Only a limited portion of the geostationary orbit is usable to serve the United States,[14] and the number of domestic satellites that can be licensed is directly related to our orbital spacing criteria. Reduced spacings allow more satellites to be licensed. However, as discussed in the *Notice*, a reduction in orbital spacings generally requires more costly equipment, and may cause operational penalties in order to control interference.

12. Our current orbital spacing criteria of 4° at 4/6 GHz and 3° at 12/14 GHz were adopted in 1974 [15] and 1977 [16], respectively. These spacings provided a balance in the past between the number of satellites proposed for service and reasonably economical ground facilities.[17] Moreover, such orbital separations were sufficiently large to eliminate interference concerns for most, if not all, interactions between adjacent satellites.[18] The result has been broad operational flexibility.

13. The operational flexibility afforded by these wider orbital spacings may have been another factor contributing to the success of the experimental phase of our domestic satellite regulatory program. This success is measured by both the growth in the number of facilities and the diversity of services, licensees, users and other participants in the market. However, demand has grown rapidly in the past few years and is expected to grow steadily through the end of the century.[19] This growth for domestic satellite services is reflected in the increased number of orbital locations requested by applicants. The resulting conflicts among applicant requests are becoming more difficult to resolve, even under the commission's flexible licensing procedures.

14. In our *Notice*, we recognized that the costs of reduced orbital spacings to meet growing traffic requirements and still maintain opportunities for new market entry might be quite high for some carriers and users. Thus, we solicited information on the technical, economic and operational feasibility of several alternatives to 2° orbital spacings in the 4/6 and 12/14 GHz bands. Our *Notice* identified such specific approaches as the use of higher capacity satellite designs, higher frequency bands and more efficient transmission techniques to increase available in-orbit capacity. Few parties submitted concrete information in response to this specific line of inquiry beyond describing some of the more efficient transmission techniques they are currently evaluating.[20] It is generally accepted that these other alternatives to reduced spacings are technically feasible. However, it also appears that the necessary changes in basic satellite designs will not be economically practical for widespread use during the next few years.

15. Increasingly efficient transmission techniques appear to offer great promise in allowing carriers and users to make more effective and economical use of space segment facilities once they are in use in operational networks. However, the additional capacity provided through such improvements does not appear sufficient to satisfy the overall growth in satellite demand, particularly for new users. Additional satellites are necessary to accommodate such new user networks, as well as for long-term expansion of existing networks and new market entrants. Thus, reduced orbital spacings in the 4/6 and 12/14 GHz bands are required. Additional orbital locations must be identified to insure that the basic growth in user requirements and new services are met and to permit continuation of the benefits of our open entry policies. As recognized by the parties, reduced orbital spacings will indubitably entail adjustments to the current regulatory and operational environment. However, with the full cooperation of satellite operators, carriers, equipment manufacturers and users, the expansion of this industry can be achieved with a minimum amount of disruption to current plans and operations. A measure of our success in this passage to a more mature industry and regulatory environment will be the avoidance of traditional regulatory impediments and delays to innovation and service expansion.

III. Orbital Spacings at 4/6 GHz

16. Our proposal for 2° orbital spacings at 4/6 GHz generated by far the most controversy, and the majority of parties addressed the impact on them of this reduction. There are several reasons for this focus. Propagation conditions have been considered to be more favorable in this portion of the spectrum than at 12/14 GHz. Domestic satellite services were first provided in these bands and are now firmly established. At present, most satellite services are offered in these bands, and ground facilities are readily available to users at reasonable costs. Thus, the vast majority of presently operating earth stations are designed to operate in the 4/6 GHz bands. Orbital congestion at 4/6 GHz therefore results from this high demand for service and current 4° orbital spacings. Moreover, it is more difficult and costly to achieve 2° separations at 4/6 GHz than at 12/14 GHz because earth stations antennas are less directive at lower frequencies.

17. The acceptability of the current 4° orbital separations at 4/6 GHz is undisputed by any party. Moreover, with only a few exceptions, a 3° orbital spacing criterion has been accepted by

---

[13] We have previously noted these characteristics of the industry in our *Notice* at 320–323; *1980 Orbit Assignment Order, supra* note 12 at 603.

[14] *See, e.g. 1980 Orbit Assignment Order, supra* note 12 at 597–600.

[15] *Western Union Telegraph Company*, 47 FCC 2d 274, 275 (1974).

[16] *Satellite Business Systems, supra* note 7 at 1060–1061.

[17] *See American Broadcast Companies, supra* note 12, for a general discussion of these factors.

[18] With the current spacing criteria, problem interactions generally are limited to the selection of specific r.f. carrier frequencies for small antenna transmissions to avoid adjacent satellite interference. *See, e.g., American Satellite Corporation*, 72 FCC 2d 750 (1979).

[19] Although all parties assume a steadily growing demand in their comments, only USSSI and Future Systems, Inc. (FSI) submitted demand forecasts in this docket. For example, USSSI asserts a steadily growing demand through the year 2000 for voice and data services over domestic satellites, combined with sharply increasing use of satellites for television distribution and video teleconferencing. At least 85 satellites would be needed to satisfy the resulting requirements for 1550 equivalent 36 MHz transponders in 1995. We also take note that other demand estimates have been presented in the applications under consideration today, and a total of 960 equivalent 36 MHz transponders were either authorized or proposed in the current group of applications at the time of our *1982 Processing Order*. All of these factors compel reduced orbital separations. However, we are reluctant to rely solely, or even primarily, on the specific level of estimated transponder demand predicted in these studies to justify the validity of our orbital spacing criteria. The uncertainties surrounding the largely oracular data underlying such long-term predictions appear large at this stage of the industry. Rather, maximization of available orbital locations, within reasonable bounds, appears to provide greater confidence that our license policies will permit demand to be satisfied.

[20] Further details are provided in paragraphs 109–115, *infra*. Several parties also suggested frequency allocation approaches to increased capacity, but these proposals are outside the scope of this proceeding. *See* notes 88, 105 and 110, *infra*.

the parties in this proceeding as technically and economically feasible.[21] Little adverse impact to current users has been identified by any party, and both our analyses and those submitted in this docket support the feasibility of 3° orbital spacings at 4/6 GHz.[22] It is generally accepted by the parties that additional orbital locations are needed, and that an immediate reduction in spacings down to at least 3° at 4/6 GHz is the most practical way to meet current orbital requirements.[23] We therefore adopt 3° as the maximum orbital separation to be afforded between any pair of domestic satellites in these bands.[24]

18. However, uniform 3° orbital spacings at 4/6 GHz will not be sufficient. Many, if not most, of the parties admit the need for orbital spacings smaller than 3° to permit even more satellites to be launched to satisfy growth requirements. Despite the increased costs, many parties prefer reductions in spacing below 3° to the costs and delays of comparative hearings and the unavailability of additional transponder capacity. We therefore address the more difficult questions concerning 4/6 GHz orbital spacings between 2° as proposed in our *Notice* and the maximum value of 3° adopted above.

A. *Technical Analysis*

19. Appendix A to our *Notice* presented two technical analyses of the feasibility of reduced orbital spacings. One analysis addressed 54 baseline r.f. carriers representing typical services on authorized domestic satellites. Interference levels were computed for each of the 2916 potential interference interactions where each of the 54 r.f. carriers interfered with each of the 54 r.f. carriers. For various conditions of reduced satellite spacings and earth station antenna performance, percentages were calculated of the 2916 interference interactions which satisfied the assumed permissible interference objectives. They were then compared to the corresponding percentages of interference interactions satisfying these objectives under the conditions of the present 4° satellite spacings and the current earth station antenna performance standard.[25] At 3° spacings and with a 3dB improvement in earth station antenna sidelobe performance, the resulting percentages would be reduced by no more than 2 percentage points. A further reduction in satellite spacing to 2° and a further improvement in antenna performance to increase cross-polarization isolation to a uniform 10 dB value did not reduce the percentages from current conditions if a standardized transponder frequency and polarization plan were also employed. These conclusions have not changed as a result of updating this analysis in Appendix B to include newly proposed baseline facilities and services.[26]

20. We recognize, as pointed out by various parties, that the calculated percentages are not equal to the percentages of actual traffic being affected because traffic loading statistics are not being factored into this analysis. However, this was and is not our intent. Rather, this analytic approach was developed to demonstrate, in general terms, the degree of difficulty that different orbital spacings would present and the degree of effectiveness of various technical standards. No party claimed that the current 4° orbital separations at 4/6 GHz were unacceptable or unworkable. Thus, one measure of the feasibility of reduced spacing criteria is to compare the number of coordination difficulties resulting from a reduced spacing proposal to the number occurring with the current spacing.

21. We also examined the aggregate impact of an array of interfering satellites uniformly spaced 2° apart on ten of the typical r.f. carriers in current service. In that second analysis, a detailed interference model using 2° spacing between satellites was constructed, and the interference effects calculated for each of these r.f. carriers. In most cases, the interference objectives were either satisfied or within 2 dB of being satisfied, or any loss of capacity of individual transponders was more than offset by the doubling of available transponders. Similarly, in Appendix B we also examine the results of the detailed technical analyses submitted by the parties in this proceeding. We will now summarize the general impact of reduced orbital spacings on baseline facilities and services of direct interest to them.[27]

22. *Message Services.* Domestic satellites are used effectively for long distance voice and data services on medium to high density routes. They are also employed for high quality, customized services, such as high speed data transmissions, desired by customers. Such services use an entire or at least a significant proportion of a domestic satellite transponder. However, the number of earth station facilities providing these services is small compared to the number of earth stations involved in the program distribution services discussed below.

23. The magnitude of the impact of 2° spacings on satellite message services varies significantly with each study and is highly dependent on assumptions and methodology. As presently configured, most services apparently would fail to meet their performance specifications by small values. Usually these negative margins are less than 4 dB even under conservative assumptions, although negative margins as great as −7.2 dB were identified in a few instances. However, most services can be reconfigured to meet their single entry interference criteria at 2° spacings with some adjustment of uplink powers, careful control of the transmission parameters of adjacent satellites, and upgraded earth station antennas. In

[21] We had previously adopted in 1972 (but never implemented) a 3° criterion to accommodate the then planned 4/6 GHz domestic satellites. *See Domsat II, supra* note 9 at 850, adopting the conclusion in *Domestic Communications Satellite Facilities*, 34 FCC 2d 9, 29 (1972), that 3° orbital spacing was feasible at 4/6 GHz. *See also, American Broadcasting Companies, supra* note 12, for additional background.

[22] This conclusion holds even if an improved antenna standard is not adopted, albeit on a marginal basis. *See, e.g.*, studies cited in Appendix A to our *Notice* and Appendix B to this *Report and Order*.

[23] The proposed dB improvement in earth station sidelobe performance essentially compensates for the reduction in angular discrimination between 4° and 3° satellite separations. Apart from antennas not meeting this standard, the other objection to reduced spacing appears to be the one raised by parties such as FSI that the introduction at 4/6 GHz of multiple frequency re-use, spot beam satellites could be precluded. However, such proposals are not before us today.

[24] Further technical analyses of the feasibility of 3° spacings at 4/6 GHz apear in Appendix B to support this conclusion.

[25] *Notice, supra* note 1, Appendix A at 4. Several percentages were actually calculated for each condition to provide a more complete assessment. Actual interference levels do not necessarily exceed permissible levels in the small percentage of interactions for which the interference objectives are not satisfied in this analysis. In many such interactions, other factors will in practice reduce the actual interference below the calculated value.

[26] In order to keep the computations within manageable proportions, some combination of similar baseline r.f. carriers proposed by different parties has been necessary. However, every proposed type of baseline r.f. carrier is reflected by at least one of the r.f. carriers in the analysis even if not explicitly associated with the party proposing it.

[27] Wold correctly observes that our suggestions of increased interference allowances and less conservative computational assumptions and techniques have no effect upon the physical environment in which the satellites and earth stations operate. However, Wold misses the point in dismissing these suggestions as "mere 'bookkeeping' factors" when they are used to analyze the impact of reduced orbital spacings. These refined techniques are significant to our computational efforts to predict the interference effects of reduced orbital spacings more precisely, and thus increase confidence that actual interference levels will not exceed acceptable levels.

particular, improved antennas should provide a 3 dB improvement in earth station antenna sidelobe performance and 10 dB of cross-polarization isolation. Coordination of actual r.f. carrier frequencies also appears desirable in many cases involving multiple access message carriers. Upgraded modems and other types of signal processing techniques are also useful in reducing the effects of interference to acceptable levels. It is also noted that even without improved earth station facilities, several identified message services are acceptable with 2° orbital spacings. Generally these services involve transmissions between 10 meter and larger earth station antennas for broadcast quality video, high speed (60 Mbps) data, and 1.544 Mbps data if upgraded modems are installed.

24. Thus, it appears that most message services can be provided under conditions of 2° spacings with the introduction of several factors, the most important of which are an actual 3 dB improvement in earth station sidelobe discrimination, 10 dB cross-polarization isolation, standardized transponder frequency and polarization plans with adjacent satellites cross-polarized, standard power levels, and some coordination.

25. *Narrowband Services.* A different situation is presented by narrowband services between small antennas. Such services appear to be growing rapidly, particularly for thin-route and customer premises service, as well as digital and analog program distribution services. We have consistently recognized that operations of narrowband services to such small antennas are generally not compatible with each other and certain other types of transmissions. Careful frequency planning is necessary even at 4° spacings to avoid both cochannel operations with other narrowband services and those portions of the transponders where interfering signals have their peak power densities.[28]

26. The general effect of 2° spacings will generally be to reduce the amount of bandwidth available for such services when the adjacent satellites carry wideband transmissions. In some cases, this only means a loss of flexibility in operations, rather than an actual increase in interference or overall transponder capacity. Such loss of flexibility may be significant in those cases where terrestrial frequency coordination also imposes operational constraints on the placement of narrowband r.f. carriers within the transponder. In other cases, however, there is some potential loss in transponder capacity absent traffic coordination with adjacent satellites. However, even in the worst cases, any loss in transponder capacity of an individual transponder is usually more than offset by the increase in the total number of available transponders resulting from 2° spacings.

27. *Video program distribution.* A 3° spacing criterion at 4/6 GHz appears compatible with current facilities and the desired signal quality for video reception by the 4.5 meter and larger antennas currently being licensed. Thus, there will be little impact on these small antenna services if 3° orbital separations are provided. However, it appears that interference levels at 2° orbital spacings will fall 1 to 2 dB below the objectives considered in *American Broadcasting Companies, supra.* The impact of this result is the subject of some controversy among the parties commenting on this matter.

28. A number of parties, *e.g.* the National Cable Television Association and Westinghouse (Group W), oppose 2° spacings at 4/6 GHz. They express a need for the 18 dB carrier-to-interference ratio (C/I) criterion for small receive-only earth stations used in *American Broadcasting Companies, supra.*[29] NCTA estimates that there are some 6000 receive-only antennas serving the cable television industry. The great majority of these antennas are believed to be 4.5 or 5 meters in diameter. Although NCTA supports a reduction in orbital spacings to 3° at 4/6 GHz (and 2° at 12/14 GHz), it believes closer spacings should not be authorized unless this 18 dB C/I interference criterion can be maintained. However, NCTA does not believe this criterion can be satisfied because of the technical differences between currently authorized domestic satellites. Other parties, such as Southern Pacific, urge an even higher quality based on CCIR documentation.

29. On the other hand, the Society for Private and Commercial Earth Stations submitted measured data using a 3 meter antenna to show that 2° spacings are acceptable even though an 18 dB C/I is not always provided. Achieving that specific objective under 2° orbital separations will require higher performance antennas than currently required for 3° spacing and careful engineering of satellite facilities. However, it is not clear that the perceived quality of signal will be unacceptable to most viewers if the 18 dB C/I criterion is not strictly achieved. A variety of reports have been submitted to document the C/I criteria desired by users. Desired quality ranges from impairment-free, high quality (broadcast) observed by expert viewers to just-objectionable, low quality observed by average viewers. This range of subjective effects is wide with large standard deviations. We do not find any particular C/I standard to be supported by an overwhelming preponderance of the evidence. Moreover, flexibility exists in selecting receiving equipment to achieve the desired grade of service, although the cost necessarily increases as the quality of received signal improves.

30. In summary, it appear that 2° orbital separations will result in some but not excessive degradation in the quality of television signals rceived by currently licensed antennas. Such antennas will have to be upgraded, and more likely replaced, if the current quality of signal is to be maintained when orbital spacings are in fact reduced to 2° in the 4/6 GHz bands. However, given the increased diversity of programming services that can be made available by the additional satellites, we believe the costs of providing these new program services are not out of line. Moreover, we are providing a transition period to allow for fuller amortization of existing receive facilities to mitigate the financial impacts of upgraded or replaced equipment.[30] Thus, we conclude that video service to small antennas would be feasible at 2° separations under these conditions, although marginal according to some of the studies submitted in this proceeding.[31]

31. *Transportable earth stations.* Wold believes that 2° spacings would make transportable earth station operations impractical at 4/6 GHz. Such

[28] *See, e.g. American Satellite Corporation, supra* note 18; *National Public Radio,* 70 FCC 2d 1853 (1979).

[29] We do not view our technical analyses in that decision as establishing an 18 dB C/I as a rigid technical standard. The question before us then was whether 4.5 meter antennas were compatible with the then existing 4° orbital spacings at 4/6 GHz. Using an 18 dB C/I criterion proposed by advocates of such facilities, we found this to be the case. In considering the desirability of reduced spacings, we are not precluded from considering lower values of C/I or other measures of signal quality. Our assessment of the impact of reduced spacings must be balanced against the benefits of an increased supply of satellite services. Higher quality service, such as that described in CCIR documentation, requires large diameter antennas even with current orbital spacings.

[30] As discussed in paragraphs 41–43 below, our transition plans allow for wider spacings up to 3° between satellites providing the vast majority of current program distribution services to these small receiving antennas.

[31] We summarily reject any claim that we should take into account unlicensed receive-only earth stations in our evaluation of reduced orbital separations. *See Deregulation of Receive-Only Earth Stations,* 74 FCC 2d 205 (1979).

spacings would, in its view, require antennas larger than the 4.5 meter antennas currently used for such service. Coupled with the extensive use of such small antennas for other services, Wold believes the costs of 2° spacings far outweigh the advantages. However, such transportable stations are authorized only on a developmental basis subject to the condition that no harmful interference is caused.[32] We have not given any higher status or recognition to these transportable operations. However, they will be able to continue to provide service on the same basis under reduced spacings if appropriate coordination is achieved among operators.

B. *Discussion*

32. If traffic requirements grow to the extent predicted in the space station construction and launch applications presently before us, reductions in orbital separations below 3° at 4/6 GHz will become essential within the next few years. Otherwise, meaningful opportunities for continued expansion and new entry at 4/6 GHz may cease to exist.

33. According to the parties, the following conditions are necessary for 2° orbital separations at 4/6 GHz.:

(a) That earth station antennas in fact satisfy the proposed technical standards in the *Notice* (3 dB actual sidelobe improvement and 10 dB actual cross-polarization isolation);

(b) That adjacent satellites are in fact cross-polarized and the polarization vector alignment is accurately maintained throughout the service area;

(c) That there are no significant variations from nominal values of satellite equivalent isotropically radiated power (EIRP) and uplink sensitivity throughout the service area, frequency band and operating lifetime; and

(d) That some traffic coordination is done by satellite operators to avoid co-channel, worst-case interfering carrier pairs.

It appears that each of these conditions can be satisfied to a sufficient degree to make 2° spacings feasible at 4/6 GHz. The first, dealing with improved earth station antenna performance, is discussed in paragraphs 93–101, *infra*, and will be addressed by the revisions we are adopting to Section 25.209 of the rules.

34. The second and third of these conditions involve the technical concept of inhomogeneity. As various parties point out, the technical analyses of the impact of reduced spacings are overly optimistic to the extent that differences in technical parameters between actual satellites are ignored. We recognize the commonly accepted view that it is the differences between satellite technical parameters, rather than the actual parameter values, which tend to determine required orbital spacings. Satellite separations are theoretically minimized when all satellites are identical, i.e. if they are homogeneous. Because real satellites differ in many respects, the technical concept of inhomogeneity has been developed to encompass any differences in satellite parameter values that enter into the determination of orbital spacings. As a general principle, reducing inhomogeneity between satellites will facilitate reduced orbital separations. However, inhomogeneity in certain transmission parameters is intrinsic to the diversity of facilities and services that characterize the domestic satellite market. Thus, a balance is needed between this desire for diversity by users, and the reduction in the differences in satellite design parameters that facilitate reduced spacings and increase the total number of domestic satellites.

35. It is not disputed that actual satellites will exhibit some degree of inhomogeneity or differences with respect to another satellite in terms of antenna gain within the domestic coverage area,[33] or differences in transponder characteristics across the allocated frequency band and over the lifetime of the satellite. The parties raising this point do not quantify the actual levels of inhomogeneity they believe exist. However, some analyses are provided showing the effects of different levels of inhomogeneity. For example, the analysis provided by RCA Americom indicates that most adjacent satellite interference objectives at 4/6 GHz are still met at 2° spacings with inhomogeneities of 2 dB.[34] Little analysis is provided of the impact of such inhomogeneities on the overall performance of the communications link.

36. However, we believe that inhomogeneities can be maintained within reasonable limits with advance planning and careful coordination, and we will require this to be done.[35] In addition, the magnitude of the inhomogeneities between satellites *per se* does not make a 2° orbital spacing criteria infeasible in the 4/6 GHz bands since careful transmission planning and coordination can also mitigate the effects of inhomogeneities in satellite designs. Similarly, the lack of EIRP homogeneity between newer and older satellites is not necessarily determinative of the feasibility of reduced spacings in the future because all newer satellites are beginning to use 8 to 10 watt solid state amplifiers.[36] Rather, a baseline set of parameters could be established within which design and operational parameters are to be maintained. Flexibility can still be provided to carriers and users to select the most cost effective means of satisfying their needs within these broad limits. In particular, coordination procedures can be designed to allow such flexibility to accommodate new or different service requirements.

37. With respect to the final condition for 2° spacings at 4/6 GHz, system operators will also have to more carefully plan their operations. The increasing need for closer coordination between satellite operators is likely to require them to hire additional engineering staff. Prior coordination agreements may also reduce their flexibility to promptly respond to new service requirements. It is asserted by some parties that the operational and design discipline needed to achieve 2° orbital spacings would significantly reduce flexibility, and could require prescribed transponder loading plans. Because of closer interactions between satellites, such planning would have to consider actual traffic on adjacent satellites. Thus, it is argued that no technical information on a given system's design and operation could be kept confidential if unacceptable

[32] *See e.g. Western Tele-Communications, Inc.* Mimeo 3640, released September 30, 1981 *recons. in part* mimeo 5974 released August 27 1982. The 14 GHz band is also available for transportable operations, and may be more suitable for such services in the long-run because of the greater antenna directivity and the general absence of terrestrial facilities in this band

[33] We recognize that reduced spacings may result in higher interference levels to transborder satellite services than those calculated for domestic services within the United States. This results from the difficulty in controlling satellite antenna gain contours outside of the primary service area. However, we do not believe our spacing criteria should be based on interference levels outside the domestic coverage area. Thus, transmission parameters for transborder satellite services will have to be selected for satisfactory operations within the actual interference environment resulting from today's orbital spacing and satellite authorization decisions.

[34] We have taken RCA Americom's analysis as representative because of the completeness of the potential transmissions considered. Few, if any parties dispute the validity of this analysis.

[35] *See* paragraphs 70 and 92, *infra*.

[36] In particular, one class of satellite design or user requirement should not dictate our orbital spacing criteria in general, especially in light of the flexibility we are providing to account for less than ideal conditions at 4/6 GHz over the next few years in today's *1983 Orbit Assignment Order*

interference is to be avoided. Moreover, little flexibility would be possible because a modification to one system is likely to affect all others. The resulting lack of diversity is claimed to be contrary to the Commission's domestic satellite policies. Where modifications are feasible, it is feared that regulatory delay would be encountered before they could be implemented.

38. However, none of the parties raising these points substantiate their claims with quantitative or objective examples. While a loss of flexibility is expected as an abstract matter, no proof has been offered that the actual results will be detrimental to the public or to the industry. Moreover, frequency coordination has generally proven to be an effective means of achieving effective non-interfering spectrum use, and appears to be a reasonable price to pay for the resulting increase in available in-orbit capacity.

39. In addition to the costs incurred by space segment operators, users are also likely to have to incur additional costs to satisfy these conditions for 2° orbital spacing. Existing antennas will have to be upgraded or replaced at costs ranging from a few thousand dollars to upgrade an existing 4.5 meter antenna, up to several hundred thousand dollars to replace a 10 meter antenna. Improved signal processing equipment or other transmission parameter adjustments may also be required. However, for most users, the costs of 2° spacings are likely to be in the lower portion of this cost range, particularly with the transition period we are providing for the equipment amortization. Moreover, the additional costs entailed by 2° spacings should be much lower for new earth station facilities and satellite systems that are designed to operate with 2° spacings from the outset.

40. Thus, the conditions identified by parties for 2° orbital separations at 4/6 GHz can be satisfied as a result of the steps we are taking today with respect to satellite and earth station facilities. Moreover, the costs appear acceptable to users in light of the benefits of increased satellite capacity that will become available. Additional engineering efforts may also permit uniform 2° separations between all existing and new 4/6 GHz satellites. We therefore adopt 2° orbital separations as our basic, long-term orbital spacing criterion in the 4/6 GHz bands. This criterion will be the basis for all future space station and earth station licensing decisions.

41. However, we have also been convinced of the need to provide a sufficient period of time to amortize and to upgrade or replace existing earth station facilities. Although many services can be provided under conditions of 2° orbital spacings, the impact could be large on certain services if spacings were reduced below 3° at this time. In particular, thousands of licensed, small antennas used for video reception may not meet the improved antenna performance criteria we are adopting today. Some of this earth station equipment may have only been recently installed and thus will not be fully amortized for the next few years. We do not believe that present circumstances or traffic demands require immediate or drastic operational and economic dislocations. A transitional approach to uniform 2° orbital spacings at 4/6 GHz can provide somewhat larger orbital spacings, at least in some portions of the orbital arc. Many existing services could operate compatibly with orbital spacings between 2° and 3° with little if any additional costs. Moreover, an average orbital spacing on the order of 2.5° appears sufficient at this time to accommodate current proposals without the costs and delays of comparative hearings or other administrative selection proceedings. Most parties appear willing to accept orbital separations between 2° and 3° to avoid such results if sufficient time were provided for the transition to 2° spacings and for the fuller amortization of current earth station investment.

42. On the other hand, there is no need to significantly delay imposition of 2° orbital separations for all newly constructed satellite networks. As discussed below, equipment compatible with 2° spacings at 4/6 GHz is feasible and will be available within the next few years. Since many new installations are likely to be required in any event to operate with the satellites newly authorized today, it appears advisable to begin now to insure a ground segment with the capability of operating with satellites spaced 2° apart when demand requires it. Little purpose would be served by the installation of significant amounts of new equipment that is incompatible with the 2° spacings that will eventually be required.[37] In this regard, we note that, for newly purchased equipment, compatibility with 2° spacings appears obtainable at little or no increase in cost.

43. In summary, we are adopting various standards today that will make 2° orbital spacings practical at 4/6 GHz. Until uniform 2° orbital separations are actually required by traffic demands, orbital separations as great as 3° and as small as 2° between individual satellites will be provided to achieve an average 2.5° spacing in these bands. All new earth station and satellite facilities will have to be designed to operate with 2° orbital separations at 4/6 GHz.[38] We recognize that this spacing criteria will eventually have significant impacts on carriers and users, and expect new problems to arise as new facilities and services are introduced in the course of implementing these reduced orbital spacings. However, we do not believe it necessary for us, either as a legal or practical matter, to definitively resolve every potential interference conflict in this *Report and Order*. Actual solutions to these problems will be achieved through the future proceedings described below. We believe they will be better suited to individualized interference conflict resolutions than this formal rulemaking proceeding.[39] Moreover, we are making various provisions throughout this *Report and Order*, as well as in our *1983 Orbit Assignment Order*, to minimize the costs of reduced orbital spacings and to delay their occurrence as long as possible. We emphasize, however, our finding that the benefits to be derived from the timely availability of additional in-orbit transponder capacity outweigh the costs of the reduced orbital separations we are adopting today.

IV. Orbital Spacings at 12/14 GHz

44. Appendix B to our *Notice* contained an initial analysis of the feasibility of 2° orbital separations in

[37] Since our receiving antenna performance standard in § 25.209 only defines the assumed level of interference protection, parties installing new receive-only earth stations have the option to decide for themselves whether to purchase earth station equipment now, later, or at all, that is strictly compatible with 2° orbital spacings. Some users may find it preferrable to accept any increases in interference levels than pay for new or upgraded antennas. *See* paragraph 98, *infra*.

[38] In addition to the new earth station antenna performance standard discussed in paragraphs 93–101, *infra*, the engineering analyses required by *American Broadcasting Companies, supra* note 12, for new applications of small antennas will now have to be based on 2° orbital separations. Similarly, new space station applications will have to conform to the requirements set forth in paragraph 70, *infra*, to facilitate 2° orbital separations.

[39] Informal procedures have been successfully established to resolve numerous potential interference conflicts without formal hearings. *See, e.g., Specialized Common Carrier Services*, 29 FCC 2d 870 (1970); *Earth Stations and Terrestrial Stations*, 40 FCC 2d 395 (1973); *Land Mobile Channels*, 77 FCC 2d 201 (1980), *aff'd sub nom. Telocator v. FCC*, D.C. Cir. No. 79-2218, October 5, 1982. We expect that such procedures will be defined in the context of the further proceedings described below.

the 12/14 GHz bands. Generally, we believed that such a result could be achieved with only a 3 dB improvement in earth station antenna sidelobe performance. Standard transponder frequency and polarization plans were not proposed at 12/14 GHz because of the wide variations in the current transmission plans of these satellites.

45. Relatively few parties supplied comments on our proposal to reduce orbital spacings to 2° in the 12/14 GHz bands. Only USSSI submitted a timely technical analysis of the impact of such reduced spacings in this docket. Various domestic satellite system applicants also commented on the feasibility of reduced orbital spacings at 12/14 GHz in their applications for new satellites in these bands. We therefore also rely on the material in those application proceedings in reaching a decision in this docket. Appendix C to this order contains revised technical analyses of the feasibility of 2° spacings at 12/14 GHz. The methodology is generally the same as that used in Appendix B to this order for 4/6 GHz spacings.

46. In evaluating the formal comments submitted in response to the *Notice*, we recognize that the number of orbital locations then being requested could easily be accommodated with 3° spacings. Thus, most of the parties filing comments did not actively support 2° spacings at 12/14 GHz at that time. Applicants for new domestic satellites do indicate that they are generally willing to accept 2° spacings if it becomes necessary to accommodate their proposals without comparative hearings. However, they are reluctant to strongly endorse such an orbital spacing criterion. Existing licensees and applicants, as well as others, view 2° orbital spacings as restricting their flexibiity to develop new and innovative services in these bands. In particular, services are contemplated which involve the use of much smaller antennas than are possible in the 4/6 GHz bands. However, none of the parties made a persuasive showing that 2° orbital separations at 12/14 GHz are impractical or infeasible to achieve.

47. The situation has changed significantly since the initial comments were filed in this docket. In order to accommodate all of the requests in the current group of applications at 3° spacings, the entire usable arc between about 60° and 130° West Longitude would have to be completely assigned.[40] Orbital locations at the extremes of this arc are usable to provide an adequate quality of service. However, most parties have expressed a preference for the assignment of locations closer to the center of this arc for their initial satellites. This preference appears to be based on the better propagation conditions for coverage of the continental 48 states from these locations.[41] However, additional locations would have to be identified closer to the center of this arc, necessitating reduced spacings. On balance, it appears that the alternative of reduced spacings is the most desirable approach since additional orbital locations closer to the center of this arc segment become available.[42] Moreover, reduced orbital spacings, which increase the total number of available orbital locations within the overall arc, will also enable us to continue our open entry policies for future growth requirements.

48. The actual interference analyses summarized in Appendix C to this order demonstrate the general feasibility of 2° orbital separations at 12/14 GHz. The calculated carrier-to-interference ratios provide high levels of isolation for moderate size antennas conforming to the new antenna sidelobe standard. While some of the smallest antennas contemplated may not conform to the new standard, the isolation requirements are also lower in practice for these services because of the overall lower transmission link performance expected by the user. Moreover, additional margins are available for inter-satellite interference at 12/14 GHz because of the absence of terrestrial interference, the potential presence of some cross-polarization isolation, and the potential advantages that can be obtained with frequency off-sets through coordination with adjacent satellite operators. Moreover, apart from Satellite Business Systems (SBS), for which a transition period is provided in today's *1983 Orbit Assignment Order*, over a year is generally provided for the planning and installation of the earth station facilities operating at 12/14 GHz with satellites spaced 2° apart in these bands. Thus, the technical and economic impact of 2° orital separations in the 12/14 GHz bands appears to be small and acceptable. In addition, as indicated in Appendix C, satellite spacings of less than 2° may be feasible in the 12/14 GHz bands. We, therefore, expect to consider further reductions in orbital separations as needed to accommodate future domestic satellite proposals in these bands.

49. In summary, it appears that 2° orbital separations at 12/14 GHz are feasible now and can be implemented immedately at little or no costs to users. Although only 3 domestic satellites are operating today at 12/14 GHz, another 18 are being authorized for launch by 1987, includng hybrids. Reductions in orbital separations are therefore desirable to accommodate these and additional domestic satellites in the future. Thus, we adopt 2° as the orbital spacing criterion for the 12/14 GHz bands. This criterion will insure that planned domestic satellites are accommodated efficiently and promptly in orbit.

V. International Considerations

50. Our *Notice* declared that reduced orbital spacings between United States domestic satellites will not prevent other Region 2 Administrations from implementing their own domestic satellite systems. We also re-affirmed our commitment to fully cooperate with other countries through the frequency coordination procedures of the international Radio Regulations. That commitment requires that the treaty mandated information referred to in Section 25.202(c) of the proposed rules is supplied, and the necessary international procedures are completed by the Commission within the established time constraints. Various parties acknowledge the significant international implications and consequences that flow from this domestic rulemaking docket. In particular, Comsat provides a comprehensive overview of these considerations which provides a foundation for the following discussion. Consultations with other countries in the Western Hemisphere who have begun the international coordination procedures will have to be successfully concluded if the domestic satellites of these countries and the United States

[40] This is the first time we have addressed the extent of the usable arc at 12/14 GHz. *See also* our *1983 Orbit Assignment Order, supra* note 3. As in the case at 4/6 GHz, this arc is not precisely defined, and thus does not have a rigid regulatory meaning. *See 1980 Orbital Assignment Order, supra* note 12, for a further discussion.

[41] Additional rain margins may be required for service to certain parts of the country as the edges of this arc are approached. This does not mean that such orbital locations provide inadequate service, however.

[42] In contrast, USSSI suggests the use of orbital locations in the orbital arc segments of 119° to 143° and of 50° to 106° West Longitude. All pending applications could be accommodated in these arc segments with orbital spacings larger than the 2° we proposed. However, as pointed out by several parties, greater propagation difficulties would be encountered in serving portions of the country from the more extreme locations. Nevertheless, service is still feasible to the contiguous states throughout this larger arc. Moreover, if only spot beam (e.g. one quarter to one half country) coverage is desired, more than adequate service can be provided from locations farther to the east or west of the orbital arc we are considering today.

are to be efficiently accommodated in orbit.[43]

51. Of particular concern are the plans of Canada and Mexico with whom the United States has common borders. The necessary co-coverage geometry of their planned satellites with United States networks require direct negotiations among the three Administrations. Such discussions have in fact been held and successfully concluded. An agreement among the three Administrations resulted in the following orbital positions for the domestic satellites of each country:

Orbital positions (West longitude)	Administration	Frequency band(s) (GHz)
120°	United States	12/14.
119.5°	United States	4/6.
117.5°	Canada	12/14.
116.5°	Mexico	4/6 GHz and 12/14.
113.5°	Mexico	4/6 GHz and 12/14.
112.5°	Canada	12/14.
111.5°	Canada	4/6.
110°	Canada	12/14.
108°	Canada	4/6.
107.5°	Canada	12/14.
105°	United States	12/14.
104.5°	Canada	4/6.
101°	United States	4/6.

It should be noted that this agreement provides for orbital separations as small as 1° in some cases, and 3.5° is the largest separation. These orbital spacings are significantly smaller that the 3.5° separations at 12/14 GHz and the 5° separations at 4/6 GHz that have been afforded in the past.[44] Also, Canadian and Mexican satellites are placed within 1° of each other at 12/14 GHz by taking advantage of the geographical separation between Canadian and Mexican service areas. This orbital arrangement imposes some constraints and difficulties in the assignment of orbital locations to certain satellities in today's *1983 Orbit Assignment Order.*[45] Additional detailed technical coordination will also be required. However, an additional 4/6 GHz domestic satellite can be accommodated for the United States at 101° West Longitude as a result of this agreement. On balance, we believe these overall results are acceptable. Moreover, this agreement demonstrates in practice our commitment to accommodate the actual requirements of other countries for orbital locations through the international frequency coordination procedures.[46]

52. Questions with regard to satellite compatibility also must be resolved for situations where there is a significant amount of geographic separation between service areas. This includes many South American countries. In these cases, a sufficient amount of satellite antenna discrimination appears to be available to permit colocation of satellites with little or no interference between such satellites. In this regard, SBS asserts that there is total geographic separation between the Northern and Southern Hemispheres of Region 2. Thus, according to SBS, any deployment plan adopted by the United States will essentially affect only Canada and Mexico. With respect to South American countries, however, Comsat expresses a somewhat more conservative view. It is somewhat skeptical that United States satellites could be operated independently of satellites serving as least some South American countries even with 1° orbital separations. AT&T concurs, and believes that at least 25 dB of satellite antenna isolation is desirable before satellites are interleaved in the same portion of the orbit. Comsat does recognize, however, that such small orbital separations are practical with frequency coordination between the satellite networks.

53. In our *1980 Orbit Assignment Order,* we recognized the feasibility of colocated satellites. We also believed it desirable to provide some minimal separations, such as the 1° separation between a United States and a Colombian satellite, to facilitate coordination. We are currently in the process of coordinating these assignments. Similarly, we have begun consultations with the Administration of Brazil with respect to their planned domestic satellite system.[47] We must also undertake coordination of our domestic satellite networks with INTELSAT pursuant to Article XIV of the INTELSAT Agreement. We fully expect these coordination efforts to be successfully concluded.

54. Finally, substantial flexibility exists to accommodate the needs of the remaining Region 2 Administrations, generally comprised of Central American and Caribbean countries. Such countries can be served from orbital locations generally between 100° and 120° West Longitude, or east of 53° West Longitude, or at any other location at which the required technical coordination can be successfully accomplished. Virtually any orbital location would remain available to countries in the Southern Hemisphere, using any level of technology agreed among the Southern Hemispheric countries involved. Subject to coordination agreements, the entire range of orbital locations can be accessed by any South American country. Thus, our actions today are in harmony with the establishment of satellite networks to serve each of these countries in the future as their requirements develop.[48]

55. Also, some concern is expressed by parties that our actions today might be misconstrued by other countries. In particular, our *1983 Orbit Assignment Order* might be viewed by at least some countries as acceptance of *a priori* planning in the context of the 1985 Space WARC. This is not the case. Our *1983 Orbit Assignment Order,* together with the set of orbital locations agreed upon by the United States, Canada and Mexico, is an example of the need for flexible approaches to apply technological advances in cooperatively satisfying current orbital requirements. We have necessarily identified today a specific set of orbital location assignments for planning purposes during the next few years. However, flexibility is needed for adjustments to meet changing circumstances in the future, just as flexibility was needed for the changes that occurred since our *1980 Orbit Assignment Order.* Moreover, the adoption of reduced orbital spacings between United States domestic satellites facilitates the accommodation of satellite networks of other Region 2 countries.

[43] We also note the need to coordinate certain domestic satellites with planned INTELSAT satellites located at 53° West Longitude. The affected United States domestic satellites are those at the eastern edge of the orbital arc usable to serve the contiguous states.

[44] *See, e.g., Domsat II, supra* note 9 at 850.

[45] For example, to satisfy the desire of Mexico for orbital separations of not less than 3° at 4/6 GHz, its satellite at 116.5° West Longitude requires the adjacent U.S. satellite at 4/6 GHz to be located at 119.5° West Longitude. This is turn would require the SATCOM III–R satellite to be relocated from its 131° West Longitude location to 131.5° West Longitude if uniform 3° orbital separations are to be provided between U.S domestic satellites in this portion of the orbital arc. The alternative selected in today's *1983 Orbit Assignment Order,* however, is to retain the 131° West Longitude assignment to SATCOM III–R and forego uniform 3° orbital separations

[46] Mexico recently advance published plans for third and fourth satellites at more westerly locations.

[47] Brazil plans to locate its 4/6 GHz satellites at 70°, 65° and 60° West Longitude.

[48] Comsat also points out the technical difficulties that could arise from use of domestic satellites to provide service to the Caribbean and Central American area. Our authorization of any such transborder satellite services will not be allowed to affect satellite orbital spacing decisions, and such services shall have to be designed to be compatible with the assigned orbital locations. Thus, we see no need at this time to set an arbitrary limit on how much service or which satellites can provide such transborder services.

56. Thus, we tend to agree with a number of points advanced by Comsat in this regard. For example, we are achieving our objective of increased domestic satellite capacity by adopting small satellite orbital separations, together with the technological advances, as well as the design and operating constraints, that are required. These steps support our contention that *a priori* or any other form of inflexible "reservation" planning is not necessary to accommodate reasonably expected requirements of other countries. Moreover, our actions demonstrate in practice how cooperation and application of technical advances can allow successful accommodation of the orbital requirements of all Region 2 Administrations. Thus, our domestic licensing decisions are not inconsistent with our goal of satisfying the real requirements of all Region 2 Administrations within our preparatory efforts for the 1985 Space WARC.[49] We continue to acknowledge our obligations under the international Radio Regulations, and we intend to fulfill our commitment to accommodate the actual orbital requirements of other countries through the international frequency coordination procedures. Our actions today demonstrate the practical implementation of orbit conservation techniques in a flexible fashion. Thus, these actions support the positions we have taken in the past and expect to promote at the 1985 Space WARC and other international proceedings.

VI. Licensing Policies and Procedures

57. Our *Notice* restated the benefits that flowed from our ability to accommodate new domestic satellite proposals without extended administrative delays, and we proposed the continued application of the licensing policies and procedures explicated in our *1980 Orbital Assignment Order*. Support for our domestic satellite licensing objectives appears universal. Parties are also generally satisfied with the efficacy of our procedures, and few deemed any major changes in procedures to be presently necessary. Suggested refinements and improvements are discussed below. We also incorporate issues raised in the petitions to deny and comments regarding the pending space station applications filed prior to our *1982 Processing Order*.[50]

A. *Application Requirements*

58. We have always required applicants for domestic fixed satellite space station facilities to file complete and comprehensive proposals for their systems and services, and to demonstrate their ability to proceed promptly with the construction and launch of the proposed satellites.[51] They must also submit information on customer service requirements for additonal satellite capacity if more than two orbital locations are requested.[52] Failure to submit the required information results in the application being returned as unacceptable for filing.[53]

59. In the future, it will be even more important for proposals to contain complete information at the outset, particularly in the technical area, if processing is to proceed promptly and efficiently. Analyses of technical compatibility under 2° orbital separations and the efficiency of orbital and spectrum utilization will be critical in our evaluation of future applications. Evaluation of the feasibility of other technological approaches to providing additional domestic satellite capacity will also be important. Moreover, without well-defined technical proposals and complete and current information concerning the applicant and the services proposed, we can not make the findings required under the Communications Act to achieve our domestic satellite licensing objectives. Thus, we are taking this opportunity to restate the minimum information required in a domestic satellite space station application. The specific items of information to be initially supplied are listed in our companion *1983 Processing Order*.[54] As explained in that companion order, these requirements will be strictly applied during our initial review of the next group of applications, and applications which do not contain this information will be returned to the applicant. Moreover, additional information may be requested in the course of processing applications, and applicants are responsible for insuring the continuing accuracy and completeness of the information submitted.

B. *Applicant Qualifications*

60. Apart from questions relating to the potential economic impact of domestic satellite operations on the provision of message telephone services by the applicant[55], we have generally not had to scrutinize closely the financial or technical qualifications of domestic satellite system applicants in the past. When potential conflicts with our domestic satellite or other telecommunications policy objectives were presented by an applicant, these conflicts were resolved by placing conditions on the facility authorization.[56] Moreover, the corporate resources supporting past applicants have generally made it self-evident that the applicants were fully capable of promptly constructing and launching their proposed domestic satellite system. Several of the pending applicants do not have such substantial resources. It is clear that they presently do not have sufficient financial resources actually committed to build and operate a domestic satellite system. Rather, their planning involves receipt of a construction permit which will then provide the basis for arranging financing for their proposed satellite system. There is no factual dispute on this matter among the parties. Instead, the controversy surrounds the action we should take given these facts.

---

[49] *See, e.g., Second Notice of Inquiry* in Gen. Docket No. 80-741, FCC 82-214, released June 1, 1982.

[50] The authority requested in the applications before us includes requests for construction permits pursuant to Section 319 of the Communications Act, 47 U.S.C. § 319. A recent amendment to the Act exempts common carrier stations from the construction permit requirement unless the Commission finds that the public interest would be served by such a requirement. *See Communications Amendments Act of 1982*, Public Law No. 97-259, Section 119. However, the Commission has decided to retain the present licensing procedure, including the construction permit requirement, until it can initiate a rulemaking proceeding to implement this amendment. *See Public Notice*, No. 740 (released November 10, 1982), and *Notice of Proposed Rulemaking*, FCC 83-140, adopted April 7, 1983, at note 1. In addition, we have also decided to codify the essence of our licensing policies and procedures discussed herein in the previously reserved Section 25.202(d) of our rules. *See* Appendix D.

[51] *See e.g., Domsat I, supra* note 9 at 98-103 and 135-139; *Domestic Fixed Satellite Service*, 77 FCC 2d 956 (1980) *(1980 Processing Order)*. Processing procedures were also specified in *Domestic Satellite System Applications*, 38 FCC 3d 40 (1972). The current group of applicants were also requested to update their applications to insure a consistent level of basic information. *See* letter to applicants, dated October 8, 1982.

[52] *See e.g., Western Union Telegraph Company*, FCC 79-444, released July 24, 1979; *RCA American Communications, Inc.*, 74 FCC 2d 531 (1979); *1980 Orbit Assignment Order, supra* note 12 at 603-604.

[53] *See, e.g., Universal Satellite Company*, Mimeo 3290, released April 9, 1982; *Direct Broadcasting Satellite Systems*, 88 FCC 2d 100 (1981), *recons. denied*, 89 FCC 2d 177 (1982). Applications may also be dismissed for lack of prosecution, e.g. if a timely response is not made to a Commission request for additional information.

[54] *Memorandum Opinion and Order, supra* note 5 at Appendix B.

[55] *See, e.g., GTE Satellite Corporation*, 43 FCC 2d 1141 (1973); *RCA American Communications, Inc.*, 74 FCC 2d 435 (1979), *recons. denied (78 FCC 2d 359 (1980)*.

[56] *See, e.g., American Telephone and Telegraph Company*, 42 FCC 2d 654 (1973); *Communications Satellite Corporation*, 42 FCC 2d 677 (1973); *RCA Global Communications*, 56 FCC 2d 660 (1975); *Satellite Business Systems*, 62 FCC 2d 997 (1977), *aff. sub nom., United States v. FCC*, 652 F.2d 72 (D.C. Cir. 1980).

61. American Satellite Company (ASC) and SBS believe that each applicant should demonstrate firm financial capabilities before an orbit position is assigned. They argue that a financial institution should stand ready irrevocably to commit adequate funding to build the satellite system. They believe that if orbital assignments are made without firm financial commitments, individuals of groups will seek reservations or orbital positions with only the most speculative intent.

62. We have previously stated that our aim is "to afford qualified applicants a reasonable opportunity to demonstrate the public advantages" of satellite technology.[57] Therefore, we have not required applicants to demonstrate that their system is in fact financially viable over the long-run before authorizing initial facilities to a new entrant. However, several of the current applicants [58] admit that they can not now demonstrate conventional qualifications standards to initially construct and operate the proposed satellites.[59] They argue in their defense that enforcement of conventional qualifications standards would result in the exclusion of new entrants. These applicants therefore are willing to accept grant of the construction permits subject to the condition that they obtain the necessary financing to actually build and launch their proposed satellite system within a stated period of time. The authorization would lapse if they failed to do this. They find this approach preferable to an evidentiary hearing.

63. We are not opposed to trying this scheme for the current group of applications. The claim that financing will be obtained once a construction permit is granted does not appear to be readily or quickly amendable to proof in the context of an evidentiary hearing. If, within the time allocated, the company succeeds in obtaining its financing once the construction permit is issued, then our statutory and administrative licensing objectives will have been satisfied. Under these current circumstances, conditioned grants of system authorizations result in additional facilities being constructed promptly and avoid the costs of hearings for both the applicants and the Commission. Such an approach also allows an additional opportunity for entities that do not currently have large capital resources to enter the domestic satellite market.

64. On the other hand, if the permittee fails to satisfy the condition by the required date, the authorization becomes null and void, and any orbital location assigned to the company immediately will become available for assignment to another applicant. In fact, the time being allotted for obtaining the necessary financing is less than or equivalent to the amount of time that appears needed to conduct at full evidentiary hearing on the qualifications of the applicant. Thus, we are inclined to believe this matter to be "the kind of issue where a month of experience will be worth a year of hearings." [60]

65. Consequently, we are conditioning the authorizations of those companies who have not demonstrated conventional qualifications to initially construct and operate a domestic satellite system. The authorizations will automatically become null and void if any of these conditions are not satisfied. Such conditions will require these companies to arrange their financing and to execute spacecraft construction and launch services contracts by December 31, 1983. By that date, they must certify that such contracts have been executed and must submit to us the schedule of payments to which they are contractually committed. Moreover, they must submit written evidence from their financial sources indicating that sufficient funds are irrevocably committed to satisfy the payment schedule.[61] We currently believe that these executed spacecraft manufacturing contracts and executed launch vehicle and services contracts, as well as timely progress payments, are valid indicia of financial capability and diligence in constructing and launching the authorized system. Thus, the authorizations granted today will become null and void if either of these criteria contracts is terminated including default by the permittee in satisfying the payment schedule. We wish to emphasize that we do not intend to grant any extensions of time to fulfill these conditions.[62]

66. We will therefore view failure to demonstrate qualifications by satisfying these conditions as evidence that the applicant, contrary to its representations, is not qualified to be a domestic satellite licensee. Consequently, under these circumstances, it would appear that the public interest would require that another applicant, with firm qualifications, be provided the opportunity to proceed. Due to the long lead-time involved in satellite construction and launch, concrete evidence of substantial progress must be established at an early point in the satellite system construction program. If the grantee can not demonstate that it has acquired financing, it will not be able to construct its system and initiate its authorized service in the manner represented to the Commission. We believe that timely fulfillment of these conditions will be the best indication of a licensee's intent actually to construct the satellite facility and *prima facie* evidence of the ability of the applicant to build and operate the proposed satellite system. Thus, failure to meet this condition will result in the authorization being null and void. In such an event, the previously assigned orbital locations will be reassigned to a qualified applicant in the next processing group who can then proceed promptly with its domestic satellite program.[63]

---

[57] *Domsat II, supra* note 9, at 850. The speculative aspects of the initial domestic satellite proposals were generally in the area of the long-term viability, *i.e.* profitability, of the endeavor, rather than the financial qualifications of the applicant to initially construct and launch the satellites.

[58] As identified in other orders adopted today, the applicants in question are Advanced Business Communications, Rainbow Satellite, and United States Satellite Systems.

[59] *See, e.g. Ultravision Broadcasting*, 1 FCC 2d 544 (1965), which we believe is indicative of the level of showing needed to demonstrate full qualifications. Although Section 310 of the Communications Act, 47 U.S.C. 310, places certain limitations on eligibility to hold licenses, we have much greater flexibility under the statute to establish thresholds for demonstrating other qualifications to hold licenses. See Section 308(b), which provides that "[a]ll applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character and financial, technical and other qualifications of the applicant to operate the station." 47 U.S.C. 307(b).

[60] *American Airlines v. CAB*, 359 F.2d 624, 633, *cert. denied*, 385 U.S. 843 (1966).

[61] We will also require a progress report to be submitted by September 30, 1983 so that it will be available at approximately the same time as the Commission will begin its evaluation of the next group of space station applications. In this report the permittee will be required to describe the concrete steps it has taken to select spacecraft and launch services vendors and to negotiate contracts with them. We will also require details of the number of parties the permittee approached to obtain financing, the commitments received to date and their plan to complete financing by the end of the year. The Commission will therefore have an indication at that time of whether the new entrants are likely to succeed in their financing arrangements by the progress they have made. They will still have the opportunity to justify their orbital assignments at the end of the year.

[62] Failure to obtain financing by the specified date will not be considered to be circumstances beyond the control of the licensee. Each of these applicants have had over a year since they filed their applications to solicit financial support. For unforeseen circumstances deemed to be beyond the permittee's control, *see Nora Blatch Educational Communications Foundations, Inc.*, FCC 81-441, released October 7, 1981; *Harold A. Jahnke*, 74 FCC 2d 276 (1978); *Leon County Communications, Corp.*, 29 FCC 2d 56 (1971); *Integrated Communications Systems*, 25 FCC 2d 909 (1970).

[63] If the permitee has not complied with any condition contained in its authorization, the basis for the grant will have eroded. At that point, the

C. *Technical Standards*

67. In addition to the specific revisions proposed to Part 25, we also extended the opportunity for parties to "* * * propose in their initial comments additional rules or standards to govern the design and/or operation of domestic satellite space stations for consideration in this rulemaking proceeding." [64] Parties commenting in these matters generally supported our approach of minimal technical standards, although various parties indicated a need for minimum standards of orbit use efficiency.[65]

68. For example, USSSI urges the Commission not to adopt restrictive technical standards which might retard technological advances or licensee flexibility. However, it does propose that the Commission grant licenses only to higher power satellites capable of frequency re-use. It believes that, to the extent we establish minimum technical criteria which emphasize spectral efficiency in such a general sense, we will be better able to support United States orbit and spectrum interests in international forums. Hughes Communications also believes that the Commission should provide itself flexibility to respond to any particular service and location proposals. According to SBS, the Commission should conserve orbital positions for new and innovative services. Several parties suggest that the Commission establish a "figure of merit" for orbit efficiency. GTE Satellite Corporation (GSAT) devises a specific formula for determining efficiency which factors transponder EIRP, number of transponders and number of frequency bands used. It further believes that minimum standards could be established as a condition of licensing. Hughes and ASC endorse efforts to encourage more efficient spacecraft but objects to GSAT's specific proposal.

69. In the past, we have generally not imposed technical or operating standards beyond those required by the international Radio Regulations. Such standards have not been necessary because there was a sufficient number of orbit positions available to perspective new domestic satellite operators. We have previously expressed concern over the use of low capacity satellites in light of the increasing demands for orbital locations.[66] Less efficient satellites will only serve to inhibit the availability of domestic satellite services. Because of the technological advances that are continuously being incorporated into satellite designs, it appears premature to adopt codified technical design standards in Part 25 of the rules beyond those generally specified in the international Radio Regulations. However, the orbital arc congestion at 4/6 GHz and 12/14 GHz for domestic satellite services to the United States has become acute, and future applications for new domestic space stations must satisfy at least present state-of-the-art standards if they are to be acceptable for filing. It has therefore become necessary to establish minimum standards that all satellites will be required to satisfy in the future in order to insure efficient use of the geostationary orbit. Full frequency re-use appears to be the minimum level of orbit use efficiency readily achievable in current satellite designs. We would therefore dismiss any application for new satellite systems in the next group which did not meet such minimum standards of efficient orbit and spectrum utilization. [67]

70. In addition, new applicants must demonstrate that their proposed domestic satellites will be operated consistent with a 2° orbital spacing criterion. Such a showing and supporting engineering analysis will be required in any application for a new system. Initially, such an analysis should be submitted for currently authorized satellites including those approved today in the proposed operating bands. Such analyses will have to be supplemented at a later date to include new applicants. As noted above, achieving uniform 2° orbital spacing means that frequency plans, polarization vector orientation, gain variations, etc. will have to be coordinated with the satellites to be located in adjacent orbital locations. Thus, it will be essential that we also require all permittees to make detailed information in this area available to the Commission and other applicants and grantees at the earliest possible dates.[68] Because of the feasibility of 2° spacings at 4/6 GHz and at 12/14 GHz, and because of the increasing demand for orbital locations in these bands, we do not believe the public interest would be served by our accepting and processing applications for additional space stations which can not operate with such spacings.

D. *Processing Procedures*

71. The Commission's processing procedures for domestic satellite applications have been the subject of some controversy, both in this proceeding and with respect to the pending applications. The parties primarily focus on perceived disparities between our open entry policies and apparent mutually exclusive situations. Most of the parties support the Commission's effort to prolong open entry. USSSI urges the Commission to continue its policy of seeking to grant domestic satellite applications as quickly as possible by adjusting orbital locations but believes that the Commission must do so consistent with applicants' *Ashbacker* hearing rights.[69] Likewise, Southern Pacific believes that all qualified applications should be granted where there are enough orbital positions to meet all currently pending requests. When excess demand for positions seems imminent, however, Southern Pacific believes that the Commission should utilize the notice and cutoff procedures which have been used in the past for other Commission

radio station authorization will become null and void. *See MG–TV Broadcasting Company v. FCC*, 408 F.2d 1257 (1958), *Mass Communications, Inc. v. FCC*, 266 F.2d 681 (1959), *Channel 16 of Rhode Island, Inc. v. FCC*, 440 F.2d 266 (1971). *See also, Gator Broadcasting Corp.* FCC, 80–553, released October 15, 1980, *Pan American Broadcasting Corp.*, 65 FCC 2d 684 (1977).

[64] *Notice, supra* note 1 at 338.

[65] Various detailed suggestions were offered with respect to the implementation of 2° spacing which we believe are best deferred to future proceedings. *See* paragraphs 105–108, *infra*.

[66] *See, e.g., Western Union Telegraph Company*, and *Southern Pacific Communications Corporation, supra* note 8.

[67] Specifically, we will require full frequency re-use in each band. We will also require station-keeping tolerances of ±0.1° or better as minimum criteria of acceptability for filing in the future. By full frequency re-use, we mean satellite designs that are capable of providing at least the same transmission capacity between equivalent earth stations at a 4/6 GHz satellite with 24 transponders with 36 MHz bandswidths and 8 watt solid state amplifiers. At 12/14 GHz, equivalent characteristics would be 20 transponders with 48 MHz bandwidth and 20 watt amplifiers. Generally, all the satellites we are approving today appear to meet these standards except for the ASC and Southern Pacific hybrid satellites, and the SBS satellites originally proposed in 1975. Because the nature of satellite manufacturing contracts may make it economically impractical for these companies to change satellite designs during the lifetime of the space segment manufacturing contract, they may be able to support a waiver of this standard if they demonstrate the impracticality of conforming or improving their existing satellite designs to these standards. However, each applicant must recognize that orbital and spectrum efficiency will be a significant factor in our evaluation of future space station applications and that deficiencies in satellite designs will not be compensated by wider orbital spacings. If comparative evaluation becomes necessary, orbit and spectrum efficiency is likely to become the critical criteria in any administrative selection among competing applications. Thus, applicants will not be permitted to argue that our grants today preclude strict application of such efficiency criteria to them in the future on the basis of equitable or other grounds.

[68] *See* paragraphs 92, *infra*, concerning such information reporting requirements.

[69] *Ashbacker* v. *FCC*, 326 U.S. 327 (1945).

regulated services. In situations where the number of applicants exceeds the number of orbital positions, both Southern Pacific and USSSI believe that the Commission should use paper hearing procedures to make its selection. These parties believe that this is the best way for the applicants to demonstrate why their applications serve the public interest. USSSI, however, urges the Commission to encourage carrier resolution of mutually exclusive applications. Southern Pacific thinks that the Commission should issue a *Notice of Proposed Rulemaking* to establish hearing criteria. It, however, flatly opposes lotteries as a means of administrative selection between competing space station applications.

72. Several of the parties offer preferences for the Commission to consider if it is forced to select among applicants. For instance, as noted above, several parties recommend that the Commission in its licensing policies prefer those who propose greater efficiency over those who propose less. Generally, existing operators opposed the Commission's proposals to favor new entrants in the assignment of positions, while new or potential applicants supported it. For instance, SBS contends that if the industry is to develop in a healthy and vigorous manner there must be a reasonable expectation that carriers will grow and expand if their services are to be well received in a competitive marketplace. RCA Americom believes that existing carriers have the same efficiency incentives as new carriers and therefore no preference should be provided. Western Union argues that it should be given a preference because it took the early risks in the domestic satellite market. It further believes that both existing systems and new entrants have incentives to make small specialized offerings. On the other hand, ASC and Advanced Business Communications argue that, because the number of orbital locations is limited and the number of applicants desiring to serve the public is so large, that it would be inequitable and anticompetitive to assign existing carriers, such as RCA Americom, an inordinate number of orbital positions. Satellite Syndicated Systems goes further and urges the Commission to impose a limitation on the number of satellites or transponders any one entity may own or lease.

73. Our *1982 Processing Order* established the current group of space station applications being acted upon today. For the most part, we have applied the same general processing procedures to this group of applications that are described in our *1980 Orbital Assignment Order, supra* note 51. We have required all applicants to submit certain minimum information in support of their applications. We have examined each application and concluded that grant of each would serve the public interest provided that all of the representations of the applicant are fulfilled. We have resolved all the issues raised by petitions to deny and comments filed by other parties. Orbital locations are assigned in our *1983 Orbit Assignment Order*, taking into account the planned service requirements and technical designs of each satellite. Finally, the form of authorization and reporting conditions are essentially those described in the *1980 Orbit Assignment Order*.

74. Our *1980 Orbit Assignment Order* did not give any preferences to either system expansion or new entrants. Nor did we desire to provide such a preference *per se* in our *Notice*. Rather, we advanced a proposed preference only in the event a situation of mutual exclusivity did in fact arise and, then, only to minimize the potential for further administrative delays. Such a condition has not in fact arisen with respect to the applications we are granting today. Under the reduced spacing proposals adopted today we can accommodate all the applications that were on file prior to our *1982 Processing Order*.[70] Thus, we do not have to decide whether a preference need be given to either system expansion or to new entry. Moreover, our experience with today's authorizations will be valuable if we have to revisit the question of preferences in the future.

75. However, application of our flexible and open entry licensing procedures may prove more difficult in the future. While there will remain additional orbital positions in both the 4/6 and 12/14 GHz frequency bands for future satellites, the Commission has received applications for additional satellites since May 18, 1982. Extensive analysis will be required in order to accommodate all of them in orbit. This differs from the situation existing at the time of our *1982 Processing Order*, where it appeared that our proposals in this proceeding to reduce spacings would be sufficient to easily accommodate all of the then pending applications without extensive administrative delay. We will similarly endeavor to grant every new application that meets the standards we are adopting today. But our confidence in doing so is less. Thus we plan to consider these satellite applications on a group basis as we have done in the past. Our licensing objectives are to prolong open-entry, avoid the administrative costs and delays associated with comparative hearings, assign orbit positions in an efficient manner that maximizes domestic satellite services to users, and implement a new plan of orbital assignments in a way that minimizes service disruptions to users.

76. However, we can no longer warrant that we will be able to grant every orbital assignment that may be requested by qualified applicants in the next group of applications.[71] Under these conditions, comparative hearings or other administration selection procedures may be necessary to determine which of these requests will be granted. Consequently, we plan to give interested parties 60 days notice of the formation of the next processing group.[72] Prior to the end of this time period, any interested party must submit an application that satisfies the requisite information and technical requirements if they are to be considered in the next processing group.

E. *Hybrid Satellites*

77. We have previously identified some of the orbital efficiency difficulties occasioned by hybrid satellites. For example, AT&T believes that hybrids should be viewed as two separate satellites with the merit of the hybrid compared with the merit of two separate satellites at the same orbit location. COMSAT General argues that the assignment of orbital positions for hybrids should not reduce the amount of 4/6 GHz and 12/14 GHz orbital positions available as a result of new 4/6 GHz spacings. SBS believes that the Commission should continue its policy of assigning hybrid positions only at those positions which coincide with the spacing scheme for both 4/6 and 12/14 GHz. Southern Pacific contends that concerns of the Commission regarding

[70] Since we are able to accommodate all applications in the current group that were filed before our *1982 Processing Order*, it will not be necessary to resolve any contentions as to whether applications covered by our *1980 Processing Order* are to receive any form of priority consideration vis-a-vis others in the group. *See Notice, supra* note 1 at 329–330. Thus, the only pending applications are those filed after May 18, 1982. The processing of these pending applications will be governed by today's companion processing order.

[71] The previous processing orders were designed to define the applications to be considered in a particular group. Because orbital positions remained beyond those needed to accommodate the applicants in each group, these orders were not considered to be "cut-off orders." *See Memorandum Opinion and Order, supra* note 4, denying GSAT's petition for reconsideration of our *1982 Processing Order*.

[72] *Memorandum Opinion and Order, supra* note 5. *See also* paragraphs 103–104, *infra*.

hybrids is totally unwarranted, and that the advantages gained from employing their use in a satellite design far outweighs any alleged inflexibilities in orbital location assignment. Hughes Communications argues that hybrids are not likely to lead to the most efficient use of either band, particularly since many hybrids use less than the full capacity of both bands.

78. The comments of the parties and the current applications continue to highlight the potential conflicts between orbit use inefficiencies of less than full frequency re-use satellites and economic advantages to individual operators that are presented by current hybrid satellite designs. Little new information has been added to the record to assist our consideration of this issue since we addressed it in our *1980 Orbit Assignment Order*.[73] However, we have been able to identify a sufficient number of hybrid orbital locations to accommodate all that have been proposed in the current application group. Thus, it is not necessary to disqualify any applicant proposing a hybrid satellite at this time.

79. However, growing demends for orbital locations will be increasingly difficult to accommodate unless full use is made of each orbital location. Thus, we are setting certain minimum technical standards in paragraphs 69–70, *supra*. Hybrid satellites will be required to satisfy these standards in each pair of bands if they are to be licensed in the future. Applicants proposing hybrids must therefore demonstrate orbit and frequency use efficiency comparable to the then current state-of-the-art for two single band satellites. Moreover, to conserve the orbital spectrum, additional hybrids will be located only at orbital positions which are available for assignment in both pairs of bands, such as in those portions of the orbit where 2° spacings are provided at both 4/6 and 12/14 GHz.

F. *Orbital Assignment Policies*

80. Our *1980 Orbit Assignment Order* described our orbital assignment policies. Parties generally support the continuation of these policies. Some differences emerge over possible preferences to be afforded new entrants vis-a-vis expansion of existing systems. In an attempt to promote efficiency, AT&T believes that the Commission should provide the more desirable orbital positions to the more efficient satellites. It is also suggested that licenses should not be granted for the expansion of existing domestic satellite systems or to applicants who do not make a sufficient demonstration of need. However, as long as basic procedural rights are maintained, parties accept the Commission's flexible orbital assignment policies as the best regulatory approach available.[74] Thus, for the most part, we re-affirm those policies. They have worked well in the past and they have allowed us to develop the *1983 Orbit Assignment Order*.

81. In our *1980 Orbit Assignment Order*, we stated that two orbital locations are initially assigned to a newly authorized system. We determined that two orbital locations were reasonable under the circumstances and more than sufficient to establish a reasonably competitive market presence when the satellite operator had little or no firmly demonstrated traffic commitments. This continues to be the case for the current new entrants. However, we further stated that "[a]dditional locations are assigned to a carrier only upon a showing that in-orbit satellites are essentially filled and that an additional orbit location is needed to satisfy firm customer growth requirements, including reasonable protection requirements."[75] At the time, we believed that these specific criteria fulfilled the general domestic satellite requirement that "each applicant must make a sufficient showing of potential public benefit to justify the assignment of orbital locations and frequencies."[76] However, we now believe certain clarifications and adjustments are warranted to make them more effective and efficient under current circumstances.

82. In principle, our approach to the number of orbital assignments to an individual company is similar to that taken in other radio services. However, the long lead-time to construct a new satellite must also be taken into account in evaluating requests for additional orbital locations beyond the initial two assignments. As in the case of financial qualifications discussed in paragraphs 60–66 above, evidentiary hearings seem unlikely to demonstrate the factual basis of an applicant's expectations for traffic fill several years in advance of launch. Thus, as we have done in the past, we will condition the orbital assignment to require that the construction of the space station begin by a specified date, be completed by a specified date, and be launched and placed into operation by a certain date.[77] Delays in commencement and completion of construction and launch activities beyond the specified dates will render the orbital assignment null and void.[78] This will tend to discourage warehousing of orbital assignments since construction and launch costs would have to be actually incurred to maintain them.

83. Pursuing this approach does not alter our objective; it remains the timely and innovative application of satellite technology to satisfy the telecommunications needs of this country. Easing administrative barriers to new entrants requesting satellite construction permits may be a practical means of attaining this goal. However, satellite construction entails long lead-times. If the public is to benefit from the timely availability of additional domestic satellite capacity at the end of such a lengthy period, diligence in construction must be evidenced concretely at an early date. Otherwise, our licensing process may be abused by dilatory tactics for private benefit without a timely increase in the supply of domestic satellite capacity.

84. We will also require that in-orbit satellites maintain reasonable fill as represented in the applications. We have previously indicated that the availability of in-orbit spare capacity will be limited to reasonable amounts. Under current circumstances, the upper limit on in-orbit spare capacity for any

[73] However, we note the recent applications of Ford Aerospace Satellite Services which propose a hybrid satellite design with substantially larger transponder capacity than those before us today. However, hybrid satellites also raise orbit use difficulties when there are different orbital spacing criteria for the different frequency bands involved.

[74] Generally, the parties urge avoidance of comparative hearings and oppose use of lotteries to assign orbital locations. Comparative hearings involve significant administrative costs and delays, often with little or no significant differentiations between proposals resulting from such scrutiny. Lotteries are opposed because random selections are incompatible with the degree of engineering and operational control needed to reduce spacing and economically satisfy user demand. Random selections may also impose unnecessary service disruptions to users that are otherwise avoidable with careful planning.

[75] *1980 Orbit Assignment Order*, *supra* note 12 at 603 (footnote omitted).

[76] *Domsat II*, *supra* note 9 at 851.

[77] *See* 47 U.S.C. 319(b). The dates to be specified are generally those proposed by the applicant. Where launch authorizations are being granted, we specify the date by which the satellite must be launched and initially positioned at its assigned orbital location. Within 60 days of positioning the satellite at its assigned location, the licensee will be required to certify to the Commission that the space station has been placed into commercial operations in accordance with the technical parameters and the terms and conditions of its authorization, together with a submission of the results of the initial in-orbit measurements of the parameters listed in paragraph 92, *infra*.

[78] We do not envision issuing any extension of time to comply with these dates because we will not consider the grantee's failure to develop sufficient traffic fill to constitute circumstances beyond its control. *See* note 62 *supra*.

space station licensee will be set at the equivalent of one spare satellite used for occasional or preemptible services within the system. If an operator fails at any time to demonstrate that its representations in its launch application(s) regarding traffic fill has been in fact achieved, we will consider the unfilled satellite as an excess spare. This will result in the termination of the orbital assignment. If the unfilled satellite has in fact been launched, relocation will be required if necessary to accommodate another satellite.[79]

85. Another question has also arisen concerning requests of certain applicants for contiguous orbital position assignmets. They view such a set of orbital assignments as a means to increase orbital efficiency. This could allow system operators to take whatever measures are necessary to ensure satisfactory performance of their entire system under reduced orbital spacings without affecting the operations of other carriers. ASC believes, however, that this will result in a few operators receiving the more desirable orbital positions.

86. Generally, we decline to assign new contiguous orbital locations to a single operator in the more desirable portions of the orbital arc for services to the contiguous 48 states. No convincing showing has been made that such contiguous orbital assignments are necessary to achieve 2° spacings. While we will generally not disturb at this time such assignments that have been made in the past on orbital location for an initial satellite which provides high elevation angles throughout the contiguous states to minimize depolarization losses at these higher frequencies. This can not be achieved if additional contiguous orbit locations are assigned to system operators in the central portion of the arc at 12/14 GHz.

G. *Common carrier Offerings*

87. Although our initial *Domsat I* decision did not require domestic satellites to be operated solely on a common carrier basis, the first generation of domestic satellites provided services to end users only on a common carrier basis. Such initial offerings of domestic satellite services on a non-discriminatory basis have contributed to the wide availability of the benefits of satellite technology to a multitude of users. However, the industry is no longer in its infancy, and both users and licensees have a far more sophisticated approach to the application of this technology and the acquisition of the increased supply of transponder capacity. This includes all aspects of commercial endeavors, including engineering, operating, financial and marketing aspects. As a result, new and specialized facilities and services, specifically tailored to satisfy a customer's particular needs, are becoming increasingly common.

88. Thus, as the domestic satellite market has matured, we have attempted to respond to the changing needs of domestic satellite users and licensees. In 1981, several licensees proposed to sell, as opposed to leasing pursuant to tariff, transponders on their authorized satellites. In *Transponder Sales Order, supra* note 12, which approved those proposals, we found that under then existing conditions that transponder sales could "encourage additional entry, additional facility investment, more efficient use of the orbital and frequency spectrum and allow for technical and marketing innovation in the provision of domsat services."[80] At the same time, we recognized the fluid nature of the domestic satellite market and indicated that any additional sales, beyond those considered in that order, would be scrutinized on a case-by-case basis. In this manner, the Commission can insure that such future transactions do not artificially restrict the availability of domestic satellite communications services to the public.

89. In the *Transponder Sales Order*, we deferred requests by certain applicants to sell transponders on satellites not yet authorized. At the time, we indicated that we would consider those deferred sales requests when the underlying satellite facility applications were considered. Consequently, we are now prepared to act on the request of Hughes Communications to sell all 24 transponders on GALAXY III, the Southern Pacific request to sell ten transponders (or 18 equivalent 36 MHz transponders) on SPACENET III [81], and the Western Union request to sell ten transponders on WESTAR VI. We are also considering the recent request of RCA Americom to sell three additional transponders on SATCOM IV. Rainbow Satellite and USSSI have also indicated interest in engaging in transponder sales but did not provide all the information required in paragraph 55 of the *Transponder Sales Order*. Consequently, we can not now make the requisite determinations with regard to the transactions proposed in their applications. These applicants must therefore plan and be prepared to provide service on a common carrier basis until supplemental information is filed and proper authorization is received.

90. Hughes Communications, Southern Pacific, RCA Americom and Western Union, however, have provided enough information for us to conclude that their noncommon carrier offerings are consistent with the policies and procedures adopted in the *Transponder Sales Order*. The sale of 55 additional transponders would result in a total of 137 potential noncommon carrier transponder sales. Consequently, only 14.4% of the 960 planned equivalent 36 MHz transponders in that order will be available on a noncommon carrier basis as a result of these sales proposals. This is a lower percentage than the 21.7% of the 480 then authorized transponders that we considered in the *Transponder Sales Order*, illustrating that the wholesale move to allocation by sales that many had feared has not materialized. We believe that the same public policy reasons for approving the earlier transponder sales exist for us to approve the sales now under consideration. In addition, we believe that these proposed transactions are noncommon carrier in nature.[82] Like the previously approved sale proposals, these applicants plan to enter into stable, long-term contractual relationships with individual customers to provide technically and operationally distinct portions of the satellite. Thus, we will provide authority to sell transponders to Hughes Communications for GALAXY III, Western Union to sell ten transponders on WESTAR VI, RCA Americom to sell three additional transponders on SATCOM IV and Southern Pacific to sell ten transponders on SPACENET III in the companion space station authorizations adopted today.

---

[79] *See, e.g., Satellite Business Systems*, FCC 82-489, released November 10, 1982, at 3. In determining the level of excess spare capacity, operators will have to demonstrate that transponders assigned to full-time services are being fully loaded under the current state-of-the-art. Transponders assigned to occasional services will be considered spare unless it could be shown that the level of usage can reasonably be considered operationally equivalent to a transponder in full-time service. In addition, we may decide that a lower level of spare capacity should be the standard in future proceedings to accommodate more satellites.

[80] *Transponder Sales Order supra* note 12 at 1255. There we considered the following proposed transponder sales: Hughes Communications (48), RCA Americom (5), Southern Pacific (10 [18 equivalent 36 MHz transponders]) and Western Union (11).

[81] This includes up to eight 72 MHz wideband transponders. *See Southern Pacific Satellite Company* FCC 82-512 released November 29, 1982.

[82] *See Transponder Sales Order, supra* note 12 at 1255-1257.

H. *Launch Services Procurement*

91. There was general consensus in the comments supporting the elimination of the requirement for Commission approval prior to the procurement of launch services.[83] Such procurement generally involves refundable progress payments over an extended period of time. There seems little likelihood that these expeditures would in any way influence the Commission's consideration of the underlying satellite application since unrecoverable expenditures tend to be a small percentage of the total cost and generally occur just prior to launch. Therefore, we are relieving domestic satellite applicants of the responsibility to obtain Commission approval prior to procuring launch services. This approach is also consistent with our overall goal to minimize the regulatory constraints imposed on the domestic satellite industry. Moreover, it conserves administrative resources by eliminating procedures that do not contribute to the fulfillment of our statutory responsibilities.

I. *Reporting Requirements.*

92. Our recent space station authorizations contain a condition which requires the operator to file semi-annual reports on the progress of construction and current satellite status and loading.[84] They have proven valuable in the past and will become essential in our ongoing licensing activities. Thus, we will continue to require the regular submission of these reports. Moreover, as orbital spacings are reduced, more detailed information will be required to minimize interference levels. We therefor believe these reports should be expanded to provide certain critical additional information. In particular, we will require, as part of this reporting requirement, the licensees to submit measured spacecraft antenna gain patterns and polarization vector directions (transmit and receive) obtained during construction, and measured changes to space station EIRP and sensitivity during its lifetime in orbit. We also expect transponder-to-transponder variations to be identified. In particular, measured data will be required with respect to those parameters entering into the earlier discussion on inhomogeneity and the capabilities of satellites to operate at 2° orbital separations. Finally, a current r.f. carrier frequency plan for each satellite, providing the basic r.f. characteristics of each carrier should be maintained on file with the Commission.[85] Additional information and measurements may be required from licensees as the implementation of reduced orbital spacings proceed.

VII. Antenna Performance Standards and Other Part 25 Revisions

93. We proposed several specific additions and revisions to Part 25 of the Rules and Regulations in Appendix C of the *Notice*. Comments generally focused on the proposed changes to the antenna performance standards of Section 25.209. The differences between our proposal and the standards being adopted today are discussed below. The other rule proposals received little comment. Generally, these non-controversial proposals simply conform Part 25 to the current provisions of Part 2 of the rules and the international Radio Regulations. We decline to make changes suggested by several parties which are premature in light of pending proceedings to implement the Final Acts of the 1979 World Administrative Radio Conference.[86] We have, however, adopted several suggestions with respect to the notes to the list of available frequencies in Section 25.202(a). These changes simply reflect the current allocated usage of these bands within the United States. We have also adopted the suggested inclusion of an additional provision as Section 25.251(d)(4) and have expanded the text of Section 25.209(a) to maintain the current antenna reference pattern adopted in Docket No. 19495[87] for the purpose of effecting frequency coordination between earth stations and terrestrial stations.[88] The revised provisions of Part 25 that we are adopting today are presented in Appendix D.

94. In the *Notice*, we proposed to revise the antenna performance standards of Section 25.209 because of the reductions in orbital spacings made possible with the proposed improvements. Reductions in orbital separations are now necessary, and parties generally agree that better earth station antenna performance is needed to achieve this result. Except for the smallest antennas in service, no party disputes the technical feasibility of the proposed standards. However, many parties predict high potential costs for these improvements, particularly for the upgrading or replacement of existing antennas. Nevertheless, we remain convinced that improved antenna performance standards are the most effective means of achieving reduced orbital spacings at this time. As a general criteria, they can be objectively applied to all users. Moreover, changes in services or transmission parameters will not dilute the beneficial effects of the new standards in achieving reduced spacings now or in the future. We have, however, decided to adopt some of the suggestions of the commenters to reduce the costs of improved antenna performance. We have also identified waiver criteria for transmitting antennas to further mitigate unnecessary adverse impacts on users.

95. A convincing argument has been made by various parties that each of the near-in sidelobes must in fact be reduced by 3 dB below the previous reference envelope to achieve reductions down to 2° in orbital spacings. Such a real sidelobe improvement appears to be achievable for most sizes and types of antennas currently used for transmission. This requirement is also readily achievable by certain types of new antenna designs, such as those employing offset feeds, which are not yet in common use.

---

[83] *See Western Union Telegraph Company*, FCC 72-688 released July 28, 1972. The requirement for a construction permit still applies with respect to the procurement of the satellites themselves.

[84] *1980 Orbit Assignment Order, supra* note 12 at 611-612. To some extent, this information parallels that required by § 63.07(e) of the rules, 47 CFR 63.07(e), or submitted when specific r.f. carrier assignments are identified. *See e.g., Western Union Telegraph Company*, Mimeo 08532 released April 8, 1981. To the extent feasible, we encourage the consolidation of such submissions to reduce the costs to the licensees and the Commission to prepare and maintain such reports.

[85] Such parameters should include those specified in Table B-2 in Appendix B to this order. We recognize that difficulties in maintaining such information may arise when transponders are leased or sold by the satellite licensee to unaffiliated users. This matter may therefore be appropriate for further consideration and resolution in the course of the further proceedings we envision to implement today's orbital spacing decisions in practice.

[86] For example, a number of parties made proposals to change Section 25.202 which involve domestic frequency allocation matters currently being addressed in our *Notice of Proposed Rulemaking* in Gen. Docket No. 80-739, FCC 82-508, released December 30, 1982. *See also*, note 110, *infra*. However, now that the Final Acts have been ratified, we will adopt definitions in Section 25.201 which conform to the current international Radio Regulations since that was our stated intent in the *Notice*. We recognize that further proceedings may be necessary to revise Part 25 as implementation of the Final Acts proceeds, but believe it premature to pursue matters beyond conforming definitions in this *Report and Order*. *See also*, note 50 *supra*.

[87] *Earth and Terrestrial Stations, supra* note 39.

[88] We also decline to adopt AT&T's suggestion to reduce maximum permissible power flux densities below the values proposed in Section 25.208 or required by the international Radio Regulations. AT&T has not provided a sufficiently persuasive engineering analysis to support its proposal. Moreover, even if a case could be made in the future to support a power flux density reduction, its implementation would not be effected by satellite or earth station design changes, but by increased energy dispersal applied to the transmitted signal at the uplink earth station.

However, some parties suggest that the cost of antennas built with these newer design concepts will cost substantially more than more conventionally designed antennas. Nevertheless, this required improvement in antenna sidelobe performance appears to be the most effective means of achieving 2° orbital spacings at either 4/6 or 11¾ GHz. Thus, the final rule will include the originally proposed exception that routinely permitted individual sidelopes to exceed the reference envelope by up to 3 dB for small off-axis angles.

96. We decline to modify the rule provision to exclude its applicability to very small antennas with main beams greater than 1° or high first sidelobes closer then 2° to the main axis. In these situations, the gain may significantly exceed the formula in the rule for small off-axis angles. Control of antenna gain levels is also needed even in the 1° to 2° off-axis sector to control levels of interference caused to satellites of other countries. Because such satellites may be interleaved between United States domestic satellites spaced 2° apart, frequency coordination will be facilitated with a rule standard specifying maximum values of sidelobe gain levels for off-axis angles of 1° or more.[88] However, it is unlikely that the polarization vectors in the coverage patterns of other countries' satellites can be controlled sufficiently over the United States to take cross-polarization isolation into account in the course of international frequency coordination. Thus, we believe it appropriate to exclude off-axis angles less than 2° from this cross-polarization isolation standard. Some parties also suggest that there is a potential for very small transmitting antennas to be proposed which can not comply with the rule standard, but which nevertheless could operate successfully with 2° orbital spacings. In such an event, a waiver of this rule standard can be requested at the time the engineering showing is made in the earth station license application to demonstrate compatibility with 2° spacing.[89]

97. On the other hand, we also agree with parties that the more stringent standards should apply only in the plane of the geostationary orbit as it appears at the particular earth station site. For all other directions not affecting satellite spacings, the current sidelobe standards will apply.[91] In addition, the cross-polarized discrimination standard will be specified in the rules as an absolute gain level that is 10 dB lower than the co-polarized sidelobe gain reference envelope. It will not be specified relative to the actual co-polarized pattern as proposed in the *Notice*. As pointed out by several parties, the proposed relative standard would tend to penalize those antennas which have actual co-polarized sidelobe discrimination better than the rule standard. By tieing the cross-polarization standard to actual co-polarized performance, rather than the co-polarized required reference envelope, improvements in actual co-polarized performance would also require further actual cross-polarized performance improvements. It is sufficient, however, to require cross-polarization isolation that is only 10 dB better than the co-polarized envelope specified in the rules.[92] Since cross-polarization isolation is not required to achieve 2° spacings in the 11¾ GHz bands, we do not believe it necessary to specify such cross polarization standard in the rules at this time.

98. With respect to the receiving antenna standard of Section 25.209(c), parties argue that this envelope should only be a reference pattern. Because receiving antennas do not cause interference, the parties contend that it is unnecessary to require receiving antennas to be designed with sidelobe levels that are actually below the formula in the rules. However, when the actual sidelobe level exceeds that specified in the rules, the operator must accept any interference in excess of the level that would have resulted had the antenna in fact complied with the formula in the rules. According to these parties, receiving antennas should not be required to actually conform with the performance standards to be eligible for licensing. We agree with this view. Thus, Section 25.209 of the rules will be specified only as a reference envelope assumed for a receiving antenna. Facilities with performance worse than the reference must, of course, accept correspondingly higher interference levels.[93]

99. Most parties commenting on the implementation dates for the revised antenna standards [94] argue that our proposed effective dates are impractical. We agree that some additional time appears warranted, but not necessarily as much as some parties requested. In particular, we note that several antenna manufacturers currently are marketing antennas which they claim meet or exceed the more stringent antenna performance standards we proposed for 2° orbital spacings. Antenna facilities meeting the new standards could therefore be readily available within the next year or so. No one has provided a convincing argument for more than a year to adjust existing antenna designs and fabrication methods to bring new antennas into compliance with the revised standards and to exhaust the existing inventory of antennas. Furthermore, we believe it imperative that new transmit antennas comply with the revised standards at the earliest practical date. This will maximize the opportunities to accommodate more

---

[87] In today's *1983 Orbit Assignment Order*, we are proposing to place our domestic satellites as close as 1° away from satellites operated by other countries.

[88] By its terms, Section 25.209 applies to all earth station facilities licensed under Part 25 of the rules, including earth stations operating in the INTELSAT global satellite system. Comsat recognizes improved earth station antenna performance as a desirable objective, and is not opposed to the adoption of improved antenna performance standards for international facilities as well. Comsat Comments at 16. We agree. The vast majority of stations licensed under Part 25 operate with domestic satellites. Most other stations licensed under Part 25 operate in the same frequency bands as domestic satellites. Thus, we believe it preferable to maintain a general rule standard for sidelobe gain performance of all transmitting antennas licensed under Part 25. However, we will apply the cross-polarized isolation standard only to those antennas operating with domestic satellites where such cross-polarization isolation is needed to achieve 2° orbital spacings. Moreover, we will permit waivers of the rule for nondomestic satellite facilities where the improved antenna performance standards we are adopting today are not necessary for orbit conservation purposes, and the costs of compliance with the revised Section 25.209 are not warranted by orbit congestion or adjacent satellite interference considerations. Where such antennas operate in frequency bands shared with terrestrial facilities, they will, of course, have to comply with the current performance standard used in the frequency coordination process.

[89] We recognize that further clarification may be needed to resolve operational difficulties or measurement problems that may arise in demonstrating compliance with the standards of Section 25.209. However, we believe they are best addressed in the further proceedings we expect to conduct. *See* paragraphs 105–108, *infra*.

[90] Indeed, some parties urged further improvements in sidelobe performance as being more practical and effective than improvements in off-axis cross-polarization isolation.

[91] We are not condoning antennas with poor sidelobe performance. The utility and public interest in issuing a license for a receive-only earth station would be called into question if the facilities were of such a low quality as to substantially undermine the concept of interference protection to soundly engineered facilities. *Cf. Deregulation of Receive-Only Earth Stations, supra* note 31; *American Broadcasting Companies, supra* note 12. Our intent is simply to give more discretion to the operators of receiving earth stations. This will allow users to perform tradeoffs between the cost of the antenna and the quality of signal received. It will also allow flexibility with respect to the timing of facility replacement or upgrading as necessary for full compatibility with 2° orbital spacings.

[92] It is also our intent that the 2° spacing criteria be used immediately upon adoption of this order for new small antenna analyses submitted for approval pursuant to *American Broadcasting Companies, supra* note 12. Many existing small antenna operations have already been considered in our analyses of reduced spacings in Appendices B and C, and we expect to issue an order reviewing our previous findings in light of reduced spacings in the near future.

satellites in orbit if additional 2° orbital separations beyond those in today's *1983 Orbit Assignment Order* can be implemented at an early date. We will therefore adopt July 1, 1984 as the applicable date of the standards of Section 25.209 of the rules for newly installed transmit antennas. On the other hand, it is also our intent to delay any necessary modifications or replacements of existing antennas needed to comply with the new standards until actually necessary. Since uniform 2° orbital separations between 4/6 GHz satellites are not likely in any event before 1978 under current launch schedules, we find January 1, 1987 to be an appropriate date for upgrading or replacing existing transmit antennas.[95]

100. Finally, several parties propose that we specify sidelobe performance for transmitting antennas in terms of power densities rather than antenna gains. Such an approach affords some users the flexibility to perform tradeoffs between transmit power levels and antenna sidelobe performance. However, we have not been persuaded that any of the proposed numerical power density standards will in fact insure that our 2° orbital spacing criteria will be achieved. The difficulty is that a single power density figure does not appear sufficient to adequately cover the entire gamut of transmission parameters, transponder loadings and earth station facilities operated in all of our domestic satellite systems. However, power density standards, when tied to a particular type of modulation, earth station and transmission plan, may prove to be a flexible means to permit routine licensing of small antenna services.[96] Thus, we decline at this time to adopt a single power density standard to govern all types of antennas and transmissions. We may, of course, revisit this proposal at a later date after more experience is gained with reduced orbital spacings, particularly in the context of the further proceedings described below.

101. The changes we are making to our original proposals for Section 25.209 are intended to reduce the costs of compliance to the minimum needed to facilitate 2° orbital spacings. In the case of receive-only stations, we are affording operators the flexibility to delay or defer the costs of upgrading or replacing antennas if they find acceptable the signal quality received under actual conditions of reduced satellite separations. What costs remain appear warranted by the benefits afforded by the resulting capability for additional in-orbit satellites. As discussed above, improved antenna performance is critical to reduced orbital separations. Thus, any waivers of these standards must not inhibit either the achievement of our 2° orbital spacing criteria in the 4/6 GHz and 12/14 GHz bands or the successful conclusion of international frequency coordination procedures. For newly installed transmit antennas after July 1, 1984, any request for waiver of Section 25.209 must contain detailed engineering analyses which demonstrate that no unacceptable levels of interference would result under conditions of uniform 2° orbital separations.[97] Requests may also be made for extensions of time beyond January 1, 1978 to bring existing transmit antennas into compliance with the new standards. Any such waiver granting an extension of time will not extend beyond the date that actual operations are expected to begin with 2° orbital separations. Such requests for extensions of time must also contain a detailed engineering analyses, but may be made for the particular orbital spacing (e.g. 3° or 2.5°) at which operations are to be conducted during the period of the temporary waiver. All waivers will be conditioned on no unacceptable levels of interference being caused by transmissions from that station. Moreover, any waiver of Section 25.209 may not delay the implementation of additional 2° orbital separations that may become necessary in the future to accommodate more satellites in orbit beyond those authorized today.

VIII. Future Proceedings

102. We are taking final action today to authorize the construction of 19 new domestic satellites. We have also assigned 22 orbital locations at 4/6 GHz and 21 at 12/14 GHz. These actions have been made possible by the reduced orbital spacing criteria adopted in this proceeding. Although we are terminating this particular docket, additional efforts will be required to implement fully today's policy decisions and authorizations. Moreover, we are also adopting today a companion order which begins the process of licensing the next series of domestic satellites to be launched in the late 1980's. These future activities are outlined below.

A. *Application Processing*

103. In separate orders, we complete action on all of the pending space station applications covered by our *1982 Processing Order*. Where orbital locations are assigned to those satellites in today's *1983 Orbit Assignment Order*, the companies are authorized to construct, launch and operate the domestic satellite [98]. The other satellites authorized today are designated as ground spares. If a company wishes to make a spare operational, a new application will be required for launch authorization and assignment of orbital location in accordance with today's *1983 Processing Order*.[99] It has been our experience that design changes are often made to satellites during construction to optimize ultimate performance in orbit. Thus, such applications for modification of the space station authorizations granted today will be accepted and processed separately from the new group of applications we are establishing today, provided that the changes are consistent with today's *1983 Orbit Assignment Order* and do not change the allocated frequency bands in which the satellite has been authorized to operate.[100]

[95] We expect that a number of 14 GHz transmit antennas will be installed before July 1, 1984 which may not be in compliance with the new antenna performance standard. Although they will not have to be brought into compliance until 1987, neither can we allow them to inhibit the implementation of today's *1983 Orbital Assignment Order* which envisions 2° orbital separations in the 12/14 GHz bands well before 1987.

[96] We have in fact employed specific off-axis power densities to provide some measure of user flexibility in approving certain types of transportable or small antenna earth station services. *See, e.g., Western Tele-Communications, supra* note 32; *American Satellite Company*, Mimeo 001120, released May 28, 1981.

[97] The analytical methodology to be used in making the necessary detailed engineering analyses should be comparable to that employed in Appendix B or C to this *Report and Order*, or *American Broadcasting Companies, supra* note 12.

[98] In our *1980 Orbit Assignment Order, supra* note 12 at 609–613, we decided to combine a multistage space station licensing procedure into a single processing step. *Cf. Western Union Telegraph Company*, 38 FCC 2d 1197, 1198 (1973). That simplification of our administrative process has proven effective and efficient, and is continued in the course of today's authorization.

[99] An application for the launch of a ground spare as an immediate replacement for a launch failure or a catastrophic in-orbit failure would not be considered as part of the new processing group, but will be processed separately as an emergency replacement for the previous authorized satellite. However, a different orbital location may be assigned, and, if approved, the launch of an emergency replacement statellite will not extend the term of the space station authorization beyond the orginal license term of the satellite being replaced.

[100] Public Notice of applications may be given to allow comment on potential interference impact or the effect of other proposed changes from the original application. Such notice does not imply that the applications are to be considered part of the new 1983 processing group. However, it is incumbent upon the applicant to demonstrate that the proposed modification is consistent with the *1983 Orbit Assignment Order* and our other decisions today. If such a showing is not made, the application will be dismissed, and construction and operation will have to proceed in accordance with the parameters and the terms and conditions of the radio station authorization.

Applications may also be filed to offer transponders on a noncommon carrier basis in accordance with our *Transponder Sales Order, supra* note 12. Applications pursuant to Section 310 for assignment of license or transfer of control will be viewed *inter alia* in light of their impact on the achievement of our domestic satellite policies and objectives as described in today's decisions. We do not believe that permitting such changes, which would be expected in the normal course of satellite construction, will prejudice the rights of applicants in the next processing group. Thus, today's authorizations are final and the grantee may proceed with construction, launch and operation under the terms and conditions of the authorization. However, as discussed above, applications for extensions of time to begin or complete construction, or to launch and bring the satellite into operation, will generally not be entertained. The only exception we anticipate is a short delay in the availability of a scheduled launch due to circumstances completely beyond the control of the permittee.

104. Processing of applications for construction, launch and/or operation of additional domestic satellites will be conducted in accordance with today's *1983 Processing Order.*[101] We will examine each such application to insure compliance with the information requirements outlined above before initially designating the applications to be included in the next group and providing the opportunity for comment on them. We also expect that parties will comment on the most effective and efficient procedures to promptly act on that group of applications. We recognize that our processing flexibility may be more circumscribed than in the past. However, until the group is finally assembled, we will not be able to assess the challenges facing us and the space station applicants and licensees in accommodating future requirements. Moreover, we will not know until late 1983 whether some of today's grantees will in fact succeed in obtaining the financing needed to implement their proposals. At that time, we will try to devise regulatory procedures and/or further reductions in orbital spacings to allow continued market entry and system expansion with a minimum of administrative burdens and delays so that processing will proceed promptly.

B. *Advisory Committee*

105. Various techniques have been identified by parties to help resolve any potential interference conflicts occasioned by reduced orbital spacings between the statellites we are authorizing today. We have already decided to require a 3 dB improvement in the sidelobe performace of all domestic satellite earth station antennas, and 10 dB cross-polarization isolation in the 4/6 GHz bands. Additional steps that might also be considered to facilitate operation of satellites with reduced orbital separations include the following:

- Acceptance of interference in excess of the levels indicated CCIR Recommendations 466–3. 483–1 and 523–1;
- More accurate measurement and control of earth station and satellite powers and antenna gains;
- More accurate measurement and control of earth station and satellite polarization vector alignment and cross-polarization isolation;
- Methods of inter-satellite traffic coordination, including consideration of the possible segregation of transmission types within the total available bandwidth to avoid worst case interference cases [102];
- Digitization of TV transmissions requiring very high reception quality, perhaps with error correction coding;
- Companding of high density FM–FDM multi-channel telephony carrriers;
- More precise satellite station-keeping;
- Reduction in carrier capacities by requiring rms modulation indices above 0.8 where companding is undersirable; and/or
- Reduction of the average talker level from −15 dBm to −20 or −21 dBm.

However, further evaluation of these items is desirable before any final decisions are made concerning the implementation of any or all of these techniques.[103] The experience, to be gained by the licensees, carriers, users and equipment vendors with today's decisions will also be valuable in this regard. Moreover, new or improved analytical techniques and assumptions will be useful in the course of introducing new domestic satellite facilities and services in the future.

106. Evaluation of all of these factors is likely to require more extensive technical analyses and more intensive exchanges of information among the interested parties than is practical in a formal rulemaking proceeding. Thus, a number of parties urge the formation of a joint industry/government advisory committee to assist in the implementation of the results of this docket. We note that such committees have been successful and productive in the past. They can provide a meaningful forum for the exchange of detailed technical information not amenable to written submissions. Moreover, any consensus that can be reached by the parties concerning detailed resolution of any technical or operating difficulties which result from reduced spacings can simplify, and perhaps even eliminate the need for, any further rulemaking proceedings to fully implement today's decisions.

107. However, we are reluctant to establish such a committee at the present moment. To maximize the effectiveness of such an undertaking, a well defined work plan must be part of the Charter of the Advisory Committee.[104] Such a work plan should be defined in the context of specific implementation issues flowing from our decisions today. We also believe that interested parties should be considered by such a committee. Finally, we note that it will be several years until the more difficult techniques necessary to achieve 2° spacings will become necessary. Thus, sufficient time is available to carefully plan the work that could be usefully accomplished by any Advisory Committee.

108. Accordingly, we task the Chief, Common Carrier Bureau with the responsibility of soliciting suggestions from interested parties by appropriate informal means, and of preparing a recommendation on the need and desirability of such a committee for consideration by the Commission. We encourage interested parties, including space station and earth station

[101] *Memorandum Opinion and Order, supra* note 5. *See also* note 6 and the discussion at paragraphs 75–76, *supra.*

[102] From its analysis of the most severe interference cases identified in Appendix A to the *Notice*, Comsat observes a need to avoid cochannel assignments between high density, *e.g.* FM–TV or high capacity FM–FDM, and low capacity, *e.g.* SCPC, transmissions. For example, Comsat also suggests that a few transponders be reserved for very non-homogeneous services (particularly those involving transmissions from small earth station antennas) on every other satellite in a 2° spacing environment. This would allow an effective 4° spacing for such services. Apparently co-frequency transponders on intervening transponders would be unused except for emergency restoral purposes. Similarly a requirement to use high sensitivity transponders for wideband data services from small antennas would place the interference burden on such operators. However, any rigid segregation of transmission types could result in arbitrary traffic restrictions preventing satisfaction of user requirements generated in competitive market that a more flexible approach could avoid.

[103] We do not preclude other techniques to reduce interference or resolve potential interference conflicts that might be identified in future proceedings.

[104] *Federal Advisory Committee Act*, 5 U.S.C. Appendix (1976).

licensees, to make their views known on this matter, a well as suggestions on the possible work plan of any Advisory Committee. We emphasize, however, that any such committee will be limited to those technical and operational matters needed to implement today's orbital spacing decisions. Furthermore, it will be expected to present its report to the Commission within a specific time period. Parties will be precluded in such a forum from discussing matters that are subject to *ex parte* rules, and matters directly involved with international frequency coordination activities or preparations for international conferences, such as the 1985 Space WARC.

C. *Technological Advances*

109. Our *Notice* inquired into several alternatives to reduced orbital spacings to satisfy growing user demand for domestic satellite services. These included the use of higher capacity satellite designs, higher frequency bands and more efficient transmission techniques. Little concrete information was submitted beyond a description of plans for more efficient transmission techniques to increase transponder capacity. However, it does not appear that such transmission improvements will be sufficient by themselves to accommodate growing user demand. The other design techniques that lead to greater satellite capacity do not appear to be economically practical for sufficiently widespread use during the new few years. Thus, none of these approaches appear to constitute viable alternatives to reduced orbital spacings.[105]

110. We recognize that some of the satellites authorized today incorporate significant technological improvements over many of those approved just two years ago. However, consideration also has to be given to the more impressive advances in satellite design capacity that might be used in future applications. As orbital congestion increases, and as these technological advances develop, their economical and operational feasibility will become better established. Such advances could therefore become a major factor in our future domestic satellite licensing policies and procedures to insure that sufficient capacity is available to users.

111. *High Capacity Satellite Designs.* A number of approaches which would lead to higher capacity satellites have been identified. The most common approach mentioned by the parties is greater frequency re-use.[106] We are requiring full frequency re-use of the allocated 500 MHz at 4/6 GHz and at 12/14 GHz in all new domestic satellite designs. This standard will insure that the usable communications bandwidth on domestic satellites approaches 1000 MHz. Additional frequency re-use technology is available through multiple spot-beam coverage systems, such as INTELSAT V.[107] However, the weight and size requirements of such designs exceed the capabilities of current Delta class launch vehicles. Specialized satellite configurations, such as the inclusion of more but narrower transponders for television distribution on a satellite,[108] the use of higher power transponders to increase satellite design capacity, and the implementation of two television signals per transponder have also been identified as future approaches to increase satellite capacity.[109] The variety of these techniques to further increase the capacity of the orbit indicates the desirability of affording satellite operators the continued flexibility to make the complex tradeoffs between technical, economic, operational and marketing factors that enter into their investment decisions.

112. *Higher Frequency Bands.*[110] An allocation of 2500 MHz in each direction currently exists at 18/30 GHz.[111] This is 5 times the allocated 500 MHz bandwidth of either the 4/6 GHz or the 12/14 GHz bands. Thus, the capacity of 18/30 GHz domestic satellites can be much higher than the capacity of satellites operating in the lower frequency bands. The wide bandwidth of this allocation, together with the ease with which spot beams can be formed at these higher frequencies with smaller spacecraft antenna, also makes the 18/30 GHz bands better suited than the lower bands for very high capacity multiple spot beam coverage satellites. Although no U.S. domestic satellites are presently proposed in these bands, research and developmental work, in part funded by NASA, is underway.[112]

113. Experience with other radio services gives us confidence that the satellite hardware will become available and transmission and other technical problems will be resolved at these higher frequencies. These include

[105] Several parties propose to interleave satellites at 2° separations between the satellites currently spaced at 4° intervals by reversing the direction of transmission of the 4/6 GHz bands. Under such a bidirectional use of allocated frequency bands, one set of satellites spaced 4° apart would continue to use 4 GHz for downlinks and 6 GHz for uplinks. A second set of satellites would then be interleaved mid-way between these satellites using these bands for transmission in the opposite directions, i.e. 6 GHz for downlinks and 4 GHz for uplinks. Technical studies performed in the CCIR, *e.g.*, Report 557, confirm that the orbital separation required between two satellites using reversed frequencies can be very small. Thus, introduction of reverse frequency operations could result in much more intensive utilization of the orbit. However, frequency coordination between earth stations will become necessary for the first time when earth stations transmit and others receive on the same frequency. Such frequency coordination is not currently required between earth stations because earth stations transmit only in the 6 GHz band and receive only in the 4 GHz band. In addition to these new interference problems within the satellite service, bidirectional use also introduces serious new sharing difficulties between the space and the terrestrial services. Such bidirectional frequency use also appears to require changes to the international table of frequency allocations. Allocations to space radio communications services usually specify the direction of transmission as either "earth-to-space", i.e. uplink, or "space-to-earth", i.e. downlink. Thus, consideration of this proposal is premature here, and would be better advanced in another proceeding such as our preparations for the 1985 Space WARC in Gen. Docket No. 80-741. *See also*, note 49 *supra*.

[106] *See also Notice* at 335-336; *1980 Orbit Assignment Order*, *supra* note 23, at 593-596. Hybrid (*i.e.* milti-band satellites) which provide increased capacity using several allocated frequency bands are addressed in paragraphs 77-79, above.

[107] We note a recently filed proposal from Ford Aerospace which incorporates a limited amount of additional frequency re-use by means of the spatial separation between east and west coast spot beams at 12/14 GHz. However, that satellite requires a much larger launch vehicle than a Delta-class one.

[108] For example, AT&T suggests that a 27 MHz transponder bandwidth would be optimum for television transmission and would allow 32 television channels per satellite. While such a design may be desirable at 12/14 GHz, the standard polarization and frequency plans needed to achieve 2° spacings at 4/6 GHz may make dual video carriers in a 36 MHz transponder preferable.

[109] New marketing concepts may be needed as the complexity in a satellite communications network is "inverted" from current complex earth stations into future complex satellites. For example, the concept of selling or leasing a discrete transponder may not have any concrete meaning in very complex satellite designs where significant amounts of signal processing and/or switching is performed on board the satellite rather than at the earth stations or other ground locations.

[110] Several parties suggest that the 3400-3700 MHz, 5850-5925 MHz and 6425-7075 MHz bands be made available to the domestic fixed-Satellite Service for capacity expansion. The allocation status of these bands is specified in the Final Acts of the 1979 WARC. Implementation of the results of that conference is currently being addressed in another proceeding. *See Notice of Proposed Rulemaking* in Gen Docket No. 80-739, *supra* note 86. However, because of the current utilization of these bands, the Commission is not proposing that they be made available for use by domestic satellites.

[111] The specific frequency bands are 17.7-20.2 GHz (downlink) and 27.5-30 GHz (uplink).

[112] Experimental communications satellites have been operated in these bands by Japan. Also, the COMSTAR domestic satellites operated beacon transmitters in these bands for propagation studies. However, a number of parties (e.g. SBS) believe this data to be relatively sparse. We also take note of NASA's plans for an experimental 18/30 GHz satellite. *See, e.g.*, Telecommunications Reports, Vol. 49, No. 12, March 28, 1983 at 40-41. However, even under the most optimistic scheduling, it would not be launched before 1987. SBS notes that research in the use of these higher frequencies has been sharply curtailed due to NASA budget cuts.

the high link margins required to overcome propagation difficulties, the more critical accuracy of antenna pointing needed as beamwidths even for very small earth station antennas are reduced, the increasing numbers of switch interconnections and higher power requirements as more beams are added, and the greater reliability problems associated with the increasing number and complexity of the electronic components. Nevertheless, we are confident that the technical and economic risks will be resolved, and that the necessary resources will be invested in planning 18/30 GHz commercial satellite communications systems to satisfy future communications requirements.

114. *Efficient Transmission Techniques.* Various parties described several techniques to increase transponder capacity. For example, although it is common to utilize a full 36 MHz transponder for a television signal, a lesser bandwidth would still provide adequate quality. Thus, parties point to the possibility of reducing the bandwidth of FM-TV transmissions down to 18 MHz from 27 MHz. In some cases, as in RCA Americom's "Optimized Video Transmission" service, the remaining bandwidth of a 36 MHz transponder can be used for other services of a narrowband nature. Other techniques, such as "STRAP", can be used to derive two TV channels from one transmission path.[113] Predictive coding techniques for voice and television can also be used to increase transponder capacity. RCA Americom and AT&T point to their planned use of compandored single sideband transmissions to increase transponder capacity up to 7800 one-way voice channels.[114] In addition, AT&T points to 8 phase PSK modulation to increase the bit rate of digital transmissions to 90 Mbps. This transmission would support 7600 one-way voice channels if 5 to 1 voice compression techniques were also employed. Spread spectrum is also mentioned as an efficient means of providing service with very small earth terminals. Moreover, these transmission efficiencies may be further enhanced with on-board signal processing on future satellites.

115. These developments demonstrate that improvements in transmission efficiency will continue to be a basic characteristic of domestic satellite technology. However, such advances appear to be best suited to accommodate traffic growth within a network of earth stations after it is established by a carrier or user. Increases in transponder transmission capacity will, of course, delay to some extent the need to place additional transponders in orbit. However, more efficient transmission techniques have not yet proven sufficient by themselves to satisfy the rapid overall growth in demand for domestic satellite services, particularly as additional users and carriers place new networks into operation.

IX. Conclusion

116. In this decision, we have adopted reduced orbital spacing criteria for the 4/6 GHz and the 12/14 GHz bands. These criteria allow us to authorize without further delay each of the domestic satellites proposed in the current group of applications. This next group of satellites will provide an increasing amount of in-orbit transmission capacity into the late 1980's to satisfy growing user demands. We also want a simple regulatory framework to govern these authorizations. Thus, the revisions being adopted to Part 25 of our Rules are the minimum needed at this time to achieve these results. We are also directing the Chief, Common Carrier Bureau to solicit informal comments from interested parties on the need for an Industry/Government Advisory Committee, as well as suggestions on potential terms of reference for such a committee, to recommend more detailed technical and operational means to better implement today's decisions.

117. The far greater challenge, however, will be to retain the flexibility and creativity required to process the next group of space station applications effectively and efficiently. Additional satellites can and will be licensed in the future as user requirements grow. We remain committed to minimize administrative delays in the timely availability of newly proposed satellite facilities. The particular elements of the Commission's future policies and procedures will necessarily reflect the opportunites presented by the technological advances and evolving market conditions we accept as inevitable in the coming years. We can not at this moment, however, presage the exact contours of these changes. However, the initial experience we gain with the policies and procedures adopted today will guide any further adjustments that will be needed to succeed in the challenges still before us.

118. As stated above, and in our initial analysis pursuant to the Regulatory Flexibility Act,[115] reduced orbital spacings are needed to provide the additional orbital locations required to accommodate the expansion of existing systems as well as the entry of new systems into the domestic satellite communications market. Through adoption of reduced spacings, the public will benefit from a more competitive domestic satellite communications industry with the resulting provision of innovative and economical communications services. A reduction in the spacing between satellites greatly increases the number of satellites that can be accommodated in the geostationary orbit. This appears to be the only practicable method that both satisfies the growing demand for satellite communications services and continues the Commission's policy of open entry in this area. Proposed alternatives to increase in-orbit satellite capacity, such as higher frequency bands and higher capacity satellite designs, appear to be technically infeasible and/or more costly, and thus less desirable at this time. Not to adopt reduced spacings, thereby not increasing the number of available satellites, would result in delay or unavailability of service to the public.

119. No comments were received from the public in response to our initial analysis pursuant to the Regulatory Flexibility Act. Because only three satellites currently are in operation in the 12/14 GHz band, we believe immediate implementation of 2° spacings can be accomplished at little cost to users. However, in the 4/6 GHz band the costs and difficulties of immediately implementing 2° spacings lead us to adopt a more cautious approach. Adopting a combination of 3°, 2.5° and 2° spacing in the 4/6 GHz band will allow for amortization of existing earth station equipment and will thus lessen the impact of reduced spacing on earth station licensees, particularly smaller companies. Additionally, any costs associated with improving existing facilities, as required by our decision, will be offset by increased business opportunities in a more competitive market.

120. Accordingly, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, 47 U.S.C. 154(i) and 303(r), it is ordered that Part 25 of Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth in Appendix D effective thirty days after publication in the **Federal Register**.

[113] Even more exotic transmission techniques are under study to increase video transmission efficiency. *See, e.g.*, AT&T Comments at 28–29.

[114] Present transponder capacity for a single FM-FDM r.f. carrier is typically 1200–1800 one-way voice channels, which can be increased to 2892 channels with compandoring.

[115] *Notice, supra* note 1 at Appendix D.

121. It is Further Ordered that the policies and procedures set forth in this *Report and Order* are adopted effective thirty days after publication in the **Federal Register.**

122. It is further ordered that the proceedings in CC Docket No. 81-704 are terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendices—4

(Appendixes A, B and C may be viewed in the official docket file at the Commission's offices in Washington, D.C.)

Separate Statement of Commissioner Joseph R. Fogarty; Dissenting in Part

In Re: Licensing of Space Stations in the Domestic Fixed-Satellite Service, CC Docket No. 81-704, Report and Order

Having dissented from the Commission's decision to permit noncommon carrier satellite transponder sales,* I dissent from the application of that decision here.

Statement of Commissioner Henry M. Rivera; Dissenting in Part

Re: Licensing of Space Stations in the Domestic Fixed-Satellite Service (CC Docket No. 81-704)

I dissent to this *Report and Order* only to the extent it facilitates the grant of Amsat's construction permit applications. *See Applications of American Satellite Co. for Authority to Construct and Launch Space Stations in the Domestic Fixed Satellite Service,* adopted April 27, 1983 (Rivera, Comm'r, dissenting).

Appendix D

PART 25—[AMENDED]

Part 25 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 25.201 [Amended]

1. In § 25.201, the following definitions are removed:

Communication-satellite earth station
Communication-satellite service
Communication-satellite space station
Space service
Stationary satellite
Terrestrial service

2. In § 25.201, the following definitions are revised to read as follows:

Earth Station. A station located either on the Earth's surface or within the major portion of the Earth's atmosphere intended for communication:

(a) With one or more space stations: or

(b) With one or more stations of the same kind by means of one or more reflecting satellites or other objects in space.

Space Station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere.

Terrestrial Station. A station effecting terrestrial radiocommunication.

3. In § 25.201, new definitions are added in alphabetical order as follows:

Fixed-Satellite Service. A radiocommunication service between Earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite-to-satellite links, which may also be effected in the inter-satellite service; the fixed-satellite service may also include feeder links for other space radiocommunication services.

Geostationary Satellite. A geosynchronous satellite whose circular and direct orbit lies in the plane of the Earth's equator and which thus remains fixed relative to the Earth; by extension, a satellite which remains approximately fixed relative to the Earth.

Inter-Satellite Service. A radiocommunication service providing links between artificial earth satellites.

Satellite System. A space system using one or more artificial earth satellites.

Spacecraft. A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere.

Space Operation Service. A radiocommunication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry and space telecommand. These functions will normally be provided within the service in which the space station is operating.

Space Radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more reflecting satellites or other objects in space.

Space System. Any group of cooperating earth stations and/or space stations employing space radiocommunication for specific purposes.

Terrestrial Radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy.

4. In § 25.202, paragraphs (a) through (d) are revised to read as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a) *Frequency bands.* The following frequencies are available for use by the fixed-satellite service. Precise frequencies and bandwidths of emission will be assigned on a case-by-case basis.

Space-to-Earth	Earth-to-space
3700-4200 MHz[1],	5925-6425 MHz[1],
10.95-11.2 GHz[2],	14.0-14.5 GHz[3],
11.45-11.7 GHz[2],	27.5-29.5 GHz,
11.7-12.2 GHz	29.5-30.0 GHz
17.7-19.7 GHz[1]	
19.7-20.0 GHz	

[1] This band is shared coequally with terrestrial radiocommunication services.

[2] Use of this band by the fixed-satellite service is limited to international systems, i.e. other than domestic systems. These bands are also shared on a co-equal basis with terrestrial radiocommunication services.

[3] The band 14.0-14.3 GHz is shared coequally with the radionavigation service, and the band 14.4-14.5 GHz is shared with Government terrestrial radiocommunication services in accordance with the provisions of footnote US234 in the Table of Frequency Allocations.

(b) Other frequencies and associated bandwidths of emission may be assigned on a case-by-case basis to space systems under this part in conformance with § 2.106 of this chapter and the Commission's rules and policies.

(c) Applicants, permittees and licensees of radio stations governed by this part shall provide the Commission with all information it requires for the Advance Publication, coordination and notification of frequency assignments pursuant to the international Radio Regulations and Article XIV of the INTELSAT Agreement. This information includes, but is not limited to, that specified in Appendixes 3 and 4 of the Radio Regulations (Geneva 1979). No protection from interference caused by radio stations authorized by other Administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments with other Administrations.

(d) Orbital locations assigned to space stations licensed under this Part by the Commission are subject to change by summary order of the Commission on 30 days notice. An authorization to construct and/or to launch a space station becomes null and void if the construction is not begun or is not completed, or if the space station is not launched and positioned at its assigned orbital location, by the respective date(s) specified in the authorization.

* *Domestic Fixed-Satellite Transponder Sales,* Dissenting Statement of Commissioner Joseph R. Fogarty, 90 FCC 2d 1266-1279 (1982).

Frequencies and orbital location assignments to domestic fixed-satellites are subject to the policies and procedures set forth in the *Report and Order*, FCC 83-184, adopted April 27, 1983 in CC Docket No. 81-704, and the licensees of such space stations shall comply with the requirements set forth in that decision. Radio station applications for new domestic fixed-satellites shall comply with the requirements established pursuant to the *Report and Order* in CC Docket No. 81-704. Applications will be unacceptable for filing and will be returned to the applicant if (1) the application is defective with respect to completeness of information, execution, or other matters of a formal character; or (2) the application does not substantially comply with the Commission's rules, regulations, specific requests for information, or other requirements, such as those specified in the *Report and Order* in CC Docket No. 81-704.

* * * * *

5. Section 25.204 is revised to read as follows:

§ 25.204 Power limits.

(a) In bands shared coequally with terrestrial radio communication services, the equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands between 1 and 15 GHz, shall not exceed the following limits except as provided for in paragraph (c) of this section:

$+40$ dBW in any 4 KHz band for $\theta < 0°$
$+40 + 3\theta$ dBW in any 4 KHz band for $0° < \theta < 05°$

where θ is the angle of elevation of the horizon viewed from the center of radiation of the antenna of the earth station and measured in degrees as positive above the horizontal plane and negative below it.

(b) In bands shared coequally with terrestrial radio-communication services, the equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands above 15 GHz shall not exceed the following limits except as provided for in paragraph (c) below:

$+64$ dBW in any 1 MHz band for $\theta < 0°$
$+64 + 3\theta$ dBW in any 1 MHz band for $0° < \theta < 5°$

where θ is as defined in paragraph (a) of this section.

(c) For angles of elevation of the horizon greater than 5° there shall be no restriction as to the equivalent isotropically radiated power transmitted by an earth station towards the horizon.

6. Sections 25.205 and 25.206 are revised to read as follows:

§ 25.205 Minimum angle of antenna elevation.

Earth station antennas shall not normally be authorized for transmission at angles less than 5° measured from the horizontal plane to the direction of maximum radiation. However, upon a showing that the transmission path will be seaward and away from land masses or upon special showing of need for lower angles by the applicant, the Commission will consider authorizing transmissions at angles between 3° and 5° in the pertinent directions. In certain instances, it may be necessary to specify minimum angles greater than 5° because of interference considerations.

§ 25.206 Station identification.

The requirement for transmission of station identification is waived for all radio stations licensed under this part.

7. Sections 25.208 and 25.209 are revised to read as follows:

§ 25.208 Power flux density limits.

(a) In the band 3700-4200 MHz, the power flux density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

- -152 dB(W/m²) in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
- $-152 + (\delta - 5)/2$ dB(W/m²) in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and
- -142 dB(W/m²) in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

(b) In the bands 10.95-11.2 and 11.45-11.7 GHz, the power flux density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

- -150 dB(W/m²) in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
- $-150 + (\delta - 5)/2$ dB(W/m²) in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and
- -140 dB(W/m²) in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

(c) In the band 17.7-19.7 GHz, the power flux density at the Earth's surface produce by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

- -115 dB(W/m²) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
- $-115 + (\delta \times 5)/2$ dB(W/m²) in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and
- -105 dB(W/m²) in any 1 MHz for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

§ 25.209 Antenna performance standards.

(a) The gain of any antenna to be employed in transmission from an earth station in the fixed-satellite service shall lie below the envelope defined below:

(i) In the plane of the geostationary satellite orbit as it appears at the particular earth station location:

$29 - 25\log_{10}\Theta$ dBi	$1° \le \Theta \le 7°$
$+8$ dBi	$7° < \Theta \le 9.2°$
$32 - 25\log_{10}\Theta$ dBi	$9.2° < \Theta \le 48°$
-10 dBi	$48° < \Theta \le 180°$

where Θ is the angle in degrees from the axis of the main lobe, and dBi refers to dB relative to an isotropic radiator. For the purposes of this section, the peak gain of an individual sidelobe may not exceed the evelope defined above for Θ between 1° and 7°. For Θ greater than 7°, the envelope may be exceeded by 10% of the sidelobes, but no individual sidelobe may exceed the envelope by more than 3 dB.

(ii) In all other directions:

Outside the main beam, the gain of the antenna shall lie below the envelope defined by:

$32 - 25\log_{10}\Theta$ dBi	$1° \le \Theta \le 48°$
-10 dBi	$48° < \Theta \le 180°$

where Θ is the angle in degrees from the axis of the main lobe, and dBi refers to dB relative to an isotropic radiator. For the purposes of this section, the peak gain of an individual sidelobe may be reduced by averaging its peak level with the peaks of the nearest sidelobes on either side, or with the peaks of two nearest sidelobes on either side, provided that the level of no individual sidelobe exceeds the gain envelope given above by more than 6 dB.

(b) The off-axis cross-polarization isolation of any antenna to be employed in transmission at frequencies between

5925 and 6425 MHz from an earth station to a space station in the domestic fixed-satellite service shall be defined by:

$19 - 25 \log_{10} \Theta$ dBi	$1.8° < \Theta \leq 7°$
-2 dBi	$7° < \Theta \leq 9.2°$

(c) Any antenna licensed for reception of radio transmission from a space station in the fixed-satellite service shall be protected from radio interference caused by other space stations only to the degree to which harmful interference would not be expected to be caused to an earth station employing an antenna conforming to the standards defined in paragraphs (a) and (b) of this section.

(d) The standards specified in paragraphs (a) and (b) of this section shall apply to all new antennas installed after July 1, 1984 and to all antennas after January 1, 1987.

(e) The operations of any earth station with an antenna not conforming to the standards of paragraphs (a) and (b) of this section shall impose no limitations upon the operation, location, and design of any terrestrial station, any other earth station, or any space station.

8. Section 25.251(d)(4) is revised to read as follows:

§ 25.251 Special requirements for coordination.

* * * * *

(d)(4) that for coordination, the earth station antenna sidelobe gain level is defined by the following formula:

$32 - 25 \log_{10} \Theta$ dBi	$1° \leq \Theta \leq 48°$
-10 dBi	$48° < \Theta \leq 180°$

where Θ is the off-axis angle to the direction of the terrestrial station in question. If the actual antenna gain performance is better than that defined by this formula, the actual gain may be used to effect coordination.

[FR Doc. 83-23987 Filed 9-2-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 25

[FCC 83-185]

Processing Procedures for Space Station Applications in the Domestic Fixed-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Notice of domestic satellite application processing procedures.

SUMMARY: This *Memorandum Opinion and Order* formally establishes the procedures that will be followed by the Commission in processing additional applications in the domestic Fixed-Satellite Service. In its *Report and Order* in CC Docket No. 81-704, the Commission adopted reduced orbital spacing criteria between domestic satellites in the 4/6 GHz and 12/14 GHz bands so that more satellites could be accommodated in the future. The requirements for applications for such facilities to be acceptable for filing are specified in this order.

DATE: Applications must be filed with the Secretary of the Federal Communications Commission no later than November 7, 1983, in order to be considered in this group of applications.

ADDRESS: Submit applications to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert Mazer or Cecily Holiday, Common Carrier Bureau, (202) 634-1624.

Memorandum Opinion and Order

In the matter of Filing of Applications for New Space Stations in the Domestic Fixed-Satellite Service.

Adopted: April 27, 1983.

Released: August 12, 1983.

By the Commission: Commissioner Jones absent.

1. The Commission presently has on file a number of applications requesting authority to construct and/or launch new space stations in the domestic Fixed-Satellite Service. These applications, listed in Appendix A, were filed subsequent to the adoption of our *1982 Processing Order*.[1] They propose construction of 22 new satellites and launch of 18 additional satellites. If all are granted, new entrants will be able to establish initial domestic satellite systems and existing licensees will be able to expand authorized systems to meet growth requirements. Excessive administrative delays are likely to interfere with the timely availability of the proposed satellite facilities as well as frustrate the business plans of current applicants. We therefore believe it important to begin processing these applications as soon as possible. Due to the unique characteristics of the satellite industry, it has been our practice to process space station applications in groups.[2] Today we are adopting a procedure that will allow us to define the next group. Thus, interested parties wishing to file satellite applications are on notice that any application for a new domestic satellite space station authorization must be submitted no later than 60 days from the publication of our *Report and Order* in CC Docket No. 81-704, FCC 83-184, in the **Federal Register** if it is to be considered with the applications presently on file.[3]

2. We are giving notice to interested parties because of the changes that have occurred in the domestic satellite industry.[4] After today's grants, it is not certain that we will be able to accommodate all qualified applicants in the 4/6 and 12/14 GHz frequency bands in the timeframe and the manner they desire. Because there could be excess demand for orbital locations in this next processing group, it will be necessary to preserve the substantive rights of the parties. Therefore, we are establishing a cut-off procedure similar to those used for other regulated services.[5] This procedure will preserve the hearing rights [6] of all existing and potential applicants if further proceedings are unable to find means of reasonably accommodating all the then pending concrete orbital location requests by qualified applicants. Until the next group of applications is defined for concurrent processing, it does not appear possible for us to determine what administrative and regulatory approach will maximize the likelihood of promptly authorizing the additional satellites to be built to satisfy growing user demand.[7] Thus, to be considered

---

[1] Domestic Fixed-Satellite Service, 90 FCC 2d 1 (1982), *recon. denied, Memorandum Opinion and Order*, FCC 83-183, adopted today. In our *1982 Processing Order*, we stated that space station applications on file with the Commission by May 18, 1982 would be processed as a group. Action was taken on them in separate actions today. We are also dismissing as premature a petition for expedited treatment of its applications filed by Ford Aerospace Satellite Service Corporation. Notwithstanding any potential merits of its proposed satellite system vis-a-vis the group of applications granted today, we believe the public interest lies in considering the applications of Ford Aerospace in the light of contemporaneously filed proposals.

[2] *See Domestic Fixed Satellite Service*, 77 FCC 2d 956 (1980); *Domestic Communications Satellite Facilities*, 22 FCC 2d 86 (1970); *Report and Order* in CC Docket No. 81-704, FCC 83-184, adopted today.

[3] If for some reason this order is published after the publication of the *Report and Order*, the required date for filing will be 60 days after publication of this order.

[4] *See generally, Report and Order* in CC Docket No. 81-704, *supra* note 2.

[5] *See e.g., Ranger v. FCC*, 294 F.2d 240 (D.C. Cir. 1961).

[6] *See e.g., Ashbacker v. FCC*, 326 U.S. 327 (1945).

[7] If, after the group is defined, it appears that there are more qualified applicants than there are orbital locations available in the usable arc, we intend to examine methods for prompt and efficient disposition of those applications, including the opportunity for public comment on the methods to be employed. We plan, for example, to examine the feasibility of further orbital spacing reductions and/or the feasibility of strict criteria to determine licensing eligibility and/or exclusion of speculative proposals. If there are still an insufficient number of orbital positions available to accommodate all pending applications, we may also specify procedures to conduct expedited evidentiary and/or comparative hearings or structure some other administrative selection. It is possible, however, that sufficient orbital locations will exist if, for instance, those applicants that are granted authorizations today do not meet the construction and launch milestones specified in their authorizations, and speculative proposals are

for a new space station authorization in this next group, an applicant must have an application that is acceptable for filing actually on file with the Commission on the date specified above.

3. The basic information that must be submitted in a space station application was specified in our Docket No. 16495 proceeding, *Domestic Communications Satellite Facilities*, 22 FCC 2d 86, 92 (1970). *See also, Report and Order* in CC Docket No. 81-704. These requirements were elaborated on in our *1980 Processing Order, Domestic Fixed Satellite Service*, 77 FCC 2d 956, at 962-963 (1980), and our *Orbit Deployment Plan*, 84 FCC 2d 584 (1981). They are not meant to be all inclusive, but to insure a consistent level of basic information. Nor does the submission of this information in itself demonstrate the qualifications of the applicant or that the public interest would be served by grant of the application(s). Rather, these information requirements simply comprise the minimum amount of data necessary to enable the staff to begin to process space station applications. Because these information requirements have evolved over the years, they have been published in different decisions. For the convenience of potential and existing applicants, these requirements have been consolidated and are attached to this order as Appendix B.

4. We require each applicant to file a concrete, comprehensive proposal for its proposed system and services, describing in detail all pertinent technical and operational aspects of the proposed system. Applicants with applications already on file with the Commission should review the information requirement listed in Appendix B to ensure that their applications are acceptable for filing.* An applicant must demonstrate its financial, technical and legal qualifications, as well as an ability to proceed promptly with construction and launch of the proposed satellites.* If more than two orbital locations are requested, applicants shall demonstrate firm customer requirements.[10] We recognize the increasing difficulties that will arise in the course of achieving our objective to increase the supply of domestic satellite capacity as needed to satisfy growing user demand. We also recognize that a possibility exists that a mutually exclusive situation could arise if there are more fully qualified applicants with firm requirements than can be accommodated in orbit under the current state-of-the-art in satellite design. Thus, we are placing applicants on notice that all domestic satellite applications will be thoroughly scrutinized to insure that they strictly adhere to the informational requirements specified in Appendix B in a manner that demonstrates a real and independent business plan to provide domestic satellite service to the public. Failure to comport with these requirements, or to respond promptly to Commission requests for additional information, will result in dismissal of an applicant's application.

5. Therefore, applicants should note that if their applications are not acceptable for filing as of the cut-off date they will be returned. Furthermore, they will not be reinstated *nunc pro tunc;* thus they will not be entitled to any further consideration by the Commission. This includes any comparative evaluation that may become necessary. In this way, we intend to avoid, to the extent possible, speculative applications. To be acceptable for filing, applicants must meaningfully and concretely address each and every one of the information requirements listed in Appendix B. If, for some reason, an applicant is unable to respond to a specific requirement, the application should be accompanied by a request that sets forth the reasons that support a waiver of (or an exception to), in whole or in part, the particular requirement. If, upon prescreening, an application is found to be defective, it will be returned to the applicant. In order for it to receive comparative consideration with other, timely-filed, non-defective applications, amendments must be filed before the cut-off date. Additionally if a defect is overlooked at prescreening and discovered during normal processing, the application will be returned as unacceptable for filing. The burden is therefore on the applicant to insure that meaningful responses to the information requirements of Appendix B are contained in the application. To do otherwise could result in serious processing disruptions.

6. Accordingly, it is ordered that the policies and procedures specified herein are adopted pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, 47 U.S.C. 154 (i) and (j), and that the applications whose file numbers are listed in Appendix A to this order, as well as those domestic space station applications that may be filed by the time specified above, shall be considered as a group with respect to further processing by the Commission.

7. It is further ordered that the Motion for Expedited Consideration filed by Ford Aerospace Satellite Service Corporation is dismissed.

8. It is further ordered that the Secretary of the Federal Communications Commission shall cause this order to be published in the **Federal Register** at the earliest practical date.

Federal Communications Commission.

William J. Tricarico,

Secretary

Appendix A.—Pending Domestic Space Station Applications*

Cablesat General Corporation
- 2798-DSS-P/LA-82
- 2799-DSS-P/LA-82
- 2800-DSS-P-82

Ford Aerospace Satellite Service Corporation
- 528-DSS-P/LA-83
- 529-DSS-P/LA-83
- 530-DSS-P-83

GTE Satellite Corporation
- 2084-DSS-LA-82
- 2085-DSS-P-82

Hughes Galaxy, Inc.
- 1820-DSS-P/LA-83
- 1821-DSS-P/LA-83
- 1822-DSS-P/LA-83
- 1823-DSS-P/LA-83

National Exchange, Inc.
- 1824-DSS-P/LA-83
- 1825-DSS-P/LA-83
- 1826-DSS-P/LA-83
- 1827-DSS-P/LA-83
- 1828-DSS-P-83

* Received in Secretary's Office by April 26, 1983.

---

eliminated from consideration at an early stage of processing the next group of applications. In such an event, we will employ our past open entry policies that have allowed the industry to develop free from unnecessary regulatory requirements.

* The fact that these applications have already been listed on public notices of applications filed is not to be construed as a finding that they are acceptable for filing or meet the requirements of Appendix B. The Commission will dismiss any of these applications as unacceptable for filing if, upon later review, it is determined that they do not meet the requirements of Appendix B or our *Report and Order, supra*.

* *See e.g. Domestic Fixed Satellite Service, supra* note 2 at 960. To be acceptable for filing, the applicant must submit a concrete business plan to achieve this result. If the applicant can not prove it has sufficient funds committed to finance the construction and launch of the proposed satellite and the initial year of operation, it should indicate what steps have been taken to obtain financing and when it anticipates the necessary funds will be available. We intend to assess our experience with today's conditioned grants to applicants who have not firmly demonstrated their qualifications to determine if our domestic satellite policy objectives have been furthered by such an administrative approach. Thus, applicants should note that a financial qualification issue may be included in any evidentiary hearing that may be needed.

[10] *See Orbit Deployment Plan, supra*, and *Report and Order* in CC Docket No. 81-704, *supra* note 2. Such information and forecasted requirements should be related as specifically as possible to the applicant's experience rather than to general industry forecasts.

Satellite Business Systems
1-DSS-P-83
Western Union Telegraph Company
1831-DSS-P/LA-82
1832-DSS-P/LA-82
2795-DSS-P/LA-82
2796-DSS-P/LA-82
2797-DSS-P/LA-82

Appendix B.—Information Required for Domestic Satellite Space Station Applications

I. General Requirements

A. The original and nine (9) copies of any application to be considered at the same time with the pending applications for domestic Fixed Satellite systems shall be submitted for filing at the Commission's Main Office in Washington, D.C.

Mr. William J. Tricarico, Secretary,
Federal Communications Commission,
1919 M Street N.W., Washington, D.C. 20554.

Attention: Satellite Radio Branch, Brown Building—Room 307

B. the comprehensive proposal for the entire system may be submitted in narrative form with attached exhibits.

C. A separate and distinguishable application should be submitted for each proposed space or ground station. Information that is duplicated in the system proposal may be incorporated in these applications by reference.

D. The original of the system proposal and each of the individual applications must be signed in accordance with the requirements of Section 1.743 of the rules, 47 CFR § 1.743, and contain the formal waiver required by Section 304 of the Communications Act, 47 U.S.C. § 304.

II. System Proposal/Description

A. Name and post office address of the applicant.

B. Name, address and telephone number of the person(s), including counsel, to whom inquiries or correspondence should be directed.

C. General decription of overall system facilities, operations and services, including the arrangements for access to the system between the premises of the users and the earth stations.

D. General Technical Information.

Techincal standards for domestic fixed-satellites are set forth in the international Radio Regulations, Part 25 of the Commission's Rules and Regulations, and the *Report and Order* in CC Docket No. 81-704. Applicants are required to design and operate their satellites to the most current state-of-the-art in satellite design. New space station designs must be compatible with two degree orbital separations in the 4/6 GHz and/or 12/14 GHz bands, as appropriate. Additional constraints or adjustments to the technical parameters of the system may be required as a condition of any station authorization or to effect frequency coordination with other countries.

1. Radio frequency plan—including frequencies, bandwidth, polarizations, emission designators, power into antenna(s) and satellite antenna gain contours.

2. Calculations of power flux density levels within each coverage area and of the energy dispersal, if any, needed for compliance with Section 25.208 of the rules, 47 CFR § 25.208.

3. Number of satellites:
(a) In-orbit.
(b) On-the-ground spares.

4. Estimated number and geographic distribution of earth stations:
(a) Transmit and receive.
(b) Receive-only.
(c) Transmit-only.

5. Physical characteristics of the space station:

(a) Weight and dimensions of spacecraft, including drawings (when available), detailed mass (on ground and in orbit) and power (beginning and end of life) budgets.

(b) Estimated operational lifetime of the space station and the basis for that estimate.

E. A description of the types of services to be provided, the estimated demand for such services, and the areas and entities to be served, including a description of the transmission characteristics and performance objectives for each type of proposed service, details of the link noise budget, typical or baseline earth station parameters, modulation parameters and overall link performance analysis (including an analysis of the effects of each contribution noise source). An estimate of transponder capacity under each of the proposed operating conditions should also be supplied.

F. An applicant should provide interference analyses to demonstrate the compatibility of its proposed system 2° from any authorized space station. In order to allow such analyses to be completed by the Commission and other applicants in the course of future consideration of these applications, applicants should also provide details of their proposed r.f. carriers which they believe should be taken into account in such analyses. At a minimum, such details should include, for each type of r.f. carrier, the link noise budget, modulation parameters, and overall link performance analysis. (*See e.g.*, Appendices B and C to *Report and Order* in CC Docket No. 81-704).

9. Systems reliability, redundancy and link availability:
(a) In satellite.
(b) In earth stations.
(c) Solar noise outages.
(d) Eclipse conditions.
(e) Other.

10. Launch vehicle and arrangements for procuring launch services.

11. Arrangements for tracking, telemetry, and control, including proposed operating frequencies, polarization, bandwidth, power into the antenna(s), antenna beam(s), and earth stations.

G. Preferred range of locations of satellites and reasons therefor.

Applicant shall consider and submit details regarding the selection of the orbital longitude(s) for its proposed system. In such showing, applicant shall discuss and where appropriate determine the probability of interference between its proposed satellite system and other satellite systems which are either established or proposed systems. The effect of the applicant's proposed system on the overall utilization and management of the available orbital space should be considered and discussed. Satellites shall be capable of reasonable shifts in orbital longitude since the Commission reserves the right to reassign orbital locations. *See Western Union Telegraph Company*, 47 FCC 2d 274 (1974).

1. For each proposed in-orbit satellite, a detailed explanation of all factors that would limit the orbital arc over which the satellite could adequately serve its expected users. Applicants should also include a detailed explanation of the impact on them and their customers if such orbital locations are not in fact assigned to them.

2. A detailed description of the capabilities, if any, of each proposed satellite to provide service to Alaska, Hawaii, and/or Puerto Rico/Virgin Islands. For each of the proposed satellites, identify which transponders and antenna beams (including the associated receiving system noise temperatures and transponder output powers) are connected or are switchable to provide service to each of these offshore areas, and describe any differences in services and/or earth station facilities in these offshore areas from the baseline services and facilities available in the contiguous states.

3. If more than two orbital locations are being requested, detailed information on the historical use of the system transponder-by-transponder and on a year-by-year basis, together with a

projection of the types and amount of services, including restoral or protection requirements, for each additional satellite on a year-by-year and transponder-by-transponder basis over the estimated lifetime of the satellite(s).

H. A detailed schedule specifying specific dates by which any significant milestones are planned to be achieved. At a minimum, the following milestones should be included in this schedule:

1. Negotiations completed and contracts executed:
   a. Spacecraft RFP issued.
   b. Spacecraft contractor selected.
   c. Spacecraft contract executed.
   d. Launch services contract executed.
   e. Financing completed (See Item J.2).
2. For each spacecraft:
   a. Spacecraft construction begun.
   b. Spacecraft construction completed.
   c. Spacecraft launched.
   d. Spacecraft in service.

I. A detailed schedule of the estimated investment costs and operating costs for the proposed system by year, including annual depreciation, maintenance and operating costs, and the basis on which such costs are calculated. Estimated annual revenue requirements should be provided in detail on a year-by-year basis over the estimated design lifetime of the satellites, including any pre-operational periods. Costs and revenue requirements should be broken down into at least the following components:

1. Pre-operating expenses.
2. Research and development.
3. Satellite construction.
4. Satellite launch services.
5. Satellite incentive assuming successful launch.
6. Insurance premiums (launch failure, business interruption, etc.)
7. Earth station investment (transmit/receive, receive-only, transportable, and tracking, telemetry, and control) (Estimated cost totals for each type of earth station may be calculated on the basis of the estimated average cost of a station of that type. The estimated average cost should be subdivided into components such as equipment, building, land power, etc. Specific construction cost estimates for each earth station should be submitted with the application for the particular facility.)
8. Earth station operations.
9. Other investment (please identify).
10. Other operating (please identify).

J. Detailed information on the financial qualifications of the applicant to construct and launch the proposed satellites including the following items:

1. The source and amounts of funds firmly committed to the satellite program on a year-by-year basis (e.g. current assets, scheduled debt financing or stock issues, established lines of credit, or other forms of internal financing).
2. The source and amounts of funds that are potentially available to the satellite program on a year-by-year basis (including the identity of the financers and the degree of commitment to provide financing).
3. The source and amounts of estimated revenues or income from the proposed satellite operations on a year-by-year basis.
4. Detailed financial statement of the applicant (and parent companies if relied on for financial qualification showings), including current balance sheet and current operating statement.

K. Legal qualifications of applicant (FCC Form 430—if FCC Form 430 is already on file, please indicate date and radio service of most recent filing).

L. A clear and detailed statement of whether the space station is to be operated on a common carrier basis, or whether noncommon carrier transactions are proposed. Where common carrier services are proposed and the applicant has not yet been certified pursuant to Section 214 of the Act, the information listed in Section 63.01 of the rules should be supplied. *See Domestic Satellite System Applications*, 38 FCC 2d 40 (1972), *Orbital Deployment Plan*, 84 FCC 2d 584 (1980), and *Competitive Carrier Rulemaking*, 85 FCC 2d 1 (1980), for futher details. Where noncommon carrier transactions are proposed, the information specified in *Domestic Fixed-Satellite Transponder Sales*, 90 FCC 2d 1238 (1982), must be supplied. *See also Domestic Communications Satellite Facilities*, 22 FCC 2d 86, 101–102 (1972).

M. Public interest considerations in support of a grant.

III. Individual Applications

A separate application should be filed for each satellite to be constructed. Launch and operating authority should be requested for each in-orbit satellite, including any previously constructed as a ground spare. Only construction authority is needed for an on-ground spare satellite, and some of the information requested below would not be relevant. Each application must constitute a concrete proposal for Commission evaluation, although the applicant may propose alternatives that increase flexibility in accommodating the satellite in orbit. Each application must be signed by the person specified in Section 1.743 of the rules, 47 CFR § 1.743 and contain the formal waiver required by Section 304 of the Communications Act, 47 U.S.C. § 304.

The technical information for a proposed domestic satellite radio system need not be filed on any prescribed form but should be complete in all pertinent details. Applications should be captioned in a manner that clearly distinguishes individual satellite within the applicant's system. The format of the application should conform to the specifications of Section 1.49 of the rules, 47 CFR § 1.49. The following information should be contained in the separate applications.

A. Name and post office address of the applicant.

B. Name, address and telephone number of the person(s), including counsel, to whom inquiries or correspondence should be directed.

C. Radio frequency and polarization plan (including beacon, telemetry and telecommand functions), center frequency and polarization of transponder or TT&C function (both receiving and transmitting frequencies), emission designator or allocated bandwidth of emission, final amplifier output power (identify any net losses between output of final amplifier and input of antenna), identification of which antenna beams are connected or switchable to each transponder and TT&C function, receiving system noise temperature, and the gain of each transponder channel (between output of receiving antenna and input of transmitting antenna) including any adjustable gain step capabilities. Receiver and transmitter channel filter response characteristics are also requested when available.

D. Orbital location, or locations if alternatives are proposed, requested for the satellite, the factors which support such an orbital assignment, the range of orbital locations from which adequate service can be provided and the basis for determining that range of orbital locations.

E. Predicted space station coverage contour(s) for each antenna beam and nominal orbital location requested, displaying the following space station technical parameters:

1. Receiving antenna gain.
2. Transmitting antenna gain.
3. Receiving system sensitivity (G/T ratio).
4. Saturation power flux density.
5. Effective isotropically radiated power.
6. Identification of transponders with antenna beam(s), including a functional block diagram of the satellite communication system and switching capabilities.

It is desirable that these contour(s) be plotted on an area map at 2 dB intervals

down to 10 dB below the peak value of the parameter and at 4 dB intervals between 10 dB and 20 dB below the peak values. If the contours change as a function of transponder frequency or polarization, separate contours or a description of any significant changes should be provided. (One or more of these parameters may be plotted on the same figure if the shape of the parameter contours are identical and the numerical value of the parameter associated with each contour is clearly identified.)

F. Physical Characteristics of Space Station.

1. Accuracy with which orbital parameters will be maintained:

(a) Orbital inclination.

(b) Antenna axis attitude.

(c) Longitudinal drift.

2. Accuracy of spacecraft antenna pointing toward the earth.

3. Estimated lifetime of satellite in-orbit and the basis for that determination.

4. Description of spacecraft attitude stabilization and station-keeping systems.

5. Electrical energy system description, including provision, if any, for operation during eclipse conditions.

G. Emission limitations. The degree to which spurious emissions are attenuated below the mean power output of the transponder under actual electrical condition of proposed operation.

1. On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth.

2. On any frequency removed from the assigned frequency by more than 100 including 250 percent of the authorized bandwidth.

3. On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth.

H. Dates by which construction will be commenced and completed, launch date, and estimated date of placement into service.

IV. Earth Stations

Concrete applications need not be filed initially for communications or TT&C earth stations unless specific sites have been already selected or existing facilities are being modified. If such applications are being filed, the frequency coordination between earth stations and terrestrial radio relay stations specified in Part 25 of the Rules and Regulations must be completed. For other application requirements, *See Processing Procedures for Domestic Satellite Earth Station Applications,* FCC 75-932, Public Notice released August 8, 1975.

[FR Doc. 83-23986 Filed 9-2-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-21; Notice 2]

Federal Motor Vehicle Safety Standards, Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends Federal Motor Vehicle Safety Standard (FMVSS) 111 to permit the use of non-uniform radius of curvature school bus mirrors to view the area immediately in front of the bus. Previously, only uniform radius mirrors could be used for this purpose. This action is taken in response to a petition from the North Carolina State Board of Education, and is intended to permit the use as original equipment of mirrors which provide a wider field of view of the area in front and along the side of the bus. The improved view will aid in detecting the presence of children in those areas.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: FMVSS 111 establishes requirements for mirror systems used on a variety of motor vehicles, including school buses. One requirement of that standard with regard to school buses is that those vehicles must have a crossview mirror permitting the bus driver to view the area in front of the bus. These mirrors are intended to aid bus drivers in determining, prior to moving from a stopped position (typically after loading or unloading children at a bus stop), whether any children are located in the area immediately in front of the bus. Being able to check those areas is important since, on average, approximately 40 pedestrians each year are involved in school bus related accidents.

Prior to the amendments made by this notice, the standard provided that crossview mirrors must be convex and have at least 40 square inches of reflective surface. Such mirrors must have a single radius of curvature which is at least 12 inches but no more than 25 inches. These specifications were intended to assure not only that the image viewed in the mirror would not be unduly distorted and would be large enough to be clearly seen, but also that the field of view of the mirror would be great enough to permit a view of the entire area in front of the bus.

North Carolina Board of Education petitioned the agency to permit the use of one specific type of mirror manufactured by Mirror-Lite Co. The radius of curvature of this mirror varies from 3.5 inches near the outer edge of the mirror to approximately 4.5 inches in the central area. These small radii of curvature provide a much wider field of view than the crossview mirrors previously specified in FMVSS 111, permitting a view of not just the area in front of the bus but also along the side of the bus. Although this wider field of view is gained at the expense of a smaller image size and greater optical distortion, the agency considers the quality of the image to be adequate for its intended purpose. Further, the wider field of view could improve safety by enabling school bus drivers to see children that they could not see with current mirrors.

Therefore, the agency proposed to amend FMVSS 111 to permit the use of mirrors of this type. See 46 FR 60481, December 10, 1981. This proposal would have deleted minimum and maximum radius of curvature requirements and would have permitted the use of any non-uniform mirror surface.

The agency received approximately fifty comments on its proposal, mainly from State boards of education and school bus operators. Most of these commenters supported the use of nonuniform radius mirrors like the Mirror-Lite design, pointing out that the wider field of view provided by such mirrors should promote safety. Several other commenters suggested modifications to the agency's proposal. Based on these comments and the agency's further consideration of the relevant issues, the agency is amending FMVSS 111 to permit the use of mirrors like the Mirror-Lite design, although it is not limited to that design.

The agency received a number of comments regarding radius of curvature requirements. As noted above, FMVSS 111 has provided that cross-view mirrors must have a single radius of curvature which must be at least 12 inches but not more than 25 inches. The maximum radius requirement was imposed to

assure that the mirror provides an adequate field of view. An overly large radius would provide an inadequate view since field of view decreases as radius of curvature increases. The minimum radius requirement was imposed to assure adequate image size and quality; as radius of curvature decreases, image size also decreases, and image distortion increases. Thus, the radius of curvature specifications reflect a trade-off between field of view on one hand and image size and accuracy on the other hand. The agency's proposal, in seeking to permit the use of mirrors with radii in the 3.5 inches to 4.5 inches range, deleted all radius of curvature requirements.

Donnelly Mirrors, Inc., pointed out that permitting unlimited variation in a mirror's radius of curvature would permit unacceptable levels of optical distortion. It was not the agency's intention to completely remove restrictions on radius of curvature for crossview mirrors. Rather, it was the agency's desire to permit the use of an additional type of mirror which had been shown to be highly effective. Therefore, this final rule retains the current maximum radius of curvature requirement and establishes a minimum radius requirement consistent with the Mirror-Lite design. Requirements were also established in response to this comment to assure that the mirror surface does not have major, abrupt changes in radius of curvature or other surface discontinuities which could cause excessive optical distortion.

The Grote Manufacturing Company (a mirror producer) and the Truck Safety Equipment Institute argued that the image produced by a mirror with a radius of curvature below 12 inches is too small to be readily identifiable. The agency disagrees. Based on NHTSA's own evaluation of the Mirror Lite design in actual school bus service, the image provided by the mirror is adequate to tell the bus driver whether a child is in front of the bus or along the side of the bus. The agency was also impressed by the numerous comments received from bus operators who had experience with after-market non-uniform radius mirrors, and found them to be superior in actual service to the uniform radius mirror. While it is true that the image provided by the Mirror Lite mirror is smaller and more distorted than that of a uniform 12 inch radius mirror, the agency believes that the image size and quality for these mirrors is adequate for its intended purpose and that these disadvantages are fully offset by the wider field of view provided by the former. It should be pointed out that this mirror is to be used for a very limited purpose, i.e., to determine whether a child is in close proximity to the front of the school bus or along the side, especially where the child exits from the bus. While a small radius mirror might be inadequate to judge distance and velocity as would be required in an automotive rearview mirror, the agency finds them adequate for their intended purpose, and even superior in terms of providing an additional view of the side of the bus, another potentially dangerous area.

Several commenters suggested imposing performance requirements for the field of view of the crossview mirror, rather than specifying the radius of curvature. While the agency believes this to be a desirable goal, it is beyond the scope of this rulemaking. Specifying the field of view is a complicated task, which the agency is still evaluating in the context of its major rulemaking on rearview mirrors. See 43 FR 51657, November 6, 1978.

Grote also recommended clarifying the requirement that crossview mirrors must have 40 square inches of reflective surface. They suggested that this area requirement should be expressed in terms of the effective projected area of the reflective surface measured on a plane at right angles to the axis of the mirror. Without such clarification, the requirement could be interpreted to refer to surface area, which would vary for a mirror of given diameter, depending on the radius of curvature. The agency agrees and is adopting Grote's suggestion for the newly authorized mirrors.

Several commenters suggested that FMVSS 111 should require the use of two convex crossview mirrors, one mounted on each side of the bus. The current requirement is for only one mirror mounted on either side of the bus, but many school buses employ additional crossview mirrors. The agency believes that the use of additional crossview mirrors on each side of the bus would provide both a better view of the front of the bus and a view of each side of the bus. The side area can be a major concern particularly on the passenger exit side, since children standing in that area can be hit as the bus pulls away from a stop and makes a turn. However, requiring additional mirrors is a matter beyond the scope of the proposal issued in this rulemaking. The agency will consider requiring more additional mirrors in subsequent rulemaking. In the meantime, school districts are strongly encouraged to use additional mirrors as necessary to permit the driver to view the areas along the front and both sides of the bus.

The agency has considered the economic and other effects of this action and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the action is not significant within the meaning of the Department of Transportation's regulatory procedures. The basis for these determinations is that the rule relaxes a design restriction in the current standard. It does not require school buses to be equipped with new mirrors; it merely gives manufacturers the flexibility to use a differnet type of mirror, whose performance is at least as effective as current mirrors. Accordingly, the agency has not prepared a full regulatory evaluation.

The agency has also considered the effect of this action in relation to the Regulatory Flexibility Act and I certify that it would not have a significant economic effect on a substantial number of small entities. The effect of the amendment on small businesses is to give manufacturers the option of using new types of mirrors. It does not require any manufacturer to change its current practice.

The action will not have a significant effect on a substantial number of small government jurisdictions and small organizations. Those entities are affected because they are purchasers of school buses. It is unknown how many of them will exercise the voluntary choice of using new types of mirrors, but the cost impact, if any, should be minimal. Accordingly, no regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant effect on the human environment.

This action is being made effective on publication, to permit the immediate use of crossview mirrors which are at least equivalent to current mirrors in safety performance, and may be superior to current mirrors. Since this action "relieves a restriction," the immediate effective date is authorized under 5 U.S.C. 553(d). Since the immediate effective date may well promote safety and the amendment is merely an alternative method of compliance which does not necessarily impose additional costs or other burdens, the immediate effective date is in "the public interest" within the meaning of section 103(e) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392(e).

List of Subjects in 49 CFR Part 571

Imports, motor vehicle safety, motor vehicles, rubber and rubber products, tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, section 9.2 of 49 CFR 571.111 is revised to read as follows:

§ 571.111 Standard No. 111; Rearview mirrors.

S9.2 *Outside cross view mirror.* Each school bus, except one which is a forward control vehicle, shall have a convex mirror which complies with the requirements in paragraphs (a) and (b) of this section.

(a) The convex mirror shall have a radius of curvature not less than 3.5 inches and not more than 25 inches. A convex mirror whose radius of curvature at its periphery is not less than 12 inches and not more than 25 inches shall have a surface area which is not less than 40 square inches. A convex mirror whose radius of curvature at any point on the mirror is less than 12 inches shall have a projected area of not less than 40 square inches, measured on a plane at a right angle to the mirror's axis. A convex mirror with a non-uniform radius shall comply with the following criteria:

(1) The radius at the periphery of the mirror shall be not less than 75 percent of the radius at the center of the mirror.

(2) Along the intersection of any plane containing the axis of symmetry of the mirror and the surface of the mirror, the length of the radius, as measured by a spherometer, shall be monotonically non-increasing when moving from the axis of symmetry to the periphery along the intersection.

(3) Along the intersection described in paragraph (a)(2) of this section there shall be no discontinuities in the slope of the surface of the mirror.

(b) The mirror shall be installed with a stable support, and mounted so as to provide the driver a view of the front bumper and the area in front of the bus.

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 30, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-24290 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 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 and Nutrition Service

7 CFR Parts 278 and 279

[Amdt. No. 258]

Food Stamp Program; Bonding of Authorized Firms

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would amend the Food Stamp Program's regulations to implement Section 176 of Pub. L. 97-253, the "Omnibus Budget Reconciliation Act of 1982." It would permit the Secretary to require as a condition of authorization to accept and redeem food coupons that an authorized firm which has been disqualified or subjected to a civil money penalty furnish a performance bond to cover the value of food coupons which the authorized firm may in the future accept and redeem in violation of the Food Stamp Act of 1977, as amended. A performance bond is a financial guarantee which protects against loss due to the inability or refusal of a party to perform under a valid contract or agreement. In this instance, the bond would guarantee that the Department would be able to collect fiscal claims resulting from violations by authorized firms. This regulatory amendment prescribes the conditions under which a performance bond would be required, the method of calculating the value of the bond, the minimum and maximum bond amounts, and the length of time for which a performance bond would be required. Public comment is encouraged.

DATE: Comments on this proposed rule must be received by November 7, 1983.

ADDRESS: Comments should be submitted to Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Room 706, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutritioni Service, USDA, Alexandria, Virginia 22302, (703) 756-3461.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The Department has reviewed this rule under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be 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. Therefore, the department has classified the rule as "not major".

Regulatory Flexibility Act. This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Recordkeeping Requirements. This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Background

Each year the Department of Agriculture investigates approximately 5,000 firms which are authorized to participate in the Food Stamp Program (FSP). In the majority of those investigations in which serious violations are discovered, claims are established against the firms to recoup direct losses of $100 or more to the Federal Government. Such losses may be the result of a firm's sale of ineligible items for food coupons, buying coupons (trafficking), acceptance of food coupons in payment of cash loans, and/or the acceptance and redemption of illegally acquired food coupons.

To ensure that legal proceedings by the Department of Justice and administrative action by USDA are not delayed, fiscal claims for compensatory damages are not activated until these proceedings have been completed. However, in some instances, after a firm has been sanctioned (e.g. disqualified from program participation by USDA for a specified period), there is little incentive for the firm to pay a fiscal claim until the disqualification period has ended and the firm again wants to participate. In the case of permanently disqualified firms, there will be virtually no incentive to pay a claim.

Section 176 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253) amended Section 12 of the Food Stamp Act and allows the Department to require a firm which has been disqualified or subjected to a civil money penalty to furnish a bond to cover the value of coupons the firm may in the future accept and redeem in violation of the Act. It directs the Department to prescribe by regulations the amount (or the method of computation thereof), terms, and conditions of the bond, and states that the firm shall forfeit a part of the bond equal to the value of any coupons the Department finds the firm has accepted and redeemed in violation of the Act.

On October 29, 1982, the Food and Nutrition Service (FNS) published in the **Federal Register**, at 47 FR 49027, a Notice of Intent to Publish a Rule concerning the bonding of retail food firms. FNS wanted to gain as much information as possible before publishing a proposed rule. FNS received four comments on the Notice of Intent. One commenter was concerned that the costs of required bonds would be passed through to the food stamp recipient. Another suggested that FNS stipulate a period of time within which the firm that has received a civil money penalty must produce the required bond or be subject to involuntary withdrawal from program participation. The remaining two respondents stated that in addition to the partial or complete

forfeiture of a bond, any firm which has accepted food coupons during a disqualification, or which has violated program regulations after being re-authorized, should be required to furnish a bond of twice the required amount as a condition for any subsequent re-authorization. We received no comments from commercial bonding companies.

This proposed rule would require firms which have received a sanction (disqualification, or involuntary withdrawal of authorization as a result of violations) to furnish a bond as a condition of reauthorization to accept and redeem food coupons. A performance bond is a financial guarantee which protects against loss due to the inability or refusal of a party to perform under a valid contract or agreement. In this instance, the bond would guarantee that the Department would be able to collect fiscal claims resulting from violations by authorized firms. If the firm has been given a civil money penalty, the firm would be required to funish a bond in order to retain its authorization. The bond would specifically cover the value of food coupons which the firm may in the future accept and redeem in violation of the Act. The bond would have to be a performance bond issued by a reputable bonding agent recognized under the law of the State in which the applicant is conducting business. If FNS determines that an authorized firm which has been required to furnish a bond has in fact accepted and redeemed food coupons in violation of the Act after posting the bond, the authorized firm will be disqualified or assessed a civil money penalty, and in addition would forfeit to FNS an amount, up to the face value, of the performance bond which is equal to the total value of the coupons accepted and redeemed in violation of the Act. As a condition for approval of future participation in the Food Stamp Program, the firm would be required to furnish a bond which has been restored to the original amount.

FNS proposes that the required bond must be maintained for as long as the firm is participating in the program. In addition, FNS proposes that the face value of the required bond would be $1,000, which is the standard minimum bond issued by commercial bonding firms, or an amount equal to ten percent of the average monthly food coupon redemption volume of the firm prior to the disqualification or imposition of the civil money penalty, whichever is greater. The face value would not exceed the largest claim collected by FNS at that time.

If a firm at any time after its posting of a bond is investigated and found to be violating the FSP regulations, the firm would forfeit that portion of its bond equal to the dollar amount of the Government's loss detailed in a compensatory fiscal claim. Whenever the face value of a furnished bond is reduced by the settlement of a fiscal claim, the firm would be required to present another bond in the original amount to FNS within fifteen (15) calendar days, if the firm has been issued a civil money penalty sanction and is currently authorized. If the firm is disqualified it would be required to present a bond before reauthorization will be considered. The replacement bond would have to be furnished as a condition for reauthorization, regardless of whether or not a sanction was levied against the firm. The imposition or payment of a civil money penalty neither cancels nor reduces the requirement for a bond.

The forfeiture of all or part of a bond would be subject to administrative and judicial review pursuant to Section 14 of the Food Stamp Act and 7 CFR 278.8. Pending the resolution of an administrative review, a firm which seeks reauthorization and which fails to post a bond would not be eligible to participate, and a firm whose bond was forfeited in whole or in part, would not receive reimbursement.

That part of Section 279.7(a) which proposes that only denials of claims brought by firms against FNS are subject to administrative review is contained in another amendment which will be published shortly.

Implementation

FNS proposes to implement the provisions of this proposed amendment 30 days after final publication. All authorized firms which are disqualified, or which are assessed a civil money penalty after the effective date, are subject to these provisions.

List of Subjects

7 CFR Part 278

Administrative practice and procedure, Banks, banking, Claims, Food stamps, Groceries-retail, Groceries, General line-wholesaler, Penalties.

7 CFR Part 279

Administrative practice and procedure, Food stamps, Groceries—retail, Groceries, General line-wholesaler.

7 CFR Parts 278 and 279 are proposed to be amended as follows:

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

1. In § 278.1, paragraph (b)(4) is redesignated as (b)(5) and a new paragraph (b)(4) is added to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns

* * * * *

(b) * * *

(4) *Bonding for firms with previous sanctions.* (i) If the applicant firm has been sanctioned for the first time for violations of this part, by withdrawal or disqualification from program participation, or by a civil money penalty, the FNS officer in charge shall as a condition of further participation require the applicant to present a performance bond which:

(A) Is issued by a reputable bonding agent recognized under the law of the State in which the applicant is conducting business;

(B) Has a face value of $1,000 or an amount equal to ten perecent of the average monthly coupon redemption volume of the applicant for the immediate twelve months prior to the effective date of the most recent sanction which necessitated the bond, whichever amount is greater. The face value will not exceed the largest claim collected by FNS at that time; and

(C) Is valid at all times during which the firm shall participate in the program.

(ii) An applicant which has previously been sanctioned and has been required to post a bond, or has been found to have been violating this part during the effective period of a previous sanction, or has forfeited to FNS any portion of a bond previously required by FNS, shall as a condition of further participation again be required to furnish a bond as described in paragraph (b)(4)(i) above.

(iii) The requirement that a firm furnish a bond as a condition of program participation is to ensure payment of any fiscal claim asserted by FNS against the firm after the bond is furnished. Furnishing a bond shall not eliminate or reduce a firm's obligation to pay infull any civil money penalty or any fiscal claim which may have been asserted against the firm by FNS prior to the time the bond was furnished by the firm. A firm which has been assessed a civil money penalty shall pay to FNS as required, any fiscal claim asserted by FNS. If a firm which is assessed a civil money penalty fails to pay a claim asserted against the firm by FNS, FNS shall collect the claim by offset as specified in § 278.7(a). In such cases a

bond may be furnished to FNS prior to complete payment of the fiscal claim.

* * * * *

2. In § 278.6, introductory paragraph (h), and paragraphs (h)(1) and (h)(2) are revised and a new (h)(3) is added. The changes read as follows:

§ 278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualification.

* * * * *

(h) *Notifying the firm of civil money penalty.* A firm has 15 days from the date the FNS regional office notifies the firm in writing in which to pay the civil money penalty, or to notify the regional office in writing of its intent to pay in installments as specified by the regional office. The firm must present to FNS a performance bond as specified in § 278.1(b)(4), within the same 15-day period. The civil money penalty must be paid in full by the end of the period for which the firm would have been disqualified. FNS shall disqualify the firm for:

(1) The period determined to be appropriate under paragraph (e) of this section if the firm refuses to pay any portion of the civil money penalty;

(2) A period corresponding to the unpaid part of the civil money penalty if the firm does not pay the civil penalty in full or in installments as specified by the FNS regional office; or

(3) A period corresponding to the unpaid part of the civil money penalty if the firm does not present to FNS a bond within the required 15 days.

* * * * *

3. Part 278 is amended by adding a new § 278.9 to read as follows:

§ 278.9 Implementation of amendments relating to the participation of retail food stores, wholesale food concerns and insured financial institutions.

Amendment No. 258. The revisions to Part 278 required by Amendment 258 shall be effective 30 days after publication of the amendment as a final rule in the **Federal Register.**

PART 279—ADMINISTRATION AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

1. In § 279.3, paragraphs (a)(2) and (a)(3) are revised and a new (a)(4) is added. The changes read as follows:

§ 279.3 Authority and jurisdiction.

(a) * * *

(2) Disqualification from participation in the program or imposition of a civil money penalty under § 278.6;

(3) Denial of all or any part of any claim under § 278.7; or

(4) Forfeiture of part or all of a performance bond under § 278.1.

* * * * *

2. In § 279.7, the fourth sentence in paragraph (a) is revised to read as follows:

§ 279.7 Action upon receipt of a request for review.

(a) *Holding action.* * * * If the administrative action in question involves a denial of approval of an application to participate in the program, a denial of a claim brought by a firm against FNS, or the forfeiture of a performance bond, the review officer shall direct that the firm not be approved for participation, not be paid any part of the disputed claim, or not be reimbursed for any bond forfeiture, until the review officer has made a determination. * * *

* * * * *

3. Part 279 is amended by adding a new Subpart D consisting of § 279.11 to read as follows:

Subpart D—Implementation

§ 279.11 Implementation of amendments relating to administrative and judicial review.

Amendment No. 258. The revisions to Part 279 required by Amendment 258 shall be effective 30 days following publication of the amendment as a final rule in the **Federal Register.**

(91 Stat. 958 (7 U.S.C. 2011–2029)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: August 29, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-24276 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF ENERGY

10 CFR Part 1017

Identification and Protection of Unclassified Controlled Nuclear Information

AGENCY: Department of Energy.

ACTION: Notice of additional hearing date and extension of the comment period on proposed rule entitled "Identification and Protection of Unclassified Controlled Nuclear Information."

SUMMARY: The Department of Energy (DOE), in response to requirements set forth in Section 148 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. § 2168), issued proposed regulations to prohibit the unauthorized dissemination of certain unclassified but sensitive information—Unclassified Controlled Nuclear Information (UCNI)—with respect to atomic energy defense programs. The proposed rulemaking was published on April 1, 1983 (48 FR 13988), and the public comment period was extended for an additional thirty days beginning May 4, 1983 (48 FR 20091). In response to a number of requests for public hearings and to ensure that a broad range of public viewpoints is provided, the DOE issued a Notice of Hearing (48 FR 32834) announcing its intention to hold public hearings on the proposed rulemaking. Since that time, the DOE has had additional requests to add yet a third hearing. In response to this request, the DOE has scheduled another hearing and has extended the comment period until October 7, 1983. Comments in connection with the proposed rule must be received on or before this date. Listed below are the date, location, and points of contact for the hearing.

DATES: The date for the hearing: September 26, 1983, 9:00 a.m.-12:00 noon.

The comment date is extended until October 7, 1983.

ADDRESSES: Location of the hearing: Conrad Hilton, Beverly Room, 720 South Michigan Avenue, Chicago, Illinois 60605.

Addresses for sending comments:

Mr. George Pierman, Office of Communications, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, Illinois 60439

Mr. Marshall Combs, Office of Policy Planning and Coordination, Office of the Assistant Secretary for Defense Programs, Room 4B-014, U.S. Department of Energy, Washington, D.C. 20585

FOR FURTHER INFORMATION CONTACT: Mr. George Pierman (312) 972-2420, Mr. Marshall Combs (202) 252-1870.

SUPPLEMENTARY INFORMATION:

Procedures for Participation

Any person or representative of a group may make a written or oral request for an opportunity to make an oral presentation at the public hearing. Such requests must be received no later than September 16, 1983. Requests should be directed to Mr. George Pierman at the address given above and should be in accordance with the procedures set forth below. Written

requests should be labeled "Identification and Protection of UCNI" both on the document and on the envelop. No oral requests for presentation will be scheduled until after all written requests are scheduled.

Those who register in advance will be heard first or at times reserved for them. Those present at the hearing who would like to speak but who have not preregistered will be accommodated if time permits.

It would be helpful if the person making the request would describe briefly the interest concerned, if applicable, indicate why she or he is a proper representative of the group having such an interest and provide a phone number where she or he may be contacted during working hours.

Persons scheduled to appear at the hearings will be notified by DOE before 4:30 p.m. on September 20, 1983. You should submit 10 copies of your statement to Mr. George Pierman at the above noted **ADDRESS** for requests to speak before 4:30 p.m. on September 23, 1983. While an attempt will be made to accommodate all who wish to be heard, it may not be practical to do so, and DOE reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. Time allotted to each presentation may be limited based on the number of persons requesting to be heard.

A presiding officer will de designated to conduct the hearings. These hearings will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. As a rule, oral presentations shall be limited to 10 minutes. Any additional testimony may be submitted in writing. Any furthur procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Verbatim transcripts of the hearings will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Reading Room, 1E-190, Forrestal Building, Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., on August 30, 1983.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc 83-24229 Filed 9-2-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-65-AD]

Boeing Model 747 and McDonnell Douglas Model DC-9 and DC-10 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an Airworthiness Directive (AD) applicable to Boeing Model 747 series and McDonnell Douglas Model DC-9 series and DC-10 series airplanes which would require a one time inspection and subsequent removal of certain nonconforming landing gear components manufactured by Precision Tube Draw and Machine, Inc., 401 East Alondra Blvd., Gardena, California 90427. This AD is prompted by reports of three landing gear components that were to have been scrapped during manufacture, but were traced to repair stations where one component was checked and confirmed to be out of drawing tolerance. Additional landing gear components are unaccounted for and assumed to have entered the market place through unauthorized channels. Use of these parts could lead to landing gear failure.

DATE: Comments must be received on or before October 24, 1983.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-65-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the rules 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, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-65-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Based upon an investigation it has been determined that a number of nonconforming landing gear components, that were to be scrapped during manufacture, have been placed into the market place by Precision Tube Draw and Machine, Inc. (PTM, Inc.). These sales are suspected to have occurred over a period of several years. PTM, Inc., manufactured these parts for use on the Boeing 747, and on the McDonnell Douglas DC-9 and DC-10 series airplanes.

Because of the lack of accountability for these components, and the fact that some are known to have been placed into spares status, it is probable that some of these components have been placed into service.

Since the installation of these nonconforming components is likely to have already occurred and their design conformity is unknown, an airworthiness directive is being proposed which requires a one time inspection and subsequent removal and destruction of certain landing gear components listed in the body of the AD unless conformity can be shown to exist. Failure to replace the nonconforming parts could lead to failure of the landing gear.

It is estimated that 800 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 manhours per airplane to accomplish the required actions, and that the average

labor cost will be $35 per manhour. Based on these figures, the total cost impact of the AD is estimated to be $250,000. Replacement cost is not considered. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Boeing Model 747, and McDonnell Douglas Model DC–9 and DC–10 series airplanes certificated in all categories:

Compliance is required as indicated. To prevent failure of the landing gear due to the possible installation of discrepant landing gear components accomplish the following:

A. Within 180 days from the effective date of this AD, unless already accomplished, determine if any components listed by serial number in Table I below are installed on or in the landing gear assembly.

B. If any listed components are found, replace them with approved components before further flight. If conformity cannot be shown render the part unserviceable.

C. Future use of any components listed by serial number in Table I is prohibited, unless it is determined by the manufacturer that the component is serviceable.

D. Upon request of the operator, and subject to prior approval by the Manager, Seattle Aircraft Certification Office, for Boeing Model 747, or the Manager, Los Angeles Aircraft Certification Office, for the McDonnell Douglas Model DC–9 and DC–10, FAA, Northwest Mountain Region, an FAA Principal Maintenance Inspector may adjust the compliance times if the request contains substantiating data to justify the change.

E. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, for the Boeing Model 747, or the Manager, Los Angeles Aircraft Certification Office, for the McDonnell Douglas as Model DC–9 and DC–10, FAA, Northwest Mountain Region.

F. Aircraft may be ferried to a base for maintenance in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations.

TABLE I

Aircraft	Part nomenclature	Aircraft manufacturers part No.	Cleveland pneumatic part No.	Serial No.
Boeing 747–100/200	Brace Assembly Side Body Landing Gear.	65B05280	1805–74	1163, 1257.
Boeing 747/100/200	Axle Wing & Body Gear	65B05133	1803–85G–10	2474, 2714, 2828, 2836, 2838, 2839, 2886, 2908, 2959, 2981, 2982, 2991, 3048, 3056, 3063, 3090, 3091, 3101, 3149, 3691, and 3733.
Boeing 747–SP	Axle Wing & Body Gear	65B19917	1921A–85A–10	3398.
McDonnell Douglas DC–9–80.	Nose Cylinder	5920602–5 or 5920602–501	1992–2	CPT 1134 PTM, CPT 1160 PTM, CPT 1201 PTM, CPT 1207 PTM, CPT 1210 PTM, and CPT 1129 PTM.
DC–9–80	Nose Piston	5920603–501 or 5920603–5	1992–4	CPT 1395 PTM, CPT 1397 PTM, CPT 1387 PTM, CPT 1310 PTM, CPT 1306 PTM, CPT 1417 PTM, CPT 1422 PTM, CPT 1440 PTM, CPT 1301 PTM, CPT 1306 PTM, CPT 1160 PTM, CPT 1161 PTM, CPT 1178 PTM, CPT 1208 PTM, CPT 1209 PTM, CPT 1246 PTM.
DC–10	Main Gear Link Assy Lower Down Lock.	ARG7009–501 or ARG7009–7	1853–75	CPT 402 PTM, CPT 421 PTM.
DC–10	Axle MLG	ARG7313–3 or ARG7313–1	1855–85	CPT 4361 PTM.
DC–10	Link	ARG7107–5 or ARG7107–1	1853–120	CPT 0886 PTM.
DC–10	Bolt—Torque Link-Upper MLG	ARG7323–1	1855–67	M 495.
DC–10	Arm—Downlock MLG	ARG7147–1 or ARG7147–3	1853–142B	1328.
DC–10	Link Assembly Forward Brake MLG.	ARG7019–1 or ARG7019–5	1853–76	019–941.
DC–10	Link Assembly Forward Brake MLG.	ARG7378–1 or ARG7378–3	1855–76	672–758.
DC–10	Bolt—Torque Link—Lower MLG	ARG7337–1	1855–58	063, 039, 073, 040, and 041.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document: (1) involves a proposed regulation which is not major under Executive Order 12291, (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on August 24, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-24299 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83–ASW–35]

Proposed Alteration of Transition Area and Control Zone; Harlingen, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Harlingen, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Rio Grande Valley International Airport. This action is necessary since the new SIAP requires an additional 700-foot transition area and a review of the designated airspace revealed a realignment is necessary to provide protection of aircraft executing SIAPs to the airport. The control zone extension to the northwest can be reduced in size and still provide adequate protection of aircraft executing an SIAP to Runway 13.

DATE: Comments must be received by October 6, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT:
Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, 71.181, and Subpart F, 71.171 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at Harlingen, TX, will necessitate an amendment to these subparts. This amendment will be required at Harlingen, TX, since there is a proposed change in IFR procedures to the Rio Grande Valley International Airport.

Comments Invited

Interested persons 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 proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) 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. 83-ASW-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing data for comments will be considered before taking action on the proposed rule. The proposals 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 NPRM

Any person may obtain a copy of this notice of proposed ruemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.171 [Amended]

Harlingen, TX Revised

Within a 5-mile radius of Harlingen Rio Grande Valley International Airport (latitude 26°13'41" N., longitude 97°39'13" W.), and within 2 miles each side the Harlingen VOR 117° radial, extending from the 5-mile radius area to 6 miles northwest. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

Harlingen, TX Revised

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of the Harlingen Rio Grande Valley International Airport (latitude 26°13'41" N., longitude 97°39'13" W.), and within 5 miles each side of the ILS north course extending from the 8.5-mile radius area to 20 miles north of the airport and within 2 miles each side of the 320° radial of the Brownsville VORTAC extending from the 8.5-mile radius area to 15 miles southeast of the airport.

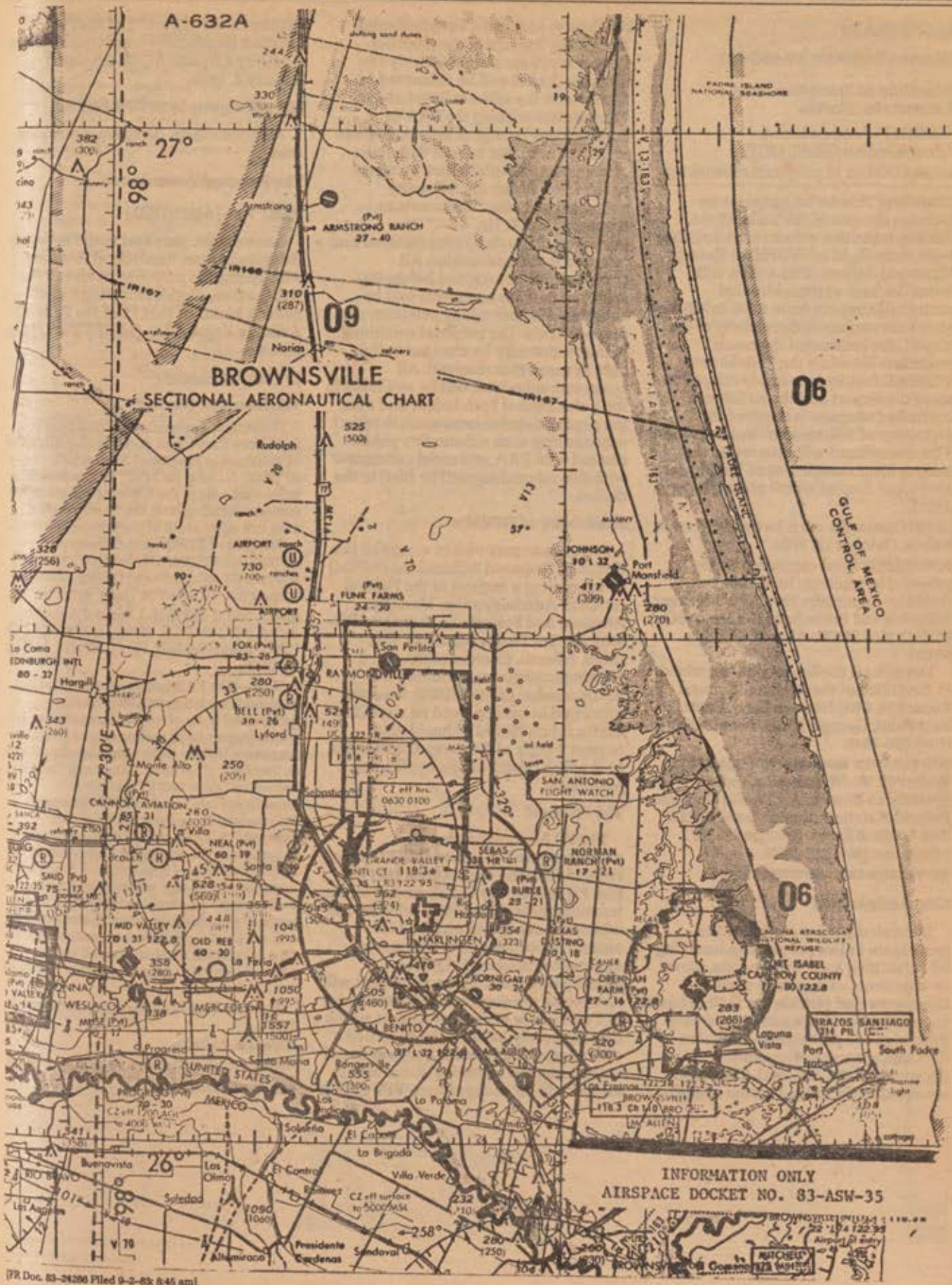
(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

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. 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 Forth Worth, TX, on August 26, 1983.

F. E. Whitfield,
Acting Director, Southwest Region.

BILLING CODE 4910-13-M



[FR Doc. 83-24266 Filed 9-2-83; 8:45 am]

14 CFR Part 71

[Airspace Docket No. 83-ASO-33]

Alteration of Transition Area, Tallahassee, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Tallahassee, Florida, transition area to accommodate instrument flight rules (IFR) at Quincy Municipal Airport. This action will lower the base of the additional controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure based on the Tallahassee VORTAC facility is being developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities. This amendment will also revise the geographical coordinates of Tallahassee Municipal Airport which are improperly listed.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-30, P.O. Box 20636, Atlanta, Georgia 30320

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

FOR FURTHER INFORMATION CONTACT: Walter H. Wulff, 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 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 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 NPRM's

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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Tallahassee, Florida, transition area. This action will provide additional controlled airspace for aircraft executing a new instrument approach procedure to Quincy Municipal Airport. This amendment will also revise the geographical coordinates of Tallahassee Municipal Airport which are improperly listed. If the proposed alteration of the transition area is found acceptable, the operating status of the airport will be changed from VFR to IFR. Seciton 71.181 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, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Tallahassee, Florida, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§71.181 [Amended]

Tallahassee, FL-[Revised]

The airspace extending upward from 700 feet above the surface within a 10-mile radius of Tallahassee Municipal Airport (lat. 30°23'45" N., long. 84°21'02" W.); within three miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM; within a 6.5-mile radius of Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within a 6.5-mile radius of Quincy municipal Airport (lat. 30°35'45" N., long. 84°33'30" W.).

((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))

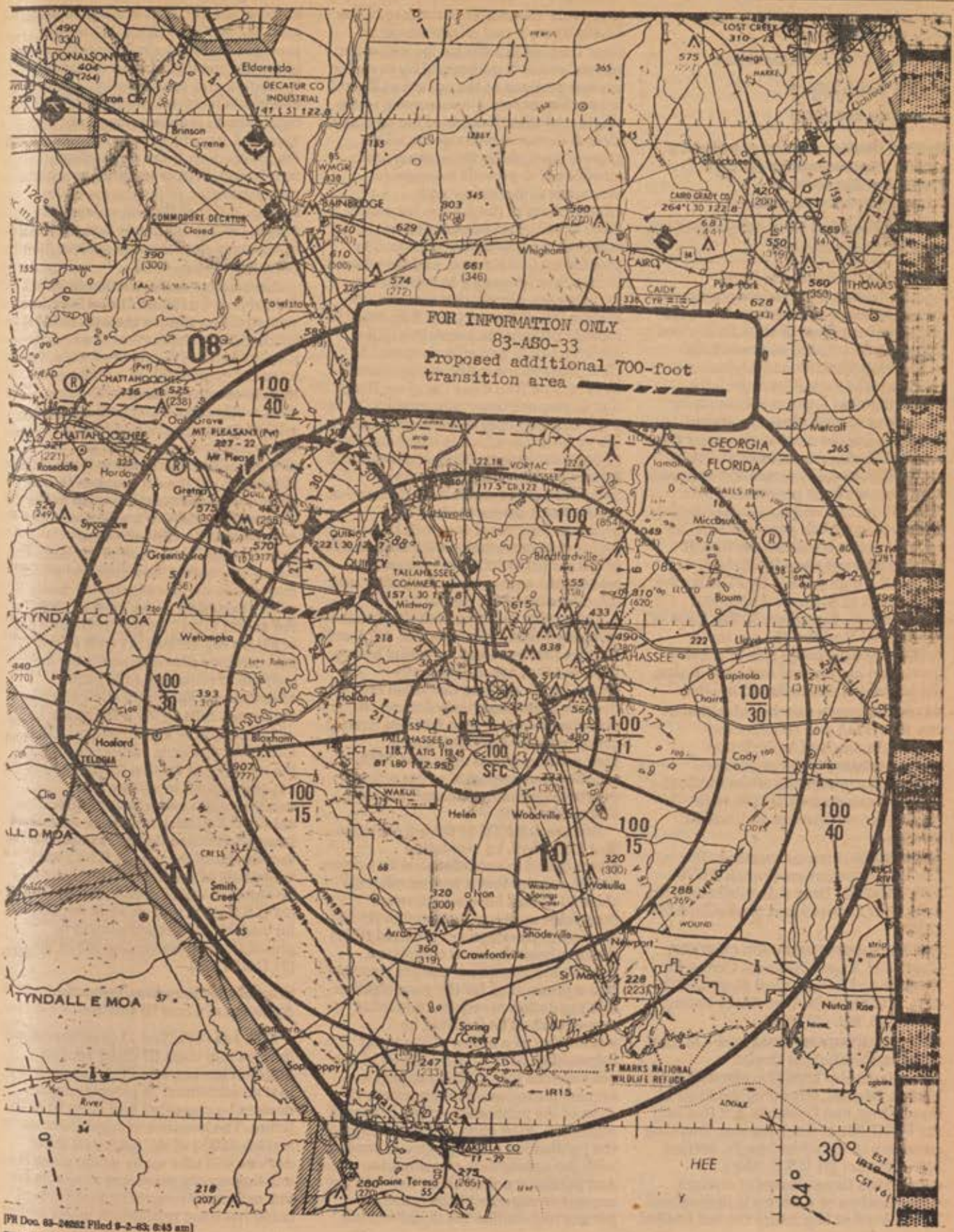
Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant 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 August 25, 1983.

George R. LaCaille,

Acting Director, Southern Region.

BILLING CODE 4910-13-M



[FR Doc. 83-24882 Filed 9-2-83; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Subchapter H

[Docket No. 83N-0240]

Medical Devices; Notice of Intent To Initiate Proceedings To Require Premarket Approval of Preamendments Devices

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intent to initiate proceedings to require premarket approval of class III devices that were distributed commercially before May 28, 1976, and devices that were not distributed commercially before then but that are substantially equivalent to such class III devices (preamendments class III devices.) The Medical Device Amendments of 1976 direct FDA to apply premarket approval requirements to all preamendments class III devices and also authorize the agency to establish priorities in doing so. This notice identifies the first 13 preamendments class III devices assigned a high priority by FDA for the application of premarket approval requirements. Elsewhere in this issue of the **Federal Register**, the agency is publishing a proposed rule to require premarket approval of one such device, the implanted cerebellar stimulator.

DATE: Comments may be submitted at any time. FDA will consider any comments received in the future implementation of the premarket approval requirements of the Medical Device Amendments of 1976 with respect to preamendments class III devices.

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

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 28, 1976, the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295), amending the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), became law. One provision of the amendments, section 513 of the act (21 U.S.C. 360c), establishes three classes of devices. Classification of a device is determined by the level of regulatory control needed to provide reasonable assurance of the device's safety and effectiveness. A class I device is a device for which the general controls authorized by or under various sections of the act are sufficient to provide reasonable assurance of the safety and effectiveness of the device. A class II device is a device for which general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, for which there is sufficient information to establish a performance standard to provide such assurance, and for which it is therefore necessary to establish a performance standard under section section 514 of the act (21 U.S.C. 360d) to provide reasonable assurance of the device's safety and effectiveness. A class III device is a device that cannot be classified into class I or class II and that is purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, or that presents a potential unreasonable risk of illness or injury. For a device in class III, premarket approval is or will be required in accordance with section 515 of the act (21 U.S.C. 360e) to provide reasonable assurance of the safety and effectiveness of the device.

This notice refers to both devices that were marketed before May 28, 1976, and devices that were not marketed before then, but that are substantially equivalent to devices marketed before then, as preamendments devices. A preamendments device that has been classified into class III requires premarket approval only after FDA requires such approval under a final regulation promulgated under section 515(b) of the act.

Section 515(b)(1) of the act provides that FDA shall, by regulation promulgated in accordance with section 515(b), require that a preamendments class III device have an approved premarket approval application (PMA) or product development protocol (PDP) that has been declared completed. Section 515(b)(2)(A) of the act provides that a proceeding for the promulgation of a regulation to require premarket approval shall be initiated by publication of a notice of proposed rulemaking. Section 515(b)(2)(B) of the act provides that if FDA receives a request for reclassification within 15 days of the publication of the proposed regulation, FDA shall, within 60 days of the publication of the proposal, consult with the appropriate classification panel and publish a notice either denying the request or announcing its intent to initiate reclassification under section 513(e) of the act. If no reclassification is initiated, section 515(b)(3) of the act provides that FDA shall, after the close of the comment period on the proposed regulation and consideration of any comments received, promulgate a final regulation to require premarket approval, or publish a notice terminating the proceeding. If the proceeding is terminated, FDA is required to initiate reclassification of the device under section 513(e) of the act, unless the reason for termination is that the device is a banned device under section 516 of the act (21 U.S.C. 360f).

A regulation under section 515(b) of the act may be issued at any time, but section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)) provides that the regulation may not require the filing of a PMA or a notice of completion of a PDP earlier than 30 months after classification of the device into class III. Within 90 days after the promulgation of such a regulation or 30 months after classification, whichever is later, section 501(f)(1)(A) of the act requires that any person who commercially distributes the device file a PMA or a notice of completion of a PDP, or cease commercial distribution of the device. As an alternative, however, the person may obtain an investigational device exemption (IDE) under section 520(g) of the act (21 U.S.C. 360j(g)) and Parts 812 of FDA's regulations (21 CFR Part 812) and continue distribution for the limited purpose of obtaining safety and effectiveness data from clinical trials. If the person fails to file a PMA or a notice of completion of a PDP, and no IDE is in effect, the device is adulterated within the meaning of section 501(f)(1)(A) of the act and subject to seizure and condemnation under section 304 of the act (21 U.S.C. 334). Interstate commerce in an adulterated device is prohibited by section 301 of the act (21 U.S.C. 331). Violations of section 301 of the act may be enjoined under section 302 of the act (21 U.S.C. 332), and persons responsible for such violations are subject to prosecution under section 303 of the act (21 U.S.C. 333).

Priorities for Requiring Premarket Approval of Class III Devices

FDA has classified 71 preamendments devices into class III under section 513(d) of the act, and FDA has proposed that an additional 78 preamendments devices be classified into class III in the future. The issuance of regulations under section 515(b) of the act for all these devices will take many years, given the existing agency resources available for this activity. Recognizing that FDA could not issue regulations under section

515(b) for all preamendments class III devices simultaneously, Congress, in section 513(d)(3) of the act, expressly authorized FDA to establish priorities which, in its discretion, are to be used in applying section 515 of the act to such devices. Futhermore, in section 513(c)(2)(A) of the act, Congress directed that where a classification panel has recommended classification of a device into class III, the panel shall, to the extent practicable, recommend the assignment of a priority for applying the requirements of section 515 of the act to the device. The panels recommended that a high priority be assigned to 63 of the 149 devices classified or proposed to be classified into class III.

In exercising its statutory authority to establish priorities for the issuance of regulations under section 515(b), FDA takes into account the following factors:

1. The recommendations on priority of the agency's classification panels.
2. The present and projected use of the device.
3. The significance of the device to the public health.
4. The demonstrated, potential, or foreseeable risks of illness or injury associated with use of the device.
5. The seriousness of questions concerning the effectiveness of the device.
6. The extent to which valid scientific evidence developed since classification of the device and submitted to or otherwise brought to the agency's attention tends to support or undermine the basis for the classification.
7. The existence of a petition for reclassification of the device provided the agency tentatively concludes that the device should be reclassified.

Final classification regulations for preamendments class III devices in five medical specialties have been in effect for at least 30 months, the minimum period of time before FDA may require for such devices the filing of a PMA or a notice of completion of a PDP. Using the factors set out above, FDA has reviewed the preamendments class III devices in each of the five specialties to determine which of those devices warrant immediate consideration for development of proposed regulations under section 515(b) of the act to require premarket approval. The devices that FDA has determined have a high priority for such regulations are listed below under the medical specialty in which they are classfied.

A. *Hematology and pathology devices.*

1. Automated differential cell counter (21 CFR 864.5220).
2. Automated heparin analyzer (21 CFR 864.5680).
3. Automated blood cell separator (21 CFR 864.9245).

B. *Cardiovascular devices.*

1. Implantable pacemaker pulse generator (21 CFR 870.361).
2. Pacemaker programmers (21 CFR 870.3700).
3. Replacement heart valve (21 CFR 870.3925).

C. *General hospital and personal use devices.*

1. Infant radiant warmer (21 CFR 880.5130).

D. *Neurological devices.*

1. Implanted cerebellar stimulator (21 CFR 882.5820).
2. Implanted diaphragmatic/phrenic nerve stimulator (21 CFR 882.5830).
3. Implanted intracerebral/subcortical stimulator for pain relief (21 CFR 882.5840).

E. *Obstetrical and gynecological devices.*

1. Transabdominal amnioscope (fetoscope) and accessories (21 CFR 884.1600).
2. Contraceptive intrauterine device (IUD) and introducer (21 CFR 884.5360).
3. Contraceptive tubal occlusion device (TOD) and introducer (21 CFR 884.5380).

FDA intends to issue proposed regulations under section 515(b) of the act for each of these devices and will develop a similar list of high priority devices for the remaining 11 medical specialties. FDA has examined the economic impacts of these proposed regulations. The analysis has been placed on file in the Dockets Management Branch under the docket number for this notice and is available for public review between 9 a.m. and 4 p.m. Monday through Friday. Elsewhere in this issue of the **Federal Register**, FDA is publishing a proposed regulation under section 515(b) of the act to require premarket approval of the implanted cerebellar stimulator.

Ramifications For Manufacturers and Importers

The act does not include a provision for an extension of the 90-day period after promulgation of a final regulation under section 515(d) within which a PMA or a notice of completion of a PDP is required to be filed. The House report on the amendments stated that "the thirty month 'grace period' afforded after classification of a device into class III * * * is sufficient time for manufacturers and importers to develop the data and conduct the investigations necessary to support an application for premarket approval." H.R. Rep. No. 94-853, 94th Cong., 2d Sess. 42 (1976). Thus, "[i]f manufacturers and importers of class III devices initiate investigations only upon promulgation of the regulation requiring premarket approval, they risk having inadequate time to submit an approvable application of PDP. In such cases, their devices would be required to be removed from the market." *Id.* In addition, section 515(d)(1)(B)(i) of the act provides that FDA may not enter into an agreement to extend the 180-day period in which to take action with respect to a PMA submitted for a device subject to a final regulation under section 515(b) unless the agency finds that "the continued availability of the device is necessary for the public health."

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

Dated: August 16, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-24230 Filed 9-5-83; 8:45 am]
BILLING CODE 4160-01-M

---

21 CFR Part 882

[Docket No. 83N-0241]

Neurological Devices; Proposed Rule; Premarket Approval of the Implanted Cerebellar Stimulator

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; opportunity to request change in classification.

SUMMARY: The Food and Drug Administration (FDA) is proposing a rule to require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the implanted cerebellar stimulator, a medical device. This document summarizes the agency's proposed findings on the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the statute's approval requirements, and on the benefits to the public from use of the device. This document also announces an opportunity for interested persons to request FDA to change the classification of the device based on new information.

DATES: Comments by November 7, 1983; requests for a change in classification by September 21, 1983.

ADDRESS: Written comments or requests for a change in classification to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert F. Munzner, National Center for Devices and Radiological Health (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: Section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c) provides for the classification of medical devices into one of three regulatory classes: class I, general controls; class II, performance standards; and class III, premarket approval. As a general rule, devices that were on the market before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295), and devices marketed on or after that date that are substantially equivalent to such devices, have been, or are being, classified by FDA. For convenience, this proposal refers to both the devices that were on the market before May 28, 1976, and the substantially equivalent devices that were marketed on or after that date as "preamendments devices".

Sections 501(f), 513, and 515(b) of the act (21 U.S.C. 351(f), 360c, and 360e(b)), taken together, establish as a general requirement that a preamendment device that FDA has classified into class III is subject, in accordance with section 515, to premarket approval. (Section 515(f) of the act, 21 U.S.C. 360e(f), prescribes, as an alternative procedure for premarket approval, development of a PDP, the last stage of which is for FDA to declare that a PDP has been completed.) A preamendments class III device may remain on the market without an approved PMA or declared completed PDP until 90 days after FDA's promulgation of a regulation requiring premarket approval for the device. Such a device is also exempt from the investigational device exemption (IDE) regulations (21 CFR Part 812) until the date stipulated by FDA in the regulation requiring premarket approval for that device.

Section 515(b)(2)(A) of the act provides that a proceeding for the promulgation of a regulation to require premarket approval shall be initiated by publication of a notice of proposed rulemaking containing: (1) The proposed regulation, (2) proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to have an approved application for premarket approval and the benefit to the public from use of the device, (3) an opportunity for the submission of comments on the proposed regulation and the proposed findings, and (4) an opportunity to request a change in the classification of the device based on new information relevant to the classification of the device.

Section 515(b)(2)(B) of the act provides that if FDA receives a request for a change in the classification of the device within 15 days of the publication of the notice, FDA shall, within 60 days of the publication of the notice, consult with the appropriate classification panel and publish a notice either denying the request or announcing its intent to initiate reclassification under section 513(e) of the act. If no reclassification is initiated, section 515(b)(3) of the act provides that FDA shall, after the close of the comment period on the proposed regulation and consideration of any comments received, promulgate a final regulation to require premarket approval, or publish a notice terminating the proceeding. If the proceeding is terminated, FDA is required to initiate reclassification of the device under section 513(e) of the act, unless the reason for termination is that the device is a banned device under section 516 of the act (21 U.S.C. 360f).

If a regulation requiring premarket approval for a device is made final, section 601(f) of the act requires that a PMA or notice of completion of a PDP for the device be filed within 90 days of the date of promulgation of the final regulation, or 30 months after final classfication of the device, whichever is later. If a PMA or notice of completion of a PDP is not filed by the later of the two dates, commercial distribution of the device is required to cease. The device may, however, be distributed for investigational use if the manufacturer or importer of the device complies with the IDE regulations. If no PMA or notice of completion of a PDP has been filed, and no IDE is in effect, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the act, and subject to seizure and condemnation under section 304 of the act (21 U.S.C. 334). Shipment of the device in interstate commerce will be subject to injunction under section 302 (21 U.S.C. 332), and the individuals responsible for such shipment will be subject to prosecution under section 303 of the act (21 U.S.C. 333). The statute does not include a provision for an extension of the 90-day period after promulgation of a final regulation within which an application or notice is required to be filed. The House report on the amendments states that "the thirty month 'grace period' afforded after classification of a device into class III * * * is sufficient time for manufacturers and importers to develop the data and conduct the investigations necessary to support an application for premarket approval." H. R. Rep. No. 94–853, 94th Cong., 2d Sess. 42 (1976).

I. Classification of Implanted Cerebellar Stimulator

In the **Federal Register** of September 4, 1979 (44 FR 51770), FDA issued a final regulation (21 CFR 882.5820) classifying the implanted cerebellar stimulator into class III. The preamble to the proposed classification regulation (43 FR 55718; November 28, 1978) included the recommendations of the Neurological Device Section of the Respiratory and Nervous System Devices Panel (the Panel), an FDA advisory committee, regarding the classification of the implanted cerebellar stimulator. The Panel's recommendation included a summary of the reasons why the device should be subject to premarket approval and identified certain risks to health presented by the device. The Panel also recommended under section 513(c)(2)(A) of the act that a high priority for the application of section 515 of the act be assigned to the implanted cerebellar stimulator. The preamble to the final regulation classifying the device stated that a PMA for the device shall "be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later."

Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice of intent to initiate proceedings to require premarket approval of 12 devices in addition to the implanted cerebellar stimulator. Among other things, the notice describes the factors FDA takes into account in establishing priorities for initiating proceedings under section 515(b) of the act for promulgating regulations requiring that preamendments class III devices have approved PMA's or declared completed PDP's. Using these factors, FDA has determined that the implanted cerebellar stimulator, identified in § 882.5820(a), has a high priority for initiating a proceeding to require premarket approval. Therefore, FDA is commencing a proceeding under section 515(b) of the act to require that the implanted cerebellar stimulator have an approved PMA or a PDP that has been declared completed.

II. Dates New Requirements Apply

In accordance with section 515(b) of the act, FDA is now proposing to require that a PMA or a notice of completion of a PDP be filed with the agency for the implanted cerebellar stimulator within 90 days after promulgation of any final regulation based on this proposal. An applicant will be permitted to continue marketing the implanted cerebellar stimulator during FDA's review of the PMA or notice of completion of the PDP. FDA intends to review each PMA within 180 days, and each notice of completion of a PDP within 90 days, of the date of filing. FDA cautions that under section 515(d)(1)(B)(i) of the act, FDA may not enter into an agreement to extend the review period for a PMA unless the agency finds that "the continued availability of the device is necessary for the public health."

FDA intends that, under § 812.2(d) (21 CFR 812.2(d)), the preamble to any final regulation based on this proposal will stipulate that as of the date on which a PMA or a notice of completion of a PDP is required to be filed, the exemptions in § 812.2(c) (1) and (2) from the requirements of the IDE regulations for preamendments class III devices will cease to apply to the implanted cerebellar stimular. If a PMA or a notice of completion of a PDP for this device is not filed with FDA within 90 days after the date of promulgation of any final regulation requiring premarket approval for the implanted cerebellar stimulator, commercial distribution of the device will be required to cease. The device may be distributed for investigational use only if the requirements of the IDE regulations regarding significant risk devices are met. The requirements for significant risk devices include submitting an IDE application to FDA for its review and approval. An approved IDE is required to be in effect before an investigation of the device may be initiated or continued. FDA, therefore, cautions that IDE applications should be submitted to FDA at least 30 days before the end of the 90-day period to avoid interrupting investigations.

III. Description of Device

The implanted cerebellar stimulator is a device used to stimulate electrically a patient's cerebellar cortex for the treatment of intractable epilepsy, spasticity, and some movement disorders. The stimulator consists of an implanted receiver with electrodes that are placed on the patient's cerebellum and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver. The passive radio frequency receiver is implanted in a convenient location in the patient's upper torso. The leads and electrodes are tunneled subcutaneously from the receiver to the back of the patient's head and through a hole in the skull where the electrodes pass through the dura and rest on the surface of the cerebellum. The external transmitter generates radio frequency pulses that are coupled to the implanted receiver through an antenna over the receiver site. The transmitter is compact and may be carried on the patient's belt.

This proposed regulation to require premarket approval of implanted cerebellar stimulators applies only to the radio frequency coupled cerebellar stimulators that were being commercially distributed before May 28, 1976, the enactment date of the amendments, or to devices introduced into commercial distribution since that date that have been found to be substantially equivalent to such cerebellar stimulators. In recent years, totally implanted cerebellar stimulators that do not require an external transmitter have been investigated for cerebellar stimulation. Premarket approval is automatically required for totally implanted cerebellar stimulators because they are not substantially equivalent to any preamendments cerebellar stimulator.

IV. Proposed Findings With Respect to Risks and Benefits

As required by section 515(b) of the act, FDA is publishing its proposed findings regarding the degree of risk of illness or injury designed to be eliminated or reduced by requiring the implanted cerebellar stimulator to have an approved PMA or declared completed PDP and is identifying the benefits to the public from use of the device:

A. Degree of Risk

1. *Surgical procedures.* Implantation of cerebellar electrodes requires that the patient's skull be opened under anesthesia. As with any surgical procedure, complications may occur because of the surgery. Davis (Ref. 10) reported that in 318 patients who underwent implantation of cerebellar stimulators, 14 patients (4.4 percent) developed infections around the implanted stimulator system. Either all or part of the implanted cerebellar stimulating system had to be removed to eliminate the infection. Davis noted that the infection rate experienced by his patients is comparable to infection rates reported for other implantable devices such as ventricular shunts for hydrocephalus. Cooper (Ref. 5) reported that in his first 200 patients who had cerebellar stimulators implanted, there were 2 deaths, both due to postoperative hemorrhage. In addition, four patients suffered infections, and three patients underwent reoperations because of suspected postoperative hematoma, which was confirmed in two of the three cases. In general, the reported complications due to the surgery necessary to implant cerebellar stimulators are not unusual for surgical procedures involving craniotomy.

2. *Injury to neural tissue.* The electrical current used for stimulation and the pressure that the electrodes exert on the brain tissue may cause injury to the brain. Several investigators have reported that excessive stimulation levels cause injury to the neural tissue underlying the electrodes that are placed on the cerebellum. Mortimer (Ref. 18) studied the effects of electrical stimulation on the blood-brain barrier of cats and concluded that the upper limit for safe stimulation was 0.05 watt per square inch when biphasic electrical pulses are used. Pudenz (Ref. 22) also investigated the degree of neural damage caused by electrically stimulating the cerebral cortex in cats. Pudenz found that some amount of neural damage is consistently produced if the charge per phase of the electrical stimulus pulse is 0.45 microcoulomb (μC) or greater. Recently, Yuen (Ref. 28) found that neural damage in the cat cerebral cortex increased proportionately as the charge density per phase increased over the range of 40 to 400 microcoulombs per square centimeter per phase (μC/cm²/ph). Gilman and his associates (Refs. 6, 12, 13, and 24) studied the effects of electrical stimulation on the cerebellar hemispheres of monkeys and found significantly greater damage beneath electrodes that are electrically stimulated than under those that are not stimulated. Gilman concluded that cerebellar stimulation may damage cerebellar tissue and that the mere presence of the electrodes without stimulation may cause some reaction. Brown (Ref. 2) found that the degree of cerebellar damage in the monkey is related to the charge density per phase of the stimulating pulse. In particular, Brown found that a charge density of 7.4 μC/cm²/ph caused no cerebellar damage although the higher charge densities tested caused progressively greater damage. Brown suggested that charge densities greater than 10 μCcm²/ph not be used chronically to stimulate the human cerebellar cortex. However, Larson (Ref. 15) also studied the effects of electrical stimulation on the monkey

cerebellum and concluded that histological damage to the cerebellum is not due to the electrical current applied.

3. *Cerebrospinal fluid leakage.* The cerebrospinal fluid that surrounds the brain may leak out where the electrode wires pass through the dura and the skull (Refs. 5, 9, 14, and 23). If leakage occurs, reoperation is required to correct the condition.

4. *Tissue toxicity.* The surface of the implanted device, lead wires, or electrodes may contain material that is not biocompatible. The implanted cerebellar stimulator is made of materials that are generally recognized to be biocompatible. There have been no reports of patients injuries due to improper materials used in the device. It is possible, however, that contaminants may be introduced during manufacture of the device, or that some of the materials may have unknown constituents that may cause subtle changes that have not been recognized in the reported studies.

B. Benefits of the Device

The implanted cerebellar stimulator has been reported by some researchers to be beneficial in the treatment of intractable epilepsy and some movement disorders. Other studies have failed to show that the device produces a significant benefit to patients suffering from these disorders. Most of the patients in the studies reported in the literature had cerebral palsy or epilepsy, but a small number of patients had torticollis, brain trauma, and other rare neurological conditions (Ref. 9).

Cooper (Ref. 4) first reported that the implanted cerebellar stimulator could be used to reduce the frequency of seizures in epileptic patients who do not benefit from drug therapy. Cooper found that 18 of 32 patients who were treated with the implanted cerebellar stimulator had reduced frequency of seizures (Ref. 5). In a later study, Van Buren (Ref. 25) reported that no significant reduction in frequency of seizures was obtained in a small double-blind study involving five patients with chronic intractable epilepsy.

Most implanted cerebellar stimulators have been implanted to control spasticity due to cerebral palsy. Cooper (Refs. 3 and 5), Miyasaka (Ref. 17), Larson (Ref. 16), Davis (Refs. 7, 8, and 9), and Wong (Ref. 27) have reported that cerebral palsy patients benefit significantly from cerebellar stimulation. According to these reports, a patient's spasticity is reduced, walking and balance are improved, self-care tasks (dressing, eating, grooming, etc.) are performed more readily, athetoid movements and drooling are reduced, and speech is improved. Although some of these studies involved large numbers of patients, they were not well-controlled studies. Other investigators have attempted to confirm the reported benefits of cerebellar stimulation. Penn (Ref. 20), Whittaker (Ref. 26), and Gahm (Ref. 11) reported that their double-blind studies on small groups of cerebral palsy patients failed to confirm that cerebellar stimulation provided significant improvement in the conditions of the patients. Ivan (Ref. 14) and Reynolds (Ref. 23) also reported no significant improvements in their studies, each of which involved a small number of cerebral palsy patients. Penn (Ref. 21) noted that improvements in the patients' conditions are modest and may be hidden by the few patients in these studies. Penn suggested that larger well-controlled double-blind studies be conducted and assessment techniques be refined to permit modest improvements to be better defined.

C. Discussion of Risks and Benefits

FDA classified the implanted cerebellar stimulator into class III because insufficient information existed to determine that general controls would provide reasonable assurance of the safety and effectiveness of the device or to establish a performance standard to provide such assurance. FDA has weighed the probable risks and probable benefits to the public from use of the device and believes that the studies discussed above present evidence of significant risks associated with the use of the device and raise questions about its effectiveness.

The consensus of the studies of the effects of electrical stimulation on the brain is that damage to neural tissue is possible but can be avoided by carefully selecting the electrical stimulus to be used. Babb (Ref. 1) has shown that it is possible to evoke cerebellar activity in monkeys with an electrical stimulus that has parameters well below those that cause neural damage. Davis (Refs. 8 and 9) contends, therefore, that the electrical stimulus values that have often been used are too high and may be causing neural damage beneath the electrodes resulting in the stimulus eventually becoming ineffective. Davis advocates using stimulus parameters between 0.7 and 1.6 $\mu C/cm^2/ph$.

FDA believes that the question of proper electrical stimulus parameters for cerebellar stimulators has not been resolved. FDA believes, however, that there is ample evidence that electrical stimulation can damage the cerebellum if improper electrical parameters are used. FDA also believes that it is possible to choose electrical parameters that will provide reasonably safe stimulation to the cerebellum.

FDA believes that the effectiveness of cerebellar stimulation for reducing frequency of epileptic seizures or the severity of spasticity or other movement disorders has not been established. Investigators who have studied the effectiveness of cerebellar stimulation have reported varying, often contradictory, results.

FDA believes, therefore, that implanted cerebellar stimulators should undergo premarket approval to determine whether the risks of using the device are balanced by the benefits to the patients.

V. Opportunity to Request a Change in Classification

Before requiring the filing of a PMA or a notice of completion of a PDP for a device, FDA is required by section 515(b)(2)(A)(iv) of the act and 21 CFR 860.132 to announce an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. The legal standard governing reclassification under section 513(e) of the act and § 860.123 (21 CFR 860.123) is discussed in detail in FDA's proposals to reclassify daily wear spherical contact lenses consisting of rigid gas permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982). A request for a change in the classification of the implanted cerebellar stimulator is to be in the form of a reclassification petition containing the information required by § 860.123 including new information relevant to the classification of the device, and shall, under section 515(b)(2)(B) of the act, be submitted by September 21, 1983. The agency advises that to assure timely filing of any such petition, any request should be submitted to the Dockets Management Branch (address above) and not to the address provided in § 860.123(b)(1). If a timely request for a change in classification of the implanted cerebellar stimulator is submitted, the agency will by November 7, 1983, after consultation with the appropriate FDA advisory committee and by order published in the **Federal Register**, either deny the request or give notice of its intent to initiate a change in the classification of the device in accordance with section 513(e) of the act and § 860.130 of the regulations (21 CFR 860.130).

VI. References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Babb, T. L., et al., "Electrophysiological Studies of Long-Term Electrical Stimulation of the Cerebellum in Monkeys," *Journal of Neurosurgery*, 47:353–365, 1977.

2. Brown, W. J., et al., "Tissue Reaction to Long-Term Electrical Stimulation of the Cerebellum in Monkeys," *Journal of Neurosurgery*, 47:366–379, 1977.

3. Cooper, I. S., et al., "Chronic Cerebellar Stimulation in Cerebral Palsy," *Neurology*, 26:744–753, 1976.

4. Cooper, I. S., et al., "Chronic Cerebellar Stimulation in Epilepsy," *Archives Neurology*, 33:559–570, 1976.

5. Cooper, I. S., et al., "Safety and Efficacy of Chronic Cerebellar Stimulation," *Applied Neurophysiology*, 40:124–134, 1977/78.

6. Dauth, G. W., et al., "Long-Term Surface Stimulation of the Cerebellum in the Monkey. I. Light Microscopic, Electrophysiologic, and Clinical Observations," *Surgical Neurology*, 7:377–384, 1977.

7. Davis, R., et al., "Control of Spasticity and Involuntary Movements—Cerebellar Stimulation," *Applied Neurophysiology*, 40:135–140, 1977/78.

8. Davis, R., and E. F. Gray, "Technical Problems and Advances in the Cerebellar-Stimulating Systems Used for Reduction of Spasticity and Seizures," *Applied Neurophysiology*, 43:230–243, 1980.

9. Davis, R., et al., "Chronic Cerebellar Stimulation for Cerebral Palsy—Five-Year Study," *Acta Neurochirurgica*, Supplement 30:318–331, 1980.

10. Davis R., et al., "Management of Infected Cerebellar Stimulation Systems," *Neurosurgery*, 10:340–343, 1982.

11. Gahm, N. H., et al., "Chronic Cerebellar Stimulation for Cerebral Palsy: A Double-Blind Study," *Neurology*, 31:67–60, 1981.

12. Gilman, S., et al., "Chronic Cerebellar Stimulation in the Monkey: Preliminary Observations," *Archives of Neurology*, 32:474–477, 1955.

13. Gilman, S., et al., "Morphological and Biochemical Effects of Chronic Cerebellar Stimulation in Monkey," *Transactions of the American Neurological Association*, 100:9–14, 1975.

14. Ivan, L. P., et al., "Chronic Cerebellar Stimulation for Cerebral Palsy," *Surgical Neurology*, 15:81–84, 1980.

15. Larson, S. J., et al., "Cerebellar Implant Studies," *IEEE Transactions on Biomedical Engineering*, BME–23:319–328, 1976.

16. Larson, S. J., et al., "Physiological and Histological Effects of Cerebellar Stimulation," *Applied Neurophysiology*, 40:160–174, 1977/78.

17. Miyasaka, K., et al., "The Influence of Chronic Cerebellar Stimulation on Respiratory Muscle Co-ordination in a Patient with Cerebral Palsy," *Neurosurgery*, 2:262–265, 1978.

18. Mortimer, J. T., et al., "Experimental Nondestructive Electrical Stimulations of the Brain and Spinal Cord," *Journal of Neurosurgery*, 32:553–559, 1970.

19. Penn, R. D. et al., "Cerebellar Stimulation in Man: Quantitative Changes in Spasticity," *Journal of Neurosurgery*, 48:779–786, 1978.

20. Penn, R. D., et al., "Chronic Cerebellar Stimulation for Cerebal Palsy: Prospective and Double-Blind Studies," *Journal of Neurosurgery*, 53:160–165, 1980.

21. Penn, R. D., "Chronic Cerebellar Stimulation for Cerebral Palsy: A Review," *Neurosurgery*, 10:116–121, 1982.

22. Pudenz, R. H. et al., "Electrical Stimulation of the Brain. II. Effects on the Blood-Brain Barrier," *Surgical Neurology*, 4:265–270, 1975.

23. Reynolds, A. F., and T. L. Hardy, "Cerebellar Stimulation in Four Patients with Cerebral Palsy," *Applied Neurophysiology*, 43:114–117, 1980.

24. Tennyson, V. M., et al., "Long-Term Surface Stimulation of the Cerebellum in the Monkey. II. Electron Microscopic and Bio-Chemical Observations," *Surgical Neurology*, 8:17–29, 1977.

25. Van Buren, J. M., et al., "Preliminary Evaluation of Cerebellar Stimulation by Double-Blind Stimulation and Biological Criteria in the Treatment of Epilepsy," *Journal of Neurosurgery*, 48:407–416, 1978.

26. Whittaker, C. K., "Cerebellar Stimulation for Cerebral Palsy," *Journal of Neurosurgery*, 52:648–653, 1980.

27. Wong, P. K. H., et al., "Cerebellar Stimulation in the Management of Cerebral Palsy: Clinical and Physiological Studies," *Neurosurgery*, 5:217–224, 1979.

28. Yuen, T. G. H., et al., "Histological Evaluation of Neural Damage from Electrical Stimulation: Considerations for the Selection of Parameters for Clinical Application," *Neurosurgery*, 9:292–299, 1981.

VII. Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Economic Impact

FDA has examined the economic consequences of this proposed regulation in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the proposal would not be a major rule as specified in the Order. The agency believes that only two or three small firms will be affected by this proposed regulation. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96–354) that the proposed regulation would not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of any final regulation based on this proposal has been placed on file in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 882

Medical devices, Neurological devices.

PART 882—NEUROLOGICAL DEVICES

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 513, 515, 520(g), 701(a), 52 Stat. 1049–1050 as amended, 1055, 90 Stat. 540–546, 552–559, 569–571 (21 U.S.C. 351, 360c, 360e, 360j(g), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 882 be amended in § 882.5820 by adding new paragraph (c), to read as follows:

§ 822.5820 Implanted cerebellar stimulator.

* * * * *

(c) *Date premarket approval application (PMA) or notice of completion of a product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with FDA on or before (date to be 90 days after date of promulgation of final regulation).

Interested persons may, on or before (*insert date 60 days after date of publication in the* **Federal Register**), submit written comments regarding this proposal to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Interested persons may, on or before (*insert date 15 days after date of publication in the* **Federal Register**), submit to the Dockets Management Branch written requests to change the classification of the implanted cerebellar stimulator. Two copies of any requests are to be submitted, except that individuals may submit one copy. Comments or requests are to be identified with the docket number found in brackets in the heading of this document. Received comments and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 16, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-24231 Filed 9-2-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-6-FRL 2428-8]

Administrative Orders Permitting a Delay in Compliance With Louisiana Implementation Plan Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed approval.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve administrative orders issued on May 16, 1983, but the Office of Environmental Affairs of the Louisiana Department of Natural Resources to Conoco Incorporated, Lake Charles Refinery; to Vulcan Materials Company, Geismar Chemical Plant; and to Formosa Plastics Corporation, Baton Rouge. The orders require the companies to bring air emissions from their facilities into compliance with certain regulations contained in the federally approved Louisiana State Implementation Plan (SIP) later than December 31, 1982. Because the orders have been issued to major stationary sources and permit delays in compliance with provisions of the SIP, they must be approved by EPA before they become effective as delayed compliance orders under the Clean Air Act. If approved by EPA, the orders will constitute additions to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for the violations of the SIP regulations covered by an order. The purpose of this notice is to invite public comment on EPA's proposed approval of the orders as delayed compliance orders.

DATE: Written comments must be received on or before October 6, 1983.

ADDRESSES: Comments should be submitted to Chief, Air Branch, Air & Waste Management Division, Attention Docket No. R6-83-DCO-1, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270. The State orders, supporting material, evaluation reports and public comments received in response to this notice may be inspected and copied (for appropriate charges) during normal business hours at the Region 6 office, at EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street, SW., Washington, D.C. 20460, and at the Air Quality Division, Louisiana Department of Natural Resources, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Willie Kelley, Air Enforcement Section (6AW-AE), Air and Waste Management Division, U.S. EPA Region 6, Dallas, Texas 75270, Telephone: (214) 767-9877, FTS 729-9877.

SUPPLEMENTARY INFORMATION: The Assistant Secretary, Office of Environmental Affairs, in Louisiana's Department of Natural Resources issued delayed compliance orders to three sources for control of volatile organic compounds on May 16, 1983. These sources failed to comply by December 31, 1982, with the requirements for control of volatile organic compound emissions which EPA had approved in the State Implementation Plan (SIP). Because these orders were issued to major stationary sources of volatile organic compounds and allow delays in compliance with the applicable regulations, they must be approved by EPA before they can become effective as delayed compliance orders under Section 113(d) of the Clean Air Act (the Act). The State transmitted these orders to EPA on May 20, 1983. EPA reviewed the orders and found that they satisfy the requirements of Section 113(d), including public notice and hearing, before the State issued them.

If these orders, or any of them, are approved by EPA, compliance with their terms would preclude federal enforcement action under Section 113 of the Act against the sources for violations covered by the order during the period the orders are in effect. Enforcement against the sources under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the orders would also constitute additions to the Louisiana State Implementation Plan. However, compliance with the orders will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the sources are otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

Conoco Incorporated

Conoco Incorporated operates a petroleum refinery at Lake Charles, Louisiana. The order under consideration addresses emissions from the volatile organic compound (VOC) storage tanks at the plant, which are subject to Louisiana Air Quality Regulation 22.3. The regulation limits the VOC emissions, and is part of the federally approved Louisiana State Implementation Plan. Specifically, ten VOC storage tanks, each with a capacity of greater than 40,000 gallons, do not have secondary seals installed as required by Regulation 22.3. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. The order requires final compliance with the regulations by December 31, 1983, by installing secondary seals. EPA's analysis of the order has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Conoco Incorporated, Lake Charles, Louisiana, dated May 1983, which is available for inspection at the locations indicated above.

Formosa Plastics Corporation

Formosa Plastics Corporation operates a chemical manufacturing facility at Baton Rouge, Louisiana. The order under consideration addresses emissions from the ethylene dichloride manufacturing processes at the plant, which are subject to Louisiana Air Quality Regulations 22.3 and 22.8. The regulations limit the emissions of volatile organic compounds (VOC), and are part of the federally approved Louisiana State Implementation Plan. Specifically, one ethylene dichloride storage tank of 750,000 gallon capacity (Point Source No. 134—State emission inventory number) and the oxychlorination vent (Point Source No. 154) from the ethylene dichloride process are not controlled by the methods required by Regulations 22.3 and 22.8, respectively. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. The order requires final compliance with the regulations by December 31, 1983, by venting emissions from both sources to a new thermal incinerator. EPA's analysis has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Formosa Plastics Corporation, Baton Rouge, Louisiana, dated May 1983, which is available for inspection at the locations indicated above.

Vulcan Materials Company

Vulcan Materials Company operates a synthetic organic chemical manufacturing facility at Geismar, Louisiana, called Vulcan Chemicals Company. The order under consideration addresses volatile organic compound (VOC) emissions from the ethylene dichloride manufacturing processes at the plant, which are subject to Louisiana Air Quality Regulation 22.8. The regulation limits the VOC emissions, and is part of the federally approved Louisiana State Implementation Plan. Specifically, the oxychlorination vent (Point Source No.

6—State emission inventory number) from the ethylene dichloride process is not controlled by the methods required by Regulation 22.8. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. Initially, Vulcan planned to change the process to have a pure oxygen feed which would allow the emissions to be condensed and recycled. Because of the high operating cost of this system, Vulcan is considering incineration as an alternative. For whichever system is selected, Vulcan must comply with the regulation by December 31, 1984. EPA's analysis has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Vulcan Chemicals Company, Geismar, Louisiana, dated May 1983, which is available for inspection at the locations indicated above.

All interested persons are invited to submit written comments on the proposed approval actions. Written comments received by the date specified above will be considered in determining whether EPA will approve the orders or any of them. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the orders in 40 CFR Part 65.

Each of these delayed compliance orders affects only one entity and involves an "order", rather than a "rule", and therefore this action is not subject to the requirements of the Regulatory Flexibility Act or to Executive Order 12291.

(42 U.S.C. 7413, 7601)

List of Subjects in 40 CFR Part 65

Air pollution control.

Myron O. Knudson,

Acting Regional Administrator, Region 6.

The text of the delayed compliance orders are set forth below. Final Agency action on the orders will be published in Subpart T of Title 40 of the Code of Federal Regulations.

State of Louisiana—Office of Environmental Affairs

In the matter of Formosa Plastics Corporation, Post Office Box 271, Baton Rouge, Louisiana 70821; Proceedings Under the Louisiana Environmental Affairs Act, La. R.S. 30:1051 et seq.; Compliance Order.

The following Compliance Order is issued to Formosa Plastics Corporation by the Assistant Secretary, Office of Environmental Affairs, Louisiana Department of Natural Resources, under the authority granted by the Louisiana Environmental Affairs Act (hereinafter referred to as "the Act"), La. R.S. 30:1051 et seq. and particularly Section 1073C(3) of the Act.

Findings of Fact

I

Formosa Plastics Corporation (hereinafter referred to as "Respondent") operates a synthetic manufacturing facility at Baton Rouge, East Baton Rouge Parish, Louisiana.

II

The Louisiana State Implementation Plan for the Abatement of Ozone and Section 22 of the Louisiana Air Quality Regulations (hereinafter referred to as "the Regulations") are applicable for the control of hydrocarbon (volatile organic compound) emissions.

III

In their hydrocarbon compliance report and correspondence dated June 30, 1981; October 29, 1982; and March 4, 1983; Respondent described its failure to comply with Section 22.3 of the Regulations for one (1) EDC storage tank (Point Source No. 134, 75.0 TPY) and with Section 22.8 of the Regulations for the oxychlorination vent (Point Source No. 154, 1349 TPY) and notified the Air Quality Division that both sources would be controlled by means of a new thermal incinerator. Compliance will be achieved by December 31, 1983, thereby ending the non-compliance.

IV

The EDC storage tank and the oxychlorination vent listed in Paragraph III above are sources of volatile organic compounds and are subject to Section 22 of the Regulations.

V

Sections 22.3 and 22.8 of the Regulations require that the sources listed in Paragraph III above be in compliance with their provisions no later than December 31, 1982.

VI

Respondent failed to provide controls on the EDC storage tank and oxychlorination vent at its Baton Rouge facility by December 31, 1982, as required by Sections 22.3 and 22.8 of the Regulations in violation of 1087 of the Act.

VII

Respondent was unable to comply with § 22.3 and 22.8 of the Regulations by December 31, 1982, except by shutting down the sources listed in Paragraph III above, which would adversly affect the operation of the entire facility.

VIII

There are no reasonable and practical measures by which the Respondent could achieve reduction in emissions prior to achievement of final compliance.

IX

Considering all relevant evidence received, including public comment, the following compliance schedule would provide for final compliance with the requirements of Section 22 of the Regulations as expeditiously as practicable:

	Milestone dates	
	EDC storage tank	Oxychlorination vent
Complete design	4/30/83	12/28/82
Order equipment	5/31/83	2/28/83
Commence construction	7/31/83	9/30/83
Complete construction	11/30/83	11/30/83
Final compliance	12/31/83	12/31/83

Order

Based on the foregoing Findings of Fact, Respondent is hereby Ordered:

I

To take all actions necessary to achieve compliance with §§ 22.3 and 22.8 of the Regulations in accordance with the following Compliance Schedule:

	Milestone dates	
	EDC storage tank	Oxychlorination vent
Complete design	4/30/83	12/28/82
Order equipment	5/31/83	2/28/83
Commence construction	7/31/83	9/30/83
Complete construction	11/30/83	11/30/83
Final compliance	12/31/83	12/31/83

II

To achieve final compliance with Sections 22.3 and 22.8 of the Regulations no later than December 31, 1983.

III

During the entire period in which this Order is in effect:

A. Respondent shall comply with the Regulations during any period insofar as it is able to do so.

B. Respondent shall comply with all additional directives issued by the Office of Environmental Affairs, Environmental Protection Agency, or any public health authority which the relevant agency determines are necessary to avoid an imminent and substantial endangerment to the health of persons or the environment.

IV

To submit written reports to the Air Quality Division no later than fifteen (15) days after each date listed as a milestone in the Compliance Schedule set forth in Paragraph I above. These reports must include:

A. Engineering information relative to the progress toward compliance with the pertinent milestone including any delays or other problems which could prevent compliance with this order;

B. Measures taken to minimize emissions during the reporting period.

V

To be hereby notified that pursuant to the provisions of Section 113(d)(1)(E) of the Federal Clean Air Act [42 U.S.C. 7413(d)(1)(E)], unless exempted under Section 120(a)(2) (B) or (C) of the Federal Clean Air Act, the U.S. Environmental Protection Agency may require Respondent to pay a

noncompliance penalty effective January 1, 1983. This does not constitute a "notice of noncompliance" as that term is used in Section 120(b)(3) of the Federal Clean Air Act [42 U.S.C. 7420(b)(3)] and 40 CFR 66.11.

VI

To be hereby notified that this Order does not preclude the Office of Environmental Affairs or the Louisiana Environmental Control Commission from assessing civil penalties against Respondent under Section 1073 E of the Act for the violations cited in this Order.

VII

After completion of construction, but no later than December 31, 1983, Respondent shall:

A. Check for leaks and gaps and, if any are found, take necessary corrective action.

B. Conduct all necessary tests as approved by the Air Quality Division to calculate the new level of emissions.

C. Report the emissions calculated in Paragraph VII. B above in writing to the Air Quality Division within thirty (30) days of achieving compliance.

D. Submit subsequent reports in accordance with Section 8.5.1 and 17.12 of the Regulations.

VIII

Compliance determinations which Respondent makes as a result of the foregoing requirements will be conducted in accordance with a test method and procedure approved by the Louisiana Department of Natural Resources. The Air Qualify Division shall be notified at least fifteen (15) days prior to the performance test with details of the test and procedures.

IX

To be hereby notified that the failure or refusal of Respondent to comply with this Order and the provisions herein will subject it to possible enforcement procedures under Section 1073 of the Act which could result in the assessment of civil penalties in an amount not to exceed $50,000 for each day of continued noncompliance.

X

This Order is effective upon receipt.

Done at Baton Rouge, Louisiana, this 16th day of May, 1983.

B. Jim Porter,

Assistant Secretary, Office of Environmental Affairs

State of Louisiana—Office of Environmental Affairs

In the matter of Conoco, Incorporated, Lake Charles Refinery, Post Office Box 37, Westlake, Louisiana 70669; Proceedings under the Louisiana Environmental Affairs Act, LA. R.S. 30:1051 et seq.; Compliance Order.

The following Compliance Order is issued to Conoco, Incorporated by the Assistant Secretary, Office of Environmental Affairs, Louisiana Department of Natural Resources, under the authority granted by the Louisiana Environmental Affairs Act (hereinafter referred to as "the Act"), La. R.S. 30:1051 et seq. and particularly Section 1073C(3) of the Act.

Findings of Fact

I

Conoco, Incorporated (hereinafter referred to as "Respondent") operates a petroleum refinery near Westlake, Calcasieu Parish, Louisiana.

II

The Louisiana State Implementation Plan for the Abatement of Ozone and Section 22 of the Louisiana Air Quality Regulations (hereinafter referred to as "the Regulations") are applicable for the control of hydrocarbon (volatile organic compound) emissions.

III

In their hydrocarbon compliance report and correspondence dated September 2, 1981; April 13, 1982; and November 22, 1983; Respondent described its failure to comply with Section 22.3 of the Regulations for eleven (11) storage tanks and notified the Air Quality Division that due to safety reasons it could not install secondary seals on these tanks by December 31, 1982 and is requesting an extension to December 31, 1983 under Section 22.3.1.2.6 of the Regulations.

IV

The eleven (11) storage tanks listed in Paragraph IX herein are sources of volatile organic compounds and are subject to Section 22 of the Regulations.

V

Section 22.3 of the Regulations require that sources listed in Paragraph IX herein be in compliance with its provisions no later than December 31, 1982.

VI

Respondent failed to provide secondary controls on eleven (11) storage tanks at its Westlake facility by December 31, 1982, as required by Section 22.3 of the Regulations in violation of 1087 of the Act.

VII

Respondent was unable to comply with Section 22.3 of the Regulations by December 31, 1982, except by shutting down the sources listed in Paragraph IX herein, which would adversely affect the operation of the entire facility.

VIII

There are no reasonable and practical measures by which the Respondent could achieve reduction in emissions prior to achievement of final compliance.

IX

Considering all relevant evidence received, including public comment, the following compliance schedule would provide for final compliance with the requirements of Section 22 of the Regulations as expeditiously as practicable:

FR tank No.	Start draining	Seals completed (final compliance)
346	Completed	Completed
347	4/11/83	5/9/83
30	3/14/83	5/30/83
25	Completed	5/30/83
98	8/1/83	10/24/83
59	4/18/83	7/18/83
88	10/3/83	12/26/83
85	7/4/83	9/26/83
99	5/2/83	7/25/83
78	9/5/83	11/28/83

Order

Based on the foregoing findings of fact, Respondent is hereby ordered:

I

To take all actions necessary to achieve compliance with Section 22.3 of the Regulations in accordance with the following Compliance Schedule:

FR tank No.	Start draining	Seals completed (final compliance)
346	Completed	Completed
347	4/11/83	5/9/83
30	3/14/83	5/30/83
25	Completed	5/30/83
98	8/1/83	10/24/83
59	4/18/83	7/18/83
88	10/3/83	12/26/83
85	7/4/83	9/26/83
99	5/2/83	7/25/83
78	9/5/83	11/28/83

II

To achieve final compliance with Section 22.3 of the Regulations no later than December 31, 1983.

III

During the entire period in which this ORDER is in effect:

A. Respondent shall comply with the Regulations during any period insofar as it is able to do so.

B. Respondent shall comply with all additional directives issued by the Office of Environmental Affairs, Environmental Protection Agency, or any public health authority which the relevant agency determines are necessary to avoid an imminent and substantial endangerment to the health of persons or the environment.

IV

To submit written reports to the Air Quality Division no later than fifteen (15) days after each date listed as a milestone in the Compliance Schedule set forth in Paragraph I above. These reports must include:

A. Engineering information relative to the progress toward compliance with the pertinent milestone including any delays or other problems which could prevent compliance with this ORDER;

B. Measures taken to minimize emissions during the reporting period.

V

To be hereby notified that pursuant to the provisions of Section 113(d)(1)(E) of the Federal Clean Air Act [42 U.S.C. 7413(d)(1)(E)], unless exempted under Section 120(a)(2) (B) or (C) of the Federal Clean Air Act, the U.S. Environmental Protection Agency may require Respondent to pay a noncompliance penalty effective January 1, 1983. This does not constitute a "notice of noncompliance" as that term is used in Section 120(b)(3) of the Federal Clean Air Act [42 U.S.C. 7420(b)(3)] and 40 CFR 66.11.

VI

To be hereby notified that this ORDER does not preclude the Office of Environmental Affairs or the Louisiana Environmental Control Commission from assessing civil penalties against Respondent under Section 1073 E of the Act for the Violations cited in this ORDER.

VII

After completion of construction, but no later than December 31, 1983, Respondent shall:

A. Check for leaks and gaps and, if any are found, take necessary corrective actions.

B. Conduct all necessary tests as approved by the Air Quality Division to calculate the new level of emissions.

C. Report the emissions calculated in Paragraph VII. B above in writing to the Air Quality Division within thirty (30) days of achieving compliance.

D. Submit subsequent reports in accordance with Section 8.5.1 and 17.12 of the Regulations.

VIII

Compliance determinations which Respondent makes as a result of the foregoing requirements will be conducted in accordance with a test method and procedure approved by the Louisiana Department of Natural Resources. The Air Quality Division shall be notified at least fifteen (15) days prior to the performance test with details of the test and procedures.

IX

To be hereby notified that the failure or refusal of Respondent to comply with this ORDER and the provisions herein will subject it to possible enforcement procedures under Section 1073 of the Act which could result in the assessment of civil penalties in an amount not to exceed $50,000 for each day of continued noncompliance.

IV

This order is effective upon receipt.

Done at Baton Rouge, Louisiana, this 16th day of May, 1983.

B. Jim Porter,

Assistant Secretary, Office of Environmental Affairs.

State of Louisiana, Office of Environmental Affairs

In the matter of Vulcan Materials Comany, Vulcan Chemicals, Post Office box 227, Geismar, Louisiana 70734; Proceedings Under the Louisiana Environmental Affairs Act, LA. R.S. 30:1051 ET SEQ. Compliance Order.

The following COMPLIANCE ORDER is issued to Vulcan Chemicals by the Assistant Secretary, Office of Environmental Affairs, Louisiana Department of Natural Resources, under the authority granted by the Louisiana Environmental Affairs Act (hereinafter referred to as "the Act"), La. R.S. 30:1051 et seq. and particularly Section 1073 C(3) of the Act.

Findings of Fact

I

Vulcan Chemicals (hereinafter referred to as "Respondent") operates a chemical manufacturing plant near Geismar, Ascension Parish, Louisiana.

II

The Louisiana State Implementation Plan for the Abatement of Ozone and Section 22 of the Louisiana Air Quality Regulations (hereinafter referred to as "the Regulations") are applicable for the control of hydrocarbon (volatile organic compound) emissions.

III

In their hydrocarbon compliance report and correspondence dated October 29, 1981; May 26, 1982; August 2, 1982; November 15, 1982; and February 8, 1983; Respondent described its failure to comply with Section 22.8 of the Regulations for the oxychlorination vent (Point Source No. 6) and notified the Air Quality Division that a process change from air feed to pure oxygen feed will significantly reduce the emissions for this source. Compliance will be achieved by December 31, 1984, thereby ending the non-compliance.

IV

The oxycholorination vent listed in Paragraph III above is a source of volatile organic compounds and are subject to Section 22 of the Regulations.

V

Section 22.8 of the Regulations requires that the source listed in Paragraph III above be in compliance with its provisions no later than December 31, 1982.

VI

Respondent failed to provide controls on the exychlorination vent at its Giesmar facility by December 31, 1982, as required by Section 22.8 of the Regulations in violation of 1087 of the Act.

VII

Respondent was unable to comply with Section 22.8 of the Regulations by December 31, 1982, except by shutting down the source listed in Paragraph III above, which would adversly affect the operation of the entire facility.

VIII

There are no reasonable and practical measures by which the Respondent could achieve reduction in emissions prior to achievement of final compliance.

IX

Considering all relevant evidence received, including public comment, the following compliance schedule would provide for final compliance with the requirements of Section 22 of the Regulations as expeditiously as practicable:

	Milestone dates
Complete design	1/1/83
Order equipment	9/1/83
Commence construction	3/1/84
Complete construction	9/1/84
Final Compliance	12/31/84

Order

Based on the foregoing findings of fact, Respondent is hereby ordered:

I

To take all actions necessary to achieve compliance with Section 22.8 of the Regulations in accordance with the following Compliance Schedule:

	Milestone dates
Complete design	1/1/83
Order equipment	9/1/83
Commence construction	3/1/84
Complete construction	9/1/84
Final Compliance	12/31/84

II

To achieve final compliance with Section 22.8 of the Regulations no later than December 31, 1984.

III

During the entire period in which this order is in effect:

A. Respondent shall comply with the Regulations during any period insofar as it is able to do so.

B. Respondent shall comply with all additional directives issued by the Office of Environmental Affairs, Environmental Protection Agency, or any public health authority which the relevant agency determines are necessary to avoid an imminent and substantial endangerment to the health of persons or the environment.

IV

To submit written reports to the Air Quality Division no later than fifteen (15) days after each date listed as a milestone in the Compliance Schedule set forth in Paragraph I above. These reports must include:

A. Engineering information relative to the progress toward compliance with the pertinent milestone including any delays or other problems which could prevent compliance with this order;

B. Measures taken to minimize emissions during the reporting period.

V

To be hereby notified that pursuant to the provisions of Section 113(d)(1)(e) of the Federal Clean Air Act [42 U.S.C. 7413(d)(1)(E)], unless exempted under Section 120(a)(2)(B) or (C) of the Federal Clean Air Act, the U.S. Environmental Protection Agency may require Respondent to pay a noncompliance penalty effective January 1,

1983. This does not constitute a "notice of noncompliance" as that term is used in Section 120(b)(3) of the Federal Clean Air Act (42 U.S.C. 7420(b)(3)) and 40 CFR 66.11.

VI

To be hereby notified that this order does not preclude the Office of Environmental Affairs or the Louisiana Environmental Control Commission from assessing civil penalties against Respondent under Section 1073 E of the Act for the violations cited in this order.

VII

After completion of construction, but no later than December 31, 1984, Respondent shall:

A. Inspect and check the system and take necessary corrective actions to insure compliance with Section 22.8 of the Regulations and other applicable state and federal laws and regulations.

B. Conduct all necessary emission testing and calculate new level of emissions for this source after confirmation of compliance.

C. Report the emissions testing and new level of emissions as calculated in Paragraph B above in writing to the Air Quality Division within thirty (30) days of achieving compliance.

D. Comply with monitoring, report and record keeping requirements of all applicable state and federal laws and regulations, including National Emission Standards for Hazardous Air Pollutants (NESHAP).

VIII

Compliance determinations which Respondent makes as a result of the foregoing requirements will be conducted in accordance with a test method and procedure approved by the Louisiana Department of Natural Resources. The Air Quality Division shall be notified at least fifteen (15) days prior to the performance test with details of the test and procedures.

IX

To be hereby notified that the failure or refusal of Respondent to comply with this order and the provisions herein will subject it to possible enforcement procedures under Section 1073 of the Act which could result in the assessment of civil penalties in an amount not to exceed $50,000 for each day of continued noncompliance.

X

This order is effective upon receipt.

Done at Baton Rouge, Louisiana, this 16th day of May.

B. Jim Porter,

Assistant Secretary, Office of Environmental Affairs.

[FR Doc. 83-24272 Filed 9-2-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 721

[OPTS-50504; BH-FRL 2387-7]

Toxic Substances; 1,2-Benzenediamine, 4-Ethoxy, Sulfate; Proposed Determination of Significant New Uses

Correction

In FR Doc. 83-23753 beginning on page 39245 in the issue of Tuesday, August 30, 1983, make the following correction:

On page 39251, first column, the caption now reading "PART 172—[AMENDED]" should have read "PART 721—[AMENDED]".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 83-14; Notice 1]

Motorcycle Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking; response to petition for rulemaking.

SUMMARY: Standard No. 123, *Motorcycle Controls and Displays*, specifies requirements for the location, operation, identification and illumination of controls and displays in two- and three-wheeled motor vehicles. This notice proposed to update Standard No. 123 by adding symbols as an option to the words which are presently required to identify motorcycle controls and displays. This proposal brings the standard into harmony with latest documents promulgated by the International Standards Organization. The changes would reduce compliance costs by promoting international harmonization and may result in safety benefits. This action results in part from a petition for rulemaking submitted by BMW of North America. This notice grants BMW's petition.

DATE: Comments must be submitted by October 21, 1983. The proposed effective date for voluntary use of the new symbols is the date of publication of a final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SE., Washingrton, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: Standard No. 23, *Motorcycle Controls and Displays*, specifies requirements for the location, operation, identification and illumination of controls and displays in motorcycles. The purpose of the standard is to ensure the accessibility and visibility of controls and displays and to facilitate their quick and proper identification an selection by a driver in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

Among its requirements, Standard No. 123 specifies the use of certain words for the identification of several controls and displays. The standard is silent as to the use of symbols in addition to or in place of, words. BMW of North America has petitioned for rulemaking to amend the standard so that symbols may be used. Its petition was granted on August 30, 1983.

The symbols proposed are those developed by the International Standards Organization (ISO). Symbols are adopted by the ISO only after extensive international testing as to their recognizability and suitability. Certain ISO symbols have also been adopted by the United Nations Economic Commission for Europe (ECE) and the European Economic Community (EEC). Symbols can convey information more quickly and with less chance of human error than words. This is particularly true with respect to the large foreign, language speaking population of this country.

In addition to the safety benefits resulting from the use of additional symbols, this action may reduce costs by facilitating international harmonization. Manufacturers which produce vehicles for sale in both this nation and abroad would not have to produce separate dashboards or controls and displays to meet conflicting identification requirements.

Under the proposal, Table 3 would be amended by adding a new column containing ISO symbols for supplemental engine stop, manual choke, electric starter, headlamp upper-lower beam control, horn, turn signals, neutral indicator, upper beam indicator, and fuel tank shut off valve. These symbols could be used in addition to, or in lieu of, the words presently required. A footnote is added to clarify that the framed area of certain symbols may be filled in.

There are issues associated with the use of symbols for which NHTSA is especially interested in soliciting comments.

The first of these issues is the number and type of symbols that can be used to greatest effect. The ISO is a non-regulatory body. The European regulatory body (ECE) has additional, and in some instances different, symbols. There are potential safety and cost savings advantages to reaching consensus on the most effective symbols. In NHTSA's opinion, symbols should identify only the most important controls and displays. This proposal lists 13 symbols covering only controls and displays included in Table 3; the ISO standard for motorcycles (ISO 6727) has 22. NHTSA solicits comments on the number of those symbols that should be required or permitted, with attention to the question whether a proliferation of symbols contributes to confusion rather than providing clarification.

Another issue is whether, if the required words are used, a manufacturer should be allowed to supplement those words with symbols which he has developed on his own. Some of the ISO-approved symbols may have an unclear relationship to the function concerned, and in these instances manufacturers may have developed a more relevant symbol.

A further issue is the permissibility of deviation from exact replication of a symbol, such as use of a light symbol with four rays rather than the five depicted. The agency has proposed that the symbols specified shall be "substantially in the form" shown in the new table to cover minor errors that have an inconsequential relationship to motor vehicle safety. NHTSA is interested in comments on this issue as well. A final issue is whether all symbols, including those in Standard No. 101, should be placed in a separate regulation that is not a Federal motor vehicle safety standard.

The agency has assessed the economic and other impacts of these proposed amendments and determined that the proposed amendment is neither a major rule within the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of these proposed amendments are so minimal as not to require preparation of a full regulatory evaluation. The impact is minimal because the cost difference between using words and symbols is negligible and because use of symbols instead of words is optional.

The agency has analyzed these proposed amendments for purposes of the Regulatory Flexibility Act. Since they would not impose any significant new requirements or result in significant cost impacts, I certify that the proposed amendments would not have a significant economic impact on a substantial number of small entities. Motorcycle manufacturers, those affected by the proposal, are generally not small businesses within the meaning of that Act. Small organizations and small governmental jurisdictions would be only affected by the amendment to the extent that they purchase vehicles which must comply with the standard. Since the amendments would not impose any significant new requirements or result in significant cost impacts for manufacturers, the agency concludes that the amendments will not significantly affect small organizations or small governmental jurisdictions.

Similarly, the agency has analyzed these proposed amendments for the purposes of the National Environmental Policy Act. The agency has concluded that the amendment will not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Neither the granting of a petition nor the issuance of a notice of proposed rulemaking means that a rule will necessarily be issued. The determination of whether to issue a rule is made in the course of the rulemaking proceeding, in accordance with statutory criteria.

The engineer and attorney primarily responsible for this rulemaking action are Nelson Erickson and Taylor Vinson, respectively.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that the following amendments be made in § 571.123 and Chapter V of Title 49, Code of Federal Regulations:

Section 571.123 would be amended as follows.

1. Section S5.2.3 would be revised to read:

§ 571.123 Standard No. 123; motorcycle controls and displays.

* * * * *

S5.2.3. *Control and display identification.* If an item of equipment in

Table 3, Column 1, is provided, the control for such item shall be identified by the word or words shown in Column 2, and/or by a symbol substantially in the form shown in Column 3. Any corresponding word shown in Column 4 shall be placed on or adjacent to the control. Control positions shall be identified as specified in Column 4, to signify the function performed at that setting. The abbreviations used in Columns 2 and 4 are minimum requirements and appropriate words may be spelled in full. Identification shall appear to the operator in an upright position. Functional identification need not be provided for equipment items with no entry in Column 4.

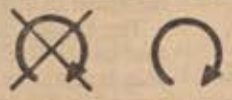
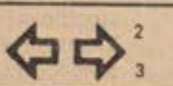
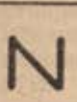
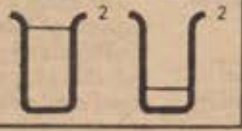
* * * * *

2. Table 3 would be revised to read:

BILLING CODE 4910-59-M

Table 3

Motorcycle Control and Display Identification Requirements

No.	Column 1 Equipment	Column 2 Control and Display Identification Word	Column 3 Control and Display Identification Symbol	Column 4 Identification at Appropriate Position of Control or Display
1	Ignition	Ignition		Off
2	Supplemental Engine Stop (Off, Run)	Engine Stop		Off, Run
3	Manual Choke	Choke		
4	Electric Starter			Start[1]
5	Headlamp Upper-Lower Beam Control	Lights		Hi, Lo
6	Horn	Horn		
7	Turn Signal	Turn		L, R
8	Speedometer	M.P.H.		M.P.H.[4]
9	Neutral Indicator	Neutral		
10	Upper Beam Indicator	High Beam		
11	Tachometer	R.P.M.		
12	Fuel Tank Shutoff Valve (Off, On, Res.)	Fuel		Off, On, Res.

[1] Required only if electric starter is separate from ignition switch.
[2] Framed areas may be filled.
[3] The pair of arrows is a single symbol. When the indicators for left and right turn operate independently however, the two arrows will be considered separate symbols and may be spaced accordingly.
[4] M.P.H. increase in a clockwise direction. Major graduations and numerals appear at 10 mph intervals, minor graduations at the 5 mph intervals. (37 F.R. 17474—August 29, 1972. Effective: 9/1/74)

BILLING CODE 4910-59-C

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on August 30, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-24281 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 83-13; Notice 1]

Federal Motor Vehicle Safety Standards; Motorcycle Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to announce that NHTSA is proposing an amendment to Safety Standard No. 123, *Motorcycle Controls and Displays*, that would allow greater flexibility in mounting the manual fuel control shut off valve. This action is taken pursuant to a grant of a petition for rulemaking. Its primary benefit is that it will relieve a current design restriction which is deemed no longer necessary for motor vehicle safety.

DATES: Comment closing date: October 21, 1983. Proposed effective date: 30 days after publication of the final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (Docket hours 8 a.m. to 4 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Nelson Erickson, Office of Vehicle Safety Standards, NHTSA, Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: Table 1 of Standard No. 123 specifies that the manual fuel shut off control have the following modes of operation: "Off", with the control forward, "on", with the control downward, and "reverse (if provided)", with the control upward. No requirements are specified for the location of the control. However, Standard No. 123 has generally been interpreted as requiring control rotation around a transverse axis.

In March 1981 Bajaj Auto Ltd. asked NHTSA for an "exemption" from this requirement in order to mount its fuel shut off control so that it could be rotated around a longitudinal axis. In establishing the original operational modes, NHTSA had justified them by stating that in the event of a crash there was a greater likelihood that the control would be carried forward by inertia to the "off" position, thereby shutting off the fuel. In Bajaj's opinion, this effect would be unlikely except in the most severe collisions because of the low weight of the operating control lever, and the tightness of the control valve necessary to guard against inadvertent closure of the control in normal operation. After deliberation, and its own informal investigation, the agency concurred with Bajaj's reasoning and decided to treat Bajaj's request as a petition for rulemaking. Bajaj was informed of this decision in 1982.

The agency has tentatively decided that motor vehicle safety through standardization of controls is best served in this instance by retaining the relationships of the control positions to each other while allowing the manufacturer to place the control so that it may operate in its required positions around either a longitudinal or transverse axis. It is proposed that when the control is rotated around a longitudinal axis, the "off" position shall be "horizontal" with the other positions downward for "on" and upward for "reserve on". In the horizontal position, the control can be pointing either to the right or left.

NHTSA has considered this proposal and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, and that neither a regulatory impact analysis nor a full regulatory evaluation is required. The proposal would impose no additional requirements but would permit manufacturers greater flexibility in location the control concerned.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. The proposal would have no effect on the human environment since the weight and quantity of materials used in the manufacture of motorcycles would not be changed. No impact on safety is anticipated.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities, and no initial regulatory flexibility analysis has been prepared. Manufacturers of motorcycles, those affected by the proposal, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Finally, small organizations and governmental jurisdictions would not be significantly affected since the price of new motorcycles will be minimally impacted.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information hs been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The engineer and lawyer primarily responsible for the development of this proposal are Nelson Erickson and Taylor Vinson, respectively.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

§ 571.123 [Amended]

In consideration of the foregoing, it is proposed that the operation requirements for the manual fuel shutoff control (item 7) in Column 3 of Table 1 of 49 CFR 571.123, Motor Vehicle Safety Standard No. 123 be revised to read as follows:

"On"—Control downward.

"Off"—Control forward (if control rotates around a transverse axis) or Horizontal—Left or Right (if control rotates around a longitudinal axis).

"Reserve On"—(if provided) Control upward.

(Secs. 103, 119, Pub. L. 87-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on August 30, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-24279 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1157

[Ex Parte 293 (Sub-8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking

SUMMARY: On May 29, 1981 the Rail Services Planning Office (RSPO) reopened Ex Parte No. 293 (Sub-No. 8) *Standards for Determining Commuter Rail Service Continuation Subsidies* (Standards). At that time the RSPO requested comments on ways to amend the Standards to comply with an Appeals Court decision in which the Court ruled that RSPO erred in holding to an irrebuttable presumption that the owner of a rail property is the dominant user. The proposed amendment will alter the Standards to comply with the Court's decision and will permit the owner of rail property the opportunity to petition RSPO and present information rebutting the presumption of dominance.

DATE: Comments may be filed on or before September 23, 1983.

ADDRESS: An original and six copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 4414, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Stephen Grimm, (202) 275-0839

or

Elaine Kaiser, (202) 275-0907

SUPPLEMENTARY INFORMATION: On August 15, 1978, RSPO issued Interpretation No. 9 to the Standards [43 FR 37693, August 24, 1978]. In the Interpretation RSPO held that the owner of a rail property was presumed to be the dominant user. The Standards were subsequently amended to incorporate this presumption [45 FR 43 January 2, 1980, and 45 FR 20106 March 27, 1980.]

The Southeastern Pennsylvania Transportation Authority took exception to the RSPO interpretation and filed a complaint with the United States Court of Appeals for the Third Circuit. On March 12, 1981 the Court ruled that RSPO erred in holding to the "irrebuttable presumption that the owner of a rail property is the dominent user." The Court found that RSPO's assumption "may not reflect the relative use of the line by the type of service provided." As a consequence of the Court ruling, RSPO reopened the Standards (46 FR 305156, June 5, 1981) and requested comments on grounds for rebutting the presumption that the owner is the dominant user.

RSPO has carefully reviewed both the comments and a recent relevant Interstate Commerce Commission (ICC) decision, Ex Parte No. 417, *Costing Methodology for the Northeast Corridor: Commuter Service served March 3, 1983.*[1] Based on this information RSPO has developed a proposed amendment to the Standards. The proposed amendment will permit the owner of a rail property to petition RSPO and present information rebutting the presumption of dominance. A successful rebuttal will result in RSPO designating another user as the dominant user. Additionally, since the use of rail property is not a static condition and may change over time, the proposed amendment can also be used by an RSPO designated dominant user to rebut the determination.

Basis for Determining a Dominant User

The parties submitted a number of specific criteria which could be used for determining the dominant user. One suggestion was that a "purpose" test be used as the criteria. In this test the "purpose" for which a particular structure or facility was built and maintained would be used to determine dominance. Another suggestion was that a "management control" test be the deciding factor. In a "management control" test items including operating control, cost control, and control over the configuration of the facilities would be the determining factors.

[1] This decision also embraces Ex Parte No. 417 (Sub-No. 1) *Costing Methodologies for the Northeast Corridor: Conrail Freight Service.*

Several parties also indicated that volume or statistical measures should not be used to determine dominance. These parties believe that individual statistical measures such as car-miles, train-miles or ton-miles cannot reflect the operating differences between the various services and are inherently biased. For example, the use of gross ton mile statistics would tend to favor passenger service over freight service since freight trains are normally much heavier than passenger trains.

We believe that the parties' reasoned arguments point up the difficulty of selecting a criterion for determining dominant usage. However, we note that the Commission was faced with a similar question in Ex Parte No. 417. In this proceeding the Commission established a costing methodology for Amtrak's Northeast Corridor (NEC) and determined that Amtrak was the NEC's dominant user. This determination was based on an overall evaluation of the NEC and encompassed the use of numerous criteria. The criteria used included such items as: Congressional mandates; continuity of use; ownership of properties; purpose of the facility; operational priorities of the users; investment in the facilities; and statistical usage measurements. In essence, the Commission developed a set of criteria tailored to the specific situation existing on the NEC.

It appears to us that the flexible approach employed by the Commission could also be used in the Standards. This approach would permit the use of many factors and could include all of those previously mentioned. The list of factors could also be expanded or contracted as needed to fit a particular situation. This approach permits us to incorporate the suggestions of the parties and responds to their objections.

Discussion of the Proposed Amendment

The proposed amendment provides that the designated dominant user may petition the RSPO for a review of the designation. The petition will include: (1) an accurate description of all areas, structures or property for which the review is sought; (2) description of the current operating situation including a list of all current users; and (3) a detailed statement presenting the evidence which indicates that another user should be designated as the dominant user. The evidence cited may include statistical, financial, operational, historical or other appropriate data.

The petition will be served concurrently upon RSPO and any other directly affected user(s). The other user(s) or interested parties will then be

afforded an opportunity to comment on the petition. RSPO will review the petition together with any comments and then render a determination as to which user is dominant.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. Comments, however, are invited.

This action will not have a significant economic impact on a substantial number of small entities since the entities that are directly affected by this action are larger than the definitions established for small entities in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601, *et seq.*) Therefore, we certify that a regulatory flexibility analysis is not required. The proposed rules are published under authority of 49 U.S.C. 10362(b)(5).

Dated: August 26, 1983.

By the Commission.

Agatha L. Mergenovich,

Secretary.

List of Subjects in 49 CFR Part 1157

Railroads, Reporting and recordkeeping requirements, Uniform system of accounts.

Part 1157 of Title 49 of the CFR is proposed to be amended as follows:

PART 1157—STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES

1. In § 1157.1, the definition for "Dominant user" would be revised to read as follows:

§ 1157.1 Definitions.

* * * * *

"Dominant user" means the person, railroad, States or local or regional transportation authority who either (1) is the owner of a rail property and/or facility or (20 is so designated by RSPO in accordance with Section 1157.11.

* * * * *

2. A new § 1157.11 would be added to read as follows:

§ 1157.11 Petition for change in dominant user designation.

(a) A person, railroad, State, or local or regional transportation authority subject to section 304 (e)(1), as amended, of the 3R Act may petition RSPO to review the designation of a rail user as the dominant user. The petition shall include a full and complete description of the facilities, structures or other properties for which the review is requested, a list of all current users, and shall specify the reasons that a review is being sought. The reasons cited shall include data sufficient to make a judgment on the validity of the petition. The data may include such items as statistical, financial, operational or any other relevant information the petitioner believes is appropriate.

(b) The petition shall be served by certified mail on all current users, the subsidizer, the governor, the designated state agency, and the Rail Services Planning Office.

(c) An interested party will have thirty (30) days to respond to the petition. The response shall include any supporting data.

(d) Based on the petition and any response, RSPO will issue a decision within sixty (60) days from the date the petition is filed. In the decision RSPO will designate a dominant user for the facilities, structures or other properties in question.

[FR Doc. 83-24254 Filed 9-2-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 17

[Docket No. 30831-176]

Endangered and Threatened Wildlife and Plants; Interagency Cooperation; Extension of Comment Period

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Extension of Comment Period.

SUMMARY: In its notice of a proposed rule concerning Interagency Cooperation (48 FR 29990, June 29, 1983), the Services invited comments for a 30-day period ending August 29, 1983.

In response to several requests, and in recognition of the complexity of the subject matter, the Services hereby extend the comment period to September 30, 1983.

DATE: Comments must be received by September 30, 1983.

ADDRESSES: Submit comments to Director, U.S. Fish and Wildlife Service, Office of Endangered Species (OES), Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal busjness hours (7:45 a.m. to 4:15 p.m.) at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703-235-2771), or Richard B. Roe, Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (202-634-7461).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: August 29, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Dated: August 31, 1983

William G. Gordon,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 83-24300 Filed 9-2-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 32-83]

Proposed Foreign-Trade Zone—Grand Forks, North Dakota; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Grand Forks Development Foundation, a North Dakota non-profit development corporation, requesting authority to establish a general-purpose foreign-trade zone in Grand Forks, North Dakota, adjacent to the Grand Forks Station of the Pembina Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 29, 1983. The applicant is authorized to make this proposal under Senate Bill 2254 of the Forty-eighth Legislative Assembly of the State of North Dakota (signed March 7, 1983).

The proposed foreign-trade zone will involve two separate sites totalling 48 acres in Grand Forks. Site 1 will cover 6 acres at 5118 Gateway Drive (U.S. Highway 2), where 80,000 square feet of warehouse space is available. Site 2 will cover 42 acres adjoining a planned industrial park on South 48th Street, ¼ mile south of Demers Avenue. This site has a 15,000 square foot building for warehousing activity and open space for firms requiring separate facilities. The sites are within 75 miles of the U.S./Canadian border crossing at Pembina and will be operated by their owners under agreement with the zone grantee.

The application contains evidence of the need for zone services in the Grand Forks area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of products such as agricultural equipment, chemicals, and electronic products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Robert W. Nordness, District Director, U.S. Customs Service, North Central Region, 209 Federal Building, Duluth, MN 55802; and Colonel Edward G. Rapp, District Engineer, U.S. Army Engineer District St. Paul, 1135 USPO and Custom House, St. Paul, MN 55101.

As part of its investigation, the examiners committee will hold a public hearing on September 27, 1983, beginning at 9:00 a.m., in the Grand Forks Civic Auditorium, 615 First Avenue North, Grand Forks.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377–2862) by September 20. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 27, 1983.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Grand Forks Development Foundation Offices, Chamber of Commerce Building, 202 North 3rd Street, Grand Forks, ND 58206.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania Ave., NW., Washington, D.C. 20230.

Dated: August 30, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-24290 Filed 9-2-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 33-83]

Proposed Foreign-Trade Zone—Oklahoma City, Oklahoma; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Oklahoma City Port Authority, an Oklahoma public corporation, requesting authority to establish a general-purpose foreign-trade zone in Oklahoma City, Oklahoma, within the Oklahoma City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 29, 1983. The applicant is authorized to make this proposal under Section 1106(g), 82 Oklahoma Statutes, 1971.

The proposed zone will cover 640 acres within the 6700-acre Will Rogers World Airport complex at Portland Avenue and S.W. 59th Street. The Airport Authority will construct a 60,000 square foot multi-purpose warehouse and select a zone operator. Space will also be made available for firms needing separate facilities.

The application contains evidence of the need for zone services in the Oklahoma City area. Several firms have indicated an interest in using the zone for warehousing/distribution of products such as electronic components and equipment, and seat belts. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felipe Street, Houston, TX 77057; and Colonel Franklin T. Tilton, District Engineer, U.S. Army Engineer District Tulsa, P.O. Box 61, Tulsa, OK 74121.

As part of its investigation, the examiners committee will hold a public hearing on September 28, 1983.

beginning at 2:00 p.m., in the Administrative Offices of the Will Rogers World Airport, Oklahoma City.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by September 20. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 28, 1983.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Room 120, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: August 30, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-24289 Filed 9-2-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-428-005]

Tool Steel From the Federal Republic of Germany; Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty.

SUMMARY: The Department of Commerce has determined that it has sufficient information from ARBED Saarstahl GmbH to conduct an expedited review of the antidumping duty order on tool steel from the Federal Republic of Germany with respect to such merchandise manufactured by ARBED Saarstahl GmbH. The Department will determine the appropriate foreign market values and United States prices by October 24, 1983. We will permit ARBED Saarstahl GmbH to post bonds or other security in lieu of the cash deposit of estimated antidumping duties for tool steel entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and on or before October 23, 1983.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1983, the Department of Commerce ("the Department") published in the **Federal Register** an antidumping duty order on tool steel from the Federal Republic of Germany (48 FR 33730). The Department announced that, in addition to deposits of estimated normal customs duties, Customs officers were to require a cash deposit of estimated antidumping duties on all merchandise entered, or withdrawn from warehouse, for consumption on or after July 25, 1983.

On July 22, 1983, ARBED Saarstahl GmbH requested that the Department waive the requirement for cash deposit of estimated antidumping duties and conduct an expedited review pursuant to section 736(c) of the Tariff Act of 1930 ("the Tariff Act").

Before granting a waiver of cash deposits of estimated antidumping duties we must be satisfied that we will be able to determine the appropriate foreign market values and United States prices within 90 days after the date of publication of the order. The Department is satisfied that it will be able to do so.

Accordingly, the Department is instructing the Customs Service to waive cash deposits of estimated antidumping duties and accept bonds or other security for tool steel manufactured by Saarstahl entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and on or before October 23, 1983.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days after the date of publication. The Department will determine the results of this expedited review by October 24, 1983, including the results of its analysis of any such comments or hearing.

This Notice of Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty is published in accordance with section 736(c)(2)(A) of the Tariff Act (19 U.S.C. 1673e(c)).

Dated: August 29, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-24291 Filed 9-2-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Controlling Imports of Certain Man-Made Fiber Textile Products from the Socialist Republic of Romania

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of other man-made fiber yarn, wholly of non-continuous filament in Category 604, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, at a level of 2,446,418 pounds.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: On April 15, 1983 a notice was published in the **Federal Register** (48 FR 16312) announcing that, on February 24, 1983, under the terms of paragraph 8 of the agreement between the United States of America and the Socialist Republic of Romania relating to trade in wool and man-made fiber textiles and textile products of November 3, 1980, as amended, the Government of the United States has requested consultations with the Government of Romania with respect to man-made fiber textile products in Category 604. The notice stated that if no solution were agreed on in consultations between the two governments, the Committee for the Implementation of Textile Agreements could establish a limit of 2,446,418 pounds for the period which began on January 1, 1983 and extends through December 31, 1983. The United States Government has decided, until such time as a mutually satisfactory solution can be reached, to control imports of these products at the twelve-month level of 2,446,418 pounds. The United States remains committed to finding a solution concerning this category. Should such a solution be reached, further notice will be published in the **Federal Register**.

EFFECTIVE DATE: September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade

Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 31, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 6, 1983 and the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Category 604, produced or manufactured in Romania, and exported during the twelve-month period beginning on January 1, 1983, in excess of 2,446,418 pounds.[1]

Textile products in Category 604 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Category 604 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive, shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Romania and with respect to imports of man-made fiber textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-24288 Filed 9-2-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The level or restraint has not been adjusted to reflect any imports after December 31, 1982. Imports during the January 1.–April 27, 1983 period have amounted to 202,429 pounds and should be charged.

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Approval of Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), with Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a current collection of information requirement contained in the Safety Standard for Walk-Behind Power Lawn Mowers, 16 CFR Part 1205. The collection of information requirement requires manufacturers (including importers) of mowers subject to the standard to keep records of tests they perform to ensure that their mowers comply with the requirements of the standard (§ 1205.34) and to provide certain information on a label, concerning the production of the mower (§ 1205.35).

The purposes of the requirement to keep records of the tests are to assure compliance with the standard and to reduce the need for inspections and sample collections to determine the industry's compliance with the standard. The purposes of the labeling requirement are to comply with 15 U.S.C. 2063 and to facilitate corrective actions with regard to defective products.

Information about the Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Title of information collection: Safety Standard for Walk-Behind Lawn Mowers, 16 CFR Part 1205.

Type of request: Approval of current requirement.

Frequency of collection: (1) Records of tests—no frequency specified, but records must show that the certificate of compliance is based on a test of each mower or on a reasonable testing program. (2) Label—one time for each mower produced.

General description of respondents: Manufacturers and importers of walk-behind lawn mowers.

Estimated number of recordkeepers: 40.

Estimated averge number of hours per recordkeeper: 390 per year.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395–7313. Copies of the proposed collection of information requirement are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6529.

Dated: August 31, 1983.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-24271 Filed 9-2-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DoD.

ACTION: Deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete 1 and amend 21 system notices for systems of records subject to the Privacy Act of 1974. Following indentification of changes, the amended notices are set forth in their entirety.

DATES: Action shall be effective October 6, 1983 unless public comments are received which result in a contrary determination.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–S, Room 1146, Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army, at the above address; telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: System notice AO917.09aDAPE, Alcohol and Drug Abuse Rehabilitation Files, is reprinted herein as it was amended and published at 47 FR 44379 on October 7, 1982. The notice printed at 48 FR 25717 on June 6, 1983 is an earlier version, inaccurate, and should be disregarded.

Other systems of records notices being amended herein result from amendment to 5 U.S.C. 552a(b) by Pub. L. 97-265 which added new condition of disclosure (b)(12) to the Privacy Act. These amendments do not require a report of an altered system notice pursuant to 5 U.S.C. 552a(o).

M. S.M Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 30, 1983.

DELETION

AO402.05aDAPE

System name:

Employment and Financial Interest Statement Files (48 FR 25582), June 6, 1983.

Reason:

These records are covered by OPM/GOVT-8 system of records entitled "Confidential Statements of Employment and Financial Interests". Notice is published at 47 FR 16501, April 16, 1982 and amended at 48 FR 37126, August 16, 1983.

AMENDMENTS

AAFES0602.04a

System name:

Litigation Initiated by AAFES (48 FR 25521), June 6, 1983.

Changes:

In routine uses of records maintained in the system, including categories of users and the purposes of such uses, add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)))."

AAFES0702.1

System name:

Paid Disbursement Files (48 FR 25523), June 6, 1983.

Changes:

In routine uses of records maintained in the system, including categories of users and the purposes of such uses, add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

AAFES0702.23

System name:

Check Cashing Privilege Files (48 FR 25524), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

AAFES0702.23b

System name:

Dishonored Check Files (48 FR 25525), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

AAFES0703.07

System name:

Payroll Register Files (48 FR 25529), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

AAFES1609.02

System name:

AAFES Customer Service (48 FR 25547), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0305.05aDACA

System name:

Travel Payment System (48 FR 25564), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0305.08aDACA

System name:

Military Pay System-Active Army (Manual) (48 FR 25565), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0305.10aDACA

System name:

Joint Uniform Military Pay System-Active Army (JUMPS-AA)(48 FR 25566), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal

Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).'

A0305.10bDACA

System name:

Joint Uniform Military Pay System-Reserve Components-Army (48 FR 25567), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

A0305.10cDACA

System name:

Joint Uniform Military Pay System-Army-Retired Pay (48 FR 25567), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0305.11DAPE

System name:

USMA Cadet Pay and Accounts System (48 FR 25569), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0306.01aDACA

System name:

Civilian Employee Pay System (48 FR 25570), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 522a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C 3701(a)(3))."

A0396.02aDACA

System name:

Nonappropriated Fund Employee Pay System (48 FR 25571), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0314.08DACA

System name:

Check Cashing Privilege Files (48 FR 25573), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0314.09aDACA

System name:

Nonappropriated Fund Accounts Receivable System (48 FR 25573), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0314.24DAAG

System name:

Nonappropriated Fund Employee Insurance and Retirement Files (48 FR 25574), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0319.07DACA

System name:

FHA Mortgage Payment Insurance Files (48 FR 25576), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0319.13DACA

System name:

Bankruptcy Processing Files (48 FR 25577), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A0725.06aDAAG

System name:

Army Emergency Relief Transaction Files (48 FR 25694), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

A1004.06aTRADOC

System name:

ROTC Financial Assistance (Scholarship) Application File (48 FR 25725), June 6, 1983.

Changes:

In *Routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following paragraph:

"Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3))."

AAFES0602.04a

SYSTEM NAME:

Litigation Initiated by AAFES.

SYSTEM LOCATION:

Office of the General Counsel, Headquarters, Army and Air Force Exchange Service (AAFES), AAFES–Europe, AAFES–Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom AAFES has filed a complaint or similar pleading in a court or administrative body.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings and documents filed by parties to the action and documentation, correspondence, and memoranda pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army and Air Force Exchange Service to process and respond, as necessary, to all complaints and other pleadings filed.

Information may be released to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and the Department of Justice who have need therefor in the performance of their official duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of defendant in the proceeding.

SAFEGUARDS:

Records are maintained in buildings having security guards and are restricted to authorized personnel who are properly screened, cleared, and trained in Privacy Act matters.

RETENTION AND DISPOSAL:

Records are permanent. They are retained until judicial proceedings have been resolved, after which they are retired to the servicing AAFES warehouse or servicing General Services Administration records Holding Center.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the General Counsel at the AAFES HQ concerned.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system pertaining to them should write to the appropriate General Counsel, providing their full name, current address and telephone number, and latest correspondence from AAFES, if available.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From any individual who can provide information concernig the proceedings; from relevant, available documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFESO702.01

SYSTEM NAME:

Paid Disbursement Files

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Alaska; HQ-AAFES-Pacific; HQ AAFES-Europe.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service who are required to travel

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, Social Security Number, payroll number, and payments made to or on behalf of employee for travel-transfer expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army and Air Force Exchange Service to control payments and furnish information to employee.

Information is disclosed to Internal Revenue Service for income tax purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures Pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31) U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Documents are in file folders in metal containers.

RETRIEVABILITY:

By employee's name, SSN/payroll or check number.

SAFEGUARDS:

Records are retained in guard-secured buildings and are accessed only by authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

Records are retained for 6 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the Comptroller, HQ AAFES, Dallas, TX 75222; telephone: 214/330-2631.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system pertaining to them should write to the HQ Army and Air Force Exchange Service, ATTN: Chief, Comptroller Division, Dallas, TX 75222. Individual must furnish full name, SSN/payroll number and period and location of employment.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Travel orders, vouchers, records of expenses incurred, and copy of reimbursement checks.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFESO702.23

SYSTEM NAME:

Check-Cashing Privilege Files

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222; AAFES regions, areas and installations within the US; HQ AAFES-Alaska; HQ AAFES-Europe; HQ AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members (active, reserve, retired), their dependents, and AAFES employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN indebtedness, collection efforts, and relevant documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By HQ AAFES to collect checks not paid by the banking facility.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in metal filing cabinets.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

Records are maintained in guard-secured buildings. Access is restricted to employees having official need for the information.

RETENTION AND DISPOSAL:

Records are retained for 3 years following the date case is closed, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the Comptroller, HQ Army and Air Force Exchange Service, Dallas, TX 75222; telephone: 214/330-2631.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system pertaining to them should write to the HQ Army and Air Force Exchange Service, ATTN: Chief, Comptroller Division, Dallas, TX 75222, furnishing their full name and address.

RECORD SOURCE CATEGORIES:

From the individual, his/her check, and financial institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFESO702.23b

SYSTEM NAME:

Dishonored Check Files

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service, Dallas, TX 75222; AAFES-Europe; AAFES-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have negotiated dishonored checks at AAFES facilities and whose check cashing privilege is under review by the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, indebtedness, collection efforts, and relevant documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army and Air Foce Exchange Service to collect dishonored check indebtedness.

Information may be disclosed to civil or criminal law enforcement agencies for law enforcement purposes and to officials and employees of the Department of Defense and the Department of Justice who have need therefor in the performance of official duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of individual responsible for dishonored check.

SAFEGUARDS:

Records are maintained in buildings having security guard and are accessed only by personnel having official need therefor who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained by the General Counsel until indebtedness has been satisfied, determined to be uncollectible, or additional administrative action is required. Upon completion, records are transferred to the Comptroller Division and maintained with appropriate check cashing privilege records.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the General Counsel, HQ AAFES, Dallas, TX; AAFES-Europe, or AAFES-Pacific.

RECORD ACCESS PROCEDURES:

Individuals may request access to records in this system pertaining to them by writing to the General Counsel at the AAFES HQ where the records are believed to exist. Individual must furnish full name, current address and telephone number, and the latest correspondence from AAFES if available.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her employer, law enforcement investigative agencies, banking facilities, consumer reporting agencies, and sources that furnish information regarding individual's credit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES0703.07

SYSTEM NAME:

Payroll Register Files.

SYSTEM LOCATION:

Headquarters Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; AAFES regional, area, post and base Exchanges in the US; HQ AAFES-Europe, HQ AAFES-Pacific, HQ AAFES-Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, SSN, payroll number, earnings, deductions, leave balances, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army and Air Force Exchange Service to compute pay entitlements, to record history of pay transactions, to record leave accrued and taken, bonds due and issued, taxes paid, to answer inquiries and process claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes and printouts; microfiche.

RETRIEVABILITY:

By employee's name, SSN, or payroll number.

SAFEGUARDS:

Records are maintained in secured buildings. Access is restricted to designated individuals having official need therefor in the performance of assigned duties. Strict controls preclude inadvertent or unauthorized misuse of personal data.

RETENTION AND DISPOSAL:

Information on magnetic tape is retained 1 year; computer printouts are permanent documents which are held for 3 years in the local payroll office before being retired to the National Personnel Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the Comptroller, HQ Army and Air Force Exchange Service, Dallas, TX 75222; telephone: 214/330–3870.

RECORD ACCESS PROCEDURES:

Individuals may request access to records in this system pertaining to them by writing to the Payroll Branch, Office of the Comptroller, HQ Army and Air Force Exchange Service, Dallas, TX 75222. Individuals must furnish full name, SSN, current address and telephone number; if separated, date and place of separation are required.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, official personnel actions, time and attendance records, similar relevant documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AAFES1609.02

SYSTEM NAME:

AAFES Customer Service

SYSTEM LOCATION:

Headquarters, Army and Air Forece Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; regional, area, post and base Exchanges in the United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AAFES customers who purchase merchandise on a time payment, layaway, or special order basis, or who need purchase adjustments or refunds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of layaway tickets, requests for refunds, special order forms/procurement request/logs, cash receipt/repair vouchers, and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., 3012 and 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army and Air Force Exchange Service to record customer transactions/payments for layaways and special orders; to determine payment status before finalizing transactions; to identify layaway account delinquencies and prepare customers reminder notices; to prepare and mail refunds on cancelled layaways or special orders; and to process purchase refunds and repair orders.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12).

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file boxes and cabinets.

RETRIEVABILITY:

By customer's surname, document control number, and/or due date

SAFEGUARDS:

Records are maintained in secured areas, accessible only to authorized

personnel having need for the information.

RETENTION AND DISPOSAL:

Cancelled or completed layaway tickets are held for 6 months after cancellation or delivery of merchandise, then destroyed. Purchase orders are retained for 2 years, then destroyed. Refund vouchers are retained for 6 years, then destroyed. Returned merchandise slips are retained for 6 years, then destroyed. Cash receipt vouchers are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HA Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Information may be obtained from the Merchandising Division, HQ AAFES, Dallas, TX 75222; telephone: 214/330-2653.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to them in this system may write to HQ AAFES, Dallas, TX 75222. Requests must contain customer's full name, current address and telephone number, AAFES activity at which transaction was initiated, date of transaction, and control number of document involved.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.05aDACA

SYSTEM NAME:

Travel Payment System.

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of the Department of Defense, US Army, US Navy, and US Air Force and other individuals who perform invitational travel for Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel vouchers and documents used to effect travel allowance payments to military civilian personnel, records of travel payments, and comparable forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Department of Defense Annual Appropriations Act; 5 U.S.C., sections 5701-5742; 10 U.S.C., sections 828, 832, 946, 3012; 28 U.S.C., section 1821; 37 U.S.C., sections 404-427.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By Finance and Accounting Offices to provide basis for reimbursing military and civilian personnel for expenses incident to travel for official Government business and to account for such payments.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, cards, magnetic tape, disc, cassettes, printouts, and microfiche.

RETRIEVABILITY:

By individual's surname and/or SSN.

SAFEGUARDS:

Records are maintained in Finance and Accounting Offices accessible only to authorized persons who are properly screened, cleared and trained. Buildings employ security guards and/or military police patrols. Users of automated files are categorized as input, access, and output personnel; access is controlled by assigned passwords.

RETENTION AND DISPOSAL:

Individual vouchers and documents used for payment are retained at the installation making payment until end of month, following which they are sent to US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249.

Signature cards used for approval of certain vouchers are retained at installation where payments are made until 3 years after date of revocation of authority, following which they are destroyed.

Records of travel payments are retained at installation making current payments. Military member's record is transferred to new servicing finance office upon permanent change of station or to the US Army Finance and Accounting Center upon death or separation from active duty. Civilian employee's record is transferred to new servicing finance office upon reassignment and destroyed upon termination of service. Records for individual's performing invitational travel are destroyed 1 year from date of final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests for information: For periods of current assignment, request should be made to Finance and Accounting Officer who currently pays the individual. For periods of Army service prior to current assignment, request should be addressed to the Commander, US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249. Individual must provide full name and Social Security Number as well as current address.

RECORD ACCESS PROCEDURES:

Individual's desiring access to records pertaining to them should write either to the appropriate Finance and Accounting Officer where record is believed to exist or to the Commander, US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249 and furnish the information listed in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Department of Defense staff agencies and field commands/installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.08aDACA

SYSTEM NAME:

Military Pay System-Active Army (Manual)

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Enlisted Program 63 Reservist and National Guard, active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders, miscellaneous military pay files and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., 101 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to provide a basis for establishing computation of each active members' military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements.

Disclosed to Treasury Department to record check and bond issue data and taxable earnings and taxes withheld from military personnel.

Disclosed to Social Security Administration to record earned wages by member under the Federal Insurance Contributions Act.

Disclosed to Veterans Administration to record collection of premiums for National Service Life Insurance.

Disclosed to those states and cities which have an agreement with the Department of the Army to verify tax liability against members' state and city income tax returns.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files.

RETRIEVABILITY:

By SSN, name, substantiating document number.

SAFEGUARDS:

Records are maintained in Finance and Accounting Offices accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention periods vary according to category of record but total retention periods do not exceed 56 years. Disposition is as required by Army Regulations 37–104–3, 625–10 and 640–10.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager, ATTN: FINCP, and furnishing full name, SSN, military status, and home address.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system pertaining to them should write to either the appropriate Finance and Accounting Office or the Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249, and provide the information listed in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations and the Treasury Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.10aDACA

SYSTEM NAME:

Joint Uniform Military Pay System-Active Army (JUMPS–AA).

SYSTEM LOCATION:

Centralized at US Army Finance and Accounting Center, Indianapolis, IN 46249. Decentralized segments exist at Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders, miscellaneous pay files, and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., section 101 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the US Army Finance and Accounting Center to provide basis for computing each active member's pay entitlements, to provide a history of pay transactions, and to answer inquiries and claims pertaining to such entitlements.

Information from this system may be disclosed to:

Treasury Department: To record check and bond issue data and taxable earnings and taxes withheld from military personnel.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act.

Veterans Administration: To record the collection of premiums for National Service Life Insurance and to transfer contributions to Post-Vietnam Era Veterans Education Account.

Cities and States which have an agreement with the Department of the Army: To verify tax liability against members' state and city income tax returns.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents' allotments, loans, and related financial transactions.

Department of Health and Human Services: The name, rank and SSN of each member of the Armed Services on active duty to the Inspector General of only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children.

City of New York: Department of Income Maintenance: Name and address of allottees whose ZIP Codes are in New York City and dollar amount of allotments for the purpose of detecting and curtailing fraud and abuse in Federal Assistance Programs, specifically Aid to Families with Dependent Children, and Food Stamps.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, card files, computer magnetic tapes and paper printouts, and microfiche.

RETRIEVABILITY:

By SSN, name, and substantiating document number.

SAFEGUARDS:

The US Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the member's servicing finance and accounting officer. Computer equipment and files are located in a separate secure area. Within finance and accounting offices Army-wide, access is limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does not exceed 56 years; disposition is to Federal Records Centers; destruction thereafter is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from either the appropriate finance and accounting office or the Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249. Individual should furnish full name, SSN, military status, and home address.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Commander, US Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249 or the appropriate Finance and Accounting Officer, and should contain the information indicated in "Notification procedure". In addition, information may be obtained by calling 317/542-2891.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations, the Social Security Administration, financial institutions, the Treasury Department, and automated systems interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.10bDACA

SYSTEM NAME:

Joint Uniform Military Pay System—Reserve Components—Army.

SYSTEM LOCATION:

Centralized at US Army Finance and Accounting Center, Indianapolis, IN 46249. Decentralized segments exist at Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the US Army National Guard and US Army Reserve who are drawing inactive duty training pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, substantiating documents, transmitting letters, index cards, financial data record folders, miscellaneous military pay vouchers, personal financial history records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., Section 101 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the US Army Finance and Accounting Center to maintain a record of member's drill attendance, his entitlements and deductions in order to compute and disburse his pay while keeping a record of taxes and disbursements other than those to the member.

Information from this system may be disclosed to:

Treasurey Department: To record check issue data, taxable earnings and taxes withheld.

Individual States of the US: To furnish wages earned for the calendar year; these data are furnished to the state of home record.

Army National Guard Bureau: To furnish budget data to account for every expenditure within categories established.

Individual National Guard States Associations: To furnish a report and an associated check regarding state sponsored life insurance premium withheld.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents' allotments, loans, and related financial transactions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclusure pursuant to 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; card, computer magnetic tape and paper printouts, microfiche.

RETRIEVABILITY:

By SSN, name of the member and document number.

SAFEGAURDS:

The US Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas acessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the members' servicing finance and accounting officer. Computer equipment and files are located in a separate secure area. Within Finance and Accounting Offices, Army-wide, access is limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does not exceed 56 years; disposition is to Federal Records Centers; destruction thereafter is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. They may also contact US Property and Fiscal Officer, Army National Guard of each state plus Washington, DC, Puerto Rico and the Virgin Islands. Individuals may also contact the Finance and Accounting Officer at Ft Indiantown Gap, PA; Ft McPherson, GA; Ft Riley, KS; Presidio of San Francisco, CA. These Finance and Accounting Officers are responsible for US Army Reserve pay accounts only. Individuals must provide full name, SSN, and military status.

RECORD ACCESS PROCEDURES:

Requests from individuals should be sent to the Commander, US Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249 or may be telephoned to 317/542–2891, and should contain the information indicated in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

The source of all data to establish and maintain JUMPS–RC–Army originates at unit level, i.e., all units of US Army National Guard and US Army Reserve which perform inactive duty training and whose members receive drill pay as a result of this training furnish the data to support the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0305.10cDACA

SYSTEM NAME:

Joint Uniform Military Pay System-Army-Retired Pay.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Army members, beneficiaries of deceased retired Army members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retired military pay records, correspondence with individuals concerning their retired pay accounts, all documents substantiating entitlement to retired pay.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the US Army Finance and Accounting Center to establish and compute pay of retirees and their beneficiaries; to produce permanent record of transactions; to prepare financial, budgetary, and actuarial reports; to report Federal withholding tax information to Internal Revenue Service; to report check issue and bond sales information to Department of Treasury.

Information in this system may be disclosed also to:

Veterans Administration: To record the collection of premiums for National Service Life Insurance.

States and Cities: To verify tax liability against retiree's state and city income tax returns.

American Red Cross: To assist military personnel and their dependents in determining status of monthly pay, dependents' allotments, loans, and related financial transactions.

DISCLOSURE TO CONSUMER REPORTING AGENCY:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer magnetic tape, and microfiche.

RETRIEVABILITY:

By SSN and name.

SAFEGUARDS:

The US Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to Director, Retired Pay Operations. Computer equipment and files are in separate secured area.

RETENTION AND DISPOSAL:

Individual retired military pay records are converted to microfiche and retained for 56 years: destruction is by shredding. The retention periods for other records vary according to category of record but total retention periods do not exceed 6 years after termination of the account. (Account is terminated by either death of retiree, or if the retiree has designated annuitants under Retired Servicemen's Family Protection Plan or the Survivor Benefit Plan, the subsequent death or ineligibility of the annuitant.) Records are destroyed at the end of the 6 year retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or by calling 317/542–3911.

RECORD ACCESS PROCEDURES:

Individuals may request access to records in this system pertaining to them by writing to the Commander, US Army Finance and Accounting Center, ATTN: Department 90, Indianapolis, IN 46249. Individual should provide full name, SSN of retiree, and signature. Visits are limited to the Inquiries Office, US Army Finance and Accounting Center, Room 122G, Building 1, Indianapolis, IN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Department of Defense agencies, the Veterans Administration, Social Security Administration, Department of the Treasury, financial institutions and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.11aDAPE

SYSTEM NAME:

USMA Cadet Pay and Accounts System.

SYSTEM LOCATION:

US Military Academy, West Point, New York 10996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Corps of Cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly payroll listings of Corps of Cadets members showing entitlements and deductions; bank identification data for deposit of pay; individual account activity pertaining to funds held in trust by the USMA Treasurer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 205, 4340 and 4350; Title 6 General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the U.S. Military Academy for computing pay entitlements and deductions for Federal tax; Social Security; Servicemen's Group Life Insurance; Combined Federal Campaign; barber, laundry and dry cleaning charges; advance pay; and funds deposited with Treasurer, USMA for holding in trust to pay for required uniforms, books, and equipment.

Information from this system may be disclosed to:

Internal Revenue Service for tax and Social Security reports.

Cities and States: To provide taxable earnings information of cadets to those states and cities which have entered into an agreement with the Department of the Army and the Treasury Department.

Social Security Administration: To verify SSN and Social Security deduction from pay.

Financial insititutions are furnished listings of their depositors and accounts to be credited to individual depositor accounts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies"; as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and computer printouts; paper records in file folders.

RETRIEVABILITY:

By Cadet number.

SAFEGUARDS:

All records are maintained in buildings which are secure and patrolled and are accessible only to personnel who have need therefor in the performance of official duties All automated master data and back-up files are further protected by assignment of passwords.

RETENTION AND DISPOSAL:

Original payrolls are submitted monthly to the U.S. General Accounting Office Field Office at the Army Finance and Accounting Center, Indianapolis, IN. Duplicate payrolls are retained locally for 3 years and then destroyed by shredding. Information in ADP media is retained for varying periods—generally
1–3 months after which it is erased, except that annual tax tapes are retained for 1 year before being erased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Military Academy, West Point, N.Y., 10996.

NOTIFICATION PROCEDURE:

Request from individuals may be submitted to the U.S. Military Academy, Finance and Accounting Officer, West Point, NY; telephone: 914/938–2607. Individual should provide full name, SSN, graduating class year, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals may request access by writing to the System Manager, furnishing information indicated in "Notification procedure". Personal visits may be made to the Finance and Accounting Officer, USMA; individual must provide acceptable identification such as valid driver's license and information that can be verified with his payroll.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Department of Army, Department of the Treasury, financial institutions and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO306.01aDACA

SYSTEM NAME:

Civilian Employee Pay System

SYSTEM LOCATION:

Army Finance and Accounting Offices world-wide and U.S. Property and Fiscal Offices in the U.S., Puerto Rico, the Virgin Islands, and the District of Columbia having civilian payroll responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and contract teachers employed by Department of the Army, Office, Secretary of Defense, and specified elements of the Navy and Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's pay, leave, and retirement records; individual withholding/deduction authorization for dependents, allotments, health benefits, savings bonds, etc.; tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records, statements of charges, claims, repatriated payment files; roster of authorized timekeepers and signature cards; payroll and retirement control and working paper files; unemployment compensation data requests; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6 General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accrued and taken, bonds due and issued; taxes paid; to answer inquiries and process claims.

Information from this system may be disclosed to:

Office of Personnel Management: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

Treasury Department: To record checks and bonds issued.

Social Security Administration: To report earned wages by employees under the Federal Insurance Contributions Act.

Internal Revenue Service: To record taxable earnings and taxes withheld.

States and cities: To provide taxable earnings of employees to those states and cities which have entered into an agreement with the Department of the Army and the Treasury Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from

this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; card files, computer magnetic tapes, discs and printouts, and microfilm.

RETRIEVABILITY:

Automated records are retrieved by SSN within payroll block; manual records are retrieved by surname within payroll block.

RETENTION AND DISPOSAL:

Individual pay record files are permanent; they are forwarded to National Personnel Records Center after 3 years.

Individual retirement records files are permanent; they are retained at installation while member is actively employed. They are forwarded to new installation when member is transferred to another Army activity. When employee transfers to another agency under the Department of Defense NOT serviced by Army or separates from Federal Service, record is forwarded to the Office of Personnel Management. Microfilm of manually maintained individuals retirement records is sent to the National Personnel Records Center after 3 years.

Personnel exceptions and indebtedness files are permanent. These documents are filed in individual's Official Personnel Folder (OPF). Upon separation or transfer, if OPF is not on file locally, are forwarded to National Personnel Records Center, General Services Administration, St. Louis, MO 63118.

Repatriated personnel payment files are permanent; forwarded to National Personnel Records Center after 3 years.

Subsistence and quarters rate deviation files are permanent; they are retired on discontinuance of the installation.

Retention periods vary for other records according to category of record. The minimum retention period is 2 years and the maximum period is 12 years, after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, US Army Finance and Accounting Offices, or, if National Guard technician, from the National Guard Bureau, ATTN: NGB–ARC–M, Columbia Building, 5600 Columbia Pike, Falls Church, VA 22041, or from US Property and Fiscal Offices.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed as indicated in "Notification procedure", and should include individual's full name, SSN, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, former employers, DOD Staff agencies and field commands, Social Security Administration, Treasury Department, financial organizations, and automated systems interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO306.02aDACA

SYSTEM NAME:

Nonappropriated Fund Employee Pay System

SYSTEM LOCATION:

Decentralized segments at installations/activities world-wide having nonappropriated fund entities; maintained by Central Accounting Offices or by independent installation systems.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Department of the Army who are paid from nonappropriated funds and who are under exclusive control of the Secretary of the Army of his designees but not paid from appropriated funds or not otherwise excluded.

Authorized, voluntary off-duty enlisted or officer personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records of appointment or assignment; officially authenticated time and attendance records, supported by substantiating documents; individual leave records, payroll control files, individual withholding authorization files, withholding tax exemption certificate files, withholding tax files, savings bond schedule files, other deduction type files, payroll journal and check register, earnings statement, earnings records, tips received, pay check stub or envelopes, subsistence and quarters files, unemployment compensation data request files, health, hospitalization, and life insurance files, income tax withheld, employer and employee Federal Insurance Contributions Act files, Federal Unemployment Insurance tax files, Employer Quarterly Federal Tax Return, state tax files, city tax files, Fair Labor Standards Act files and total employer liability for accured leave at separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2105, 5531, 5533; Pub. L. 92–293; Fair Labor Standard Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Central Accounting Offices and Payroll Offices to calculate the net pay due each employee; to provide a history of pay transactions, entitlements and deductions; to maintain a record of leave accrued and taken; to keep a schedule of bonds due and issued; to record taxes paid; to provide answers to inquiries or claims pertaining to payroll data; to provide necessary data to the Treasury Department, the Social Security Administration, Internal Revenue Service; to provide information to states and cities which have an agreement with the Department of the Army to receive taxable earnings information; to provide reports required by law such as Income tax withheld, Employer and Employee Social Security taxes, Federal Unemployment Insurance taxes, Employer Quarterly Federal Tax Returns (Forms 941), Federal Unemployment Insurance Tax; to provide information pertaining to health benefits and Fair Labor Standards Act; to provide salary and wage statistics, including number of employees, average hours worked, average hourly earnings, etc.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, card files, magnetic tapes, discs, and computer printouts.

RETRIEVABILITY:

By individual's surname and SSN within each nonappropriated fund activity payroll.

SAFEGUARDS:

Files are maintained in areas accessible only to designated personnel who have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Individual pay records are permanent; they are forwarded to the National Personnel Records Center after 3 years. They are retained at installation while member is actively employed; forwarded to new installation when member is transferred. Upon separation or termination of employment, files are placed in an inactive status and retained 18 months after close of pay year.

Leave records are retained 10 years and then destroyed.

Individual insurance and retirement records are destroyed 6 years after termination of involvement with nonappropriated fund activity.

Other management and accounting information reports are retained from 1 to 3 years before destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System manager, ATTN: FINCD. Individual should furnish full name, SSN, period and location of employment, and signature.

RECORD ACCESS PROCEDURES:

Requests from individuals should be sent to the System Manager furnishing details required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Time and Attendance Reports, former employers, Social Security Administration, Treasury Department, DOD staff agencies and field installations, Government benefit programs, servicing civilian personnel offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0314.06ACA

SYSTEM NAME:

Check Cashing Privilege Files

SYSTEM LOCATION:

At all Army installations/activities with facilities to cash checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose checks, written at Army facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECRODS IN THE SYSTEM:

Documents related to advancing, revoking, or suspending, restoring and general supervision of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence in issuing a bad check may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or restored for certain individuals, returned checks, lists of persons whose privileges have been suspended or withdrawn, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to determine which individuals will be denied check cashing privileges at installation check cashing facilities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual card file, paper records in file folders, and computer tape.

RETRIEVABILITY:

By individual's name or SSN.

SAFEGUARDS:

Files are maintained in areas accessible only to authorized persons having an official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Destroyed 3 years after individual has made restitution for dishonored check.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation commander where check was cashed.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertining to them should write to the installation commander, furnishing full name, SSN, detils relevant to the indicent, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the dishonored check, the individual, banking facilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0314.09aDACA

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System

SYSTEM LOCATION:

Nonappropriated fund activities at Army installations world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and past members of Officer or Noncommissioned Officer Club facilities whose accounts show balances other than zero; persons using Post billeting facilities on a fee paid basis (bachelor officer quarters, visitor officer quarters and guesthouse facilities) and persons no longer using such facilities whose accounts have other than zero balances; any individual having a statement of account for the billing period, individuals occupying government housing at any military

installation; individual class B telephone subscribers; members, customers or civilians having 30 day credit terms for 'charge' sales and/or dues obligations to NAF activities; all persons whose accounts have been charged with dollar accounts of checks that have been dishonored by banking institutions and returned to NAF activities; individuals who have cash loans charged to their accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, rank, amount of charges, billings of items or services furnished, subsidiary ledgers containing detail of services billed and paid by individual; work order forms, invoice listings, monthly receipt vouchers, date and method of payment, file of billings associated with returned dishonored checks, and relevant similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5101; Pub. L. 216, section 401; Pub. L. 784, section 113.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers; to provide ledger balances for activity financial statements; to prepare aged listing of accounts receivable, 30, 60, and 90 days; to answer inquiries of members on account status and specific transactions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tapes and/or discs by account in numerical and alphabetical order; computer hard copy printouts filed in binders; copies of statements filed in folders.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Hard copy records destroyed after 3 years following audit with no exceptions or irregularities disclosed. Punched cards destroyed upon conversion to tape or disc files. Magnetic tapes and discs erased 3 yers following clear audit.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249

NOTIFICATION PROCEDURE:

Individuals may submit written request to the custodian of nonappropriated funds activities at the installation where record is belived to exist.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to them in this system should write to the appropriate NAF activity custodian, furnishing full name, SSN, and account number.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From daily transaction registers/ journals received from billeting officer, signal officer, and/or club officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0314.24DAAG

SYSTEM NAME:

Nonappropriated Fund Employee Insurance and Retirement Files

SYSTEM LOCATION:

The Adjutant General's Office, Headquarters, Department of the Army, Club and Community Activities, 2461 Eisenhower Avenue, Alexandria, VA 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army nonappropriated fund employees who participate in the NAF Group Insurance and Retirement Plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly and cumulative insurance and retirement deductions for each employee; name and SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–595; 26 U.S.C. 401a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to substantiate intitial enrollment and subsequent changes in the NAF Group Insurance and Retirement Plan; to verify monthly deductions and to compute annuities, refunds, and death benefits.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs, microfiche, paper records.

RETRIEVABILITY:

By individual's surname within each NAF activity.

SAFEGUARDS:

Records are located in controlled areas within building having security guards; information is accessed only by individuals who are properly cleared and trained and have need therefore in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent; retained in active file until individual terminates employment, retires or is deceased; held 1 additional year in inactive file and subsequently retired to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DAAG–NFI–B 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURE:

Individuals should address their request as specified in "Notification procedure" and furnish their full name, SSN, NAF activity in which employed, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual: NAF personnel officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0319.07DACA

SYSTEM NAME:

FHA Mortgage Payment Insurance Files

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member with over 2 years of active duty service who applies for an FHA loan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, certificate of eligibility, record of payments, notices of termination of eligibility, and correspondence with FHA and other Government offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C., 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to determine the amount of insurance payments and to control authorized payments.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of Army member.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need for the records in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final separation of the individual from the Army.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: Chief, Field Services Office, Indianapolis, IN 46249; telephone: 317/542–3127.

RECORD ACCESS PROCEDURE:

Requests should be addressed to the System Manager, ATTN: Chief, Field Service Office, Indianapolis, IN 46249. Individual should provide full name, SSN, FAHA Number, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32CFR Part 505).

RECORD SOURCE CATEGORIES:

From the applicant, FHA, member's commanding officer, and other government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0319.13DACA

SYSTEM NAME:

Bankruptcy Processing Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of Army civilian or former military member for whom bankruptcy notice has been received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Court notices; financial statements; certificates for deductions; agreements; military pay vouchers; and correspondence between the Judge Advocate General, U.S. Attorney, U.S. District Courts, and other government agencies relevant to the proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the U.S. Army Finance and Accounting Center to obtain data for submitting claims of the Army to the Department of Justice for filing with the bankruptcy court and controlling financial transactions on pay accounts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to designated persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after conclusion of related bankruptcy proceedings.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: Chief, Field Service Office, Indianapolis, IN 46249; telephone 317/542–3127.

RECORD ACCESS PROCEDURE:

Individuals may submit written request to the Chief, Field Service Office, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249, furnishing full name, SSN, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From courts, government records, and similar documents and sources relevant to the proceeding.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO725.06aDAAG

SYSTEM NAME:

Army Emergency Relief Transaction File

SYSTEM LOCATION:

Army Emergency Relief offices at Army installations. Official addresses are in the Appendix to the Army inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive Army Emergency Relief financial assistance: Active duty Army personnel and their dependents; members of all Army components retired after completing 20 or more years of active duty and their dependents or retired by reason of physical disability in line of duty and their dependents; dependents of Army personnel missing in action; and eligible widows and orphans of extended active duty Reserve component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents accumulated by Army Emergency Relief branches and sections, including financial and loan reports, applications for financial assistance, acknowledgments of remittance and assistance received, collection and indebtedness documents, cash bonds, loan ledgers, control ledgers, cancelled checks, prenumbered receipts, and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By Army Emergency Relief Offices to record and control loans and repayment actions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Information in these records is accessible only by Army Emergency Relief officer and staff.

RETENTION AND DISPOSAL:

Records are active until loan is paid or determined uncollectable and for 2 years thereafter in the Army Emergency Relief Office; transferred to the records holding area for 1 additional year, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from Army Emergency Relief Officers at installations. Individual should provide full name, rank, SSN, military status, date and place where last Army Emergency loan was obtained, current military or dependent ID card, and signature.

RECORD ACCESS PROCEDURE:

Access to information in this system may be obtained upon written request to the Army Emergency Office which is believed to have pertinent information. Individual must furnish information required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, records of Army Emergency Relief Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO917.09aDAPE

SYSTEM NAME:

Alcohol and Drug Abuse Rehabilitation Files

SYSTEM LOCATION:

Primary: Alcohol and Drug Abuse Prevention and Control Program (ADACP) rehabilitation/counseling facilities (e.g., Community Counseling Centers/ADAPCP Counseling Facilities) at Army installations and activities

Secondary: US Army Patient Administration Systems and Biostatistics Activity, Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual (military, civilian, family member) who is eligible for care and enrolls in the ADAPCP for rehabilitation, pursuant to Army Regulation 600–85.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primary: Copies of client intake records, progress reports, psychosocial histories, counselor observations and impressions of client's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for alcohol/drug abuse, and similar or related documents.

Secondary: Copies of client intake records, progress reports, and demographic composites thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Act of September 28, 1971, Pub. L. 92–129, Title V, Section 501, 85 Stat. 381 (reprinted in 10 U.S.C. 1071 note (1976)); Section 413, Pub. L. 92–255.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Primary: To treat, counsel, and rehabilitate individuals who participate in the Army's Alcohol and Drug Abuse Prevention and Control Program.

Secondary: Client intake and progress reports are used to provide essential management information concerning the ADAPCP to measure the magnitude of alcohol and other drug abuse within the Army, to measure progress in the Army prevention program, to measure progress in the rehabilitative medical treatment aspects of the program, to provide statistical trends of support policy and procedural changes, to support and justify funding and manpower requirements for the program, and to provide statistical information in response to the public media, members of Congress, or other government agencies.

Information for this system of records is exempt from the blanket "routine uses of general applicability" identified at 46 FR 6460. Information is disclosable only to the following perons/agencies:

a. To health care components of the Veterans Administration.

b. To qualified personnel conducting scientific research, or audits or program evaluations: *Provided.* That a patient may not be identified in such reports, or his or her identity further disclosed by such personnel.

c. In response to a court order based on the showing of good cause in which the need for disclosure and the public's interest is shown to which the need for disclosure and the public's interest is shown to exceed the potential harm that would be incurred by the patient, the physician-patient relationship, and the Army's treatment program.

Note: Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175, as amended by 88 Stat. 137, and 42 U.S.C. 4582, as amended by 88 Stat. 131. These statutes are controlling and supersede the Privacy Act of 1974 to the extent that disclosure is more limited. However, access to the record by the individual to whom the record pertains is governed by the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary: Paper records maintained in file folders at Alcohol and Drug Abuse Prevention and Control Program facilities for 1 year following termination of treatment. Selected forms are transferred to individual's health record.

Secondary: Paper records (client intake and progress reports) are stored in locked file cabinets. Computer data are stored in random access on magnetic disc and tape.

RETRIEVABILITY:

Primary: Alphabetically by individual's surname.

Secondary: By client's SSN or ID code, date and installation where individual was in the Alcohol and Drug Abuse Prevention and Control Program.

SAFEGUARDS:

Primary: Records are maintained in central storage areas in locked file cabinets where access is restricted to authorized persons having an official need-to-know.

Secondary: Manual records are stored in locked file cabinets. Automated records are maintained in random access mode in controlled access areas. Primary records on magnetic disc are stored with the computer in a secure vault separated from the primary computer. Data are processed in batch mode and are subjected to standard executive and system control programs plus the audit/edit and data base management system designed by the U.S. Army Patient Administration Systems and Biostatistics Activity.

RETENTION AND DISPOSAL:

Primary: Records are destroyed 1 year after termination of the patient's treatment, unless the Army Medical Department Activity/Facility commander authorizes retention for an additional 6 months.

Secondary: Manual records are retained up to 18 months or until information taken therefrom and entered into computer records is transferred to the "history" file, whichever is sooner. Disposal of manual records is by burning or shredding. Computer records are retained permanently for historical and/or research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (DAPE–HRA), The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact either the commander of the medical center/medical department activity where treatment for alcohol/drug abuse was obtained, or The Surgeon General, Headquarters, Department of the Army (DASH–PSC), The Pentagon, Washington, D.C. 20310. Individuals should furnish their full name, date of birth, social security number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should contact the appropriate official as specified in the "Notification procedure" section, furnishing the information required by that section.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505). Denial to amend records in this system of records can only be made by The Deputy Chief of Staff for Personnel, in coordination with The Surgeon General.

RECORD SOURCE CATEGORIES:

From the individual by interviews and history statements; abstracts or copies of pertinent medical records; abstracts from personnel records; results of tests; physicians' notes, observations of client's behavior; related notes, papers, and forms from counselor, clinical director, and/or commander.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1004.06aTRADOC

SYSTEM NAME:

ROTC Financial Assistance (Scholarship) Application File

SYSTEM LOCATION:

Primary: US Army Training and Doctrine Command (TRADOC).

Secondary: US Army Reserve Officers' Training Corps (ROTC) Regions. ROTC elements of civilian educational institutions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applications from students and service members who desire to participate in the Army ROTC Financial Assistance (Scholarship) Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for membership, academic transcripts, college board scores and test results, references, photograph, interview board results, acceptance/declination, selection board action including applicant's scores in areas evaluated, notice of selection/nonselection, notice of applicant's medical status including reports of medical examination, evaluation of applicant by Professor of Military Science/commanding officer, letters of recommendation, inquiries regarding applicant's selection/nonselection, reports of ROTC Advanced, Ranger, or Basic Camp performance of applicant, information of applicant's choice of institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2101–2111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By TRADOC: To select 4-year financial assistance recipients, 2-year financial assistance enlisted active duty scholarship recipients, and 1-year finacial assistance recipients; to determine applicant's medical status, enrollment of individuals in the ROTC, to compile statistics and develop

policies and procedures for administering the financial assistance program.

By US ROTC Regions: To make preliminary selection of financial assistance recipients, to enroll selectees, to monitor distribution of those selected, to develop policies and procedures for administering designated portions of the financial assistance program.

By ROTC elements of civilian educational institutions: To make preliminary selection of 3- and 2-year financial assistance recipients, to enroll selectees, to monitor individual's academic and ROTC performance, to provide name, address, and academic purpose of assisting applicants/recipients in obtaining enrollment at a host educational institution.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder; selected data automated for management on tapes, discs, cards, data printouts; microfilm/fiche.

RETRIEVABILITY:

By individual's name, SSN, ADP parameter of characteristics of qualification or identity.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel who are trained and cleared and who require the information in the performance of official business.

RETENTION AND DISPOSAL:

Destroyed 1 year after individual graduates or is disenrolled.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, Commander of the appropriate ROTC Region, Professor of Military Science of the civilian educational institution in which individual was enrolled.

RECORD ACCESS PROCEDURES:

Individuals may address a written inquiry to the Commander, ROTC Region in which financial assistance was sought, furnishing full name, current address and telephone number, and definitive description of information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, medical records, academic institutions, Army Staff agencies and commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-24181 Filed 9-2-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: Thursday & Friday, 29 & 30 September 1983.

Time: 0830–1700 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The ASB Ad Hoc Subgroup on Army Leadership will hold its first meeting to begin its study addressing the following objectives: (1) What are the quantitative measures between leadership performance and unit performance in the Army (existing, but not used in the Army)?; (2) How can the Army best determine early in one's career, which officers have the cognitive capability for integrative thought and appropriate levels of mental abstraction for long term strategic time spans?; (3) Given the obvious impact of futuristics (economic, social, technological, and geopolitical) on requirements for Army leader development at all levels, explore the mechanisms and processes necessary to firmly link our leader development programs to the future; (4) Explore new ways of developing individual systems thinking skills with particular focus on the development of simulations which cut across all Service roles and functions; and, (5) Are there cost-effective leadership assessment techniques that the Army has not, but should explore? This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

In order to be able to accommodate prospective attendees, Sally A. Warner, the ASB Administrative Officer, must be notified no later than 23 September 1983. For further information, call (202) 695-3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-24287 Filed 9-2-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Delegation of Authority; Secretary of Education

AGENCY: Department of Education.

ACTION: Notice of Presidential delegation of authority under sec. 407(c) of the General Education Provisions Act (GEPA).

SUMMARY: The Secretary announces that the President has delegated to the Secretary the functions and authority vested in the President by Sec. 407(c) of the General Education Provisions Act, 20 U.S.C. § 1221e–2(c).

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Werksman, Ethics Counselor, U.S. Department of Education, 400 Maryland Ave. SW., Room 4129, Washington, D.C. 20202, 202–755–1106.

SUPPLEMENTARY INFORMATION: On June 10, 1983, the President delegated to the Secretary the authority to provide the express approval in writing under Sec. 407(c) of GEPA that would enable an education officer of the United States, as defined in Sec. 407(a), to hold an office in, or act in any capacity for or have any financial interest in, any organization, agency or institution to which an agency in the Department makes a grant, contract or any other financial arrangement.

Dated: August 23, 1983.

T. H. Bell

Secretary of Education.

Approval of Leave of Absence for Dr. Manuel J. Justiz Pursuant to Sec. 407(c), of GEPA

Purusnt to the authority vested in me by delegation from the President dated June 10, 1983, to make determinations under Sec. 407(c), GEPA, I hereby approve the leave of absence of Dr. Manuel J. Justiz from the University of New Mexico during the period he serves as Director of the National Institute of Education.

T. H. Bell,

Secretary of Education.

August 23, 1983.

[FR Doc. 83-24255 Filed 9-2-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Department of Energy.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974, Pub. L. No. 93-579, 5 U.S.C. 552a.

SUMMARY: The Department of Energy (DOE), Project Management Corporation, and the Tennessee Valley Authority (TVA) collectively are Applicants for a license from the Nuclear Regulatory Commission (NRC or Commission) to construct and operate a demonstration liquid metal fast breeder reactor, the Clinch River Breeder Reactor Plant (CRBRP). DOE proposes to establish a system of records entitled "DOE-79, Clinch River Breeder Reactor Plant Work Force Survey," to maintain information from a survey of the work force at CRBRP. The survey will collect information to ascertain socio-economic effects resulting from the construction of the reactor. The CRBRP license Applicants are required to conduct the survey by the NRC Atomic Safety and Licensing Board (ASLB) considering Applicants' licensing request. The ASLB made the survey a condition of the Limited work Authorization it granted to the Applicants. Public comment is sought on the proposed system of records, and, in particular, on the routine uses of the records, as required by subsection(e)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(e)(11).

DATE: Written comments must be received on on before October 6, 1983.

ADDRESSES: Comments and requests for further information should be directed to any of the following:

Peter J. Gross, Assistant Director for Public Safety, Clinch River Breeder Reactor Plant Project Office, P.O. Box U, Oak Ridge, TN 37830

Joseph Harris, Chief, Freedom of Information and Privacy Acts Branch, U.S. Department of Energy, 1000 Independence Avenue, SW., Mail Stop MA-232.1, Washington, D.C. 20585, (202) 252-5955

Abel Lopez, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Mail Stop GC-41, Washington, D.C. 20585, (202) 252-8618.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE), Project Management Corporation, and the Tennessee Valley Authority (TVA) collectively are Applicants for a license from the Nuclear Regulatory Commission (NRC or Commission) to construct and operate a demonstration liquid metal fast breeder reactor, the Clinch River Breeder Reactor Plant (CRBRP). DOE proposes to establish a system of records to maintain information from a survey of the work force at CRBRP, to be entitled "DOE-79, Clinch River Breeder Reactor Plant Work Force Survey." The NRC Atomic Safety and Licensing Board considering Applicants' licensing request, as a condition of the Limited work Authorization granted to the Applicants, required that applicants conduct a survey to monitor the work force at CRBRP to determine the socioeconomic effects resulting from the construction of the reactor. The information obtained should assist the State of Tennessee, the City of Oak Ridge, other local government bodies, and planning agencies in the project area, in planning for, and responding to, impacts resulting from project-related population changes.

The overall survey effort will involve an initial questionnaire and follow-up surveys for all construction and management employees in Oak Ridge during the period of construction and the first three years of operation. The initial questionnaire includes questions concerning name and present address in project areas; length of residence at current address; address of residence prior to employment on project; type of residence, such as boarding house, motel, apartment, mobile home, house, or other; household composition and number of those living at residence; and number of children residing with participant and, if in school, type of school attended. DOE will conduct follow-up surveys of persons responding to the initial survey and of employees hired subsequent to the initial survey. Survey forms will be distributed and collected by DOE through the CRBP Project Office.

DOE has submitted both the initial and follow-up questionnaires to the Office of Management and Budget (OMB) for clearance pursuant to the Paperwork Reduction Act and OMB implementing regulations.

The records generated by the survey effort will be maintained by DOE and will be available to the license Applicants, as follows: (1) to DOE's CRBRP System Manager and to any DOE office, upon request, which determines that the information relates to its functions, (2) to TVA for the purpose of coding, processing, and analyzing and for preparing a report on the socio-economic effects resulting from construction of the reactor (TVA will not otherwise use or disclose the information provided on the survey forms. Upon providing the report to DOE, all forms and computer tapes containing information which could be used as a means of individually identifying the participants will be returned to DOE), and (3) to Project Management Corporation. The report prepared by TVA, consisting of aggregated data, will be provided to DOE, which will make it available to the NRC, the State of Tennessee, the City of Oak Ridge, local government bodies and appropriate planning agencies.

The system of records will be established and maintained pursuant to the decision of the NRC Atomic Safety and Licensing Board in United States Department of Energy *et al.* (Clinch River Breeder Reactor Plant), Partial Initial Decision (Limited Work Authorization), Docket No. 50-537, 17 NRC ——— (February 28, 1983), Conclusion of Law Number 2 (at 200-201); Section 202(1) of the Energy Reorganization Act of 1974, Pub. L. 93-382, 42 U.S.C. 5842(1); 5 U.S.C. 301; the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

DOE does not believe that the maintenance of this system of records will have any substantial effect on the privacy and other rights of participants. Although the CRBRP will directly contact individuals to collect the referenced information, participation in the survey is voluntary. Access to the system will be limited to the System Manager and to personnel (including routine users) who have a need for the data in the performance of their official duties. The records will be kept in locked cabinets when unattended. Any records utilized by other entities will be secured in such a way as to effectively safeguard them. The data will be used for the referenced statistical purposes only. No names, addresses or other identifying information will ever be published.

DOE is submitting the Report required by OMB Circular A-108 concurrently with the publication of this notice. The text of the system is set forth below.

Issued in Washington, D.C. this 31st day of August 1983.

William S. Heffelfinger,

Director of Administration.

DOE-79

SYSTEM NAME:

Clinch River Breeder Reactor Plant Work Force Survey.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Department of Energy, Clinch River Breeder Reactor Plant Project Office, Division of Public Safety, Oak Ridge, TN 37830.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinch River Breeder Reactor Plant (CRBRP) construction and management employees in Oak Ridge during the period of construction and the first three years of operation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; present address in project area; length of residence at present address; address of residence prior to employment on project; type of residence, such as boarding house, motel, apartment, mobile home, or house; household composition and number of persons in residence; number of children residing with participant, and, if in school, type of school attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Conclusion of Law Number 2, United States Department of Energy *et al.* (Clinch River Breeder Reactor Plant), Partial Initial Decision (Limited Work Authorization), Docket No. 50–537, 17 NRC ; Section 202(1) of the Energy Reorganization Act of 1974, Pub. L. No. 93–382, 42 U.S.C. 5842(1); 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

Information in this system will be provided to the Tennessee Valley Authority, a co-applicant with DOE for the license to construct and operate CRBRP, for coding, processing, and analyzing, and preparation of a report on the socio-economic effects resulting from construction of the Clinch River Breeder Reactor Plant. This report, consisting of aggregated data, will then be provided to DOE, which will make it available to the Nuclear Regulatory Commission, State of Tennessee, City of Oak Ridge, other local government bodies, and appropriate planning agencies.

Information in this system may also be disclosed as appropriate, to the Project Management Corporation, also a co-applicant for the license to construct and operate CRBRP.

Information in the system may also be disclosed, upon request, to any DOE office which determines the information relates to its functions. Additional routine uses 8 and 9 listed in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer tape.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Access to records will be limited to the DOE system manager and those whose official duties require access. The records will be kept by DOE in locked cabinets when unattended. Any records utilized by others will be secured in such a way as to effectively safeguard them.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER AND ADDRESS:

U.S. Department of Energy, Clinch River Breeder Reactor Plant Project Office, Assistant Director for Public Safety, P.O. Box U, Oak Ridge, TN 37830.

NOTIFICATION PROCEDURES:

a. Requests by an individual to determine if a system of records contains information about the individual should be directed to the Privacy Act Officer, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, TN 37830, in accordance with DOE's Privacy Act Regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Complete name, social security number, and time period.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individuals to whom the records pertain.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83–24296 Filed 9–2–83; 8:45 am]

BILLING CODE 6450–01

Energy Information Administration

Changes to DOE Reporting and Recordkeeping Requirements

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of changes to the inventory of Department of Energy reporting and recordkeeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current energy information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

The listing that follows this notice indicated changes made during the quarter from April 1, 1983, to June 30, 1983, to the inventory of current DOE information collections published in the **Federal Register**, 47 FR 55410 (December 9, 1982). Changes made during the quarter from October 2, 1982 to January 1, 1983 were published in the **Federal Register**, 48 FR 8851 (March 2, 1983). Changes made during the quarter January 1, 1983 to March 31, 1983, were published in the **Federal Register**, 48 FR 24429 (June 1, 1983). The listing includes new information collections approved by the Office of Management and Budget (OMB), collections reinstated, collections extended, collections discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extended, and requirement reinstated, the current DOE control of form number, the title, and OMB control number and expiration date are listed by DOE sponsoring office. For the list of discontinued requirements, the discontinued date is shown instead of the expiration date. If applicable, the appropriate Code of Federal Regulations citation is also listed. Also, information collections not utilizing structured forms are designed by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT:

Carolyn Sinclair, EI–73, Energy Information Administration, Mail Stop 1H–023, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–2313.

Single, blank information copies of those collections utilizing structured forms may be obtained by contacting Delores McCadney, National Energy Information Center, EI-22, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585 (202) 252-8800.

Issued in Washington, D.C., August 29, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

DOE No.	Title	OMB control No.	Expiration date	CFR citation
New DOE Information Collections Approved by OMB				
Conservation and Renewable Energy				
CE-434	Weatherization Assistance Progress Report	19049927	Mar. 31 1986	10 CFR 440.12, .23, .22, 420.4.
CE-795R-A *	Commercial and Apartment Conservation Service Program—Plan Submittal	19040045	Apr. 30, 1986	10 CFR 458.101-510.
CE-795R-B *	Commercial and Apartment Conservation Service Reporting and Recordkeeping Requirements—Annual Reports.	19040045	do	10 CFR 458.101-510.
General Counsel				
GC-793 *	Contractor Reporting of Royalty Requirement	19010261	Dec. 31, 1983	N/A.
Management and Administration				
MA-843	DOE Management and Procurement Assistance Reporting and Recordkeeping Requirements	19010261	do	N/A.
Nuclear Waste Policy Act Project				
NWPA-830R *	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste—Contract.	19010260	Apri. 30, 1986	10 CFR 901.
NWPA-830R-A-F *	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste—Annual Report.	19010260	do	10 CFR 901.
NWPA-830R-G	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste—Quarterly Report—Standard Remittance Advice.	19010260	do	10 CFR 901.
Reinstated Information Collections				
Federal Energy Regulatory Commission				
FERC-519	Electric Rates—Corporate Applications	19020082	Apr. 30, 1986	18 CFR 33.
FERC-533	Gas Producer Rate: Special Relief Petition	19020056	Mar. 31, 1986	18 CFR 2.75-2.77.
FPC-12	Power System Statement	19020127	Sep. 30, 1983	18 CFR 141.51.
DOE Information Collections Extended				
Defense Programs				
DP-1	Personnel Security Questionnaire	19010017	June 30, 1986	10 CFR Part 710.
Energy Information Administration				
EIA-7A	Coal Production Report	19050004	Oct. 31, 1986	N/A.
EIA-191	Underground Natural Gas Storage Report	19050026	Sept. 30, 1983	N/A.
EIA-213	Annual Retail Bills For Electric Utilities	19050045	Dec. 31, 1983	N/A.
EIA-254	Quarterly Progress Report on Status of Reactor Construction	19010010	Oct. 31, 1983	N/A.
Energy Research				
EV-391	Isotope And Technical Service Order Form	19010006	Sept. 30, 1983	N/A.
IR-616	Nuclear Engineering Enrollment and Degree Survey	19010015	do	N/A.
IR-617	Radiation Protection Enrollment and Degree Survey	19010015	do	N/A.
Federal Energy Regulatory Commission				
FERC-521 *	Electric License—Headwater Benefits	19020067	July 30, 1983	18 CFR 11.26, .31, 13.1.
FERC-525 *	Financial Audit	19020092	Mar. 31, 1986	18 CFR .41, 101, 104, 116, 141, 125, 158, 201, 204, 216, 225, 260, 351, 352, 256, 357.
FERC-531 *	Gas Producer Certificate: New Service	19020052	Apr. 30, 1986	18 CFR 157.23-.29, 2.75.
FERC-542 *	Gas Pipeline Rate	19020070	Aug. 31, 1983	18 CFR 154.61-.65, .91.
Management and Administration				
AD-R0177	National Survey of Compensation Paid Scientists and Engineers Engaged in Research and Development.	19010016	Sept. 30, 1983	N/A.
PR-437	Request for Priority Rating for Energy Programs	19010110	do	10 CFR 216.

DOE No.	Title	OMB Control No.	Discontinued date	CFR citation
DOE Information Collections Discontinued or Allowed To Expire				
Bonneville Power Administration				
BPA-705A	Solar Water Heating Pilot Program—Customer Monitoring Card	19010222	Apr. 30, 1983	N/A.
BPA-705B	Solar Water Heating Pilot Program—System Inspection and Acceptance Report	19010223	do	N/A.
BPA-705C	Solar Water Heating Pilot Program—Workshop Evaluation	19010223	do	N/A.
BPA-705D	Solar Water Heating Pilot Program—Monthly Financial Summary Statement	19010224	do	N/A.
Conservation and Renewable Energy				
CS-199	Grant Management Activities Report	19040007	June 30, 1983	10 CFR 450.455.4.

DOE No.	Title	OMB Control No.	Discontinued date	CFR citation
CS-434	Weatherization Assistance Progress Report	19040027	June 17, 1983	10 CFR 440.12, .23, .22,420.4
Defense Programs				
AEC-378	Application For Access Permit To Restricted Data	19010004	May 31, 1983	10 CFR 275.
Energy Information Administration				
EIA-457A	Residential Energy Consumption Survey—Housing Unit Record Sheet	19050093	do	N/A.
EIA-457B	Residential Energy Consumption Survey—Household Questionnaire	19050093	do	N/A.
EIA-457C	Residential Energy Consumption Survey—Rental Agents	19050095	do	N/A.
EIA-457D	Residential Energy Consumption Survey—Quarterly Survey of Fuel Oil Households	19050094	do	N/A.
Environmental Protection, Safety				
EP-737R*	Emergency Interconnection of Electric Facilities and Transfer of Electricity	19030068	do	18 CFR 32.20, .23, .60, .62.

CHANGES IN CONTINUING DOE INFORMATION COLLECTIONS

DOE numbers as previously listed	Change
CS-434	Designation changed to CE-434.
EIA-14	Form revised.
EIA-142	Do.
FERC-516 *	CFR revised.
FERC-534 *	Do.
FERC-537 *	Do.
FERC-555 *	Do.

[FR Doc. 83-24178 Filed 9-2-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP83-102-000]

Robert Abrams, as Attorney General of the State of New York v. Texas Eastern Transmission Corp.; Extension of Time

August 30, 1983.

On August 29, 1983, Robert Abrams, Attorney General of the State of New York (Attorney General), filed a motion for an extension of time to file an answer to Texas Eastern Transmission Corporation's (Texas Eastern) Motion for Summary Disposition of Complaint filed August 12, 1983, in the above-docketed proceeding. The extension motion states that additional time is required because of the intervening vacation schedule of the Attorney General and because the Attorney General only recently became aware of the filing date of Texas Eastern's motion.

Upon consideration, notice is hereby given that an extension of time for the filing of an answer is granted to and including September 1, 1983.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-24225 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-693-000]

Iowa-Illinois Gas & Electric Co.; Filing

August 30, 1983.

The filing Company submits the following:

Take notice that on August 22, 1983, Iowa-Illinois Gas & Electric Company (Iowa-Illinois) tendered for filing an Interchange Agreement (Agreement) with City of Tipton, Iowa (City) dated June 13, 1983

The Agreement contains schedules reflecting facilities and points of connection; metering; conditions of service and charges associated with emergency energy, short term firm power, and economic dispatch replacement energy (proposed effective on the date of commercial operation of Louisa Generating Station, in which each party has an interest, and to which this schedule relates); and transmission service schedules (including, as an addendum thereto, Transmission Service Schedule No. 1, dated june 13, 1983, proposed effective July 1, 1983).

Iowa-Illinois states, except as so indicated, the Agreement (with its other schedules) is proposed effective as of its execution date, and therefore requests waiver of the Commission's notice requirements.

Iowa-Illinois states a complete copy of the filing has been mailed to City, the Iowa State Commerce Commission, and the Illinois Commerce Commission.

It is stated that the various schedules, including those in respect of the exchange or furnishing of power and energy, were negotiated by the parties based upon cost reflective and comparable rates or rate methodologies, or reflective of the City's requirements for replacement energy from, or of transmission capacity related to, Louisa Generating Station; that the parties have incorporated into the Agreement, and affected rate schedules, reference to Iowa-Illinois' effective Offer of Settlement rates from Docket No. ER80-592, *et al.*, consolidated *sub nom.* Allegheny Power System, et al.; and that the rate schedules in respect of exchanges of power and energy include, if applicable, reimbursement for wheeling charges assessed by third parties, since Iowa-Illinois notes City contemplates arrangements with others for further delivery of power and energy to its load center.

It is further stated that Transmission Service Schedules No. 1 provides for utilization by City, in respect to its share of Louisa Generating Station capacity, of Iowa-Illinois' 345 kv facilities from Substation 92 to Substation 56, and incorporates transmission and transformation rates, charges and loss responsibility factors designed to compensate Iowa-Illinois for reflected costs of facilities provided, as the scheduling path, and associated operation and maintenance, and, for transmission and transformation losses for which compensation in kind is provided. Iowa-Illinois notes that a related, but independent, filing will be made in respect of the operation of Luisa Generating Station outlet transmission facilities of which Substation 92 is a part.

Any person desiring to be heard or protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24222 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-690-000]

Montana Power Co.; Compliance

August 30, 1983.

The filing Company submits the following:

Take notice that on August 19, 1983, The Montana Power Company ("Montana") tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement dated March 25, 1983 between Montana and Western Area Power Administration (WAPA) providing for transmission service for nonfirm transfers of energy from Bonneville Power Administration to WAPA.

Montana states that under the terms of this Letter Agreement, Montana will provide transmission service, and that the terms of the Letter Agreement have been agreed to by the parties.

Montana further states that the rate for the transmission service for nonfirm transfers of energy under this Letter Agreement shall be 0.5 mills per kilowatt hour delivered to WAPA plus losses.

Montana requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211, 385.214). All such motions or protests should be filed on or before September 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24223 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC83-20-000]

Resources Recovery (Dade County) Construction Corp. and Resources Recovery (Dade County) Inc.; Compliance Filing

August 29, 1983.

Take notice that on August 15, 1983, Resources Recovery (Dade County) Construction Corp. ("RRDC") and Resources Recovery (Dade County) Inc. ("RRD"), tendered for filing a joint application pursuant to Section 203 of the Federal Power Act for authorization for RRDC to dispose, and RRD to acquire title to an Electric Generation Facility located in Dade County, Florida.

The Electrical Generation Facility which is the subject of the joint application includes transmission facilities valued in excess of $50,000, thereby requiring Commission authorization under Section 203. The Electrical Generation Facility, presently owned by RRDC and operated by RRD, is one component of an integrated solid waste resource recovery plant operated by RRD. That plant is a qualifying small power production facility within the meaning of Section 201 and 210 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 796 and 824a-3, and the Commission's implementing regulations. The application has been submitted in accordance with the Commission's previous order waiving Part 33 of its regulations with regard to Section 203 applications concerning the RRD qualifying small power production facility. *See* Resources Recovery (Dade County) Inc. (Docket No. ER82-225-003), 20 FERC ¶ 61,138 (August 3, 1982).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before September 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24224 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-618-000 and ER83-430-000]

Virginia Electric & Power Co.; Filing and Suspending Proposed Rates, Denying Motions for Rejection or Summary Disposition, Granting Waivers in Part, Noting Interventions, Consolidating Dockets, and Establishing Procedures

August 30, 1983.

On July 1, 1983, Virginia Electric & Power Company ("VEPCO") tendered for filing a proposed increase in rates for firm power service to ten municipal customers, eighteen cooperative customers, and the North Carolina Eastern Municipal Power Agency ("NCEMPA").[1] The proposed rates, filed pursuant to § 35.26(c)(3) of the Commission's regulations, reflect the inclusion in rate base of 50 percent of average construction work in progress ("CWIP") other than pollution control and fuel conversion facilities.[2] The rates would increase annual revenues by approximately $25.8 million (11.60%), as compared to VEPCO's currently effective rates.[3] VEPCO requests that the currently proposed rates be permitted to become effective on October 31, 1983, in lieu of the rates that would otherwise take effect on that date in Docket No. ER83-430-000. In order to accomplish this result, VEPCO has requested alternative effective dates of: (1) August 30, 1983, with a two month suspension until October 31, 1983, or (2) May 30, 1983, with a five month suspension (and waiver of the notice requirements).[4] VEPCO also requests waiver of § 35.17(b) of the regulations to permit the filing of the instant rate increase within the suspension period of the rates submitted in Docket No. ER83-430-000, as well as waiver of the filing fee provisions of § 36.2 and other

[1] *See* Attachment for customers and rate schedule designations.

[2] *See* Order No. 298, Docket No. RM81-38 (May 16, 1983), 48 FR 24323 (June 1, 1983); *see also* "Order Granting Rehearing for Purposes of Further Consideration and Denying Petitions for Stay of Final Rule," 24 FERC ¶ 61,071 (July 15, 1983).

[3] The present rates are to be superseded by increased rates filed by VEPCO in Docket No. ER83-430-000, as modified by summary disposition and suspended by the Commission until October 31, 1983.

[4] VEPCO previously included CWIP-based rates as a third phase in its filing in Docket No. ER83-430-000; they were rejected as premature on the grounds that Order 298, *supra*, had not yet become effective. 23 FERC ¶ 61,289 (May 27, 1983); *modified*, 24 FERC ¶ 61,085 (July 20, 1983). However, rejection of the Phase-three rates was without prejudice to VEPCO's right to file revised rates after the effective date of the new rules, together with any requests for waivers which VEPCO might seek. 23 FERC at p. 61,604.

requirements of the regulations not satisfied by the filing.

Notice of VEPCO's filing was published in the **Federal Register** with comments due on or before August 1, 1983. Bear Island Paper Company ("Bear Island") filed a timely motion to intervene. Bear Island states that it is a high load factor industrial customer which purchases power furnished by VEPCO to the Rappahannock Electric Cooperative. As the only present customer under VEPCO's Schedule RC-Interruptible rate, Bear Island contends that its interests will not be adequately represented by other parties to the proceeding. While Bear Island raises no specific cost of service issues, it requests that VEPCO's proposed rates be suspended for five months and set for hearing.

Old Dominion Electric Cooperative and Northern Virginia Electric Cooperative ("Virginia Cooperatives") also filed a timely motion to intervene. The Virginia Cooperatives request rejection of the filing on the grounds that it does not comply with section 35.17(b) of the regulations in that VEPCO has not shown good cause why the submittal should be allowed during an existing suspension period. If the filing is not rejected, the Virginia Cooperatives request a five month suspension. They contend that a price squeeze may exist and request that price squeeze be considered in an initial phase of this proceeding. In addition, the Virginia Cooperatives ask that the Commission not consolidate the present docket with the pending proceedings in Docket No. ER83-430-000. The Virginia Cooperatives assert that the subject matter of the two dockets differs, that the CWIP issue arises under a new rule currently subject to rehearing in Docket No. RM81-38, and that due to the impact of CWIP on the electric utility industry, any decision by the Commission will almost surely be appealed to the Federal courts.

Another timely motion to intervene was filed by the North Carolina Electric Membership Corporation and Albermarle Electric Membership Corporation ("North Carolina Cooperatives"). The North Carolina Cooperatives also request rejection of the filing on the grounds that it does not comply with § 35.17(b). In addition, the North Carolina Cooperatives urge rejection because Order No. 298 remains subject to rehearing, because Court appeals are likely to follow, and because it is purportedly unfair for the Commission to permit CWIP to be collected from wholesale customers while the legality of the Commission's action is still in question. The North Carolina Cooperatives state that it is likewise unfair to permit VEPCO to include CWIP in its rate base given existing or anticipated arrangements for VEPCO to sell portions of generating plants under construction (specifically, the Bath County Pumped Storage Project and the North Anna nuclear plant) and given the cooperatives' own construction commitments. Absent rejection, the North Carolina Cooperatives request a five month suspension and ask that the CWIP rates be stayed until completion of hearings and Commission review. In addition, the North Carolina Cooperatives allege price squeeze and oppose consolidation of the instant docket with Docket No. ER83-430-000.

ElectriCities of North Carolina and NCEMPA ("ElectriCities") jointly filed two motions on August 1, 1983. Like the other intervenors, ElectriCities cite § 35.17(b) of the regulations as grounds for rejection of the entire filing. In addition, ElectriCities move to reject the filing of a new Schedule RS-A which is a CWIP-based rate applicable only to NCEMPA. In support of this request, ElectriCities allege that the bulk of CWIP included in rate base (68%) relates to VEPCO's investment in the Bath County Project, but that NCEMPA will never receive service from that facility.[5] ElectriCities contend that their request for rejection is consistent with the Commission's decision in *Public Service Company of New Mexico*, Opinion No. 164, 23 FERC ¶ 61,218 (May 12, 1983). With respect to the remaining 32% of VEPCO's CWIP request, ElectriCities allege that there is nothing in VEPCO's filing which indicates that any of the facilities on which VEPCO seeks a return will be operating before NCEMPA ceases firm power purchases.

ElectriCities also urge the Commission to summarily reject VEPCO's CWIP related to the Bath County Project on the grounds that VEPCO should first revise its Project Construction and Purchase Agreement ("Agreement") with Allegheny Power System ("APS"). Specifically, ElectriCities argue that the Agreement, as it is now written, allows APS on a given date to make a payment which will entitle it to an ownership share equal to that payment taken as a ratio of the total costs of construction of the project (as determined in accordance with the FERC Uniform System of Accounts). Therefore, ElectriCities contend that the Agreement contemplates that, as construction costs increase due to AFUDC accruals, APS' payment would be purchasing continuously decreasing amounts of the Project over time; on the other hand, if VEPCO is permitted to place CWIP associated with the Project in rate base, the total Project costs due to AFUDC accruals will cease and subsequent payments by APS will result in its receiving a much higher percentage ownership share of the Project than it should have under the Agreement. In any event, ElectriCities request that the Commission summarily reject at least that portion of the Bath County CWIP which APS has an option to purchase. At present APS is contractually committed to purchase 20 % of the capacity of the Project for 10 years and has the option until December 31, 1984, to increase its purchase by an additional 10%. ElectriCities contend that the 10% on which APS has an option should be summarily removed from rate base because it cannot be presumed that the associated capacity will benefit VEPCO customers.

ElectriCities also take issue with VEPCO's suggested effective date of May 30, 1983, as being inconsistent with the Commission's regulations concerning CWIP in rate base. ElectriCities further contend that VEPCO's proposed increase should, at a minimum, be suspended for five months, citing (1) an allegedly excessive return on common equity, (2) VEPCO's failure to reflect the capital gain on the sale of a 20% interest in the Bath County Project to APS in the proposed rates, and (3) VEPCO's failure to reflect the sale of a 12.5% interest in North Anna Units 1 and 2 in its cost of service.

By separate motion, ElectriCities moved for consolidation of the instant docket with Docket Nos. ER83-430-000 and EL83-11-000.[6] In support of that motion, ElectriCities state that the issues in the three dockets are closely interrelated. Alternatively, if VEPCO's instant filing is rejected, ElectriCities

[5] The Bath County Project has six units with projected in-service dates of 1985 and 1986. VEPCO is currently furnishing partial requirements service to NCEMPA during a Transition Period from December 30, 1981, through December 30, 1983, after which NCEMPA contemplates providing full requirements service to its affected members and receiving only transmission service, and perhaps emergency service, from VEPCO. Although the Transition Period may be extended for one additional year through December 30, 1984, ElectriCities' pleading states that NCEMPA does not anticipate such an extension and that a suspension of VEPCO's rates beyond December 30, 1983, would be "tantamount to rejection of the increase."

[6] Docket No. EL83-11-000 involves an appeal by VEPCO of a February 10, 1983 letter from the Commission's Chief Accountant which rejected certain journal entries proposed by VEPCO in regard to its gain from the sale to APS of an undivided interest in the Bath County Project. The Commission has not yet taken final action on that accounting question.

assert that consolidation of the remaining two dockets would be appropriate because of the similarity of the legal issues involved.

On August 12, 1983, VEPCO filed an answer to the intervenors' motions. VEPCO states that it made its filing in Docket No. ER82–430–000 on March 31, 1983, because delay beyond that point would have resulted in its Period I cost of service data (based on calendar year 1981) becoming stale and also would have resulted in a large revenue loss. VEPCO also states that it could not have anticipated that implementation of the Commission's new CWIP policy would be delayed until July 1, 1983. Therefore, VEPCO asserts that waiver of section 35.17(b) is warranted. VEPCO also states that: (1) The North Carolina Cooperatives' arguments for rejection should be disregarded because comments relating to the general propriety of including CWIP in rate base should be restricted to the rulemaking proceeding and comments relating to limited future use of VEPCO facilities are incorrect due to the fact that these cooperatives will continue as VEPCO customers into the foreseeable future; (2) VEPCO has not included in CWIP the portion of the Bath County Project already sold or committed to APS, although it has included the 10% additional portion on which APS holds an option because the Maryland Public Service Commission must approve the acquisition before APS can exercise its option; (3) NCEMPA is not entitled to special rate treatment; (4) the Virginia Cooperatives' request for departure from the Commission's existing practice of phasing price squeeze determinations should be disregarded; and (5) the instance docket should be consolidated with Docket No. ER83–430–000.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make Bear Island, the Virginia Cooperatives, the North Carolina Cooperatives, and ElectriCities parties to this proceeding.

Despite the intervenors' claims, we are not persuaded that VEPCO's filing should be rejected. But for the restrictions of section 35.17 of the regulations, the submittal substantially complies with the Commission's filing requirements.[7] Furthermore, we find good cause to grant special permission to file as provided for in section 35.17. We find some merit to VEPCO's argument that it was unable to calculate when the Commission's CWIP rule would become effective. Under these circumstances, it could not precisely time its rate filing to coincide with the effectiveness of the CWIP rule and the economic consequences of delay were allegedly substantial. While we do not believe that this argument justifies waiver of our notice requirements or departing from our normal suspension criteria (as discussed below), we do think it provides justification, under these circumstances, for special permission to file CWIP rates during the suspension of non-CWIP rates.

The grounds stated by the North Carolina Cooperatives with respect to the proceedings in Docket No. RM81–38 do not present sufficient grounds for rejection. While challenges to Order No. 298 may remain, the Commission expressly declined to stay that order; its terms are therefore effective. The affected customers will have the opportunity for a hearing as well as refund protection. As the Commission has previously stated, 24 FERC ¶ 61,071, slip op. at p. 4, a CWIP-related rate change is subject to the same ratemaking proceedings and scrutiny as any other element of the cost of service. Therefore, we shall deny the North Carolina Cooperatives' motion for rejection.

As noted, ElectriCities have sought rejection of VEPCO's CWIP-based rates insofar as they apply to NCEMPA; however, they further state that this request would effectively be mooted if the rates are suspended beyond December 30, 1983. (*See* footnote 5, *supra*). Given the position expressed by ElectriCities as well as the decisions discussed below to deny VEPCO's request for waiver of notice and to impose a maximum suspension, we perceive no need to consider the motion to reject as to NCEMPA.

We shall deny ElectriCities' request for summary disposition with respect to VEPCO's inclusion of the entire Bath County Project as CWIP in rate base absent revision of VEPCO's Agreement with APS. There is not sufficient information presently in the record on which to base a decision. Additional evidence should be developed during the hearing which we shall order below. With respect to APS' option to purchase an additional 10% of the Bath County Project, we believe that this contingency is too speculative at this point to justify summary action, particularly in view of VEPCO's characterization of the required state commission approval and the absence of any concrete evidence that the option will be exercised.

Our preliminary review of VEPCO's rates and the intervenors' 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 VEPCO's CWIP-based rates for filing, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed increase may be unjust or unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Since our preliminary review indicates that VEPCO's rates may yield substantially excessive revenues, we shall suspend VEPCO's proposed CWIP-based rates for five months. We do not believe that good cause has been shown to waive the notice requirements as requested by VEPCO. To do so would effectively undermine our objective in Docket No. ER83–430–000, to assure compliance with the provisions of Order No. 298. Further, it would give VEPCO an advantage over those utilities which have properly complied. Consequently, the CWIP-based rates will be suspended for five months from sixty days after filing to become effective, subject to refund, on January 31, 1984.

Given the fact that VEPCO has supported the instant filing by reference to the same Period II cost data as those supplied in Docket No. ER83–430–000, we find that good cause exists to permit the company to use the same Period I data as well. The use of VEPCO's calendar year 1981 data for purposes of comparison with Period II should prejudice the intervenors in no way. Thus, we shall grant waiver of § 35.13(d)(3)(i) of the regulations. Furthermore, inasmuch as the filing fee submitted by VEPCO in Docket No. ER83–430–000 was predicated on the entirety of the proposed increase (including the CWIP increment), an additional fee in this docket would be duplicative. We shall therefore waive § 36.2 to the extent that it would be applicable.

We shall grant ElectriCities' motion for consolidation of the instant docket with Docket No. ER83–430–000. The large number of issues common to the two dockets and administrative efficiency warrant consolidation of the two dockets, notwithstanding arguments

[7] *See Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F.2d 1341 (D.C. Cir 1971); *cert. denied*, 405 U.S. 989 (1972).

to the contrary by the Virginia and North Carolina Cooperatives. Inasmuch as the Commission has not yet acted on the VEPCO appeal pending in Docket No. EL83-11-000 (*see* footnote 6, *supra*), we shall deny the request for consolidation with that docket as premature.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.[8]

The Commission orders: (A) The motions to reject VEPCO's filing in its entirety are hereby denied.

(B) ElectriCities' request for rejection of the proposed rates as they apply to NCEMPA is hereby dismissed for the reason stated in the body of this order.

(C) ElectriCities' request for summary disposition with respect to VEPCO's inclusion of the entire Bath County Project as CWIP in rate base and with respect to VEPCO's inclusion of that portion subject to a purchase option, is hereby denied.

(D) VEPCO's request for waiver of notice is hereby denied.

(E) Waiver of §§ 35.17(b), 36.2, and 35.13(d)(3)(i) of the Commission's regulations is hereby granted.

(F) VEPCO's proposed rates are hereby accepted for filing and are suspended for five months, to become effective on January 31, 1984, subject to refund.

(G) 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 VEPCO's rates.

(H) Docket Nos. ER83-618-000 and ER83-430-000 are hereby consolidated for purposes of hearing and decision. The motion to consolidate with Docket No. EL83-11-000 is denied as premature.

(I) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(J) The administrative law judge designated to preside in Docket No. ER83-430-000 shall convene a conference within approximately fifteen (15) days after service of top sheets to establish a procedural schedule best suited for resolution of this consolidated proceeding.

(K) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Virginia Electric and Power Company

Docket No. ER83-618-000

Rate Schedule Designations

Designations: Thirteenth Revised Sheet Nos. 4 through 9 and Fourteenth Revised Sheet No. 10 to FPC Electric Tariff, First Revised Volume No. 1 (supersedes Twelfth Revised Sheet Nos. 4 through 9 and Thirteenth Revised Sheet No. 10)

Tariff Customers: Town of Blackstone, Town of Culpepper, Town of Elkton, Town of Enfield, Town of Franklin, City of Harrisonburg, Town of Iron Gate, City of Manassas, Town of Wakefield, Town of Windsor.

Designations: Supplement No. 6 to Supplement No. 3 to Rate Schedule FERC No. 102 (supersedes Supplement No. 5 to Supplement No. 3)

Description: Schedule RS-A, Interim Electric Service to North Carolina Eastern Municipal Power Agency.

Customer	Rate schedule	Schedule RC[1]		Schedule RC-Inter[2]	
		Supp. No.	Supersedes	Supp. No.	Supersedes
B-A-R-C EC	76	53	48	54	50
Community EC	77	65	60	66	62
Craig-Botetourt EC	78	50	45	51	47
Mecklenburg EC	79	76	71	77	73
Northern Neck	80	57	52	58	54
Prince George EC	82	58	53	59	55
Prince William EC	83	79	74	80	76
Shenandoah Valley EC	84	77	72	78	74
Southside EC	85	81	76	82	78
Tri-County EC	86	56	51	57	53
Albemarle EMC	88	56	51	57	53
Cape Hatteras EMC	89	41	36	42	38
Edgecombe-Martin County EMC	90	57	52	58	54
Halifax EMC	91	49	44	50	46
Roanoke EMC	92	61	56	62	58
Tideland EME	93	46	41	47	43
Central Virginia EC	94	67	62	68	64
Rappahannock EC	101	57	52	58	54

[1] Firm Resale Service Schedule RC.
[2] Interruptible Service Schedule RC-Interruptible.

[FR Doc. 83-24285 Filed 9-2-83; 8:45 am]
BILLING CODE 6717-01-M

[8] Based on the information available thus far, we perceive no basis on which to depart from our existing phasing practice as requested by the Virginia Cooperatives. However, we note that, under that practice, the presiding judge has discretion to modify the procedural schedule where good cause is found to do so. (See Ordering Paragraph (K), *infra*).

[Docket No. ER83-610-000 et al.]

Public Service Co. of Oklahoma; Hearings

In the matter of Public Service Company of Oklahoma, Southwestern Electric Power Company, Docket Nos. ER83-610-000, and ER82-545-000; Central Power and Light Company, West Texas Utilities Company, Docket Nos. ER83-611-000, and ER82-546-000; Order Accepting for Filing and Suspending Tariffs, Noting Interventions, Summarily Disposing of Certain Issues, Consolidating Dockets, and Establishing Procedures.

August 30, 1983.

On July 1, 1983, Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) tendered for filing in Docket No. ER83-610-000 a proposed transmission tariff for service over their individual alternating current (AC) transmission facilities and over certain direct current (DC) facilities to be constructed. Upon completion, the DC facilities will establish interconnections between the Southwest Power Pool (SWPP) load control area and the Electric Reliability Council of Texas (ERCOT) load control area. Concurrently, Central Power and Light

Company (CP&L) and West Texas Utilities Company (WTU) tendered for filing in Docket No. ER83-611-000 a proposed transmission tariff providing for transmission service over the same DC transmission facilities between the SWPP and ERCOT load centers.[1] The cost justification for both tariffs was developed by combining the AC facilities of each of the two sets of utilities and a portion of the DC facilities. The four filing utilities (collectively referred to as "Companies") are wholly-owned subsidiaries of Central and South West Corporation (CSW). Because there are no currently proposed purchases of transmission service under either tariff, and the commercial operation of the facilities is not expected before July 1, 1984, no executed service agreements have been filed. The Companies request that their submittals become effective 60 days after filing.

The instant filings were made pursuant to the Commission's order in *Central Power and Light Company, et al.*, Docket Nos. EL79-8 and E-9558, 17 FERC ¶ 61,978 (October 28, 1981), as modified on rehearing, 18 FERC ¶ 61,100 (January 29, 1982). In that earlier proceeding the Commission, among other things, accepted a settlement agreement and ordered the construction of two interconnections between ERCOT and SWPP. The Commission also incorporated by reference the terms of the parties' settlement agreements, including a proposed order [2] which provided for the Companies to file the transmission tariffs at issue in the instant dockets, to become effective subject to refund if the Commission so ordered. The incorporated provisions provided, *inter alia*, that Companies would (1) file separate tariffs for transmission service *within* ERCOT and *within* SWPP, and (2) at least one year before the DC lines go into service, the Companies would file a tariff for transmission services *between* ERCOT and SWPP. The former filings have been made and are currently pending before the Commission in Docket Nos. ER82-545-000 and ER82-546-000.[3] The present filings are intended to satisfy the second requirement.

Notice of the filings was issued on July 12, 1983, with comments, protests or interventions due on or before July 28, 1983. Upon application of the Texas Cooperatives [4] and the Municipal Electric Systems of Oklahoma (MESO), the comment date was extended to August 4, 1983.

On July 28, 1983, motions to intervene in Docket No. ER83-610-000 were filed by Houston Lighting and Power Company (HL&P), the City of Brownsville, Texas (Brownsville), Medina Electric Cooperative, Inc., the City of Lafayette, Louisiana (Lafayette), and South Texas Electric Cooperative, Inc., (STEC). On August 1, 1983, Tex-La Electric Cooperative, Inc. (Tex-La) [5] and Northeast Texas Electric Cooperative, Inc. (NTEC) [6] filed motions to intervene. On August 4, the Texas Cooperatives, MESO, and the Oklahoma Municipal Power Authority (collectively referred to as "joint intervenors") filed a motion to intervene. With the exceptions of Tex-La and NTEC, the same entities moved to intervene in Docket No. ER83-611-000. Lafayette, HL&P, NTEC, Tex-La, and the joint intervenors request intervenor status, but have raised no specific issues and have not requested that the filings be set for hearing. STEC, Medina (supporting STEC), and Brownsville raised a number of potential ratemaking issues and requested that the proposed transmission tariffs be suspended for one day and set for hearing. STEC by separate motion, also requested that the proceedings in Docket Nos. ER83-610-000 and ER83-611-000 be consolidated with Docket Nos. ER82-545-000 and ER82-546-000, stating that these filings involve similar transmission service and common issues.

Brownsville requests consolidation of Docket No. ER82-610-000 with Docket No. ER83-611-000, Docket No. EL79-8, and any other proceedings which the Commission deems to be "closely related" because they arise from the Commission's orders in Docket No. EL79-8. Brownsville submits that consolidation is justified because transmission services between CP&L and WTU and other utilities within the ERCOT system are regulated by the Texas Public Utilities Commission, whose jurisdiction overlaps this Commission's insofar as the transmission networks of the ERCOT system members operate on an instantaneous dynamic basis. For this reason, and to assure compatibility of different aspects of a single wheeling transaction, Brownsville suggests consolidation of these proceedings, and that the Texas Public Utility Commission should be invited to participate in the consolidated proceedings or to hold a joint hearing with this Commission. Lafayette supports Brownsville's motion to consolidate.

On August 12, 1983, the CSW Companies submitted an answer to the motions to intervene which commented upon the various ratemaking objections by STEC, Medina, and Brownsville, and supported the requests for intervenor status and the motions to consolidate this proceeding with Docket Nos. ER82-545-000 and ER82-546-000. The CSW Companies, however, objected to consolidation with proceedings involving similar transmission service schedules of TU and HL&P because the parties and the issues arising in the latter proceedings could be different, and CSW's participation in TU and HL&P proceedings would be a substantial burden. CSW states that it would not object to this Commission's consideration of use of the Texas PUC's methodology for structuring transmission rates "in order to avoid unnecessary confusion."

Discussion

Pursuant to Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR § 385.214), the unopposed motions to intervene serve to make each intervenor identified above a party to this proceeding.

PSO, SWEPCO, CP&L, and WTU have included accumulated deferred investment tax credits (ADITC) as a separate component in their stated capital structures. This treatment is contrary to well-established Commission precedent.[7] Similarly, PSO,

[1] See Attachment for rate schedule designations.

[2] The proposed order was submitted in Docket Nos. EL79-8 and E-9558 by Central and South West Corporation and Houston Lighting and Power Company.

[3] See *Public Service Company of Oklahoma, et al.*, 20 FERC ¶ 61,082 (1982) (Suspension Order).

[4] The Texas Cooperatives include: Mid-Tex Generation & Transmission Electric Cooperative, Inc.; Coleman County Electric Cooperative, Inc.; Concho Valley Electric Cooperative, Inc.; Dickens Electric Cooperative, Inc.; Gate City Electric Cooperative, Inc.; Greenbelt Electric Cooperative, Inc.; Lighthouse Electric Cooperative, Inc.; McCulloch Electric Cooperative, Inc.; Midwest Electric Cooperative, Inc.; Rio Grande Electric Cooperative, Inc.; Southwest Texas Electric Cooperative, Inc.; Stamford Electric Cooperative, Inc.; Taylor Electric Cooperative, Inc.; Kimble Electric Cooperative, Inc.; and Magic Valley Electric Cooperative, Inc.

[5] Tex-La member cooperatives include: Cherokee County Electric Cooperative Association; Deep East Texas Electric Cooperative, Inc.; Houston County Electric Cooperative, Inc.; Jasper-Newton Electric Cooperative, Inc.; Rusk County Electric Cooperative, Inc.; Sam Houston Electric Cooperative, Inc.; Wood County Electric Cooperative, Inc.

[6] NTEC member cooperatives include: Bowie-Cass Electric Cooperative, Inc.; Deep East Texas Electric Cooperative, Inc.; Panola-Harrison Electric Cooperative, Inc.; Rusk County Electric Cooperative, Inc.; Upshur Rural Electric Cooperative, Inc.; Wood County Electric Cooperative, Inc.

[7] *E.g., Virginia Electric and Power Co.*, Opinion No. 118, 15 FERC ¶ 61,052 (1981); *Carolina Power and Light Co.*, Opinion No. 19, 4 FERC ¶ 61,107 (1979); *Public Service Company of New Mexico*, 14

SWEPCO, and CP&L failed to synchonize interest expense for tax purposes. Commission precedent requires that utilities compute the long-term debt component of the interest-expense tax deduction as the product of the allocated rate base and the weighted cost of long-term debt.[8] Accordingly, summary disposition will be ordered as to these issues. However, because of the minimal cost of service impact of these items, and the fact that there is no present service under the proposed tariffs; we shall not require the Companies to refile at this time.

We find that common questions of law and fact may be presented in Docket Nos. ER82–545–000, ER82–546–000, ER83–610–000, and ER83–611–000. Therefore, we shall consolidate these dockets for purposes of hearing and decision. We shall, however, deny the requests to consolidate these proceedings with Docket No. EL79–8. With respect to Brownsville's request that the present filings be consolidated with prospective filings of HL&P and TU, we find it premature to address this question now. Upon renewal of Brownsville's request, this question will be addressed in the relevant proceedings.[9]

Our preliminary review of the filings submitted and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatroy or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed tariffs for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we stated that where our preliminary review indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for a nominal period. Because our preliminary review indicates that the transmission tariffs submitted by PSO, SWEPCO, CP&L and WTU may not yield substantially excessive revenues, and in view of the fact that no service is contemplated before July 1, 1984, we shall suspend the proposed tariffs to become effective, subject to refund, upon initiation of service.[10]

The Commission orders:

(A) Summary disposition is hereby ordered, as noted in the body of this order, with respect to the inclusion by PSO, SWEPCO, CP&L and WTU of ADITC as a separate component in their capital structures and with respect to PSO's, SWEPCO's, and CP&L's failure to synchronize interest for purposes of calculating income tax expense. These decisions shall be reflected in any compliance cost of service and rates at the conclusion of this proceeding.

(B) The transmission tariffs submitted by PSO, SWEPCO, CP&L, and WTU are hereby accepted for filing and suspended to become effective, subject to refund, upon initiation of service.

(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 the transmission tariffs filed by PSO, SWEPCO, CP&L, and WTU.

(D) Docket Nos. ER83–610–000 and ER83–611–000 are hereby consolidated with the ongoing proceedings in Docket Nos. ER82–545–000 and ER82–546–000 for purposes of hearing and decision. Brownsville's request to consolidate with other dockets is hereby denied.

(E) The administrative law judge designated to preside in Docket Nos. ER82–545–000 and ER82–546–000 shall convene a conference within approximately fifteen (15) days from the date fo this order, to determine the procedures best suited for resolution of this consolidated proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT—RATE SCHEDULE DESIGNATIONS

Designation	Docket numbers
Public Service Company of Oklahoma: (1) FERC Electric Tariff, Original Volume No. 2 (Original Sheet Nos. 1–21).	Docket No. ER83–610–000.
Southwestern Electric Power Company: (2) FERC Electric Tariff, Original Volume No. 2 (Original Sheet Nos. 1–21).	Docket No. ER83–610–000.
Central Power & Light Company: (3) FERC Electric Tariff, Original Volume No. 3 (Original Sheet Nos. 1–23).	Docket No. ER83–611–000.
West Texas Utilities Company: (4) FERC Electric Tariff, Original Volume No. 3 (Original Sheet Nos. 1–23).	Docket No. ER83–611–000.

[FR Doc. 83–24284 Filed 9–2–83; 8:45 am]

BILLING CODE 6717–01–M

FERC ¶ 61,194 (1981); *Public Service Company of Oklahoma*, 5 FERC ¶ 61,032 (1978); *Virginia Electric and Power Co.*, 4 FERC ¶ 61,258 (1978).

[8] *E.g., Gulf States Utilities Company*, 20 FERC ¶ 61,039 (1982); *Public Service Company of New Mexico*, Opinion No. 113, 17 FERC ¶ 61,123 (1981).

[9] With respect to Brownsville's request that the Texas Commission be invited to participate in the pending proceedings, we presume that that Commission is aware of the filings and is taking whatever actions it deems appropriate under the circumstances.

[10] While the Companies request an effective date 60 days after filing, we see no need to make the rates effective prior to the time that service actually begins.

ENVIRONMENTAL PROTECTION AGENCY

[SA-FRL-2429-7]

Science Advisory Board, ad hoc Committee to Review the National Acid Precipitation Assessment Program; September 9, 1983—Open Meeting

Under Pub. L. 92–463, notice is hereby given of a one day meeting on September 9, 1983 of the Science Advisory Board's Ad Hoc Committee to Review the National Acid Precipitation Assessment Program. The meeting will begin at 9:30 a.m. and will be held in Room 10103 New Executive Office Building, 17th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The principal purpose of the meeting is to enable the Committee to begin its review of the performance to date of the federal government's acid precipitation research program, to examine the current focus and evaluate the strengths and weaknesses of the program, and to assess the ability of the program to answer the scientific questions most pertinent to policy development.

The meeting of the Committee is determined to be an emergency meeting due to the need to conduct an expedited review of the acid precipitation research program. The advice provided by the Ad Hoc Committee will be used to enhance the future planning of the research program.

The meeting is open to the public. Any member of the public wishing to obtain

information, or provide comments to the Committee should contact Dr. Terry F. Yosie, Director, Science Advisory Board (2) 382–4126 by close of business September 8, 1983.

The security system in operation at the New Executive Office Building requires prior notification of all attendees in order to obtain entrance to the meeting. Individuals planning to attend the meeting should contact Ms. Carolyn Osborne, Science Advisory Board staff (202) 382–4126 by close of business September 8, 1983.

Terry F. Yosie,

Director, Science Advisory Board.

September 1, 1983.

[FR Doc. 83-24301 Filed 9-2-83; 8:45 am]

BILLING CODE 6560-50-M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 844]

Puget Sound Production Credit Association; Order Establishing Procedures

Correction

In FR Doc. 83–23737, beginning on page 39288 in the issue of Tuesday, August 30, 1983, the Farm Credit Administration was incorrectly shown to be a subagency of the Department of Agriculture. It is an independent agency, therefore the heading should have read as set forth above.

BILLING CODE 1505-01-M

[Farm Credit Administration Order No. 845]

Southern Oregon Production Credit Association; Order Establishing Procedures

Correction

In FR Doc. 83–23736, beginning on page 39290 in the issue of Tuesday, August 30, 1983, replace the comma following "Farm Credit Administration" in the "AGENCY" line with a period and remove "450A" from the next line.

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Ronald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, NW., Room 9305, Washington, D.C. 20573, telephone number (202) 523–5900. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 523—Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements (General Order 9)

General Order 9 is the Commission's regulation to implement section 15 of the Shipping Act, 1916, as amended, which requires that conference agreements provide reasonable and equal terms and conditions for admission and readmission to conference membership by qualified carriers in the trade. Additionally, the agreement must provide that any member can withdraw from membership without penalty, upon reasonable notice.

The Commission estimates the annual respondents and annual manhours at 78 and 73, respectively. Total estimated annual cost to the Government is $1,666.05; annual cost to the public is estimated at $2,054.65.

Francis C. Hurney,

Secretary.

[FR Doc. 83-24233 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

Agreement; Correction

The publication notice for Federal Maritime Commission Agreement No. 10374–5, an amendment to the Hapag-Lloyd/ICT/French Line Service Agreement, which was published on August 17, 1983 (48 FR 37302) should have read:

"Agreement No. 10374–5 would modify the agreement to: (1) extend approval for five years beyond its scheduled expiration date of December 31, 1983; (2) permit an individual party to terminate its participation in the Agreement on one year's notice; (3) specify more clearly that the scope of the Agreement excludes the Mediterranean; (4) clarify that the parties may not unilaterally terminate selected portions of the Agreement; and (5) delete Article 12, concerning casting of conference votes by the parties, from the Agreement."

Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which it appears.

Dated: August 31, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-24293 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

[Agreement Nos. 8210–47, 9214–31, 7770–24, 7670–23, 9982–18, 5850–39, 7100–27, 10482 and T–4132]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. 8210–47, 9214–31, 7770–24, 7670–23, 9982–18, 5850–39, 7100–27, 10482 and T–4132 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The proposed amendments to Agreement Nos. 8210–47, 9214–31, 7770–24, 7670–23, 9982–18, 5850–39, and 7100–27 would grant the parties, among other things, U.S. intermodal authority and authorize a right of independent action upon 30 days' notice. Agreement No. 8210–47 covers cargo moving from North European continental ports to U.S. North Atlantic ports. Agreement No. 9214–31 covers cargo moving from U.S. North Atlantic ports to North European continental ports. Agreement No. 7770–24 covers cargo moving from U.S. North Atlantic ports to French Atlantic ports and points in France. Agreement No. 7670–23 covers cargo moving from U.S. North Atlantic ports to Scandinavian and Baltic ports. Agreement No. 9982–18 covers cargo moving from Scandinavian and Baltic ports to U.S. North Atlantic ports. Agreement No. 5850–39 covers cargo moving from ports in the United Kingdom (UK) and Republic of Ireland (Ireland) to U.S. North and South Atlantic ports. Agreement No. 7100–27 covers cargo moving from U.S. North Atlantic ports to points in the UK and Ireland.

Agreement No. 10482 is a joint service arrangement between Italian Line and d'Amico Line to provide service either by water or by minibridge between ports on the United States Pacific Coast, Including the Hawaiian Islands, and ports on the Mediterranean and Black Seas and the Atlantic Coast of Spain, Morocco and Portugal, and to the from

all inland points origin and destination. Agreement No. T–4132, between the Port of Palm Beach District (Port) and Eagle Cement Corporation (Eagle), provides for the reassignment of a prior lease between the Port and Ideal Cement Company (now known as Ideal Basic Industries, Inc.). The leased premises, located in Rivera Beach, Palm Beach County, Florida, will be used by Eagle primarily for packing and distributing cement and lime products. Other uses may include transshipment and distribution of sand, clay, rock, ore and minerals other than coal.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSIS and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-24309 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2414–R]

Amstutz International Co.; Order of Revocation

On August 11, 1983, Amstutz International Co., 530 E. North Belt, Houston, TX 77060 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2414–R effective August 26, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981:

It is ordered, that Independent Ocean Freight Forwarder License No. 2414–R issued to Amstutz International Co., be revoked effective August 26, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Amstutz International Co.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-24310 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2040]

Intercontinental Export Ltd.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Intercontinental Export Ltd., 7956 Twist Lane, Springfield, VA 22150 was cancelled effective August 14, 1983.

By letter dated July 19, 1983, Intercontinental Export Ltd. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2040 would be automatically revoked unless a valid surety bond was filed with the Commission.

Intercontinental Export Ltd. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2040 be and is hereby revoked effective August 14, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2040 issued to Intercontinental Export Ltd. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Intercontinental Export Ltd.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-24311 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

International Transportation Concepts, Inc., d.b.a. ITC, Inc. One Cargo Road, Cincinnati Airport, Special Dispatch Bldg., Cincinnati, OH 45275
Officers: Thomas G. Voss, President/Director; Linda J. Deaton, vice President/Director; Charles R. Parris, Secretary/Treasurer/Director; United Midwest Corp., John S. Hodge, President/Director

Gunter Wegner d.b.a. Wegner International Forwarding Company, 5333 Tally Green Drive, Marietta, GA 30067

Paul S. Cohen, 366 Coral Circle, El Segundo, CA 90245

James W. O'Connor d.b.a. J. O. C. International Ltd., 3704 Remuda Way, Pinole, CA 94564

By the Federal Maritime Commission.

Dated: August 31, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-24314 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2082]

James R. Linnehan; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of James R. Linnehan, 9830 Bellanca Avenue, Los Angeles, CA 90045 was cancelled effective August 14, 1983.

By letter dated July 19, 1983, James R. Linnehan was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2082 would be automatically revoked unless a valid surety bond was filed with the Commission.

James R. Linnehan has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2082 be and is hereby revoked effective August 14, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2082 issued to James R. Linnehan be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon James R. Linnehan.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 83-24312 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1181-R]

Ven-Air Service, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ven-Air Service, Inc., 6515 N.W. 19 Street, Bldg. 2141 S-8, Miami, FL 33152 was cancelled effective August 21, 1983.

By letter dated July 26, 1983, Ven-Air Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1181-R would be automatically revoked unless a valid surety bond was filed with the Commission.

Ven-Air Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1181-R be and is hereby revoked effective August 21, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1181-R issued to Ven-Air Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Ven-Air Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 83-24313 Filed 9-2-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Horizon Corp. and Bank of Boston Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Horizon Bancorp*, Morristown, New Jersey; to retain 100 percent of the voting shares of Horizon Trust Company, National Association, Morristown, New Jersey, a limited-purpose trust company, after it commences offering full banking services. Comments on this application must be received not later than September 28, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bank of Boston Corporation*, Boston, Massachusetts; to acquire 100 percent of the voting shares or assets of Casco-Northern Corporation, Portland, Maine. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Comments on this application must be received not later than September 30, 1983.

Board of Governors of the Federal Reserve System, August 30, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24226 Filed 9-2-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Union Bancorp of Evansville, Inc., and Mineola Bancshares, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Union Bancorp of Evansville, Inc.*, Evansville, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Union Bank and Trust Company, Evansville, Wisconsin. Comments on this application must be received not later than September 30, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Mineola Bancshares, Inc.*, Mineola, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Mineola State Bank, Mineola, Texas. Comments on this application must be received not later than September 28, 1983.

Board of Governors of the Federal Reserve System, August 30, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24227 Filed 9-2-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Old Stone Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company

Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de nova* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (mortgage banking and insurance agency activities; Minnesota): To engage *de novo* through its indirect subsidiaries, UniMortgage Corporation of Minnesota, Bloomington, Minnesota and The American Standard Insurance Agency in the origination, sale and servicing of second mortgage loans; the sale of credit life and credit accident and health insurance, which, pursuant to concurrent approval shall be underwritten by an affiliated bank holding company subsidiary, Motor Life Insurance Company, Jacksonville, Florida. These activities would be conducted from an office in Bloomington, Minnesota serving the greater metropolitan area of the cities of Bloomington, St. Paul and Minneapolis, Minnesota and Hennepin County, Minnesota. Comments on this application must be received not later than September 26, 1983.

2. *Old Stone Corporation*, Providence, Rhode Island (insurance underwriting; Minnesota): To engage, through its indirect subsidiary, The Motor Life Insurance Company (Motor Life), in the underwriting, through reinsurance, of credit life and credit accident and health insurance directly related to extensions of credit. This activity would be conducted from Motor Life's existing office in Jacksonville, Florida and the service areas for this activity would be the State of Minnesota. Comments on this application must be received not later than September 28, 1983.

3. *Fleet Financial Group, Inc.*, Providence, Rhode Island (mortgage banking; New York): To engage *de novo* through its direct subsidiary, Fleet Mortgage Corp., Milwaukee, Wisconsin, in the origination and sale of residential and commercial mortgage loans and loans secured by junior liens on residential real estate and the servicing of residential and commerical mortgage loans and loans secured by junior liens on residential real estate. The activities would be conducted from a new office to be located in Tonawanda, New York serving Erie, Genesee, Monroe, Niagara, Orleans and Wyoming counties in New York. Comments on this application must be received not later than September 28, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financal Corp*, Pittsburgh, Pennsylania (finance activities; Pennsylvania): To engage, through its wholly-owned subsidiary, The Kissell company, in making or acquiring and servicing for its own account, and for the accounts of others, loans and other extensions of credit. These activities will be conducted at an office located in State College, Pennsylvania and will serve Blair, Cambria, Cameron, Centre, Clearfield, Huntingdon, McKean, Mifflin and Potter, Pennsylvania. Comments on this application must be received not later than September 30, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California (mortgage banking, real estate appraisal, and insurance activities; Texas): To engage, through its subsidiary, First Interstate Real Estate Services Company, Inc., in mortgage company activities to the extent of making or acquiring real estate or construction loans for its own account of for the account of others; selling or servicing real estate or construction loans for its own account or for the account of others; performing appraisals of real estate; conducting such related activities as are incidental to the mortgage banking business; and acting as insurance agent or broker, as permitted by subsection (A) of Section 601 of the Garn-St Germain Depository Institutions Act of 1982, with respect to credit life and credit accident and health insurance, and mortgage disability and mortgage redemption insurance directly related to extensions of credit or the provision of other financial services by First Interstate Bancorp or its subsidiaries. These activities would be conducted from an office in San Antonio, Texas, serving San Antonio and the State of Texas. Comments on this application must be received not later than September 30, 1983.

2. *Wells Fargo & Company*, San Francisco, California (finance and servicing activities; California): Proposes to engage through its subsidiary, Wells Fargo Mortgage Company, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons. These activities would be conducted from an office in Woodland Hills, California and Walnut Creek, California serving Los Angeles and Ventura and surrounding counties and Northern California, respectively. Comments on this application must be received not later than September 30, 1983.

Board of Governors of the Federal Reserve System, August 30, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24228 Filed 9-2-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0118; DESI No. 6514]

Drug Efficacy Study Implementation; Revocation of Exemption for Certain Oral Prescription Drugs Offered for Cough, Cold, or Allergy ("Paragraph XIV/Category 15"); Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) revokes the temporary exemption for Tuss-Ornade Spansules and Liquid, two drug produc s offered for relief of symptoms of cough cold, or allergy. The exemption has

permitted the products to remain on the market beyond the time limit scheduled for implementation of the Drug Efficacy Study. FDA offers an opportunity for a hearing on its proposals: (1) To withdraw approval of the original formulations of Tuss-Ornade Spansules and Liquid, and (2) to refuse approval of supplemental reformulations of the same products.

DATES: Revocation of exemption effective September 6, 1983. Hearing requests due on or before October 6, 1983; data in support of hearing requests due on or before November 7, 1983.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 83N–0118, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MC 20857

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN–310), National Center for Drugs and Biologics.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFI–35), Rm. 12A–12.

Requests for hearing, supporting data, and other comments: Dockets Management Branch (HFA–305), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN–501), National Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: David T. Read, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 9, 1973 (38 FR 4006, formerly Docket No. FDC–D–537), FDA classified the drug products described below as less than effective for their labeled indications

1. NDA 12–903; Tuss-Ornade Spansules containing caramiphen edisylate 20 milligrams (mg), chlorpheniramine maleate 8 mg, phenylpropanolamine hydrochloride 50 mg, and isopropamide iodide 2.5 mg; Smith Kline and French Laboratories, 1500 Spring Garden St., P.O. Box 7929, Philadelphia, PA 19101 (DESI 6514).

2. NDA 13–068; Tuss-Ornade Liquid containing caramiphen edisylate 5 mg, chlorpheniramine maleate 2 mg, phenylpropanolamine hydrochloride 15 mg, and isopropamide iodide 0.75 mg; Smith Kline and French Laboratories (DESI 6514).

Thereafter, in a notice published in the **Federal Register** of December 14, 1973 (38 FR 34481), FDA granted a temporary exemption from the time limits established for completing certain phases of the drug efficacy study (DESI) program, for certain oral prescription drugs offered for relief of cough, cold, allergy, and related symptoms, including the aforementioned products. The exemption was granted because of the close relationship between drugs sold over the counter (OTC)—and thus subject to the ongoing OTC drug review (21 CFR Part 330)—and prescription drugs offered for relief of cough, cold, allergies, and related symptoms. Postponement of final evaluations on the DESI prescription products enabled the agency to consider the recommendations of the OTC drug review panel in addition to any evidence submitted by new drug application (NDA) holders in response to various DESI notices covering relevant products. Those recommendations and a proposed monograph for over-the-counter cold, cough, allergy, bronchodilator, and antiasthmatic (CCABA) drugs were published in the **Federal Register** of September 9, 1976 (41 FR 38312).

According to FDA records, the exemption for cough, cold, or allergy products (category 15 of paragraph XIV) originally applied to 78 products that were subjects of approved or effective NDA's. Since publication of the proposed CCABA monograph, FDA has revoked the exemption of 74 products. FDA herby revokes the exemption of Tuss-Ornade Spansules and Liquid, two of the four remaining products, because no clinical studies were submitted in support of the products. The products are classified as lacking substantial evidence of effectiveness. (The two remaining exempt products, Dimetapp Extentabs and Elixir, will be the subject of another **Federal Register** notice.)

Smith Kline and French has recently submitted supplements to the applications proposing to reformulate the products listed above to the following:

1. NDA 12–903: caramiphen edisylate 40 mg and phenylpropanolamine hydrochloride 25 mg.

2. NDA 13–068: caramiphen edisylate 6.7 mg and phenylpropanolamine hydrochloride 12.5 mg.

Although the OTC drug review panel for CCABA drugs concluded that combinations containing a nasal decongestant and an antitussive (as purported in reformulated Tuss-Ornade Spansules and Liquid) are safe and effective if each active ingedient is safe and effective in the recommended dosage (41 FR 38326), caramiphen edisylate lacks substantial evidence of effectiveness. The OTC drug review panel for CCABA drugs concluded that there are no well-controlled, objective, clinical studies documenting the effectiveness of caramiphen edisylate as an antitussive. The conclusions of the OTC review penal for CCABA drugs, at 41 FR 38345, are incorporated herein by reference.

According to FDA records, the only submissions by Smith Kline and French Laboratories to establish the effectiveness of caramiphen were to Docket No. 76N–0052 (the CCABA proposed monograph). These include data from one clinical study (PM–252). The Director of the National Center for Drugs and Biologics concurs in the following evaluation of study PM–252 sent to Smith Kline and French Laboratories by the Director of the Division of OTC Drug Evaluation on October 15, 1981:

Study PM–252 was a multidose, triple-crossover, double-blinded study designed to demonstrate the effectiveness of caramiphen edisylate as an OTC antitussive drug prodcut. Thirteen patients with chronic cough served as subjects for the study; two patients were not included in the final analysis. Each patient received a full dosage schedule treatment with 20 mg caramiphen, 10 mg caramiphen, and a placebo with at least a 2-day washout period between each treatment. An objective method utilizing microphones and tape recorders was used in the study to count coughs. In addition, subjective global evaluations of each patient's response to the treatment as excellent, good, fair, or poor were recorded by the investigator. On the first day of the testing period, each patient received a clinical examination, and a subjective evaluation was recorded at 9 a.m. A 1-hour cough-count baseline was taped between 9 and 10 a.m. On the second day of the testing period, a subjective evaluation (9 a.m.) was recorded, and a 1-hour cough-count baseline (9 to 10 a.m.) was taped. At the end of the 1-hour baseline period (10 a.m.), a dose of 20 mg caramiphen, 10 mg caramiphen, or the placebo was given to each patient, and a 4-hour cough count (10 a.m. to 2 p.m.) was taped. At the end of the 4-hour cough-counting period (2 p.m.), another subjective evaluation was recorded. Two hours later (4 p.m.), a second dose of drug or placebo was administered, and 6 hours after the second dose (10 p.m.) a third dose of drug or placebo was administered. At 6 a.m. on the third day of the testing period, a fourth dose of drug or placebo was administered. Three hours later (9 a.m.), another subjective evaluation was recorded, and a 1-hour (9 to 10 a.m.), cough-counting period was taped. A fifth dose of drug or placebo was administered at 10 a.m. followed by the taping of a 4-hour (10 a.m. to 2 p.m.) cough-counting period. Statistical analysis of the data by Smith Kline & French

produced a p-value <0.001 for the 20-mg dose when compared to the placebo and a p-value <0.02 for the 10-mg dose. A statistical analysis comparing drug cough counts to baseline cough counts was not included in the submission.

The Bureau of Drugs performed a statistical analysis of the raw data submitted using the same statistical methods used in the submission. The p-value found by the Bureau did not agree with those submitted by Smith Kline & French. The Bureau's analysis produced a p-value >0.20 for the 20-mg dose of caramiphen when compared with the placebo and a p-value >0.10 for the 10-mg dose of caramiphen when compared with the placebo, indicating that there was not a significant decrease in cough counts in favor of the 20-mg or the 10-mg dose. In addition, the statistical analysis submitted by Smith Kline & French ignored a comparison of the drug cough counts with the baseline cough counts which would tend to bias the results in favor of the active drug. When the baseline cough counts were used for comparison with the drug cough counts, the Bureau's analysis of the treatments produced no significant differences among the three treatments ($p>0.15$). Thus, there is no statistical evidence that caramiphen is superior to placebo in reducing cough counts.

In addition, an examination of the cough counts for each patient revealed that no drug effect was noted in 7 of the 11 patients. An effect of the 20-mg dose, but not the 10-dose, appeared to be present in two patients. However, the effect of the 20-mg dose was seen only on the third day of the study period in one of these patients, and in the other patient the placebo was more effective in reducing cough count than the 10-mg dose. Both doses may have been effective in the two other patients; however, in one patient the low dose was effective only on the third day of the study period, and in the other patient the apparent drug effect may have been due in large part to the fact that an enormous increase in coughing occurred on the second placebo day, a level of coughing not seen in the control days when no drug or placebo was given. The Bureau concludes that the submited data do not provide evidence that caramiphen edisylate is superior to placebo in reducing cough counts.

Notice of opportunity for hearing. On the basis of all the data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335) and 21 CFR 314.111(a)(5) and 300.50, and demonstrates the effectiveness of Tuss-Ornade Spansules and Liquid in any of the formulations described above for any of their labeled indications.

Notice is given to the holder of the two new drug applications, and to all other interested persons, that the Director of the National Center for Drugs and Biologics proposes to issue an order under sections 505 (d) and (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (d) and (e)), refusing to approve the supplements to NDA's 12-903 and 13-068 for the reformulations described above, and withdrawing approval of these new drug applications and all amendments and supplements thereto. The basis for the proposal is that new information before the Director with respect to the drug products, evaluated together with the evidence available to his as part of the approved applications and the recent supplements for reformulation, shows there is a lack of substantial evidence that the drug products as previously formulated or as proposed for reformulation will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310 and 314), the applicant and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6) and not the subject of a new drug application, are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn or why approval of the supplemental applications should not be refused, and an opportunity to raise, for administrative determination, all issues relating to the legal status of the relevant drug product named above and of all identical, related, or similar drug products not the subject of a new drug application.

The applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file: (1) On or before October 6, 1983, a written notice of appearance and request for hearing, and (2) on or before November 7, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw and to refuse approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a granting or denial of a hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of the relevant drug product. Any such drug product labeled for the indications referred to in this notice as lacking substantial evidence of effectiveness may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such a drug product from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications or the refusal to approve the supplemental applications, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seem in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (ses. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the National

Center for Drugs and Biologics (21 CFR 5.70 and 5.82).

Dated: August 19, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-24232 Filed 9-2-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 26, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 21, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Greene County

Eutaw, *Wills, William B., House*, 108 Ashby Dr.

CALIFORNIA

Kern County

Bakersfield, *Jastro Building (Standard Oil Building)*, 1800 19th St.

Orange County

Fullerton, *Chapman Building*, 110 E. Wilshire Ave.

Santa Ana, *Pacific Electric Sub-Station #14*, 802 E. 5th St.

Villa Park, *Smith and Clark Brothers Ranch and Grounds*, 18922 Santiago Blvd.

COLORADO

Denver County

Denver, *Curtis-Champa Streets Historic District (Boundary Increase)*, Roughly 30th, Stout, Downin, and Arapahoe Sts.

Jefferson County

Golden, *Twelfth Street Historic Residential District*, Roughly bounded by 11th, 13th, Elm, and Arapahoe Sts.

DISTRICT OF COLUMBIA

Washington, *Bowen, Anthony, Y.M.C.A.*, 1816 12th St., NW

INDIANA

Miami County

Chili vicinity, *Paw Paw Creek Bridge #52*, Paw Paw Pike

LOUISIANA

Beauregard parish

DeRidder, *Beauregard Parish Courthouse*, 1st St.

Caddo Parish

Shreveport, *Sprague Street Houses*, 1100–1118 Sprague St.

Calcasieu Parish

DeQuincy, *Kansas City Southern Depot*, Lake Charles Ave.

Rapides Parish

Alexandria, *Hemenway Furniture Co. Building*, 3rd and Jackson Sts.

Tangipahoa Parish

Loranger vicinity, *Zemurray Gardens Lodge Complex*, LA 40

Vernon Parish

Leesville, *Vernon Parish Courthouse*, 201 S. 3rd St.

MASSACHUSETTS

Suffolk County

Boston, *Lawrence Model Lodging Houses*, 79, 89, 99 and 109 E. Canton St.

Worcester County

Uxbridge, *Adams, Benjamin, House (Uxbridge MRA)*, 61 N. Main St.

Uxbridge, *Albee, E., House (Uxbridge MRA)*, Highland St.

Uxbridge, *Aldrich, Daniel, Cottage and Sawmill (Uxbridge MRA)*, Aldrich St.

Uxbridge, *Aldrich, J., House (Uxbridge MRA)*, Aldrich St.

Uxbridge, *Aldrich, S., House (Uxbridge MRA)*, Aldrich St.

Uxbridge, *Aldrich, W., House (Uxbridge MRA)*, Henry St.

Uxbridge, *Bank Building (Uxbridge MRA)*, 40–44 S. Main St.

Uxbridge, *Brown, E., House (Uxbridge MRA)*, 3 Sutton St.

Uxbridge, *Butler Block (Uxbridge MRA)*, 210 Linwood St.

Uxbridge, *Capron, Charles, House, (Uxbridge MRA)* 2 Capron St.

Uxbridge, *Carpenter, George, House (Uxbridge MRA)*, 67 S. Main St.

Uxbridge, *Central Woolen Mills District (Uxbridge MRA)*, Mendon and Cross Sts.

Uxbridge, *Chapin, A., House (Uxbridge MRA)*, 26 Pleasant St.

Uxbridge, *Cook, A. E., House (Uxbridge MRA)*, Aldrich St.

Uxbridge, *Deane, Francis, Cottage (Uxbridge MRA)*, 58 N. Main St.

Uxbridge, *Farnum Block (Uxbridge MRA)*, 2–6 N. Main St.

Uxbridge, *Farnum, Moses House (Uxbridge MRA)*, MA 146.

Uxbridge, *Farnum, R., House (Uxbridge MRA)*, 20 Oak St.

Uxbridge, *Farnum, William and Mary, House (Uxbridge MRA)*, Albee Rd.

Uxbridge, *Granite Store (Uxbridge MRA)*, 112–116 Hecla St.

Uxbridge, *Hall, S. A., House (Uxbridge MRA)*, 133 N. Main St.

Uxbridge, *Hayward, William, House, (Uxbridge MRA)* 77 N. Main St.

Uxbridge, *Holbrook, Sylvanus, House (Uxbridge MRA)*, Albee Rd.

Uxbridge, *Ironside Mill Housing and Cellar Hole (Uxbridge MRA)*, Ironstone St.

Uxbridge, *Judson-Taft House (Uxbridge MRA)*, 30 Pleasant St.

Uxbridge, *Kensley, J., House (Uxbridge MRA)*, Chestnut St.

Uxbridge, *North Uxbridge School (Uxbridge MRA)*, 87 E. Hartford Ave.

Uxbridge, *Richardson, Dexter, House (Uxbridge MRA)*, South St.

Uxbridge, *Richardson, Joseph, House (Uxbridge MRA)*, Chockalog St.

Uxbridge, *Rivulet Mill Complex (Uxbridge MRA)*, 60 Rivulet St.

Uxbridge, *Sayles, Richard, House (Uxbridge MRA)*, 80 Mendon St.

Uxbridge, *Southwick, Elisha, House (Uxbridge MRA)*, Chockalog St.

Uxbridge, *Southwick, Israel, House (Uxbridge MRA)*, 70 Mendon St.

Uxbridge, *Taft Brothers Block (Uxbridge MRA)*, 2–8 S. Main St.

Uxbridge, *Taft, Aaron, House (Uxbridge MRA)*, Hazel St.

Uxbridge, *Taft, Bazaleel, Jr., House and Law Office (Uxbridge MRA)*, 147 S. Main St.

Uxbridge, *Taft, Geroge, House (Uxbridge MRA)*, Richardson St.

Uxbridge, *Taft, Hon. Bazaleel, House (Uxbridge MRA)*, S. Main St.

Uxbridge, *Taft, Moses, House (Uxbridge MRA)*, 66 S. Main St.

Uxbridge, *Taft, Samuel, House (Uxbridge MRA)*, Sutton St.

Uxbridge, *Taft, Zadock, House (Uxbridge MRA)*, 112 S. Main St.

Uxbridge, *Thomson, C. R., House and Barn (Uxbridge MRA)*, Chockalog St.

Uxbridge, *Uxbridge Common District (Uxbridge MRA)*, Main, Court and Douglas Sts.

Uxbridge, *Uxbridge Passenger Depot (Uxbridge MRA)*, 28 S. Main St.

Uxbridge, *Uxbridge Town Hall (Uxbridge MRA)*, 45 S. Main St.

Uxbridge, *Woucantuck Mill Complex (Uxbridge MRA)*, Mendon and Patrick Henry Sts.

Uxbridge, *Wheelockville District (Uxbridge MRA)*, Mendon and Henry Sts.

Uxbridge, *Whipple, A., House (Uxbridge MRA)*, Sutton St.

Uxbridge, *Williams, N., House (Uxbridge MRA)*, Rawson St.

NEW JERSEY

Essex County

Newark, *James Street Commons Historic District Addendum*, 18 Washington Pl.

NEW YORK

Bronx/New York Counties

New York, *Washington Bridge*, Between Amsterdam and Undercliff Aves.

Chemung County

Elmira, *Near Westside Historic District*, Roughly bounded by Chemung River, College Ave., 2nd and Hoffman Sts.

Columbia County

Clermont, *Bouwerie (Clermont MRA)*, Buckwheat Bridge Rd.

Clermont, *Brodhead, Thomas, House (Clermont MRA)*, US 9.
Clermont, *Clarkson Chapel (Clermont MRA)*, NY 9G.
Clermont, *Clermont Academy (Clermont MRA)*, US 9.
Clermont, *Coons House (Clermont MRA)*, NY 9G.
Clermont, *Hickory Hill (Clermont MRA)*, Buckwheat Bridge Rd.
Clermont, *Old Parsonage (Clermont MRA)*, Buckwheat Bridge Rd.
Clermont, *St. Luke's Church (Clermont MRA)*, US 9.

Erie County

Williamsville, *Williamsville Water Mill Complex*, 56 and 60 Spring St.

Jefferson County

Carthage, *State Street Historic District*, 249–401 State St., 246–274 State St., and 106–108 Mechanic St.

Kings County

New York, *Greenpoint Historic District*, Roughly bounded by Kent, Calyer, Noble, and Franklin Sts., Clifford Pl., and Manhattan Ave.

Madison County

Leonardsville, *Wheeler House Complex*, NY 8

New York County

New York, *Croton Aqueduct Gate House*, 135th St. and Convent Ave.
New York, *Odd Fellows Hall*, 165–171 Grand St.

Queens County

New York, *68th Avenue—64th Place Historic District (Ridgewood MRA)*, Roughly 64th Pl. from Catalpa Ave. to 68th Ave. from 64th St. to 65th St.
New York, *75th Avenue—61st Street Historic District (Ridgewood MRA)*, Roughly bounded by St. Felix Ave., 60th Lane, 60th and 62nd Sts.
New York, *Allen-Beville House*, 29 Center Dr.
New York, *Central Avenue Historic District (Ridgewood MRA)*, Roughly bounded by Myrtle and 70th Ave., and 65th and 66th Sts.
New York, *Central Ridgewood Historic District (Ridgewood MRA)*, Roughly bounded by Fresh Pond Rd., Putnam, 68th, Forest, Catalpa, Onderdonk, and 71st Aves.
New York, *Cooper Avenue Row Historic District (Ridgewood MRA)*, 6434–6446 Cooper Ave.
New York, *Cornelia-Putnam Historic District (Ridgewood MRA)*, Roughly bounded by Jefferson St., Putnam, Wyckoff, and Myrtle Aves.
New York, *Cypress Avenue East Historic District (Ridgewood MRA)*, Roughly bounded by Linden and Cornelia Sts., Seneca and St. Nicholas Aves.
New York, *Cypress Avenue West Historic District (Ridgewood MRA)*, Roughly bounded by St. Nicholas and Seneca Aves., Linden and Stockholm Sts.
New York, *Forest-Norman Historic District (Ridgewood MRA)*, Forest Ave. from Summerfield to Stephen St. and Norman St to Myrtle Ave.
New York, *Fresh Pond-Traffic Historic District (Ridgewood MRA)*, Roughly bounded by Fresh Pond Rd., Traffic Ave., Woodbine and Linden Sts.
New York, *Grove-Linden St. John's Historic District (Ridgewood MRA)*, Fairview Ave., St. John's Rd., Linden and Grove Sts.
New York, *Madison-Putnam—60th Place Historic District (Ridgewood MRA)*, Roughly bounded by Woodbine St., 60th Pl., 67th and Forest Aves.
New York, *Seneca Avenue East Historic District (Ridgewood MRA)*, Roughly Seneca Ave. E. between Hancock and Summerfield Sts.
New York, *Seneca-Onderdonk-Woodward Historic District (Ridgewood MRA)*, Roughly bounded by Woodward, Seneca, and Catalpa Aves., and Woodbine St.
New York, *Stockholm-DeKalb-Hart Historic District (Ridgewood MRA)*, DeKalb and Woodward Aves., Stockholm and Hart Sts.
New York, *Summerfield Street Row Historic District (Ridgewood MRA)*, 5912–5948 Summerfield St.
New York, *Willoughby-Suydam Historic District (Ridgewood MRA)*, Suydam St., Willoughby, St. Nicholas, and Wyckoff Aves.
New York, *Woodbine-Palmetto-Gates Historic District (Ridgewood MRA)*, Roughly bounded by Forest and Fairview Aves., Woodbine and Linden Sts.

Steuben County

Bath, *Campbell-Rumsey House (Bath Village MRA)*, 225 E. Steuben St.
Bath, *Cobbleston House (Bath Village MRA)*, 120 W. Washington St.
Bath, *Davenport Library (Bath Village MRA)*, W. Morris St.
Bath, *Gansevoort/East Steuben Streets Historic District (Bath Village MRA)*, E. Steuben and Gansevoort Sts.
Bath, *Haverling Farm House (Bath Village MRA)*, 313 Haverling St.
Bath, *Liberty Street Historic District (Bath Village MRA)*, Roughly Liberty St. from E. Morris St. to Haverling St.
Bath, *McMaster House (Bath Village MRA)*, 207 E. Washington St.
Bath, *Perine, H.W., House (Bath Village MRA)*, 1 Haverling St.
Bath, *Potter-Van Camp House (Bath Village MRA)*, 4 W. Washington St.
Bath, *Robie, Reuben, House (Bath Village MRA)*, 16 W. Washington St.
Bath, *Sedgwick House (Bath Village MRA)*, 101 Haverling St.
Bath, *Shepherd, William, House (Bath Village MRA)*, 110 W. Washington St.

Suffolk County

West Sayville, *MODESTY (sloop) (Oystering Industry TR)*, Suffolk Marine Museum Boat Basin, Montuak Hwy.
West Sayville, *PRISCILLA (schooner) (Oystering Industry TR)*, Montauk Hwy., Suffolk Marine Museum Boat Basin
West Sayville, *Penney, Frank F., Boatshop (Oystering Industry TR)*, Montauk Hwy., Suffolk Marine Museum
West Sayville, *Rudolph Oyster Cull House (Oystering Industry TR)*, Suffolk Marine Museum, Montauk Hwy.

Ulster County

Highland, *Yelverton, Anthony, House*, 39 Maple Ave.

OKLAHOMA

Alfalfa County

Cherokee, *Farmer's Federation Elevator (Clay Tile Grain Elevators in Northwestern Oklahoma TR)*, Ohio Ave. and 4th St.
Goltry, *Farmer's Exchange Elevator (Clay Tile Grain Elevators in Northwestern Oklahoma TR)*, OK 45
Ingersoll, *Ingersoll Tile Elevator (Clay Tile Grain Elevators in Northwestern Oklahoma TR)*, Off US 64

Beckham County

Elk City, *Hedlund Motor Company Building*, 206 S. Main
Elk City, *Storm House*, 721 W. Broadway

Blaine County

Watonga vicinity, *Cronkhite Ranch House*, N of Watonga off OK 51a

Canadian County

Union City, *Richardson Building*, NE of Main and Division

Ellis County

Arnett, *Farmers and Merchants Bank (Banking Facilities in Ellis County TR)*, 103 S. Washington St.
Fargo, *Stock Exchange Bank (Banking Facilities in Ellis County TR)*, Main St.
Gage, *Bank of Gage (Banking Facilities in Ellis County TR)*, 18 Main St.
Gage, *Farmers State Bank Building-First State Bank (Banking Facilities in Ellis County TR)*, 18 N. Main St.
Shattuck, *Bank of Shattuck (Banking Facilities in Ellis County TR)*, 100 S. Main St.
Shattuck, *First State Bank (Banking Facilities in Ellis County TR)*, 239 S. Main St.
Shattuck, *Shattuck National Bank Building (Banking Facilities in Ellis County TR)*, 100 S. Main St.

Harper County

Buffalo, *Farmers' Co-op Elevator (Clay Tile Grain Elevators in Northwestern Oklahoma TR)*, Off US 64
Buffalo, *Feuquay Elevator (Clay Tile Grain Elevators in Northwestern Oklahoma TR)*, Off US 64

Mayes County

Chouteau, *Territorial Commercial District*, Main St.

Muskogee County

Muskogee, *Fite, F.B., House and Servant's Quarters*, 443 N. 16th St.
Muskogee, *Pre-Statehood Commercial District*, Main, Broadway, Okmulgee, and Seconds Sts.

Stephens County

Marlow, *Montgomery-Liman House*, 301 N. 5th St.

Texas County

Texhoma vicinity, *CCC Ranch Headquarters*, W of Texhoma

Woodward County

Woodward, *Boyle Building (Woodward MRA)*, 1114–1122 9th St.
Woodward, *Stein, L.L., House (Woodward MRA)*, 1001 10th St.
Woodward, *Woodward Downtown Historical District (Woodward MRA)*, 800 and 900 Blks of Main St.

TEXAS

Bexar County

San Antonio, *Thomas Jefferson High School*, 723 Donaldson Ave.

Brazos County

Bryan, *Temple Freda*, 205 Parker St.

Brown County

Brownwood, *Brown County Jail*, 401 W. Broadway

Travis County

Austin, *Jernigan, A.J., House*, 602 Harthan

WISCONSIN

Dane County

Madison, *Hyer's Hotel*, 854 Jenifer St.

Door County

Sturgeon Bay, *Louisiana Street/Seventh Avenue Historic District*, Roughly bounded by Louisiana and Kentucky Sts., N. 5th, N. 7th, and N. 8th Aves.
Sturgeon Bay, *Third Avenue/Downtown Historic District*, Roughly bounded by Kentucky St., N. 2nd, N. 3rd, and S. 3rd Aves.

Douglas County

Superior, *New Jersey Building*, 1422–1432 Tower Ave. and 1705–1723 Belknap Ave.

[FR Doc. 83-24332 Filed 9-2-83; 8:45 am]
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Intent to Prepare a Draft Environmental Impact Statement for the Proposed Expansion of the Absaloka Mine, Bighorn County, Montana

[Indian Coal lease NO. 14-20-0252-4088]

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

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining (OSM), Western Technical Center, and the Montana Department of State Lands (DLS) intend to prepare an environmental impact statement (EIS) on the permit application and mining plan submitted by Westmoreland Resources, Inc. to OSM and the State of Montana for the proposed expansion of the Absaloka mine. The EIS will evaluate the alternative actions of approval or disapproval and other alternatives that may be developed after all comments from the scoping process have been evaluated. The EIS will assist the Department of Interior and the Department of State Lands in making a decision on the Westmoreland Resources, Inc. application for surface mining of coal northwest of the City of Hardin, Montana.

DATE: A public scoping brochure has been distributed by the Montana Department of State Lands to obtain public input concerning the proposed mine and aid in determining the scope of the EIS. Any additional written comments or statements on the scope of the EIS must be received not later than 5 p.m. MDT, September 23, 1983, at either of the addresses given below.

ADDRESSES: Written comments or statements must be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Charles Albrecht, Office of Surface Mining, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, CO 80202, *or* to Mr. Kit Walther, Montana Department of State Lands, Environmental Analysis Bureau, 1539 11th Street, Helena, MT 59620.

Copies of the mine plan are available for review at the OSM office above as well as at Montana Department of State Lands, 1525 Eleventh Avenue, Helena, Montana; and the Bureau of Indian Affairs, Crow Agency, Montana and the Office of Surface Mining, Casper Field Office, Fredon Building, 935 Pendell Blvd., Mills, Wyoming.

FOR FURTHER INFORMATION CONTACT: Allen D. Klein, Attn: Charles Albrecht (telephone (303) 837–5421) at the Denver, Colorado, location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: The mine is an existing surface mine located about 20 miles northwest of Hardin, Montana in the area known as the Crow Ceded Strip, north of the Crow Reservation. The expanded minesite would cover approximately 573 acres of private surface, of which approximately 540 acres would be disturbed. The EIS will cover a 20 year life-of-mine operation with a maximum annual production of 10.0 million tons of coal. The Absaloka mine began construction of mine facilities in late 1972 and coal production began in 1974.

OSM and the Montana DSL will jointly analyze the impacts of the proposal and its alternative with assistance from the Bureau of Indian Affairs.

Dated: August 31, 1983.

J. R. Harris,

Director, Office of Surface Mining

[FR Doc. 83-24303 Filed 9-2-83; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 399]

Rail Carriers; Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Grant of an extension of time to file comments and adoption of threshold for Commission rate jurisdiction over market dominant rail traffic for the period beginning October 1, 1983.

SUMMARY: The period allowed for comments in this proceeding is extended to September 30, 1983. A threshold for Commission jurisdiction over rates of market dominant rail traffic of 175 percent is adopted for the period beginning October 1, 1983.

DATE: Comments are due September 30, 1983.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275–7354
Robert C. Hasek, (202) 275–0938

SUPPLEMENTARY INFORMATION: This order extends the comment period in this proceeding to September 30, 1983. (Prior notice published at 48 FR 36687, August 12, 1983.) Until the Commission computes a new Cost Recovery Percentage (CRP) the current CRP will control. That CRP was computed to be 183.5 percent. (See 47 FR 56055, December 3, 1982)

Pursuant to 49 U.S.C. 10709 (d)(2)(D)[1] the threshold for Commission jurisdiction over rail rates of market dominant traffic will be 175 percent for the one-year period beginning October 1, 1983 because the Commission derived CRP (183.5 percent) exceeds 175 percent. Doing so should not create a hardship for the parties because all our preliminary CRP calculations are in excess of 175 percent.

An extension in the comment period to September 30, 1983 was requested by the National Industrial Transportation

[1] Section 10709(d)(2)(D) requires the Commission to find that a rail carrier does not have market dominance over the transportation to which a challenged rate applies if the rail carrier proves that the rate charged results in a revenue—variable cost percentage for such transportation that is less than "* * * 175 percent or the cost recovery percentage, whichever is less (to a low of 170 percent) during the period beginning October 1, 1983, and ending September 30, 1984. * * *"

League, American Paper Institute, Carolina Power and Light Company, Duke Power Company, South Carolina Electric and Gas Company, Virginia Electric and Power Company and Western Coal Traffic League. These parties argue that the proposed CRP (407.5 percent) is far higher than prior cost recovery percentages and that the issues are extremely complex and require informed and detailed economic analysis. They believe that detailed analysis of the CRP cannot be accomplished in 20 days. Parties also argue that the timing of a twenty-day comment period during a peak summer vacation period makes both key personnel and expert consultants unavailable because of professional commitments and long scheduled vacations.

We argee with the parties that the issues in this proceeding are extremely complex and that informed and detailed economic analysis would aid in the provision of meaningful comments. An extension in the comment period to September 30, 1983 is granted. We plan to issue a recomputed CRP by December 1, 1983.

Dated: August 29, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-24251 Filed 9-2-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 17000 (Sub-7) and No. 17000 (Sub-7a)]

Rail Carrier; Rail Structure Investigation—Grain and Grain Products To, From, and Within Southern Territory

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed cancellation.

SUMMARY: The Commission is considering the cancellation of the prescribed rate structures on grain and grain products in the Western Division and Southern Territory.

DATE: Comments are due October 6, 1983.

ADDRESSES: Send an original and 10 copies of No. 17000 (Sub-Nos. 7 and 7a) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275-7245
or
Gerald Proger, (202) 275-5957

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 389-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: August 29, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-24253 Filed 9-2-83; 8:45 am]

BILLING CODE 7035-01-M

Rail Carriers; Release of Waybill Sample Data

The ICC requires all railroads terminating 4,500 or more carloads per year to submit to the ICC a sample of all terminated shipments (49 CFR Part 1244 and Ex Parte 385). The sample is used as input to many ICC projects and studies. The sample is also used by the States as a major source of information for developing State transportation plans. Other Government agencies (Department of Transportation; United States Department of Agriculture, etc.) use the waybill sample a part of their information base. In addition to the Government (State and Federal), over 50 other groups have been using the waybill sample each year. These non-Government users of the data fall into the following six categories:

1. Transportation Consulting Firms.
2. Railroads.
3. Universities.
4. Shipper Associations.
5. Freight Car Builders.
6. Association of American Railroads.

The waybill sample has been used in a variety of different ways. The following are some of the ways the data have been used.

1. Study the Impact of Mergers and Deregulation.
2. Marketing Studies.
3. Study Rail Traffic Flows and Patterns.
4. Planning Freight Car Manufacturing.
5. Commission Cases (ex parte and docket).
6. Develop and Update State Rail Plan.
7. Academic Research Projects.
8. Study Movements of Hazardous Materials, Coal, etc.

The Commission has released, after reviewing each individual request, the waybill data in the past to a number of users with the following restrictions:

1. The data can only be used for the purposes for which they were requested.

2. Every precaution must be taken to avoid disclosure of confidential carrier or shipper information. Data must not be released to the public unless they are aggregated so that they contain at least three shippers and at least three railroads.

To continue to assure that confidential carrier or shipper information is not disclosed, to permit the widest possible use of the data, and to remove unnecessary paperwork in the process of requesting, reviewing, and releassing waybill data, the Commission will permit the release of the following files without prior written permission.

1. Each railroad [1] may have any waybill record covering traffic that originated, terminated, or was bridged by the requesting railroad. A railroad may not have access to waybill data of other railroads. The railroad will be required to treat the data as if they had collected and processed the data themselves, and to meet all ICC and legal requirements concerning release of shipper information.

2. Each State may have any waybill record covering traffic that originated, terminated, or was interchanged within the requesting State. A State receiving waybill data becomes responsible for avoiding disclosure of confidential shipper information.[2] No data may be released to the public unless aggregated to include at least three shippers. Since there is no shipper identification in the file, the States may take three freight stations as identified by the Freight Station Accounting Code (FSAC), present in the sample as evidence that there are three shippers present. In using the three FSAC rule, there must be three FSAC's in every number reported. This is a conservative rule and the States may use other rules when they can show that their rule always produces data aggregated to at least three shippers. This three shipper rule is not a limit on internal reports used by the States but is a limit on what the State may release or publish. States are requested *not to release* data on a single railroad.

3. A Public Use File has been established and may be used by railroads and States to supplement data covered in items (1) and (2) above. The Public Use File will be available to

---

[1] Railroad means a reporting entity. Any railroad group reporting as a consolidated entity should be counted as one railroad. Railroads that are controlled by a single holding company or parent company but that report as individual railroads should be counted as an individual railroad.

[2] Shipper information covers what is received (carloads, tons, commodity, transportation charges, types of rail equipment used, etc.) and what is shipped (carloads, tons, commodity, transportation charges, types of rail equipment used, etc.).

anyone requesting waybill data. Data from the Public Use File or reports produced from the Public Use File may be used, published, or released without prior ICC approval. The Public Use File will contain the following items:

Items—Public Use Waybill Master File

1. Waybill Date (quarter, year).
2. Number of Carloads.
3. ARR Mech. Designation.
4. TOFC Plan.
5. Number of TOFC's.
6. Commodity Code (only those STCC used on ICC Form QCS (1982)).
7. Billed Weight.
8. Total Freight LH Revenues.
9. Interstate/Intrastate Code.
10. Transit Code.
11. All Rail/Intermodal Code.
12. Shortline Miles.
13. Stratum Identification.
14. Subsample Code Number
15. Origin State.
16. Number of Interchanges.
17. State of Interchanges (first through ninth).
18. State of Termination.
19. Origin Territory.
20. Termination Territory.
21. Expansion Factor.

The Waybill Master File will be used by the ICC, DOT and other Federal agencies. The ICC may permit transportation consulting firms to use data from the Waybill Master File in preparing verified statements to be submitted in ICC hearings. The use of the data for this purpose will be limited to ICC hearings. Requests from non-Government users for data from the Waybill Master File that are not in the Public Use File will, in general, not be granted. We recognize that there may be instances in which access to the Waybill Master File may be essential to meet a particular need. Each request will be considered on its own merit and railroads affected by the request will be informed of the request for access to waybill data.

The Office of Transportation Analysis is responsible for controlling the release of the waybill data, and will maintain a list of those who receive copies of the waybill file.

Inquiries related to the waybill data (i.e. further information, request for copies of the files, or technical (statistical) questions related to the waybill data) should be addressed to Director, Office of Transportation Analysis, Interstate Commerce Commission, Washington, D.C. 20423.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-24252 Filed 9-1-83; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts and Humanities Meeting

AGENCY: National Endowment for the Humanities and National Endowment for the Arts.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following joint meeting of the Media Arts Panel and Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: September 26, 1983.

Time: 8:30 a.m. to 5:00 p.m.

Room: M07

Program: This meeting will review materials submitted to the Media Program, Division of General Programs of NEH and the Media Arts Program of NEA relating to a special Children's Media initiative in Art History.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommedation for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted us by Delegations of Authority to Close Advisory Committee Meetings, we have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. John Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, (202) 682-5433 or from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, (202) 786-0322.

John Clark,

Advisory Committee Management Officer, National Endowment for the Arts.

Stephen J. McCleary,

Advisory Committee Management Officer, National Endowment for the Humanities.

[FR Doc. 83-24302 Filed 9-2-83; 8:45 am]

BILLING CODE 7536-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rule 10f-3 [17 CFR 270.10f-3]; SEC File No. 270-236]

Reporting and Recordkeeping Requirements Submitted to OMB For Review; Extension

Upon written request, Copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services Washington, D.C. 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of approval rule 10f-3 under the Investment Company Act of 1940 which concerns the records required to be maintained and preserved by registered investment companies with respect to the purchase of securities otherwise prohibited by section 10(f) of the Act. The potential respondents are all investment companies registered under the Investment Company Act of 1940.

Submit comments to OMB Desk Officer; Robert Veeder, 202-395-4814.

Dated: August 30, 1983.

Shirley E. Hollis,

Assistant Secretary

[FR Doc. 83-24243 Filed 9-2-83; 9:45 am]

BILLING CODE 8010-01-M

[Reg. 14A; SEC File No. 270-56]

Agency Forms Under Review by Office of Management and Budget; Extension

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142. Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities

and Exchange Commission has submitted for extension of approval Regulation 14A, which specifies the information required to be disclosed to security holders to enable them to make informed voting decisions and to decide whether to authorize a proxy.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395–4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: August 29, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24244 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Rule 6c-6 [17 CFR 270.6c-6]; SEC File No. 270–160]

Reporting and Recordkeeping Requirements Submitted to OMB; Extension

Agency Clearance Officer: Kenneth Fogash, (202) 272–2142. Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of approval rule 6c–6 under the Investment Company Act of 1940 which concerns the records required to be maintained and preserved by investment companies that are registered separate accounts of insurance companies.

The potential respondents are all registered separate accounts of insurance companies under the Investment Company Act of 1940. Submit comments to OMB Desk Officer: Robert Veeder, 202–395–4814.

Dated: August 30, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24242 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23043; 70–6807]

General Public Utilities Corp. et al.; Proposal To Issue and Sell Notes, Issue and Pledge Bonds, and Guarantee Loans by Parent

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, and its electric utility subsidiaries, Jersey Central Power & Light Company, ("JCP&L") Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muklenberg Township, Berks County, PA. 19065, and Pennsylvania Electric Company ("Penelec"), 1001 Broad St., Johnstown, PA. 15907, have filed a post-effective amendment to their application-declaration and amendments thereto with this Commission pursuant to Sections 6, 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(2) thereunder.

By order dated December 21, 1982 (HCAR No. 22790) GPU, JCP&L, Met-Ed, and Penelec ("GPU Companies") entered into an amendment to their revolving credit agreement previously authorized by order dated September 28, 1981 (HCAR No. 22207).

The GPU Companies propose to issue, sell, and renew to certain banks ("Banks"), from time to time commencing on the effective day of the authorization herein sought and ending on March 31, 1985, their respective promissory notes ("New Notes"), maturing not more than four months from the date of issue pursuant to a new revolving credit agreement ("New Credit Agreement"). Up to $125 million at any one time outstanding may be borrowed under the New Credit Agreement with sublimits for GPU, JCP&L, Met-Ed, and Penelec of $5, $50, $25, and $50 million respectively.

For Penelec the annual interest rate on borrowings under the New Credit Agreement would be ¼ of 1% above Citibank's Alternate Base Rate, as in effect from time to time, and for GPU, JCP&L, and Met-Ed ½ of 1% above Citibank's Alternate Base Rate, as in effect from time to time. In addition, the GPU Companies propose to pay to the Banks an annual commitment fee of ½ of 1% of the unused commitment, and an annual Agent's fee of $150,000. The new notes would be prepayable at any time without penalty and, under certain circumstances, subject to acceleration by the Banks.

GPU proposes unconditionally to guarantee the New Notes and the other obligations of JCP&L, Met-Ed, and Penelec under the New Credit Agreement. As security, GPU proposes to pledge all the common stock of JCP&L, Met-Ed, Penelec, GPU Service Corporation, and GPU Nuclear Corporation. In addition, GPU proposes to continue its unconditional guaranty of the loan to GPU Service Corporation, as previously authorized (HCAR No. 20276, November 29, 1977), which matures September 30, 1984, which guaranty would continue to be secured by the pledge of all of the common stock of JCP&L, Met-Ed, Penelec, and GPU Service Corporation.

Met-Ed proposes to pledge and grant to the Banks as additional collateral for its New Notes and its other obligations under the New Credit Agreement, first priority security interests in all Met-Ed's right, title, and interest in and to (a) Met-Ed's customer accounts receivable from the sale of electricity and (b) its coal inventories. Moreover, Met-Ed proposes to pledge to the Banks $40 million aggregate principal amount of First Mortgage Bonds ("New Met-Ed Pledged Bonds") as further collateral for its New Notes and other obligations under the New Credit Agreement.

Met-Ed proposes to issue and pledge to the Banks as collateral for Met-Ed's New Notes and other obligations under the Credit Agreement $40 million of Met-Ed first mortgage bonds, maturing March 31, 1985. Interest on the New Met-Ed Pledge Bonds, at 1% above the rate applicable to the New Notes, would be payable only upon a default by Met-Ed under the New Credit Agreement.

The GPU Companies also propose to issue and renew, to various banks, unsecured promissory notes through March 31, 1985. The total principal amount of such unsecured borrowings outstanding at any one time would not exceed $15 million in the case of each of JCP&L, Met-Ed, and Penelec, and $5 million in the case of GPU, provided that the aggregate amount of all such unsecured borrowings outstanding at any one time would not exceed $25 million. Each such unsecured promissory note will bear interest at a rate (after giving effect to any compensating balance requirements) not exceeding 107% of the lending bank's prime rate for commercial borrowing, at the date of issue of such note, will mature not more than nine months from the date of issue, and will be prepayable at any time without premium.

The net proceeds of the New Notes and the unsecured promissory notes would be used by the GPU Companies to repay maturing bank borrowings and to provide temporary working capital.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 23, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be

filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued. After said date, the amended application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24240 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20129 File No. SR-PSDTC-83-8]

Filing of Proposed Rule Change by the Pacific Securities Depository Trust Company

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 August 16, 1983, the Pacific Securities Depository Trust Company ("PSDTC") submitted to the Commission a proposed rule change that would amend PSDTC's rules regarding its participants fund. The proposed amendments would either update or conform PSDTC's participants fund rules to certain Division of Market Regulation Standards for the registration of Clearing Agencies that concern Sections 17A(b)(3)(A)–(I) of the Act.[1]

The proposed rule change would amend both PSDTC's authority regarding the participants fund and the participants fund's structure. First, PSDTC would maintain a participants fund separate from the participants fund of its affiliated registered clearing corporation, Pacific Clearing Corporation ("PCC"). PCC and PSDTC currently maintain a joint participants fund. Second, PSDTC would be authjorized to invest participants fund cash in United States Government Securities. Currently, the Pacific Stock Exchange, Inc. ("PSE"), PSDTC's parent corporation, has this investment authority. Third, PSDTC's authority to use participants fund assets would be narrowed. Under the proposal, PSDTC would use those assets to meet losses or liabilities incident to the operation of a securities depository which holds and transfers securities on behalf of members and on behalf of banks to whom securities have been pledged by members. PSDTC's current rules provide only that PSDTC can use participants fund assets to discharge any liability of a member. Fourth, members using PSDTC's soon-to-be-implemented Municipal Bearer Bond Service would be required to contribute to a new, separate participants fund (the "municipal fund contribution") related to that service.

The proposal also would change individual member and aggregate participants fund contribution levels. First, a member's minimum contribution would be increased to $5000; currently, that minimum contribution level is $3000. A member's minimum municipal fund contribution also would be $5000. Second, PSDTC's formula by which individual member's participants fund requirements are calculated (other than the minimum deposit requirement) would be changed substantially.[2] PSDTC would calculate a member's contribution requirement by: (a) Totalling all of the member's valued securities deliveries (both physical and book-entry deliveries) during each calendar quarter (or lesser period of time, as PSDTC determines in its discretion), (b) dividing that total by the number of business days in the quarter (or such lesser period) to arrive at the member's average daily valued deliveries, and (c) multiplying the member's average daily valued deliveries by one percent. Currently, the PSDTC-related portion of a member's required contribution to the PCC/PSDTC participants fund is calculated each quarter by (a) determining, on the last day of the quarter, the value of the member's total securities on deposit at PSDTC, and (b) multiplying that total by three-one-hundredths of one percent. Third, the ceiling for each member's participants fund contribution would be raised significantly. Under the proposal, the maximum contribution would be $100,000; currently, that maximum contribution is $25,000.

Finally, the proposal would change the types of collateral that members can use to secure their participants fund "open account indebtedness," *i.e.*, participants fund assets over and above the member's minimum cash deposit. First, the proposal would enable PSDTC members to secure their open account indebtedness with irrevocable letters of credit issued in favor of PSDTC by PSDTC-approved financial institutions. Currently, PSDTC's rules do not enable members to use letters of credit for participants fund purposes. The proposed rule change contemplates that PSDTC will control closely participant letter of credit usage through a number of safeguarding mechanisms, such as PSDTC's approval of financial institutions as letter of credit issuers and PSDTC's general authority to prevent or to deter an undue concentration of letters of credit from one or more approved letter of credit issuers. The proposal contains no specific concentration requirements other than the stated limitation that no single letter of credit issuer can issue letters of credit aggregating more than 25% of the total participants fund (or such other percentage as determined by PSDTC's board of directors). PSDTC intends to design, and file with the Commission, other specific concentration requirements shortly. Second, under the proposal, members no longer could secure their open account indebtedness with high-grade, bearer municipal bonds.

In its filing, PSDTC states that the proposal would increase substantially both the aggregate size of PSDTC's participants fund and the size of individual member's required participants fund contributions. To ease implementation of the larger participants fund requirements, PSDTC, by September 30, 1983, proposes to calculate and to advise each member of its new participants fund requirement based on its third calendar quarter activity. No payments, however, would be required at that time. At year end, PSDTC would recalculate each member's new participants fund requirement based on the member's fourth calendar quarter activity. At that time, the new requirements would become effective, and members would be required to meet the new, increased participants fund levels. PSDTC states that the proposed rule change is consistent with Section 17A of the Act, and, in particular, subsection (b)(3)(F) of that Section. PSDTC believes that the proposal assures the safeguarding of securities and funds in the custody or control of PSDTC or for which it is responsible.

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,

---

[1] See Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980).

[2] PSDTC has not yet proposed a formula for calculating a member's municipal fund contribution. The proposal, however, stated that the formula will be based upon the member's use of the Municipal Bearer Bond Service and PSDTC's analysis of the Service's potential financial risks. The Commission expects that PSDTC will file that formula with the Commission in accordance with Section 19(b) of the Act.

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 witheld 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. 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24245 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 30, 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:

General Defense Corporation
Common Stock, $.10 Par Value (File No. 7-7032)
Damon Corporation
Common Stock, $.25 Par Value (File No. 7-7033)
Dana Corp.
Common Stock, $1 Par Value (File No. 7-7034)
Dreyfus Corp. (The)
Common Stock, $.33⅓ Par Value (File No. 7-7035)
First Mississippi Corporation
Common Stock, $1 Par Value (File No. 7-7036)
Golden Nugget, Inc.
Common Stock, $.02 Par Value (File No. 7-7037)
Harcourt Brace Jovanovich, Inc.
Common Stock, $1 Par Value (File No. 7-7038)
Lubrizol Corp. (The)
Common Stock, No Par Value (File No. 7-7039)
Madison Fund, Inc.
Common Stock, $1 Par Value (File No. 7-7040)
Mattel, Inc.
Warrants (File No. 7-7041)
Northwest Energy Company
Common Stock, $1 Par Value (File No. 7-7042)
Pengo Industries, Inc.
Common Stock, $.25 Par Value (File No. 7-7043)
Piedmont Aviation, Inc.
Common Stock, $1 Par Value (File No. 7-7044)
Pioneer Corporation
Common Stock, $.50 Par Value (File No. 7-7045)
Planning Research Corporation
Common Stock, $1 Par Value (File No. 7-7046)
Pulte Home Corporation
Common Stock, $1 Par Value (File No. 7-7047)
SCA Services, Inc.
Common Stock, $1 Par Value (File No. 7-7048)
Storer Communications Inc.
Common Stock, $1 Par Value (File No. 7-7049)
Sunshine Mining Company
Common Stock, $.50 Par Value (File No. 7-7050)
United Energy Resources, Inc.
Common Stock, $1 Par Value (File No. 7-7051)
Utah Power & Light Company
Common Stock, $0.40 Par Value (File No. 7-7052)
Veeco Instruments, Inc.
Common Stock, $1 Par Value (File No. 7-7053)
Wainoco Oil Corporation
Common Stock, No Par Value (File No. 7-7054)
Ahmanso (H.F.) & Company
Common Stock, No Par Value (File No. 7-7055)
Combined International Corporation
Common Stock, $1 Par Value (File No. 7-7056)
Echlin Inc.
Common Stock, $1 Par Value (File No. 7-7057)
Enterra Corporation
Common Stock, $1 Par Value (File No. 7-7058)
Lanier Business Products
Common Stock, $1 Par Value (File No. 7-7059)
Magic Chief, Inc.
Common Stock, $3 Par Value (File No. 7-7060)
Mellon National Corporation
Common Stock, $.50 Par Value (File No. 7-7061)
Patrick Petroleum Company
Common Stock, $.10 Par Value (File No. 7-7062)
PSA, Inc.
Common Stock, $1 Par Value (File No. 7-7063)
Robins (A.H.) Co., Inc.
Common Stock, $1 Par Value (File No. 7-7064)
Rohr Industries, Inc.
Common Stock, $1 Par Value (File No. 7-7065)
Rorer Group Inc.
Common Stock, No Par Value (File No. 7-7066)
San Juan Basin Royalty Trust
Units of Beneficial Interest (File No. 7-7067)
Savin Corporation
Common Stock, $.10 Par Value (File No. 7-7068)
Security Pacific Corp.
Common Stock, $10 Par Value (File No. 7-7069)
Sheller-Globe Corporation
Common Stock, No Par Value (File No. 7-7070)
Southeast Banking Corp.
Common Stock, $5 Par Value (File No. 7-7071)
Texas Commerce Bancshares, Inc.
Common Stock, $4 Par Value (File No. 7-7072)
Trane Company (The)
Common Stock, $2 Par Value (File No. 7-7073)
Wachovia Corporation (The)
Common Stock, $5 Par Value (File No. 7-7074)
Air Express International Corp.
Common Stock, $.01 Par Value (File No. 7-7075)
Bow Valley Industries Ltd.
Common Stock, No Par Value (File No. 7-7076)
Ryland Group, Inc. (The)
Common Stock, $1 Par Value (File No. 7-7077)

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 September 21, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24250 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 30, 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:

Institutional Investors Corporation
Common Stock, $.01 Par Value (File No. 7-7020)
A.G. Edwards, Inc.
Common Stock, $1 Par Value (File No. 7-7021)
United States Steel Corporation
$2.25 Comulative Convertible Exchangeable Preferred, No Par Value (File No. 7-7023)
Campbell Resources
Common Stock, No Par Value (File No. 7-7024)

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 September 21, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24247 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 30, 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:

American Medical International, Inc.
Common Stock, $1 Par Value (File No. 7-7025)
Cooper Laboratories, Inc.
Common Stock, $.10 Par Value (File No. 7-7026)
Financial Corporation of America
Common Stock, $.50 Par Value (File No. 7-7027)
Key Pharmaceuticals, Inc.
Common Stock, $0.074 Par Value (File No. 7-7028)
Petro-Lewis Corporation
Common Stock, $1 Par Value (File No. 7-7029)
Petro-Lewis Corporation
Warrants (File No. 7-7030)
Pyro Energy Corporation
Common Stock, $.10 Par Value (File No. 7-7031)

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 September 21, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24249 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20128; File No. SR-MSRB-83-11]

Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 23, 1983, the Municipal Securities Rulemaking Board ("MSRB") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend MSRB Rule G-15(a)(i) to allow customer confirmations sent through the automated confirmation facilities of a clearing agency registered with the Commission to omit the address and telephone number of the confirming broker, dealer, or municipal securities dealer. The Board states that automatic confirmation systems do not include on the confirmation the address and the telephone number of the municipal securities broker or municipal securities dealer transmitting the confirmation. The Board believes that investors whose transactions are cleared through automated confirmation systems know how to contact persons with whom they effect transactions and therefore, confirmations need not reflect the aforementioned information. The Board also states that depositories offering automated confirmation systems publish directories listing contact personnel and telephone numbers for system participants.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, 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, D.C. 20549. Reference should be made to File No. SR-MSRB-83-11.

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 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 MSRB.

For the Commission, by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30(a)(12).

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24246 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20127; File No. SR-MSRB-83-10]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board Relating to Uniform Practice

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 August 23, 1983, the Municipal Securities Rulemaking Board 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

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith an amendment to rule G-12 on uniform practice. The text of the proposed rule change is as follows:

Rule G-12. Uniform Practice [1]

(a) through (d) No change.

(e) Delivery of Securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) through (vii) No change.

(viii) Coupon Securities.

(A) and (B) No change.

(C) If delivery of securities is due within 30 calendar days prior to an interest payment date, the seller may deliver to the purchaser a draft or bank check of the seller or its agent, payable *not later than the interest payment date* [on the date delivery is made], in an amount equal to the interest due in lieu of the coupon.

(ix) through (xiii) No change.

(xiv) Delivery of Registered Securities.

(A) through (F) No change.

(G) Payment of Interest. If a registered security is traded "and interest" and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, delivery shall be accompanied by a draft or bank check of the seller or its agent, payable *not later than the interest payment date* [on the date delivery is made], for the amount of the interest.

(H) Registered Securities Traded "Flat". If a registered security is traded "flat" (i.e. is in default in the payment of interest) and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, an interest payment date having been established on or after the trade date, delivery shall be accompanied by a draft or bank check of the seller or its agent, payable *not later than the interest payment date* [on the date delivery is made], for the amount of the payment to be made by the issuer, unless the security is traded "ex-interest."

(xv) and (xvi) No change.

(f) through (l) No change.

[1] Italics indicate new language [brackets] indicate deletions.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Board rule G-12 sets forth certain requirements concerning inter-dealer deliveries of securities. Among other matters, the rule provides that, with respect to deliveries of securities made within a certain period of time prior to the interest payment date, the delivering dealer may attach a check in lieu of the next-payable coupon, in the case of a delivery of bearer securities, or, in the case of a delivery of registered securities, the delivering dealer must attach a check for the value of the next interest payment to be received on the securities. Under the current provisions of the rule, checks provided in lieu of the coupons or for the value of the next interest payment must be currently dated—that is, payable as of the date the delivery is presented—even if the coupons will not be redeemable or the interest payment made for several weeks after the delivery.

The Board has recently reconsidered these provisions, due, in part, to a comment letter received from an industry trade association and, in part, to the recent effectiveness of the registration requirements of the Tax Equity and Fiscal Responsibility Act. As a result of this reconsideration the Board has concluded that the rule should be amended to permit the use of post-dated or "due bill" checks—that is, checks dated as of the interest payment date—in lieu of coupons or for the value of the interest payment. Accordingly, the proposed rule change would amend rule G-12(e)(viii)(C), with respect to deliveries of bearer securities, and rules G-12(e)(xiv) (G) and (H), with respect to deliveries of registered securities, to provide that interest payment checks accompanying deliveries must be "payable not later than the interest payment date."

The Board believes that the proposed rule change is appropriate for the following reasons:

(1) With the transition to the use of registered securities the costs imposed by the existing requirement will significantly increase. The costs imposed by the existing requirement can be minimized, in the case of a delivery of bearer securities, by reattaching the next payable coupon to the securities prior to delivery, thereby eliminating the need for any interest payment check. The Board believes that municipal securities brokers and dealers have attempted to follow this procedure, where practical, in order to minimize the costs of the use of funds for the period from the delivery date to the interest payment date; other brokers and dealers have chosen to avoid incurring these costs by delaying the detachment of the next payable coupon until the last possible moment.

In the case of registered securities, however, no such means of eliminating the need for interest payment checks and the attendant costs exists. Consequently, the cost burden imposed by the requirement that such checks be currently dated will significantly increase, since all inter-dealer deliveries of registered securities during the period between the record and interest payment dates will have to have interest payment checks attached. The Board believes that this increase in costs will be substantial; the proposed rule change, by permitting the use of post-dated checks, would eliminate these costs.

(2) The benefit provided by the existing requirement—the elimination of the risk of loss resulting from a financial failure of the delivering dealer, with a resulting dishonoring of a post-dated check—does not appear commensurate with the increased costs. Upon reconsideration the Board does not believe that the risk of loss is significant enough to justify the existing requirement: the number of dealer failures is quite low, and, even in the event that a dealer's failure results in the dishonoring of interest payment checks, most interest payment checks are for relatively small amounts.

(3) The existing requirement conflicts with the practice followed in the corporate debt securities market with respect to the dating of interest payment checks. The Board understands that postdated checks are typically used on inter-dealer deliveries of corporate debt securities, and does not perceive any considerations that would justify the

imposition on the municipal securities market of a requirement in this area that is more stringent than that applicable in the corporate securities market.

(b) The proposed rule change has been adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are designed . . . to foster cooperation and coordination with persons engaged in . . . clearing, settling, processing information with respect to, and facilitating transactions in municipal securities [and] to remove impediments to and perfect the mechanism of a free and open market in municipal securities.

The Board believes that the proposed rule change removes a cost burden on the clearance and settlement of transactions in municipal securities that no longer appear necessary or appropriate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believes that the proposed rule change will impose any burden on competition, inasmuch as it applies generally to all municipal securities brokers and dealers.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change from industry members or others. The Board's consideration of the proposed rule change was prompted by a letter from the Dividend Division of the Securities Industry Association suggesting that the Board's rules be amended to permit the use of post-dated interest payment checks.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 29, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24241 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20126; File No. SR-PCC-83-3]

Filing of Proposed Rule Change by Pacific Clearing Corp.

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 14, 1983, the Pacific Clearing Corporation ("PCC") 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. PCC submitted the proposed rule change to update significant portions of its rules and to conform them to the Division of Market Regulation's Standards for the Full Registration of Clearing Agencies concerning Sections 17A(b)(A)–(I) of the Act.[1]

Among other things, the proposal would modify existing rules or add new rules regarding: (a) The operation of PCC's continuous net settlement ("CNS") system; (b) members' payment of daily money settlement obligations; (c) "good delivery" requirements for physical securities deliveries into the CNS system; (d) calculation and collection of members mark-to-the-market requirements; (e) PCC's buy-in procedures; (f) PCC's reclamation procedures; (g) PCC's dividend and interest payment procedures; (h) PCC's liens on members' valued positions; (i) PCC's authority to levy and collect from members further assurances of financial responsibility and operational capacity; (j) PCC's rights to suspend summarily members in certain circumstances and to close out their securities positions; (k) PCC's insolvency procedures, including authority to reverse certain securities deliveries and to buy-in and sell-out the insolvent's securities positions; (l) PCC's rights to decline to act for financially solvent members; (m) PCC's authority to institute financial responsibility and operational capability standards for applicants and members; (n) PCC's rights to discipline members; (o) PCC's hearing and appeal rights and procedures for aggrieved applicants and members; (p) PCC's obligation to have an audit of its system of internal accounting controls by an independent public accountant and to furnish to members copies of the accountant's report; and (q) PCC's procedures for nominating and electing individuals to PCC's board of directors. The proposal also contains technical or non-substantive revisions to PCC's rules and by-laws.

In its filing, PCC states that the proposed rule change is consistent with Sections 17A(b)(3)(C), 17A(b)(3)(F), 17A(b)(3)(G), 17A(b)(3)(H) and 17A(b)(5) of the Act because PCC believes that the proposed revisions and additions: (i) assure the fair representation of members in the selection of its directors and administration of PCC's affairs; (ii) assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; (iii) provide that members are appropriately disciplined for violations of PCC's rules; and (iv) provide a fair procedure with respect to the disciplining of members, the denial of membership to any person, and the prohibition or limitation by PCC of any person with respect to access to PCC's services.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views

[1] *See* Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1960).

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, D.C. 20549. Reference should be made to File No. SR–PCC–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24248 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13471; 811-1196]

Fiduciary Variable Annuity Fund, Inc., Proposal to Terminate Registration

August 30, 1983.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Fiduciary Variable Annuity Fund, Inc. ("Fund") 816 West 5th Street; and 900 Wilshire Boulevard, Los Angeles, California 90017, has ceased to be an investment company, thereby causing the registration of the Fund to cease to be in effect.

Information contained in Commission files indicates that the Fund: was organized in the state of California on August 7, 1961; filed Form N–8A ("Notification of Registration") with the Commission on January 21, 1963, to register as an open-end diversified management investment company; and has not made any further filings required by the Act. By letter dated March 1, 1968, signed by the individual who appears to have been indicated on the Form N–8A as a Director, and President, of the Fund, the Commission was notified that the Fund "is no longer in existence."

Notice is further given that any interested person wishing to request a hearing on this matter may, not later than September 23, 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 of law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the matter 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24296 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13407; 812-5577]

The Travelers Insurance Company, et al.; Filing of an Application for an Order

August 30, 1983.

Notice is hereby given that the Travelers Insurance Company ("Travelers"), The Travelers Fund MM for Variable Annuities ("Account MM"), and The Travelers Fund U for Variable Annuities ("Account U") (collectively "Applicants"), One Tower Square, Hartford, Connecticut 06115, filed an application on June 15, 1983 and an amendment thereto on August 22, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order granting exemptions from the provisions of Sections 12(b), 26(a)(2)(C), and 27(c)(2) of the Act and Rule 12b–1 thereunder, to the extent necessary, in connection with Applicants proposed offering of certain variable annuity contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

Travelers is currently offering variable annuity contracts funded by Accounts MM and U ("Separate Accounts") to individuals and groups in tax-qualified retirement plans for which Applicants obtained an order of exemption from certain provisions of the Act (Investment Company Act Release No. 13241, May 13, 1983). Travelers now proposes to offer variable annuity contracts ("Contracts") funded by the separate accounts for purchase by the general public, and Applicants request the following relief:

1. Applicants request exemptions from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary: To deduct from contract values the amount of any premium taxes imposed thereon; to impose a $15 semi-annual contract administration charge to be deducted on June 30 and December 31 of each contract year, as prorated from the contract issue date or from the last prior date of assessment (this charge cannot be increased during the duration of the Contract and is designed to reimburse Travelers only for its actual expenses of administering the Contract); to deduct from each separate account an amount equal on an annual basis to 1.25% of the net asset value of the separate account to compensate Travelers for its assumption of certain mortality and expense risks; and to deduct a fee for investment management and advisory services to account MM equivalent to .3233% on an annual basis of the net asset value of the separate account. In support of their request, Applicants represent that the mortality and expense risk charge is reasonable in amount as determined by industry practice with respect to comparable annuity products, and that the basis for this representation is reflected in documents maintained on file with Travelers and available to the Commission. Travelers also represent that it has concluded that there is a reasonable likelihood that the proposed use of a portion of the mortality and expense risk charge to finance distribution, described below, will benefit each of the separate accounts and the contractowners. Account U represents that it presently invests in specified open-end diversified management investment companies each of which is governed by a Board of Trustees a majority of whom are "disinterested" within the meaning of the Act.

2. Account MM requests an exemption from the provisions of Section 12 of the Act and Rule 12b–1 thereunder insofar as distribution expenses in excess of the contingent deferred sales charge, assessed pursuant to Rule 6c–8 under

the Act, might be deemed to be financed, directly or indirectly, by the mortality and expense risk charge. Applicants do not anticipate that the contingent deferred sales charge will be sufficient to cover all costs of distributing the Contracts. Travelers intends to make up the difference through use of general account funds, which are attributable in part to the mortality and expense risk charges assessed under the Contracts. In this regard, Travelers represents that it has concluded that there is a reasonable likelihood that the proposed method of financing distribution expenses will benefit each of the separate accounts funding the Contracts and contractowners. The Travelers will maintain at its Home Office, available to the Commission, a memorandum setting forth the basis of this conclusion. Account MM represents that it will have a Board of Managers with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 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 shall be served personally or by mail on 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 the hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-27297 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20141; SR-CSE-83-3]

Cincinnati Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 30, 1983.

The cincinnati Stock Exchange, Inc. ("CSE") 205 Dixie Terminal Building, Cincinnati, Ohio 45202, submitted on July 15, 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 CSE's listing and annual service fees.

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. 19994, July 21, 1983) and by publication in the **Federal Register** (48 FR 34553, July 29, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 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 hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24296 Filed 9-2-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Texas Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Galveston, Harris, Fort Bend, Chambers, Matagorda, and Brazoria, Texas, constitute a disaster loan area because of damage resulting from a Hurricane beginning on or about August 18, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 18, 1983, and for economic injury until May 19, 1984, at: U.S. Small Business Administration, 2525 Murworth, Suite 112, Houston, Texas 77054, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.625
Homeowners without credit available elsewhere	5.875
Businesses with credit available elsewhere	11.000
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewere	8.000
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: August 22, 1983.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 83-24316 Filed 9-2-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-017]

First Indiana Equity Group, Inc.; Issuance of a Small Business Investment Company License

On September 29, 1982, a notice was published in the **Federal Register** (Vol. 47, No. 189, Pg. 42859) stating that an application had been filed by First Indiana Equity Group, Inc., with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business October 14, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0171 on August 19, 1983, to First Indiana Equity Group, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 50.011, Small Business Investment Companies)

Dated: August 30, 1983.

[FR Doc. 83-24315 Filed 9-2-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 880]

Magnuson Fishery Conservation and Management Act; Applications for Permits to Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et*

seq.) requires all foreign vessels fishing in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1983 have been received from the Government of the German Democratic Republic.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: August 24, 1983

Larry L. Snead,

Acting Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils which review applications for individual fisheries are as follows:

Code and fishery	Regional council
ABS Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA Bering Sea and Aleutian Islands Trawl, Longline and Hearing Gillnet.	North Pacific.
CRB Crab (Bering Sea)	Do.
GOA Gulf of Alaska	Do.
NWA Northwest Atlantic	New England, Mid-Atlantic.
SMT Seamount Groundfish (Pacific Ocean).	Western Pacific.
BNA Snails (Bering Sea)	North Pacific.
WOC Washington, Oregon, California Trawl.	Pacific.
PBS Pacific Billfish and Sharks	Western Pacific

Activity codes specify categories of fishing operations applied for are as follows:

Activity Code and Fishing Operations

1 Catching, processing, and other support.
2 Processing and other support only.
3 Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
German Democratic Republic:			
Junge Garde, non-fishing mother ship	GC–83–0025	NWA	2
Hanno Gunther, stern trawler	GC–83–0049	NWA	1
Hertha Lindner, stern trawler	GC–83–0015	NWA	1
Carlo Schonhaar, stern trawler	GC–83–0037	NWA	1
Grete Walter, stern trawler	GC–83–0017	NWA	1
Heinz Priess, stern trawler	GC–83–0029	NWA	1
Eugen Schonhaar, stern trawler	GC–83–0019	NWA	1
Erich Steinfurth, stern trawler	GC–83–0038	NWA	1
Magnus Poser, stern trawler	GC–83–0050	NWA	1
Rudolf Leonhard, stern trawler/factory ship	GC–83–0048	NWA	1, 2
Stubnitz, factory ship	GC–83–0047	NWA	2
Granitz, factory ship	GC–83–0051	NWA	2
Breitling, transport ship	GC–83–0012	NWA	3

Joint venture: VEB Fischfang Rostock of the German Democratic Republic and Joint Trawlers (North America) Ltd., P.O. Box 1209, Gloucester, Massachusetts, 01930, have applied to engage in a joint venture fishery aimed at harvesting 4,600 metric tons of Atlantic Mackerel during the current fishing year 1983 to March 31st 1984.

[FR Doc. 83–24274 Filed 9–2–83; 8:45 am]

BILLING CODE 4710–09–M

[Public Notice CM–8/661]

National Bipartisan Commission on Central America; Closed Meetings

The National Bipartisan Commission on Central America will meet in closed sessions on Sept. 7–8, 12–13, 21–22, 28–30, Oct. 21–22, Nov. 2–3, and Dec. 2–3, 9–10, 16–17, 1983. All meetings will commence at 10 a.m. and will be held in Room 1105, Department of State, Washington, D.C.

These sessions will be closed to the public 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 meetings will be to discuss the various social, economic, political and security issues involving Central America that impact on United States foreign policy, and to draft the Commission's findings and recommendations.

In light of the requirement that the Commission report to the President in the near future, and the consequent need for the Commission to continue its deliberations without delay, it has been impossible to provide earlier notice of the meetings scheduled for Sept. 7–8 and 12–13, or to reschedule them 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: September 1, 1983.

Harry W. Shlaudeman,

Executive Director.

[FR Doc. 83–24483 Filed 9–2–83; 11:51 am]

BILLING CODE 4710–29–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2523, FTS 858–2523.

Type of Request: Reinstatement of a previously approved collection for which approval has expired.

Title of Information Collection: 1984 Interim Residential Survey: Customers of Municipal and Cooperative Distributors of TVA Power.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: None.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 2,850.

Estimated Total Annual Burden Hours: 950.

Estimated Annual Cost from Federal Government Appropriated Funds: –0–.

Need For and Uses of Information: The proposed 1984 Interim Residential Survey will provide information about the 2.5 million residential customers served by the municipal and cooperative distributors of TVA power. This information is required for loan forecasting and program planning by numerous branches within TVA.

Date: August 25, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-24234 Filed 9-2-83; 8:45 am]

BILLING CODE 8110-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 83-03; Notice 1]

Crash Test Repeatability Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting, announcement, of repeatability program crash test results, and request for comments.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, research, and enforcement programs, and at which NHTSA's 35 mph frontal test repeatability program will be discussed. This notice also announces test results and initial analyses from the crash test program. The agency seeks both written and oral comments on the repeatability program. The format of this meeeting reflects the agency's intent to make the quarterly NHTSA public meetings more substantively oriented. The agency has chosen to combine the quarterly public meeting with a planned technical meeting on the crash test repeatability program to gain additional technical information on various issues relating to crash testing as well as to reduce the costs which would be incurred if separate meetings were held.

DATES: Questions for the meeting relating to the agency's rulemaking, research, and enforcement programs, and submissions relating to crash test results must be submitted in writing by September 21, 1983. If sufficient time is available, questions received after the September 21 date may be answered at the meeting. The individual, group or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by September 21 and the issues to be discussed will be mailed to interested persons on or before October 5, and will be available at the meeting. A transcript of the meeting will be taken, copies of which will be available from the Docket Section. Requests to make a formal presentation at the crash test repeatability program portion of the public meeting should be received on or before September 14, 1983. The public meeting will be held on October 11, 1983, beginning at 10:30 a.m.

ADDRESSES: Questions for the October 11 meeting relating to the agency's rulemaking, research, and enforcement programs should be submitted to Kennerly Digges, Acting Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590. The public meeeting will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

Comments on the crash test data and analyses should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administraiton, Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C.20590. Requests for participation in the crash test portion of public meeting should be directed to the "Information Contact" specified below.

FOR FURTHER INFORMATION CONTACT: John M. Machey, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1740).

SUPPLEMENTARY INFORMATION: On October 11, 1983, NHTSA will hold a meeting to answer questions from the public and industry regarding the agency's rulemaking, research, and enforcement programs. The meeting will begin at 10:30 a.m. and will be held at EPA's laboratory facility in Ann Arbor, Michigan. The purpose of the meeting is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. Questions regarding the agency's fuel economy program will continue to be addressed at the EPA meetings on vehicle emissions.

At the close of the usual question and answer session at this meeting, a brief discussion of issues involving the agency's 35 mile per hour crash test repeatability program will be held. Immediately thereafter, (or on the following day, depending on available time), the agency will conduct a technical meeting at which presentations will be made regarding the crash test program. Severl agency officials involved in the program will make presentations, and industry representatives and other interested individuals are invited to make similar technical presentaitons. Depending on the number of participants desiring to make presentations, the meeting may be carried over to October 12. Presentations involving comment on the agency's initial test results and analyses and those describing work done under other crash test programs are especially encouraged.

Crash Test Repeatability Program

I. Background

Title II of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513) requires the development and dissemination of comparative crashworthiness information on passenger motor vehicles. As a means of satisfying this mandate, NHTSA initated the New Car Assessment Program (NCAP) in May 1979. This experimental program was designed to measure safety performance differences among vehicles, and consisted of a single crash test of each make/model selected for testing. The results of the NCAP tests are reported in terms of head, chest, and femur (leg) injury criteria, with the greatest emphasis being placed on head injury measurements—one of the leading contributors to death or serious injury in motor vehicle accidents.

A continuing concern in the experimental NCAP has been the issue of the repeatability of crash data, since results were based on a single test. To ensure that the agency was not misleading the public, it was necessary to caveat NCAP data to alert consumers that differences in test results among vehicles could exist because of variations in the way vehicles are equipped and manufactured, or variations in test conditions. To help identify and qualify, to the extent possible, the sources of variation, the agency initiated a Repeatability Program.

II. Planning and Conducting the Repeatability Program Tests

A. Program Initiation

In a September 14, 1981 press release, NHTSA announced the creation of a repeatability testing program which would examine the crash data from a series of tests of identical vehicles to "distinguish between variations in results due to the test procedures and variations in the cars that are being tested." Further details on the Repeatability Program were discussed at the NHTSA/Industry meeting on September 23, 1981, where a preliminary test plan of crashing three identical cars at one test site was suggested. At the following NHTSA/Industry meeting, on December 9, 1981, NHTSA announced that the agency would undertake vehicle crash tests at a variety of test sites and a total of 12 cars would be crashed to assess the repeatability of 35 mph frontal crash tests. The final test design called for 4 vehicles to be crashed at each of three different sites. This design provided the potential to estimate within site variability (repeatability) and between—site variability (reproducibility). It was recognized in the test design that if the within site variation was large, it would hide any real variation which exists between sites. Further, the design recognized that it would not be possible to identify and quantify sources of the within site variability such as the dummy, instrumentation and environmental factors.

In February 1982, General Motors Corporation (GM) offered to conduct repeatability crash testing at their own expense on an additional four cars. At the June 30, 1982 NHTSA/Industry meeting, Deputy Administrator Diane Steed stated that the Repeatability Program would consist of 12 tests conducted by NHTSA contractors and 4 tests conducted by GM. She also stated that the vehicles to be crashed would be identical 1982 Chevrolet Citations.

In an effort to obtain vehicles that were as identical as possible, the 1982 Chevrolet Citations test vehicles were all assembled at the Tarrytown, New York, assembly plant during one work shift. The vehicles were equipped identically—four door sedans, 4-cylinder engines, standard transmissions, and no optional equipment. The vehicles were identical in color and interior and exterior trim.

B. Test Procedure

In conducting the crash test under the Repeatability Program, NHTSA required its contractors to folllow the *Laboratory Procedure for Vehicle Assessment*, IP–212–02, dated April 4, 1980. The test procedure sets forth the administrative and engineering responsibilities, the pretest requirements, test execution requirements, post-test requirements, and test data reporting requirements for crash tests. GM, in order to perform the tests in the manner utilized by NHTSA, requested a copy of IP 212–02. NHTSA provided a copy and encouraged GM to follow it.

However, analyses of the GM tests revealed that GM's interpretation of test procedure IP 212–02 differed from the agency's in several areas for the first four tests. The NHTSA procedure was followed in two additional tests, involving vehicles number 6 and 21. The differences in the test procedures followed by GM were as follows:

1. Shoulder belt load cells were taped to the necks of the driver and passenger dummies.
2. GM taped the shoulder belt to each dummy's chest.
3. GM introduced shoulder belt slack of approximately one inch in their first test.
4. The passenger's right foot in the GM test vehicles was placed on the right wheel well housing.
5. GM tethered the left hand of the driver dummy to the door.
6. NHTSA calibrated test dummies before and after each individual vehicle crash test, whereas GM calibrated only once, before the series of tests.

C. Test Results

The NHTSA conducted a total of 14 crash tests of the 1982 Chevrolet Citations, two of which were retests. The two retests were conducted to compensate for questionable electronic data during previous tests. GM conducted 4 tests initially and two additional tests to assess the significance of the differences between test procedure interpretations by NHTSA and GM.

The following is a summary of the results of GM's and NHTSA's Repeatability Programs.

SUMMARY.—REPEATABILITY PROGRAM PRELIMINARY TEST RESULTS

Lab/vehicle	Speed	HIC I D/P	Crush SYN/STA.	Chest D/P	Femur loads		Belt [4] spoolout		Belt loads		
					Driver L/R	Pass. L/R	D/P	Lap	Driver	Passenger	
									Shoulder	Lap	Shoulder
General Motors repeatability program data:											
4	34.7	[2] 970/1160	30.1/25.0	54/50	728/508	524/1632	4.8/3.5	1468	1580	2000	1719
15	34.9	[2] 620/940	30.9/26.1	[2] 43/36	391/694	404/[2] 602	1.8/2.4	1510	1638	1731	1780
17	35.0	870/[2] 1960	32.2/26.1	42/[1] L	688/919	539/[2] 200	2.1/2.2	1270	1504	1121	[2] 1805
12	35.0	[2] 740/1380	31.8/25.7	48/[2] 43	524/613	625/598	2.0/1.9	1294	[2] 1580	[1] L	1488
6	34.9	570/950	32.2/25.9	46/38	636/357	508/696	1.8/2.0	1436	1569	1524	1783
21	35.2	900/[2] 970	32.0/24.8	46/35	294/564	1115/526	1.8/1.9	1506	1655	1702	1470
NHTSA repeatability program data Catspan:											
16	35.0	495/[1] L	30.5/23.4	44/31	420/1040	260/230	2.0/2.1	1060	1350	1550	1550
2	35.3	522/542	31.0/23.8	36/33	100/100	900/2500	2.1/2.0	1110	1550	1275	1690
19	35.0	583/676	31.2/23.2	36/35	275/1110	545/345	2.0/2.0	995	1500	1545	1650
13	35.1	851/767	31.0/22.7	40/36	890/1000	990/820	1.8/1.7	990	1650	1550	1160
20	34.9	530/685	32.0/23.6	42/38	488/424	470/500	1.8/1.5	870	1430	1000	1715
TRC:											
10	34.5	748/[1] L	30.5/23.8	41/[1] L	319/417	[1] L/[1] L	1.8/1.8	1171	1402	[1] L	1260
11	35.0	675/715	30.1/23.5	[1] L/31	455/902	477/514	2.0/2.1	836	1179	853	1387
18	34.6	954/[2] B	30.5/23.2	47/37	340/555	397/520	1.9/2.1	993	1508	1057	1488
1	35.0	593/793	31.5/25.4	44/34	469/530	518/318	2.0/2.1	1321	1273	1174	1318
7	35.1	567/644	29.5/23.2	37/37	570/528	315/320	1.8/2.0	905	1499	1201	1321
DSI:											
8	35.0	619/696	27.5/24.1	44/31	757/745	629/462	2.0/1.5	1112	1553	1761	1577
9	34.9	789/630	29.0/24.5	43/32	700/750	481/321	1.8/1.6	819	1469	1023	1541
14	34.9	618/770	29.5/23.5	42/33	436/723	844/670	2.0/2.0	959	1474	1015	1307
3	34.9	771/722	28.5/24.4	38/33	511/1021	971/277	2.0/2.1	927	1568	1133	1708

[1] Lost channel-intermittent electronic data.
[2] Broken neck.
[3] Questionable electronic data.
[4] Photographic analysis.

III. Analysis of Test Results

In accordance with the original plan for the Repeatability Program, the agency conducted a statistical analysis of the crash test results to determine, on the basis of these results, the extent of test variability within a laboratory as well as between laboratories, the test result parameters utilized in the analysis were the Head Injury Criterion (HIC), the chest acceleration in g-units, and the femur loads in pounds measured on the test dummies. The agency completed the statistical analysis of the test results, and placed in in Docket 83-03, Crash Test Repeatability Program. This analysis, entitled "Statistical Analysis of Crash Test Variability—Dummy Responses," is available from the agency's Docket Section.

The test variability at a given test site may be due to four basic factors: (1) Lack of specificity in the test procedure utilized, (2) environmental factors, (3) the vehicle and (4) the dummy. In an attempt to quantify the contribution of these factors, as well as develop a better comprehension of the specific causes of crash test variability, the agency plans to undertake the following additional tasks over the next two years.

1. Statistical Analyses of Vehicle Dummy Parameters:

Objective—To determine if a correlation exists between certain input parameters (vehicle geometry, dummy calibration, etc.) and dummy output parameters (HIC, chest g's, etc.)

Work Plan—Perform extensive analysis of data from all tests, including General Motors', to completely specify all parameters which would affect the dummy performance. A data matrix of over eighty-five vehicle characteristics and dummy injury levels has been developed. The matrix consists of various vehicle and dummy parameters, and static and dynamic vehicle and dummy performance measurements.

Conduct analyses to determine correlations between all input parameters developed above and dummy results.

Where correlations exist, determine engineering basis.

2. Review and Resolve Differences between Film Analysis and Electronic Data Analysis:

Objective—To determine if differences exist in crash parameters calculated utilizing electronic data as compared to those calculated by film data. If these differences exist, determine what causes them and what can be done to reduce the differences.

Work Plan—Calculate crash parameters utilizing electronic data, as well as film data. Parameters included would be dynamic crush of the vehicle, movement of the steering column, dummy kinematics, test speed and other variables.

Compare the calculated values utilizing both types of data.

Specify reasons why a disparity exists between the values calculated in the separate ways.

Develop techniques to reduce disparity, and recommend changes in the use of electronic or film data in the calculation of specific crash parameters.

3. Dummy Calibration Studies:

Objective—To determine if the allowable variation in Part 572 dummy calibration tests can result in significant variation in crash test results.

Work Plan—Obtain and review all data traces from the calibration test performed in the Repeatability Program. Determine if a correlation exists between the results of a specific dummy calibration test, and the actual crash test results with that dummy.

Perform calibration tests of test dummies at a common site to determine if test dummy calibration variation is substantial.

4. Quantification of Specific Crash Parameters:

Objective—To control vehicle and test procedure variability and quantify the basic variability of testing.

Work Plan—Develop a series of controlled tests which will eliminate the variability of the vehicle (utilizing sled tests) and reduce the variability of the dummy (utilizing a tighter calibration envelope).

Specify changes and improvements in the test procedure which will minimize variability in test results.

Design and conduct a series of sled tests to determine the variability which remains after after controlling for vehicle, dummy and test procedure variability.

5. Develop Refinements to Test Procedure:

Objective—To improve the procedure utilized to perform crash tests. These improvements will be based upon analysis of repeatability tests to date, as well as engineering judgment.

Work Plan—Review the test procedure utilized in the Repeatability Program and specify areas which can be improved. Examples are the dummy seating procedure, safety belt adjustments, accelerometer location and mountings, and instrumentation package weight and mounting location.

Develop specific changes to the test procedure which will address all those areas.

Conduct a series of crash tests with and without these procedures to determine what effect(s) they have, and quantify the effect(s).

Establish a new test procedure.

6. Evaluation of Data Acquisition System Errors:

Objective—To determine if variation in crash test results is due to the manner in which data are acquired, processed, and analyzed.

Work Plan—Develop a study whereby a standard crash test pulse will be entered into a test laboratory's data system, and HIC's will be calculated.

Use standard crash test pulse at a variety of test laboratories and determine the variation.

Specify the reasons for the variation and how changes can be made to the data acquisition requirements to reduce the variations, recognizing the need to control costs.

Implement appropriate changes.

7. Injury Criteria Analysis:

Objective—To consider different approaches to evaluate head injury, based upon dummy acceleration, which may have an improved relationship with human head injury.

Work Plan—Develop alternatives to HIC for predicting human head injury on the basis of dummy responses. For each alternative, define the enhanced biofideltiy expected.

Calculate the value of each alternative, i.e., Mean Strain Criterion, Modified HIC algorithym, etc.

Consider the relevance (in terms of propensity to produce head injury) of various crash test phenomenon that produce high HIC's (e.g., dummy head striking knee).

Specify an alternative which is more appropriate for the prediction of head injury.

8. Acquire and Analyze Repeatability Data from Other Sources:

Objective—To obtain the results of repeatability tests by manufacturers in order to enhance the data base of such information.

Work Plan—Meet with various manufacturers and associations to explain NHTSA's Repeatability Program and our interest in obtaining data on crash test repeatability utilizing other vehicles.

Obtain the results of repeatability testing conducted by other manufacturers, and analyze the data.

9. Monitor Progress of Above Tasks, and Determine Requirements for Additional Vehicle Test Series:

Objective—Based upon all these tasks, determine whether additional testing should be required. If so, develop the test program design and publish it to obtain comments.

IV. Computer Modeling

Computer modeling is used extensively in the safety community to assess vehicle, and occupant safety performance. The technique has also been considered for use in evaluating the comparative crash worthiness of motor vehicles. Characteristics such as acceleration-time histories, structural crush, and vehicle interior force deflection and geometric properties are utilizied as input data to these models. Based on these inputs, the models predict the response of simulated human occupants in a crash. These models have the advantage of perfect repeatability, that is, the results will always be identical for the same input. Unfortunately, a motor vehicle crash is an extremely complicated event and all of the necessary input data have not yet been defined. As a result, computer modeling does not improve the ability to control the variability of crash test results, and cannot, at this time, be used to assess repeatability. In the future, computer modeling may be used to assist in controlling the variability of crash test results and additional tasks to further develop this capability may be defined.

Issued on August 30, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-24283 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-12; Notice 3]

Uniroyal Tire Co.; Denial of Petition for Determination of Inconsequential Noncompliance

Uniroyal Tire Company of Troy, Michigan, has appealed the denial of its petition to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a non-compliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the original petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 17, 1982, and an opportunity afforded for comment (47 FR 26273). Notice of the denial was published on June 23, 1983 (48 FR 23778).

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewall of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Uniroyal manufactured a maximum of 660 L78–15 Snowplow tires with all information correctly stated on the serial side of the tire. On the opposite side, however, appears "Load Range B MAX LOAD 1970 lbs at MAX INFL 32 psi". The correct information is "Load Range C MAX LOAD 2100 lbs at MAX INFL 36 psi". The tires are Load Range C in construction and Uniroyal argued that the error was inconsequential "since the load range C load and inflation values totally embrace the load and inflation range of load range B, no misuse can occur in the field. * * *"

In denying Uniroyal's petition, NHTSA commented that the tires that are the subject of the petition with their higher than normal load carrying capacity were specifically designed for use on vehicles intended to carry heavier loads than ordinary passenger sedans. They have been used as original equipment on large station wagons, vans, and pickups trucks. If the tires were mounted with the incorrect information facing outward, it is likely that the tires would not be inflated beyond 32 psi. This could threaten the integrity of the tire because of the overload on it, as well as decreasing the stability of vehicles requiring more than 32 psi on the rear tire, by increasing the potential for oversteer: the rear tires may skid laterally before the front tires in a severe cornering maneuver, causing the car to spin. The agency therefore concluded that the noncompliance was not inconsequential.

Uniroyal has appealed the denial of its petition offering the following arguments in further support that the noncompliance is inconsequential as it relates to motor vehicle safety. The snow tires have been in the field for more than 18 months and the adjustment rate for tires manufactured in the same month as those covered by the petition is only 0.09%. In addition, all tires in the replacement market bear a paper label with the correct information on it. Uniroyal also argues that the primary source of information on inflation pressure is the placard in the vehicle itself, particularly true in this instance because manufacturers recommend different pressures for front and rear snow tire, generally not higher than 32 psi in the front, although the rear tires may require more pressure.

Assuming as NHTSA did that the tires could be mounted with improper inflation pressure, Uniroyal states that it retested tires under Standard No. 109's high speed and durability requirements using the load requirements for Load Range C and the inflation requirements for the Load Range B. Under these conditions one tire met the 34 hour test requirement while another met the 3.5 hour heat resistance test. Using the stepped-up requirements of the UTQGS heat resistance test, one tire was run up to 4.5 hours, thereby exceeding the requirement for a C rating. Finally,

> "Another tire was tested beyond the minimum requirements of the FMVSS durability test (again using the load schedule for C load range tires and the inflation pressure requirements for the B load range), in which we effected a 10% load increase after 34 hours, and another 10% load increase after 42 hours. The tire was removed unfailed after 45 hours."

Interested persons are invited to submit written data, views and arguments on the petition of Uniroyal Tire Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered.

The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: October 6, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 30, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-24282 Filed 9-2-83; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 F.R. 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Juan Gris" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit from the United States are of cultural significance. These objects are imported pursuant to loan agreements between the foreign lenders and the National Gallery of Art, Washington, D.C. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about October 16, 1983, to on or about December 31, 1983; the University Art Museum, University of California, Berkeley, California, beginning on or about February 1, 1983, to on or about April 8, 1984; and the Solomon R. Guggenheim Museum, New York, New York, beginning on or about May 18, 1984, to on or about July 15, 1984, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register**.

Dated: August 31, 1983.

Joseph A. Blundon,

Acting General Counsel, United States Information Agency.

[FR Doc. 83-24235 Filed 9-2-83; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Gainsborough Drawings" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the International Exhibitions Foundation of Washington, D.C. and the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about October 2, 1983, to on or about December 4, 1983; the Kimbell Art Museum, beginning on or about December 17, 1983, to on or about February 19, 1984; and the Yale Center for British Art, beginning on or about March 7, 1984, to on or about April 29, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Dated: August 31, 1983.

Joseph A. Blundon,

Acting General Counsel, United States Information Agency.

[FR Doc. 83-24236 Filed 9-2-83; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibits, "Fifty Years of Babar" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit from the United States are of cultural significance. These objects are imported pursuant to loan agreements between the foreign lenders and the International Exhibitions Foundation of Washington, D.C. I also determine that the temporary exhibition or display of th listred exhibit objects at the Minneapolis Institute of Arts, Minneapolis, Minnesota, beginning on or about November 12, 1983, to on or about January 8, 1984; Meridian House International, Washington, D.C., beginning on or about January 29, 1984, to on or about March 11, 1984; San Diego Museum of Art, San Diego, California, beginning on or about March 24, 1984, to on or about May 6, 1984; San Jose Museum of Art, San Jose, California, beginning on or about June 3, 1984, to on or about July 15, 1984; Mary and Leigh Block Gallery, Evanston, Illinois, beginning on or about August 5, 1984, to on or about September 16, 1984; Children's Museum, Boston, Massachusetts, beginning on or about October 7, 1984 to on or about November 18, 1984; The Baltimore Museum of Art, Baltimore, Maryland, beginning on or about December 11, 1984, to on or about January 27, 1985; The Toledo Museum of Art, Toledo, Ohio, beginning on or about March 1, 1985, to on or about April 15, 1985, is in the national interest.

Public notice of this determine is ordered to be published in the **Federal Register**.

Dated: August 31, 1983.

Joseph A. Blundon,

Acting General Counsel, United States Information Agency.

[FR Doc. 83-24237 Filed 9-2-83; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Noticed is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Exectutive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Henry Moore: A New Dimension" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the International Exhibitions Foundation of Washington, D.C. and the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects in the United States is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Dated: August 31, 1983.

Joseph A. Blundon,

Acting General Counsel, United States Information Agency.

[FR Doc. 83-24238 Filed 9-2-83; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document

[1] An itemized list of objects included in the exhibit is filed as part of the original document

[1] An itemized list of objects included in the exhibit is filed as part of the original document

Sunshine Act Meetings

Federal Register
Vol. 48, No. 173
Tuesday, September 6, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

Items

Consumer Product Safety Commission 1
Inter-American Foundation 2
Nuclear Regulatory Commission 3

1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Wednesday, September 7, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Smoke Detectors Project*
   The Commission will consider issues related to the Smoke Detectors Project for fiscal year 1983.
2. *Children's Chemical Hazards: DEHP (CHAP)*
   The staff will brief the Commission on the Risk Assessment on Di (2-Ethylhexyl) Phthalate (DEHP) in Children's Products and on the staff's recommendation that a Chronic Hazard Advisory Panel (CHAP) on DEHP be convened.

For a recorded message containing the latest agenda information call 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md., 301-492-6800.

[S-1248-83 Filed 9-1-83; 3:13 pm]

BILLING CODE 6355-01-M

2

INTER-AMERICAN FOUNDATION

TIME AND DATE:

6-9 p.m., September 11, 1983, and 9 a.m.-12 p.m., September 12, 1983.

PLACE: Fifth Floor, 1515 Wilson Boulevard, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: *September 11, 1983:*

1. Chairman's Report.
2. President's Report.

September 12, 1983:

3. Minutes of the April 18-19, 1983 Meeting.
4. Report of the Audit Committee.
5. Budget for FY 1983.
6. The Foundation in Nicaragua.

CONTACT PERSON FOR MORE INFORMATION: Steve Abrams (703) 841-3812.

[S-1247-83 Filed 9-1-83; 10:40 am]

BILLING CODE 7025-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Week of September 5, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, September 7:*

10:00 a.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (Public Meeting)

Thursday, September 8:

3:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. Final Rule on Temporary Operating Licensing Authority
b. Review of ALAB-734
c. Motion for Reconsideration of Indian Point Decision (*postponed* from September 1)
d. Draft Order ALAB-698 (*postponed* from September 1)
e. Final Rule—NRC Rulemaking to Amend 10 CFR 2.200 and 2.201 (*postponed* from September 1)

Friday, September 9:

10:00 a.m.:
Briefing by Executive Branch (Closed—Exemption 1)

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemption 2 and 6)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: August 31, 1983.

Walter Magee,

Office of the Secretary.

[S-1249-83 Filed 9-1-83; 3:21 pm]

BILLING CODE 7590-01-M

federal register

Tuesday
September 6, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the National Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 961]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 30, 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–DS: 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 961
ISSUED AUGUST 30, 1983
ISSUED AUGUST 39, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	08/15/83	JA: KS			
8349893	K-79-0350	1517500000		108-ER		BOLES #1-15	HUGOTON	0.0	CIMARRON-QUINQUE
8349892	K-80-0457	1517500000		108-ER		BURR #1-27	HUGOTON	0.0	CIMARRON-QUINQUE
8349887	K-82-0628	1512920322		108-ER		LOW H-1	SANTA FE TRAIL	0.0	CIMARRON-QUINQUE
8349890	K-81-1008	1518920378		108-ER		MILLER N-1	GENTZLER	0.0	CIMARRON-QUINQUE
8349888	K-79-0333	1517500000		108-ER		PRINTZ A-1	HUGOTON	0.0	CIMARRON-QUINQUE
8349889	K-79-0336	1517500000		108-ER		PRINTZ B-1	HUGOTON	0.0	CIMARRON-QUINQUE
8349894	K-82-0392	1518920202		108-ER		SAVAGE A-1		0.0	PANHANDLE EASTERN
8349891	K-80-0460	1517500000		108-ER		WALDEN #1-15	HUGOTON	0.0	CIMARRON-QUINQUE
-BENSON MINERAL GROUP				RECEIVED:	08/15/83	JA: KS			
8349910	K 82-0471	1514500000		108-ER		L J UNRUH #1		0.0	
-CITIES SERVICE COMPANY				RECEIVED:	08/15/83	JA: KS			
8349914	K 82-1140	1509300000		108-ER		PARKER A #1		0.0	COLORADO INTERSTA
-F G HOLL				RECEIVED:	08/15/83	JA: KS			
8349896	K-81-0706	1504720161		108-PB		NEWSOM #1		0.0	KN ENERGY INC
-GETTY OIL COMPANY				RECEIVED:	08/15/83	JA: KS			
8349900	K-81-0472	1511910193		108-PB		E F HARRIS #1		0.0	PANHANDLE EASTERN
8349899	K-82-0718	1500730054		108-PB		SUTTON A #1	MCKINNEY	0.0	NORTHWEST CENTRAL
8349898	K-82-0718	1500730054		108-PB		SUTTON A #1	AETNA	0.0	NORTHWEST CENTRAL
-GRAHAM-MICHAELIS CORP				RECEIVED:	08/15/83	JA: KS			
8349909	K 81-0107	1511900000		108-ER		ADAMS D #2		0.0	COLORADO INTERSTA
-GULF OIL CORPORATION				RECEIVED:	08/15/83	JA: KS			
8349905	K-80-0191	1500701004		108-PB		INSLEE #1	N E RHODES	0.0	NORTHWEST CENTRAL
8349903	K-80-0342	1500701002		108-PB		INSLEE A #1	RHODES	0.0	NORTHWEST CENTRAL
8349901	K-80-0342	1500701002		108-PB		INSLEE A #1	N E RHODES	0.0	NORTHWEST CENTRAL
8349906	K-82-0981	1501920924		108-PB		KYGAR #2		0.0	NORTHWEST CENTRAL
8349907	K-82-0945	1517520377		108-SA		RICE DAVIES #2-1	ARKALON	0.0	ANADARKO PRODUCTI
8349904	K-80-0334	1500797003		108-PB		VERNON G COLEMAN #1	N E RHODES	0.0	NORTHWEST CENTRAL
8349902	K-80-0334	1500797003		108-PB		VERNON G COLEMAN #1	N E RHODES	0.0	NORTHWEST CENTRAL
-J M HUBER CORPORATION				RECEIVED:	08/15/83	JA: KS			
8349908	K 79-0879	1511900000		108-ER		MERKLE #1		0.0	NORTHERN NATURAL
-OLYMPIC PETROLEUM COMPANY				RECEIVED:	08/15/83	JA: KS			
8349897	K-82-0579	1503520852		108-ER		ROLAND L LEWIS #1-A		0.0	NORTHWEST CENTRAL
-SIERRA PETROLEUM CO INC				RECEIVED:	08/15/83	JA: KS			
8349911	K-81-0892	1517500000		108-ER		ORMISTON #1		0.0	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED:	08/15/83	JA: KS			
8349886	K-82-0844	1511920378		108-PB		ADAMS #6-11 (TORONTO)	CIMMARON BEND	0.0	COLORADO INTERSTA
8349885	K-82-0844	1511920378		108-PB		ADAMS #6-11 (TORONTO)	CIMMARON BEND	0.0	COLORADO INTERSTA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	08/15/83	JA: KS			
8349895	K-81-1241	1509500000		108-ER		W YOUNG #1	SPIVEY GRABS	0.0	KANSAS POWER & LI
-TEXACO INC				RECEIVED:	08/15/83	JA: KS			
8349913	K 83-0172	1505500000		108-PB		BERTHA PREISSER #1		0.0	NORTHERN NATURAL
-WALTER KUHN DRILLING COMPANY				RECEIVED:	08/15/83	JA: KS			
8349912	K-81-0341	1518700000		108-ER		PLUMMER #1		0.0	NORTHWEST CENTRAL
LOUISIANA OFFICE OF CONSERVATION									
-ADA OIL EXPLORATION CORP				RECEIVED:	08/15/83	JA: LA			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8349916	83-198	1705721881		102-4		J B LEVERT LAND CO #2-D	NORTH THIBODAUX	600.0	TEXAS EASTERN TRA
-QUINTANA PETROLEUM CORP				RECEIVED:	08/15/83	JA: LA			
8349917	83-196	1705721523		102-4		DUSENBURY #2	BAYOU PER BLANC	100.0	
8349915	83-197	1705721823		102-4		DUSENBURY #3	BAYOU PER BLANC	2000.0	
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	08/17/83	JA: WV			
8349957		4708505553		103		A-1164	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8349939		4709100240		103		A-1166	BOOTHS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8349938		4708300687		103		A-1194	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8349936		4709702427		103		A-1198	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8349940		4704103163		103		A-957	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC				RECEIVED:	08/17/83	JA: WV			
8349950		4703903817		103		JOHN FLEMING #1	POCATALICO	0.0	
8349949		4703903824		103		ORVILLE CARNEY #1	POCATALICO	0.0	
-CABOT OIL & GAS CORP				RECEIVED:	08/17/83	JA: WV			
8349932		4708501352		103		ALLAN-PRYOR A-2	SCOTT	7.0	TENNESSEE GAS PIP
8349931		4708100429		103		POCAHONTAS LAND CORP A-10	SLAB FORK	2.4	TENNESSEE GAS PIP
-CHESTERFIELD ENERGY CORP				RECEIVED:	08/17/83	JA: WV			
8349928		4708300669		103		ANDREWS WELL #1 - 47-083-0669	UNION	0.0	PARTNERSHIP PROPE
8349929		4708101759		103		CAMPBELL WELL #1 - 47-081-1759	UNION	0.0	PARTNERSHIP PROPE
8349924		4709702425		103		CHANNEL #1 47-097-2425	UNION	0.0	PARTNERSHIP PROPE
8349926		4709702408		103		HARRIS WELL #1 - 47-097-2408	UNION	0.0	PARTNERSHIP PROPE
8349925		4709702419		103		HARRIS WELL #2 47-097-2419	UNION	0.0	PARTNERSHIP PROPE
8349930		4708101758		103		KITTLE WELL #3 - 47-081-1758	UNION	0.0	PARTNERSHIP PROPE
8349927		4709702307		103		YOUNG WELL #1 - 47-097-2307	UNION	0.0	PARTNERSHIP PROPE
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	08/17/83	JA: WV			
8349942		4702103854		103		S A HAYS #9	GLENVILLE	78.0	
-HARBRO EXPLORATION CO LTD				RECEIVED:	08/17/83	JA: WV			
8349941		4702103914		103		DAVIDSON #3	GLENVILLE NORTH	50.0	
-INDUSTRIAL GAS ASSOCIATES				RECEIVED:	08/17/83	JA: WV			
8349955		4701302619		108		BASNETT #1 CAL-2619	LEE DISTRICT	0.0	CONSOLIDATED GAS
-L & M PETROLEUM INC				RECEIVED:	08/17/83	JA: WV			
8349945		4709520876		103		JACOB DILLON/COTRILL #1	CENTERVILLE	10.0	COLUMBIA GAS TRAN
8349944		4709520898		103		RALPH WESTFALL #2	CENTERVILLE	10.0	COLUMBIA GAS TRAN
8349943		4709520899		103		RALPH WESTFALL #3	CENTERVILLE	10.0	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	08/17/83	JA: WV			
8349951		4708505143		103		ALBERT KEHRER #2	WHITE OAK CREEK	81.0	CONSOLIDATED GAS
8349953		4703302434		103		NATHAN GOFF #27	LAMBERT RUN	170.0	CONSOLIDATED GAS
8349952		4703302435		103		NATHAN GOFF #28	LAMBERT RUN	175.0	CONSOLIDATED GAS
-STERLING DRILLING AND PROD CO INC				RECEIVED:	08/17/83	JA: WV			
8349946		4701502051		103		BRAGG #657	OTTER DISTRICT	21.7	BROOKLYN UNION GA
8349947		4701502048		103		SPINKS #652	OTTER DISTRICT	7.2	BROOKLYN UNION GA
8349948		4701502014		103		SPINKS 539	OTTER DISTRICT	10.1	
-STONESTREET LANDS CO				RECEIVED:	08/17/83	JA: WV			
8349935		4701334260		103		COEN #1-S-309	ELMIRA	8.0	COLUMBIA GAS TRAN
8349933		4701502154		103		COEN #2-S-310	ELMIRA	11.0	COLUMBIA GAS TRAN
8349934		4701502054		103		R L MAY #1-S-297	ELMIRA	16.0	COLUMBIA GAS TRAN
-STONEWALL GAS CO				RECEIVED:	08/17/83	JA: WV			
8349954		4703302956		103		WILLIAM BOOTH #1	UNION DISTRICT	1.1	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED:	08/17/83	JA: WV			
8349920		4701303419		103		A E HAVERTY #1	ORMA-MINNORA GAS FIEL	18.0	CONSOLIDATED GAS
8349921		4701303618		103		JENNINGS P ELLISON #1	MINNORA GAS FIELD	7.0	CONSOLIDATED GAS
8349923		4701303592		103		MAUDE BAILEY #3	MINNORA GAS FIELD	18.0	CONSOLIDATED GAS
8349922		4701303595		103		MAUDE BAILEY #5	MINNORA GAS FIELD	18.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-EL PASO NATURAL GAS COMPANY				RECEIVED:	08/15/83	JA: NM 4			
8349798	NM0537-83-PB	3004506600		108-PB		BOLACK B #4	BLANCO	0.0	EL PASO NATURAL G
8349825	NM0558-83-PB	3004520446		108-PB		BOLACK B #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349800	NM0535-83-PB	3003920271		108-PB		CANYON LARGO UNIT #151	OTERO	0.0	EL PASO NATURAL G
8349859	NM0613-83-PB	3003920407		108-PB		CANYON LARGO UNIT #165	OTERO	0.0	EL PASO NATURAL G
8349861	NM0610-83-PB	3003920758		108-PB		CANYON LARGO UNIT #208	BALLARD	0.0	EL PASO NATURAL G
8349828	NM0596-83-PB	3003920952		108-PB		CANYON LARGO UNIT #268	BALLARD	0.0	EL PASO NATURAL G
8349803	NM0544-83-PB	3003905867		108-PB		CANYON LARGO UNIT #56	BALLARD	0.0	EL PASO NATURAL G
8349869	NM0634-83-PB	3003906187		108-PB		CANYON LARGO UNIT #65	BLANCO SOUTH	0.0	EL PASO NATURAL G
8349848	NM0606-83-PB	3003905441		108-PB		CANYON LARGO UNIT #89 GL & NP DK	DEVILS FORK & BASIN	0.0	EL PASO NATURAL G
8349813	NM0550-83-PB	3004520311		108-PB		CASE #10	AZTEC	0.0	EL PASO NATURAL G
8349796	NM0534-83-PB	3004512192		108-PB		DAY A #5	BLANCO	0.0	EL PASO NATURAL G
8349838	NM0592-83-PB	3004521111		108-PB		DRYDEN #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349871	NM0629-83-PB	3004520670		108-PB		FEVILLE A #4	AZTEC	0.0	EL PASO NATURAL G
8349785	NM0391-83-PB	3004523689		108-PB		FIELDS #13	BLANCO	0.0	EL PASO NATURAL G
8349819	NM0572-83-PB	3004506791		108-PB		FILAN #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349807	NM0555-83-PB	3004520462		108-PB		FLORANCE #8	BLANCO	0.0	EL PASO NATURAL G
8349808	NM0556-83-PB	3004520453		108-PB		FLORANCE C #13	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349823	NM0561-83-PB	3004506543		108-PB		FLORANCE D #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349815	NM0577-83-PB	3004520460		108-PB		GRAMBLING #6	BLANCO	0.0	EL PASO NATURAL G
8349817	NM0569-83-PB	3004520819		108-PB		GRAMBLING A #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349812	NM0549-83-PB	3004513257		108-PB		HANCOCK B #3	AZTEC	0.0	EL PASO NATURAL G
8349854	NM0618-83-PB	3004521085		108-PB		HARDIE #8	BLANCO	0.0	EL PASO NATURAL G
8349804	NM0546-83-PB	3004520923		108-PB		HARDIE E #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349836	NM0587-83-PB	3004510087		108-PB		HEATON COM A #13	AZTEC	0.0	EL PASO NATURAL G
8349826	NM0594-83-PB	3004506958		108-PB		HOWELL #3	BLANCO	0.0	EL PASO NATURAL G
8349810	NM0553-83-PB	3004520334		108-PB		HOWELL #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349822	NM0560-83-PB	3004521522		108-PB		HOWELL F #2 CH & PC	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8349802	NM0548-83-PB	3004506069		108-PB		HUERFANITO UNIT #12	BALLARD	0.0	EL PASO NATURAL G
8349850	NM0603-83-PB	3004511948		108-PB		HUERFANO UNIT #165	BASIN	0.0	EL PASO NATURAL G
8349839	NM0585-83-PB	3004520531		108-PB		HUERFANO UNIT #186	BASIN	0.0	EL PASO NATURAL G
8349824	NM0562-83-PB	3004520419		108-PB		HUERFANO UNIT #190	BASIN	0.0	EL PASO NATURAL G
8349805	NM0541-83-PB	3004520608		108-PB		HUERFANO UNIT #201	BASIN	0.0	EL PASO NATURAL G
8349872	NM0630-83-PB	3004520632		108-PB		HUERFANO UNIT #204	BASIN	0.0	EL PASO NATURAL G
8349841	NM0581-83-PB	3004520390		108-PB		HUERFANO UNIT #54	BASIN	0.0	EL PASO NATURAL G
8349811	NM0554-83-PB	3003921218		108-PB		JICARILLA C #12	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349851	NM0597-83-PB	3003921164		108-PB		JICARILLA D #9	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349809	NM0557-83-PB	3003906379		108-PB		JICARILLA F #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349874	NM0627-83-PB	3003906501		108-PB		JICARILLA F #14	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349877	NM0625-83-PB	3003906409		108-PB		JICARILLA F #8	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349868	NM0633-83-PB	3003906397		108-PB		JICARILLA G #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349873	NM0626-83-PB	3003906476		108-PB		JICARILLA J #12	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349799	NM0538-83-PB	3003906416		108-PB		JICARILLA J #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349789	NM0259-83-PB	3003922120		108-PB		JICARILLA 67 #19	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349787	NM0496-83-PB	3003922120		108-PB		JICARILLA 67 #19	SOUTH BLANCO	0.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8349829	NM0591-83-PB	3004509752		108-PB		KELLY B #1	BLANCO	0.0	EL PASO NATURAL G
8349857	NM0616-83-PB	3004520861		108-PB		LACKEY A #6	AZTEC	0.0	EL PASO NATURAL G
8349840	NM0580-83-PB	3003920964		108-PB		LINDRITH UNIT #83	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349816	NM0578-83-PB	3004507056		108-PB		MICHENER A #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349865	NM-0637-83PB	3004507017		108-PB		MICHENER B #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349855	NM0619-83-PB	3004521083		108-PB		MUDGE #37	BLANCO	0.0	EL PASO NATURAL G
8349856	NM0615-83-PB	3004521024		108-PB		MUDGE #39 PC	BLANCO	0.0	EL PASO NATURAL G
8349838	NM0584-83-PB	3004520463		108-PB		PIERCE #5	BLANCO	0.0	EL PASO NATURAL G
8349879	NM0622-83-PB	3004520848		108-PB		RIDDLE B #7	BLANCO	0.0	EL PASO NATURAL G
8349832	NM0588-83-PB	3003907046		108-PB		RINCON UNIT #105	BLANCO SOUTH	0.0	EL PASO NATURAL G
8349852	NM0598-83-PB	3003920699		108-PB		RINCON UNIT #142	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349820	NM0566-83-PB	3003920497		108-PB		RINCON UNIT #192	BASIN	0.0	EL PASO NATURAL G
8349876	NM0624-83-PB	3003920713		108-PB		RINCON UNIT #195	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349833	NM0589-83-PB	3003906728		108-PB		RINCON UNIT #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349795	NM052<-83-PB	3003921392		108-PB		RINCON UNIT #220	LARGO	0.0	EL PASO NATURAL G
8349847	NM0605-83-PB	3003922223		108-PB		RINCON UNIT #232	OTERO	0.0	EL PASO NATURAL G
8349864	NM0636-83-PB	3003907061		108-PB		RINCON UNIT #87	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349837	NM0583-83-PB	3003906822		108-PB		RINCON UNIT #9	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349842	NM0582-83-PB	3004520281		108-PB		ROELOFS #4	BLANCO	0.0	EL PASO NATURAL G
8349867	NM0632-83-PB	3004500000		108-PB		SAN JUAN #21	AZTEC	0.0	EL PASO NATURAL G
8349849	NM0602-83-PB	3003920646		108-PB		SAN JUAN 27-5 UNIT #160	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349797	NM0542-83-PB	3003907369		108-PB		SAN JUAN 28-5 UNIT #55	BLANCO	0.0	EL PASO NATURAL G
8349818	NM0570-83-PB	3003907465		108-PB		SAN JUAN 28-5 UNIT #7	BLANCO	0.0	EL PASO NATURAL G
8349858	NM0612-83-PB	3003920577		108-PB		SAN JUAN 28-6 UNIT #135	BASIN	0.0	EL PASO NATURAL G
8349827	NM0595-83-PB	3003920608		108-PB		SAN JUAN 28-6 UNIT #172	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349845	NM0609-83-PB	3003920897		108-PB		SAN JUAN 28-6 UNIT #194	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349831	NM0593-83-PB	3003907125		108-PB		SAN JUAN 28-6 UNIT #24	BLANCO	0.0	EL PASO NATURAL G
8349794	NM0536-83-PB	3003907067		108-PB		SAN JUAN 28-7 UNIT #116	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349878	NM0621-83-PB	3003920406		108-PB		SAN JUAN 28-7 UNIT #160	LARGO	0.0	EL PASO NATURAL G
8349806	NM0559-83-PB	3003920961		108-PB		SAN JUAN 28-7 UNIT #201 CH&PC	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8349853	NM0620-83-PB	3003921184		108-PB		SAN JUAN 28-7 UNIT #205	LARGO	0.0	EL PASO NATURAL G
8349821	NM0567-83-PB	3003920875		108-PB		SAN JUAN 28-7 UNIT #216	BASIN	0.0	EL PASO NATURAL G
8349862	NM0611-83-PB	3003921084		108-PB		SAN JUAN 28-7 UNIT #243	BASIN	0.0	EL PASO NATURAL G
8349860	NM0614-83-PB	3003921083		108-PB		SAN JUAN 28-7 UNIT #244	BASIN	0.0	EL PASO NATURAL G
8349801	NM0547-83-PB	3003907132		108-PB		SAN JUAN 28-7 UNIT #81 PC & MV	SOUTH BLANCO & BLANCO	0.0	EL PASO NATURAL G
8349834	NM0590-83-PB	3003906982		108-PB		SAN JUAN 28-7 UNIT #92	BLANCO SOUTH	0.0	EL PASO NATURAL G
8349835	NM0586-83-PB	3003960071		108-PB		SAN JUAN 28-7 UNIT NP #68	BLANCO	0.0	EL PASO NATURAL G
8349844	NM0608-83-PB	3003908118		108-PB		SAN JUAN 29-7 UNIT #100	BASIN	0.0	EL PASO NATURAL G
8349792	NM0276-82-PB	3004522916		108-PB		SAN JUAN 32-9 UNIT #28A	BLANCO	0.0	EL PASO NATURAL G
8349790	NM0160-83-PB	3004522916		108-PB		SAN JUAN 32-9 UNIT #28A	BLANCO	0.0	EL PASO NATURAL G
8349788	NM0269-83-PB	3004522916		108-PB		SAN JUAN 32-9 UNIT #28A	BLANCO	0.0	EL PASO NATURAL G
8349786	NM0483-83-PB	3004522916		108-PB		SAN JUAN 32-9 UNIT #28A	BLANCO	0.0	EL PASO NATURAL G
8349793	NM0056-83-PB	3004522916		108-PB		SAN JUAN 32-9 UNIT #28A	BLANCO	0.0	EL PASO NATURAL G
8349791	NM0188-83-PB	3004506756		108-PB		SCHWERDTFEGER A #12	BLANCO	0.0	EL PASO NATURAL G
8349846	NM0604-83-PB	3004511705		108-PB		SCHWERDTFEGER A #23	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349814	NM0576-83-PB	3004507183		108-PB		STOREY #1	BLANCO	0.0	EL PASO NATURAL G
8349866	NM0638-83-PB	3004513231		108-PB		STOREY B #3	BLANCO	0.0	EL PASO NATURAL G
8349870	NM0628-83-PB	3004509720		108-PB		STOREY B #6	AZTEC	0.0	EL PASO NATURAL G
8349863	NM0635-83-PB	3004507018		108-PB		STOREY C #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8349843	NM0607-83-PB	3004520853		108-PB		SUNRAY E #4	BLANCO	0.0	EL PASO NATURAL G
8349875	NM0623-83-PB	3004521135		108-PB		SUNRAY H #3	BLANCO	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	08/15/83	JA: NM 4			
8349882	NM 0551-83PB	3003905897		108-PB		JICARILLA C #3	SOUTH BLANCO CLIFFS	0.0	EL PASO NATURAL G
8349880	NM0552-83-PB	3003905845		108-PB		JICARILLA C #6	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-JEROME P MCHUGH				RECEIVED:	08/15/83	JA: NM 4			
8349884	NM 0129-83PB	3003920266		108-PB		APACHE #5	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8349883	NM 0128-83PB	3003920131		108-PB		JICARILLA #7	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	08/15/83	JA: NM 4			
8349881	NM 0389-83PB	3004511557		108-PB		NEWSOM B #10	BASIN DAKOTA	0.0	EL PASO NATURAL G

****

** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, TULSA,OK

****

-BARUCH-FOSTER CORP				RECEIVED:	08/16/83	JA: OK 6			
8349919	OK-A-0533-83	3511921709		102-4		HAWK HEIRS #1	SW SCHLEGEL	3.0	NORTHWEST CENTRAL
-JUMAS OIL PART CORP				RECEIVED:	08/16/83	JA: OK 6			
8349918	OK-A-0479-83	3510720340		108		PHAROAH #1	LYONS - QUINN	11.4	PHILLIPS PETROLEU

[FR Doc. 83-24220 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 960]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 30, 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 NCPA 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–DS: 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 buidlup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS VOLUME 960
ISSUED AUGUST 30, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349703	23242	3510700724		108		LEM CASE #2	E DUTCHER	10.7	KERR MCGEE CORP
-AMERICAN BISON PETROLEUM CORP				RECEIVED:		08/12/83 JA: OK			
8349758	23206	3510700000		103		ANNIE LOWE #2	NE SW OF 20-10N-10E	65.0	TRANSOK PIPELINE
-AMERICAN ENERGY CORP				RECEIVED:		08/12/83 JA: OK			
8349729	21509	3512321437		102-2	103	K T S U #2-27		164.3	ARKANSAS LOUISIAN
-AMERICAN NAT GAS PROD CO				RECEIVED:		08/12/83 JA: OK			
8349651	19729	3500920487		102-2		THORNBROUGH 1-4	SWEETWATER	745.0	NATURAL GAS PIPE
-AMOCO PRODUCTION CO				RECEIVED:		08/12/83 JA: OK			
8349768	21755	3503920536		102-2		BARTEL UNIT #1	WILDCAT - (ATOKA)	365.0	SOUTHERN NATURAL
8349766	21753	3501521335		102-2		HAAS UNIT #1	WILDCAT (RED FORK)	639.0	SOUTHERN NATURAL
8349767	21754	3501521352		102-2		HAAS UNIT "A" #1	WILDCAT - (RED FORK)	730.0	SOUTHERN NATURAL
8349590	23152	3507322602		108		WROBBEL NO 31-1	S E ALPHA	15.2	WARREN PETROLEUM
-AMV OPERATING INC				RECEIVED:		08/12/83 JA: OK			
8349520	20337	3503700000		102-2	103	ALDRIDGE #1		559.2	PHILLIPS PETROLEU
-AN-SON CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349567	24962	3514920320		107-DP		HINZ #1-22	S CLINTON	358.8	OKLAHOMA REFINING
8349710	7316	3507321525		108		NADINE A #1	SOONER TREND	6.5	TRANSOK PIPE LINE
8349653	21505	3503920827		102-2		STELLA #1-17	EAST CLINTON	543.0	PRODUCERS GAS CO
-ANADARKO PRODUCTION COMPANY				RECEIVED:		08/12/83 JA: OK			
8349737	23136	3500721910		108		FRANZ B #1	FLORIS	8.0	PANHANDLE EASTERN
8349736	23126	3513900000		108		HAAR C #2	POSTLE HOUGH	11.0	PANHANDLE EASTERN
8349559	23257	3500321038		103		NEFF A 2-24	LAMBERT SE	106.0	PIONEER GAS PRODU
8349607	23258	3500321026		103		NEWLIN A 2-12	LAMBERT SE	56.0	PIONEER GAS PRODU
-APACHE CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349544	23521	3501720877		103		BESSIE KOHNER #1-32		0.0	PHILLIPS PETROLEU
8349502	23516	3501720769		103		GRELLNER #1		0.0	PHILLIPS PETROLEU
8349543	23518	3501720837		103		KOHNER #1-29		0.0	PHILLIPS PETROLEU
8349523	23517	3501720899		103		KOHNER #1-5		0.0	PHILLIPS PETROLEU
8349503	23515	3501720941		103		PHELPS #1-5		0.0	PHILLIPS PETROLEU
8349769	21772	3512920866		102-4		SPROWLS #2-34		310.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:		08/12/83 JA: OK			
8349717	23367	3500722451		103		NORTHWEST CAMRICK UNIT #15-4	CAMRICK	7.3	NATURAL GAS PIPEL
8349716	23368	3500722452		103		NORTHWEST CAMRICK UNIT #19-7	CAMRICK	7.3	NATURAL GAS PIPEL
-ARKOMA PRODUCTION CO				RECEIVED:		08/12/83 JA: OK			
8349522	24389	3512120155		107-TF		HARTSHORNE #1-6	WILBURTON	500.0	OKLAHOMA GAS & EL
-ARMSTRONG & MCLEOD CO				RECEIVED:		08/12/83 JA: OK			
8349551	22633	3511100000		108-SA		WATSON #1		5.6	PHILLIPS PETROLEU
-ARROW OIL & GAS INC				RECEIVED:		08/12/83 JA: OK			
8349754	23141	3508720841		103		WELLS #1	EAST PAYNE	200.0	WARREN PETROLEUM
-B R POLK INC				RECEIVED:		08/12/83 JA: OK			
8349662	24947	3504900000		107-TF		HAMILTON #1	GOLDEN TREND	10.0	PUBLIC SERVICE CO
-BARBOUR ENERGY CORP				RECEIVED:		08/12/83 JA: OK			
8349542	14963	3508121201		102-4		CONNELLY #1-22		0.0	EL PASO NATURAL G
8349773	23372	3502720452		103		GOLDMAN #1-1		0.0	SUN EXPLORATION &
8349698	14962	3508121055		102-4		JANES #1		0.0	EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8349697	14961	3508100000		102-4		LOWERY #1-35	UNKNOWN	0.0	EL PASO NATURAL G
8349632	14960	3508121192		102-4		PAYNE UNIT #1-27		0.0	EL PASO NATURAL G
8349759	14965	3508121237		102-4		WHITTAKER #1-22		0.0	EL PASO NATURAL G
-BARRETT OIL CO				RECEIVED:	08/12/83	JA: OK			
8349536	22872	3512321351		103		BARRETT-A #3	BYNG	0.0	ARKANSAS LOUISIAN
8349540	22879	3512322269		103		BETTY #1	BYNG	0.0	ARKANSAS LOUISIAN
-BARUCH-FOSTER CORP				RECEIVED:	08/12/83	JA: OK			
8349747	22282	3511721657		102-4		ELLIS #1	EAST MARAMEC	30.0	MID AMERICA GAS L
8349742	21438	3511721651		102-4		STATE OF OKLAHOMA H-1	EAST MARAMEC	30.0	MID AMERICA GAS L
-BEREN CORPORATION				RECEIVED:	08/12/83	JA: OK			
8349692	23524	3505921027		108		DELANE #1-29	NORTHWEST LOVEDALE	15.5	MICHIGAN WISCONSI
-BLAIK OIL COMPANY				RECEIVED:	08/12/83	JA: OK			
8349781	23483	3500300000		108		ASKEW #1	SOONER TREND	6.0	AMINOIL USA INC
8349778	23480	3500320197		108		FORD #1	SOONER TREND	12.0	UNION TEXAS PETRO
8349776	23478	3500320086		108		O'BANNON #1	SOONER TREND	2.0	AMINOIL USA INC
8349784	23471	3500320191		108		ORVILLE "A" #1	SOONER TREND	12.0	UNION TEXAS PETRO
8349777	23479	3500320208		108		OXLEY #1	SOONER TREND	3.0	PHILLIPS PETROLEU
8349780	23482	3500300000		108		UNRUH #1	SOONER TREND	2.0	UNION TEXAS PETRO
8349779	23481	3500320256		108		VANCE #1	SOONER TREND	2.0	MUSTANG FUEL CORP
-BOGERT OIL CO				RECEIVED:	08/12/83	JA: OK			
8349549	21915	3509322590		103		ETHELMAE #1-8	SOONER TREND	660.0	PHILLIPS PETROLEU
8349493	23104	3501121762		103		WHITE #1-5	SOONER TREND	160.0	PHILLIPS PETROLEU
-BOGIE CHARLES P				RECEIVED:	08/12/83	JA: OK			
8349674	23176	3511124206		103		BOUDINOT #1	HAMILTON SWITCH	21.9	PHILLIPS PET CO
8349721	23343	3511124285		103		BOUDINOT #2	HAMILTON SWITCH	11.0	PHILLIPS PETROLEU
-BRACKEN EXPLORATION CO				RECEIVED:	08/12/83	JA: OK			
8349606	23249	3501121778		103		ACRE #3-20		65.0	PHILLIPS PETROLEU
8349558	23251	3501121779		103		ACRE #4-20		110.0	PHILLIPS PETROLEU
-BROADWAY ENERGY CO INC				RECEIVED:	08/12/83	JA: OK			
8349645	23542	3503723928		103		ELIAS #3		80.0	GOLDEN ARROW GAS
8349638	23543	3503723929		103		ELIAS #4		65.0	GOLDEN ARROW GAS
8349635	23544	3503700000		103		ELIAS #5		100.0	GOLDEN ARROW GAS
8349636	23545	3503724245		103		ELIAS #8	ELIAS #8	0.0	GOLDEN ARROW GAS
-BURKHART PETROLEUM CORP				RECEIVED:	08/12/83	JA: OK			
8349572	23209	3500722425		103		BEDELL #1-15	S SLAPOUT	360.0	TRANSWESTERN PIPE
8349575	23181	3513921668		103		IRVIN #1-29	EAST RICE	43.0	PHILLIPS PETROLEU
-C W SMITH & ASSOCIATES INC				RECEIVED:	08/12/83	JA: OK			
8349661	23150	3508121960		103		HOPKINS/OLIVER #2	S E DAVENPORT	7.0	MERIDIAN ENERGY I
-CANADIAN EXPLORATION CORP				RECEIVED:	08/12/83	JA: OK			
8349491	23061	3501722381		103		CUNNINGHAM #19-1	RICHLAND	88.0	PHILLIPS PETROLEU
8349490	23060	3501722454		103		PAZOURECK #29-1	RICHLAND	120.0	PHILLIPS PETROLEU
-CHAMPLIN EXPLORATION INC				RECEIVED:	08/12/83	JA: OK			
8349501	21301	3504321583		102-4		MOORE #1-24	SOUTH TALOGA	200.0	MUSTANG FUEL CORP
-CHER OIL CO				RECEIVED:	08/12/83	JA: OK			
8349705	23301	3503723613		103		GREENWOOD #2	MANNFORD	547.5	COLORADO GAS COMP
8349704	23300	3503724454		103		MARTIN #1	MANNFORD	547.5	COLORADO GAS COMP
-CICADA PETROLEUM CORP				RECEIVED:	08/12/83	JA: OK			
8349512	16169	3510700000		102-4		IDA FAYE #1	EAST CROMWELL	21.9	WELLHEAD COMPRESS
-CITATION ENERGY CORP				RECEIVED:	08/12/83	JA: OK			
8349622	23103	3504722971		103		CHERMACK #2	SOONER TREND	274.0	UNION TEXAS PETRO
-CITIES SERVICE COMPANY				RECEIVED:	08/12/83	JA: OK			
8349701	21601	3513921458		102-3		CITIES SERVICE FEE A #1	SW UNITY	165.0	NORTHERN NATURAL
8349765	21761	3509120585		102-2		MCKEE B-1	SW TEXANNA	51.5	
-CLARK RESOURCES INC				RECEIVED:	08/12/83	JA: OK			
8349656	21498	3505320922		102-4	103	HAMILTON 6-2		90.0	NORTHWEST CENTRAL
-COBRA OIL AND GAS CORPORATION				RECEIVED:	08/12/83	JA: OK			
8349725	17334	3515321308		102-2	103	FERGUSON 8-5		100.0	NORTHERN NATURAL
-CONTINENTAL RESOURCES CORP				RECEIVED:	08/12/83	JA: OK			
8349764	21736	3503920725		102-2		FEDERAL #26-1		0.0	PRODUCERS GAS CO
8349654	23077	3504321640		103		REYNOLDS #12-1		0.0	HYDROCARBON SERVI
-CORE OIL & GAS CORP				RECEIVED:	08/12/83	JA: OK			
8349639	21429	3513321274		102-4		JUDY #1		0.0	SOUTHWEST PETROGA
8349642	21428	3513321423		102-4		JUDY #2		0.0	SOUTHWEST PETROGA
-CORE PETROLEUM LTD				RECEIVED:	08/12/83	JA: OK			
8349617	21438	3501521362		102-2		VAIL #1		0.0	
-COTTON PETROLEUM CORPORATION				RECEIVED:	08/12/83	JA: OK			
8349554	23332	3513921481		108		KILGORE #1-5	WEST DOMBY	0.0	KN ENERGY INC
8349586	21022	3501121697		103		MOUDRY #1	W MATONGA	0.0	
-D & G EXPLORATION CO				RECEIVED:	08/12/83	JA: OK			
8349629	21615	3514322316		102-2		FISHER-JUSTUS #2		0.0	DIAMOND "S" GAS S
8349604	21613	3514322352		102-2		JOHNSON #7		0.0	DIAMOND "S" GAS S
8349605	21614	3514322354		102-2		JOHNSON #8		0.0	DIAMOND "S" GAS S
-D & G OIL & GAS CO INC				RECEIVED:	08/12/83	JA: OK			
8349663	23213	3504723265		103		CASSIDY #1 (OTC #047-79256)	ELKHORN	36.0	EASON OIL CO
-DAHL ENERGY INC				RECEIVED:	08/12/83	JA: OK			
8349678	21355	3502720722		103		TAMARA LE #1-1		0.0	
-DAN DARLING OIL				RECEIVED:	08/12/83	JA: OK			
8349681	23279	3505321060		103		MUEGGE #33-82-2		20.4	FARMLAND INDUSTRI
-DARNELL JIM				RECEIVED:	08/12/83	JA: OK			
8349741	23210	3511121504		103		LAWSON #1	MORRIS	20.0	PHILLIPS PETROLEU
-DAVIS OIL COMPANY				RECEIVED:	08/12/83	JA: OK			
8349682	23296	3501722457		103		ELSIE BROOKS #2	FT RENO	8.0	PHILLIPS PETROLEU
8349568	24954	3501521337		107-DP		STEPHENS #1	FUTURA	452.0	
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	08/12/83	JA: OK			
8349732	21538	3512920849		102-2		GWARTNEY #1-30	STRONG CITY	2044.0	
-DILLEY W P				RECEIVED:	08/12/83	JA: OK			
8349700	20503	3511921622		103		DILLEY #1	YALE-QUAY	18.0	PHILLIPS PETRO CO
8349699	20502	3511921632		103		DILLEY #2	YALE-QUAY	36.0	PHILLIPS PETRO CO
-DLB ENERGY CORP				RECEIVED:	08/12/83	JA: OK			
8349684	21638	3507323707		102-4		OAKES 13-4	SOONER TREND	365.0	PHILLIPS PETROLEU
-EAGLE MINERALS INC.				RECEIVED:	08/12/83	JA: OK			
8349526	20218	3503723566		102-2		ANDERSON #1		0.0	PARKS ENERGY INVE
-EARLSBORO OIL AND GAS CO INC				RECEIVED:	08/12/83	JA: OK			
8349753	23107	3515121369		103		ELLEN #1-36	OAKDALE	0.0	
8349587	23106	3509322638		103		INMAN #1-8	NORTH CHEYENNE VALLEY	0.0	
8349646	23375	3509322673		103		NELLIE #1-9	CHEYENNE VALLEY	0.0	
-ECC OIL CO				RECEIVED:	08/12/83	JA: OK			
8349527	23405	3510523921		108		KEITH #1 CW/2 SW NW S26-T28N-R15E	LENAPAH	12.0	OKAN GAS CO
8349529	23402	3510523919		108		TONGIER #1 C N/2 N/2 S23-T28N-R15E	LENAPAH	7.0	OKAN GAS CO
8349528	23403	3510523920		108		TONGIER #2	LENAPAH	8.0	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	08/12/83	JA: OK			
8349667	21536	3500935432		108		SUTTON #1	ERICK SOUTH (BROWN DO	39.2	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	08/12/83	JA: OK			
8349695	21845	3500700000		108		BOTKIN UNIT #1	MOCANE-LAVERNE	8.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8349698	23307	3513722860		103		S S SPEARS #4U
-FIELDS PETROLEUM				RECEIVED:	08/12/83	JA: OK
8349548	20446	3511123694		103		FAULKNER #4
-FRONTIER ENERGY CO				RECEIVED:	08/12/83	JA: OK
8349620	23082	3508173326		103		PALMER #1
-GARY MATTHEWS OIL & GAS				RECEIVED:	08/12/83	JA: OK
8349687	23331	3512322278		103		VAUGHN 1-A
-GEORGE RODMAN INC				RECEIVED:	08/12/83	JA: OK
8349624	23254	3504922032		103		SIMPSON #1-29
-GETTY OIL COMPANY				RECEIVED:	08/12/83	JA: OK
8349643	23276	3513700000		108		CROSBIE-MUDGE #1
8349680	23240	3501320089		103		FREDERICK #13-1
8349641	23267	3513700000		108		J J MCCLANAHAN #29
8349560	23995	3513900000		108-ER		PATRICK "A" #2
8349679	23183	3513723330		103		SELBY #61 (SYCAMORE)
8349644	23268	3513700000		108		WINANS "B" #1
-GORDON OIL CO				RECEIVED:	08/12/83	JA: OK
8349745	21462	3510720967		102-4		GORDON #24-1
8349746	21464	3510721151		102-4		GORDON #24-3
8349743	21459	3510721152		102-4		GORDON #24-4
-GRAHAM EXPLORATION LTD DRILLING PAR				RECEIVED:	08/12/83	JA: OK
8349538	20373	3520295000		108		CURTIS-STARK #1
-GRIFFIN HARRY				RECEIVED:	08/12/83	JA: OK
8349748	22336	3511124038		103		ROOSEVELT 1-1
-GRIFFIN OIL & GAS INC				RECEIVED:	08/12/83	JA: OK
8349749	22337	3511124118		103		ROOSEVELT 3-1
-GULF OIL CORPORATION				RECEIVED:	08/12/83	JA: OK
8349519	20585	3503724220		102-2		CLARA MAY GREENWOOD #2-28
8349496	23238	3501121793		103		RICHARDSON #3-6
-HAMM PRODUCTION CO				RECEIVED:	08/12/83	JA: OK
8349619	22056	3508320973		108		RAY #1
-HARPER OIL COMPANY				RECEIVED:	08/12/83	JA: OK
8349755	23148	3509321343		103		DAISY #1
8349494	23185	3508322213		103		DAVIS #1
8349555	23429	3507300000		108		MINNIE VADDER #1
-HAWKINS ALLEN G				RECEIVED:	08/12/83	JA: OK
8349500	21168	3500900000		102-4		BOWMAN-RAMSEY #1-A
-HAWKINS OIL & GAS INC				RECEIVED:	08/12/83	JA: OK
8349649	21313	3501521021		102-4		PRATT #1-16
-HENSON & HENSON OIL INC				RECEIVED:	08/12/83	JA: OK
8349691	23305	3511124088		103		STORY #2
8349683	23304	3511124044		103		TIMBER #1
-HOLD OIL CORP				RECEIVED:	08/12/83	JA: OK
8349610	23308	3506321671		103		HOLD OIL CORP BOYCE #4
-HOLDEN ENERGY CORP				RECEIVED:	08/12/83	JA: OK
8349658	21300	3508520626		102-4		HOBART #3-1
-INCA OIL CO				RECEIVED:	08/12/83	JA: OK
8349712	21590	3510300000		102-2		WHITE #1
8349711	21589	3510300000		102-2		ZEMP #1
8349696	21591	3510300000		102-2		ZEMP #2
-INEXCO OIL COMPANY				RECEIVED:	08/12/83	JA: OK
8349659	21370	3503920806		102-2		HOLDER #1-10
-INTERNORTH INC				RECEIVED:	08/12/83	JA: OK
8349618	21577	3503920764		102-2		LEE "A" 18 #1
8349660	23149	3512920706		103		WALTON 25 #1
-IREX CORP				RECEIVED:	08/12/83	JA: OK
8349762	21657	3505921122		102-4		MILES #1
-J H MCNEAL OIL OPERATIONS INC				RECEIVED:	08/12/83	JA: OK
8349757	23198	3510321863		103		KENNETH EDGAR #1
-J L THOMAS ENGINEERING INC				RECEIVED:	08/12/83	JA: OK
8349752	23873	3502520547		103		RAYMOND SMALTS #1
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	08/12/83	JA: OK
8349515	23353	3503724897		103		JOHN BISHOP #1
-JICO EXPLORATION INC				RECEIVED:	08/12/83	JA: OK
8349504	23504	3507323777		103		JICO-HAWORTH #1
-JOE D DAVIS				RECEIVED:	08/12/83	JA: OK
8349751	22996	3512121024		103		HETTIE OTT #1
8349750	22995	3512121910		103		PRUITT #1-32
-JOHN A TAYLOR				RECEIVED:	08/12/83	JA: OK
8349637	21562	3508720758		102-4		THOMPSON #1
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	08/12/83	JA: OK
8349664	23222	3504700000		108		COLLIER #1-24
8349571	23219	3504700000		108		RAGOSS #1
8349570	23221	3504700000		108		RAGOSS #2
-KENNETH L TIPPS				RECEIVED:	08/12/83	JA: OK
8349621	23083	3510321897		103		KUKUK #3-24
-KEY DRILLING CO				RECEIVED:	08/12/83	JA: OK
8349516	23291	3511122483		108		LEWIS #4
-KHB OIL PROPERTY MANAGEMENT INC				RECEIVED:	08/12/83	JA: OK
8349593	23155	3510920309		103		OUR LADY #1-A
8349577	23157	3510920309		103		OUR LADY #1-A
-L E JONES PRODUCTION COMPANY				RECEIVED:	08/12/83	JA: OK
8349521	20866	3501922551		102-3		VOR-MAC LANGILL #1
-L R FRENCH JR				RECEIVED:	08/12/83	JA: OK
8349546	23931	3509322648		103		PARK 1-27
-L W CARY				RECEIVED:	08/12/83	JA: OK
8349626	23352	3501722429		103		CARY #3-4
-LACKEY RAYMOND R				RECEIVED:	08/12/83	JA: OK
8349550	22014	3504900000		108		SCOTT MOORE #1
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	08/12/83	JA: OK
8349731	21523	3501521201		102-2		HORN #2-18
-LOCATORS OIL & GAS INC				RECEIVED:	08/12/83	JA: OK
8349511	21367	3508321672		102-4		MOAD #1
-LOU DENNIS OIL CO				RECEIVED:	08/12/83	JA: OK
8349535	22873	3512322249		103		BARRETT-C #1
8349534	22874	3512322250		103		BARRETT-C #2
8349533	22875	3512322251		103		BARRETT-C #3
8349532	22876	3512300000		103		BARRETT-DENNIS #1
8349531	22877	3512300000		103		BARRETT-DENNIS #2
8349541	22878	3512300000		103		BARRETT-DENNIS #3
-M & A PETROLEUM INC				RECEIVED:	08/12/83	JA: OK
8349597	21553	3508300000		102-2		EBERLE #2
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	08/12/83	JA: OK
8349669	22826	3515121350		103		HULL-FEDERAL #1

FIELD NAME	PROD	PURCHASER
SHO-VEL-TUM (CANEY)	110.0	
	36.5	PHILLIPS PETROLEU
CARNEY	12.0	SUN EXPLORATION &
NORTH ADA	1054.0	ARKANSAS LOUISIAN
GOLDEN TREND	0.0	WARREN PETROLEUM
SHO-VEL-TUM	15.0	OKLAHOMA NATURAL
NORTH DURANT	100.0	
SHO-VEL-TUM	11.0	OKLAHOMA NATURAL
SOUTH GUYMON	18.0	NORTHWEST CENTRAL
SHO-VEL-TUM	219.0	OKLAHOMA NATURAL
SHO-VEL-TUM	11.0	OKLAHOMA NATURAL
GREGORY	77.0	TRANSOK PIPELINE
GREGORY	30.0	TRANSOK PIPELINE
GREGORY	45.0	TRANSOK PIPELINE
	14.9	PANHANDLE EASTERN
	0.0	
NE1/4 OF SE1/4 OF NE1	0.0	
MANNFORD	35.0	
MITCHCOCK (MISSISSIPP	86.0	OKLAHOMA GAS PIPE
S COVINGTON	7.6	EASON OIL CO
RINGWOOD	2.0	PHILLIPS PETROLEU
	146.0	BUCKEYE NATURAL G
S E LACEY	26.0	PHILLIPS PETROLEU
MORAVIA	31.0	ARKANSAS LOUISIAN
W ARNETT	720.0	PRODUCERS GAS CO
STORY	18.3	PHILLIPS PETROLEU
TIMBER	45.6	PHILLIPS PETROLEU
SHADY GROVE	50.0	HILL TOP INVESTME
SE JOINER CITY	0.0	AMINOIL USA INC
	0.0	ARCO OIL & GAS CO
	0.0	ARCO OIL & GAS CO
	0.0	ARCO OIL & GAS CO
N E HAMMON	127.0	TRANSWESTERN PIPE
HAMMON NE	0.0	NORTHERN NATURAL
SW LEEDEY	0.0	NORTHERN NATURAL
S BUFFALO SECTION 25-	0.0	
GANSEL	0.0	ATLANTIC RICHFIEL
NORTHEAST GRIGGS	450.0	PHILLIPS PETROLEU
SOUTHEAST POORFARM	54.0	GAS TRANSMITTING
SOONER TREND	0.0	PHILLIPS PETROLEU
	0.0	ARKANSAS LOUISIAN
	0.0	ARKANSAS LOUISIAN
	0.0	WARREN PETROLEUM
E SPRING VALLEY	13.0	GRACE PETROLEUM C
E SPRING VALLEY	19.0	GRACE PETROLEUM C
S E SPRING VALLEY	19.0	GRACE PETROLEUM C
GANSEL	0.0	ARCO OIL & GAS CO
HECTORVILLE	1.0	PHILLIPS PETROLEU
BRITTON	10.0	CHAMPLIN PETROLEU
BRITTON	164.0	CHAMPLIN PETROLEU
NORTH DILLARD	73.0	MOBIL OIL CORP
CHEYENNE VALLEY	245.0	DELHI GAS PIPELIN
OKLAHOMA CITY	110.0	MOBIL OIL CORP
GOLDEN TREND	6.6	WARREN PETROLEUM
WILDCAT	2.8	EL PASO NATURAL G
	0.0	BUCKEYE NATURAL G
BYNG	0.0	ARKANSAS LOUISIAN
BYNG	0.0	ARKANSAS LOUISIAN
BYNG	0.0	ARKANSAS LOUISIAN
BYNG	0.0	ARKANSAS LOUISIAN
BYNG	0.0	ARKANSAS LOUISIAN
BYNG	0.0	ARKANSAS LOUISIAN
	8.0	BUCKEYE NATURAL G
WILDCAT	133.0	MAGIC CIRCLE GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MAJESTIC ENERGY CORP				RECEIVED:		08/12/83 JA: OK			
8349583	12227	3511122490		103		WOSLUM #1	BRYANT	146.0	PHILLIPS PETROLEU
8349584	12229	3511122542		103		WOSLUM #2	BRYANT	98.0	PHILLIPS PETROLEU
-MAPCO PRODUCTION COMPANY				RECEIVED:		08/12/83 JA: OK			
8349602	23180	3513921726		103		CARRIE KHOP #3	HUGOTON	42.5	NORTHERN NATURAL
8349601	22953	3513921724		103		J F CHRISPENS EST #2	HUGOTON FIELD	42.5	NORTHERN NATURAL
-MERIDIAN EXPLORATION INC				RECEIVED:		08/12/83 JA: OK			
8349499	23248	3505121048		103		MAHER #2	HARNESS	54.0	TRANSOK PIPE LINE
-MEWBOURNE OIL COMPANY				RECEIVED:		08/12/83 JA: OK			
8349720	23345	3504521108		103		HENDERSON "23" #1	S HIGGINS (MORROW LOW	0.0	
8349552	23095	3504520899		108		REDELSPERGER #2 OTC #045-65668	STUART RANCH (MORROW	28.0	MICHIGAN WISCONSI
-MGM PRODUCTION CO				RECEIVED:		08/12/83 JA: OK			
8349581	24940	3510700000		103		REPLOGLE #1 18-13N-8E		3.0	KERR - MCGEE CORP
8349582	24941	3510700000		103		REPLOGLE #5		2.0	KERR-MCGEE CORP
-MOBIL OIL CORP				RECEIVED:		08/12/83 JA: OK			
8349708	23344	3513700000		108		COUNTYLINE UNIT #6-1 MYRTLE GREEN#1	SHO VEL TUM	0.7	OKLAHOMA NATURAL
8349714	23383	3501900000		108		GR DEESE #14-5 WALKER-VORHEES #5	SHO VEL TUM	0.1	LONE STAR GAS CO
8349556	23387	3501900000		108		GR DEESE #42-2 L S DOLMAN #2	SHO VEL TUM	0.1	LONE STAR GAS CO
8349585	23389	3501900000		108		SH ALECHEM FLATTOP #19-9 DIXON 98	SHO VEL TUM	0.0	OKLAHOMA NATURAL
8349557	23388	3501900000		108		S SHOLEM ALECHEM #2-2 CF ADAMS 2	SHO VEL TUM	0.0	LONE STAR GAS CO
8349713	23384	3513700000		108		WILDHORSE #19-12A KREBS A #12	SHO VEL TUM	0.0	OKLAHOMA NATURAL
8349693	23386	3513700000		108		WILDHORSE #48-10 J D INSCORE #10	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-MORAN EXPLORATION INC				RECEIVED:		08/12/83 JA: OK			
8349498	23245	3503720675		103		SMITH #1	WEST NORMAN FIELD	0.0	SUN EXPLORATION &
-MORGAN & STEINERT INC				RECEIVED:		08/12/83 JA: OK			
8349591	23146	3504722619		108		VOSKUHL #1	SOONER TREND	90.0	EXXON CO USA
-NATOMAS NORTH AMERICA INC				RECEIVED:		08/12/83 JA: OK			
8349650	23154	3505121384		103		HANDKE #2-29	COGAR SOUTH	1630.0	OKLAHOMA NATURAL
-O I L ENERGY INC				RECEIVED:		08/12/83 JA: OK			
8349763	21711	3501722344		102-2		PATTERSON 2-29	UNION CITY	1.0	
-OAK HILL PETROLEUM CORP				RECEIVED:		08/12/83 JA: OK			
8349676	23379	3511922156		103		STATE 1-86	NORFOLK	20.0	ENTERPRISE DEVELO
-OIL LIFT INC				RECEIVED:		08/12/83 JA: OK			
8349707	23342	3510526098		108		BANTA #3 (API #105 26098)	SOUTH COFFEYVILLE	7.3	PELICAN PIPELINE
8349706	23341	3510525717		108		SMITH #1-27 (API #10525717)	SOUTH COFFEYVILLE	0.5	PELICAN PIPELINE
-OKLAHOMA SILURIAN PARTNERS				RECEIVED:		08/12/83 JA: OK			
8349719	23354	3508100000		103		GOODBARY #1	W MT VERNON	10.0	SUN EXPLORATION &
-P F BEELER				RECEIVED:		08/12/83 JA: OK			
8349609	23280	3500721134		108		P F BEELER PAT #2	MOCANE-LAVERNE	9.0	PANHANDLE EASTERN
-PELTO OIL CO				RECEIVED:		08/12/83 JA: OK			
8349537	21656	3510721341		102-2	103	SUTHERLAND #1	IRON POST FIELD	182.0	KERR MCGEE CORP
-PETRO-LEWIS CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349497	23243	3500700000		103		BECHTOLD #1-27	BEAVER SOUTH	0.0	PHILLIPS PETROLEU
8349613	13805	3507321288		108-ER		RIVERSIDE 88-1	SOONER TREND	26.0	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		08/12/83 JA: OK			
8349625	23333	3513900000		108		CHI #1	OKLAHOMA HUGOTON - DD	0.0	PANHANDLE EASTERN
8349665	23247	3501521523		103		E BINGER UNIT #36-2	EAST BINGER	0.0	OKLAHOMA NATURAL
8349686	23590	3513900000		108		GAYLE #2	GUYMON HUGOTON	0.0	MICHIGAN WISCONSI
8349673	23118	3504721541		108		MCKNIGHT A #1-07	SOONER TREND	7.5	TRANSOK PIPELINE
8349783	23463	3501500000		108		MEDRAND UNIT #70	WEST CEMENT	8.6	
8349688	23319	3509321646		108		REHL A #1		4.0	PANHANDLE EASTERN
8349614	20530	3507323674		103		ROTT B #1		0.0	
8349588	23120	3504721571		103		SLOUP B #2	SOONER TREND	14.2	TRANSOK PIPELINE
8349715	23376	3501700000		108		TABOREK A #1		15.6	OKLAHOMA GAS & EL
-PIONEER PRODUCTION CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349666	21432	3502500000		102-4		SMALTS #1-22	N E GRIGGS	0.0	TRANSWESTERN PIPE
-PSEC INC				RECEIVED:		08/12/83 JA: OK			
8349760	21564	3508121751		102-4		BOREN #1-34		0.0	EL PASO NATURAL G
8349772	22277	3508121789		102-4		HARPER-STINE #1-28		0.0	EL PASO NATURAL G
8349770	22275	3508121390		102-4		MATTHEWS #1A-4		0.0	EL PASO NATURAL G
8349771	22276	3508121815		102-4		WHITNAM #1-34		0.0	EL PASO NATURAL G
-QUINTIN LITTLE CO				RECEIVED:		08/12/83 JA: OK			
8349545	23522	3509520303		103		CARRIE LOU LITTLE 1-12	CUMBERLAND	25.0	LONE STAR GAS CO
-RAMBLER OIL CO				RECEIVED:		08/12/83 JA: OK			
8349685	20100	3504922000		102-4	103	HURST #1-21		0.0	WARREN PETROLEUM
-RED EAGLE OIL CO				RECEIVED:		08/12/83 JA: OK			
8349761	21637	3500320781		102-4		DIEL #2	EAST LODER	9.0	RAW ENERGY INC
8349612	23335	3509322627		103		PADEN #1	N W OKEENE	150.0	PIONEER GAS PRODU
8349723	23336	3509322612		103		ROY BROWN #1	N W OKEENE	175.0	PIONEER GAS PRODU
8349611	23334	3509322654		103		RUBEN #1	N W OKEENE	91.0	PIONEER GAS PRODU
8349722	23337	3501121794		103		STRADER #1	N W OKEENE	182.0	PIONEER GAS PRODU
-REX R MOORE JR				RECEIVED:		08/12/83 JA: OK			
8349623		3508322205		103		STAMPER #1	WELLSTON	0.0	SUN EXPLORATION &
8349495	23231	3508322203		103		STAMPER #2	WELLSTON	0.0	SUN EXPLORATION &
-RICK BUCK				RECEIVED:		08/12/83 JA: OK			
8349628	22870	3501722361		103		RALPH #1	SOONER TREND	0.0	PHILLIPS PETROLEU
8349627	22869	3501722354		103		TREY #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-RICKS EXPLORATION CO				RECEIVED:		08/12/83 JA: OK			
8349598	21556	3505121186		102-2		WELLS RANCH #12-A	SOUTH ALEX	134.0	MOBIL OIL CORP
-ROBERT GORDON OIL CO				RECEIVED:		08/12/83 JA: OK			
8349726	21463	3510721316		103		GORDON #21-6	GREGORY	20.0	TRANSOK PIPELINE
8349744	21460	3510721148		102-4		GRODON #24-2	GREGORY	35.0	TRANSOK PIPELINE
8349756	21461	3510721328		102-4		PUCKETT #25-1	GREGORY	50.0	TRANSOK PIPELINE
-ROBERT P LAMMERTS				RECEIVED:		08/12/83 JA: OK			
8349689	23316	3507300000		108		HOLSTINE #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-ROWE R W				RECEIVED:		08/12/83 JA: OK			
8349599	21783	3511123471		108		JOE LEWIS #17	POLLYANNA	0.0	PHILLIPS PETROLEU
-ROY LAWRENCE DRILLING CO INC				RECEIVED:		08/12/83 JA: OK			
8349492	23066	3511700000		103		RYAN-OSBORN #1	MARAMEC POOL	55.0	PHILLIPS PETROLEU
-ROYAL OIL & GAS CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349740	23197	3508121852		103		KEITH LONG "B" #1	SOUTH AVERY	22.0	C & C ENERGY CO
-ROYE REALTY & DEVELOPMENT INC				RECEIVED:		08/12/83 JA: OK			
8349724	21628	3506100000		102-2	103	OLIVER #1		91.3	ARKANSAS LOUISIAN
-SAMEDAN OIL CORPORATION				RECEIVED:		08/12/83 JA: OK			
8349652	21504	3508520554		102-2		WESTHEIMER #1	NO NAME	37.0	AMINOIL USA INC
-SAMSON RESOURCES COMPANY				RECEIVED:		08/12/83 JA: OK			
8349734	22292	3504320033		108		CLARK UNIT #1	PUTNAM	12.7	PANHANDLE EASTERN
8349733	22293	3504320088		108		CLARK UNIT #2	PUTNAM	12.7	PANHANDLE EASTERN
8349727	21481	3515320178		108		GENEVA BAKER #1	NORTH WOODWARD	8.8	NORTHERN NATURAL
8349728	21489	3515320188		108		GENEVA BAKER #2	NORTH WOODWARD	8.8	NORTHERN NATURAL
-SAND ROCK PETROLEUM INC				RECEIVED:		08/12/83 JA: OK			
8349782	23528	3510721360		103		GRAHAM MILLS #1	BLAKELY	105.8	SWAB CORP
-SANTA FE-ANDOVER OIL CO				RECEIVED:		08/12/83 JA: OK			
8349648	23322	3501121801		103		GRABOW #19-2		100.0	OKLAHOMA GAS PIPE

JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8349633	23546	3501121807		103		OTT #24-2
-SENECA OIL CO				RECEIVED:		08/12/83 JA: OK
8349566	20085	3501722204		102-4		SIMPSON #5-4
-SIGMA OIL & GAS INC				RECEIVED:		08/12/83 JA: OK
8349517	22832	3510321857		103		BOWERS #1
-SOUTHEAST EXPLORATION				RECEIVED:		08/12/83 JA: OK
8349596	21550	3503900000		102-2		SHEWMAKER #1-27
8349595	21549	3503900000		102-2		TIPPENS #1-22
-SOUTHLAND ROYALTY CO				RECEIVED:		08/12/83 JA: OK
8349647	23371	3509322016		108		KEETON #1-32
8349547	23370	3505921096		103		TWILA #43-589 (A/K/A #1-32)
-SPELLER OIL CORP				RECEIVED:		08/12/83 JA: OK
8349603	23196	3507323066		103		SPELLER-FRANK 12-1A
-STEVE CROWDER OIL CO				RECEIVED:		08/12/83 JA: OK
8349739	23192	3503722912		103		CHAPMAN #1
8349738	23191	3503722537		103		CHAPMAN #2
-STEVE JERNIGAN INC				RECEIVED:		08/12/83 JA: OK
8349616	21359	3501722374		102-2		WHITLEY #2
-STONE RIVER ENERGY CORP				RECEIVED:		08/12/83 JA: OK
8349592	23147	3504722154		108		POSPISIL #1
-SULLIVAN AND CO				RECEIVED:		08/12/83 JA: OK
8349514	20548	3505121358		102-4		NATURAL RESOURCES #1
8349513	19711	3505121320		102-4		ROYAL RESOURCES #1
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		08/12/83 JA: OK
8349561	24781	3505121341		107-DP		C T WAGENSTEEN UNIT #2
8349585	17668	3505300000		108-ER		S W WAKITA UNIT #4-8
-TENNECO OIL COMPANY				RECEIVED:		08/12/83 JA: OK
8349580	23164	3502900000		108		C W JOHNSTON #1-6
8349518	19856	3512120863		102-4		CABLE #1-18
8349775	23462	3513900000		108		I E HART #2
8349774	23461	3513900000		108		J W WEBB #1
8349579	23163	3501520874		108		LEUS #1-34
8349730	21522	3512920865		102-2	103	MERRICK #1-10
8349677	21362	3512920827		102-2	103	MERRICK 1-4
8349608	23259	3511922187		103		MEYER #1-6
8349670	23112	3501722421		103		MULVEY #1-12
8349507	23412	3502900000		108		POPE #1-35
8349562	23161	3510321877		103		SO E LONE ELM CLEVELAND SAND #2-7
8349675	23162	3501922669		103		S GRAHAM DEESE SAND UNIT #21A-1A
8349657	23113	3501922672		103		SOUTH GRAHAM DEESE SAND UNIT #70-4
8349671	23115	3510321898		103		SOUTH LONE ELM CLEVELAND SAND #105
8349565	23167	3510321878		103		SOUTH LONE ELM CLEVELAND SAND #110
8349655	23117	3510321899		103		SOUTH LONE ELM CLEVELAND SAND #120
8349563	23165	3510321873		103		SOUTH LONE ELM CLEVELAND SAND #88
8349564	23166	3510321812		103		SOUTH LONE ELM CLEVELAND SAND #91
8349672	23116	3510321902		103		SOUTH LONE ELM CLEVELAND SAND #98
8349578	23159	3509320564		108		WARKENTINE #1-3
8349508	23411	3502900218		108		Z L POLER #1-36
-TEXACO INC				RECEIVED:		08/12/83 JA: OK
8349574	23188	3505320995		103		R W VICKERY #3
-THE ANSCHUTZ CORPORATION				RECEIVED:		08/12/83 JA: OK
8349569	23252	3501922413		103		JEANETTE ELLIS #15-18
-THE GHK COMPANY				RECEIVED:		08/12/83 JA: OK
8349631	25113	3514920299		107-DP		TOELLE #2-7
-THE WIL-MC OIL CORP				RECEIVED:		08/12/83 JA: OK
8349539	20251	3508322000		102-2		KNIGHTLINGER #1
-TOM F MARSH				RECEIVED:		08/12/83 JA: OK
8349735	22444	3502500000		108		MINNS A-2
-TRIAX OIL & GAS INC				RECEIVED:		08/12/83 JA: OK
8349702	22762	3503723818		103		POWERS #2
-TRION OIL CO INC				RECEIVED:		08/12/83 JA: OK
8349600	22834	3510100000		103		TRION #2-1 (BD)
-TXO PRODUCTION CORP				RECEIVED:		08/12/83 JA: OK
8349615	21352	3509322533		102-4		CORWIN "A" #1
-UNION TEXAS PETROLEUM				RECEIVED:		08/12/83 JA: OK
8349668	22120	3500300000		108		DEWITT WALTON #1
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:		08/12/83 JA: OK
8349594	21539	3506920432		102-2		O L 1A-25
-VALLEY OIL CO				RECEIVED:		08/12/83 JA: OK
8349530	23378	3503120877		103		QUEEN #1
-VENTURE OIL CO				RECEIVED:		08/12/83 JA: OK
8349524	20202	3503723806		102-2	103	IRON POST #2
-VERN C SHIMP				RECEIVED:		08/12/83 JA: OK
8349709	23362	3507122275		103		PRESBURY #1 071-71594
8349718	23361	3507122276		103		PRESBURY #2 071-71594
-VERNON E FAULCONER INC				RECEIVED:		08/12/83 JA: OK
8349553	23329	3505300000		108		LOGUE WILSON UNIT 1 #053-07386
-VIERSEN & COCHRAN				RECEIVED:		08/12/83 JA: OK
8349640	21561	3504721588		102-4		KREIE #3
8349573	23189	3504321619		103		STATE OF OKLAHOMA #1-36
-W R HENDRICKSON				RECEIVED:		08/12/83 JA: OK
8349506	22990	3511100000		108		HENDRICKSON #1
-WARREN DRILLING CO INC				RECEIVED:		08/12/83 JA: OK
8349694	23039	3509322689		103		KUSCH #1
8349589	23127	3509322663		103		SUSAN MCCUE #1
-WESTERN OIL RESOURCES LTD				RECEIVED:		08/12/83 JA: OK
8349509	11535	3510700000		108		ALTA "C" #2
-WILLIAM H PRICE CO				RECEIVED:		08/12/83 JA: OK
8349510	12228	3511122866		102-4		CHOWINS #1
-WOODS PETROLEUM CORPORATION				RECEIVED:		08/12/83 JA: OK
8349576	23186	3504921890		103		ALEXANDER #32-1
8349525	23511	3510321890		103		GUERNSEY #G-4
-21ST CENTURY INVESTMENT CO.				RECEIVED:		08/12/83 JA: OK
8349634	23547	3511124146		103		PINE #7
-21ST CENTURY RESOURCES FUND				RECEIVED:		08/12/83 JA: OK
8349639	23548	3511123492		103		RAINEY #1

FIELD NAME	PROD	PURCHASER
	189.0	OKLAHOMA GAS PIPE
	73.0	PHILLIPS PETROLEU
WEST PERRY	50.0	ARCO OIL & GAS CO
EAST HAMMON	630.7	DELHI GAS PIPELIN
EAST HAMMON	8.0	DELHI GAS PIPELIN
ORION	9.8	PHILLIPS PETROLEU
DOBY BUFFALO	74.0	NORTHERN NATURAL
SOONER TREND	73.0	CONOCO INC
CUSHING	4.3	ARCO OIL & GAS CO
CUSHING	22.6	ARCO OIL & GAS CO
	0.0	PHILLIPS PETROLEU
SOONER TREND	18.0	UNION TEXAS PETRO
N E AMBER	49.0	
N E AMBER	839.0	MOBIL OIL CORP
LAVERTY	471.0	OKLAHOMA NATURAL
	0.0	NORTHWEST CENTRAL
CENTRAHOMA	15.0	ARKANSAS-LOUISIAN
S BREWER	844.0	TENNESSEE GAS PIP
GUYMON-HUGOTON GAS AR	15.0	NORTHERN NATURAL
GUYMON-HUGOTON GAS AR	14.0	NORTHERN NATURAL
WATONGA-CHICKASHA TRE	8.0	MOBIL OIL CORP
S E STRONG CITY	325.0	DELHI GAS PIPELIN
EAST CHEYENNE	660.0	DELHI GAS PIPELIN
SOUTH ORLANDO	1.0	
EDMOND WEST	1.0	
CENTRAHOMA	10.0	ARKANSAS-LOUISIAN
SOUTH LONE ELM	1.0	AMINOIL U S A INC
SHO-VEL-TUM	1.0	MOBIL OIL CORP
SHO-VEL-TUM	1.0	MOBIL OIL CORP
SOUTH LONE ELM	1.0	AMINOIL USA INC
SOUTH LONE ELM	3.0	AMINOIL U S A INC
SOUTH LONE ELM	1.0	AMINOIL USA INC
SOUTH LONE ELM	1.0	AMINOIL U S A INC
SOUTH LONE ELM	1.0	AMINOIL U S A INC
SOUTH LONE ELM	1.0	AMINOIL USA INC
FAIRVIEW (OKEENE NW)	11.0	PHILLIPS PETROLEU
CENTRAHOMA	20.0	ARKANSAS-LOUISIAN
RICH VALLEY	14.6	FARMLAND INDUSTRI
PIKE	12.0	AMINOIL USA INC
	524.1	SOUTHERN NATURAL
	324.0	SUN GAS CO
KEYES FIELD	14.0	COLORADO INTERSTA
UNDESIGNATED (PRUE SA	365.0	COLORADO GAS COMP
	8.0	
CHEYENNE VALLEY	164.0	DELHI GAS PIPELIN
CARMEN	56.0	PANHANDLE EASTERN
	810.0	EL PASO NATURAL G
E LAWTON	100.0	ARKANSAS-LOUISIAN
	90.0	TRANSOK PIPELINE
NORTH VERNON	9.0	DAMAR ENERGY INC
NORTH VERNON	9.0	DAMAR ENERGY INC
WAKITA TREND	6.0	NORTHWEST CENTRAL
SOONER TREND	150.0	UNION TEXAS PETRO
	110.0	PHILLIPS PETROLEU
BEGGS DISTRICT	14.6	PHILLIPS PETROLEU
DANE	175.0	PHILLIPS PETROLEU
DANE	1.5	PHILLIPS PETROLEU
LYONS-QUINN	2.0	PHILLIPS PETROLEU
BRYANT	200.0	PHILLIPS PETROLEU
SW ELMORE	171.0	
E BILLING	10.0	ARCO OIL & GAS CO
NORTH COALTON FIELD	100.0	21ST CENTURY INVE
OKMULGEE DISTRICT	100.0	21ST CENTURY INVE

[FR Doc. 83-24221 Filed 9-2-83; 8:45 am]

BILLING CODE 6717-01-C

Federal Register

Tuesday
September 6, 1983

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Specific Approval of Stockyards; List

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Specific Approval of Stockyards; List

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals and bison to prevent the spread of brucellosis. This document lists certain stockyards as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations. Therefore, notice is hereby given that the following stockyards are specifically approved under said regulations as indicated below:

The stockyards preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, 78.9, 78.12a, 78.15, and 78.16, Title 9, Code of Federal Regulations, concerning brucellosis reactor and exposed cattle, cattle from herds not known to be affected with brucellosis, brucellosis reactor and exposed bison, and cattle from quarantined areas. The stockyards not preceded by an asterisk are specifically approved for the purposed of § 78.9, Title 9, Code of Federal Regulations, concerning cattle only from herds not known to be affected with brucellosis, because these stockyards entered into a Memorandum of Understanding with the States in which such stockyards are located and Veterinary Services containing standards which prohibit the stockyard from handling brucellosis reactor and exposed cattle, brucellosis reactor and exposed bison, and cattle from quarantined areas. The approved stockyards not preceded by an asterisk are prohibited from handling brucellosis reactor and exposed cattle, brucellosis reactor and exposed bison, and cattle from quarantined areas because of a restriction imposed by the States in which the stockyards are located or because the approved stockyards do not have adequate facilities to assure that the various classes of cattle and bison can be kept adequately segregated to prevent the spread of burcellosis.

Alabama

*Alabama Livestock Auction, Inc., Uniontown
*Agricultural Marketing Association of Alabama, Inc., Louisville
*Arab Stockyards, Arab
*Atmore Trucker's Association, Inc., Atmore
*Barret Livestock Market, Inc., Wetumpka
*W. M. Brown Cattle Company, Atmore
*Capital Stockyard, Montgomery
*Casey's Stckyard, Inc., Mongomery
*C.B.S. Cattle Company, Inc., Montgomery
*C. L. Chambers & Son, Brundidge
*Chatom Livestock Auction Co-operative, Chatom.
*Cherokee County Stockyard, Inc., Centre
*Cleburne County Livestock Sales, Inc., Ranburne
*Conecuh Stock, Evergreen
*Cullman Stockyard, Cullman
*Dadeville Stockyards, Inc., Dadeville
*Dothan Livestock Company (Divn. of Chipley Livestock, Inc.), Dothan
*East Alabama Cattle Buying Station, Wedowee
*Enterprise Livestock Company, Enterprise
*Escambia County Cooperative, Inc., Brewton
*Farmers Cooperative Market, Inc., Frisco City
*Farmers Cooperative Market, Inc., Opp
*Farmers Livestock Co-op., Elba
*Fayette Stockyard, Inc., Fayette
*Florence Trading Post, Florence
*Fort Payne Stockyard, Inc., Fort Payne
*Geneva Stockyards, Inc., Geneva
*Gray & Sons Stockyard, Clanton
*Hamilton Stockyard, Inc., Hamilton
*Headland Livestock Auction, Headland
*Henry County Livestock Association, Inc., Abbeville
*Hooper Stockyard, Inc., Montgomery
*Jackson County Stockyard, Inc., Scottsboro
*Kennamer Livestock Commission Co., Gunterville
*Limestone County Stockyard, Inc., Athens
*Linden Stockyard, Linden
*Livingston Stockyard, Livingston
*Louisville Livestock Company, Louisville
*Madison County Livestock Company, Huntsville
*Marion Stockyard, Inc., Marion
*McLane-Garret Cattle Company, Inc., Montgomery
*W. G. Mercer Livestock Company, Chancellor
*Montgomery Cattle Company, Montgomery
*Moulton Stockyard, Inc., Moulton
*North Alabama Livestock, Anniston
*Northwest Alabama Livestock Association, Russellville
*Billy Parker Cattle Company, Samson
*Parkman Cattle Company, Inc., Hope Hull
*Pickens County Livestock Commission Company, Aliceville
*Roanoke Stockyard, Inc., Roanoke
*Robertsdale Livestock Auction, Inc., Robertsdale
*L. A. Roll & Son Cattle Company, Montgomery
*Sand Mountain Livestock Market, Inc., Crossville
*Southeastern Livestock Service & Auction, Inc., Phenix City
*Stokes & Brogden Stockyard, Inc., Andalusia
*Triple S. Stockyards, Inc., Montgomery
*Valley Stockyard Decatur.
*Wallace Liverstock Auction, Inc., Ashville
*Jerry Welsh Livestock, Montgomery
*West Alabama Stockyard, Eutaw
*White's Livestock Auction, Morris
*Winfield Livestock Commission Company, Winfield

Arizona

*Arizona Liverstock Action, Inc., Phoenix

Arkansas

*Ash Flat Liverstock Auction, Inc., Ash Flat
*Atkins Livestock Auction, Atkins
*Batesville Liverstock Auction, Batesville
*Beebe Auction Company, Beebe
*Bentonville Livestock Auction, Bentonville
*Boone County Livestock Auction, Harrison
*Carroll County Livestock Auction, Berryville
*Cattlemen's Liverstock Market, Glenwood
*Central Arkansas Livestock Auction, Inc., Morrilton
*Clark County Livestock Auction, Arkadelphia
*Cleburne County Livestock Auction, Heber Springs
*County Lines Sale Barn, Inc., Ratcliff
*Craighead County Auction, Inc., Jonesboro
*Decatur Livestock Auction, Decatur
*Drew County Auction Sale, Monticello
*Farmers Livestock Auction, Springdale
*Farmers and Ranchers Livestock Auction, Inc., Charlotte
*Farmers and Ranchers Livestock Auction, Mountain View
*Glover Livestock Commission Company, Pine Bluff
*Bob Gordon Livestock Auction, Mena
*Harrison Livestock Auction, Harrison
*Hope Liverstock Auction, Inc., Hope
*Lewis Livestock Auction, Conway
*Magnolia Livestock Auction, Magnolia
*Malvern Livestock Auction, Malvern
*Montgomery County Auction, Mount Ida
*Mountain Home Livestock Auction, Inc., Mountain Home
*North Arkansas Livestock Auction, Green Forest
*Ola Livestock Auction, Ola
*Paragould Stockyards, Inc., Paragould
*Pocahontas Livestock Auction, Inc., Pocahontas
*Rector Auction Barn, Inc., Rector
*Richardson Livestock Commission Company, Inc., Little Rock
*Salem Livestock Auction, Salem
*Saline-Ouachita Valley Commission Company, Warren
*Scott County Livestock Auction, Waldrop
*Searcy County Auction Company, Marshall
*Siloam Springs Sale Barn, Siloam Springs
*Van Buren County Auction, Clinton
*Washington County Sales Company, Fayetteville
*Rex White Livestock Auction, Russelville

California

Carl Johnson Livestock Auction, Eureka
*Producers Livestock Auction, Chino
Shasta Livestock Auction, Inc., Cottonwood

Colorado

*Alamosa Auction, Alamosa
*Brush Livestock of Colorado, Inc., Brush
*Calhan-Cash Auction Market, Calhan
*Centennial Livestock Auction Co., Fort Collins
*Cortez Livestock Auction, Inc., Cortez
*Delta Sales Yard, Delta
*Demmler Livestock Commission Company, Pueblo
*Fowler Auction Company, Fowler
*Greeley Producers Livestock Marketing Assn., Greeley
*Hi-Country Cattle Company, Fair Field Farms, Inc., Ignacio
*Hotchkiss Sale Yard, Hotchkiss
*La Junta Livestock Commission Company, La Junta

*Lamar Livestock Commission Company, Lamar
*Limon Livestock Exchange, Limon
*Livestock Exchange, Inc., Brush
*Monte Vista Livestock Auction Company, Monte Vista
*National Western Livestock Center, Denver
*Ranchers and Farmers Livestock Auction, Burlington
*Ranchland Livestock Commission Company, Inc., Wray
*Salida Livestock Sales, Salida
*Sterling Livestock Commission Company, Sterling
*Stratton Livestock Marketing Center, Stratton
*Tri-County Livestock Commission Company, Broomfield
*Valley Livestock Auction Company, Fruita
*Winter Livestock Commission Company, La Junta

Connecticut

*Middlesex Livestock Auction, Durham
*Southern New England Livestock Company, North Franklin

Delaware

*Carroll's Sales, Inc., Felton

Florida

*Arcadia State Livestock Market, Arcadia
Cattleman's Livestock Auction of Tampa, Inc., Tampa
*Chipley Livestock Company, Chipley
Columbia Livestock Market of Lake City, Inc., Lake City
*Cow Palace, Inc., Lakeland
*Gerald Darroh, Inc., Zolfo Springs
*Gainesville Livestock Market, Inc., Gainesville
*Hardee Livestock Market, Inc., Wauchula
*Interstate Livestock Auction Market, Inc., Seffner
*Jacksonville Livestock Auction, Inc., Whitehouse
*Jay Livestock Auction Market, Jay
*Kissimmee Livestock Market, Inc., Kissimmee
*Madison Livestock Auction Market, Inc., Madison
*Monticello Stockyard, Inc., Monticello,
Monticello Livestock Market, Inc., Monticello
*North Florida Farmers Co-op, Inc., Ellisville
*Sumter County Farmers Market, Webster
*Suwannee Valley Livestock Market, Live Oak
*West Florida Livestock Market, Inc., Marianna

Georgia

*Bainbridge Auction Market, Inc., Bainbridge
*Carroll County Livestock Sales Barn, Carrollton
*Columbus-Muscogee Livestock Auction, Inc., Columbus
*Coosa Valley Livestock Company, Rome
*Franklin County Livestock Market, Carnesville
*Gainesville Livestock Market, Gainesville
*Georgia Farmers Livestock, Cumming
*Georgia Farm Products Sales Corp., Thomaston
*La Grange Stockyards, La Grange
*Moseley Livestock Company, Blakeley
*Peoples Livestock Market, Inc., Cartersville
*Pierce County Stock Yard, Inc., Blackshear
*Seaboard Stock Yard, Inc., Colquitt
*Seminole Livestock, Inc., Donalsonville
*Southeast Georgia Stockyard, Inc., Statesboro
*Southwest Georgia Livestock Company, Inc., Camilla
*Sumter County Livestock Association, Americus
*Thomas County Stockyards, Inc., Thomasville
Jerry Thomas Assembly Point, Chauncey
*Tri-County Livestock Auction Company, Social Circle
*Valdosta Livestock Company, Valdosta
*Wayne County Stockyard, Jesup
*Wheeler Brothers Livestock Market, Eastonolle

Idaho

*Blackfoot Livestock Commission Company, Blackfoot
*Boise Valley Livestock Commission Company, Caldwell
*Bonners Ferry Livestock, Inc., Bonners Ferry
*Burley Livestock Commission Yards, Inc., Burley
*Cache Valley Auction, Preston
*Coeur d'Alene Livestock, Inc., Coeur d'Alene
*Cottonwood Sales Yard, Cottonwood
Custer County Livestock Marketing Assn., Mackay
*Emmett Livestock Commission Company, Emmett
*Gooding Livestock Commission Company, Inc., Gooding
*Idaho Livestock Auction, Idaho Falls
*Jerome Producers Livestock, Jerome
*Nampa Livestock Market, Inc., Nampa
*Ranchers Auction Company, Inc., Twin Falls
*Rexburg Livestock Auction, Inc., Rexburg
*Salmon River Livestock Market, Salmon
*Shoshone Salesyard, Inc., Shoshone
*Spencer Livestock Commission Company, Lewiston
*Treasure Valley Livestock Auction, Inc., Caldwell
*Twin City Sales Yard, Inc., Lewiston
*Twin Falls Livestock Commission Co., Twin Falls
*Valley Livestock Commission Company, Rupert
*Weiser Livestock Commission Company, Weiser

Illinois

*Barnard Livestock Auction Market, Wayne City
*Barry Livestock Marketing Center, Pacatonia
*Bloomington Livestock Commission Co., Bloomington
*Breed's Livestock Sales, Elizabeth
*Chicago-Joliet Marketing Center, Inc., Joliet
*Carthage Livestock Auction, Carthage
*Dameron Livestock Auction, Inc., Vienna
*Danville Livestock Commission Company, Danville
*Decker's Livestock, Inc., Milford
*DeWane Livestock Exchange, Belvidere
*Farmers Choice Marketing Center, Inc., Winslow
*Greenville Livestock, Inc., Greenville
*Hammond Livestock Marketing Company, Salem
*Heinold Cattle Company, Brookport
*Illinois Auction Commission Company, Paris
*Interstate Producers Livestock Assn., Shelbyville
*Jennings Sale Company, Macomb
*Kankakee Livestock Company, Bourbonnais
*Kewanee Sale Barn, Kewanee
*Mercer County Livestock Auction, Viola
*Olney Livestock Commission Co., Olney
*Peoria Union Stockyards Company, Peoria
*Rock Island Auction Sales, Inc., Rock Island
*Harry Schrader Marketing Center, Dakota
*St. Louis National Stockyards Co., National Stockyards
*United Market Center, Inc., Goreville

Indiana

*Boswell Salebarn, Boswell
*Evansville Union Stockyards Company, Inc., Evansville
*Henry County Livestock Auction, New Castle
*Hilltop Auction, Hanover
*Indianapolis Livestock Market, Indianapolis
*Lowell Livestock Auction, Lowell
*Producers Livestock Association, Vincennes
*Producers Livestock Assn. of Ohio, Fort Wayne
*Producers Marketing Association, Inc., Centerville
*Producers Marketing Association, Columbia City
*Producers Marketing Association, W. Lafayette
*Producers Marketing Association, Terre Haute
*Reynolds Salebarn, Reynolds
*Rochester Sale Barn, Rochester
*Shipshewana Auction, Inc., Shipshewana
*Silver Lake Livestock Center, Inc., Silver Lake
*Star Sale Barn, Greensburg
*Stoney Pike Salebarn, Logansport
*Topeka Livestock Auction, Inc., Topeka
*White's Livestock Auction, Brookville

Iowa

Ackley Sale Pavilion, Ackley
Adams County Livestock Auction, Corning
Adel Sales Pavilion, Adel
Albia Sales Company, Inc., Albia
Algona Livestock Auction & Exchange, Algona
Ambrose Hess and Company, Worthington
Anamosa Livestock Auction, Anamosa
Anita Livestock Auction Company, Anita
Ankeny Sale Barn, Ankeny
Aplington Livestock Auction, Aplington
Audubon County Livestock Exchange, Audubon
Avoca Auction Company, Avoca
Baxter Sale Company, Baxter
Bedford Sales Company, Bedford
*Belle Plaine Livestock Auction, Inc., Belle Plaine
*Bingley Sale Company, Inc., Knoxville
Bleil & Chapman Livestock Auction, Moville
Bloomfield Livestock Market, Inc., Bloomfield
Bradley Livestock Auction, Red Oak
Carroll Livestock Sales, Carroll
Cascade Sale Barn, Cascade
Centerville Sales Company, Centerville
*Central Iowa Stockyards, Webster City
Clarinda Auction Company, Clarinda
Phil Clark & Sons Sales Company, Knoxville
Clear View Cattle Company, Inc., Blairsburg
Colfax Livestock Sales Company, Colfax

Coggon Livestock Sales Company, Coggon
Cresco Livestock Market, Cresco
Creston Livestock Auction, Creston
Decorah Sales Commission, Decorah
*Denison Livestock Auction, Denison
DeVries Auction, Buffalo Center
Darwin Dralle Livestock, Greene
*Dunlap Livestock Auction, Dunlap
Dyersville Sales Barn, Dyersville
Eastern Iowa Livestock Commission, Mechanicsville
Edgewood Livestock Auction, Inc., Edgewood
*Elkader Sales Barn, Elkader
Fairfield Livestock Commission, Fairfield
Farmers Auction Market, Eldora
Farmers Livestock Auction, Carroll
Forest City Cow Palace/Jennings Brothers, Inc., Forest City
Greenfield Community Partnership, Greenfield
Grinnell Livestock Exchange, Grinnell
*Guthrie Stock Pavilion Company, Inc., Guthrie Center
Hawkeye Livestock Auction, Fairfax
Highview Cattle Company, Cylinder
*Humeston Livestock Auction, Humeston
Independence Sales Company, Inc., Independence
Interstate Producers Livestock Assn., Waukon
K Four Feedlot, Inc., Orange City
Kalona Sales Barn, Inc., Kalona
Keoco Auction Company, Sigourney
*Keosauqua Sales Company, Inc., Keosauqua
Kimballton Auction Co., Kimballton
Krommendyk Dairy Cattle, Hull
*Lamoni Livestock Sales Company, Lamoni
James Lahr, Hopkinton
La Porte City Sale Barn, La Porte City
Le Mars Livestock Sales Company, Le Mars
Lenox Livestock Commission, Lenox
Leon Sales, Leon
Livestock Auction, Denison
Livestock Auction of Rock Valley, Rock Valley
Lizer Livestock Auction, Inc., Gowrie
Madison County Auction, Winterset
Manning Livestock Auction, Manning
Mapleton Livestock Sales Company, Mapleton
*Maquoketa Livestock Corp., Maquoketa
Massena Livestock Auction, Massena
Mid Iowa Feeder Pig Auction, Hampton
Millinkamp Cattle, Inc., Dyerville
Montezuma Sale Company, Inc., Montezuma
Monticello Sales Barn, Monticello
Moorhead Livestock Auction, Moorhead
Mount Ayr Livestock Market, Mount Ayr
Nesvik Livestock Market, Spirit Lake
*New Liberty Sale Barn, New Liberty
Northeast Iowa Sales Commission, Waukon
North Iowa Livestock Exchange, Garner
Northside Sales Company, Sibley
Oelwein Dairy Sales, Inc., Oelwein
Oelwein Livestock Exchange, Oelwein
Orient Sales Company, Inc., Orient
Osceola Sales Company Inc., Osceola
Oskaloosa Livestock, Inc., Oskaloosa
Perry Sales Pavilion, Perry
Peterson Sheep & Cattle Company, Inc., Spencer
Riceville Sales Pavilion, Riceville
Rubey Auction Company, Red Oak
Russell Sales Company, Inc., Russell
Sales Company of Hawarden, Hawarden
Sheldon Livestock Sales Company, Sheldon
Shenandoah Livestock Auction, Inc., Shenandoan
*Sioux City Stockyards, Sioux City
Spencer Livestock Sales, Inc., Spencer
Stanton Livestock Auction Market, Stanton
Storm Lake Auction Company, Storm Lake
Story City Auction Sales, Inc., Story City
Stuart Sales Company, Stuart
*Tama Livestock Auction, Inc., Tama
Traer Livestock Market, Traer
Tri-State Livestock, Ltd., Sioux Center
United Livestock Commission Company, Maquoketa
Van Kley Feeder Cattle, Inc., Sioux Center
Van's Calf Farm, Hospers
Waitt Cattle Company, Sioux City
Walker Sales Company, Walker
*Wapello Livestock Sales, Inc., Wapello
Waverly Sale Company, Waverly
Wayland Livetock Auction Market, Wayland
West Union Auction Exchange, West Union
Winneshiek Co-op Sales Commission, Decorah
Wood Brothers, Sioux City
Jake Zoet Livestock Company, Sheldon

Kansas

*Allen County Livestock Auction, Gas City
*Anderson County Sale Company, Garnett
*Anthony Livestock Company, Anthony
*Atchison County Auction Company, Inc., Atchison
*Atwood Sale Barn, Inc., Atwood
*Beloit Livestock Auction, Inc., Beloit
*Caldwell Community Sale, Caldwell
*Cedar Vale Sales Company, Cedar Vale
*Central Livestock Corporation, South Hutchinson
*Chandler Livestock Auction, Smith Center
*Chanute Livestock Auction, Chanute
*Circle "L" Livestock Sale, Liberal
*Clay Center Livestock Company, Inc., Clay Center
*Coffey County Livestock Market, Burlington
*Coffeyville Livestock Sales Co., Inc., Coffeyville
*Coffeyville Stockyards, Inc., Coffeyville
*Colby Livestock Auction, Inc., Colby
*Coldwater Livestock Sale Company, Inc., Coldwater
*Council Grove Livestock Commission Company, Council Grove
*Dighton Livestock Auction, Dighton
*Douglass Livestock Commission Co., Douglass
*El Dorado Livestock Auction, Inc., El Dorado
*Emmett Livestock Sales, Emmett
*Emporia Livestock Sales Company, Inc., Emporia
*Eureka Livestock, Eureka
*Farmers & Ranchers Commission Company, Salina
*Farmers Livestock Exchange, Inc., Wakarusa
*Fort Scott Sale Company, Inc., Fort Scott
*Franklin County Sale Company, Inc., Ottawa
*Fredonia Livestock Sales Company, Inc., Fredonia
*G–V Cattle Company, Elkhart
*Garden City Livestock Market, Inc., Garden City
*Glasco Livestock Exchange, Glasco
*Great Bend Livestock Commission, Inc., Great Bend
*Hansen Livestock Auction, Concordia
*Hays Livestock Market Center, Hays
*Herington Livestock Commission Company, Herington
*Hiawatha Auction Company, Hiawatha
*Hill City Sale Barn, Hill City
*Hoxie Livestock Sales Company, Hoxie
*Holton Community Sale, Holton
*Holton Livestock Exchange, Inc., Holton
*Hutchinson Livestock Commission Co., Hutchinson
*Kiowa Sales Company, Kiowa
*Iola Community Sale, Iola
*J & J Commission Company, Effingham
*Junction City Livestock Sales, Junction City
*Kingman Livestock & Sales Company, Kingman
*Kingman Community Sale, Kingman
*Larned Livestock Market Company, Larned
*Lawrence Livestock Sale Company, Inc., Lawrence
*Manhattan Commission Company, Inc., Manhattan
*Mankato Company, Inc., Mankato
*Marysville Livestock Commission Co., Marysville
*McKinley-Winter Livestock Commission Co., Inc., Dodge City
*Medicine Lodge Sale Company, Inc., Medicine Lodge
*Miami County Livestock Company, Inc., Paola
*Moline Auction Company, Inc., Moline
*Norton Livestock Auction, Inc., Norton
*Oakley Livestock Commission Co., Inc., Oakley
*Oberlin Livestock Commission, Co., Inc., Oberlin
*Onaga Livestock Commission Company, Onaga
*Osborne Livestock Commission Co., Inc., Osborne
*Overbrook Livestock Auction, Overbrook
*Parsons Livestock Auction, Inc., Parsons
*Phillipsburge Sales Co., Inc., Phillipsburg
*Plainville Livestock Commission Co., Inc., Plainville
*Pratt Livestock Commission Company, Pratt
*Quinter Livestock Commission Co., Quinter
*Reynolds Livestock Sales, Abilene
*Rezac Livestock Commission Company, St. Mary's
*Ruch County Livestock Sale, La Crosse
*Russell Livestock Commission, Inc., Russell
*Sabetha Livestock Auction, Sabetha
*St. Francis Livestock Sales Company, St. Francis
*Southwestern Livestock, Inc., Dodge City
*The Stockmans Livestock Exchange, Belleville
*Sylvan Sales Company, Inc., Sylvan Grove
*Syracuse Sale Company, Inc., Syracuse
*Turon Sale Company, Turon
*Wakeeny Livestock Commission Company, Wakeeny
*Wichita Union Stockyards, Wichita
*Winfield Livestock Auction, Co., Inc., Winfield

Kentucky

*Albany Stockyard, Inc., Albany
*R. B. Berry & Son Livestock Company, Inc., Clinton
*Blue Grass Stockyards Company, Inc., Lexington
*Bluegrass II Stockyard, Lexington

*Bowling Green Livestock Market, Inc., Bowling Green
*Bourbon Stockyards Company, Inc., Louisville
*Boyle County Stockyards, Danville
*Breckinridge County Livestock Center, Irvington
*Brown Livestock Company, Clinton
*Bullitt County Stockyard, Shepherdsville
*Catlettsburg Livestock Sales Company, Catlettsburg
*Central Kentucky Livestock Market, Stanford
*Christian County Livestock Market, Inc., Hopkinsville
*Clark County Stockyard, Winchester
*Cross-Walton Livestock Market Center, Walton
*Eastern Livestock Company, Providence
*Edmonton Livestock Market, Edmonton
*Elizabethtown NFO Reload, Elizabethtown
*Faire Stockyard, Bardwell
*Farmers Commission Company, Tomkinsville
*Farmers Livestock Market, London
*Farmers Livestock Market, Mayfield
*Farmers Livestock Market of Glasgow, Inc., Glasgow
*Farmers Stockyard, Inc., Flemingsburg
*Franklin-Simpson Livestock Company, Franklin
*Garfield Auction Market, Garfield
*Garrard County Stockyard, Lancaster
*Glasgow Livestock Auction, Inc., Glasgow
*Graves County Livestock, Inc., Mayfield
*Grayson County Stockyard Market, Inc., Leitchfield
*Green County Stockyards, Greensburg
*Green River Livestock Market, Inc., Munfordville
*Kentuckiana Livestock Market, Owensboro
*Kentucky-Tennessee Livestock Market, Inc., Guthrie
*King Livestock Company, Inc., Hopkinsville
*Laurel Sales Company, London
*Madison Sales Company, Richmond
*Mammoth Cave Marketing Corporation, Smiths Grove
*Mantle Stockyards, Bardwell
*Morganfield Stockyard, Morganfield
*Maysville Stockyards, Maysville
*NFO Freedom Collection Point, Mt. Herman
*New Farmers Stockyard, Inc., Mt. Sterling
*New Farmers Livestock Market, Somerset
*Owsley County Stockyard, Booneville
*Paducah Livestock Market, Ledbetter
*Paintsville Livestock Market, Paintsville
*Paris Stockyards, Inc., Paris
*Pennyrile Stockyards, Hopkinsville
*John M. Riley Livestock, Mayfield
*Russell County Stockyards, Russell Springs
*Russellville Livestock Market, Russellville
*Lee Schneider Sales Barn, Walton
*Somerset and Pulaski County Livestock Market, Inc., Somerset
*Taylor County Stockyards, Campbellsville
*Tri-County Stockyard, Smithfield
*W K 259 Livestock Market, Leitchfield
*Walton NFO Sales, New Walton Stockyard, Walton
*Washington County Livestock Center, Springfield
*Wayne County Livestock Market, Monticello
*Williamstown Stockyards, Inc., Williamstown

Louisiana

*Abbeville Commission Company, Abbeville
*Amite Livestock Company, Inc., Amite
*Bastrop Livestock Auction, Inc., Bastrop
*Clark Livestock Auction Company, Inc., Bossier City
*Delhi Livestock Auction, Inc., Delhi
*DeQuincy Livestock Commission Co., DeQuincy
*DeRidder Livestock Commission Co., DeRidder
*A. Dominiques's Cow Palace, Inc., Marksville
*Dominique's Stockyards, Inc., Baton Rouge
*Dominique's, Inc., Opelousas
*Eunice Stockyards, Inc., Eunice
*Fairchild Livestock Sales, Inc., d.b.a. North Tangipohoa Stockyard, Kentwood
*Farmer and Stockman Auction, Inc., Clarence
*Franklin Livestock Auction, Winnsboro
*Franklinton Stockyards, Inc., Franklinton
*Grand Cane Livestock Sales, Inc., Grand Cane
*Heck Livestock Sales Company, Baton Rouge
*W. H. Hodges & Company, Inc., Alexandria
*W. H. Hodges & Company, Inc., New Roads
*Homer Livestock Sales, Homer
*Kentwood Livestock Sales, Kentwood
*Livestock Producers, Inc., Bossier City
*Lum Brothers Stockyards, Inc., Vidalia
*Mansfield Livestock Auction, Mansfield
*Raceland Stockyards, Raceland
*Red River Livestock Auction Company, Coushatta
*Southwest Stockyard, Inc., Lake Charles
*Vermilion Livestock Company, Inc., Abbeville
*Voiron's Stockyard, Thibodaux
*West Monroe Livestock Auction, Inc., West Monroe

Maine

Massow's Livestock Sales, Corinna
Ben Tilton & Sons, Corinth

Maryland

*Aberdeen Sales Company, Inc., Aberdeen
*Baltimore Livestock Market, Inc., West Friendship
*Cumberland Stockyard, Inc., Cumberland
Farmers Market and Auction, Charlotte Hall
*Four States Livestock Auction, Inc., Hagerstown
*Frederick Livestock Auction, Inc., Frederick
*Friend's Stockyards, Inc., Accident
*Grantsville Community Auction, Inc., Grantsville
*Grantsville Livestock Auction, Inc., Grantsville
*Hunters Sales Barn, Inc., Rising Sun
*Harry Rudnick and Sons, Inc., Galena
*Western Maryland Stock Yards, Inc., Westminster
Woodsboro Livestock Sales, Woodsboro

Massachusetts

Farmers Live Animal Market Exchange, Inc. (FLAME), Littleton
New England Commission Auction, South Easton
Northampton Coop. Auction Association, Inc., Whately

Michigan

Andy Adams Sale Barn, Hillsdale
Coldwater Livestock Auction, Coldwater
Michigan Livestock Exchange, Manchester
Napoleon Livestock Auction, Napoleon
Ravenne Livestock Sales, Ravenna
Arends Sale Yard, Inc., Blue Earth
BLD Livestock, Inc., Ivanhoe
Benson Livestock Exchange., Benson
Canby Livestock Sales Company, Canby
East Central Livestock Auction, Inc., Mora
Edgerton Livestock Auction Market, Edgerton
Farmers Livestock Auction Market, Caledonia
Harmony Livestock Sales, Harmony
Kasson Sales Exchange, Kasson
Lanesboro Sales Commission, Inc., Lanesboro
Lee and John's Livestock Market, Harmony
Lewiston Livestock Market, Lewiston
Long Prairie Livestock Auction Market, Long Prairie
Luverne Livestock Auction Market, Luverne
*Pipestone Livestock Auction, Pipestone
Rush City Livestock Auction, Rush City
*St. Paul Union Stockyards, St. Paul
Schmidt Livestock Sales, Inc., Truman
Spring Grove Livestock Exchange, Inc., Spring Grove
Spring Valley Sales Company, Spring Valley
Top Livestock Auction, Edgerton
Zumbrota Livestock Auction Market, Inc., Zumbrota

Mississippi

*Alcorn County Stockyards, Corinth
*Batesville Livestock Commission, Inc., Batesville
*Billingsley Auction Sale, Inc., Senatobia
*Central Mississippi Livestock Commission Co., Carthage
*Chickasaw Livestock Auction, Inc., Houston
*Corinth Stockyard, Inc., Corinth
*Cow Palace, Inc., McComb
*Delta Stockyard, Inc., Greenville
*East Mississippi Farmer's Livestock Company, Philadelphia
*Fairchild Livestock Sales, Inc., Hazlehurst
*George County Stockyard, Inc., Lucedale
*Glynn Robinson Stockyard, Inc., West Point
*Grenada Livestock Exchange, Grenada
*Harrell Stockyard, Inc., Morton
*Kosciusko Stockyard, Kosciusko
*Lexington Sales Company, Inc., Lexington
*Lincoln County Livestock Commission, Inc., Brookhaven
*Lipscomb Commission Company, Como
*livestock Producers Association, Tylertown
*Lucedale Auction, Inc., Lucedale
*Lum Commission Company, Vicksburg
*Meridian Stockyards, Inc., Meridian
*Mississippi Livestock Producers Assn., Canton Branch, Canton
*Mississippi Livestock Producers Assn., (North Yard), Jackson
*M and W Cattle Company, Hattiesburg
*M and W Cattle Company, Starkville
*Natchez Stockyard Inc., Natchez
*New Albany Sales Company, New Albany
*Pontotoc Stockyards, Pontotoc
*Ramsey Stockyard, Inc., Summit
*Ranchers & Farmers Livestock Commission Co., Macon
*Ripley Sales Company, Guntown
*Smith Brothers Stockyard, Inc., Poplarville
*Southeast Mississippi Livestock Farmers Assn., Hattiesburg
*Southeast Stockyard, Port Gibson

*Starkville Livestock Auction, Starkville
*Stockyard Beef Sales, Inc., Tupelo
*Stockyard Dairy Sales, Inc., Tupelo
*Stringer Sale Barn, Columbia
*Tadlock Stockyard, Forest
*Tri-County Stockyards, Inc., Tupelo
*Walnut Sales Company, Walnut
*Wilbanks Stockyard, Carthage
*Winona Stockyard, Winona
*Winston County Community Sale, Louisville

Missouri

Alton Sale Company, Alton
Benton County Producers Association, Warsaw
*Blansit Dairy & Stock Cattle Company, Inc., Ozark
Bollinger County Livestock Producers Assn., Marble Hill
*Brookfield Livestock Auction, Inc., Brookfield
*Brunswich Sale Company, Brunswick
Buffalo Livestock Center, Buffalo
Callao NFO Collection Point, Callao
*Callaway Stock Sales, Inc., Fulton
*W. R. Cantrell & Sons Sale Company, Archie
*Carrollton Livestock Auction, Carrollton
*Cassville Livestock Market, Inc., Cassville
*Central Livestock Auction Market, Poplar Bluff
*Central Missouri Livestock Auction, Inc., Mexico
*Central Missouri Sales Company, Sedalia
*Central Ozarks Livestock Market, Inc., West Plains
*Charleston Auction Company, Charleston
*Chillicothe Livestock Market, Chillicothe
Circle S Livestock Market, Stanberry
*City Scales, West Plains
*Clark County Sale Company, Kahoka
*Columbia Livestock Auction Market, Inc., Columbia
*Concordia Livestock Auction, Inc., Concordia
Dent County Livestock Improvement Assn., Salem
*Diamond Marketing Center, Inc., Diamond
*Douglas County Livestock Auction, Inc., Ava
*Downing Stockyards, Downing
*Eastern Missouri Livestock Market, Inc., Bowling Green
*Edina Auction Market, Inc., Edina
Edina NFO Collection Point, Edina
*El Dorado Sales Company, Inc., El Dorado Springs
Fair Play Livestock Auction, Fair Play
*Farmers Auction Company, Mountain View
Farmers & Traders Commission Co., Inc, Palmyra
*Farmers Livestock Auction, Inc., Boonville
*Farmington Livestock Market, Inc., Farmington
Five County Collection Center, Mountain Grove
4 Corners Collection Point (NFO), Hunnewell
Fortuna NFO Collection Point, Fortuna
Four Rivers Collection Point, Labadie
*Four Square Livestock Commission Co., Marshall
*Franklin County Livestock Association, Sullivan
*Fredericktown Auction Company, Inc., Fredericktown
*Fruitland Livestock, Inc., Jackson
*Gallatin Livestock Auction, Inc., Gallatin
Gasconade County Livestock Improvement Assn., Owensville
*Don Ghere Sales Company, Butler
*Grant City Livestock Market, Inc., Grant City
*Green City Livestock Market, Green City
*H.R.H. Auction Company, Hamilton
Howard County NFO Collection Point, Armstrong
*Interstate Livestock Market, Inc., Bethany
Interstate Producers Livestock Assn., Cuba
*Johnson County Livestock Market, Warrensburg
*Joplin Stockyards, Inc., Joplin
*Kahoka Sale Company, Inc., Kahoka
*Kansas City Stockyards Company, Kansas City
*Kennett Sales Company, Inc., Kennett
*Kingsville Livestock Auction, Kingsville
Kingsville NFO Collection Point, Kingsville
*Kirksville Community Sale, Inc., Kirksville
*Kirksville Livestock Market, Inc., Kirksville
Laclede County Livestock Producers Assn., Lebanon
*Lakeland Livestock, Inc., Lowry City
LaMonte NFO Livestock, LaMonte
*Lebanon Livestock Auction, Lebanon
* Lexington Livestock Auction, Lexington
* Licking Livestock Auction Company, Licking
* Lockwood Livestock Auction, Lockwood
* Lolli Sale Pavilion, Macon
* Mansfield Livestock Auction, Inc., Mansfield
Maries County Livestock Producers Assn., Vienna
* Marshall Livestock Auction, Marshall
* Mercer County Sale Company, Princeton
* Meta Collection Point, Inc., Meta
* MFA Cattlemen Auction Company, Humansville
* Mid-West Livestock Market, Inc., Nevada
* Milan Livestock Auction, Inc., Milan
* Mo Cow Company, Lancaster
* Montgomery County Livestock Auction Co., Montgomery City
Sydney Moore Livestock Company, Memphis
Morgan County-Intercounty Livestock Producers Assn., Versailles
* Mountain View Livestock Auction, Mountain View
* Nevada Livestock Auction Company, Inc., Nevada
* New Cambria Livestock Auction Market, New Cambria
* Nixa Livestock Auction, Nixa
* Odessa Community Sale, Odessa
* Olean Livestock Market, Inc., Eldon
Osage County Livestock Producers Assn., Linn
* Pasley Auction Company, Osceola
Patton Junction NFO Collection Point, Patton
Phelps County Livestock Improvement Assn., St. James
* Poplar Bluff Sales Company, Inc., Poplar Bluff
* Potosi Livestock Market, Potosi
Putnam County Livestock Marketing Assn., Unionville
Puxico Stockyards & Auction Co. Puxico
Charles Reed Livestock, Mountain Grove
Reynolds County Livestock Producers Assn., Ellington
* Rich Hill Sales Company, Rich Hill
Ripley County Livestock Producers Assn., Inc., Doniphan
Roberts Brothers Livestock Commission Co., Bolivar
Rock Port Sale, Rock Port
Rolla Livestock Auction, Rolla
* Saint Joseph Stockyards, St. Joseph
* Salem Auction, Salem
* St. Clair Livestock Auction, St. Clair
Savannah Sales Company, Savannah
* Scotland County Livestock Auction, Inc., Memphis
* Sedgewickville Auction Market, Inc., Sedgewickville
* Shelbina Auction Company, Shelbina
* Sho-Me Feeder Pigs, Inc., Thayer Division, Thayer
* South Central Livestock Market, Inc., Vienna
* Springfield Regional Stockyards Company, Springfield
* Stewart Sale Pavilion, Cameron
Ste. Genevieve Livestock Producers Assn. Ste. Genevieve
Ste. Genevieve Livestock Collection Point, Ste. Genevieve
* Summersville Livestock Auction, Inc., Summerville
Tina Livestock Auction, Tina
* Trenton Livestock Market, Inc., Trenton
* Unionville Sale Company, Unionville
* Versailles Auction Company, Versailles
* Warsaw Auction Company, Warsaw
Washington County Producers Assn., Potosi
Wayne County Livestock Producers Assn., Greenville
Wheaton Livestock Auction, Wheaton
* Windsor Livestock Auction Company, Inc., Windsor
* Wright County Livestock Auction, Inc., Mountain Grove

Montana

* Beaverhead Livestock Auction, Dillion
* Billings Livestock Commission Company, Inc., Billings
* Bitterroot Livestock Market, Hamilton
* Glendive Livestock Sales Company, Glendive
* Kalispell Livestock Auction, Kalispell
* Livestock Auction, Inc., Baker
* Miles City Livestock Center, Miles City
* Missoula Livestock Auction Company, Missoula
* Montana Livestock Auction, Inc., Butte
* Public Auction Yards, Billings
* Sidney Livestock Market Center, Sidney

Nebraska

* Ainsworth Livestock Market, Ainsworth
* Alma Livestock Commission Company, Alma
* Atkinson Livestock Market, Atkinson
* Bassett Livestock Auction, Bassett
* Beatrice 77 Livestock Sales Company, Beatrice
* Beatrice Sales Pavilion, Beatrice
* Blue Hill Livestock, Blue Hill
* Butte Livestock Market, Butte
* Chadron Sales Company, Inc., Chadron
* Chappell Livestock Auction, Chappell
* Cherry County Livestock Auction Co., Inc., Valentine
* Columbus Sales Pavilion, Inc., Columbus
* Crawford Livestock Auction Market, Crawford
* Crete Livestock Market, Crete
* Fairbury Livestock Company, Fairbury
* Falls City Auction Company, Inc, Falls City
* Farmers Livestock Sales, Benkelman

* Franklin Livestock Market, Franklin
* Gordon Livestock Auction Company, Gordon
* Grand Island Livestock Auction, Inc., Grand Island
* Hebron Livestock Commission Company, Hebron
* Humboldt Sale Barn, Humboldt
* Huss Platte Valley Auction, Inc., Kearney
* Imperial Auction Market, Imperial
* Kearney Livestock Commission Company, Inc., Kearney
* Kimball Livestock Auction Company, Kimball
* Laurel Livestock Sales Company, Laurel
* Lexington Livestock Market, Lexington
* Midwest Livestock Commission Company, Inc., McCook
* Nebraska City Salebarn, Inc., Nebraska City
* Norfolk Livestock Market, Norfolk
* Ogallala Livestock Auction Market, Ogallala
* Omaha Livestock Market, Inc., Omaha
* O'Neill Livestock, Inc., O'Neill
* Oxford Livestock Commission Company, Oxford
* Pawnee Livestock, Inc., Pawnee City
* Pender Livestock, Inc., Pender
Platte Valley Livestock Auction, Inc., Gering
* Red Cloud Livestock Commission Co., Inc., Red Cloud
* Sheridan Livestock Commission Company, Rushville
* Sioux County Livestock Auction, Harrison
* Southeast Nebraska Livestock Market, Palmyra
* Superior Livestock Commission Company, Inc., Superior
* Sutton Livestock Commission Company, Sutton
* Tecumseh Livestock Market, Inc., Tecumseh
* Tri-State Livestock Commission Company, McCook
* Verdigre Livestock Market, Verdigre
* Wahoo Livestock Market, Wahoo
* Western Livestock Auction Company, North Platte
* West Point Sales Company, West Point
* York Livestock Company, York

New Jersey

* Community Livestock Auction, Woodstown
* Jaeger's Livestock Auction Market, Sussex
* Livestock Cooperative Auction Market Assn. of North Jersey, Inc., Hackettstown

New Mexico

* Artesia Livestock Commission Company, Artesia
* Clovis Livestock Market, Clovis
* Five States Livestock Auction, Clayton
Las Vegas Livestock Commission Company, Inc., Las Vegas
* Lea County Livestock Market, Lovington
Portales Livestock Commission Company, Portales
* Ranchers and Farmers Livestock Auction, Clovis
Roswell Livestock Auction Company, Roswell
* Socorro Livestock Market, Inc., Lemitar

New York

Best Livestock Exchange, Watertown
Burton Livestock Exchange, Inc., Vernon
Cambridge Valley Livestock Market, Cambridge
Chatham Area Auction Coop., Chatham
Empire Livestock Market—Adams, Adams
Empire Livestock Market—Bath, Bath
Empire Livestock Market—Caledonia, Caledonia
Empire Livestock Market—Dryden, Dryden
Empire Livestock Market—Gouverneur, Gouverneur
Empire Livestock Market—Oneonta, Oneonta
Empire Livestock Market—Pavilion, Pavilion
Empire Livestock Exchange, Inc., Canandaigua
Gentner Commission Market, Springville
Hicks & Spingler Livestock, Inc., Sennett
Langless Brother Auction, Cherry Creek
Lazy S. Livestock, Norwich
Lewis County Livestock Market, Lowville
Luther's Livestock, Wassaic
Maplehurst Livestock Market, Hinsdale
Millers Livestock Market, Argyle
Millerton Livestock Market, Hillsdale
Mohawk Valley Commission Sales, Little Falls
Northern New York Farmers Marketing Coop., Inc., Lowville
Norvel Reed & Son's, Inc.—Kimball Stand Market, Gerry
Norvel Reed & Son's, Inc., Sherman
Seymour Commission Sale, DeKalb Junction
Owego Livestock Sales, Owego
Welch Livestock Market, West Edmonton

North Carolina

Ashe Stockyards, Jefferson
Benson Hog and Livestock Market, Benson
Brite-Tatum Livestock Company, Inc., Elizabeth City
Carolina Stockyard Company, Siler City
Carolina-Virginia Stockyard, Windsor
Cattlemen's Livestock Market, Canton
Dedmon's Livestock Market and Dedmon's Livestock Market Feeder Pig Sale, Shelby
East Carolina Stockyard, Kinston
Farmers Cooperative Livestock Market, Lexington
Farmers Livestock Barn, Harrisburg
Farmers Livestock Exchange, Marshville
FCX Livestock Market, Hillsborough
Hickory Livestock Market, Hickory
W. H. Horney Livestock, Dealer, Siler City
Iredell Livestock Company, Turnersburg
Lancaster Stockyard, Rocky Mount
Lumberton Auction Company, Lumberton
Mount Airy Livestock Market, Mount Airy
Mount Olive Livestock Market, Mount Olive
Mountain Livestock Auction, Murphy
New River Livestock Market, Boone
Norwood Stockyard, Norwood
Oxford Livestock Market, Inc., Oxford
Pates Stockyard, Inc., Pembroke
Pates Stockyard of Whiteville, Whiteville
Powell Livestock Company, Smithfield
Reaves Livestock, Inc., Rowland
Riley's Livestock Market, North Wilkesboro
Tommi Turner Livestock Market, Pink Hill
Union County Livestock Auction, Inc., Monroe
Wells Livestock Market, Inc., Wallace
Western Carolina Livestock Market and Feeder Pig Sale, Asheville

North Dakota

* Ashley Livestock Exchange, Ashley
* Carrington Livestock Sales, Inc., Carrington
* Edgeley Livestock, Inc., Edgeley
* Farmers Livestock Exchange of Bismarck, Inc., Bismarck
* Glick Livestock Auction, Minot
* Harvey Livestock Auction, Harvey
* Homebase Auction, Inc., Bowman
* Jamestown Livestock Sales, Jamestown
* Kist Livestock Auction Company, Mandan
* Lake Region Auction and Livestock Market, Inc., Devils Lake
* Linton Livestock Sales, Inc., Linton
* McQuade Livestock, Wahpeton
* Minot Livestock Auction Sales, Inc., Minot
* Napoleon Livestock Auction, Napoleon
* Park River Livestock Auction Market, Park River
* Rugby Livestock Auction Market, Inc., Rugby
* Stockmen's Livestock Exchange, Inc., Beulah
* Stockmen's Livestock Exchange, Inc., Dickinson
* Sitting Bull Auction Company, Williston
* Tri-state Auction Market, Inc., Hettinger
* Triple S Cattle Company, Inc., Valley City
* Turtle Lake Sales Pavilion, Inc., Turtle Lake
Uecker Livestock Yards, Inc., Hettinger
* Union Stockyards Company of Fargo, West Fargo
* Watford City Livestock Auction, Inc., Watford City
* Western Livestock Company, Dickinson
* Wishek Livestock Market, Inc., Wishek

Ohio

Barnesville Livestock, Barnesville
Glenn Bircher d.b.a. Carrollton Livestock, Carrollton
Earl R. and Diane E. Carpenter d.b.a. Bloomfield Livestock Auction, North Bloomfield
Creston Livestock Sales, Inc., Creston
DeGraff Livestock, DeGraff
William Espel Sons, Inc., Cincinnati
Farmers Livestock Auction Company, Inc., Marietta
Farmerstown Sale, Inc., Baltic
Geauga Livestock Commission, Inc., Middlefield
Granville Producers Livestock Sales, Inc., Granville
Heinold Hog Market, Eldorado
Rodney A. Howery, d.b.a. Athens Livestock Sales, Albany
Interstate Livestock, Inc., Oxford
Kidron Auction, Inc., Kidron
Lugbill Brothers, Inc., Archbold
Lugbill Brothers, Inc., Columbus Grove
Marietta Livestock Sale Company, Marietta
Middendorf, Inc., d.b.a. Western Ohio Livestock, Celina
Middendorf Stockyard Company, d.b.a. Kenton Farmers Market Company, Kenton
Mt. Hope Auction Company, Mt. Hope
Muskingum Livestock Sales Company, Zanesville
Ohio Livestock Company, Gallipolis
William W. Osborne, d.b.a. Sugarcreek Livestock Auction, Sugarcreek
Producers Livestock Association, Bucyrus
Producers Livestock Association, Coshocton
Producers Livestock Association, Delta
Producers Livestock Association, Eaton
Producers Livestock Association, Findlay
Producers Livestock Association, Hillsboro

Producers Livestock Association, Lancaster
Producers Livestock Association, Marysville
Producers Livestock Association, Mount Vernon
Producers Livestock Association, Springfield
Producers Livestock Association, Wapakoneta
Producers Livestock Association, Washington Court House
Producers Livestock Association, Wilmington
Scio Livestock Auction, Scio
Glenn Shreve and Larry C. Shreve, d.b.a. Damascus Livestock Auction, Damascus
Stockyards, Inc., d.b.a. Champaign Livestock Sales, Urbana
The Union Stockyards Company, Hillsboro
James H. Wilson & Thomas H. Wilson, d.b.a. Peoples Livestock Exchange, Greenville

Oklahoma

*Ada Livestock Auction, Inc., Ada
*Adair County Livestock Auction, Stilwell
*Antlers Livestock Commission, Antlers
*Apache Livestock Sales Company, Apache
*Ardmore Livestock Auction, Ardmore
*Atoka Livestock, Atoka
*Beaver Livestock Auction, Beaver
*Blackwell Livestock Auction, Blackwell
*Chandler Auction Company, Inc., Chandler
*Cherokee Sales Company, Cherokee
*Collinsville Livestock Exchange, Collinsville
*Covington Commission Sales Company, Covington
*Delaware County Livestock Auction, Inc., Grove
*Dewey Stockyards, Inc., Dewey
*Durant Livestock Market, Durant
*Enid Livestock Sales, Inc., Enid
*Fairfax Livestock Auction, Fairfax
*Fairview Sale Barn, Fairview
*Farmers and Ranchers Livestock Auction, Vinita
*Fort Smith Stockyards, West Fort Smith
*Freeman Livestock Auction, Sulphur
*Geary Livestock Auction, Geary
*Grandfield Livestock Auction, Grandfield
*Hennessey Sale, Hennessey
*Hobart Stockyards, Hobart
*Holdenville Livestock, Holdenville
*Hollis Livestock Commission Company, Hollis
*Hormel Packing Company, Miami
*Hugo Sales Commission, Inc., Hugo
*Idabel Livestock Auction, Idabel
*Lawton Stockyards, Lawton
*LeFlore County Livestock Auction, Wister
*Mangum Livestock Auction, Inc., Mangum
*Marietta Livestock Auction, Marietta
*Marlow Livestock Auction, Marlow
*McAlester Union Livestock, McAlester
*Meeker Livestock Market, Meeker
*Mid-America Stockyards, Bristow
*Muskogee Stockyards, Muskogee
*New Tulsa Stockyards, Tulsa
*Newkirk Sales Company, Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Auction, Leach
*Oklahoma Auction Center, Chickasha
*Oklahoma Auction Yards, Hominy
*Oklahoma National Stockyards Company, Oklahoma City
*Okmulgee Stockyards, Inc., Okmulgee
*Panhandle Livestock Commission, Guymon
*Pauls Valley Livestock, Pauls Valley
*Pawnee Livestock Market Center, Inc., Pawnee
*Perkins Y Livestock Auction, Inc., Perkins
*Perry Livestock Center, Inc., Perry
*Poor Boy Livestock Auction, Wister
*Pryor Stockman's Auction, Pryor
*Purcell Livestock, Purcell
*Ringling Livestock Auction, Ringling
*Sallisaw Sale Barn, Sallisaw
*Sayre Livestock Auction, Sayre
*Seiling Sales Association, Inc., Seiling
*Snyder Stockyards, Snyder
*South Coffeyville Livestock Market, Inc., South Coffeyville
Stigler Sale Barn, Stigler
*Stockyards Industries, Inc., Comanche
*Tahlequah Sale Barn, Cahlequah
*Texhoma Livestock Commission Company, Texhoma
*Tillman County Stockyards, Inc., Frederick
*Triangle Livestock Company, Alva
*Watonga Livestock Sale, Watonga
*Waurika Livestock Market, Waurika
*Welch Livestock Auction, Welch
*Woodward Livestock Auction Market, Inc., Woodward

Oregon

*Enterprise Livestock Auction, Enterprise
*Klamath Livestock Auction, Klamath Falls
*LaGrande Livestock, LaGrande
*Madras Auction Yard, Inc., Madras
*Mid-Columbia Livestock Exchange, Inc., The Dalles
*Northwestern Livestock Commission Company, Hermiston
*Redmond Auction Yard, Inc., Redmond
*Rogue Valley Livestock Auction Company, Central Point

Pennsylvania

Belknap Livestock and Equipment Auction, Dayton
Belleville Livestock Market, Inc., Belleville
Carlisle Livestock Market, Inc., Carlisle
Chambersburg Livestock Sales, Inc., Chambersburg
Chesley's Sales, Inc., Northeast
Cowanesque Valley Livestock Auction, Knoxville
Wayne F. Craig & Sons, Shippensburg
Dewart Livestock Market, Dewart
Eighty-Four Auction Sales, Inc., Eighty-Four
G & M Livestock Market, Inc., Duncansville
Greencastle Livestock Market, Inc., Greencastle
Green Dragon Livestock Sales, Ephrata
Hickory Auction and Sales, Inc., Hickory
Indiana Livestock Market, Inc., Indiana
Jersey Shore Livestock, Inc., Jersey Shore
Kiester's Middleburg Auction Sales, Inc., Middleburg
Lancaster Stockyards, Inc., Lancaster
Lebanon Valley Livestock Market, Inc., Fredericksburg
Leesport Market & Auction, Inc., Leesport
Meadville Livestock Aucton, Saegertown
Mercer Livestock Auction, Mercer
C. Robert Miller, Watsontown
Morrison Cove Livestock Market, Martinsburg
New Holland Sales Stable, Inc., New Holland
New Wilmington Livestock Auction, Inc., New Wilmington
Nicholson Sales Company, Nicholson
Penns Valley Livestock Auction, Inc., Centre Hall
Pennsylvania Livestock Auction, Inc., Waynesburg
Perkiomenville Livestock and Sales, Inc., Perkiomenville
Quakertown Livestock Sale, Quakertown
Sechrist Sales Company, Fawn Grove
W. R. Sellers Livestock, Creencastle
Thomasville Livestock Market, Inc., York
Tri-County Livestock Auction, Inc., Brockway
Troy Sales Cooperative, Troy
Union City Livestock Auction, Union City
Valley Stock Yards, Inc., Athens
Vintage Sales Stables, Inc., Paradise
Wayne County Auction Barn, Inc., Honesdale
Weikert's Livestock, Fairfield
Wyalusing Livestock Market, Wyalusing

South Carolina

Central Carolina Livestock Market, Inc., Lugoff
Chesnee Livestock Company, Chesnee
Darlington Auction Market, Darlington
Farmers County Line Stockyard, Andrews
Farmers Livestock Market, Inc., Leesville
Farmers Market, Estill
Herndon Stockyards, Inc., Erhardt
Homewood Stockyard, Inc., Conway
Hutto Stockyards, Inc., Holly Hill
Neeses Stockyards, Neeses
Orangeburg Stockyards, Inc., Orangeburg
Piedmont Livestock Center, Laurens
Saluda County Stockyards, Inc, Saluda
Springfield Stockyards, Inc., Springfield
John C. Taylor Stockyards, Anderson
Walterboro Stockyards, Company, Inc., Walterboro
York County Stockyards Sales, Inc., York

South Dakota

Aberdeen Livestock Sales Company, Aberdeen
Bales Continental Commission Company, Huron
*Belle Fourche Livestock Exchange, Inc., Belle Fourche
Bowdle Livestock Sales, Bowdle
*Britton Livestock Auction, Inc., Britton
Brookings Livestock Auction Market, Brookings
*Burke Livestock Auction, Burke
*Canton Livestock Sales Company, Canton
Chamberlain Livestock Auction, Inc., Chamberlain
Corsica Livetock Sales Company, Corsica
*Edgemont Livestock Market, Edgemont
*Faith Livestock Commission Company, Inc., Faith
*Gregory Livestock Auction, Gregory
Herreid Livestock Market, Herreid
*Highmore Livestock Exchange, Inc., Highmore
Hub City Livestock Sales, Aberdeen
*Kimball Livestock Exchange, Kimball
*Lemmon Livestock, Inc., Lemmon
*Lokens Watertown Sales Pavilion, Watertown
Lynch's Foods, Inc., Brown's Valley, Minnesota
Madden's Livestock Market, Inc., St. Onge
Madison Livestock Auction Company, Madison
Magness Livestock Market, Huron
Magness-Faulkton Livestock Market, Faulkton
Magness-Huron Livestock Exchange, Inc., Huron
Martin Auction Company, Inc., Martin
McLaughlin Livestock Auction, McLaughlin

Miller Livestock Sales Company, Miller
*Mitchell Livestock Auction Company, Mitchell
Mobridge Livestock Auction Market, Inc., Mobridge
*Philip Livestock Auction Market, Inc., Philip
*Presho Livestock Auction Company, Presho
Redfield Livestock Sales, Redfield
Sioux Falls Stockyards Company, Sioux Falls
*Sisseton Livestock Auction, Inc., Sisseton
*South Dakota Livestock Sales Company, Watertown
*Stockman's Livestock Auction Company, Yankton
*Sturgis Livestock Exchange, Sturgis
Thompson Livestock, Whitewood
*Timber Lake Livestock Market, Inc., Timber Lake
*Wessington Springs Livestock, Wessington Springs
*Winner Livestock Auction Company, Winner
*Yankton Livestock Auction Market, Yankton

Tennessee

*Athens Livestock Auction, Athens
*Botts & Evans Livestock Company, Union City
*Chattanooga Union, Chattanooga
*C & M Livestock Market, Jamestown
*Coffee County Livestock Market, Manchester
*Collierville Livestock Auction Company, Collierville
*Collins Cattle Company, Obion
*Covington Sale Company, Covington
*Crockett Livestock Sales Co., Inc., Maury City
*Cumbertland and City Stockyard, Cumberland City
*De Kalb County Livestock Company, Alexandria
*Dickson Livestock Center, Dickson
*Dixie National Stockyards, Inc. d.b.a. Abraham Cattle Company, Memphis
*East Tennessee Livestock Center, Sweetwater
*Farmers Auction, Fayetteville
*Farmers Livestock Exchange, Union City
*Farmers Livestock Market, Inc., Greeneville
*Gamaliel Kentucky Livestock Auction, Inc., Gamaliel, Kentucky
*Greeneville Livestock Market, Inc., Greeneville
*Hardin County Stockyard, Savannah
*Hardin County Livestock Company, Savannah
*Jackson County Commission, Gainesboro
*Jonesboro Livestock Yard, Inc., Telford
*Kingsport Livestock Auction Corp., Kingsport
*Lawrence County Stockyard, Lawrenceburg
*Lexington Sales Company, Lexington
*Macon Livestock Market, Inc., Lafayette
*Maxwell Livestock Market, Lewisburg
*Middleton Sale Company, Middleton
*Mid-South Livestock Commission Company, Columbia
*Mid-State Producers, Inc., Woodbury
*Moody Livestock, Newbern
*Morristown Stockyard, Inc., Morristown
*Mullins Livestock Yard, Clinton
*Murfreesboro Livestock Center, Murfreesboro
*New Tazewell Livestock, New Tazewell
*North Central Livestock Center, Cross Plains
*Oliver Livestock Company, Union City
*Paris Livestock Company of Tennessee, Inc., Paris
*Peoples Livestock Market, Cookeville
*Peoples Stockyard, Fayetteville
*Plateau Livestock Exchange, Crossville
*Pulaski Stockyard, Pulaski
*Rogersville Livestock Market, Rogersville
*Scotts Hill Auction Company, Scotts Hill
*Shelbyville Livestock Market, Shelbyville
*Smith County Commission Company, Carthage
*Southern Livestock Auction Company, Columbia
*South Memphis Stock Yards Company, Memphis
*Southwestern Stockyards, Huntingdon
*Sparta Livestock Company, Sparta
*Tennessee Livestock Producers, Thompson Station
*Tennessee Producers, Fayetteville
*Thompson Livestock, Obion
*Trenton Sales Company, Trenton
*Tri-County Stockyards, McKenzie
*Trousdale County Livestock Market, Hartsville
*Unionville Livestock Auction Company, Unionville
*Union Stockyards, Inc., Knoxville
*Warren County Livestock Market, Inc., Morrison
*West Tennessee Auction Company, Inc., Martin
*Wilson County Livestock Market, Lebanon
*Wilson Livestock Market, Newport

Texas

*Abilene Auction, Abilene
*Amarillo Livestock Auction, Amarillo
*Athens Livestock Market, Athens
*Belton Livestock Auction, Belton
Bode's Livestock Auction, Milano
*Bonham Livestock Market, Bonham
*Bowie Livestock Commission, Inc., Bowie
*Breckinridge Stockyards, Breckinridge
*Brownwood Cattle Auction, Brownwood
*Canyon Livestock Commission, Canyon
*Cattleman's Livestock Commission Company, Dalhart
*Cattleman's, Palestine
*Cattleman's Livestock, Paris
*Center Auction Company, Inc., Center
*Coleman Livestock Auction, Coleman
*Clarksville Livestock Exchange, Inc., Clarksville
*O. L. Colley Livestock Market, Mt. Pleasant
*Decatur Auction Sale, Decatur
*El Paso Livestock Auction Company, Inc., El Paso
*Ennis Auction, Ennis
*Floyada Livestock Sales, Inc., Floyada
*Fort Worth Stockyards Corp., Fort Worth
*Franklin County Livestock Commission, Mt. Vernon
*Gainesville Livestock Market, Inc., Gainesville
*Graham Livestock Commission Company, Graham
*Greenville Livestock Commission Company, Greenville
*Haskell Livestock Auction, Haskell
*Huntsville Auction Barn, Huntsville
*Jacksonville Livestock Market, Inc., Jacksonville
*J & J Livestock Commission Company, Texarkana
*Johnson County Dairy Sale, Cleburne
*Jones Livestock and Dairy Auction, Inc., Sulphur Springs
*Junction Stockyard, Inc., Junction
*Kirbyville Auction Barn, Kirbyville
*Lampasas Auction, Inc., Lampasas
Livingston Livestock Exchange, Livingston
*Llano Livestock Auction, Llano
*Longview Livestock Commission Company, Longview
*Lubbock Livestock Commission Co., Lubbock
*Lufkin Livestock Exchange, Lufkin
*Mansfield Dairy Cattle Auction, Mansfield
*Marshall Livestock Commission Company, Marshall
*McDougal Livestock Auction Barn, Comanche
*Meridian Livestock Auction, Meridian
*Mineral Wells Stockyard Company, Mineral Wells
*McKinney Livestock Commission Company, Inc., McKinney
*Morris County Livestock Commission Company, Omaha
*Muenster Livestock Auction Commission Company, Muenster
*Muleshoe Livestock Auction, Inc., Muleshoe
*Nacogdoches County Livestock Arena, Inc., Nacogdoches
*Olney Livestock Auction, Olney
*Panola Livestock Commission Company, Carthage
*Paris Livestock Commission Company, Paris
*Patton Livestock, Inc., Nacogdoches
*Pilot Point Livestock Commission Co., Inc., Pilot Point
*Pittsburg Livestock Commission Co., Pittsburg
*Port City Stockyards Company, Sealy
*Producers Livestock Auction Company, San Angelo
*Rains County Livestock Market, Emory
*Southwestern Livestock Market, Midland
*Sulphur Springs Livestock Commission Company, Sulphur Springs
*Terrell Livestock Commission, Terrell
*Texarkana Livestock Commission Co., Texarkana
*Tulia Livestock Auction, Tulia
*Tyler Livestock Commission Company, Tyler
Vann-Roach Cattle Company, Inc., Fort Worth
*Vernon Stockyards Company, Vernon
*Waldrup Livestock Auction Company, Weatherford
*Waxahatchie Livestock Commission Co., Inc., Waxahatchie
*Wellington Livestock Auction, Wellington
*Wichita Livestock Auction, Wichita Falls
*Winnsboro Livestock Market, Winnsboro
*Winnie Livestock Exchange, Winnie
*Woodville Livestock Commission Company, Woodville

Utah

*Basin Livestock, Inc., Ballard
*Cedar City Livestock Auction Company, Cedar City
*Delta Livestock Auction Company, Delta
*Producers Livestock Marketing Assn., North Salt Lake
*Producers Salina Auction, Salina
*Richfield Auction Company, Monroe

*Smithfield Livestock Auction, Smithfield
*Spanish Fork Livestock Auction, Spanish Fork
*Weber Livestock Auction Company, Ogden

Vermont

Addison County Commission Sales, East Middlebury
E. S. Crosby, Inc. d.b.a. Vergennes Commission Sales, Vergennes
C. W. Gray & Sons, Inc. d.b.a. East Thetford Commission Sale, East Thetford
E. M. Hayes, Enosberg
*Morrisville Commission Sale, Inc., Morrisville
*Orleans Commission Sale, Orleans
*St. Albans Commission Sale, St. Albans

Virginia

*Abingdon Livestock Exchange, Inc., T/A Tri-State Livestock Market, Abingdon
*Abingdon Livestock Market, Abingdon
*Amherst County Livestock Market, Inc., Amherst
*Charlottesville Livestock Market, Charlottesville
*Christiansburg Livestock Market, Inc., Christiansburg
*Farmers Livestock Exchange, Winchester
*Farmers Livestock Market, Gate City
*Farmers Livestock Market, Inc., Tazewell
*Farmers Livestock Market, Rose Hill
*Fauquier Livestock Exchange, Inc., Marshall
*Fredericksburg Stockyards Company, Fredericksburg
*Front Royal Livestock Exchange, Inc., Front Royal
*Galax Livestock Market, Inc., Galax
*Lee Farmers Livestock Market, Jonesville
Leesburg Livestock Market, Inc., Leesburg
*Lynchburg Livestock Market, Inc., Lynchburg
*Madison Livestock Market, Inc., Madison Mills
*Monterey Livestock Sales, Inc., Monterey
*Narrows Livestock Auction Market, Inc., Narrows
*Nokesville Livestock Auction, Inc., Nokesville
*Orange Livestock Market, Orange
Pearce's Livestock Market, Suffolk
*Petersburg Livestock Market, Petersburg
*Phenix Livestock Market, Phenix
*Pulaski Livestock Market, Dublin
*Roanoke-Hollins Stockyard, Hollins
*Roanoke Livestock Market, Roanoke
*Rockingham Livestock Sales, Harrisonburg
*Saluda Livestock Buying Station, Glenns
*Shenandoah Valley Livestock Sales, Harrisonburg
*Shen-Valley Buying Station, Dillwyn
*Shen-Valley Buying Station, Madison Mills
*Smithfield Livestock, Inc., Smithfield
*South Boston Livestock Market, Inc., South Boston
*South Hill Stockyard, South Hill
*Southampton Stockyards, Inc., Courtland
*Southside Livestock Markets, Inc., Blackstone
*Southside Livestock Markets, Inc., Farmville
*Southside Livestock Market of Farmville, Blackstone
*Southside Stockyards, Inc., Petersburg
*Staunton Union Stockyards, Inc., Staunton
*Staunton Livestock Market, Staunton
Tappahannock Livestock Market, Inc., Tappahannock
*Victoria Stockyard, Victoria
*Virginia-Caroline Livestock and Agricultural Market, Inc., Danville
*Woodstock Livestock Market, Inc., Woodstock
*Wytheville Livestock Market, Inc., Wytheville

Washington

Chehalis Livestock Market, Chehalis
Davenport Livestock Exchange, Inc., Davenport
Enumclaw Sales Pavilion, Inc., Enumclaw
Farmers Auction, Everson
Marysville Livestock Auction, Inc., Marysville
Prosser Livestock Market, Prosser
Quincy Livestock Market, Quincy
Stockland Livestock Exchange, Spokane
Sunnyside Livestock Market, Sunnyside
Twin City Sale, Inc., Centralia
Walla Walla Livestock Auction, Inc., Walla Walla

West Virginia

*Bluegrass Market, Inc., North Caldwell
*Blueridge Livestock Sales, Inc., Charles Town
*Bridgeport Stockyards, Inc., Bridgeport
*Buckhannon Stockyards, Buckhannon
*Jackson County Livestock Market, Inc., Ripley
*Livestock Exchange, Inc. d.b.a., Alderson Livestock Market, Alderson
*Mannington Livestock Sales, Inc., Mannington
*Moundsville Livestock Auction Company, Moundsville
*New River Livestock Market, Inc., Beckley
*Ohio County Livestock Auction, Inc., Wheeling
*Pocahontas Producers Cooperative Association, Marlinton
*Randloph County Livestock Marketing Assn., Elkins
*South Branch Stockyards, Inc., Moorefield
*Spencer Livestock Exchange, Company, Spencer
*Terra Alta Livestock Market, Inc., Terra Alta
*United Livestock Sales, Parkersburg
*Weston Livestock Sales Company, Inc., Weston

Wisconsin

H-Bar Arean, Plum City
Barron Livestock Sales Barn, Barron
*Beetown Livestock Exchange, Beetown
*Belmont Livestock Market, Inc., Belmont
Benoit NFO Livestock Collection Point, Benoit
*Clear Lake NFO Collection Point, Clear Lake
Coon Valley Sale Barn, Coon Valley
*Ellsworth NFO Collection Point, Ellsworth
*Equity Cooperative Livestock Sales Assn., Altoona
*Equity Cooperative Livestock Sales Assn., Bonduel
*Equity Cooperative Livestock Sales Assn., Johnson Creek
*Equity Cooperative Livestock Sales Assn., Monroe
*Equity Cooperative Livestock Sales Assn., Richland Center
*Equity Cooperative Livestock Sales Assn., Ripon
*Equity Cooperative Livestock Sales Assn., Sparta
*Kuehne Livestock Auction Market, Seymour
Mattes Livestock Auction Market, Inc., Thorp
*Matthes Farms, Viola
*Midwest Livestock Producers Coop., Dodgeville
*Midwest Livestock Producers Coop., Ettrick
*Midwest Livestock Producers Coop., Fennimore
*Midwest Livestock Producers Coop., Lomira
*Midwest Livestock Producers Coop., Marion
Midwest Livestock Producers Coop., Monticello
*Midwest Livestock Producers Coop., Shullsburg
*Milwaukee Stockyards, Milwaukee
*Peshtigo Livestock Market, Peshtigo

Wyoming

*Douglas Livestock Exchange, Douglas
*Greybull Livestock Auction, Greybull
*Lusk Livestock Exchange Company, Lusk
*Powell Auction Market, Powell
*Riverton Livestock Auction, Riverton
*Sheridan Livestock Auction, Sheridan
*Stockgrowers Livestock Auction, Inc., Worland
*Stockman's Livestock Auction, Torrington
*Torrington Livestock Commission Company, Torrington

Effective Date: The foregoing notice shall become effective September 6, 1983.

Done at Washington, D.C., this 30th day of August 1983.

Dale F. Schwindaman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-24209 Filed 9-2-83; 8:45 am]

BILLING CODE 3410-34-M

Reader Aids

Federal Register

Vol. 48, No. 173

Tuesday, September 6, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

39595-39910.....1
39911-40186.....2
40187-40364.....6

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
8854 (Amended by PLO 6458).....40232
Proclamations:
5085.....39595
5086.....40187

4 CFR

Proposed Rules:
83.....39632

5 CFR

2422.....40189
2426.....40189
2429.....40189

7 CFR

210.....40194
220.....40194
226.....40197
301.....39597, 40198
421.....39911
910.....39912
908.....39602
1076.....39603
1865.....40202
1944.....40202
1945.....40202
1951.....40202
Proposed Rules:
278.....40263
279.....40263
658.....39944
1126.....39643

8 CFR

109.....40209
231.....40209
238.....40210

10 CFR

Proposed Rules:
1017.....40265

12 CFR

217.....39604
525.....39912
531.....39912
Proposed Rules:
563.....39944

14 CFR

39.....40210-40212
71.....39913, 40213
75.....40214
97.....39913
Proposed Rules:
39.....40266
71.....40267, 40270

16 CFR

Proposed Rules:
13.....39950

17 CFR

240.....39604
249.....39604

20 CFR

655.....40168

21 CFR

145.....39916
524.....39607
Proposed Rules:
Subch. H.....40272
882.....40273

23 CFR

Proposed Rules:
Ch. I.....39953

24 CFR

203.....39608
213.....39608
234.....39608

26 CFR

1.....40214
48.....40217
Proposed Rules:
1.....39953
5f.....39953

30 CFR

701.....39892, 40140
785.....39892
816.....39892, 40140
817.....39892, 40140
824.....39892
938.....40223
Proposed Rules:
75.....40165
935.....39645
938.....39645

32 CFR

286g.....39917
634.....39919
730.....40224

33 CFR

100.....39609
165.....39609, 39610
401.....39934
Proposed Rules:
117.....39646

34 CFR

Proposed Rules:
366.....39647

38 CFR

21 40224
36 40226

39 CFR

10 39610
601 40232

Proposed Rules:

111 ..... 39647, 39648

40 CFR

17 39934
122 39611
123 39611
124 39611
144 39611
145 39611
233 39611
270 39611
271 ..... 39611, 39623
410 39624

Proposed Rules:

52 39653
65 40278
81 39655
124 40098
144 40098
146 40098
147 40098
721 40282
799 39656

42 CFR

405 ..... 39740, 39752
409 39752
435 39624
436 39624
489 39752

Proposed Rules:

435 39959
436 39959

43 CFR

Public Land Orders:

1707 (Amended by PLO 6458) 40232
6457 39939
6458 40232

46 CFR

153 39629
154 39629

47 CFR

25 ..... 40233, 40256

Proposed Rules:

68 39656

49 CFR

179 39630
571 ..... 39908, 39939, 40260
1042 39630
1160 39630
1161 39630
1162 39630
1165 39630
1168 39630
1181 39630

Proposed Rules:

213 39965
571 ..... 40282, 40286
821 39657
1157 40287

50 CFR

17 ..... 39941, 40178

Proposed Rules:

17 40288
26 39661
655 39967
681 39665

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 31, 1983



Just Released

Code of Federal Regulations

Revised as of April 1, 1983

Quantity	Volume	Price	Amount
_____	Title 26—Internal Revenue (Part 1, §§ 1.301 to 1.400) (Stock No. 022-003-95171-7)	$6.00	$_____
_____	(Part 1, §§ 1.501 to 1.640) (Stock No. 022-003-95173-3)	$6.50	_____
_____	(Part 2 to 29) (Stock No. 022-003-95177-6)	$7.00	_____
		Total Order	$_____

A cumulative checklist of CFR issuances for 1982-83 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		