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Selected Subjects

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Selected Subjects

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

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Presidential Documents

Title 3—

The President

Proclamation 5113 of October 4, 1983

National Productivity Improvement Week, 1983

By the President of the United States of America

A Proclamation

The challenge of greater productivity growth is of supreme importance to America's future. Only through productivity gains can real living standards be improved. Greater productivity growth is the cornerstone of price stability and sustained economic growth. It is vital to regaining our competitive position in world markets and creating job opportunities for an expanding American labor force.

Productive societies reward saving, investing, building, and creating rather than consuming. A productive society lives within its means and does not pursue a pattern in its spending habits that results in simply shifting its burdens forward to the future. Productive societies also nourish the spirit of adventure, innovation and entrepreneurship. Productive societies share common objectives and their leading institutions work together—business, government, labor, and academia view each other as partners, not adversaries.

We have made much progress in restoring the foundation for a prosperous and productive society. By reducing the rate of growth of government spending, by strengthening the incentives to save and invest, by eliminating many unnecessary and burdensome regulations, and by encouraging monetary policies that ensure the price stability needed for lasting economic growth we have created an environment for sustained increases in productivity.

The improvement of our Nation's productivity depends on all Americans. The recently concluded White House Conference on Productivity brought together an outstanding group of distinguished citizens from all walks of life and sectors of our economy. Their recommendations for actions at all levels in the public and private sectors will help us build on the foundation we have laid.

In order to encourage better understanding of the need for productivity growth and the development of methods to improve productivity in the private and public sectors, the Congress, by Senate Joint Resolution 142, has designated the week of October 3 through October 9, 1983, as National Productivity Improvement Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 3 through October 9, 1983, as National Productivity Improvement Week. I call upon the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Oct., 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. 83-27475
Filed 10-5-83; 10:49 am]
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Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: These amendments to OPM's regulations add a new provision to provide that, under certain circumstances, a Government agency may change or withdraw the position duties of a Federal employee during the notice period of a proposed adverse action. The amendments are intended to provide a remedy for the instances when an employee's retention at the worksite may be injurious to the employee or others, Government property, or other legitimate Government interests.

DATE EFFECTIVE: November 7, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia Field, Office of Planning and Evaluation (202) 254-5517.

SUPPLEMENTARY INFORMATION: OPM published proposed regulations on April 29, 1983 (48 FR 19379), which would permit agencies, under certain circumstances, to place employees in a nonduty status with pay during the advance notice period of an adverse action, when the agencies determined that the employee's continued presence at the worksite might pose a threat to the employee or others, result in loss of or damage to Government property, or be injurious to some other legitimate Government interest.

OPM received comments from eight agencies, one union, and one individual. The comments all favored the proposed regulatory approach as providing much-needed options while complying with the requirements of 5 U.S.C. 7513. Some specific suggestions for change are set out below.

1. First sentence of § 752.404(b)(3): One agency recommended that we delete "30-days"' before "advance written notice," because, as the agency pointed out, the notice period sometimes may be extended beyond 30 days. OPM recognizes that this may indeed be necessary, usually for some reason connected with the employee's answer, and will make the suggested deletion. This does not mean, however, that notice periods of over 30 days should occur routinely. OPM's guidance will emphasize that it is generally to the advantage of both the employee and the agency to adhere to the 30-day limit unless there is some reason for a delayed reply, or the need to obtain additional medical or other documentation.

2. Second sentence of § 752.404(b)(3): An agency suggested that OPM delete the adjective "rare". OPM does not believe that this is appropriate. In light of OPM's experience and review of many appellate decisions, these are indeed rare circumstances.

The same agency suggests change of the word "determines" to "considers." The original word, OPM believes, implies a conscious decision on the part of the agency, and this is entirely appropriate.

A union commented that the phrase "otherwise jeopardize legitimate Government interests" creates a "giant loophole" which agencies could use for "wholly specious reasons." OPM notes that one of the primary reasons for this language is to protect against unwarranted use of this authority by stipulation that "legitimate Government interests" must be involved. Otherwise, the authority could possibly be invoked more broadly and inappropriately. Also important to remember is that employees will receive full pay while placed in this status. In addition, every employee against whom an action is taken under Subpart D of Part 752 has the right to appeal to the Merit Systems Protection Board, or, when applicable, under negotiated grievance procedures. Any question of an employee's status during the notice period is certainly one that will be fully considered by the appellate body. The adjective "legitimate" allows the agency to consider nothing specious in making its determination.

3. Section 752.404(b)(3)(iii): The same union commented that while it agrees that an agency may place an employee on involuntary sick leave when he or she is incapacitated for duty during the notice period, it is concerned about recurring abuses about determinations of mental incapacity. It suggests that the agency not use enforced leave for mental impairment. However, OPM believes that enforced leave is entirely appropriate if the agency has adequate medical documentation of this type of incapacity. OPM has amended the subparagraph to show that the agency may place an employee on involuntary sick or other leave when it has medical documentation which demonstrates physical or mental incapacity.

4. Section 752.404(b)(3)(v): One agency recommends that OPM delete this subparagraph, since this alternative is already provided earlier. However, OPM believes that use of the crime provision is one alternative which must be considered and found not feasible before placing the employee in a nonduty, pay status during the notice period.

5. One agency recommends that OPM allow agencies to place employees in a nonduty paid status as merely one of six alternatives, not as a last resort. OPM strongly believes that this placement should indeed be used only when no other alternatives are available.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal Government employees.

List of Subjects in 5 CFR Part 752

Administrative practice and procedure, Government employees.

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

PART 752—ADVERSE ACTIONS

Accordingly, OPM is amending 5 CFR 752.404 by adding a new paragraph (3) to paragraph 752.404(b) to read as follows:

§ 752.404 Procedures.

* * * * *

(b) * * *

(3) Under ordinary circumstances, an employee whose removal has been proposed shall remain in a duty status in his regular position during the advance notice period. In those rare circumstances where the agency determines that the employee's continued presence in the work place during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency shall consider whether any of the following alternatives is feasible:

(i) Assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or to Government property;

(ii) Placing the employee on leave with his or her consent;

(iii) Placing the employee on involuntary sick or other leave when the agency has medical documentation demonstrating physical or mental incapacitation;

(iv) Carrying the employee on appropriate leave (annual, sick, leave without pay, or absence without leave) if he or she is absent for reasons not originating with the agency; or

(v) Curtailing the notice period when the agency can invoke the provisions of § 752.404(d)(1) (the "crime provision"). This provision may be invoked even in the absence of judicial action if the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed. If none of these alternatives is available, the agency may place the employee in a paid, nonduty status during all or part of the advance notice period.

* * * * *

Authority: 5 U.S.C. 7513, 7514, 1302.

[FR Doc. 83-27257 Filed 10-5-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 320, Valencia Orange Reg. 319, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 7–October 13, 1983, and increases the quantity of such oranges that may be so shipped during the period September 30–October 6, 1983. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective October 7, 1983, and the amendment is effective for the period September 30–October 6, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

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

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

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on February 22, 1983. The committee met again publicly on October 4, 1983, at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is very slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

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

PART 908—[AMENDED]

1. Section 908.620 is added as follows:

§ 908.620 Valencia Orange Regulation 320.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period October 7, 1983, through October 13, 1983 are established as follows:

(a) District 1: 462,000 cartons;

(b) District 2: 588,000 cartons;

(c) District 3: Unlimited cartons.

(2) Section 908.619 Valencia Orange Regulation 319 (48 FR 44456), is hereby amended to read:

§ 908.619 Valencia Orange Regulation 319.

* * * * *

(a) District 1: 506,000 cartons;

(b) District 2: 644,000 cartons;

(c) District 3: Unlimited cartons.

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

Dated: October 5, 1983.

Charles R. Brader

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-27499 Filed 10-5-83; 11:41 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

7 CFR Part 752

Water Bank Program

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations which govern the Water Bank Program (WBP) which are found at 7 CFR Part 752. The purpose of these amendments to the regulations is to incorporate certain statutory changes and to update, simplify and clarify such regulations.

DATES: This interim rule shall become effective as of October 6, 1983. Comments must be received on or before December 5, 1983 in order to be assured of consideration.

ADDRESS: Interested persons are invited to submit written comments to: Gordell Brown, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013; telephone (202) 447-6221.

FOR FURTHER INFORMATION CONTACT: Gordell Brown, Director, Conservation and Environmental Protection Division, ASCS, United States Department of Agriculture, South Building, Washington, D.C. 20013, telephone (202) 447-6221. The Final Regulatory Impact Analysis describing the options considered in developing this interim rule and the impact of implementing the program is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with Executive Order 12291 and provisions of Secretary's Memorandum No. 1512-1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Water Bank Program; Number—10.062; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The WBP is authorized by sections 2 through 12 of the Water Bank Act, as amended (16 U.S.C. 1301-1311). The purpose of the WBP is to preserve, restore and improve wetlands in important migratory waterfowl, nesting, breeding or feeding areas and to provide other environmental and agricultural benefits.

Farmer-elected ASCS county committees are authorized to approve water bank agreements on behalf of the Secretary of Agriculture. ASCS county offices monitor program activities and disperse cost-share payments. Planning and technical assistance are provided by the Soil Conservation Service (SCS) and by State Forestry Commissions.

Eligible persons in selected areas having eligible wetlands may enter into 10-year agreements with provisions for renewal. During the period of the agreement, the landowner agrees not to drain, burn, fill or otherwise destroy the wetland character of such areas. Annual payments are made to the owner or operator at a rate determined at the time of agreement, and subject to review after 4 years and at the time of renewal.

Cost-share payments may be made to eligible producers, usually at the beginning of an agreement period, if such payments are needed to install conservation practices developed primarily to accomplish one of the following:

(1) Establish long-lasting protective cover to protect the wetlands by conserving soil and water and provide migratory waterfowl nesting cover.

(2) Provide shallow water areas and improved habitat.

(3) Conserve surface waters and contribute to flood control and improved subsurface moisture.

(4) Control erosion and contribute to improved water quality.

(5) Provide bottom land hardwood management to enhance the quality of migratory waterfowl habitat.

The following are amendments which have been made by this interim rule to the WBP regulations found at 7 CFR Part 752.

Section 752.2(a) of the current regulations contains a definition of "adjacent land". The interim rule expands the definition of "adjacent land" to make it clear that the adjacent land need not be contiguous to the land designated as wetland, but cannot be more than one quarter of a mile away. This latitude is provided because studies have shown that waterfowl successfully nest on lands adjacent to wetlands in distances ranging up to one-half mile. However, due to the variability of the mean distance from the nest to the nearest wetland among species of primary concern and the variation in wetland size during periods of severe drought, one quarter of a mile was judged to be the maximum acceptable distance. Some wetlands which need to be preserved do not have suitable adjoining land available for uses as adjacent land.

However, if suitable adjacent land is available within one quarter mile of the wetland, it may be included in the agreement if it provides satisfactory habitat for use by waterfowl. The definition of "wetlands" has also been revised to permit types 1 and 2 wetlands to be designated as wetlands or as adjacent land if such wetlands are within one quarter mile of eligible types 3 through 7 wetlands.

Paragraphs (d) through (h) of § 752.2 currently set forth the definitions of wetlands types 1 through 5. This interim rule deletes paragraphs (e) through (h) and revises paragraph (d) to reflect statutory changes which define wetlands as the inland fresh water areas described for types 1 through 7 in Circular 39, Wetlands of the United States, published by the United States Department of the Interior.

Paragraph (i) of § 752.2 of the current regulations is amended by redesignating this paragraph as § 752.2(e).

Section 752.4 of the current regulations provides that the program will be applicable to those States and counties in the United States which have been so designated by the Deputy Administrator, State and County Operations (DASCO). The interim rule has been amended to provide that the United States Fish and Wildlife Service, United States Department of the Interior, will be consulted before a final designation of States and counties is made.

Sections 752.5, 752.6(b) and 752.10 of the current regulations provide for eligible wetlands types 1 through 5. This interim rule revises these paragraphs to reflect the statutory changes of making eligible wetlands types 1 through 7.

Section 752.6(c)(1) (ii) and (iii) of the current regulations contains provisions relating to ownership of land prior to the implementation of the WBP in 1972. This interim rule deletes these subparagraphs since they are no longer applicable to the program.

Section 752.7 of the current regulations has been amended by adding new paragraphs (f) and (g). These additional provisions allow haying of designated WBP acreage during periods of severe drought. These new provisions also allow the harvesting of timber products from WBP

acreage if such harvesting is done in accordance with a Forest Management Plan which is included in the conservation plan and which is approved by the State Forester or equivalent State official.

Section 752.10(a) of the current regulations provides that a request by a landowner or operator for assistance under the WBP may be made and accepted only during a specified sign-up period. The interim rule deletes this requirement and provides that requests for assistance under the WBP may be accepted and processed throughout the year.

Section 752.14(b) of the present regulations provides for specific payments per acre on some types of lands. This interim rule provides that the amount of the payment shall be that recommended by DASCO.

Section 752.15 of the current regulations has been redesignated as § 752.16 and has been revised for clarity. A new § 752.15 has been added to reflect a statutory requirement that payment rates for each WBP agreement be reexamined at the beginning of the fifth year of the ten-year agreement period. Adjustments in rates should be made taking into consideration current land rental rates and crop value in the area.

Section 752.16 of the current regulations has been has been redesignated as § 752.17 and has been revised to require the State committee's concurrence when the county committee finds that any person has taken any action which tends to defeat the purpose of the program. This was not required under the provisions of the current regulations.

Sections 752.17–752.25 of the current regulations have been redesignated in the interim rule as §§ 752.18–752.26, respectively. These redesignated sections of this interim rule have been revised for clarity.

Section 752.26 of the current regulations has been redesignated as § 752.27 and has been revised to provide that the provisions of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701), and the regulations found at Chapter II of 4 CFR shall be applicable to the collection of debts under the WBP.

Sections 752.27–752.30 of the current regulations have been redesignated as §§ 752.28–752.31, respectively.

New agreements are currently being executed under the WBP. Thus, it is important that this interim rule be made effective upon date of publication in the **Federal Register**. However, comments with respect to this interim rule will be solicited for a period of 60 days after publication of this document and a final rule will be published in the **Federal Register** as soon as possible discussing any comments as well as setting forth any amendments to the regulations.

List of Subjects in 7 CFR Part 752

Grant programs—agriculture, Grant programs—natural resources, Water bank program.

Interim Rule

Accordingly, the regulations at 7 CFR Part 752, the table of contents, and all subject headings thereto are revised as follows:

PART 752—WATER BANK PROGRAM

Sec.

Authority: Sections 2–12, 84 Stat. 1468–1471, as amended (16 U.S.C. 1301–1311).

§ 752.1 Program objective.

(a) The regulations in this part set forth the terms and conditions for the Water Bank Program. The Secretary is authorized to enter into agreements and make payments to eligible persons in important migratory waterfowl nesting and breeding areas. Specified wetlands identified for the conservation of water or related uses on a conservation plan shall be developed in cooperation with the Soil and Water Conservation District in which the lands are located.

(b) The objective of the Water Bank Program (hereinafter referred to in this part as the "program") is to preserve, restore, and improve the wetlands of the Nation, and thereby: (1) Conserve surface waters, (2) preserve and improve habitat for migratory waterfowl and other wildlife resources, (3) reduce runoff, soil and wind erosion, (4) contribute to flood control, (5) contribute to improved water quality and reduce stream sedimentation, (6) contribute to improved subsurface moisture, (7) reduce acres of new land coming into production and to retire lands now in agricultural production, (8) enhance the natural beauty of the landscape, and (9) promote comprehensive and total water management planning.

§ 752.2 Definitions

(a) "Adjacent land" means land on a farm which adjoins designated types 1 through 7 wetlands and is considered essential for the protection of the wetland or for the nesting, breeding, or feeding of migratory waterfowl. Adjacent land need not be contiguous to the land designated as wetland, but cannot be located more than one quarter of a mile away. Types 1 and 2 wetlands may be designated as adjacent land rather than wetland if located not more than one quarter mile from types 3 through 7 wetlands.

(b) "Administrator" means the Administrator or Acting Administrator of the Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture.

(c) "Agreement" means a water bank agreement.

(d) "Wetlands" means the inland fresh areas described as types 1 through 7 in Circular 39, Wetlands of the United States, as published by the United States Department of the Interior.

(e) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases specifically relating to ASCS operation shall, unless the context of subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments and bases, Part 719 of this Chapter, as amended.

§ 752.3 Administration.

(a) The program will be administered under the general supervision of the Administrator and shall be carried out in the field by ASC State and county committees.

(b) Members of county committees are authorized to approve water bank

agreements on behalf of the Secretary of Agriculture.

(c) State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto. They do not have authority to modify or waive any of the provisions of any agreement entered into hereunder except to the extent specifically authorized in this part.

§ 752.4 Geographical applicability.

The program will be applicable in States and counties designated by the Deputy Administrator, State and County Operations, ASCS (hereinafter referred to as the "Deputy Administrator") after consultation with the United States Fish and Wildlife Service, United States Department of the Interior.

§ 752.5 Eligible farm.

A farm is eligible for participation in the program if: (a) At the time the request for an agreement is filed, land on the farm is not covered by a Water Bank Program agreement; (b) the farm contains at least one of the types 3 through 7 wetlands which are identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the farm is located; and (c) the farm meets the other requirements specified in this part.

§ 752.6 Land eligible for designation.

(a) Land placed under an agreement shall be specifically identified and designated for the period of the agreement.

(b) Land eligible for designation must be: (1) Privately owned inland fresh wetland areas of types 1 through 7 of which at least 2 acres must be types 3 through 7 wetlands with respect to which, in the absence of inclusion in the program, destruction of the wetland character could reasonably be expected; (2) privately owned inland fresh wetland areas of types 1 through 7, which are under a drainage easement with the U.S. Department of the Interior or with a State government which permits agricultural use; or (3) other privately owned land which is adjacent to or within one quarter mile of designated types 1 through 7 wetlands and which is determined by the county committee to be essential for the nesting, breeding or feeding of migratory waterfowl.

(c) The following land is not eligible for designation: (1) Land on which the ownership has changed during the 2-year period preceding the first year of the agreement period unless: (i) the new ownership was acquired by will or succession as a result of the death of the previous owner, or (ii) the land was acquired by the owner or operator to replace eligible land from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. However a new owner shall not be prohibited from entering into an agreement if the person has operated the land to be designated for as long as 2 years preceding the first year of the agreement and has control of such land for the agreement period. The provisions of this subparagraph shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this part.

(2) Land which is set aside or diverted under any other program administered by the Department of Agriculture.

(3) Land which is owned by the United States or a State or local government or political subdivision thereof.

(4) Land which is harvested in the first year of the agreement period prior to being designated.

(5) Types 1 through 7 wetlands which are common to more than one farm unless the portion of a wetland area located on the farm which controls the potential outlet for drainage is placed under agreement. After an agreement has been approved for the farm controlling the outlet for drainage, an agreement may be entered into with any or all other farms for other portions of the common wetland area if all agreements have the same beginning date as the farm controlling the outlet for drainage.

§ 752.7 Use of designated acreage.

(a) The acreage designated under an agreement shall be maintained for the agreement period in a manner which will preserve, restore or improve the wetland character of the land. Persons entering into an agreement shall devote the adjacent land to conservation uses as specified in the agreement.

(b) The designated acreage shall not be drained, burned, filled, or otherwise used in a manner which would destroy the wetland character of the acreage, except that the provisions of this paragraph shall not prohibit the carrying out of management practices which are specified in a conservation plan for the farm which is developed in cooperation with the Soil and Water Conservation District in which the farm is located.

(c) The designated acreage shall not be used as a dumping area for draining other wetlands. However, the county committee may authorize the use of the designated area to receive limited drainage waters upon a determination that such use is consistent with the sound management of wetlands and is specified in the conservation plan for the farm.

(d) The designated acreage shall not be used: (1) As a source of irrigation water or as acreage for a set-aside, land diversion, acreage reduction or other program, or (2) to meet the conserving base acreage requirement for any other program.

(e) No crop shall be harvested from the designated acreage and such acreage shall not be grazed, except as may be specified in the conservation plan for the farm except that the designated acreage may be grazed in the first year of the agreement period prior to the date the agreement is approved.

(f) During periods of severe drought, haying of the designated acreage may be approved under specified conditions which are prescribed by the Deputy Administrator.

(g) The harvesting of timber products may be permitted but only in accordance with a Forest Management Plan which is included in the conservation plan and which is approved by the State forester or equivalent State official.

§ 752.8 Water bank program agreement.

(a) An agreement shall be executed for each participating farm. The agreement shall be signed by the owner of the designated acreage and any other person who, as landlord, tenant, or share cropper, will share in the payment or has an interest in the designated acreage.

(b) There shall be only one agreement for a farm.

(c) Each agreement shall be signed by a member of the county committee on behalf of the Secretary.

§ 752.9 Agreement period.

(a) The agreement period shall be 10 years. The agreement shall become effective on January 1 of the year in which the agreement is approved except that the agreement shall become effective on January 1 of the next succeeding year in cases where, at the time the agreement is approved, the county committee determines that the agreement signers will be unable to comply with the provisions of § 752.7 relating to the use of designated acreage in the year in which such agreement is approved.

(b) Subject to a modification of payment rates and such other provisions which may be determined to be desirable, agreements may be renewed for additional periods of 10 years each.

§ 752.10 Awarding water bank agreements.

(a) Persons wishing to be considered for an agreement shall file a request with the county committee indicating the acreage which is to be designated under the agreement. In order to be eligible for participation in the program, such persons must agree to designate: (1) 2 or more acres of types 3 through 7 wetlands, and (2) a total of at least 10 acres consisting of types 1 through 7 wetlands or adjacent land, or any combination thereof, identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the farm is located. In addition, the Soil Conservation Service (SCS) must certify that the designated acreage constitutes a viable wetland unit, contains sufficient adjacent land to protect the wetland, and provides essential habitat for the nesting, breeding or feeding of migratory waterfowl. An acreage of less than 10 acres may be designated if the SCS representative recommends acceptance of the acreage and certifies that the area offered for agreement is a good, viable wetland unit and that the acceptance of the acreage would be in accord with the purposes of the program.

(b) Persons desiring to participate in the program may agree to designate any additional amount to types 1 through 7 wetlands and adjacent land. However, the maximum acreage of adjacent land which is designated under the agreement with respect to which payment shall be based cannot exceed four times the total acreage of types 3 through 7 wetlands which is designated under the agreement. This maximum acreage restriction may be waived by the State committee if such waiver would further the program objectives.

(c) Where funds allocated to the county do not permit accepting all requests which are filed, the county committee may limit the approval of requests for agreements in accordance with instructions issued by the Deputy Administrator.

§ 752.11 Responsibility of agreement signers.

(a) The owner of the designated acreage is responsible for compliance with the agreement and for any refunds or deductions for failure to comply fully with the terms of the agreement while a party to such agreement.

(b) Each other person signing the agreement is jointly and severally responsible with the owner for compliance with the agreement and for any refunds or payment reductions which may be required for failure to comply fully with the terms of the agreement while a party to such agreement.

§ 752.12 Provisions relating to tenants and sharecroppers.

(a) No agreement shall be approved if it appears that the owner, landlord, or operator has (1) not afforded the tenants and sharecroppers having an interest in the designated acreage an opportunity to participate in the program, or (2) adopted any device of scheme for the purpose of depriving any tenant or sharecropper of their payment or any other right under the program.

(b) The agreement shall be deemed to be in noncompliance if any of the conditions set forth in paragraph (a) of this section occur after the approval of the agreement.

§ 752.13 Determination of compliance.

(a) Determination of the acreage designated under the agreement shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county or State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm concerning which representations have been made on any forms filed under the program in order to measure the designated acreage, to examine any records pertaining thereto, and to otherwise determine the accuracy of any representations and the performance of any obligations by the signatories of a WBP agreement.

§ 752.14 Annual payments.

(a) Persons on the farm having an interest in the designated acreage shall be eligible for an annual payment.

(b) The annual per acre payment rates for wetlands and for adjacent land shall be those rates which are recommended by the county and State committee and approved for each county by the Deputy Administrator. If the wetlands are subject to a drainage easement with the United States Department of the Interior or a state governmental entity, the payment rates for such wetlands will be 80 percent of the approved county rates which are applicable to wetlands in the county. A listing of all approved rates shall be available for inspection at the county ASCS office.

(c) The payment shall be divided among the owner of the designated acreage and any other person having an interest in such acreage, including tenants and sharecroppers, in the manner agreed upon by them as representing their respective contributions to compliance with the agreement. The county committee shall refuse to approve an agreement if it determines that the proposed division of payment is not fair and equitable. The annual payment and the division of the payment shall be specified in the agreement.

§ 752.15 Adjustment of annual rates.

(a) The county committee shall reexamine the payment rates with respect to each agreement at the beginning of the fifth year of any ten-year initial or renewal period and before the renewal period expires.

(b) An adjustment in the payment rates shall be made for any initial or renewal period taking into consideration the current land rental rates and crop values in the area. No adjustment shall be made in a payment rate which will result in a reduction of an annual payment rate from the rate which is specified in the initial agreement.

§ 752.16 Refunds or forfeitures for noncompliance.

(a) Except as otherwise provided in paragraph (b) of this section, no payment shall be made to any person for any year with respect to any agreement for which it is determined that for such year:

(1) There has been a failure to maintain the wetland character of the designated acreage and devote the adjacent land to the use specified in the agreement as provided in § 752.7. (a);

(2) There has been a failure to comply with the prohibition against draining, burning, filling, or otherwise using the designated acreage in a manner which would destroy the wetland character of the acreage as provided in § 752.7 (b);

(3) There has been a failure to comply with the prohibition against using the designated acreage as a dumping area for draining other wetlands as provided in § 752.7 (c);

(4) There has been a failure to comply with the prohibition against using the designated acreage as a source of irrigation water or as acreage for a set-aside, land diversion, acreage reduction or other program, or to meet the conserving base acreage requirement for any other program as provided in § 752.7 (d);

(5) There has been a failure to comply with the prohibition against harvesting a crop from or grazing the designated acreage as provided in § 752.7(e);

(6) There has been a failure to comply with the provisions relating to haying the designated acreage during periods of severe drought as provided in § 752.7(f);

(7) There has been a failure to comply with the provisions relating to the harvesting of timber products as provided in § 752.7(g); or

(8) There has been a failure to comply with the provisions relating to tenants and sharecroppers as provided in § 752.12.

(b) The regulations governing the making of payments when there has been a failure to comply fully with the provisions of the program, Part 791 of this chapter, are applicable to the WBP.

(c) The agreement shall be terminated in any case in which the failure to comply with the provisions of this part requires a refund or forfeiture of the entire annual payment under the agreement for the year and it is determined that the failure to comply is of such a nature as to warrant termination of the agreement. If an agreement is terminated, the persons signing the agreement shall forfeit all rights to further payments under the agreement and shall refund all payments received under the agreement.

§ 752.17 Actions defeating purposes of program.

If the county committee with the concurrence of the State committee, or the State committee, finds that any person has taken any action which tends to defeat the purposes of the program, all or any part of the annual payment which otherwise would be due under the program may be withheld or be required to be refunded.

§ 752.18 Filing of false claims.

The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, in addition to any liability under applicable Federal criminal and civil fraud statutes, for a refund of any payments received by such person as the result of the fraudulent representation.

§ 752.19 Depriving others of payments.

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) which deprives any other person of a payment to which such person is otherwise entitled under the program, the State committee may withhold or require a refund of all or any part of the program payment which otherwise would be due to the person who employed such scheme or device.

§ 752.20 Modification of an agreement.

(a) Any reconstitution of farms shall be made in accordance with the regulations governing reconstitution of farms, Part 719 of this chapter, as amended.

(b) If the farm is reconstituted because of purchase, sale, change of operation, or otherwise, the agreement shall be modified in accordance with instructions issued by the Deputy Administrator with respect to any reconstituted farm which contains all or any part of the original designated acreage. The modified agreement or agreements shall reflect the changes in the number of acres in any reconstituted farm, the designated acreage, interested persons, and division of payments. If persons who were not signatories to the original agreement are required to execute such modified agreement or agreements in accordance with the provisions of § 752.8, but such persons are not willing to become parties to the modified agreement or for any other reason a modified agreement is not executed, the agreement shall be terminated with respect to the designated acreage which is not continued in the program, and all unearned payments shall be forfeited or refunded to ASCS. The annual payment for the year in which a reconstitution occurs shall not be considered earned unless the designated acreage is continued in the program and there is a compliance with the agreement for the full agreement year. The persons on the farm prior to the reconstitution who were signatories to the agreement shall be jointly and severally responsible for refunding the unearned payments previously made.

(c) Except with respect to a farm which is reconstituted, if the ownership or operation of the farm changes in such a manner that the agreement no longer contains the signatures of persons required to sign the agreement in accordance with § 752.8, the agreement shall be modified in accordance with instructions issued by the Deputy Administrator to reflect the new interested persons and new divisions of payments. If such persons are not willing to become parties to the modified agreement or for any other reason a modified agreement is not executed, the agreement shall be terminated and all unearned payments shall be forfeited or refunded. The annual payment for the year in which the change of ownership or operation occurs shall not be considered to have been earned unless the designated acreage is continued in the program and there is compliance with the agreement for the full agreement year. The persons on the farm prior to the change of ownership or operation who were signatories to the agreement shall be jointly and severally responsible for refunding the unearned payments previously made.

(d) The Deputy Administrator may authorize other agreement modifications which are determined to be desirable to carry out the purposes of the program or to facilitate its administration.

§ 752.21 Termination of agreements.

The Deputy Administrator may, by mutual agreement with the parties to the agreement, consent to the termination of an agreement where: (a) The operator of the farm is physically handicapped and could not reasonably be expected to comply with the terms and conditions of the agreement; (b) the operator is or was mentally unstable at the time of the signing of the agreement and could not reasonably be expected to comply with the terms and conditions of the agreement; (c) the parties to the agreement are unable to comply with the terms of the agreement as the result of conditions beyond their control; (d) compliance with the terms of the agreement would work a severe hardship on the parties to the agreement; or (e) termination of the agreement would be in the public interest. If an agreement is terminated in accordance with the provisions of this section, the annual payment for the year in which the agreement is terminated shall not be considered to have been earned unless there is compliance with the terms and conditions of the agreement for the entire calendar year.

§ 752.22 Transfer of interest in an agreement.

(a) If a person acquires an interest in the designated acreage during the period covered by an agreement, such person may, with the consent of the other parties to the agreement and with approval of the county committee, become a party to the agreement and share in payments thereunder. A person, by becoming a party to the agreement, shall be jointly and severally responsible with the other signatories to the agreement for compliance with the terms and conditions of the agreement. In addition, such person shall be liable for any payment reductions or refunds which may be required as the result of the failure to comply with the terms and conditions of such agreement after becoming a party to the agreement.

(b) If a signatory to an agreement ceases to have an interest in the designated acreage, such person thereby ceases to be a party to the agreement. However, such person will not be relieved of any liability for deductions and refunds for failure to comply with the terms and conditions of the agreement while a party to the agreement.

§ 752.23 Successors-in-interest.

In case of death, incompetency, or disappearance of any person, any payment due shall be paid to the successor as determined in accordance with provisions of the regulations in Part 707 of this chapter, as amended.

§ 752.24 Agreement not in comformity with regulations.

If, after an agreement is approved by the county committee, it is discovered that such agreement is not in conformity with the regulations as the result of a misunderstanding of the program procedures by a signatory to the agreement, a modification of the agreement may be made by mutual agreement. If persons who are currently eligible to execute the corrected agreement are unwilling to do so, the agreement shall be terminated and all payments paid or payable under the agreement shall be forfeited or refunded, except as may be allowed by the Deputy Administrator in accordance with the provisions of § 752.25.

§ 752.25 Performance based upon advice or action of a county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this program.

§ 752.26 Setoffs and withholdings.

The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

§ 752.27 Debt Collection.

Any debts arising under this program are governed with respect to their collection by the Federal Claims Collection Act of 1966 (31 U.S.C. 3701) and the regulations found at Chapter II of 4 CFR.

§ 752.28 Appeals.

Any person may obtain reconsideration and review of determinations affecting participation in this program in accordance with Part 780 of this chapter, as amended.

§ 752.29 Payments not subject to claims.

Any payments due any person shall be determined and allowed without regard to State law and without regard to any claim or lien against any crop, or proceeds thereof, which may be asserted by any creditor, except as provided in § 752.26.

§ 752.30 Prohibition against payments.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marijuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

§ 752.31 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 752.32 Paperwork Reduction Act Assigned Numbers.

The Office of Management and Budget has approved the information collection requirements contained in these Regulations (sections 752.8, 752.10 and 752.13) under the provisions of 44 U.S.C. Chapter 35 and OMB Number 0560–0062 has been assigned.

Signed at Washington, D.C., on September 30, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-27176 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

7 CFR Part 1901

Jointly Funded Grant Assistance to State and Local Governments and Nonprofit Organizations

Correction

In FR Doc. 83–26154 appearing on page 43669 in the issue of Monday, September 26, 1983, make the following correction in column three: Section designation "§§ 1901.701–1901.75 (Subpart O) [Removed and Reserved]" should read "§§1901.701–1901.750 (Subpart O) [Removed and Reserved]".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 29

[Docket No. 83–43]

Adjustable-Rate Mortgages

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This document extends the period of time for banks with nonconforming adjustable-rate mortgage ("ARM") programs to bring those programs into compliance with the regulation governing ARMs. This action is necessary to permit the continuation of certain programs with nonconforming disclosure provisions until the Office of the Comptroller of the Currency ("Office") can fully consider revisions of the regulatory requirements with which the programs conflict.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: David Nebhut, Financial Economist, Economic and Policy Analysis Division, (202) 447–1924, Francis S. Rath, Attorney, or Jerome Edelstein, Attorney, Legal Advisory Services Division, (202) 447–1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: On March 7, 1983, the Office published in the **Federal Register** (48 FR 9506) a revised ARM regulation. Under that regulation, national banks offering ARM loans that were permissible under the previous regulation, but impermissible under the new regulation, were given 120 days to bring those programs into compliance with the revised regulation. On June 14, 1983, this transition period was extended until October 6, 1983 (48 FR 28970).

The Office is currently considering changes in certain disclosure requirements of the ARM regulation. A final rule implementing those changes, however, will not be adopted by the end of the transition period. Consequently, to avoid the possibility that a nonconforming ARM program would have to be revised at the end of the transition period to conform to the present regulation, only to be changed if the Office amends the disclosure requirements of the regulation, the Office is extending the transition period until February 6, 1984.

Special Analyses

A regulatory flexibility analysis has not been prepared for this regulation because a notice of proposed rulemaking is not required by the Administrative Procedure Act ("APA").

A regulatory impact analysis will not be prepared because the Office has determined that the regulation does not constitute a "major rule" as defined by Executive Order 12291.

Notice and Comment

The rule has not been published for notice and comment and a thirty-day

delayed effective date has not been established because, under the APA, such actions are impracticable, unnecessary, and contrary to the public interest. 5 U.S.C. 553 (b)(B), (d)(3). Periods of notice and comment and delayed effectiveness would require that the transition period elapse before it could be extended. The result of this would be that previously authorized mortgage programs, would have to be terminated only to be resumed or revised a short time later. It is this result that enactment of the revision is attempting to prevent.

List of Subjects in 12 CFR Part 29

National banks, Adjustable-rate mortgages.

PART 29—[AMENDED]

Accordingly, for the reasons set forth above, Part 29 is amended as follows:

1. The authority citation for part 29 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 93a; and 12 U.S.C. 371.

2. By revising 12 CFR 29.8 as follows:

§ 29.8 Transition rule.

If on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under an adjustable-rate mortgage loan program which would violate any of the provisions of this part, the national bank may continue until February 6, 1984 to make loans or binding commitments to lend under the program before the program must be brought into conformity with all of the provisions of this part.

Dated: September 30, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-27202 Filed 10-5-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

Securities Credit Transactions; Regulations G, T, U, and X

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective June 20, 1983 and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: October 17, 1983.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of June 20, 1983. This Supplement of additions and deletions should be used in conjunction with the publication of that List (48 FR 26587, June 9, 1983). The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U and X (12 CFR Parts 207, 220, 221 and 224). Copies of the current List and the Supplement of changes thereto may be obtained from any Federal Reserve Bank. Such copies are also on file at the Office of the Federal Register.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, banking, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

12 CFR Part 220

Banks, banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, Reporting requirements, Securities.

12 CFR Part 221

Banks, banking, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

12 CFR Part 224

Banks, banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w) and in accordance with § 207.2(k) and 6(c) of Regulation G, § 220.2(s) and 17(c) of Regulation T, and § 221.2(j) and 7(c) of Regulation U, there is set forth below a listing of additions to and deletions from the Board's List:

Board of Governors of the Federal Reserve System, First Supplement to June 20, 1983 List of OTC Margin Stocks*, October 17, 1983

Additions to the List

Aaron Rents, Inc., $1.00 par common
Air Midwest, Inc., No par common
Alo-Scherer Healthcare, Inc., $.01 par common
American Magnetics Corporation, $.01 par common
American Software, Inc., Class A, $.10 par common
American Surgery Centers Corporation, $.001 par common
Andros Analyzers Inc., No par common
Argosystems, Inc., $.01 par common
Astrosystems, Inc., Warrants (expire 01-19-86)
Atlantic Southeast Airlines, Inc., $.10 par common
Austron, Inc., $.0125 par common
Automatix Incorporated, $.05 par common
Auxton Computer Enterprises, Inc., $.01 par common
Bacardi Corporation, Class A, $2.00 par common
Banker's Note Inc., The, $.01 par common
Bassett-Walker, Inc., $1.00 par common
Bayly Corporation, $1.00 par common
Big Bite, Inc., No par common
Bio-Response, Inc., Warrants (expire 10-16-84)
Biomet, Inc., No par common
Biostim, Inc., $.01 par common
Biotech Capital Corporation, $.01 par common
Brenton Banks, Inc., $5.00 par common
Burlington Coat Factory, $1.00 par common

*The complete List of OTC Margin Stocks is comprised of the June 20, 1983 List of OTC Margin Stocks, and this First Supplement.

Burnham Service Corporation, No par common
California Federal Savings & Loan Association, $1.00 par common
Centocor, Inc., $.01 par common
Cerberonics, Inc., Class A, $.10 par common
Chesapeake Utilities Corporation, $1.46 par common
City Federal Savings and Loan Association, $2.20 par cumulative convertible preferred
Codenoll Technology Corporation, $.01 par common, Warrants (expire 09-10-88)
Comair, Inc., No par common
Commonwealth Bancshares Corporation, $3.50 par common
Computer Transceiver Systems, Inc., $.01 par common
Computone Systems, Inc., $.10 par common
Conductron Corporation, $.01 par common
Consolidated Capital Special Trust, No par shares of beneficial interest
Cook Data Services, Inc., $.10 par common
Cutco Industries, Inc., $.10 par common
D.O.C. Optics Corporation, $.10 par common
Digital Communications Associates, Inc., $.10 par common
Dionex Corporation, Common stock
Dresher, Inc., $.01 par common
Eagle Computer, Inc., No par common
Electronics Corporation of Israel Ltd., Ordinary Shares, IS 3.60 par value
Ferrofluidics Corporation, $.001 par common
Fingermatrix, Inc., Warrants (expire 12-15-85)
First Bancshares of Texas, Inc., $1.00 par common
First Columbia Financial Corporation, No par common
First Federal Savings & Loan Association of Winter Haven, $.01 par common
First Mutual Savings Association of Florida, $1.00 par common
First Nationwide Financial Corporation, $.10 par common
Florida Federal Savings and Loan Association, $.01 par common
Fortune Federal Savings & Loan Association, $.01 par common
Forum Group, Inc., Warrants (expire 08-10-86)
Galileo Electro-Optics Corporation, $.01 par common
Genetic Systems Corporation, Class B Warrants (expire 06-03-84)
Genova, Inc., $.66⅔ par common
Gotaas-Larsen Shipping Corporation, $1.00 par common
Greater Washington Investors, Inc., $.10 par common
Guilford Industries, Inc., $.01 par common
Harvard Industries, Inc., $1.00 par common
Hawkins Chemical, Inc., $.05 par common
Helix Technology Corporation, $1.00 par common
Hogan Systems, Inc., No par common
Home Depot, The, $.05 par common
Home Federal Savings and Loan Association (San Diego), $.01 par common
Hyde Athletic Industries, Inc., $.33-⅓ par common
Inca Resources Inc., No par common
Inco Limited, Warrants (expire 08-20-85)
Industrial Acoustics Company, Inc., $.10 par common
Infodata Systems, Inc., $.01 par common
Initio, Inc., $.01 par common
Insituform East, Inc., $.04 par common
Interferon Sciences, Inc., $.01 par common
Intermagnetics General Corporation, Warrants (expire 11-02-88)
International Mobile Machine Corporation, $.01 par common
International Remote Imaging Systems Inc., No par common
Interpharm Laboratories Ltd., Ordinary Shares, IS 1 par value
Interstate Financial Corporation, No par common
Jackpot Enterprises, Inc., $.01 par common
Johnson Electronics, Inc., $.25 par common
Jones & Vining, Inc., $.10 par common
LSI Logic Corporation, No par common
La Petite Academy, Inc., $.10 par common
Lin Broadcasting Corporation, No par convertible subordinated debentures
Lodgistix, Inc., No par common
MPSI Group Inc., The, $.05 par common
Major Realty Corporation, $.01 par common
Mark IV Industries, Inc., $.01 par common
Masstor Systems Corporation, No par common
Microsemi Corporation, $.20 par common
Mid Pacific Airlines, Inc., $.01 par common
Mid-State Federal Savings and Loan Association, $1.00 par common
Minstar, Inc., Class A, $.10 par common
Mueller, Paul & Company, $1.00 par common
Muse Air Corporation, Warrants (expire 04-30-86)
NBSC Corporation, $5.00 par common
NCA Corporation, No par common
Network Security Corporation, No par common
New Hampshire Saving Bank Corporation, $1.00 par common
New York Airlines, Inc., $.01 par common
Norris Oil Co., $1.00 par common
North Hills Electronics, Inc., $.01 par common
Nu-Med, Inc., No par common
Packaging Systems Corporation, $.10 par common
Pan-Western Corporation, $1.00 par common
Pasquale Food Company, Inc., Class B, $1.00 par common
Patient Technology, Inc., $.025 par common
Patrick Industries, Inc., No par common
Payco American Corporation, $.10 par common
Perceptronics, Inc., $.01 par common
Pharmacontrol Corporation, $.01 par common
Phoenix American Inc., No par common
Photo Control Corporation, $.08 par common
Plasma-Therm, Inc., $.01 par common
Porex Technologies Corp., $.01 par common
Priam Corporation, No par common
Quality Micro Systems, Inc., $.01 par common
Quality Systems, Inc., No par common
Rand Information Systems, Inc., $.30 par common
Raymond Engineering Inc., $1.00 par common
Rehab Hospital Services Corporation, $.01 par common
Ritzy's G. D., Inc., No par common
Rodime PLC, American Depositary Shares for Ordinary Shares (par value 5 pence)
Santa Monica Bank, $3.00 par common
Scan-Optics, Inc., Warrants (expire 02-12-86)
Silicon General, Inc., No par common
Silicon Valley Groups, Inc., No par common
Snelling and Snelling, Inc., $.05 par common
Stan West Mining Corporation, $.01 par common
Standard Logic, Inc., $.025 par common
Stuart Hall Company, Inc., $.33-⅓ par common
Sunstar Foods, Inc., $.50 par common
Superior Manufacturing & Instrument Corporation, $.50 par common
Swedlow, Inc., $1.00 par common
Taco Viva, Inc., $.01 par common
Time Energy Systems, Inc., $.01 par common
Tokio Marine and Fire Insurance Company, LTD., The American Depositary Receipts for common stock (par value Y 50)
Toledo Trustcorp, Inc., Series A, no par cumulative convertible preferred
Triangle Microwave, Inc., No par common
Trimedyne, Inc., $.01 par common
Triton Group Ltd., Series A, $1.00 par convertible preferred
Unifi, Inc., Warrants (expire 07-01-88)
United Education & Software, No par common
United Financial Group, Inc., No par common
U.S. Design Corporation, $.03 par common
United States Health Care Systems, Inc., $.005 par common
U.S. Telephone, Inc., No par common
Universal Holding Corp., $.01 par common
University Federal Savings Bank, $.01 par common
Valley Federal Savings & Loan Association, No par common
Victor Technologies, Inc., $.10 par common
Victoria Bankshares, Inc., $10.00 par common
Vista Resources, Inc., $2.50 par common
Walker Telecommunications Corporation, $.01 par common
Washington Federal Savings & Loan Association of Seattle, $1.00 par common
Washington Mutual Savings Bank, $1.00 par common
Williams, A.L., Corporation, The, $.10 par common
Writer Corporation, The, $.10 par common
Xebec, No par common
Xonics, Inc., Class A, $.10 par common
Zenith National Insurance Company, Warrants (expire 10-15-88)

Deletions From the List

*American City Bank, $2.50 par capital
*Bancorp Hawaii, Inc., $1.00 par cumulative convertible preferred
Bancorp of Pennsylvania, $5.00 par common
*Bayswater Realty & Capital Corp., $1.00 par common
Bekins Company, The, No par common
Blue Chip Stamps, $1.00 par common
Brennand-Paige Industries, Inc., $.10 par common
Calprop Corporation, $1.00 par common
Canandaigua Wine Company, $.01 par common
Cedar Point, Inc., $1.00 par common
Central Penn National Corporation, $1.00 par common
Children's World, Inc., $.10 par common
Coca-Cola Botting Company of Miami, Inc., The, $.10 par common
Cognitronics Corporation, $.20 par common
*Computer Input Services, Inc., $.10 par common
Conair Corporation, $.10 par common

*Removed for failing continued listing requirement.

*Concept, Inc., Warrants (expire 07-29-83)
*Consolidated Petroleum Industries, Inc., $.10 par common
*Cyclotron Corporation, The, No par common
*Cymaticolor Corporation, $.01 par common
*Delta Petroleum & Energy Corporation, $.01 par common
Designatronics Inc., $.04 par common
Diagnostic Retrieval Systems, Inc., $.01 par common
*Drew National Corporation, Class A, 14% cumulative convertible preferred
*Elron Electronics Industries Ltd., Prefered Shares, IS 3 par value
*Empire Oil & Gas Company, No par common
*Energy Sources, Inc., $.05 par common
*Excelsior Insurance Company, $3.00 par common
First Arkansas Bankstock Corporation, $6.25 par common
First Capital Financial Corporation, $.01 par common
First National Bank of New Jersey, $5.00 par capital
First United Bancorporation, Inc., $10.00 par common
*Flagship Banks, Inc., No par cumulative convertible preferred
General Energy Corporation, $1.00 par common
*Genetic Systems Corporation, Class A Warrants (expire 06-03-83)
*Gibraltar Exploration, Ltd., $.01 par common
Government Employees Financial Corporation, $2.00 par common
Greater Jersey Bancorp., $5.50 par common
Gulf Energy & Development Corporation, $.10 par common
Haemonetics Corporation, $1.00 par common
Harper & Row Publishers, Inc., $.10 par common
Heilig-Meyers Company, $2.00 par common
Intermedics, Inc., $.10 par common
Key Banks, Inc., $5.00 par common
Knudsen Corporation, $1.00 par common
M & T Mortgage Investors, $1.00 par shares of beneficial interest
Mathematica, Inc., $.10 par common
*Micro-Z Corp., $.001 par common
*Mutual Real Estate Investment Trust, $1.00 par shares of beneficial interest
Myers Industries, Inc., No par common
*Nitron, Inc., No par common
*Northeastern States Portland Cement Company, $10.00 par common
Nova Real Estate Investment Trust, The, No par shares of beneficial interest
Oregon Portland Cement Company, No par common
Pacific Standard Life Company, $1.00 par common
Palmetto Federal Savings & Loan Association, $.01 par common
Pizza Ventures, Inc., No par common
*Pubco Corporation $.40 par common
*Roberts & Porter, Inc., $1.00 par common
Safety-Kleen Corporation, $.10 par common
*Sensormatic Electronics Corporation, 10% convertible subordinated debentures
Sierra Research Corporation, $.06⅔ par common
Solon Automated Services Inc., $.10 par common

*Removed for failing continued listing requirement.

Southeast National Bancshares of Pennsylvania, $1.00 par common
Standard Havens, Inc., $.05 par common
*Stecher-Traung-Schmidt Corporation, $5.00 par common
Taylor Rental Corporation, $1.00 par common
*Threshold Technology Inc., $.01 par common
*Tomlinson Oil Company, Inc., 12.25% convertible subordinated debentures
Virginia International Company, $.01 par special stock
*Visual Sciences, Inc., $.01 par common
Westbridge Capital Corp., $.10 par common
*XRG International, Inc., $.001 par common
*XCOR International, Inc., Class A, $.50 par common

Name Changes

From	To
AB Fortia, American Depository Receipts for non-restricted B shares (par value Skr 10).	Pharmacia AB, American Depository Receipts for non-restricted B shares (par value Skr 10).
Air Wisconsin, Inc., $.25 par common.	Air Wis Services, Inc., $.25 par common.
American Bancorp Inc. (Pennsylvania), $5.00 par common.	Meridian Bancorp, Inc., $5.00 par common.
Associated Communications Corporation, $2.50 par common.	Associated Communications Corporation, Class A, $.10 par common, Class B, $.10 par common.
Bio-Medical Sciences, Inc., $.01 par common.	Oak Hill Sportswear Corp. $.01 par common.
Bird & Son, Inc., $4.00 par common.	Bird Inc., $4.00 par common.
Bunnington Corporation, $.10 par common.	Magnetic Technologies Corporation, $.10 par common.
Central Carolina Bank & Trust Company, $5.00 par common.	CCB Financial Corporation, $5.00 par common.
Discount Corporation of New York, $2.00 par common.	DCNY Corporation, $2.00 par common.
Dranetz Engineering Laboratories, Inc., $.10 par common.	Dranetz Technologies, Inc., $.10 par common.
First Continental Real Estate Investment Trust, $1.00 par shares of beneficial interest.	Commonwealth Financial Group Real Estate Investment Trust, $1.00 par shares of beneficial interest.
First National Corporation (Wisconsin), $5.00 par common.	Firstar Corporations, $5.00 par common.
First New Mexico Bankshare Corporation, $5.00 par common.	Sunwest Financial Services, Inc., $5.00 par common.
Golden Cycle Corporation, The, No par common.	ATE Enterprises, Inc., No par common.
Independent Bankshares, Inc., $1.25 par common.	WestAmerica Bancorporation, $1.25 par common.
McQuay-Perfex Inc., $1.00 par common.	McQuay, Inc., $1.00 par common.
Midwestern Fuel Systems, Inc., $.08 par common.	Midwestern Companies, $.08 par common.
Nuclear Medical Systems, Inc., $.04 par common.	NMS Pharmaceuticals, Inc., $.04 par common.
Oxoco, $.10 par common	Oxoco, Inc., $.10 par common.
Save-Way Industries, Inc., $.10 par common.	Windmere Corp., $.10 par common.
Texas Federal Savings and Loan Association, $.01 par common.	Texas Federal Financial Corporation, $.01 par common.
Tomlinson Oil Company, Inc., Warrants (expire 09-06-83).	Tomlinson Oil Company, Inc., Warrants (expire 11-30-85).
United States Mutual Real Estate Investment Trust, No par shares of beneficial interest.	United States Mutual Financial Corporation, No par shares of beneficial interest.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), September 28, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-27203 Filed 10-3-83; 10:02 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-23-AD; Amendment 39-4739]

Airworthiness Directives; Piper Models PA-36-285, PA-36-300, and PA-36-375 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piper Models PA-36-285, PA-36-300, and PA-36-375 airplanes which supersedes AD 76-25-02, and establishes service lives for additional wing components. The manufacturer has established by laboratory fatigue tests on the wing structure that failure of the affected components may occur when they are operated beyond the safe lives established by these tests. The replacements required by this AD will assure removal of the parts from service before such failures occur.

DATES: Effective November 11, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Bulletin No. 744 applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. 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: J. Maher, Airframe Section, ANE-172, 181 South Franklin Avenue, Valley Stream, New York 11581; Telephone (516) 791-6220.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD superseding AD 76-25-02, and establishing service lives for additional wing components on Piper Models PA-36-285, PA-36-300, and PA-36-375 airplanes was published in the **Federal Register** on April 4, 1983 (48 FR 14384, 14385). The proposal was based on the

results of continued laboratory fatigue tests of the wing structure of the Model PA-36 airplanes which were initiated by the manufacturer subsequent to the original type certification of this model. On the basis of earlier results of this test program, AD 76-25-02 (41 FR 53778) was issued and established service lives on certain wing structure components. Additional information which has now been obtained from the continued tests indicates that service lives should be established on other wing components. Piper Aircraft Corporation has published service lives and replacement requirements for these additional components in their Service Bulletin No. 744. There is a risk of failure of any component which is operated beyond its established service life.

The FAA found that the condition described was likely to exist or develop in other Piper Models PA-36-285, PA-36-300, and PA-36-375 airplanes of the same type design, and initiated the aforementioned proposed AD which would supersede and incorporate the requirements of AD 76-25-02 and require retirement of the additional components on which the manufacturer has established life limits at those times published in Piper Service Bulletin No. 744.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related costs to the public. Accordingly, the proposal is adopted without change.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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.

Piper: Applies to Models PA-36-285, PA-36-300 and PA-36-375 (all serial numbers airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent failure of wing structural components because of fatigue damage, accomplish the following:

(a) Replace the structural components specified below at the time-in-service set forth in Table 1. If, on the effective date of this AD, the component has accumulated or will accumulate within an additional 100 hours time-in-service, the number of hours time-in-service at which replacement is required, accomplish the replacement within the next 100 hours time-in-service after the effective date of this AD.

TABLE 1.—COMPLIANCE TIMES—(COMPONENT TIME-IN-SERVICE, HOURS)

Airplanes	Type of replacement	Paragraph of AD					
		a.1[1] a.2) a.3)	a.4)	a.5)	a.6)	a.7)	a.8)[1]
Models PA-36-285 and 300							
S/Ns 36-7360001 thru 36-7560003	Initial	4100	4100	N/A	N/A	3100	2000
	Repetitive	4100	4100	N/A	N/A	4100	2000
S/Ns 36-7560004 thru 36-7560055	Initial	4100	N/A	N/A	4000	3100	2000
	Repetitive	4100	N/A	N/A	4100	4100	2000
S/Ns 36-7560056 thru 36-7660122	Initial	4100	N/A	4100	4000	N/A	2000
	Repetitive	4100	N/A	4100	4100	N/A	2000
S/Ns 36-7660123 and up	Initial	4100	N/A	4100	N/A	N/A	2000
	Repetitive	4100	N/A	4100	N/A	N/A	2000
Model PA-36-375							
S/Ns 36-7802001 and up	Initial	4100	N/A	4100	N/A	N/A	2000
	Repetitive	4100	N/A	4100	N/A	N/A	2000

[1] Compliance with paragraphs a.1) and a.8) is also required whenever applicable bolt is removed.

(1) Replace the Wing Attachment Upper Bolts P/N 77245-00 with unused bolts. Replacement is also required whenever bolt is removed.

(2) Replace Wing Carry-Through Spar Fittings, P/N 97713-00, -02, or -03, with an unused P/N 97713-03 fitting.

(3) Replace Wing Spar Fitting, P/N 97712-00 with an unused P/N 97712-00 fitting.

(4) Replace Spar Carry-Through Assembly, P/N 76824-02, if installed with an unused Assembly P/N 76824-02.

(5) Replace Spar Assembly P/N 97701-00 and -01, Revision P, or later revision with Piper Spar Cap Replacement Kits Numbers 764393, Left Spar Assembly, and 764394, Right Spar Assembly.

(6) Replace Spar Carry-Through Assembly, P/N 76767-00 or P/N 76824-02 with an unused P/N 76824-02 assembly. (The repetitive replacement time-in-service is applicable to P/N 76824-02 assemblies now installed.)

(7) Replace Spar Assemblies P/N 97701-00 and P/N 97701-01, Revision N or earlier, and P/N 764393 and P/N 764394 Right Spar Cap Replacement Kits with an unused Spar Cap Replacement Kit P/N 764393, Left Spar Assembly, and P/N 764394 Right Spar Assembly. (The repetitive replacements time-in-service is applicable to P/N 764393 or P/N 764394, Spar Cap Replacement now installed.)

(8) Replace Wing Attachment Lower Bolts P/N 77245-00 with unused P/N 77245-00 bolts. Replacement is also required whenever bolt is removed.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An equivalent method of compliance with this AD may be used if it is approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581: Telephone (516) 791-6680.

This AD supersedes AD 76-25-02, Amendment 39-2786.

This amendment becomes effective on November 11, 1983.

(Secs. 313(a), 601 and 603, 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 Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that there are approximately 882 airplanes affected by the AD. Compliance with this AD will add approximately $1.66 per hour to the cost of operation, or an annualized estimated cost of $500 per airplane. Therefore, I certify that this action (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) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket.

Issued in Kansas City, Missouri, on September 27, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-27270 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-29]

Alteration of Transition Area; El Campo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at El Campo, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a standard instrument approach procedure (SIAP) to the El Campo Metro Airport. This amendment is necessary since a review of the designated airspace revealed the 700-foot transition area is inadequate for the protection of aircraft executing SIAPs to the Metro Airport and the SIAP to El Campo (Pvt.) Airport has been cancelled; thereby, deleting the

requirement for airspace designated for this airport.

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 August 4, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 35457) stating that the Federal Aviation Administration proposed to alter the El Campo, TX, transition area. 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 objection. Except for editiorial 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, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 G.M.T., November 24, 1983, as follows:

El Campo, TX [Revised]

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the El Campo Metro Airport (latitude 29°10'15" N., longitude 96°19'17" W.), and 2.5 miles each side of 180° and 358° bearing of the airport extending from the 5-mile radius to 9.5 miles south and 16 miles north; and within 3 miles each side of the 184° bearing from the El Campo NDB (latitude 29°10'35" N., longitude 96°19'11" W.), extending from the 5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(A)); Sec. 6(c), 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 September 27, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-27271 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-19]

Alteration of VOR Federal Airway V-412, Redwood Falls, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns VOR Federal Airway V-412 located in the vicinity of Redwood Falls, MN. The realignment reduces route mileage to users; reduces procedural coordination associated with holding at the BUNKR intersection; and improves traffic flow by eliminating a crossover of VOR Federal Airway V-148.

EFFECTIVE DATE: November 24, 1983.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, 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

On August 4, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V-412 from Redwood Falls, MN, VORTAC to Flying Cloud, MN, VOR/DME (48 FR 35458). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns VOR Federal Airway V-412 from Redwood Falls, MN, VORTAC to Flying Cloud, MN, VOR/DME.

List of Subjects in 14 CFR Part 71

VOR Federal Airways, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.M.T., November 24, 1983, as follows:

V-412 [Revised]

From Redwood Falls, MN, via INT Redwood Falls 067° and Flying Cloud, MN, 270° radials; Flying Cloud.

(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 September 30, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-27276 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 453

Trade Regulation Rule; Funeral Industry Practices

AGENCY: Federal Trade Commission.

ACTION: Change in effective date of portions of final trade regulation rule.

SUMMARY: The effective date of certain sections of the Federal Trade Commission's Trade Regulation Rule for Funeral Industry Practices (47 FR 42260 (1982)) is being changed to April 30, 1984, in response to petitions from interested parties.

ADDRESS: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Requests for

copies of the Funeral Rule should be sent to the Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Lewis Rose, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 376-3478.

SUPPLEMENTARY INFORMATION: On September 24, 1982, the Commission published in the **Federal Register** a final Trade Regulation Rule for Funeral Industry Practices, 16 CFR Part 453 [1] Thereafter the Rule was subject to Congressional review, which terminated on May 15, 1983, with neither House of Congress having passed a resolution of disapproval. On June 6, 1983, the Commission established an effective date for the Rule of January 1, 1984.[2]

On August 31, 1983, counsel for the Greater Cincinnati Funeral Service Association, Inc. filed a petition with the Federal Trade Commission requesting that the effective date of portions of the Funeral Industry Trade Regulation Rule be further postponed, to a date following the decision by the United States Circuit Court of Appeals for the Fourth Circuit in *Harry & Bryant Co. et al.* v. *FTC*, Nos. 82-1850(L) etc., a proceeding to review the Funeral Rule.[3] On September 9, counsel for National Selected Morticians and other parties in the Fourth Circuit filed a similar petition.[4]

Having considered the petitions, the Commission has determined, pursuant to Section 705 of the Administrative Procedure Act,[5] to extend the effective date of portions of the Rule until April 30, 1984. Those parts subject to the extension of the effective date relate generally to the itemized price list and required disclosures thereon.[6] Those parts of the rule that prohibit misrepresentations will go into effect on January 1, 1984 as previously determined.[7]

In granting this extension, the Commisssion is not required to apply the legal standards that govern requests for judicial stays pending appeal, including the requirement that a substantial likelihood of success on the merits be shown. The Commission does not believe such a showing has been made here. However, the Commission after applying the standards of equity has concluded that a limited further extension of the effective date of portions of the Rule is appropriate in light of the good faith efforts of requestor trade associations to make plans for compliance with the rule by their membership in the event the rule is sustained, while at the same time exercising their right to challenge the rule in court. A limited extension of time until April 30, 1984 will enable petitioners to begin printing the forms necessary for compliance after the Fourth Circuit has had substantial time to consider their petition for review, thus minimizing the necessity to print forms twice should any alteration at all be ordered to the Rule by the Court.

These equitable considerations, however, do not apply to those portions of the Rule requiring only that funeral industry members refrain from specified misrepresentations. There is no equitable reason why the effective date of these provisions be extended, nor have petitioners asked that it be. Accordingly, these provisions of the Rule will take effect on January 1, 1984, as previously scheduled.

List of Subjects in 16 CFR Part 453

Funerals, Trade practices.

PART 453—[AMENDED]

Therefore, the Commission is extending until April 30, 1984, the effective date for these parts of the Rule: Sections 453.2, 453.3(a)(1)(ii), 453.3(a)(2)(ii), 453.3(b)(2), 453.3(c)(1)(ii), 453.3(c)(2), 453.3(d)(2), 453.3(f)(1)(ii), 453.3(f)(2), 453.4, 453.5, 453.6, 453.7, and 453.10.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-27276 Filed 10-5-83; 8:45 am]

BILLING CODE 6750-01-M

[1] 47 FR 42260 (September 24, 1983).

[2] 48 FR 25174 (June 6, 1983).

[3] The petition has been placed on the public record and is identified as Document XXI-1 in FTC File No. 215-43.

[4] Document No. XXI-2 in FTC File No. 215-43.

[5] 5 U.S.C. Section 705.

[6] Sections subject to the extension of effective date are §§ 453.2, 453.3(a)(1)(ii), 453.3(a)(2)(ii), 453.3(b)(2), 453.3(c)(1)(ii), 453.3(c)(2), 453.3(d)(2), 453.3(f)(1)(ii), 453.3(f)(2), 453.4, 453.5, 453.6, 453.7, and 453.10.

[7] Sections not subject to the extension of effective date are §§ 453.1 (definitions), 453.3(a)(1)(i), 453.3(a)(2)(i), 453.3(b)(1), 453.3(c)(1)(i), 453.3(d)(1), 453.3(e), 453.3(f)(1)(i), 453.8, and 453.9.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 101 and 103

[T.D. 83-209]

Customs Service Field Organization; Regional Structure

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the current Customs Service field organization. A complete and up-to-date listing of the regional structure with the districts and posts of entry within each district is being provided for the information of all interested persons. The document will have no effect on service provided by Customs. It reflects changes that were made by previous documents, and also reflects the transfer of five northwestern Florida ports from the Mobile District in the South Central Region to the Tampa District in the Southeast Region.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Jean Sammon, Management Analysis and Systems Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8384).

SUPPLEMENTARY INFORMATION:

Background

The Customs Service, an agency under the Department of the Treasury, has its headquarters in Washington, D.C., and is headed by a Commissioner of Customs. The field organization presently consists of seven geographical regions further divided into districts, with ports of entry within each district. These organizational elements are headed by regional commissioners, district directors (or area directors in the case of the New York Region), and port directors. The seven regions and the headquarters city and state of each are as follows:

Northeast Region—Boston, Massachusetts
New York Region—New York, New York
Southeast Region—Miami, Florida
South Central Region—New Orleans, Louisiana
Southwest Region—Houston, Texas
Pacific Region—Los Angeles, California
North Central Region—Chicago, Illinois

Since the establishment of the existing regional structure in 1965, several Customs studies and a General Accounting Office audit have indicated that the number of regions should be reduced. In concert with these studies, Customs and the Treasury Department determined that reducing the field structure from the nine regions which existed since 1965 to seven regions would achieve an effective balance between the need to economize through reduced staffing and the implementation of a regional structure that will ensure effective operations, administrative support, and manageable spans of control.

Accordingly, by Department of the Treasury Order number 165-24, dated

June 18, 1982, which was published in the **Federal Register** on June 25, 1982, as T.D. 82-118 (47 FR 27655), effective September 30, 1982, the Customs regional management structure was reorganized from nine to seven regions. The Boston and Baltimore Regions were combined into a consolidated Northeast Region to handle all northeast seaport activities excluding New York. New York remained as a separate region to permit management to devote exclusive attention to an area of the United States that leads Customs in nearly all workload categories. Further, this has ensured nationwide uniformity in the processing of merchandise through the Customs National Import Specialists and the Customs Information Exchange, both located in New York.

The Los Angeles and San Francisco Regions were combined into a consolidated Pacific Region that handles all significant west coast commercial and enforcement activity.

In addition to the changes made by reducing the regional field structure, by T.D. 83-125, published in the **Federal Register** on June 6, 1983 (48 FR 25180), the Norfolk, Virginia, and Washington, D.C., Districts became part of the Southeast Region; the Nogales, Arizona, District became part of the Southwest Region; and the Great Falls, Montana, District became part of the North Central Region. Also, the boundaries of the Great Falls, Montana, District were redefined to include the States of Utah, formerly part of the San Francisco, California, District, and Colorado, formerly part of the El Paso, Texas, District.

This document also reflects the transfer of five northwestern Florida ports (Apalachicola, Carrabelle, Panama City, Pensacola, and Port St. Joe) from the Mobile District in the South Central Region to the Tampa District in the Southeast Region. This change is consistent with Customs policy of aligning Customs districts with state lines as much as possible.

Accordingly, to reflect these changes it is necessary to amend the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), Customs Regulations (19 CFR 101.3(b)).

Changes to the Customs field organization are made under the authority vested in the President by section 1 of the Act of August 1, 1914, 39 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II). The Secretary of the Treasury, by Treasury Department Order No. 101-5 (47 FR 2449), has delegated certain authority over the Customs Service to the Assistant Secretary (Enforcement and Operations). Because this authority includes making changes to the Customs field organization, section 101.3(a), Customs Regulations (19 CFR 101.3(a)), must be amended by substituting "Assistant Secretary (Enforcement and Operations)" for "Under Secretary of the Treasury".

The list in § 103.1, Customs Regulations (19 CFR 103.1), of public reading rooms or areas at Customs Headquarters and in each region where material is required to be made available under 5 U.S.C. 552(a)(2) and Part 103, Customs Regulations (19 CFR Part 103), also is being amended by this document to reflect the current field structure.

Notice, Public Procedure, and Delayed Effective Date Unnecessary

Because these amendments are rules of agency organization, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary. Because the amendments update the Customs Regulations to reflect Customs current field organization, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this rule relates to the organization of the Customs Service it is not a regulation or rule subject to Executive Order 12291, pursuant to section 1(a)(3) of that Executive Order.

Regulatory Flexibility Act

The amendments are not subject to the provisions of Pub. L. 96-354, the Regulatory Flexibility Act (5 U.S.C. 601-612), because publication of a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 101

Customs duties and inspection, Imports, Organization and functions (Government agencies).

19 CFR Part 103

Customs duties and inspection, Imports, Information.

Amendments to the Regulation

To reflect the change, Parts 101 and 103, Customs Regulations (19 CFR Parts 101, 103), are amended as set forth below.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: September 21, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

PART 101—GENERAL PROVISIONS

1. Section 101.3(a) is amended by removing the words "Under Secretary of the Treasury" and inserting, in their place, the words "Assistant Secretary (Enforcement & Operations)."

2. The list of Customs regions, districts, and ports of entry, set forth in § 101.3(b) is revised to read as follows:

§ 101.3 Customs regions, districts, and ports.

* * * * *

(b) Customs regions, districts, and ports of entry listed.

* * * * *

Regions			Districts
Headquarters	Name and headquarters	Area	Ports of entry
Northeast Region—Boston, Mass.	Portland, Maine	The States of Maine and New Hampshire except the county of Coos.	PORTLAND, MAINE, including territory described in E.O. 9297, Feb. 1, 1943; 8 FR 1479. Bangor, Maine, including Brewer, Maine (E.O. 9297, Feb. 1, 1943; 8 FR 1479). Bar Harbor, Maine, including Mount Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor and Trenton (E.O. 4572, Jan. 27, 1927; T.D. 78-130). Bath, Maine, including Booth Bay and Wiscasset (E.O. 4356, Dec. 15, 1925). Belfast, Maine, including Searsport (E.O. 6754, June 28, 1934). Bridgewater, Maine (E.O. 8079, Apr. 4, 1939; 4 FR 1475). Calais, Maine, including townships of Calais, Robbinston, and Baring (E.O. 6284, Sept. 13, 1933). Eastport, Maine, including Lubec and Cutler (E.O. 4296, Aug. 26, 1925). Fort Fairfield, Maine.

Regions			Districts
Headquarters	Name and headquarters	Area	Ports of entry
			Fort Kent, Maine.
			Houlton, Maine (E.O. 4156, Feb. 14, 1925).
			Jackman, Maine, including the townships Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River (T.D. 54683).
			Jonesport, Maine, including the towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport (E.O. 4296, Aug. 26, 1925; E.O. 8695, Feb. 25, 1941).
			Limestone, Maine.
			Madawaska, Maine.
			Portsmouth, N.H., including Kittery, Maine.
			Rockland, Maine.
			Van Buren, Maine.
			Vanceboro, Maine.
	St. Albans, Vt.	The State of Vermont and the county of Coos, N.H.	ST. ALBANS, VT., including township of St. Albans (E.O. 3925, Nov. 13, 1923; E.O. 7832, June 15, 1937; 2 FR 1042 T.D. 77-165).
			Beecher Falls, Vt.
			Burlington, Vt., including the town of South Burlington (T.D. 54677).
			Derby Line, Vt.
			Highgate Springs/Alburg, Vt., including the territory described in T.D. 77-165.
			Norton, Vt., including the territory described in T.D. 73-249.
			Richford, Vt.
	Boston, Mass.	The State of Massachusetts	BOSTON, including territory and waters adjacent thereto described in T.D. 56483.
			Fall River, including territory described in T.D. 54476.
			Gloucester.
			Lawrence, including the territory described in T.D. 71-12 (E.O. 5444, Sept. 16, 1930); (E.O. 10088, Dec. 3, 1949; 14 FR 7287).
			New Bedford.
			Plymouth.
			Salem, including Beverly, Marblehead, Lynn, and Peabody (E.O. 9207, July 29, 1942).
			Springfield (T.D. 69-169).
			Worcester.
	Providence, R.I.	The State of Rhode Island	PROVIDENCE, including the territory described in T.D. 67-3.
			Newport.
	Bridgeport, Conn.	The State of Connecticut	BRIDGEPORT, including territory described in T.D. 68-224.
			Hartford, including territory described in T.D. 68-224.
			New Haven, including territory described in T.D. 68-224.
			New London, including territory described in T.D. 68-224.
	Ogdensburg, N.Y.	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York.	OGDENSBURG.
			Alexandria Bay, including territory described in E.O. 10042, Mar. 10, 1949; 14 FR 1155.
			Cape Vincent.
			Champlain-Rouses Point, including territory described in T.D. 67-68.
			Chateaugay.
			Clayton.
			Fort Covington.
			Massena (T.D. 54834).
			Trout River (T.D. 56074).
	Buffalo, N.Y.	The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, Erie, Niagara, Cattaraugus, Chautauqua, and Tioga in the State of New York.	BUFFALO-NIAGARA FALLS, N.Y. (T.D. 56512).
			Oswego.
			Rochester.
			Sodus Point
			Syracuse.
			Utica.
	Philadelphia, Pa.	The State of Pennsylvania except the county of Erie, the State of Delaware, and that part of the State of New Jersey not included i the district of New York City.	PHILADELPHIA, PA., including Camden and Gloucester City, N.J., and territory described in E.O. 7840, Mar. 15, 1938; 3 FR 687; T.D. 53738 and T.D. 54303.
			Chester, Pa. (E.O. 7706, Sept. 11, 1937; 2 FR 1848).
			Harrisburg, Pa. (T.D. 71-233).
			Pittsburgh, Pa., including the territory described in T.D. 67-197.
			Wilkes-Barre/Scranton, Pa., including the territory described in T.D. 75-64.
			Wilmington, Del., including territory described in T.D. 54202 (E.O. 4496, Aug. 12, 1926).
	Baltimore, Md.	The State of Maryland except the counties of Montgomery and Prince George's.	BALTIMORE, including territory described in T.D. 68-123.
			Annapolis.
			Cambridge (E.O. 3888, Aug. 13, 1923). Crisfield, Md.
New York Region—New York City, N.Y.	New York City, N.Y.	The counties of Sussex, Morris, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey and that part of the State of New York not expressly included in the districts of Buffalo and Ogdensburg. [TD 81-160] (The district is divided into three areas, namely, Kennedy Airport Area, Newark Area, and New York Seaport Area, the limits of which are described in T.D. 71-19 and T.D. 76-59).	NEW YORK, N.Y., including territory described in E.O. 4205, Apr. 15, 1925 (T.D. 53876).
			Albany, N.Y.
			Perth Amboy, N.Y.
North Central Region—Chicago, Ill.	Chicago, Ill.	The State of Illinois lying north of lat. 39° N.; that part of the State of Indiana north of lat. 41° N. and the States of Iowa and Nebraska.	CHICAGO, ILL. including territory described in T.D. 71-121.
			Des Moines, Iowa, including the territory described in T.D. 75-104.
			Omaha, Nebr., including the territory described in T.D. 73-228.
			Peoria, Ill., including the territory described in T.D. 72-130.
	Cleveland, Ohio	The States of Ohio, Kentucky, that part of the State of Indiana lying south of lat. 41° N.; and the county of Erie in the State of Pennsylvania.	CLEVELAND, OHIO, including territory described in T.D. 77-232.
			Akron, Ohio, E.O. 4597, Feb. 25, 1927, including the territory described in T.D. 77-732.
			Ashtabula/Conneaut, Ohio, including the territory described in T.D. 77-232.
			Cincinnati, Ohio, including the territory described in T.D. 75-144.
			Columbus, Ohio, T.D. 82-9.
			Dayton, Ohio, including the territory described in T.D. 76-77.
			Erie, Pa., including territory described in T.D. 77-5.
			Evansville, Ind.
			Indianapolis, Ind.

Regions			Districts
Headquarters	Name and headquarters	Area	Ports of entry
			Lawrenceburg, Ind., including Greendale (E.O. 6634, Mar. 7, 1934).
			Louisville, Ky., including the territory described in T.D. 77-232.
			Owensboro, Ky., including the territory described in T.D. 80-22
			Sandusky, Ohio (T.D. 81-72).
			Toledo, Ohio, including territory described in T.D. 71-157.
	St. Louis, Mo.	The States of Missouri and Kansas, and that part of the State of Illinois lying south of lat. 39° N.	ST. LOUIS, MO., including the territory described in T.D. 69-224.
			Kansas City, Mo., including Kansas City, Kans., and North Kansas City, Mo. (E.O. 8528, Aug. 27, 1940) including the territory described in T.D. 67-56.
			Springfield, Mo., including all of the territory within Greene and Christian Counties, Missouri (T.D. 82-30).
			St. Joseph, Mo.
			Wichita, Kans., including the territory described in T.D. 74-93.
	Duluth, Minn.	The counties of Koochiching, Itasca, St. Louis, Carlton, Pine, Lake, Cook, Clay, Aitkin, Norman, Wilkin, Ottertail, Becker, Mahnomen, Clearwater, Hubbard, Wadena, Cass, and Crow Wing in the State of Minnesota and the counties of Douglas, Bayfield, Ashland, and Iron in the State of Wisconsin, and the island of Isle Royale in the State of Michigan.	DULUTH, MINN., AND SUPERIOR, WIS., including the territory described in T.D. 55904.
			Ashland, Wis.
			Grand Portage, Minn. (T.D. 56073).
			International Falls-Ranier, Minn., including the territory described in T.D. 66-246.
	Milwaukee, Wis.	The State of Wisconsin, except the counties of Douglas, Bayfield, Ashland, and Iron and the county of Menominee in the State of Michigan.	MILWAUKEE, WIS., including the territory described in T.D. 72-105.
			Green Bay, Wis., including the townships of Ashwaubenon, Allouez, Preble, and Howard, and the city of De Pere (T.D. 54597).
			Manitowoc, Wis.
			Marinette, Wis., including Menominee, Mich.
			Racine, Wis., including the city of Kenosha and the townships of Mount Pleasant and Somers (T.D. 54884).
			Sheboygan, Wis.
	Minneapolis, Minn.	The State of Minnesota except those counties in the Pembina, North Dakota, and Duluth, Minn. districts.	MINNEAPOLIS-ST. PAUL, including the territory described in T.D. 69-15.
	Pembina, N. Dak.	The States of North and South Dakota and the counties of Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Polk, Red Lake, Pennington in the State of Minnesota.	PEMBINA, N. DAK.
			Ambrose, N. Dak. (E.O. 5835, 13, 1932).
			Antler, N. Dak.
			Baudette, Minn. (E.O. 4422, Apr. 19, 1926).
			Carbury, N. Dak. (E.O. 5137, June 17, 1929).
			Dunseith, N. Dak. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Fortuna, N. Dak. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Hannah, N. Dak.
			Hansboro, N. Dak.
			Maida, N. Dak. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Neche, N. Dak.
			Noonan, N. Dak. E.O. 7632, June 15, 1937; 2 FR 1042).
			Northgate, N. Dak.
			Noyes, Minn. (E.O. 5835, Apr. 13, 1932).
			Pinecreek, Minn. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Portal, N. Dak.
			Roseau, Minn. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Sarles, N. Dak.
			Sherwood, N. Dak.
			St. John, N. Dak. (E.O. 5835, Apr. 13, 1932).
			Walhalla, N. Dak.
			Warroad, Minn.
			Westhope, N. Dak. (E.O. 4236, June 1, 1925).
	Detroit Mich.	The State of Michigan except the island of Isle Royale and the county of Menominee, Mich.	DETROIT, including territory described in E.O. 9073, Feb. 25, 1942; 7 FR 1588; and T.D. 53738.
			Battle Creek (T.D. 76-233).
			Grand Rapids (T.D. 77-4).
			Muskegon (E.O. 8315, Dec. 22, 1939), including territory described in T.D. 56230.
			Port Huron, including territory described in T.D. 53576.
			Saginaw-Bay City-Flint (T.D. 82-9).
			Sault Ste. Marie (T.D. 79-74).
	Great Falls, Mont.	The States of Montana, Idaho, Wyoming, Colorado and Utah.	GREAT FALLS, MONT.
			Butte, Mont., including the territory described in T.D. 73-121.
			Del Bonita, Mont. (E.O. 7947, Aug. 9, 1938; 3 FR 1965). Mail: Cut Bank, Mont.
			Denver, Colo. (T.D. 80-180).
			Eastport, Idaho.
			Morgan, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042). Mail: Loring, Mont.
			Opheim, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Piegan, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042). Mail: Babb, Mont.
			Porthill, Idaho.
			Raymond, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Roosville, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042). Mail: Eureka Mont.
			Salt Lake City, Utah (T.D. 69-76).
			Scobey, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Sweetgrass, Mont.
			Turner, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Whitetail, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
			Whitlash, Mont. (E.O. 7632, June 15, 1937; 2 FR 1042).
Southeast Region—Miami, Fla.	Miami, Fla.	The counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach, Collier, Broward, Monroe, and Dade in the State of Florida.	MIAMI, including territory described in T.D. 53514.
			Key West, including territory described in T.D. 53994.
			Port Everglades (E.O. 5770, Dec. 31, 1931), including territory described in T.D. 53514. Mail: Fort Lauderdale, Fla.
			West Palm Beach (E.O. 4324, Oct. 15, 1925), including territory described in T.D. 53514.

Regions			Districts
Headquarters	Name and headquarters	Area	Ports of entry
	Tampa, Fla	The north shore of the St. Marys River and the city of St. Marys, Ga., and all the State of Flordia except the counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach; Collier, Broward, Monroe, Dade.	TAMPA, Fla., including territory described in T.D. 68-91. Apalachicola, Fla. Boca Grande, Fla. Carrabelle, Fla. (E.O. 7508, Dec. 11, 1936; 1 FR 2149). Fernandina Beach Fla., including St. Marys, Ga. (T.D. 53033). Jacksonville, Fla., (T.D. 69-45). Orlando, Fla. (T.D. 76-306). Panama City, Fla. (E.O. 3919, Nov. 1, 1923). Pensacola, Fla. Port Canaveral, Fla., including territory described in T.D. 66-212. Port St. Joe, Fla. (E.O. 7818, Feb. 17, 1938; 3 FR 503). St. Petersburg, Fla., (E.O. 7928, July 14, 1938; 3 FR 1749), including territory described in T.D. 53994.
	San Juan, P.R	The Commonwealth of Puerto Rico	SAN JUAN, including territory described in T.D. 64017. Aquadilla. Fajardo. Guanica. Humacao, including the territory described in T.D. 70-157. Jobos (E.O. 9162, May 13, 1942). Mayaguez (T.D. 22305). Ponce, including territory described in T.D. 54017.
	Charlotte Amalie, St. Thomas, V.I.	All of the Virgin Islands of the United States.	CHARLOTTE AMALIE, ST. THOMAS. Christiansted, St. Croix. Coral Bay, St. John. Frederiksted, St. Croix. Cruz Bay, St. John.
	Washington, D.C	The District of Columbia, the counties of Montgomery and Prince George's in the State of Maryland, the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria in the State of Virginia, including any independent cities and towns within such boundaries of such counties.	WASHINGTON, D.C., including the territory described in T.D. 68-67. Alexandria, Va. (T.D. 68-67).
	Norfolk, Va	The State of Virginia, except the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria, including any independent cities and towns within the boundaries of such counties, and the State of West Virginia.	NORFOLK AND NEWPORT NEWS, VA, including the waters and shores of Hampton Roads. Cape Charles City, Va. Charleston, W. Va., including the territory described in T.D. 73-212. Reedville, Va. Richmond-Petersburg, Va., including the territory described in T.D. 68-179.
	Wilmington, N.C	The State of North Carolina	WILMINGTON, including townships of Northwest, Wilmington, and Cape Fear (E.O. 7761, Dec. 3, 1937; 2 FR 2679, and territory described in E.O. 10042, Mar. 10, 1949; 14 FR 1155). Beaufort-Morehead City (T.D. 55637). Charlotte (T.D. 56079). Durham (E.O. 4876, May 3, 1928) including territory described in E.O. 9433, Apr. 6, 1944; 9 FR 3761 and T.D. 82-9. Reidsville (E.O. 5159, July 18, 1929) including territory described in E.O. 9433, Apr. 6, 1944; 9 FR 3761. Winston-Salem (E.O. 2366, Apr. 24, 1916).
	Charleston, S.C	The State of South Carolina	CHARLESTON, including the territory described in T.D. 76-142. Columbia, including all of the territory in Richland and Lexington Counties (T.D. 82-239). Georgetown. Greenville-Spartanburg, including territory described in T.D. 70-146.
	Savannah, Ga	The State of Georgia, except the north shore of the St. Marys River and the city of St. Marys, Ga.	SAVANNAH, including the territory described in E.O. 8367, Mar. 5, 1940; 5 FR 965. Atlanta, including territory described in T.D. 55548. Brunswick.
South Central Region—New Orleans, La.	Mobile, Ala	The State of Alabama and that part of the State of Mississippi lying south of lat. 31° N.	MOBILE, ALA. including the territory described in T.D. 76-259. Birmingham, Ala. Gulfport, Miss. Huntsville, Ala., including the territory described in T.D. 83-. Pascagoula, Miss., including territory described in T.D. 58333.
	New Orleans, La	The States of Tennessee, Arkansas, and Louisiana, except the parishes of Cameron and Calcasieu and that part of the State of Mississippi lying north of lat. 31° N.	NEW ORLEANS, LA., including territory described in T.D. 74-206. Baton Rouge, LA. (E.O. 5993, Jan. 13, 1933), including territory described in T.D. 53514 and T.D. 54381. Chattanooga, Tenn. Gramercy, La., including territory described in T.D. 82-93. Greenville, Miss., including the territory described in T.D. 73-325. Knoxville, Tenn., including territory described in T.D. 75-128. Little Rock-North Little Rock, Ark., including territory described in T.D. 70-146. Memphis, Tenn. Morgan City, La. including territory described in T.D. 66-266. Nashville, Tenn. Vicksburg, Miss. (including territory described in T.D. 72-123).
Southwest Region—Houston, Tex.	Houston-Galveston, Texas.	That part of the State of Texas lying south or lat. 32° N. and that part of the State of Texas lying east of long. 97° W. except the territory included in the Port Arthur district.	HOUSTON-GALVESTON, the territory lying within the corporate limits of both Houston and Galveston, and the remaining territory in Harris and Galveston Counties. (T.D. 81-160, 82-15), Corpus Christi (E.O. 8288, including territory described in T.D. 78-130), Freeport (E.O. 7632). Port Lavaca-Point Comfort (T.D. 56115).
	Laredo, Tex	That part of the State of Texas lying west of long. 97° W. longitude and east of the Pecos River except that territory included in the Houston and Galveston districts.	LAREDO Brownsville, including territory described in T.D. 79-254. Del Rio. Eagle Pass. Hidalgo (E.O. 3609, Jan. 9, 1922). Progeso, including territory described in T.D. 76-339. Rio Grande City. Roma (E.O. 4830, Mar. 14, 1928). San Antonio.
	El Paso, Tex	That part of the State of Texas lying west of the Pecos River and the State of New Mexico.	EL PASO, TEX. (T.D. 54407), including the territory described in T.D. 78-221. Albuquerque, N. Mex., including the territory described in T.D. 74-304. Columbus, N. Mex. Fabens, Tex. (E.O. 4869, May 1, 1928). Presidio, Tex. (E.O. 2702, Sept. 7, 1917).

Regions			Districts
Headquarters	Name and headquarters	Area	Ports of entry
	Dallas/Fort Worth, Tex.	The State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long and east of 99° W. long.".	DALLAS/FORT WORTH, TEX. (T.D. 73-297) (T.D. 79-232) (T.D. 81-170) Amarillo, Tex. (T.D. 75-129). Austin, Tex. (T.D. 81-170). Lubbock, Tex. (T.D. 76-79). Oklahoma City, Okla., including territory described in T.D. 66-132. Tulsa, Okla (T.D. 69-142).
	Port Arthur, Tex.	That part of the State of Texas from Sabine Pass north along the State line to the north boundary line of Shelby County, west to the Neches River, down the western shore of said river to the north boundary of Jefferson County; westerly along said boundary to the east boundary of Liberty County; south along the east boundary of Liberty County to the Gulf of Mexico, encompassing that portion of Chambers County between the Liberty County border extended to the Gulf of Mexico and the Chambers/Jefferson County border; also the parishes of Cameron and Calcasieu in the State of Louisiana.	BEAUMONT, ORANGE, PORT ARTHUR, SABINE, TEX., including territory described in T.D. 74-231, T.D. 81-160. Lake Charles, La. (E.O. 5475, Nov. 3, 1930), including territory described in T.D. 54137.
	Nogales, Ariz.	The State of Arizona	NOGALES, including the territory described in T.D. 77-285. Douglas, including territory described in E.O. 9382, Sept. 25, 1943; 8 FR 13083. Lukeville (E.O. 10068, Dec. 3, 1949; 14 FR 7287). Naco. Phoenix (T.D. 71-103). San Luis (E.O. 5322, Apr. 9, 1930). Sasabe (E.O. 5608, Apr. 22, 1931).
Pacific Region—Los Angeles, Calif.	Los Angeles, Calif.	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial and that part of the State of Nevada comprising Clark County.	LOS ANGELES-LONG BEACH, CALIF., including territory described in T.D. 78-130. Las Vegas, Nev., the territory described in T.D. 79-74. Port San Luis, Calif.
	San Francisco, Calif.	That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the State of Nevada, except Clark County.	SAN FRANCISCO-OAKLAND, CALIF., including Benicia, Martinez, Richard, Sacramento, San Jose, and Stockton (T.D. 82-9). Eureka, Calif. Fresno, Calif., including the territory described in T.D. 74-18. Reno, Nev., including the territory described in T.D. 73-56.
	San Diego, Calif.	The counties of San Diego and Imperial in the State of California.	SAN DIEGO (T.D. 54741), including the territory described in T.D. 66-229. Andrade (E.O. 4780, Dec. 13, 1927). Calexico. Tecate (E.O. 4780, Dec. 13, 1927).
	Honolulu, Hawaii	The State of Hawaii	HONOLULU (T.D. 53514). Hilo. Kahului. Nawiliwili-Port Allen (E.O. 4385, Feb. 25, 1926), including the territory described in T.D. 56424.
	Portland, Oreg.	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of long. 119° west.	COLUMBIA RIVER, Oreg. (PORTLAND, ASTORIA, LONGVIEW (including territory described in T.D. 73-338). Coos Bay, Oreg. (E.O. 4094, Oct. 28, 1924; E.O. 5193, Sept. 14, 1929; E.O. 5445, Sept. 16, 1930; E.O. 9533, Mar. 23, 1945; 10 FR 3173). Newport, Oreg.
	Seattle, Wash.	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of long. 119° west.	PUGET SOUND (Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Towsend, Tacoma), including the territory described in T.D. 83-146. Aberdeen, including territory described in T.D. 79-169. Blaine (E.O. 5635, Apr. 13, 1932). Boundary (T.D. 67-65). Danville. Ferry. Frontier (T.D. 67-65). Laurier. Lynden (E.O. 7632, June 15, 1937; 2 FR 1042). Metaline Falls (E.O. 7632, June 15, 1937; 2 FR 1042). Nighthawk. Oroville (E.O. 5206, Oct. 11, 1929). Point Roberts, including the territory described in T.D. 78-272. Spokane. Sumas.
	Anchorage, Alaska	The State of Alaska	ANCHORAGE (T.D. 55295, T.D. 68-50). Alcan (T.D. 71-210). Dalton Cache (T.D. 79-74). Fairbanks (E.O. 8064, Mar. 9, 1939; 4 FR 1191) Juneau Ketchikan, including territory described in T.D. 74-100 SITKA, including territory described in T.D. 55609 Skagway Valdez, including territory described in T.D. 79-201 Wrangell, including territory described in T.D. 56420

PART 103—AVAILABILITY OF INFORMATION

The list of public reading rooms set forth in § 103.1 is revised to read as follows:

§ 103.1 Public reading rooms.

* * * * *

United States Customs Service (Headquarters), 1301 Constitution Avenue, NW., Washington, D.C. 20229
Northeast Region—Boston, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110
New York Region—New York, 6 World Trade Center, New York, New York 10048
North Central Region—Chicago, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603
Southeast Region—Miami, 99 S.E. 5th Street, Miami, Florida 33131
South Central Region—New Orleans, Canal-LaSalle Building, Rm. 302, 423 Canal St., New Orleans, Louisiana 70130
Southwest Region—Houston, 5850 San Felipe, Houston, Texas 77057
Pacific Region—Los Angeles, New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

[FR Doc. 83-27138 Filed 10-5-83; 8:45 am]
BILLING CODE 4820-02-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Procedures for Investigations Involving Requests for Temporary Relief—Investigations of Unfair Practices in Import Trade

AGENCY: International Trade Commission.

ACTION: Final rules; corrections.

SUMMARY: This document corrects final rules on procedures applicable to investigations of unfair practices in import trade that involve requests for temporary relief. The final rules and the explanatory comments thereto appeared at pages 35386–35388 in the **Federal Register** of Thursday, August 4, 1983 (48 FR 35386). The corrections are necessary to carry out the stated intent of the Commission that the final rules be identical to interim rules on the same subject published in the **Federal Register** on May 11, 1983 (48 FR 21112).

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., telephone 202-523-0311.

The following corrections are made to the final rules appearing at pages 35387 and 35388 of the **Federal Register** of August 4, 1983:

1. Section 210.14(b) is corrected to read as follows:

§ 210.14 Commission action, public interest factor, and bonding.

* * * * *

(b) Unless otherwise ordered by the Commission or permitted by this subsection, the presiding officer shall not take evidence or other information or hear arguments from the parties and other interested persons with respect to the subject matter of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section. However, with regard to settlements by agreement or consent order under § 210.51 (c) and (d), the parties may file statements regarding the impact of the proposed settlement on the public interest, and the presiding officer may in his discretion hear argument, although no discovery may be compelled with respect to issues relating solely to the public interest. Thereafter, the presiding officer shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers. With respect to initial determinations concerning temporary relief issued pursuant to § 210.53(b), the parties may present oral or documentary evidence regarding the impact of the requested temporary relief on the public interest, submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts, and the presiding officer shall thereafter in his initial determination make appropriate findings regarding the effect, if any, that the issuance of the requested temporary relief would have on the public interest, although no discovery may be compelled with respect to issues relating solely to the public interest.

§ 210.24 [Corrected]

2. Section 210.24 is corrected by adding the sentence "A motion for temporary relief accompanying a complaint shall be forwarded to the presiding officer for decision in the form of an initial determination to be issued pursuant to § 210.53(b) of this part." at the end of paragraph (e)(1) of § 210.24.

(19 U.S.C. 1337)

By order of the Commission.

Issued: September 27, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-27191 Filed 10-5-83; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 109

[Docket No. 75N-0013]

Polychlorinated Biphenyls in Paper Food-Packaging Material; Confirmation of Effective Date and Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date and correction.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the final rule concerning a tolerance for polychlorinated biphenyls (PCB's) in paper food-packaging material. The agency is also correcting the preamble to the rule. Parties requested these corrections in letters dated August 25, 1983, and September 9, 1983, and the letters are in the docket to this rulemaking.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Allen H. Heim, Office of Science Coordination (HF-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1587.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 16, 1983 (48 FR 37020), FDA announced settlement of the formal hearing in this final rule concerning a tolerance for PCB's in paper food-packaging material. The final rule permits the use of paper food-packaging material containing more than 10 parts per million (ppm) PCB's, if separated from food by a barrier that would limit PCB migration to the level that would result if no barrier were used and the PCB level in the packaging material were at the permitted level of 10 ppm. Any interested person could have, at any time on or before September 15, 1983, requested reconsideration by the Commissioner of Food and Drugs. No requests for reconsideration were received.

List of Subjects in 21 CFR Part 109

Contaminants, Incorporation by reference, Polychlorinated biphenyls (PCB's).

PART 109—UNAVOIDABLE CONTAMINANTS IN FOOD FOR HUMAN CONSUMPTION AND FOOD PACKAGING MATERIAL

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 701(e), 52 Stat. 1049 as amended, 70 Stat. 919 as amended (21 U.S.C. 346, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.10), notice is given that no requests for reconsideration were received in response to the August 16, 1983 final rule. Accordingly, the final rule concerning a tolerance for PCB's in paper food-packaging material (21 CFR 109.30 (c) and (d)) becomes effective December 14, 1983.

FDA is also correcting the preamble to the August 16 final rule (FR Doc. 83-22168) as follows:

1. On page 37020, in the document heading the phrase "Reduction of Tolerances" is removed.

2. On page 37021, in the first column, in the first full paragraph, the phrase "premarket approval of" is changed to read "the approval of the functionality of a".

These corrections were requested in letters dated August 25, 1983, and September 9, 1983, from the hearing parties, and the letters are part of the record of the final rule and may be examined at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m. Monday through Friday.

Dated: September 29, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-27208 Filed 10-5-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 131

[Docket Nos. 81N-204F; 76N-0175]

Standards of Identity for Milk, Lowfat Milk, and Skim Milk; Notice of Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing.

SUMMARY: The Food and Drug Administration (FDA) is granting a hearing on objections to the standards of identity for milk, lowfat milk, and skim milk. A hearing is granted on objections to these standards insofar as they (1) prohibit the addition of vitamins and minerals other than vitamins A and D to milk, lowfat milk, and skim milk; and (2) restrict the use of stabilizers and emulsifiers in lowfat milk and skim milk. FDA is also granting a hearing on deleting from the standards a requirement that lowfat milk or skim milk made to contain not less than 10 percent milk-derived nonfat solids be labeled as "protein fortified" or "fortified with protein" and substituting a requirement that such products be labeled with the term "with added milk solids not fat." FDA is also announcing a prehearing conference for this hearing.

DATES: Written notice of participation must be filed with the Dockets Management Branch (address below) no later than November 7, 1983. Prehearing conference on November 9, 1983, 10 a.m. Disclosures of data and information by December 5, 1983.

ADDRESSES: Prehearing conference in the FDA Hearing Room, Rm. 4-35, 5600 Fishers Lane, Rockville, MD 20857. Written notices of participation and disclosure of data and information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Submissions to the Dockets Management Branch should be identified with the Docket Number 81N-204F and clearly labeled "Milk and Milk Products Standards Hearing.")

FOR FURTHER INFORMATION CONTACT: C. K. Gund, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 10, 1973 (38 FR 27924), FDA for the first time promulgated as final rules standards of identity for milk, lowfat milk, and skim milk (21 CFR 131.110, 131.135, 131.143). Those standards do not provide for adding any vitamin or mineral other than vitamin A or vitamin D to milk, lowfat milk, or skim milk. The Milk Industry Foundation filed a timely objection and request for hearing on the failure of the standards to allow addition of other vitamins and minerals. Accordingly, on December 5, 1974 (39 FR 42351, 42352), FDA announced the stay of the portions of the standards of identity that would have prohibited adding vitamins and minerals other than vitamins A and D. A hearing on this issue was delayed in part because of its relationship to general nutrient regulations that FDA considered in intervening years. FDA is now granting a hearing on this issue.

The lowfat milk and skim milk standards promulgated in 1973 allowed the use of stabilizers and emulsifiers in lowfat milk and skim milk only when milk-derived nonfat solids were added to the product, and the stabilizers and emulsifiers amounted to no more than 2 percent by weight of the solids that were added. The Celanese Corp. and the Detroit Milk Dealers, Inc., filed timely objections and requests for hearing on this restriction of the use of stabilizers and emulsifiers in lowfat milk and skim milk. (Other persons filed objections to the restriction, but did not request a hearing.) The stay of the provisions to which these objections were filed was also announced on December 5, 1974 (39 FR 42351).

FDA has not previously resolved these requests for hearing because it proposed in 1976 to grant the requestors the relief they sought by means of a proposal to allow the use of stabilizers and emulsifiers, without restrictions referred to above (see 41 FR 46873; October 26, 1976). But this proposal was withdrawn because the agency became convinced, after reviewing the public comments, that such an amendment of the standard was not appropriate (see 45 FR 81734; December 12, 1980). FDA is now granting a hearing on this issue.

As promulgated in 1973, the standards of identity for lowfat milk and skim milk required that products made to contain not less than 10 percent milk-derived nonfat solids be labeled as "protein fortified" or "fortified with protein." In the **Federal Register** of October 26, 1976 (41 FR 46873), FDA proposed to delete the protein fortification language. FDA proposed that products previously required to be labeled with the protein fortification language be labeled instead with whichever of the following terms was appropriate: "with added nonfat milk solids" or "with added nonfat milk-derived solids." In the **Federal Register** of December 12, 1980 (45 FR 81734), FDA issued a final rule removing from the lowfat milk and skim milk standards the protein fortification labeling requirement. Because FDA had become convinced by review of comments that the alternative terms it had proposed were inappropriate, it substituted the term "with added milk solids not fat" to be used when lowfat milk or skim milk is made to contain not less than 10 percent milk-derived nonfat solids.

The Milk Industry Foundation and Borden, Inc., filed objections and requests for hearing to the deletion of the protein fortification language from the standards and to the addition of the "with added milk solids not fat" terms to the standards.

Accordingly, the amendment of the new standards was stayed pending resolution of the objections, as announced in the **Federal Register** of March 16, 1982 (47 FR 11270). FDA is now granting a hearing on the objections.

The standards promulgated in 1973 also raised one further issue that is not addressed in this notice. Those standards require that fluid milk products for consumers be pasteurized. Objections to this provision as it would apply to the shipment of certified raw milk in interstate commerce and requests for a hearing were filed. This provision as it would apply to the shipment of certified raw milk in interstate commerce was stayed in the Federal Register of December 5, 1974 (39 FR 42351) pending resolution of the hearing requests on this matter.

The Milk Industry Foundation and the National Milk Producers Federation filed petitions for reconsideration of the "with added milk solids not fat" term on the grounds that they had not been granted an opportunity to comment on that term in a proposal. It is, of course, often the case that a regulation will be changed, in response to public comment, from the form in which it was stated in the proposal. This result is the very purpose of the comment process. Thus, FDA denied the petitions for reconsideration and concluded that there is no legal obligation to provide a further period of comment on this labeling term.

Because there is a demonstrated concern over the new term, however, and because a hearing is being granted on the issue, FDA has concluded that it is appropriate to allow a further opportunity for the public to provide its views to the agency on this issue. Thus, FDA solicits statements of views on the following question: Assuming that the protein fortification language is not used, what term is more appropriate to describe the addition of milk-derived nonfat solids to lowfat milk and skim milk so that the product contains not less than 10 percent milk-derived nonfat solids? FDA specifically asks for comment on the "with added milk solids not fat" language, and FDA solicits comment on other possibilities, such as "with added milk-derived nonfat solids." FDA asks the public to suggest any alternative language that it believes is more appropriate. Any such comment should be submitted to the Dockets Management Branch by December 5, 1983. Those who submit comments will be considered participants in the hearing to the limited extent of their submission of comments. All the obligations placed on participants by FDA regulations will be waived for those persons who want only to submit their views on the issue described above. (A nonparty participant in a formal evidentiary hearing is normally obliged to comply with the filing requirements set forth in 21 CFR 12.85 and is required to attend and participate in a prehearing conference pursuant to 21 CFR 12.92. These and any other obligations normally placed on nonparty participants in formal evidentiary hearings by FDA regulations will be waived. In addition, there will be no need to serve such participants with filings or other papers during the hearing.) Any party who wishes to participate in the proceeding by means other than the submission of written comment concerning alternative language may, of course, participate as a normal nonparty participant but must, in doing so, comply with all relevant rules.

The issues in this hearing are as follows:

1. Is a standard of identity for milk, lowfat milk, or skim milk that excludes the addition of vitamins and minerals other than vitamins A and D a reasonable standard of identity that will promote honesty and fair dealing in the interest of consumers?

2. Is a standard of identify for lowfat milk and skim milk that excludes the use of stabilizers and emulsifiers except when used in conjunction with added milk-derived nonfat solids such that the stablizers and emulsifiers amount to no more than 2 percent by weight of the solids that are added a reasonable standard of identity that will promote honesty and fair dealing in the interest of consumers?

3. Is the term "with added milk solids not fat" reasonably descriptive of lowfat milk and skim milk products when these products have been made to contain not less than 10 percent milk-derived nonfat solids? If not, is there another term, other than "protein fortified" or "fortified with protein," that is reasonably descriptive of those products?

4. Is FDA's decision to amend the standards of identity for lowfat milk and skim milk that have been made to contain not less than 10 percent milk-derived nonfat solids to delete authorization for labeling with the term "protein fortified" or "fortified with protein" a reasonable decision?

The fourth issue is phrased as it is because it is theoretically possible that more than one descriptive term for a food characterized in a standard of identity would be reasonable and would promote honesty and fair dealing in the interest of consumers. Although FDA seeks to use the "best" descriptive term possible, there is no burden on the agency to provide evidence that the one chosen is better than all other possibilities. What must be shown is simply that the descriptive term is a reasonable one.

If the Commissioner of Food and Drugs concludes that, as set forth in the third issue above, there is a descriptive term for these products other than "protein fortified" or "fortified with protein" that is reasonable, that new descriptive term satisfies the statutory requirements. That descriptive term will thus be upheld even if the previous ones, "protein fortified" or "fortified with protein," are also "reasonable." FDA cannot change arbitrarily from one descriptive term to another. There must be a rational basis for the agency's change in the terms. If there is such a rational basis, that change may appropriately be made even if there is no evidence that shows that use of the preamendment terms would be unreasonable, would be dishonest, or would result in unfair dealings to the detriment of consumers. The Bureau of Foods must show at a hearing, therefore, that the change that was made was reasonable; i.e., it was based on a rational evaluation of relevant factors.

Because this matter is a rulemaking proceeding pursuant to 5 U.S.C. 553, 556(d), and 557, the hearing will consist of the submission of evidence in written form only, unless otherwise ordered by the Administrative Law Judge. If the hearing consists of any oral testimony, such testimony will be taken at the FDA Hearing Room (address above). The presiding Administrative Law Judge will be Daniel J. Davidson. Written notices of participation must be filed with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, not later than November 7, 1983. The written notices of participation should be identified by the docket number found in brackets in the heading of this document and clearly labeled "Milk and Milk Products Standards Hearing."

Parties to the hearing will be the Bureau of Foods (all issues); the Milk Industry Foundation (first, third, and fourth issues); the Celanese Corp. (second issue); the Detroit Milk Dealers, Inc. (second issue); and Borden, Inc. (third and fourth issues). The nongovernment parties to the proceeding may participate in resolution of the issues other than those for which they have been designated, in the preceding sentence, as parties, by stating a willingness to appear as participants for those other issues. The Milk Industry Foundation, for example, expressed a potential interest in the second issue above when it opposed the 1976 proposal to change the standards to

allow less-restricted uses of stabilizers and emulsifiers.

Any other interested person may participate in the hearing and be accorded the rights granted to participants by FDA regulations. Thus, persons who filed objections to, but not requests for, hearing concerning the second issue may take part in the hearing as participants if they wish to do so. Participants, other than those who limit their participation to the submission of comments on the proper term to be used for lowfat milk and skim milk containing added milk-derived nonfat solids, are of course required to assume the obligations of participation as set forth in FDA regulations.

The portions of the administrative record relevant to the issues at this hearing are as follows:

1. All **Federal Register** documents on the initial promulgation of the milk, lowfat milk, and skim milk standards of identity;

2. All comments, correspondence, and objections received by FDA on the initial standards that address the question whether the standards should allow the addition to milk, lowfat milk, and skim milk of vitamins and minerals other than vitamins A and D;

3. All comments, correspondence, and objections received by FDA on those portions of the initial standards that dealt with the propriety of allowing the use of stabilizers and emulsifiers without restrictions in these products;

4. All comments and correspondence received in response to the initial promulgation of the standards that dealt with the question whether the terms "protein fortified" and "fortified with protein" should be used with the names of these products;

5. The **Federal Register** documents associated with the amendment of this regulation to delete the protein fortification terms and to add the "with added milk solids not fat" term to the standards and the proposal to allow less restricted use of stabilizers and emulsifiers in lowfat milk and skim milk;

6. All comments, correspondence, and objections relating to FDA's decision to delete the protein fortification language from the standards and to use alternative language in those standards to signify the optional addition of milk-derived nonfat solids;

7. All comments and correspondence on FDA's 1976 proposal to allow less restricted use of stabilizers and emulsifiers.

Under § 12.85 (21 CFR 12.85) the Bureau of Foods has filed with the Dockets Management Branch a narrative statement setting forth its position on the issues for hearing and a summary of the types of evidence intended to be introduced in support of its position at the hearing. The Bureau has also filed with the Dockets Management Branch copies of data within the Bureau's files about the issues raised herein.

Interested persons may obtain a copy of the narrative statement from the Dockets Management Branch, at the address above. Persons may also examine the data filed in this matter (with the exception of any data identified as confidential) at the Dockets Management Branch, from 9 a.m. to 4 p.m., Monday through Friday.

The prehearing conference and any hearing sessions held for examination or argument will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration. Participants other than the Bureau of Foods shall disclose data and information on or before December 5, 1983 under § 12.85 (21 CFR 12.85).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is ordered that a public hearing be held on the issues set forth in this notice.

Dated: September 30, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-27207 Filed 10-5-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5201/R603; PH-FRL 2431-7]

Tolerances for Pesticides in Food; Pirimiphos-Methyl

Correction

In FR Doc. 83-24990, beginning on page 41156, in the issue of Wednesday, September 14, 1983, in the third column, in the second complete paragraph, in the fourteenth line, "(5,250, and" should read "(5, 250, and".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-83-1029]

Section 8 Housing Assistance Payments Program Fair Market Rent Schedules—Existing Housing and Moderate Rehabilitation

Correction

In FR Doc. 83-25802, beginning on page 43578 as "Part V" in the issue of Friday, September 23, 1983, make the following correction.

On page 43608, the entries for "Dawes" through "Pierce" counties should have been included under the "Omaha, Nebraska Office" and the entry for "Knox County" under the "St. Louis, Missouri Office" was omitted. A corrected version of page 43608 follows:

BILLING CODE 1505-01-M

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0916

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA OFFICE							
COUNTY	DAWES	NE	179	221	261	324	363
COUNTY	DAWSON	NE	181	224	265	332	371
COUNTY	DEUEL	NE	179	221	261	324	363
COUNTY	DIXON	NE	192	235	277	345	386
COUNTY	DODGE	NE	191	234	274	344	381
COUNTY	DUNDY	NE	210	253	297	373	414
COUNTY	FILLMORE	NE	191	234	274	344	381
COUNTY	FRANKLIN	NE	181	224	265	332	371
COUNTY	FRONTIER	NE	181	224	265	332	371
COUNTY	FURNAS	NE	181	224	265	332	371
COUNTY	GAGE	NE	223	271	318	394	438
COUNTY	GARDEN	NE	179	221	261	324	363
COUNTY	GARFIELD	NE	181	224	265	332	371
COUNTY	GOSPER	NE	181	224	265	332	371
COUNTY	GRANT	NE	181	224	265	332	371
COUNTY	GREELEY	NE	181	224	265	332	371
COUNTY	HALL	NE	181	224	265	345	375
COUNTY	HAMILTON	NE	181	224	265	332	371
COUNTY	HARLAN	NE	181	224	265	332	371
COUNTY	HAYES	NE	181	224	265	332	371
COUNTY	HITCHCOCK	NE	181	224	265	332	371
COUNTY	HOLT	NE	192	235	277	345	386
COUNTY	HOOKER	NE	181	224	265	332	371
COUNTY	HOWARD	NE	181	224	265	332	371
COUNTY	JEFFERSON	NE	191	234	274	344	381
COUNTY	JOHNSON	NE	191	234	274	344	381
COUNTY	KEARNEY	NE	181	224	265	332	371
COUNTY	KEITH	NE	181	224	265	332	371
COUNTY	KEYA PAHA	NE	192	235	277	345	386
COUNTY	KIMBALL	NE	179	221	261	324	363
COUNTY	KNOX	NE	192	235	277	345	386
COUNTY	LINCOLN	NE	181	224	265	332	371
COUNTY	LOGAN	NE	181	224	265	332	371
COUNTY	LOUP	NE	181	224	265	332	371
COUNTY	MADISON	NE	192	235	277	345	386
COUNTY	MCPHERSON	NE	181	224	265	332	371
COUNTY	MERRICK	NE	181	224	265	332	371
COUNTY	MORRILL	NE	179	221	261	324	363
COUNTY	NANCE	NE	181	224	265	332	371
COUNTY	NEMAHA	NE	191	234	274	344	381
COUNTY	NUCKOLLS	NE	181	224	265	332	371
COUNTY	OTOE	NE	191	234	274	344	381
COUNTY	PAWNEE	NE	191	234	274	344	381
COUNTY	PERKINS	NE	210	253	297	373	414
COUNTY	PHELPS	NE	181	224	265	332	371
COUNTY	PIERCE	NE	192	235	277	345	386
COUNTY	PLATTE	NE	191	234	274	344	381
COUNTY	POLK	NE	191	234	274	344	381
COUNTY	RED WILLOW	NE	181	224	265	332	371
COUNTY	RICHARDSON	NE	191	234	274	344	381
COUNTY	ROCK	NE	192	235	277	345	386
COUNTY	SALINE	NE	191	234	274	344	381
COUNTY	SAUNDERS	NE	191	234	274	344	381
COUNTY	SCOTTS BLUFF	NE	219	265	309	383	429
COUNTY	SEWARD	NE	191	234	274	344	381
COUNTY	SHERIDAN	NE	179	221	261	324	363
COUNTY	SHERMAN	NE	181	224	265	332	371
COUNTY	SIOUX	NE	179	221	261	324	363
COUNTY	STANTON	NE	192	235	277	345	386
COUNTY	THAYER	NE	191	234	274	344	381
COUNTY	THOMAS	NE	181	224	265	332	371
COUNTY	THURSTON	NE	192	235	277	345	386
COUNTY	VALLEY	NE	181	224	265	332	371
COUNTY	WAYNE	NE	192	235	277	345	386
COUNTY	WEBSTER	NE	181	224	265	332	371
COUNTY	WHEELER	NE	181	224	265	332	371
COUNTY	YORK	NE	191	234	274	344	381
REGION - 7 ST LOUIS, MISSOURI OFFICE							
MSA	COLUMBIA, MO		223	271	318	394	438
PMSA	ST. LOUIS, MO-IL		262	316	366	454	507
COUNTY	ADAIR	MO	211	254	299	375	418
COUNTY	AUDRAIN	MO	211	254	299	375	418
COUNTY	BOLLINGER	MO	164	204	240	300	338
COUNTY	BUTLER	MO	173	210	252	315	354
COUNTY	CALLAWAY	MO	211	254	299	375	418
COUNTY	CAPE GIRARDE	MO	197	238	282	352	391
COUNTY	CARTER	MO	173	210	252	315	354
COUNTY	CLARK	MO	197	238	282	354	392
COUNTY	COLE	MO	211	254	299	375	418
COUNTY	COOPER	MO	211	254	299	375	418
COUNTY	CRAWFORD	MO	187	226	271	334	375
COUNTY	DENT	MO	187	226	271	334	375
COUNTY	DOUGLAS	MO	187	226	271	334	375
COUNTY	DUNKLIN	MO	164	204	240	300	338
COUNTY	GASCONADE	MO	187	226	271	334	375
COUNTY	HOWARD	MO	211	254	299	375	418
COUNTY	HOWELL	MO	187	226	271	334	375
COUNTY	IRON	MO	187	226	271	334	375
COUNTY	KNOX	MO	211	254	299	375	418

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[T.D. ATF-150; Ref: Notice No. 469]

Ingredient Labeling of Wine, Distilled Spirits and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule.

SUMMARY: The Department is issuing this final rule rescinding the ingredient labeling regulations for alcohol beverages. However, the Department is requiring the mandatory label disclosure of FD&C Yellow No. 5. The Department also stands ready to review other ingredients to determine whether their mandatory disclosure is appropriate. The decision to rescind was made after consideration of the comments received regarding proposed rules, issued after a court decision which held invalid prior decisions concerning ingredient disclosure on labels, and a review of the previous rulemaking records on the issue.

EFFECTIVE DATE: November 7, 1983.

FOR FURTHER INFORMATION CONTACT: Imelda M. Kirk, Office of Chief Counsel (202-566-7806), or Roger Bowling, FAA, Wine and Beer Branch (202-566-7626), Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

SUPPLEMENTARY INFORMATION:

Background

The Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e)(2), vests broad authority in the Secretary to prescribe regulations which will provide "adequate information" as to the identity and quality of alcohol beverages. Under this authority, the Department has imposed many labeling requirements on alcohol beverages in 27 CFR Parts 4, 5, and 7, including ingredient disclosure requirements. The Act, however, does not require ingredient disclosure. The question faced with respect to ingredient disclosure, as with any labeling requirement, is whether the information required is necessary to provide "adequately" labeled products.

The basic information requirements under the statute have been in place for almost half a century. In recent years, there have been numerous proposals to require more information about products. In addition to proposals for ingredient labeling, there have been proposals to require more detailed information about the source and type of grapes used in wine, proposals for health warnings and most recently, proposals to require caloric and nutritional information. In considering these and other proposals, the Department cannot simply require that labels contain every piece of information that any individual or group of individuals may want. The Department must make difficult and close decisions upon which reasonable persons might disagree. In making these determinations it is necessary to evaluate the value and usefulness of the information and overall consumer desire for the information. It is also appropriate in some cases to evaluate and weigh the costs of making the information available.

Previous Rulemaking Records

In the case of ingredient disclosure, the Department has considered this issue on a number of occasions dating back to 1972 when the Center for Science in the Public Interest (Center) petitioned the Bureau of Alcohol, Tobacco and Firearms to require ingredient labeling. In November of 1975, the Department decided against imposing ingredient labeling requirements after holding public hearings and studying the views of industry representatives, consumer groups, and non-industry experts, including in excess of 1,000 written comments. The Department withdrew the notices and set forth five reasons for that withdrawal:

(1) The cost of ingredient labeling to the industry, and ultimately to the consumer, would be excessive in relation to the benefit received.

(2) The content of alcohol beverages is extensively regulated.

(3) The uniqueness of manufacturing processes of alcohol beverages is such that it makes labeling of their ingredients of little value and, in certain cases, even misleading.

(4) Ingredient labeling requirements would hinder the then on-going multi-lateral trade negotiations in expanding international trade.

(5) Ingredient labeling is supported by only a small segment of the public. 40 FR 52613 (1975).

On February 2 1979, another notice of proposed rulemaking (NPRM) was issued to prescribe requirements for ingredient labeling. 44 FR 6740 (1979). During the comment period, the Department received 1,873 comments from consumers, special interest groups, industry members, doctors, Government agencies, and members of Congress. Thereafter, on June 13, 1980, T.D. ATF-66 was published requiring that labels of all alcohol beverages sold in the United States disclose either the essential ingredients and additives (except incidental additives) or an address where this information could be obtained. Under the address option, the regulations required that the producer or other responsible party provide on request an ingredient list which complied with the labeling rules.

Treasury Decision ATF-66 was to become effective on January 1, 1983. However, as a result of the review of the existing regulations called for by Executive Order 12291, on May 4, 1981, the Department issued a NPRM proposing to rescind the ingredient labeling regulations. 46 FR 24962 (1981). Upon reviewing the record, including a total of 8,068 comments, the Department was convinced that the regulations were not truly necessary, beneficial, or cost effective and on November 6, 1981, published T.D. ATF-94, which rescinded the ingredient labeling regulations. Specifically, the decision found that across the board ingredient labeling regulations would result in increased costs to consumers and burdens on industry which were not commensurate with the benefits which might flow from the additional label information. The Department further concluded at that time that ingredient labeling would not provide an appreciable increase in benefits to consumers when compared to the existing regulatory controls and label information requirements and standards of identity. 46 FR 55093 (1981).

Subsequently, an action was filed in the United States District Court for the District of Columbia contresting this rescission, *Center for Science in the Public Interest v. Department of Treasury*, Civil Action No. 82-610. That court set aside T.D. ATF-94 which rescinded the ingredient labeling regulations. In essence, the court found the Department failed to adequately explain the reversal of the prior rule, and placed undue weight on cost factors. The court then ordered the Department to announce a new date, not later than one year from the date of the order, to put the regulations of T.D. ATF-66 into effect. Although not acquiescing in the court's decision, pursuant to this court order, on March 11, 1983, the Department reinstated the ingredient labeling regulations as originally promulgated in T.D. ATF-66 and mandated compliance by February 8, 1984. 48 FR 10309 (1983). The Department has appealed from this decision. Thereafter, on August 31, 1983,

the Court of Appeals for the District of Columbia Circuit granted a motion for a stay of the district court's mandated effective date of T.D. ATF-66.

Current Rulemaking

While the Department does not acquiesce in the district court's decision, the Department has chosen to reexamine the ingredient disclosure issue and renew the rulemaking process in light of the criticisms of the district court. On June 17, 1983, the Department issued a NPRM, Notice No. 469, proposing to reconsider prior decisions concerning ingredient disclosure on labels of alcohol beverages. 48 FR 27782 (1983).

Comments on Notice No. 469

During the comment period, which closed on August 17, 1983, a total of 1,840 comments containing 1,897 signatures were received. Of the total number of comments received, 1,538 (1,574 individuals) supported the proposal to rescind the ingredient labeling regulations. Of these, 413 were American alcohol beverage industry members or related industry members, 64 foreign industry members, four (4) foreign governments, one (1) Federal agency and 1,056 individual commenters. Two hundred-ninety comments, representing 303 individuals, were received opposing the rescission of the ingredient labeling regualtions.

Discussion

In reconsidering the issue of ingredient labeling, the Department has considered the reasons advanced in favor of ingredient labeling, and those advanced in support of recission of ingredient disclosure. This discussion includes consideration of comments received on Notice No. 469 and all comments received in respect to prior ingredient labeling rulemaking proceedings on this matter.

I. Ingredient Labeling Generally

A. Consumers' Informed Choice

T.D. ATF-66 stated that disclosure of ingredients used in the production of alcohol beverages would be of real value as this disclosure would provide consumers with adequate information about the identify and quality of the product, enabling consumers to make informed choices in the purchasing of alcohol beverages. On the other hand, T.D. ATF-94 stated that the benefits which might flow from this additional label information were not appreciable when compared to existing label information requirements and not commensurate with increased cost to consumers and burdens on the industry.

The evidence presented in the rulemaking records show that some commenters in opposition to the rescission of the ingredient labeling regulations beleived consumers had a "right to know" what was in alcohol beverages and that a concommitant benefit was that consumers would be able to make more informed choices and value comparisons as in food products. Other commenters pointed out factors mitigating against such alleged benefits. First, in direct contravention, other commenters flatly noted that the evidence showed consumers do not want ingredient labeling as evidenced by comments submitted by consumers and the lack of requests for such information directly from alcohol beverage producers. For example, a trade association commenter conducted a survey of the distilled spirits industry seeking specific data on consumer inquiries concerning ingredients during the years 1980–1982, a period during which the ingredient labeling issue was given wide publicity. The survey found that in a nation of 227 million people in 1980, only 192 inquiries arose from the sale of over 5 billion bottles of spirits during the three year period. There was one inquiry for each 26 million bottles sold. The commenter stated that the results of the survey show that there is not even any of the usual idle curiosity or whim, let alone health-based inquiries, about the ingredients in distilled spirits. Even T.D. ATF-66 admitted that there was ambiguous data on the extent to which consumers want ingredient information disclosed on a lable.

Some commenters went further and declared that the average consumer would not understand the terminology or function of the ingredients used. Commenters stated that it would take a chemist, physician, pharmacologist or toxicologist to make an informed choice from the listing of ingredients. As an associated probem, one commenter pointed out that although sugar may not be added to table wines produced in California, it is added to grape must in many parts of the country and the world to insure adequate fermentation. Often the added sugar is completely fermented, yielding a dry wine. This wine, which would bear a label indicating the addition of sugar, might in fact be dryer than a wine made from grapes which received enough sun so that they came to the winery with adequate sugar content. Thus the consumer, seeking for health reasons to avoid sugar, would not understand this by labels indicating that sugar had been added. Another commenter noted that yeast presents a similar problem. Although yeast occurs naturally on grapes, many wineries add a cultured, pure yeast strain to provide better control of fermentation. Under the ingredient labeling rule, lables would have to list yeast as an ingredient whenever additional yeast not present on the grapes was added. Thus, although yeast is necessary to convert sugar to alcohol in all wines, only the wine fermented by cultured yeast would list yeast on the label. Moreover, listing yeast on the label could implay special health value not in fact present, because in most well made table wines, no active yeast cells remain in the finished wine.

Moreover, other commenters stated that because of the substantial transformation that takes place in alcohol beverages from beginning to end of the production process, unlike some food products, ingredient listings has no utility and would not benefit the consumer or would even be misdescriptive of the end product. For example, one commenter noted that the chemical/biological changes that occur during fermentation and distillation alter most of these original substances to the extent that they are either radically altered or do not exist as ingredients of the finished product. Nevertheless, consumers seeing references to such substances used in the fermentation and distillation process on the labels of finished products might erroneously believe that the finished products contain these substances or at least retain the nutritive properties associated with them. In addition, individuals with allergic sensitivity to such substances may unnecessarily refrain from consuming the products believing these substances continue to be present in the product. One commenter stated that an ill-informed consumer is often more disadvantaged than a non-informed consumer. Other commenters report that unlike food products, alcohol beverages are not essential foods purchased for their nutritional value and the alcohol beverage industry is more highly regulated by the Government.

Finally, other commenters estimated that one-third or more of alcohol beverages are consumed in bars and restaurants where labels are not displayed or read by consumers.

After considering these various comments, the Department believes that the ingredient disclosure rule will not achieve the purpose intended by T.D. ATF-66, that is, provide consumers with information upon which to make an informed choice. The ingredient labeling

regulation is not justified since it appears that the indiscriminate disclosure of such information would not be useful and is not of substantial interest to the consumers generally. Furthermore, the Department believes that the ingredient disclosure rule may have negative consequences of being misdescriptive of the products. Because these defects exist without regard to how the information is disclosed, these shortcomings also apply to the address label option.

B. Health Benefits

T.D. ATF-66 stated that consumers who are allergic to certain ingredients generally should be able to find out, whether from the label or some other source, if those ingredients are used in alcohol beverages so they can avoid the possibility of adverse reactions if they so choose.

Some commenters stated that no health hazard has been shown by medical science and literature and that any health hazard posed by materials authorized for use in alcohol beverages was overstated and exaggerated. Several members of the medical community have commented on the rule. The opinion of the medical community is divided with respect to whether ingredient labeling would produce any health benefits. On the one hand, most of the medical community expressed the belief that ingredient labeling would be of little or no value. They stated either that the attribution of allergic reactions to alcohol beverage ingredients was inappropriate or that such cases were very rare. For example, one wrote:

"There is no evidence of any beneficial health effect of ingredient labeling. No relationships between specific ingredients and adverse health effect have been established except, of course, in the case of the alcohol itself. The assumption of health benefits from the ingredient labeling of alcohol beverages is an exercise in pure imaginative speculation. The theoretical possibility of allergenicity has no place as a basis for such regulations."

A minority of the medical community who submitted comments to ATF believed that mandatory ingredient labeling would provide health benefits to consumers. For example one wrote:

(A)s an allergist, I have had patients who have exhibited allergy to such beverages, presumably because of one or more ingredients.

Commenters opposing rescission of ingredient labeling stated persons having food allergies or special dietary considerations would benefit by such labeling. Other commenters noted that only a small portion of the population are afflicted with food allergies, some estimated less than 1 percent of the population, and these people having mild reactions at that. T.D. ATF-66 recognized that it is impossible to determine exactly how many people are affected with allergic reactions to ingredients in alcohol beverages. Even the Food and Drug Administration (FDA) stated in a comment that as far as they knew no reliable estimate is available about the number of individuals who actually suffer adverse reactions from substances in food.

Other commenters claimed that ingredients used in alcohol beverages are poorly tested and could cause other adverse health effects in humans. A frequently cited example is the alleged cobalt fatalities which reportedly occurred 20 years ago. However, two professors of pharmacology reported that their evaluation of available data on cobalt toxicity left them unconvinced that the amounts of cobalt sulfate added to beer were responsible for the attributed fatalities. At any rate since 1966 cobaltous salts have been substances prohibited from use in fermented malt beverages. (21 CFR 189.120.)

Frequently commenters opposing rescission of ingredient labeling did so based on their personal belief that such labeling would alter or stop the consumption of alcohol beverages which they viewed as a social benefit. However, other commenters noted social evils could not be solved by merely listing ingredients on a label.

The health concerns raised in connection with ingredients used in alcohol beverages can be broken down into two separate issues. The first issue relates to a concern that some ingredients used in alcohol beverages are generally unsafe or pose health concerns to consumers generally. The second issue relates to a concern that certain ingredients pose health problems to specific individuals because of allergic reactions.

With respect to the first issue, the Department notes that the record does not establish that any ingredients used in alcohol beverages are unsafe generally or, other than alcohol itself, pose any general health hazard. In fact, producers can only use ingredients which are approved by the Food and Drug Administration. Moreover, ingredient labeling requirements would not control or prevent the use of any ingredients in alcohol beverages and thus would not solve the problem of any alleged danger to the public from ingredients in alcohol beverages. The Department believes that the only reliable protection for consumers against harmful ingredients and and processing materials is to prevent the use of such ingredients in alcohol beverages.

As to the second aspect of the health issue, the Department today, as in T.D. ATF-66, recognizes that uncertainties exist in data underlying the health benefits. There are uncertainties as to how many people are affected, to what extent, and even whether there are allergic reactions to alcohol beverages. The Department believes that the best approach in the area is not to require general ingredient labeling to attempt to deal with unknown and unquantified problems, but rather to address on a case-by-case basis specific ingredients and health effects and then determine what appropriate action should be taken. See Section II.

C. Costs

T.D. ATF-66 found that costs associated with mandated ingredient disclosure would not be excessive, especially if compared with the industry's annual retail sales. The reason for the Department's initial finding that cost would not be excessive was in large part based upon the assumption that the adoption of the name and address option would significantly reduce the cost of providing the information. On the other hand, in rescinding T.D. ATF-66, the Department did not view the address option as significantly reducing costs. Therefore, T.D. ATF-94 concluded that increased costs to consumers were not commensurate with benefits which might flow from ingredient labeling.

The evidence presented in the record shows without a doubt that substantial costs are involved in ingredient disclosure whether by labeling the ingredients, or by providing the address label option. Commenters identified the individual cost items, which would naturally be passed on to consumers, as: labeling costs, including redesign, additional labels if added back labels, equipment modifications or investments for application of back labels; product laboratory analysis; additional labor expense incurred with respect to labeling, recordkeeping, and product handling; investment in facilities for separating inventories of products; obsolescence of existing label inventories; and bottling mold changes. Also for imported products are the costs incurred in obtaining a foreign government certification of the ingredient list. One commenter also pointed to the normal marks-ups that would be applied by the industry at

different points in the distribution channel.

The BDM cost-benefit study referenced in T.D. ATF-66 also identified additional advertisement costs with respect to ingredient disclosure. Many commenters noted that ingredient labeling would also necessitate costs for the Government with respect to administration and enforcement of the regulations which also would be passed on to consumers and taxpayers. The BDM study identified the Government costs with regard to ingredient labeling as including the purchase of new laboratory equipment and labor expenses for field inspections, laboratory analysis, and Headquarters staff. While the evidence presented in the record did not conclusively establish the ultimate costs that would have been borne by the industry and the Government, the BDM study estimated that the expected cost of the proposed 1979 mandated ingredient labeling to industry and the Government ranges between a low of $12 million per year to almost $150 million per year together with a start-up cost amounting to approximately $18 million for the entire industry if no additional back labels are used. If additional back labels are used by all producers not presently using back labels, the total potential investment costs for these three industries was in excess of $35 million. Commenters indicated these costs are even higher today due to inflation. Even the address label option would impose the major portion of the costs associated with initial label changes. The only cost savings occur in connection with subsequent label changes which would be required as ingredients changed.

In addition to the direct costs, there are also less precise, but nonetheless obvious, indirect costs in complying with ingredient listing or the option statement rules. For example, commenters stated small businesses generally would bear a greater impact of the ingredient disclosure regulation (diseconomies of scale) with a chance that some small businesses might close. Producers of blended products such as wines, sherries, brandies, neutral spirits, and rectified products declared that their products are produced by commingling and blending products of several different producers who use different basic ingredients or additives. In such cases, they remarked they are faced with the difficult, if not impossible, task of determining what is the proper ingredient disclosure. In this respect, they foresaw problems obtaining ingredient information from these third parties, and in agreement with them on ingredients and additives to be used and disclosed. Moreover, they foresaw their future purchases being restricted by these factors to one producer thus losing the economies of the market. Other commenters claimed that many product formulas are industrial secrets and the disclosure of such formulas through ingredient labeling would result in unauthorized duplication of the product.

A frequent comment received from winemakers concerning listing the ingredients on the label is illustrated by one commenter reporting that it is impossible for a winemaker to predict when a batch of wine will need adjustment due to the multiple variations in growing season, harvest, variety of grapes, and differences between individual fermentations. Nor can a winemaker predict in advance which additive he may want to use to correct a natural deficiency. The mandatory ingredient labeling requirements would create both production and labeling problems in this respect. The winemaker would lose the flexibility in price savings derived from large volume runs of the same label since last minute testing of the product may affect the product listing, the winemaker would likewise be denied the ability to plan ahead and advance order his labels.

With respect to international trade, commenters mentioned that the adoption of ingredient labeling impedes trade for both domestic and foreign producers, as both such producers would have to maintain two different label inventories,one for domestic consumption and one for bottles to be exported. Small foreign producers might abandon the United States market being unable to bear the additional expense caused by such regulation which in turn would adversely affect the United States importers' business. Two United States Trade Representatives (both Carter and Reagan administration appointees), the Deputy Secretary of State, and the Secretary of the Department of Agriculture, submitted letters in opposition to mandatory ingredient labeling opining that the regulation would impede international trade. For example, U.S. Trade Representative Robert S. Strauss stated: "foreign countries affected by the proposed ingredient labeling requirement could bring an international complaint against the United States and could demand the right to retaliate against imports from the United States."

The costs associated with a particular labeling requirement should not be determinative of whether information should be placed on a label. However, in cases such as this where we believe the benefits of full ingredient labeling are minimal, cost can be an important factor. The Department believes upon reevaluation of the record that the costs, both direct and indirect, associated with the requirements of T.D. ATF-66 are substantial, and are not justified by the questionable and negligible benefits of the full disclosure requirements of that decision.

D. Existing Regulations

T.D. ATF-94 stated that existing statutory and regulatory provisions provide consumers with sufficient information and protection. Under the FAA Act, the Department has imposed many label requirements on alcohol beverages which provide basic information about the product, including the use of commonly understood standards of identity which identify the basic agricultural components of a product. For example, in 27 CFR 4.32 labeling information for wine generally includes: a brand name; class, type or other designation; name and address; alcohol content or type designation; and net contents. Under 27 CFR 5.32 mandatory label information for distilled spirits is: brand name; class and type; alcohol content; net contents; name and address; coloring or flavoring; percentage of neutral spirits and name of commodity; and a statement of age. Pursuant to 27 CFR 7.22 mandatory label information for malt beverages includes a brand name; class; name and address; net contents; and alcohol content when required by State law.

More specifically, T.D. ATF-94 referenced to "standards of identity." Under the authority of the FAA Act, 27 U.S.C. 205(e)(2), the Department has established standards of identity, that is, class and type designations for distilled spirits and wine which generally identify the basic agricultural ingredients and further sets forth parameters of production and alcohol content. *See*, 27 CFR 4.21–4.25 and 5.22. As noted in the preceding paragraph, mandatory labeling information includes class and type designation. Any such product not having a standard of identity, that is, class and type, must bear a truthful and adequate statement of composition on the label which discloses the major components of the product. With respect to malt beverages, the FAA Act in defining the term specifies the ingredients contained in "malt beverages." The class of the malt beverage must be stated on the label and must conform to the designation of

the product as known to the trade. If the product is not known to the trade, a distinctive or fanciful name, together with an adequate and truthful statement of the composition of the product must be stated on the label. *See*, 27 CFR 7.24. These regulatory standards of identity and definitions are publicly available.

The Department recognizes that these standards of identity do not disclose every possible ingredient used in producing alcohol beverages. The Department believes that listing every substance which comes into contact with the alcohol product, whether or not it reacts within or remains in it, will not result in meaningful or useful information to consumers generally. The Department believes that the above-noted existing regulatory requirements provide adequate information as to the identity and quality of the alcohol beverage and that ingredient labeling requirements are not necessary to adequately inform the consumer.

Furthermore, producers of alcohol beverages in the United States operate under far more extensive regulation and government supervision than producers of food products which serves to protect consumers. All premises established for production of distilled spirits, wine and beer must meet certain qualification requirements and be registered with the Department. *See*, 26 U.S.C. 5171, 5351 and 5401. All premises and operations are subject to on-site inspections by the Department. *See*, 26 U.S.C. 5202 and 5553. Also the content of alcohol beverages is extensively regulated. With respect to distilled spirits there must be submitted to and approved by the Department (1) a statement of production procedure setting forth a step-by-step description of the procedure employed to produce spirits together with identification of the kind and approximate quantity of each substance used, and (2) a formula for certain processing operations. *See*, 27 CFR 5.27 and 19.170. For standard wine the regulations set forth the specific materials (and limitations) authorized for treatment of such wine and for other wines the regulations require each proprietor to first procure approval of the formula by which the product is to be made. *See*, 27 CFR 240.482 and 240.1051. For certain malt beverages, a statement of process must be submitted and approved showing the kinds and quantities of materials to be used and the method of manufacture. *See*, 27 CFR 245.41(j). Additionally, with respect to imports the Director has authority to require submission of a full and accurate statement of the contents of a container of alcohol beverage. *See*, 27 CFR 4.38(h) and 5.33(g). Finally, substances used in the production of alcohol beverages are required to be approved by FDA prior to use. The Department believes that these existing regulations are in most cases sufficient to protect the health of consumers against harmful ingredients and ensure product integrity.

E. Address Label Option

T.D. ATF-66 stated in order to minimize costs while still meeting policy objectives, producers, bottlers, or importers who elect to make ingredient lists available upon request, notify consumers of this availability, and who avoid implied label statements about ingredients, will not be required to list ingredients on the label. The inclusion of this option in T.D. ATF-66 was made without prior notice, and without opportunity for public comment as to its costs or effectiveness. Nonetheless, the Department concluded that its adoption was appropriate on both counts. Notice 469 is the first effort of the Department to solicit comments specifically on this issue.

After reviewing the address label option in light of the comments, the Department believes that (1) there is little cost savings associated with this option, and (2) the quality and usefulness of the information which would be provided is even less than for ingredient listing on the label.

T.D. ATF-66 stated that by providing the address label option people who have the need or desire to avoid various ingredients would have a means to do so. However, as commenters advised, this option does not provide the consumer with any ingredient information at the all important point of sale or time of consumption. Further, under T.D. ATF-66 the mailed list of ingredients may include all the possible additives used in the production of that product because producers may be unable to easily associate each request for information with a particular batch of the product. Thus, as one commenter stated, with this master list a consumer does not know whether a particular product contains a particular additive. Furthermore, under existing law and regulations the name and address of the bottler, packer, or importer as the name and address is already provided on labels. *See*, 27 U.S.C. 205(e)(2), 27 CFR 4.32(a)(3), 4.35, 5.32(b)(1), 5.36 and 7.22(a)(3), 7.25. Industry commenters reported that interested persons, albeit a very small number, have written to these addresses asking for ingredient information and have voluntarily been given the information, although, some commenters claimed they received no response to such requests for ingredient information.

The Department believes that the address label option does not meet the policy objective of providing consumers with an informed choice for the reasons mentioned in the preceding discussions in section A. Further, the address label option does not provide consumers with any immediate choice by comparing labels. Furthermore, the mailed "shotgun" listing of ingredients which T.D. ATF-66 of necessity must permit lessens the informative value of the requirement as it is not tailored to the special informational request of a consumer.

Many commenters questioned the unexplained conclusion in T.D. ATF-66 that the address label option would be less costly. Commenters noted that even with the address label option, the existing labeling of alcohol beverages must be changed. The address label option would require placement on the brand label or a separate strip label on the front of the container the following prescribed statement: "For Information About Ingredients In This Product, Write: (insert name of addressee and mailing address in the United States with zip code where information is available, unless this address appears elsewhere on the container)." Thus, the address label option would still result in all of the one-time costs associated with changing the existing label. As commenters stated, changing all existing labels is not a single task of adding more words but involves a whole series of activities. As discussed in Section C above, the Department agrees that the costs associated with the option statement remain substantial, and that the costs savings are at best minimal.

Noteworthy, under T.D. ATF-66, the address option is not available in all cases. If the previously approved label contains a statement which purports to constitute a list of ingredients, unless it is a required statement of composition, a full list of ingredients must appear on the container. In such a case, the proprietor is not permitted to use the address option. For example, many existing malt beverage labels state: "brewed from the finest cereal grains, choicest hops, yeast and water." Since this purports to be an ingredient list, the actual ingredient list must also appear on the container, and the address option is not acceptable as an alternative to labeling the ingredients in such cases. Further under T.D. ATF-66, if the previously approved label contains a required statement of composition (that is, concerns a product not having a standard of identity, such as a cocktail

or other speciality products) the language of the address option must be in direct conjunction with the composition statement. The address option would not be an acceptable alternative if there is not adequate space to place it directly next to the statement of composition or if such placement covers other mandatory label information.

Moreover, the industry will be required to implement new systems within each company to collect, maintain, and disseminate the information to those who may write for the information. These are costs which would not be required if the ingredients were listed on the label. The only cost savings is that in the future new labels would not have to be printed for changes in product formulations. The Department believes it is entirely possible that instead of reducing costs, the address label option may cost more. It is entirely possible that some companies may spend considerable resources each year in order to comply with consumer requests for information which are never made.

Furthermore, one commenter stated that the address label option has created a dilemma instead of resolving an issue. In order for the address label option to be substantially less costly than the list option there would have to be a relatively low volume of requests. A low level of requests would signify lack of consumer interest in ingredient information. In other words, only this eventuality would validate the pronouncement that the address label option would cost less. Under these circumstances the rationale for the regulations itself disintegrates.

In view of the foregoing, the Department believes that the address label is not a viable alternative to listing ingredients directly on the label. Moreover, the name and address of the responsible person is already required to be on the label and consumers can write to request ingredient or other information about the product.

F. International Commitments

T.D. ATF-66 stated claims were made during the comment period that the proposed regulations would act as a non-tariff trade barrier. However, T.D. ATF-66 stated the Department had taken steps to assure that any requirements were equally applicable to both domestic industry and foreign imports; therefore, the Department was proceeding in compliance with its international obligations. In this regard the 1981 NPRM stated that a reason for *proposing* the rescission of the ingredient labeling rules was that the rules were not in keeping with United States' international commitments. 46 FR 24962 (1981). However, the Department in its final decision to rescind, did not cite this factor as a reason for rescission. *See*, 46 FR 55093 (1981), *Conclusions* section. This indicates that the Department found this factor insufficient.

On the one hand, commenters advised that the ingredient labeling requirements placed a greater burden on imported products than domestic products by requiring certification of ingredients by a foreign government which constituted a non-tariff trade barrier. On the other hand, commenters implied that it was doubtful that foreign producers and their importers would be either able to or inclined to comply fully with ingredient labeling with the potential of unequal enforcement resulting in a double standard placing American producers at a disadvantage in the market. The Department does not view ingredient labeling requirements as a non-tariff trade barrier. These requirements apply both to domestic and foreign products. The foreign certification is a means of assuring that consumers would receive reliable ingredient information on imported products. For domestic products such assurance is provided by on-site inspection. This procedure was intended to establish equal responsibilities for domestic and foreign producers and thus does not interfere with international commitments.

II. Ingredient Labeling—Specific Ingredients

A. FD&C Yellow No. 5

T.D. ATF-66 required the specific disclosure of FD&C Yellow No. 5 on the label of all alcohol beverages in which the coloring material is used, either in the ingredient list, or when there is no list, elsewhere on the label. In NPRM, Notice No. 469, the Department specifically requested comments concerning the label disclosure of the use of FD&C Yellow No. 5. Few comments were received with respect to this issue. Most industry commenters stated that if FD&C Yellow No. 5 was found to be harmful and posed a health hazard there was no objection to it being specifically listed on labels.

An examination of T.D. ATF-66's basis for requiring specific disclosure reveals the following. T.D. ATF-66 believed this requirement was necessary in light of the ever-increasing medical evidence of allergic type reactions to FD&C Yellow No. 5 as brought out by the BDM regulatory analysis. The BDM study states that Yellow Dye No. 5 is used very rarely in wine and beer and rarely in distilled spirits; however, the additive may cause high negative reactions such as hypersensitivity/allergic reactions (short identification of the cluster of effects such as asthma, urticaria, angionurotic, and headaches) in a number of persons. The BDM study recognized it was difficult to estimate the number of people who are affected by the ingredient. In this regard BDM cited FDA's estimate of 100,000 people affected by the ingredient. Additionally, T.D. ATF-66 cited the FDA's rule which established specific label disclosure of FD&C Yellow No. 5 whenever used in products for human use. In this respect FDA commented that it had determined that there is enough reason for concern about possible adverse reaction to FD&C Yellow No. 5 to require its specific identification on the labels of all foods in which it is used. (21 CFR 74.705.)

The Department believes there is evidence that consumers of the few alcohol beverages containing the color additive may have adverse reactions to the ingredient. The Department believes that with respect to FD&C Yellow No. 5 there is an identifiable benefit that outweighs the cost or burden that this specific ingredient labeling requirement might cause. The benefit is derived from the fact that a sufficient number of consumers are shown to have serious allergic reactions to this ingredient, and now would be able to find out from the label that the ingredient is used in the alcohol beverage so that they could avoid it. Because the new requirement is imposed only on the few products which contain this ingredient, the cost would not be substantial in comparison with the demonstrated benefit of labeling this specific ingredient. This is not the case with respect to ingredient labeling in general which would require changes to every label of every alcohol beverage regardless of the value of the information. In view of the foregoing, the Department is requiring specific label disclosure of FD&C Yellow No. 5.

In NPRM No. 469, the Department specifically requested comments concerning the necessary lead time if the Department determined not to rescind the ingredient disclosure rules of T.D. ATF-66. When the Department originally adopted the ingredient labeling rule in 1980, a 2½-year lead time was provided. Numerous comments were received with respect to the lead time issue. Commenters for the distilled spirits industry and importers stated they need a minimum of two years to comply. A representative for the brewing industry stated they need a minimum of 12 months, with 18 months

being preferable. A representative for the wine industry commented that the necessary lead time would range from at least nine and perhaps more than 12 months. The Department believes that a one year transition period will provide ample time for the industry to meet the new requirements for specifically disclosing FD&C Yellow No. 5. These new labeling requirements are not as extensive as those contained in T.D. ATF-66 and do not affect the entire alcohol beverage industry as this ingredient is used only in selected products of certain producers.

B. Other Ingredients

Many commenters made generalized and unsupported claims about possible health problems associated with other ingredients used in alcohol beverages. However, there is no clear evidence in the record that any other ingredient besides FD&C Yellow No. 5 poses any special health problem. The Department will look at the necessity of mandatory labeling of other ingredients on a case-by-case basis through its own rulemaking initiative, or on the basis of petitions for rulemaking under 5 U.S.C. § 553(e) and 27 CFR § 71.41(c). The existing record does not contain sufficient information upon which the Department can make an informed decision on the other ingredients.

III. Miscellaneous Considerations

The Center filed two requests to withdraw this NPRM, Notice No. 469, 48 FR 27782 (1983), claiming that the proposal to reconsider the ingredient labeling issue violated the district court's order in *Center for Science in the Public Interest* v. *Department of Treasury*, Civil Action No. 82-610. First, the Department has fully complied with the district court's order. Pursuant to this court order, the Department announced and subsequently published, through Notice No. 459, 48 FR 10308 (March 11, 1983), that the ingredient labeling regulations, as originally promulgated in T.D. ATF-66, were reinstated and that compliance was mandated as of February 8, 1984. Moreover, the court did not forbid a new rulemaking and the Department's action in initiating a new notice of proposed rulemaking, Notice No. 469, 48 FR 27782, complies with both the letter and spirit of the court's order and decision. Finally, by order dated September 6, 1983, the district court rejected these same arguments of the Center when it denied the Center's motion to enforce judgment seeking to enjoin this rulemaking. For these reasons, the Department denies the Center's requests to withdraw the NPRM.

Additionally, the Center requested a public hearing so that the Department could give consideration to testimony of health professionals regarding the need for ingredient labeling and to testimony of those supporting ingredient labeling requirements. The Department gave all interested parties an opportunity to participate in the rulemaking process through submission of written comments. The Notice provided for a thirty day comment period, which at the request of the Center, was extended an additional thirty days. The record reveals that all viewpoints have been represented by written comments and all comments have been taken into consideration. For these reasons, the Department believes that a public hearing is unnecessary.

Conclusions

The entire issue on ingredient labeling for alcohol beverages centers on the labeling authority in the FAA Act for the Secretary to require "adequate information as to the identity and quality" of the products. Therefore, the decision which must be made is whether alcohol beverages must disclose ingredient lists in order to be adequately labeled. This document has addressed in detail the various factors and issues raised in connection with the ingredient labeling proposals. Based upon these discussions some general conclusions can be made.

The first factor which the Department considered is whether the information is something consumers want to know about the product. Throughout the long history of this issue before the Department one thing appears clear—there is no overwhelming desire on the part of the consumers generally for comprehensive ingredient labeling. An objective review of the record of this case reveals that the vast majority of those commenting have in one way or another been associated with or encouraged by one of the two factions in this dispute. The fact that there has been no sign of grass roots support for the ingredient labeling rules, however, is not alone determinative of the issue. We recognize that there may be circumstances where the Secretary would exercise authority to require information which consumers had not actively solicited. Such information might be required under the assumption that once available consumers would readily use and benefit from the information.

The Department has also considered the value of the information. As the preceding discussion of the comments points out, there is a serious question as to the usefulness of full ingredient disclosure even if it were required. The substantial transformation involved in the production process means that there is only a strained relationship between the initial ingredients which go into the production process and the ultimate contents of the product to be consumed. Apart from this fact, there is also considerable medical and scientific dispute over the degree to which components of the initial ingredients may survive the production process to cause allergic reaction. Therefore, on this second score, there is also a lack of persuasive evidence that indiscriminate ingredient labeling will provide significant and useful information to consumers generally.

Under circumstances where there is neither evidence of a substantial consumer interest in the information, nor clear evidence that the information would provide substantially useful information to consumers generally, the Department concludes that the indiscriminate ingredient disclosure rules of T.D. ATF-66 should be rescinded prior to the effective date.

An obvious question raised by this decision is how, after reviewing similar arguments in 1980, the Department came to the opposite conclusion. The answer is that the findings in this decision are not as different from those in 1980 as it might appear. In T.D. ATF-66, the Department acknowledged "the uncertainties existing in the data underlying the health and consumer benefits", and was concerned about these uncertainties and the costs which would be incurred as a result of requiring this information on every label. In this respect, the decision in 1980 is not that much different from the initial decision made in 1975, or the one made more recently in 1981. On all three occasions the Department decided that a mandatory ingredient list on every label of alcohol beverages was not justified.

What was decided in 1980, however, was that there was a painless and inexpensive way to accommodate the relatively few who demanded the information, while not launching into a full scale labeling requirement on the basis of this conflicting information. Essentially, the Department found that the information was of enough interest to some people that it should be available if it could be done without all the costs of full labeling. The method seen as accomplishing this goal was the optional name and address requirement which advised consumers that they could write to producers for ingredient information. There is, however, no statutory authority for the Department

to require producers to respond to consumer requests for information, and no authority for the Department to regulate the contents of correspondence prepared by producers. The only relevant authority is to require information to appear on labels. Therefore, a labeling requirement was imposed, and then relieved if the producer was willing to voluntarily submit to the regulation of its responsiveness in correspondence. In any event T.D. ATF-66 represents a conscious decision not to mandate ingredient labeling.

At the time this appeared to be a satisfactory compromise because it allowed those who might for whatever reason want the information to get it, while not imposing any undue costs. The problem with this approach is that upon examination it does not accomplish what was intended. It must be remembered that this option was not part of the rule at the time the notice of proposed rulemaking was issued, and comments were sought. Consequently, the option was adopted without the benefit of public comment. This lack of information on the feasibility and costs of this option, resulted in an uninformed decision. After further reflection on the issue and after reviewing comments on the option it is clear that the address label option of providing ingredient information does not provide an acceptable alternative.

This review of T.D. ATF-66 has resulted in a rejection of its indiscriminate ingredient disclosure requirement. However, the Department has determined that the use of FD&C No. 5 should be specifically disclosed on labels. Unlike basic ingredients such as cereal grains for distilled spirits and beer, and grapes or other fruit for wine, this is not an inherent ingredient which is generally known to be in these products. Moreover it is added after fermentation or distillation and thus has not undergone a substantial transformation. This ingredient is also unique among the other additives because it is the only one which has been shown to have a demonstrable serious allergic effect on consumers. For these reasons the Department will require that the use of this coloring material be specifically disclosed on the labels of alcohol beverages.

Decision

The Department upon reexamining the issue of ingredient labeling by looking at T.D. ATF-66, T.D. ATF-94, the rulemaking records as set forth above and the comments received pursuant to Notice No. 469, states the following. The record does not justify many of the conclusions drawn in T.D. ATF-66. Furthermore, the Department believes that T.D. ATF-66 which imposed general ingredient labeling requirements was unwise. While T.D. ATF-66 was within the zone of legitimate discretion, the Department upon reconsideration believes that a different decision is preferable and within the zone of legitimate discretion under the FAA Act.

Therefore, the Department is rescinding the ingredient labeling amendments to Parts 4, 5, and 7 set forth in T.D. ATF-66 and requiring mandatory labeling of FD&C No. 5.

The reinstatement of the ingredient labeling regulations was effected by footnotes appearing in the CFR texts. These footnotes are now eliminated. This rescission returns the regulations to their status prior to the reinstatement.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and it will not 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to the initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable because this final rule will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant or incidental effects on a substantial number of small entities; or impose or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 95-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

Personnel in various offices of the Bureau of Alcohol, Tobacco, and Firearms and the Department of the Treasury participated in the preparation of this document, both in matters of substance and style.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205, 27 CFR Parts 4, 5 and 7 are amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Subpart D—Labeling Requirements for Wine

Par. 1. Section 4.32 is amended by revising the introductory text of paragraph (a) to reference paragraph (d); and adding a new paragraph (d). As amended, § 4.32 (a) and (d) read as follows:

§ 4.32 Mandatory label information.

(a) Except as otherwise provided in paragraphs (c) and (d) of this section, there shall be stated on the brand label:

* * * * *

(d) There shall be stated on the brand label or on a back label a statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or after October 6, 1984.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Subpart D—Labeling Requirements for Distilled Spirits

Par. 2. Section 5.32 is amended to add a new paragraph (b)(5) and to redesignate paragraph (b) (5), (6), and (7) as paragraph (b) (6), (7), and (8), respectively. As added, § 5.32(b)(5) reads as follows:

§ 5.32 Mandatory label information.

* * * * *

(b) * * *

(5) A statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or October 6, 1984.

* * * * *

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Subpart C—Labeling Requirements for Malt Beverages

Par. 3. Section 7.22 is amended by adding a new paragraph (b)(4) to read as follows:

§ 7.22 Mandatory label information.

* * * * *

(b) * * *

(4) A statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or after October 6, 1984.

Signed: October 4, 1983.

Philip McGuire,

Acting Director.

Approved: October 4, 1983.

David Q. Bates,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-27566 Filed 10-5-83; 8:45 am]

BILLING CODE 4810-31-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 66, Supp. 1]

Prompt Payment Procedures—Wire Transfers

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement to FPR Temporary Regulation 66 adjusts payment due date clauses and adds new guidance and a contract clause designed to implement wire transfer procedures to make contract payments. The basis for the regulation is Treasury Fiscal Requirements Bulletin No. 83-14 which notifies agencies that beginning October 1, 1983, they will be required to use the Treasury Financial Communications System for making Treasury disbursed vendor payments in excess of $25,000. The intended effect of the new procedures is to support Office of Management and Budget Circular A-125 which implements the Prompt Payment Act (Pub. L. 97-177).

DATES: Effective date: October 6, 1983

Expiration date: September 1, 1985, unless sooner canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Mr. Frank T. Van Lierde, Office of Federal Acquisition and Regulatory Policy (VR), Office of Acquisition Policy (202-523-4768).

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Ch. 1, the following supplement to Temporary Regulation 66 is added to the appendix at the end of the chapter to read as follows:

September 29, 1983.

Federal Procurement Regulations, Temporary Regulation 66, Supplement 1

To: Heads of Federal agencies.

Subject: Prompt payment procedures.

1. *Purpose.* This supplement modifies existing regulations and adds new requirements to accommodate the use of wire transfers for contract payments made through the Treasury Financial Communications System.

2. *Effective date.* This supplement is effective upon publication in the Federal Register.

3. *Expiration date.* FPR Temporary Regulation 66 and this supplement will expire on September 1, 1985, unless revised or superseded earlier.

4. *Background.*

a. FPR Temporary Regulation 66 implements the provisions of the Prompt Payment Act and Office of Management and Budget (OMB) Circular A-125. The Department of the Treasury is currently implementing procedures to make contract payments by wire transfer through the Treasury Financial Communications System. The first phase of the new Treasury procedures are to be effective October 1, 1983, when payments in excess of $25,000 will be made by wire transfer directly to the bank accounts of Government contractors. The objective of this supplement is to (1) adjust the payment due date provisions of the clauses in FPR Temporary Regulation 66 to redefine the payment date to include the date of payment by wire transfer as well as the check date, and (2) add guidance and a new contract clause designed to accommodate the new Treasury procedures and obtain necessary check address and bank account information from contractors.

b. Agencies should obtain bank account information from existing contractors on contracts awarded prior to the date of this supplement by direct contact with contractors in order to facilitate the changeover to wire transfer payment procedures (see paragraph 8, Treasury Fiscal Requirements Manual Bulletin 83-14, Transmittal Letter No. 394, February 10, 1983).

c. Until the method of payment clause set forth in paragraph 5.c. below is incorporated in new Federal Supply and ADP Schedule contracts, and arrangements are made for disseminating contractor bank account information to schedule users, payments under existing supply schedule contracts should continue to be made by check.

5. *Explanation of changes.*

a. Section 1-29.202-1 is amended to revise the last paragraph of the payment due date clauses in paragraphs (a) and (b) to read as follows:

§ 1-29.202-1 Payment due dates based on receipt of invoice.

(a) * * *

Payment Due Date

* * * * *

(d) The date of the check issued in payment or the date of payment by wire transfer through the Treasury Financial Communications System shall be considered to be the date payment is made.

* * * * *

(b) * * *

Payment Due Date

* * * * *

(b) The date of the check issued in payment or the date of payment by wire transfer through the Treasury Financial Communication Systems shall be considered to be the date payment is made.

* * * * *

b. Section 1-29.202-2 is amended to revise the last paragraph of the payment due date clause in paragraph (c) to read as follows:

§ 1-29.202-2 Due dates based on delivery.

(c) * * *

Payment Due Date

* * * * *

(c) The date of the check issued in payment or the date of payment by wire transfer through the Treasury Financial Communications System shall be considered to be the date payment is made.

* * * * *

c. Subpart 1-29.4 is added to read as follows:

Subpart 1-29.4—Method of Payment

§ 1-29.401 General.

(a) The Department of the Treasury has initiated a program to make contract payments by wire transfer through the Treasury Financial Communications

System (TFCS). During its initial phases, payments will be made by both check and wire transfer. The determination of the method of payment will be directed by the Department of Treasury through establishment of a vendor payment amount threshold above which TFCS payments will be required.

(b) Procedures for processing payments through the TFCS may be found in Chapter 2500, Part 4, Volume 1, of the Treasury Fiscal Requirements Manual.

(c) To accommodate payments by either of the payment methods discussed in paragraph (a) of this section, it is necessary that the check payment address and appropriate bank account information be obtained from Government contractors. The contract clause set forth in § 1-29.402 is designed to elicit the necessary information.

§ 1-29.402 Method of payment clause.

Each solicitation and resultant contract shall include a clause that (a) gives the Government the option to pay by check or wire transfer and (b) requires contractors to furnish the address where check payments should be sent and the appropriate bank account information needed to accomplish wire transfers. The clause used for this purpose should read substantially as follows:

Method of Payment

(a) Payments under this contract will be made either by check or by wire transfer through the Treasury Financial Communications System at the option of the Government.

(b) The Contractor shall forward the following information in writing to *_____ not later than 7 days after receipt of notice of award.

(1) Full name (where practicable), title, phone number, and complete mailing address of responsible official(s), (i) to whom check payments are to be sent, and (ii) who may be contacted concerning the bank account information requested below.

(2) The following bank account information required to accomplish wire transfers:

(i) Name, address, and telegraphic abbreviation of the receiving financial institution.

(ii) Receiving financial institution's 9-digit American Bankers Association (ABA) identifying number for routing transfer of funds. (Provide this number only if the receiving financial institution has access to the Federal Reserve Communications System.)

(iii) Recipient's name and account number at the receiving financial institution to be credited with the funds.

(iv) If the receiving financial institution does not have access to the Federal Reserve Communications System, provide the name of the correspondent financial institution through which the receiving financial institution receives electronic funds transfer messages. If a correspondent financial institution is specified, also provide:

(A) Address and telegraphic abbreviation of the correspondent financial institution.

(B) The correspondent financial institution's 9-digit ABA identifying number for routing transfer of funds.

(c) Any changes to the information furnished under paragraph (b) of this clause shall be furnished to *_____ in writing at least 30 days before the effective date of the change. It is the contractor's responsibility to furnish these changes promptly to avoid payments to erroneous addresses or bank accounts.

(d) The document furnishing the information required in paragraphs (b) and (c) must be dated and contain the signature, title, and telephone number of the contractor official authorized to provide it, as well as the contractor's name and contract number.

(End of Clause)

§ 1-29.403 Coordination with paying offices.

Contracting officers or other designated recipients shall transmit the check payment address and bank account information submitted by contractors under the clause set forth in § 1-29.402 to appropriate paying offices in accordance with agency procedures. Alternatively, agencies may designate paying offices as the recipient of the information. Procedures for handling the information and appropriate internal controls will be established in accordance with agency procedures.

6. *Additional information.* The information collection requirement contained in this regulation has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and has been assigned OMB control number 3090-0141.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-27277 Filed 10-5-83; 8:45 am]

BILLING CODE 6820-61-M

*Enter the name and address of the agency office designated to receive the information.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Parts, 51c, 52b, 55a, 56, and 122

Intergovernmental Review of the Department of Health and Human Services Programs and Activities; Correction

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule, correction.

SUMMARY: This document corrects a final rule implementing Executive Order 12372, "Intergovernmental Review of Federal Programs" that appeared at page 29188 in the **Federal Register** of Friday, June 24, 1983, (48 FR 29188). This action is necessary to include the authority citations for the amendments to 42 CFR Parts 51c, 52b, 55a, 56, and 122. In addition, this action corrects an amendment to 42 CFR 122.107-by reserving paragraph (c)(11) in its entirety.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Spencer, (202) 755-4884.

In the FR Doc. 83-16963 of the issue of Friday, June 24, 1983, beginning on page 29188, make the following changes:

PART 51c—[AMENDED]

§ 51c.104 [Amended]

1. On page 29201, the third column, item 1., insert the following authority below the five stars following (b)(10):

(Sec. 330, Public Health Service Act, 89 Stat. 342, (42 U.S.C. 254c); sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 63 (42 U.S.C. 216))

PART 52b—[AMENDED]

§ 52b.4 [Amended]

1. On page 29201, third column, item 1., insert the following authority below the last line of the page:

(Sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 406(b), Public Health Service Act, 92 Stat. 3428 (42 U.S.C. 286a); sec. 404(b)(9), Public Health Service Act, 92 Stat. 3427 (42 U.S.C. 285))

PART 55a—[AMENDED]

§ 55a.4 [Amended]

1. On page 29202, first column, after the last line of the amendment to § 55a.4, insert the following authority below the words "paragraph (e)":

(Sec. 427(a), Federal Mine Safety and Health Mr. President, Act of 1977, 92 Stat. 100 (30 U.S.C. 937(a))

PART 56—[AMENDED]

§ 56.104 [Amended]

1. On page 29202, first column, item 1., insert the following authority below the stars following paragraph (b)(12):

(Sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 329, Public Health Service Act, 95 Stat. 569 (42 U.S.C. 254b))

PART 122—[AMENDED]

§§ 122.1, 122.105, 122.408, and 122.410 [Amended]

1. On page 29202, in the first, second and third columns, items 1., 2., 4. and 5., insert at the end of each section the following authority:

(Sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); secs. 1501–1532, Public Health Service Act, sec. 936, Pub. L. 97–35, 95 Stat. 570–578 (42 U.S.C. 300k–1—300n–1))

§ 122.107 [Amended]

2. On page 29202, in the middle column, item 3. is corrected by reserving paragraph (c)(11) and setting out the authority citation at the end of the section to read as follows:

(Sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); secs. 1501–1532, Public Health Service Act, sec. 936, Pub. L. 97–35, 95 Stat. 570–578 (42 U.S.C. 300k–1—300n–1))

Dated: September 29, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-27195 Filed 10-5-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6479

[OR-22197-A (Wash)]

Washington; Partial Revocation of Executive Order of July 15, 1875

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order as to 113.65 acres of land withdrawn for use by the U.S. Coast Guard for lighthouse purposes. The land was conveyed out of Federal ownership under authority of the Recreation and Public Purposes Act with all minerals reserved to the United States. Consequently, the land will remain closed to surface entry and mining. It has been and remains open to mineral leasing.

EFFECTIVE DATE: November 4, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughn, Jr., Oregon State Office, 503–231–6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Excutive Order of July 15, 1875, which withdrew land for use by the U.S. Coast Guard for the James Island Lighthouse Reservation, is hereby revoked as to the following described land:

Willamette Meridian

T. 35 N., R. 1 W.,
Sec. 14, lot 1;
Sec. 23, lots 2, 3, and 4.

The area described contains 113.65 acres in San Juan County.

2. The above described land has been conveyed from Federal ownership, with all minerals reserved to the United States, pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869–4), and will not be restored to operation of the public land laws. Unless and until appropriate rules and regulations are issued, the land will not be open to location under the United States mining laws.

3. The land has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 29, 1983.

[FR Doc. 83-27240 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 380

Records Retention Schedule

AGENCY: Maritime Administration, DOT.

ACTION: Final rule.

SUMMARY: Subpart C of 46 CFR Part 380 prescribes the records retention procedures to be followed by contractors receiving Maritime Administration (MARAD) assistance in the form of operating-differential subsidy (ODS) or construction-differential subsidy (CDS), pursuant to contracts with MARAD. MARAD has conducted a review of these regulations in response to a directive of the Presidential Task Force on Regulatory Relief. As a result of that review, MARAD is amending 46 CFR 380.24 in order to reduce the existing administrative and storage burden imposed on contractors with respect to records retention, and also to eliminate an obsolete provision.

EFFECTIVE DATE: October 6, 1983.

SUPPLEMENTARY INFORMATION: The subject regulations specify the agency's policy with respect to the retention and disposal of books, records, and accounts created and maintained by ODS and CDS contractors. Individual contractors have from time to time requested a reduction of the various retention periods for the records that MARAD requires them to keep. MARAD has given careful consideration to the existing retention periods in these regulations, in light of the information regularly submitted and obtained from all sources. Accordingly, we are amending two provisions in 46 CFR 380.24 to reduce the retention period. With respect to various specified records required to be kept by ODS contractors, the period is being reduced from 6 to 2 years after final release agreement or settlement agreement and from 6 to 3 years with respect to other ODS and CDS-related documents, as well as any document generated under the provisions of the Shipping Act, 1916. Also, a provision relating to retention for not less than 6 years after audit and approval of the final accounting for the last year of a "recapture" period is being eliminated since recapture accounting (for excessive contracting profits) was eliminated by provisions of the Merchant Marine Act of 1970.

EO 12291, Statutory and DOT Requirements

The Maritime Administrator had determined that these amendments to Subpart C of 46 CFR Part 380 meet none of the criteria in EO 12291 for a "major" rule and, therefore, a regulatory impact analysis is not necessary.

MARAD believes that it is unnecessary and impracticable, pursuant to provision of the Administrative Procedure Act (5 U.S.C. 553) to provide an opportunity for notice and public comment in connection with this rule because it does not expect any adverse comments of any type on this matter as the rule's requirements are of a minor technical nature that will have no adverse impact of any type on the maritime industry or general public.

Moreover, MARAD believes that any impact will be beneficial as it will relieve certain unreasonable record retention burdens for ODS and CDS program participants, while maintaining MARAD's system for receiving and storing records of necessary data. Therefore, MARAD believes it has good cause for dispensing with the notice and comment requirements of 5 U.S.C. 553 and for publishing this rule as a final action.

Since the requirements involved in this rulemaking are administrative in nature, noncontroversial and relieve a restriction, the Maritime Administration believes that it is justified under 5 U.S.C. 553(d) in making this regulation effective immediately.

Since notice of proposed rulemaking is not required, the Maritime Administrator certifies that the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) is inapplicable and would not otherwise be applicable because this rulemaking will not exert a significant economic impact on a substantial number of small entities under existing Small Business Administration criteria (13 CFR Part 121.3-10(f)). This rulemaking includes no new reporting requirements for the collection of information within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Rather, it provides for a reduction of the retention periods required for various ODS and CDS program related records. The recordkeeping amendments have been approved by OMB under their number 2133-0501. Pursuant to DOT Order 2100.5, this is a nonsignificant regulation. Because of its minimal economic impact, further regulatory evaluation is not necessary.

List of Subjects in 46 CFR Part 380

Administrative practice and procedure, Maritime Administration, Reporting requirements.

PART 380—[AMENDED]

Accordingly, Subpart C of 46 CFR Part 380 is amended by revising §§ 380.20, 380.21(a), and 380.24, to read as follows:

§ 380.20 Purpose.

The purpose of this subpart is to prescribe the procedure to be followed by contractors for the retention and disposal of books, records, and accounts created and maintained by them under construction or operating-differential subsidy contracts with the Maritime Administration/Maritime Subsidy Board (hereinafter referred to as the "Administration"). The minimum retention periods prescribed herein govern only the Administration's requirements for the preservation of the hereinafter specified books, records, and accounts. The failure to describe a particular book, record, or account shall not exempt a contractor from retaining the particular book, record, or account, unless expressly so authorized by the Administration.

§ 380.21 Reproduction.

(a) The records described in § 380.24 may be microfilmed or otherwise reproduced in lieu of their retention in original form: Provided, that such reproductions shall not be made prior to completion of the audit of such records by the Administration.

§ 380.24 Schedule of retention periods and description of records.

(a) The following records shall be retained for not less than two (2) years after final release agreement or settlement agreement is completed between the Administration and contractors under operating-differential subsidy contracts:

(1) Official company or corporate records such as certificates or articles of incorporation, minute books, stock ledgers, bond registers, merger or acquisition records, patents and copyrights;

(2) Financial statements and reports such as annual reports to stockholders and audit reports by independent public accountants;

(3) Insurance records such as policies, underwriters' audit reports, indemnity bonds, salvage data, and claim files;

(4) Contracts, agreements, franchises, licenses, etc., such as subsidy, charter, ship construction, and pooling agreements;

(5) Vessel operating records such as log books, surveys, position reports, and vessel itineraries;

(6) Voyage account items such as manifests, bills of lading, master's accounts, ship's payrolls;

(7) Underlying traffic records pertaining to tariffs, dray tickets, pooling agreements, passenger reports, freight and passenger conference records.

(b) The following records shall be retained for three (3) years after final audit and/or approval by the Administration:

(1) Ship construction or reconversion records such as bids, plans, progress payments, and construction-differential subsidy data;

(2) Canceled checks;

(3) Miscellaneous documents and work papers such as correspondence, operating and construction-differential subsidy rate data, subsidy adjustments pursuant to 46 CFR Part 276 and approvals pursuant to Article II-10(c) of operating-differential subsidy contracts;

(4) Any document generated under the provisions of the Shipping Act, 1916;

(5) Books of account such as general and subsidiary ledgers, journals, cash books, and check registers;

(6) Personnel records and supplementary records such as union agreements.

(c) Reports prepared by Federal, State, Local, or foreign governments pertaining to any documents referred to in this § 380.24, shall be retained for the same period as prescribed herein for the retention of the documents to which they apply.

(d) If identical copies of the same document serve more than one purpose, only the original copy is required to be retained.

Note.—The recordkeeping and reporting requirements contained herein have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The OMB approval number is 2133-0501.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)). Pub. L. 97-31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981))

By order of the Maritime Administrator.

Dated: October 3, 1983.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 83-27319 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, and 83

[Docket No. PR Docket No. 83-90; FCC 83-418]

Amendment of the Commission's Rules To Provide for Facsimile Communications in the Maritime Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's rules to provide for the use of facsimile in the maritime mobile service. This action was initiated by the Commission and will expand the communications service available to the maritime industry.

EFFECTIVE DATE: October 24, 1983.

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

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau (202) 632-7175.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 81

Coast stations, Communications equipment.

47 CFR Part 83

Communications equipment, Ship stations.

Report and Order (Proceeding Terminated)

In the matter of amendment of Parts 2, 81 and 83 to provide for facsimile communications in the maritime mobile service. PR Docket No. 83-90, FCC 83-418.

Adopted: September 13, 1983.
Released: September 30, 1983.
By the Commission.

Introduction

1. In the Notice of Proposed Rule Making (NPRM) [1] we proposed to provide for facsimile communications between coast stations and vessels on the high seas by the use of high frequencies (3-30 MHz).

2. Three comments were filed in response to the NPRM by the following organizations:

—The American Telephone and Telegraph Company (AT&T);
—Mobile Marine Radio, Inc. (MMR); and
—WJG Telephone Company, Inc. (WJG).

3. No comments were filed by shipping companies operating vessels transiting the high seas or by manufacturers of facsimile equipment.

4. All three commenters supported the proposal to make facsimile service available to high seas vessels. The commenters opposed inclusion in the rules of technical standards for facsimile equipment. AT&T suggests that all non-voice applications be permitted on the facsimile frequencies. MMR suggests that voice be permitted on the facsimile frequencies for set-up purposes. WJG suggests that specific frequencies not be set aside exclusively for facsimile but that frequencies suitable for telephony be opened up for facsimile as well. AT&T and MMR supported the proposal that coast station frequencies be taken from the shared bands.

Technical Standards

5. In the NPRM we proposed to add one section each to Parts 81 and 83 (§ 81.144 and 83.147) to specify technical standards for facsimile equipment used at coast stations and aboard ship. The three commenters opposed adoption of these standards. There were no supporting comments in favor of the proposed standards. In view of the comments, we conclude that it is unnecessary to adopt detailed equipment standards beyond spectrum characteristics (e.g., emission, power, bandwidth and frequency tolerance). Facsimile communication will primarily be between vessels and shore facilities of the vessel operator, thus assuring equipment compatibility. Further, the absence of detailed standards will provide for maximum user flexibility and encourage innovation. We, therefore, are not adopting the two sections (§ 81.144 and 83.147) proposed in the NPRM.

6. To present the immediate licensing of ship and coast stations for fascimile in the 3-30 MHz frequency band, we will permit stations using single sideband transmitters capable of suppressed carrier (A3J) emission to transmit facsimile (A4J) emission if such transmitters were type accepted before October 1, 1983, provided that there are no modifications to the equipment and that it continues to comply with the technical standards in the rules. Transmitters type accepted after October 1, 1983, that are to be used for facsimile must demonstrate that the equipment is capable of transmitting with A4J or F4 emission. Transmitters type accepted after October 1, 1983, for facsimile (A4J or F4) will have the emission designator listed on the equipment authorization grant. Manufacturers who wish to have the A4J or F4 emission designator added to the authorization grant of existing equipment may do so by filing a suitable request as described in Part 2.

Frequency Usage—Ship

7. The two families of frequencies (those between 4 and 27.5 MHz) proposed in the NPRM for ship station use are in bands allocated exclusively to the maritime mobile service. The usage to which these bands are available is specified in the ITU Radio Regulations as: "Frequencies assignable to ship stations for wide-band telegraphy, facsimile and special transmission systems".

8. AT&T suggests that the scope of usage on the proposed frequencies be expanded to include other non-voice services such as data and slow-scan television. While these usages are clearly within the limits prescribed by the ITU Radio Regulations as quoted above, they are outside the scope of this proceeding and are not being treated herein.

9. MMR suggested that the use of voice be permitted on ship station facsimile frequencies to facilitate the set-up of facsimile transmissions. If this is not done, MMR states, it will be necessary to use a second voice channel to coordinate successful transmission of facsimile. In the absence of common technical standards at coast and ship station, and the probability that different systems will be used at the two terminals, we agree that some means of coordinating satisfactory reception of the facsimile transmission will be necessary. We are, therefore, authorizing secondary use of voice on the facsimile frequencies for the sole purpose of set-up and confirmation of receipt of facsimile transmissions.

10. We stress that only two families of frequencies are available for facsimile use by all ship stations and that these will be available for reception at all coast stations. The coast station licensee will, therefore, assure that once the facsimile transmission is complete, the use of voice on the facsimile frequencies will be discontinued.

11. WJG suggests that frequencies not be set aside exclusively for facsimile, but that frequencies suitable for telephony be opened up for facsimile as well. Basically, WJG's proposal is that all telephony channels be made available for facsimile. WJG's suggestion is beyond the scope of this proceeding and it is not, therefore, being treated herein.

Frequency Usage—Coast

12. In the NPRM we set forth two types of allocations which coast stations might use to communicate with facsimile fitted ship stations. One was frequencies in the coast telegraph bands, which was viewed as improbable because of the use of those bands for Al Morse radiotelegraphy. The other was frequencies in shared bands between 3 and 320 MHz, available to one or more other radio services including the maritime mobile service. In their comments AT&T and MMR supported coast station use of frequencies in the shared bands. We are adopting provisions to implement this option.[2] These shared bands are available to coast stations and may be used to provide facsimile services.

13. In their comments AT&T suggests that the coast frequencies use be expanded to include all non-voice

[1] PR Docket No. 83-90, FCC 83-58, released March 3, 1983, 48 FR 9590.

[2] Docket 80-739, Implementation of the Final Act of the World Administrative Radio Conference 1979 develops provisions for shared bands at high frequencies.

applications. In the Appendix to the NPRM we proposed (in § 83.332) that ship station facsimile frequencies be limited to facsimile. We did not, however, include in our proposals for Part 81 that the coast station frequencies be similarly limited. There are no national or international limitations on the type of traffic which may be handled by coast stations on frequencies in the shared bands and we are not adopting limitations in this proceeding. Coast stations may, when authorized, handle all non-voice applications on frequencies in these shared bands.

14. Similarly, in regard to MMR's expressed need to employ voice on coast station frequencies to set-up facsimile, the same absence of limitations is applicable to coast station use, when authorized, of frequencies in the shared bands.

Other Matters

15. AT&T suggests the Commission conduct a study to determine the current use of frequencies which are assigned and registered for A1 Morse radiotelegraphy. This suggestion arises from the premise that the more sophisticated telex service may have reduced the traffic in the coast telegraph bands making exclusive channel assignments feasible to other users. AT&T expresses the view that it appears prudent to determine whether additional circuits could be made available from the spectrum now assigned to A1 Morse radiotelegraphy. A general review of all maritime mobile HF bands will be made at the World Administrative Radio Conference for the Mobile Services scheduled for 1987.[3] In preparation of U.S. proposals for this conference a study will be made as suggested by AT&T of the current use of A1 Morse frequencies.

16. For the reasons indicated above, we conclude that the amendments set forth in the attached Appendix are in the public interest. Therefore, we are amending Parts 2, 81 and 83 as set forth in the attached Appendix.

17. The rule amendments adopted in this proceeding will provide for facsimile communications in the maritime mobile service. The communications offered by public coast stations and available to ships at sea will be expanded by the addition of facsimile. However, no additional equipment or expanded service would be mandated by these rules. Therefore the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have significant economic impact on a substantial number of small entities.

18. Regarding questions on matters covered in this document contact Charles D. Fisher (202) 632-7175.

19. Accordingly, it is ordered, That under the authority contained in Section 4(i) and 303 (b), (c), (e), (g) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 145(i) and 303 (b), (c), (e), (g) and (r), the Commission's rules are amended as set forth in the attached Appendix, effective October 24, 1983.

20. It is further ordered, That the proceeding is terminated.

21. It is further ordered, That a copy of this Report and Order shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULE AND REGULATIONS

1. In § 2.106, *the Table of Frequency Allocations,* the following entries are revised, and a new footnote "US296" is added as follows:

§ 2.106 Table of Frequency Allocations.

FEDERAL COMMUNICATIONS COMMISSION

Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of service of stations
(7)	(8)	(9)	(10)	(11)
* * *	* * *	* * *	* * *	* * *
2068.5–2078.5 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
4146.6–4162.5 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
4166–4170 (US296)	MARITIME MOBILE	Ship	4168	Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
6224.6–6244.5 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
8300–8328 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
8331.5–8343.5 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
12483–12491 (US296)	MARITIME MOBILE	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
16640–16660 (US296)	MARITIME	Ship		Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
22164–22192 (US296)	MARITIME MOBILE			Ship (wideband telegraphy, facsimile, and special transmission systems).
* * *	* * *	* * *	* * *	* * *
		United States Footnotes		
* * *	* * *	* * *	* * *	* * *

US296 In the bands designated for Ship wideband telegraphy, facsimile and special transmission systems, the following assignable frequencies, are available to non-Government stations on a shared basis with Government stations: 2070.5, 2072.5, 2074.5, 2076.5, 4160.6, 4168, 6238.6, 6242.6, 8328, 8341.5, 12485, 12489, 16654, 16658, 22186 and 22190 kHz.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. In § 81.131, paragraphs (b)(2) and (b)(3) are revised and footnote 1 is removed to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(b) * * *

(2) From 1605 to 4000 kHz:

For A3A, A3H, A3J, A4J and F4 emissions—20 Hz

For other than A3A, A3H, A3J, A4J and F4 emissions—50

(3) From 4000 to 27,500 kHz:

(i) For A3A, A3B, A3H, A3J, A4J and F4 emissions—15 Hz

(ii) For narrow-band direct-printing telegraph and data transmission systems—15 Hz

[3] See Final Acts of the WARC for Mobile Services, Geneva, Feb/Mar 1983; Resolution No. COM 4/6, and Public Notice July 13, 1983, mimeo 5295, "Staff Report to the Commission on the Results of the 1983 WARC for the Mobile Services."

(iii) For other than (i) and (ii) above—15 Hz

* * * * *

2. In § 81.132, paragraph (a)(1) is revised and a new paragraph (g) is added, to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

Frequency bank	Classes of emissions
(1) Coast stations using telegraphy:	
14 to 160 kHz	A1.
160 to 490 Khz	A1, A2, or A2H for distress, urgency and safety signals or any communications preceded by one of these signals.
490 to 535 kHz	A1 and A2 or A2H.
2035 to 27,500 kHz	A1 on frequencies listed in § 81.206; F1 on frequencies listed in § 81.204(c); only as authorized by the Commission on frequencies listed in § 81.206; and F4 or A4J on freqencies referred to in § 81.230.

* * * * *

(g) For the purpose of this part A4J emission means facsimile transmitted by a suppressed carrier single sideband, carrier modulated with a frequency-shifted audio frequency subcarrier.

* * * * *

3. In § 81.133, emissions F4 (2.8F4) and A4J (2.8A4J) are added to the table of paragraph (a). As amended, paragraph (a) table reads as follows. Footnotes 1–6 are also revised.

§ 81.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16A1	0.4.
A2	2.66A2	2.8.
A3	6A3	8.0.
F1	0.3F1[1]	0.5[1].
F1	16F1[2]	20[2].
F3	16F3[3]	20[3].
F4	16F4[4]	20[4].
F4	2.8F4[5]	3.0[5].
P0	Variable	Variable.
A3A	2.8A3A	3.0[6].
A3H	2.8A3H	3.0[6].
A3J	2.8A3J	3.0[6].
A4J	2.8A4J	3.0[6].

[1] Narrow-band direct-printing telegraph and data transmission systems.
[2] Radioteletypewriter in the band 216–220 MHz.
[3] Applicable when maximum authorized frequency deviation is 5 kHz.
[4] Facsimile in the band 216–220 MHz.
[5] Facsimile in the band 2035 to 27,500 kHz.
[6] Transmitters type accepted prior to December 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.

* * * * *

4. In § 81.137, paragraph (a) introductory text is revised and a new paragraph (f) is added, to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(a) Each radio telephone transmitter authorized in a Coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations and except as provided in paragraphs (e) and (f) of this section) must be type accepted by the Commission. This requirement shall be applied as follows:

* * * * *

(f) Transmitters type accepted for single sideband suppressed carrier emission (A3J) prior to October 1, 1983, may be used for the transmission of facsimile (A4J emission) without filing for a type acceptance modification provided the equipment is not modified and continues to comply with the applicable technical standards in this part.

5. A new § 81.230 is added to read as follows:

§ 81.230 Frequencies available for facsimile.

Frequencies in the bands 2035–27,500 kHz employed by coast stations for the purpose of providing facsimile communications with ship stations will be taken from those frequency bands listed in Part 2 which are available for shared use by the mobile service and other radio services.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.131, paragraphs (b)(4)(i), (b)(4)(ii), and (b)(7)(iii) are revised to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(b) * * *

(4) Ship stations from 1605–2070 and 2080 to 3500 kHz:

(i) For transmitters using other than A3A, A3H, A3J, A4J and F4 emissions, type accepted or type approved before November 30, 1977—200

(ii) For transmitters using A3A, A3H, A3J, A4J, and F4 emissions, type accepted or type approved before November 30, 1977—50 Hz

* * * * *

(7) Stations when using frequencies within the band 4000–27,500 kHz:

* * * * *

(iii) Ship stations using A3A, A3H, A3J, A4J or F4 emission with transmitter type accepted or type approved:

(a) Before November 30, 1977—50 Hz

(b) After November 30, 1977—20 Hz

* * * * *

2. In § 83.132, paragraph (a)(1)(i) is revised and a new paragraph (g) is added, to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

Frequency band	Classes of emission
(1) Stations using radiotelegraphy:	
(i) 100 to 160 kHz	A1.
160 to 525 kHz	A1 and A2 or A2H.
2080 to 27,500 kHz	A1, A4J or F4. Survival Craft stations may in addition use A2 or A2H.
2070 to 2080	A4J or F4. Wide-band telegraphy and special transmission systems. Manual International Morse code and telephony are excluded.
1605 to 2080 kHz in Alaska.	A1.

* * * * *

(g) For the purpose of this part, A4J emission means facsimile transmitted by suppressed carrier single sideband, carrier modulated with a frequency-shifted audio frequency subcarrier.

3. In § 83.133, emissions F4 (2.8 F4) and A4J (2.8 A4J) are added to the table of paragraph (a). As amended the table in paragraph (a) reads as follows. Footnotes 1 through 8 are revised.

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16A1	0.4.
A2	2.66A2	2.8.
A3	6A3	8.0.
A9	3.2A9[1]	25.0[1].
F1	0.3F1[2]	0.5[2].
F1	16F1[2]	20.0[2].
F3	16F3[4]	20.0[4].
F4	16F4[5]	20.0[5].
F4	2.8F4[5]	3.0[5].
F9	14.4F9[1]	20.0[1].
F9	20,000F9[6]	20,000[6].
P0	Variable[6]	Variable[6].
A3A	2.8A3A	3.0[7].
A3H	2.8A3H	3.0[7].
A3J	2.8A3J	3.0[7].
A4J	2.8AJ	3.0[8].

[1] Applicable only to emergency position-indicating radiobeacon stations.
[2] Narrow-band direct-printing telegraph and data transmission systems.
[3] Radioteletypewriter in the band 216–220 MHz.
[4] Applicable when maximum authorized frequency deviation is 5 kHz. See paragraph (c) of this section.
[5] Facsimile in the band 216–220 MHz.
[6] Facsimile within the band 2070 to 27,500 kHz.
[7] Transmitters type accepted prior to December 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.
[8] Applicable to marine hand-held radars.

* * * * *

4. In § 83.139, paragraph (a) is revised and a new paragraph (j) is added, to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d), (f), (g) and (j) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental

stations) must be type accepted by the Commission.

* * * * *

(j) Transmitters type accepted for single sideband suppressed carrier emission (A3J) prior to October 1, 1983, may be used for the transmission of facsimile (A4) emission) without filing for a type acceptance modification provided the equipment is not modified and continues to comply with the applicable technical standards in this part.

§ 83.324 [Amended]

5. In § 83.324, paragraph (h) is removed.

6. A new § 83.332 is added to read as follows:

§ 83.332 Assignable frequencies—Facsimile.

(a) Ship radiotelegraph working frequencies—facsimile—non-paired with coast station frequencies, for use in the bands between 2070 and 27,500 kHz are set forth in paragraph (b), below. The frequencies are available for use by radiotelegraph ship stations authorized to employ facsimile and are subject to the applicable provisions of Subpart E of this part.

(b) Ship transmit only: [1]

Family #1 (kHz)		Family #2 (kHz)	
Carrier	Assigned	Carrier	Assigned
2069.1	2070.5	2071.1	2072.5
2073.1	2074.5	2075.1	2076.5
4159.2	4160.6	4166.6	4168
6237.2	6238.6	6241.2	6242.6
8324.6	8326	8340.1	8341.5
12483.6	12485	12487.6	12489
16652.6	16654	16656.6	16658
22184.6	22186	22188.6	22190

[FR Doc. 83-27084 Filed 10-5-83; 8:45 am]
BILLING CODE 6712-01-M

[1] The use of voice on these frequencies is limited to set-up and confirmation of receipt of facsimile transmissions.

Proposed Rules

Federal Register
Vol. 48, No. 195
Thursday, October 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

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144-A14]

Lemons Grown in California and Arizona; Continuation of Formal Rulemaking Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of opportunity to comment on proposed rulemaking.

SUMMARY: The Department of Agriculture invites interested persons to submit further proposals to amend the marketing order for California-Arizona lemons as part of the current formal rulemaking proceeding. The public hearing which began last February will be reopened to receive further testimony and evidence on the prorate and other provisions of the marketing order.

DATE: Proposals must be received by November 4, 1983.

ADDRESS: Send four copies of any proposals in writing to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearings published January 13, 1983 (48 FR 1508), and Amended Notice of Hearing published January 26, 1983 (48 FR 3624).

A public hearing was held at Oak View, California, during the period February 14-18, 1983. At that hearing proposal to amend the lemon marketing order and issue a marketing agreement for lemons were considered. This hearing will be reopened for the purpose of receiving further testimony and evidence on the prorate and any other marketing order provisions. Any proposals submitted should cite specific sections of the lemon marketing order (7 CFR Part 910), to which they relate and should reference Docket No. AO-144-A14.

Lemon producers, handlers, and the public will have until November 4, 1983, to submit written proposals to amend the lemon marketing order. At the close of the comment period a notice of hearing will be issued and published in the **Federal Register** announcing the amendment proposals and the location, date, and time of the public hearing.

Signed at Washington, D.C. on September 30, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-27247 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-6; Ref. Notice No. SC-83-3-NM]

Special Conditions; British Aerospace Model HS 748 Series 2A and 2B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed special conditions.

SUMMARY: This notice withdraws Notice No. SC-83-3-NM, Notice of Proposed Special Conditions, Docket No. MN-6, published in the **Federal Register** June 23, 1983 (48 FR 28659). The proposed special conditions were to be applied to British Aerospace, Aircraft Group, Manchester, England, for the Model HS 748 series 2A and 2B airplanes fitted with an automatic take off power control system (ATPCS). Notice No. SC-83-3-NM is being withdrawn at the request of the manufacturer in accordance with his telegram dated August 22, 1983.

DATE: This withdrawal is effective September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Walker, Regulations and Policy Office, ANM-110, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2116.

SUPPLEMENTARY INFORMATION:

Background

On November 18, 1982, British Aerospace, Aircraft Group, Manchester Division, Greengate, Middleton, Manchester M24 1SA, England, filed an application for an amendment to Type Certificate No. A24EU to include an ATPCS installation for approval under that type certificate covering the Model HS 748 Series 2A and 2B airplanes.

The Model HS 748 is a low wing, twin-engine, pressurized transport category airplane having a maximum takeoff weight of 46,500 pounds. The airplane is equipped with two Rolls-Royce Dart MK 535-2 turbo-propeller engines, each producing 2,080 shaft horsepower. The airplane has a maximum permissible altitude of 25,000 feet and total passenger capacity of 52 persons.

The modification covered under the proposed amendment to the type certificate is the installation of an ATPCS. The ATPCS system installed on the Model HS 748 airplane would boost the power on the operating engine to some scheduled level in the event that one engine failed during the takeoff. Because of these design features, the type design of the Model HS 748 series airplanes did not have adequate or appropriate safety standards. Therefore, special conditions were proposed to provide a level of safety equivalent to that established by the applicable regulations incorporated by reference in the type certificate. Proposed special conditions were developed and published in the **Federal Register** (48 FR 28659; June 23, 1983) in accordance with required procedures.

Reasons for Decision

British Aerospace, upon further review of the ATPCS system design proposed for the Model HS 748 and in light of the proposed special condition requirements, has elected to discontinue their certification program. By telex HS 748, assembly 7667545, dated August 22, 1983, British Aerospace requested that their application for the subject special conditions be withdrawn.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the notice of proposed special conditions now pending and the request by British Aerospace for withdrawal. Therefore, Notice No. SC-83-3-NM (48 FR 28659; June 23, 1983) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a), 601, and 603, 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); and 14 CFR 11.45)

Note.—Since this action only withdraws a Notice of Proposed Special Conditions, it may be made effective in less than 30 days.

Issued in Seattle, Washington, on September 22, 1983.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-27273 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AGL-15]

Proposed Cancellation of Control Zone; Manistee, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to cancel the Manistee, Michigan, control zone. The intended effect of this action is to return the associated airspace to a non-controlled status.

DATE: Comments must be received on or before October 30, 1983.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 83-AGL-15, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: One of the requirements for the continued designation of a control zone is that the required weather observations, hourly and special, be transmitted expeditiously to the Air Traffic Control facility having jurisdiction over that control zone. Facility records of the Traverse City, Michigan, FAA Flight Service Station, which serves Manistee County-Blacker Airport, disclosed that no weather observations have been received from that airport for at least the past 3 months. Communications with the Airport Manager concerning this matter were not acknowledged. Inasmuch as a prime requirement for continued airspace designation is not being met, this Notice of Proposed Rulemaking initiates action to cancel the Manistee, Michigan, control zone and to return the airspace involved to a non-controlled status.

Aeronautical maps and charts will reflect the control zone cancellation.

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. 83-AGL-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. 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 procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to cancel the control zone near Manistee, Michigan.

Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Manistee, MI

Cancelled.

(Secs. 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)

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. Therefore, it is certified that this—(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 Des Plaines, Illinois, on September 15, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-27274 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1500 and 1513

Requirements To Address Strangulation Risk Presented by Toy Chests; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission is withdrawing a proposed mandatory rule that addressed the risk of strangulation from a hinged toy chest lid falling on a child's head while the child is leaning into the chest. The withdrawal is based on the adequacy of a voluntary standard which the Commission believes is adequate to reduce or eliminate this risk of injury.

DATE: The withdrawal is effective on October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Tyrrell, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION:

A. Background

The Consumer Product Safety Commission has authority, under the Federal Hazardous Substances Act (FHSA), to regulate unreasonable risks of injury presented by toys and other articles intended for use by children. 15 U.S.C. 1261. The FHSA requires the Commission to follow a three-stage proceeding to issue such a regulation. 15 U.S.C. 1262(e-i).

In April 1982 the Commission issued an advance notice of proposed rulemaking (ANPR)—the first stage—to address the risk of strangulation from a toy chest lid falling on a child's head while the child is leaning into the chest. 47 FR 16041 (April 14, 1982). A few of the public comments on the ANPR stated (as the Commission was already aware) that a voluntary standard for toy chests was being developed to address this risk. The Toy Manufacturers of America (TMA) was developing the standard under the auspices of the American Society for Testing and Materials (ASTM).

In March 1983 the Commission issued a proposed rule—the second stage—to address the toy chest strangulation risk. 48 FR 11289 (March 17, 1983). The preliminary regulatory analysis accompanying the proposed rule included the finding that the Commission had "not as yet received sufficient documentation to indicate that substantial compliance [with the ASTM voluntary toy chest standard under development] can be expected." 48 FR 11295.

ASTM requested the return of final ballots on its voluntary standard by August 22, 1983, although ballots returned after that date may be considered. As long as no negative votes are filed that will require resolution and thus delay the approval process (ASTM has received none so far), the publication date of the voluntary standard is expected to be no later than the end of calendar year 1983.

B. Statutory Framework

After the ANPR stage of a three-stage FHSA rulemaking proceeding, the Commission must evaluate any voluntary standards submitted by the public. If compliance with any such standard is likely to result in the elimination or adequate reduction of the identified risk and if it is likely that there will be substantial compliance with the standard, the Commission must terminate the proceeding to issue a mandatory standard and notify the public that it will rely on the voluntary standard to address the risk. 15 U.S.C. 1262(g)(2).

When the Commission considered comments on the toy chest ANPR, the ASTM voluntary standard was being developed. The Commission decided that the voluntary standard did not satisfy the two-pronged finding necessary for termination of the proceeding. More specifically, as noted in *Background* above, the Commission could not find that substantial compliance "can be expected." 48 FR 11295. That finding was of course based on then-available information.

After the proposal stage of an FHSA rulemaking proceeding, the Commission must make certain findings before it can proceed to the third stage and issue a final rule. The Commission must again evaluate existing voluntary standards because one of the findings is, "* * * in the case of a regulation which relates to a risk of injury with respect to which persons who would be subject to such regulation have adopted and implemented a voluntary standard, that—(i) compliance with such voluntary standard is not likely to result in the elimination or adequate reduction of such risk of injury; or (ii) it is unlikely that there will be substantial compliance with such voluntary standard * * *" 15 U.S.C. 1262(i)(2)(A).

Therefore, the Commission can go no further than the proposal stage if it believes that there is likely to be substantial compliance with an adequate voluntary standard.

C. Decision

The Commission has determined that the risk of injury presented by the chests is effectively reduced by reliance on a voluntary standard to address the risk of injury, instead of issuing a mandatory standard. As a result, the toy chest rule proposed in March 1983 is hereby withdrawn,[1] and the rulemaking proceeding begun with the ANPR in April 1982 is hereby ended.[2]

While the ASTM voluntary standard on toy chests has not yet been formally published, and thus may not technically be "adopted" the Commission considers it to be in final form. The requirements of the ASTM standard are identical to those of the Commission's proposed mandatory standard. This means that compliance with this voluntary standard is likely to result in the elimination or adequate reduction of the risk that a hinged toy chest lid will fall on a child's head while the child is leaning into the chest.

The Commission has considered the information on compliance with the ASTM standard that is in the record of the rulemaking proceeding. The most recent information in the record is from a telephone survey by the Commission staff of 59 firms that are now, or have been in recent years, manufacturers of toy chests.

Information supplied by the twenty firms that currently manufacture toy chests with hinged lids indicates that 98 percent of such toy chests manufactured thus far in 1983 have—and all of the ones made during the remainder of 1983 will have—lid support devices on them to address the toy chest strangulation risk. The Commission believes that the

[1] If the Commission made this decision after the ANPR stage and before the proposed rule stage, it would be a "termination" of the proceeding under section 3(g)(2) of the FHSA. The decision to abandon the proceeding after the proposal stage, based on the inability to make the two-pronged finding about the inadequacy of an existing voluntary standard, is essentially a "termination" of the proceeding. However, since the FHSA does not apply this term, a "withdrawal" of the proposed rule serves the same purpose.

[2] The Commission's vote was 3-2. Commissioner Zagoria voted to defer a decision until a voluntary industry standard was actually adopted and the Commission compliance staff could confirm the data from the telephone survey (see below); Commissioner Sloan voted to issue a final rule. All five Commissioners have issued separate statements or opinions that are available from the Office of the Secretary.

types of devices being used, spring-loaded and non-adjustable friction lid supports, are capable of meeting the voluntary standard as long as they are properly constructed and installed, thereby adequately reducing or eliminating the risk of injury. Available information about the testing of the toy chests currently produced by the twenty firms is that sixteen firms say their chests pass tests of the lid support devices, and the remaining four firms say there is no need to test because their toy chests have spring-loaded lid support devices on them.

Based on the information from the telephone survey and all other available information, the Commission cannot find that there is unlikely to be substantial compliance with the ASTM voluntary standard. However, the withdrawal of the proposed mandatory rule on toy chests does not leave the Commission powerless to protect consumers from toy chests that may present a strangulation hazard to children. If some hazardous toy chests do appear on the market in spite of the voluntary standard, the Commission fully intends to seek remedial action against them. In fact, the Commission staff will be monitoring the toy chest market.

Authority: Secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e-i), 75 Stat. 372, 374, 375, 80 Stat. 1304-05, 83 Stat. 187-89, 95 Stat. 703; 15 U.S.C. 1261, 1262.

Dated: October 3, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-27292 Filed 10-5-83; 8:45 am]

BILLING CODE 6355-01-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Proposed Amendments to Comprehensive Plan and Basin Regulations—Water Code and Water Quality Standards; Hearing

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearing record; extension of comment period.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission has extended the comment period from October 12, 1983 to November 11, 1983 for submission of written testimony on proposed amendments to the Commission's Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* relating to seasonal disinfection. The comment period has been extended to allow additional time for the preparation and submission of statements. As the proposed amendments involve issues upon which the scientific and academic communities have devoted research efforts, it is the Commission's desire to obtain the fullest possible public record. The proposed amendments are intended to: (1) Reduce the discharge of toxic substances and persistent chlorinated compounds (produced as by-products of chlorination), (2) conserve energy, (3) reduce the costs of waste treatment, and (4) protect recreational use, sources of drinking water, and bacterial quality near shellfishing waters.

The Commission's current standards require year-round disinfection of waste discharges containing human excreta or disease-producing organisms (except for stormwater bypass). The proposed amendments would allow disinfection to be practiced on a seasonal basis.

The principal features of the proposal are that:

—Disinfection would be required where necessary to meet water quality standards;

—Current fecal coliform criteria in stream standards for Zones 5 and 6 of the Delaware River would continue to be in effect year-round, requiring year-round disinfection of waste discharges to these zones to maintain the bacterial quality of water near shellfishing areas;

—Current fecal coliform criteria in stream standards for all other zones of the Delaware River and for interstate tributaries would remain in effect from May through September, when disinfection of waste discharges to these zones would generally be required;

—During the remainder of the year, fecal coliform criteria in stream standards would be at levels generally not requiring wastewater disinfection.

DATES: A public hearing was held as noticed in the August 11, 1983 **Federal Register**, Vol. 48, No. 156, page 36469 on September 12, 1983 in Philadelphia, Pennsylvania. Written testimony received by the Secretary on or before November 11, 1983 will be included in the hearing record.

ADDRESS: Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

Authority: Delaware River Basin Compact, 75 Stat. 688.

Susan M. Weisman,

Secretary.

September 28, 1983.

[FR Doc. 83-27232 Filed 10-5-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 351, 352, 353, 354, 355, and 357

National Institute of Handicapped Research; Research Grant Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the National Institute of Handicapped Research (NIHR). These amendments will (1) revise the selection criteria currently used under all NIHR grant programs, and (2) establish separate regulations for a new program of field-initiated research. These amendments are proposed in response to comments received from large numbers of professionals in the field of handicapped research and from NIHR field readers who have concluded that (1) NIHR's current selection criteria do not weigh "quality of research" heavily enough, and (2) NIHR should adopt regulations which encourage the research community to originate valuable research ideas which address important topics not included in formal announcements of funding priorities.

DATES: Comments must be received on or before November 7, 1983.

ADDRESSES: Comments should be addressed to Dr. Douglas A. Fenderson, Director, National Institute of Handicapped Research, 400 Maryland Avenue, S.W. (Room 3060, Switzer Building), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. James Reswick, National Institute of Handicapped Research, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245-0565 or TTY (202) 245-0591.

SUPPLEMENTARY INFORMATION: On September 10, 1981, NIHR published final program regulations under which it is now operating (46 FR 45300). Section criteria for each of NIHR's grants programs were included in these regulations. Since the adoption of these selection criteria NIHR has completed two annual funding cycles. NIHR's experience, supported by comments from its non-federal field readers, now indicate that the NIHR selection criteria

are (1) unclear, and (2) do not give enough weight to factors which are key to conducting successful research such as project design, experience of key personnel and potential impact of outcome. These proposed regulatory amendments are therefore designed to apply more weight to these "research quality" criteria and to reduce the weight of such "project management" criteria as adequacy of resources and plan of operation.

Also, in order to improve clarity, NIHR is proposing to establish a single set of selection criteria to govern all its research programs, except the Fellowship Program. The revised evaluation criteria are more clearly described.

Current NIHR regulations authorize the Secretary to establish priorities by reserving funds for specific research activities announced in an Application Notice in the **Federal Register**. This has been done on several occasions. However, NIHR is keenly aware of the value of field-generated research ideas, and wishes to adopt an administrative mechanism for making more appropriate responses to these field-initiated proposals. These amendments propose regulations for a field-initiated research program. The regulations will facilitate NIHR's ability to fund proposals from the field which fall within the broad scope of statutorily authorized research activities but outside established funding priorities, and which give evidence of high quality, timeliness, and relevancy to the problems of handicapped persons.

To accomplish the goal of flexibility in responding to field-initiated proposals, these regulations also establish an application funding process which allows the Secretary to consider the uniqueness, innovativeness and potential impact of the research in making final selection of applications to be funded from those judged to be of superior or outstanding technical merit by a peer review process. Highly creative proposals not necessarily envisioned within the planning process of NIHR are thus encouraged to be submitted spontaneously from the field. A periodic review process will in many cases substantially reduce the response time of the NIHR, thus making the products of these projects available to handicapped persons more quickly than can be accomplished within the annual priority announcement procedure.

The field-initiated research program will be limited to Research and Demonstration projects as authorized by Part 351 of the NIHR regulations. This is because the purpose of these grants is to provide timely response to new and innovative ideas in discrete project areas, whereas NIHR intends to fund more major programmatic research, such as Research and Training Centers or Rehabilitation Engineering Centers, only in areas in which a funding priority has been established.

Executive Order 12291

These proposed amendments have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The regulations revise selection criteria for NIHR grant programs and establish a new program of field-initiated research. These changes will not have a measurable economic impact on any small entities.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All documents submitted on or before the 30th day after publication of this document will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3422, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except on Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980, and their overall requirements of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Paperwork Reduction Act

This information collection is approved under the OMB Paperwork Reduction Act of 1981 OMB #1820-0027.

Assessment of Education Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority in the United States.

List of Subjects in 34 CFR Parts 350–355 and 357

Administrative practice and procedure, Education, Educational research, Grant programs—education Handicapped, Intergovernmental relations, Vocational rehabilitation, Manpower training programs, Rehabilitation engineering research, Technical assistance fellowships.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: October 3, 1983.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

The Secretary proposes to amend Parts 350, 351, 352, 353, 354, and 355 and to add a new Part 357 of Title 34 of the Code of Federal Regulations as follows:

PART 350—HANDICAPPED RESEARCH: GENERAL PROVISIONS

1. Section 350.1 is amended by revising paragraph (b) to read as follows:

§ 350.1 Handicapped research.

* * * * *

(b) The Secretary awards financial assistance through seven types of programs:

(1) Research and demonstration projects (34 CFR Part 351);

(2) Research grants for establishment and operation of rehabilitation research and training centers (34 CFR Part 352);

(3) Research grants for establishment and operation of rehabilitation engineering centers (34 CFR Part 353);

(4) Research grants for establishment and operation of model training centers (34 CFR Part 354);

(5) Knowledge dissemination and research utilization projects (34 CFR Part 355);

(6) Research fellowships (34 CFR Part 356); and

(7) Field-initiated research projects (34 CFR Part 357).

(Secs. 200 and 204 (29 U.S.C. 760 and 762))

2. Section 350.3 is amended by revising paragraph (c) to read as follows:

§ 350.3 What regulations apply to these programs?

* * * * *

(c) The regulations in 34 CFR Parts 351, 352, 353, 354, 355, or 357, as appropriate; and

* * * * *

§ 350.4 [Amended]

3. Section 350.4(b) is amended by removing the definition of "Core area."

4. Section 350.20 is revised to read as follows:

§ 350.20 What are the application procedures for these programs?

An applicant for assistance under 34 CFR Parts 351, 352, 353, 354, 355, or 357 shall submit a copy of the application to the State rehabilitation agency for comment in accordance with the procedures in EDGAR 75.155–75.159.

(Secs. 204(c), 306(i) (29 U.S.C. 762(c), 766(a)))

5. Section 350.30 is revised as follows:

§ 350.30 To whom does the Secretary refer an application?

The Secretary refers each application for a grant under the Handicapped Research Programs to a peer review panel established by the Secretary. Peer review panels review applications for the Secretary on the basis of selection criteria described in § 350.34.

(Sec. 202(e) (29 U.S.C. 761(a)(e)))

6. Section 350.33 is revised as follows:

§ 350.33 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under 34 CFR Parts 351, 352, 353, 354, 355, or 357 on the basis of the section criteria in § 350.34.

(b) The Secretary awards up to 5 possible points for each criterion to applications under 34 CFR Parts 351, 352, 353, 354, or 355. These points are awarded as follows based on how well the applicant addresses each criterion: Outstanding (5); Superior (4); Satisfactory (3); Marginal (2); or Poor (1).

(c) The Secretary computes a final score by multiplying the points awarded on each criterion by the weight assigned each criterion as indicated in parentheses after the descriptive title of the criterion.

(d) The maximum possible score for applications under 34 CFR Parts 351, 352, 353, 354, or 355 is 100 points.

(Sec. 202(e) (29 U.S.C. 761a(e)))

7. Section 350.34 is revised to read as follows:

§ 350.34 What selection criteria does the Secretary use in reviewing grant applications?

(a) *Potential Impact of Outcomes: Importance of Program (Weight 3.0).* The Secretary reviews each application to determine to what degree—

(1) The proposed activity relates to the announced priority (does not apply to applications under 34 CFR Part 357);

(2) The hypothesis is sound and based on evidence (research activities only);

(3) The research is likely to produce new and useful information (research activities only);

(4) The need and target population are adequately defined (development/demonstration and utilization activities only);

(5) The outcomes are likely to benefit the defined target population (development/demonstration and utilization activities only);

(6) The training needs are clearly defined (training activities only);

(7) The training methods and developed subject matter are likely to meet the defined need (training activities only); and

(8) The need for information exists (utilization activities only).

(b) *Potential Impact of Outcomes: Dissemination/Utilization (Weight 3.).* The Secretary reviews each application to determine to what degree—

(1) The research results are likely to become available to others working in the field (research activities only);

(2) The means to disseminate and promote utilization by others are defined (development/demonstration and training activities only);

(3) The training methods and content are to be packaged for dissemination and use by others (training activities only); and

(4) The utilization approach is likely to address the defined need (utilization activities only).

(c) *Probability of Achieving Proposed Outcomes; Program/Project Design (Weight 5.0).* The Secretary reviews each application to determine to what degree—

(1) The objectives of the project(s) are clearly stated;

(2) The project design/methodology is likely to achieve the objectives;

(3) The measurement methodology and analysis is sound (research and development/demonstration activities only);

(4) The conceptual model (If used) is sound (development/demonstration activities only);

(5) The sample populations are correct and significant (research and development/demonstration only);

(6) The human subjects are sufficiently protected (research and development/demonstration activities only);

(7) The device(s) or model system is to be developed in a relevant environment (development/demonstration and utilization activities only);

(8) The training content is comprehensive and at an appropriate level (training activities only);

(9) The training methods are likely to be effective (training activities only);

(10) The new materials (if developed) are likely to be of high quality and uniqueness (training activities only);

(11) The target populations are linked to the project (utilization activities only); and

(12) The format of the dissemination medium is the best to achieve the desired result (utilization activities only).

(d) *Probability of Achieving Proposed Outcomes: Key Personnel (Weight 4.0).* The Secretary reviews each application to determine to what degree—

(1) The principal investigator and other key staff have adequte experience and/or training for the proposed research;

(2) The principal investigator and other key staff are familiar with pertinent literature and/or methods;

(3) All required disciplines are effectively covered;

(4) Commitments of staff time are adequate for the project; and

(5) The applicant is likely, as part of its non-discriminatory employment practices, to encourage applications for employment from persons who are members of groups that have been traditionally underepresented, such as—

(i) Members of racial or ethnic minority groups.

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly.

(e) *Probability of Achieving Proposed Outcomes: Evaluation Plan (Weight 1.0).* The Secretary reviews each application to determine to what degree—

(1) This is a mechanism to evaluate plans, progress and results;

(2) The evaluation methods and objectives are likely to produce data that are quantifiable; and

(3) The evaluation results, where relevant, are likely to be assessed in a service setting.

(f) *Program/Project Management: Plan of Operation (Weight 2.0).* The Secretary reviews each application to determine to what degree—

(1) There is an effective plan of operation that insures proper and efficient administration of the project(s);

(2) The applicant's planned use of its resources and personnel is likely to achieve each objective;

(3) Collaboration between institutions, if proposed, is likely to be effective; and

(4) There is a clear description of how the applicant will include eligible project participants who have been traditionally underrepresented such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly.

(g) *Program/Project Management: Adequacy of Resources (Weight 1.0).* The Secretary reviews each application to determine to what degree—

(1) The facilities planned for use are adequate;

(2) The equipment and supplies planned for use are adequate; and

(3) The commitment of the applicant to provide administrative support and adequate facilities is evident.

(h) *Program/Project Management: Budget and Cost Effectiveness (Weight 1.0).* The Secretary reviews each application to determine to what degree—

(1) The budget for the project(s) is adequate to support the activities;

(2) The costs are reasonble in relation to the objectives of the project(s); and

(3) The budget for subcontracts (if required) is detailed and appropriate.

(Secs. 202(e) and 202(i)(l); (29 U.S.C. 761a(e) and 761a(i)(l)))

PART 351—HANDICAPPED RESEARCH: RESEARCH AND DEMONSTRATION PROJECTS

8. Section 351.31 is revised to read as follows:

§ 351.31 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1))

PART 352—HANDICAPPED RESEARCH: REHABILITATION RESEARCH AND TRAINING CENTERS

9. Section 352.31 is revised to read as follows:

§ 352.31 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1))

PART 353—HANDICAPPED RESEARCH: REHABILITATION ENGINEERING PROGRAM

10. Section 353.31 is revised to read as follows:

§ 353.31 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34

((Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1))

PART 354—HANDICAPPED RESEARCH: MODEL RESEARCH AND TRAINING PROGRAM

11. Section 354.31 is revised to read as follows:

§ 354.31 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34.

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761(i)(1))

PART 355—HANDICAPPED RESEARCH: KNOWLEDGE DISSEMINATION AND UTILIZATION

12. Section 355.31 is revised to read as follows:

§ 355.31 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34.

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761(i)(1))

The Secretary proposes to add a new Part 357 to Title 34 of the Code of Federal Regulations as follows:

PART 357—HANDICAPPED RESEARCH: FIELD-INITIATED RESEARCH PROJECTS

Subpart A—General

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make A Grant?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended by Pub. L. 95-602 (29 U.S.C. 760-762; 92 Stat. 2962-2966).

Subpart A—General

§ 357.1 What is the field-initiated research projects program?

This program is designed—

(a) To encourage eligible parties to originate valuable ideas for research projects to further the purposes specified in 34 CFR 351.1;

(b) To support research projects which address important activities not contained within announced Institute priorities; and

(c) To support research projects which address an Institute priority in a more promising way than already planned work.

(Secs. 200(1); 202(i)(1); 204; 29 U.S.C. 760(1), 761a(i)(1), 762))

§ 357.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are described in 34 CFR 350.2.

(Sec. 204; 29 U.S.C. 762))

§ 357.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; 29 U.S.C. 761a, 762)

§ 357.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Secs. 202(i)(1); 29 U.S.C. 761a(i)(1))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 357.10 What types of projects are authorized under this program?

The field-initiated research projects program provides financial assistance for the types of projects authorized under 34 CFR 351.10 (Research and Demonstration Projects Program).

(Secs. 202(i)(1), 204(a), 204(b)(3-5), 204(b)(7-9), 204(b)(11); 29 U.S.C. 761a(i)(1); 762(a), 762(b)(3-5), 762(b)(7-9), 762(b)(11))

Subpart C—[Reserved]

Subpart D—How does the Secretary Make a Grant?

§ 357.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202(e); 29 U.S.C. 761a(e))

§ 357.31 How does the Secretary evaluate an application under this program?

(a) The Secretary evaluates an application under this program for scientific merit on the basis of the selection criteria in § 357.32;

(b) The Secretary awards the following points for each application based on how well the applicant addresses the criteria in §357.32: Outstanding (5); Superior (4); Satisfactory (3); Marginal (2); or Poor (1).

(Secs. 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

§ 357.32 What selection criteria are used under this program?

The selection criteria used under this program are the criteria described in § 350.34, except that each criterion is equally weighted.

(Secs. 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

§ 357.33 What are the priorities for funding under this program?

(a) The Secretary reserves funds to support some or all of the proposals which have been awarded a rating of superior or better (4–5 points) under the procedure described in § 357.31;

(b) In making a final selection of proposals to support under this program, the Secretary will consider the extent to which proposals that have been awarded a rating of superior or better (4–5 points) meet one or more of the following conditions:

(1) The proposal represents a unique opportunity to conduct research which has the potential for effecting a major advancement in knowledge; (2) the proposal addresses an important research problem in a singular or innovative way; or (3) the proposal complements already planned research and will increase the potential value of that research in a significant way.

(Secs. 202(g) and 202(i)(1); 29 U.S.C. 761a(g) and 761a(i)(1))

[FR Doc. 83-27293 Filed 10-5-83; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Additional Period of Eligibility

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation changes the criteria the VA (Veterans Administration) will consider in determining whether a veteran is entitled to an additional period of eligibility to educational assistance allowance. It has been the agency's administrative experience that the previous criteria were insufficient to determine the stability of a veteran's employment situation. This proposal should enable the VA to administer this provision of law equitably.

DATES: Comments must be received on or before November 4, 1983. It is proposed to make this regulation effective the date of final approval.

ADDRESSES: Send written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. All written comments received will be available for public inspection at this address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until November 14, 1983. Anyone visiting VA Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in Room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

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

SUPPLEMENTARY INFORMATION: Section 21.1044, Title 38, Code of Federal Regulations is amended to show that the VA will review the veteran's employment history over the 6-month period preceding the date of application when considering the veteran's request for an additional period of eligibility. This will be a more accurate indicator of the veteran's employment situation.

The VA has determined that this proposed regulation is not 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 proposal will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

This certification can be made because this proposed regulation will affect only individual benefit recipients. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

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

List of Subjects in 38 CFR Part 21

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

Approved: September 9, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

PART 21—[AMENDED]

The Veterans Administration proposes to amend 38 CFR Part 21 as set forth below.

In § 21.1044, paragraph (e)(2) is revised as follows:

§ 21.1044 Additional period of eligibility.

* * * * *

(e) *Need requirements—vocational or occupational objective.* * * *

(2) The Veterans Administration will determine that a veteran does not need his or her selected program or course only if all of the following criteria are met.

(i) At least one of the jobs the veteran held during the 6-month period before the day he or she filed an application

required more than 2 years of specific vocational preparation or training.

(ii) An examination of the veteran's employment history during the 6-month period preceding the day he or she filed an application demonstrates that the veteran's employment situation is stable. The Veterans Administration will not consider that the employment situation is stable if the veteran was unemployed during the entire 6-month period. In examining the veteran's employment history, the Veterans Administration's consideration will include, but is not limited to—

(A) The type of work in which the veteran has been employed;

(B) The length and frequency of any periods of unemployment or part-time employment; and

(C) The prospects the veteran has of obtaining full-time employment in the field in which he or she has an educational background or job training or both.

(iii) The Veterans Administration finds that the veteran's employment during the 6-month period is consistent with his or her aptitudes and abilities. (38 U.S.C. 1662(a); Pub. L. 97-306, 96 Stat. 1429)

* * * * *

[FR Doc. 83-27241 Filed 10-5-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300077 PH-FRL 2438-1]

2-Methyl-4-Isothiazolin-3-One, 5-Chloro-2-Methyl-4-Isothiazolin-3-One, and Magnesium Nitrate; Exemptions From the Requirement of a Tolerance

Correction

In FR Doc. 83-25700, beginning on page 43054, in the issue of Wednesday, September 21, 1983, on page 43055, in the table, in the third entry ". . . 5-chloro-2-methyl-" should read ". . . 5-chloro-2-methyl-".

BILLING CODE 1505-01-M

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40 CFR Parts 464 and 465

[FRL-2445-5]

Coil Coating (Canmaking), Metal Molding and Casting; Intent To Transfer Confidential Information to Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related-notice; intent to transfer confidential information to contractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer or to grant access to confidential information collected or to be analyzed in connection with preparing effluent limitations and standards regulating discharges of process pollutants into waste water for the Metal Molding and Casting Point Source Category and the Canmaking Subcategory of the Coil Coating Point Source Category. This information will be needed by selected EPA contractors and subcontractors in analyzing, revising, and reviewing the technical data base which supports effluent limitations and standards and NPDES permits required by the Clean Water Act.

DATES: Comments on the notice of transfer are due October 17, 1983.

ADDRESSES: Ernst P. Hall, Metals and Machinery Branch, Effluent Guidelines Division (WH-552), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or the individuals specified below.

Coil Coating Point Source Category, Canmaking Subcategory: Mary L. Belefski, EPA (WH-552), Washington, DC 20460

Metal Molding and Casting Point Source Category: Donald F. Anderson, EPA (WH-552), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, Metals and Machinery Branch, Effluent Guidelines Division (202) 382-7126 or the individuals specified below: Mary L. Belefski, EPA, FTS: 8-382-7153, Comm: 202-382-7153, Donald F. Anderson, EPA, FTS: 8-382-7189, Comm: 202-382-7189.

SUPPLEMENTARY INFORMATION: The Clean Water Act of 1977 requires the Environmental Protection Agency to develop, revise, and review effluent limitations and standards for industrial point sources. the Office of Water Regulations and Standards is responsible for regulating discharges from industrial point source categories. On November 15, 1982, EPA proposed effluent limitations and standards for the Metal Molding and Casting Point Source Category (47 FR 51512). On February 10, 1983, EPA proposed effluent limitations and standards for the Canmaking Subcategory of the Coil Coating Point Source Category (48 FR 6268). EPA has awarded contracts to Versar, Inc. of Springfield, VA (Contract No. 68-01-6469), NUS Corporation, Cyrus Rice Division of Pittsburgh, PA (Contract No. 68-01-6488), Whitescarver Associates, Inc. of Reston, VA and John Freshman Associates of Washington D.C. as subcontractors to both Versar, Inc., and NUS Corporation, and Policy Planning and Evaluation, Inc., of McLean, VA (Contract No. 68-01-6731). These contractors are required to provide technical and economic analyses and other contract support to the Office of Water Regulations and Standards for preparing final regulations for this category and subcategory.

The Clean Water Act also requires EPA and authorized States to issue NPDES permits. EPA awarded a contract to JRB Associates of McLean, VA (Contract No. 68-01-6514) to provide technical assistance and other contract support to the Office of Water Enforcement and Permits Division. The data collected from questionnaires and from field sampling and analysis surveys will be used as a source of technical information to assure that technically appropriate permit conditions are established for each plant.

One of the sources of information which EPA will use to assess effluent limitations and standards is the data collected from questionnaires sent to canmaking and metal molding and casting plants under authority of Section 308 of the Clean Water Act. Many of the responses to these questionnaires contain fundamental information about plant size and location, wastewater composition, wastewater treatment systems, wastewater volume, production processes, and solid waste disposal practices. The survey responses which EPA will use in the course of its assessment relate to industry survey questionnaires mailed since 1975, as well as follow-up communications and submissions from other sources for selected Standard Industrial Classifications (SIC) in these industries. Many of these responses contain information which has been claimed as confidential by the responding company. EPA has not made determinations whether the materials from any of these companies actually are confidential.

The Agency also has used the authority of Section 308 to conduct numerous conventional, nonconventional and toxic pollutant parameter field sampling and analysis surveys of in-plant and end-of-pipe wastewater sources within these industries. Portions of these data also have been claimed as confidential by the sampled facilities. The data collected by EPA from questionnaires and from field sampling and analysis surveys, including portions that have been claimed as confidential, will be

accessed by the EPA contractors and subcontractors identified above.

The industrial point source categories, designated EPA contact person, selected contractors and subcontractors and EPA contract numbers accessing the data, SIC codes and descriptions of industries whose data is being accessed, and remarks are listed below:

1. Coil Coating Point Source Category, Canmaking Subcategory

a. For further information contact: Mary L. Belefski, EPA (WH-552), Washington, DC 20460, FTS: 8-382-7153, COMM: 202 382-7153.

b. Contractors and Subcontractors: Versar, Inc., Springfield, VA, Whitescarver Associates, Inc., Reston, VA, and John Freshman Associates, Washington, D.C. (Contract No. 68-01-6469); Policy Planning and Evaluation, Inc., McLean, VA (Contract No. 68-01-6731); and JRB Associates, McLean, VA (Contract No. 68-01-6514, Work Assignment No. 6).

c. SIC Codes and descriptions:

SIC 3411-Metal Cans

d. Remarks: The confidential files will be accessed as necessary by Versar, Inc., Springfield, VA, Whitescarver Associates, Inc., Reston, VA and John Freshman Associates, Washington, D.C. under Contract No. 68-01-6469. Access to the confidential files under JRB Associates Contract No. 68-01-6514 shall be limited to Work Assignment No. 6 "Technical Assistance for Issuance of Permits for Industrial Dischargers."

2. Metal Molding and Casting Point Source Category

a. For further information contact: Donald F. Anderson, EPA (WH-552), Washington, DC 20460, FTS: 8-382-7189, COMM: 202 382-7189.

b. Contractors and Subcontractors: NUS Corporation, Cyrus Rice Division, Pittsburgh, PA, Whitescarver Associates, Inc., Reston, VA, and John Freshman Associates, Washington, D.C. (Contract No. 68-01-6488), Policy Planning and Evaluation, Inc., McLean, VA (Contract No. 68-01-6731); and JRB Associates, McLean, VA (Contract No. 68-01-6514, Work Assignment No. 6).

c. SIC codes and descriptions:

SIC 3321—Gray Iron Foundries
SIC 3322—Malleable Iron Foundries
SIC 3324—Steel Investment Foundries
SIC 3325—Steel Foundries, Not Elsewhere Classified
SIC 3361—Aluminum Foundries (Castings)
SIC 3362—Brass, Bronze, Copper, Copper Base Alloy Foundries (Castings)
SIC 3369—Nonferrous Foundries (Castings), Not Elsewhere Classified

d. Remark: The confidential files will be accessed by NUS Corporation, Cyrus Rice Division, Whitescarver Associates, Inc., and John Freshman Associates. Access to the confidential files under JRB Associates Contract No. 68-01-6514 shall be limited to Work Assignment No. 6, "Technical Assistance for Issuance of Permits for Industrial Dischargers."

EPA has determined that it is necessary to transfer this information to the designated contractors in order that they may carry out the work required by their contracts. The contracts and subcontracts contain all confidentiality provisions required by EPA's confidentiality regulations (40 CFR 2.302(h)(2-3)). In accordance with those regulations, sampled facilities and questionnaire respondents who have submitted information claimed confidential have ten days from the date of this notice to comment on EPA's proposed transfer of this information to these contractors for the purposes outlined above (40 CFR 2.302(h)(2-3).

Dated: September 27, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-27326 Filed 10-5-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 7

[CGD 81-058]

Boundary Lines; Correction

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking; correction.

SUMMARY: This document corrects a supplemental notice of proposed rulemaking on Boundary Lines that appeared at page 41454 in the **Federal Register** of Thursday, September 15, 1983 (48 FR 41454). The action is necessary to change the hearing date set for New Orleans, LA and hearing times.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Patrick A. Turlo, (202) 426-1464.

The following changes are made in FR Doc. 83-25199 appearing on 41454 in the issue of September 15, 1983:

1. On page 41454, column three, the "18 October 1983" public hearing date under **"DATES"** is changed to "1 November 1983."

2. On page 41454, column three, the time for hearings under **"DATES"** is changed from "10:00 a.m." to "9:00 a.m.".

3. On page 41454, column three, the public hearing date for New Orleans, LA, under **"ADDRESSES"** is changed from "18 October 1983" to "1 November 1983."

Dated: September 30, 1983.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 83-27245 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for the Population of Woodland Caribou Found in Washington, Idaho, and Southern British Columbia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the proposed Endangered status for the population of woodland caribou in Washington, Idaho, and southern British Columbia will be reopened for a period of 30 days. This measure will allow an opportunity for county governments, and other parties that may not have originally received sufficient notification of the proposal, to provide comments to the Service.

DATES: Comments must be received by November 7, 1983.

ADDRESSES: Comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection during normal business hours, by appointment, at this address.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

In the Federal Register of June 22, 1983 (48 FR 28500-28504), the Service proposed to determine as Endangered the population of woodland caribou (*Rangifer tarandus caribou*), sometimes known as the southern Selkirk Mountain herd, found in northern Idaho, extreme northeastern Washington, and southern British Columbia. This isolated herd is the only population of caribou that still regularly occurs in the conterminous United States. The population has fallen to only about 30 individuals, and is

jeopardized by such factors as poaching, habitat loss, collisions with motor vehicles, and genetic problems through inbreeding.

The Endangered Species Act of 1973, as amended, requires a number of notifications with respect to proposed regulations. Among others, these requirements include: (1) Giving notice of the proposal to the governments of counties in which the involved species occurs, not less than 90 days before the effective date of the regulation, and inviting their comments thereon; (2) giving notice of the proposal to each foreign nation in which the species occurs, and inviting their comments thereon; and (3) publishing a summary of the proposal in a newspaper of general circulation in each area of the United States in which the species occurs.

Because of various oversights, county governments were not notified of the caribou proposal until August 17, 1983, the Government of Canada was not notified until August 30, 1983, and the newspaper summaries have not yet been published. Because the original comment period on the proposal expired on August 22, 1983, the county governments, the Government of Canada, and the persons who might have received notice of the proposal through the newspaper summaries were not given sufficient time to submit comments. Therefore, the Service now reopens the comment period for 30 days. The newspaper summaries will be published immediately upon appearance of this notice.

Author

The primary author of this notice is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 or FTS 235-1975).

Dated: September 29, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-27279 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 23

Export of Alaskan Gray Wolf, Alaskan Brown or Grizzly Bear, American Alligator, Bobcat, Lynx, and River Otter Taken in 1983-84 and Subsequent Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed findings and rule; reopening of comment period.

SUMMARY: On August 18, 1983 (48 FR 161), the Service proposed findings to allow the export of pelts of Appendix II animal species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Service has determined that the comment period should be reopened to allow additional time for submission of comments and information necessary to issue final export findings.

DATE: The Service will consider comments received by October 26, 1983 in developing its final findings and rule.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of the Scientific Authority, Room 537, 1717 H Street, NW., Washington, D.C. or at the Federal Wildlife Permit Office, Room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority Finding, Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5950.

Management Authority Finding, Mr. S. Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235-2418.

Export Permits, Mr. Richard K. Robinson, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235-1903.

Dated: September 29, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-27286 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 195
Thursday, October 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 AGRICULTURE

Forest Service

Land and Resource Management Plan, Uinta National Forest, Utah Juab, Wasatch, and Tooele Counties, Utah; Revised Notice of Intent to Prepare an Environmental Impact Statement

This Notice revises a previously issued Notice of Intent published in the Federal Register dated February 21, 1979, page 15022, Vol. 44, No. 36, then revised May 7, 1981, page 55149, Vol. 46, No. 88.

This Notice is being issued because 36 CFR 219.17 has been revised direct the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed according to the final regulations.

The results of the reevaluation of roadless areas will be included in the Environmental Impact Statement and Uinta National Forest Land and Resource Management Plan.

Detailed information on the roadless areas and reevaluation process will be available for individuals and organizations requesting the information. In addition, there will be an open house held November 9, 1 to 8 p.m., at each Ranger District office, as follows: Heber Ranger District, 125 East 100 North, Heber City, Utah 84032; Pleasant Grove Ranger District, 390 North 100 East, Pleasant Grove, Utah 84062; Spanish Fork Ranger District, 44 West 400 North, Spanish Fork, Utah 84660—to further explain, discuss, and gather information about the roadless areas and reevaluation process.

The purpose of the open house will be to validate existing data and receive comments to help establish a broad range of management alternatives for the identified roadless areas.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses will continue in areas recommended for non-Wilderness.

The filing of the Draft Environmental Impact Statement Supplement for the Uinta National Forest Land and Resource Management Plan with the Environmental Protection Agency is expected in January 1984. The proposed release for the Final Environmental Impact Statement and Plan is scheduled for May 1984.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and Environmental Impact Statement. Don T. Nebeker, Forest Supervisor, is responsible for preparation of the Forest Plan and Environmental Impact Statement.

Written comments suggestion, and/or requests for information during this process should be sent to Lyle B. Gomm, Forest Planner, Uinta National Forest, P.O. Box 1428, Provo, Utah 84603.

Dated: September 30, 1983.

Richard K. Griswold,

Director, Planning and Budget.

[FR Doc. 83-27242 Filed 10-5-83; 8:45 am]
BILLING CODE 3410-11-M

Mendocino National Forest, Colusa, Glenn, Lake, Mendocino, Tehama, and Trinity Counties, California; Intent To Reevaluate Roadless Areas

The Department of Agriculture, Forest Service, issued a national environmental statement in January 1979. This environmental impact statement documented the results of a review of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were suitable for wilderness and which should be used for other purposes.

In the Pacific Southwest Region RARE II dealt with over 6 million acres located in California only. About 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979 the State of California challenged the adequacy of the National RARE II Environmental Impact Statement as the basis for decisions to manage the areas in California for other than wilderness. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was inadequate. Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October 1982 court decision, National Forest roadless areas studied for wilderness potential during RARE II will be reevaluated. This Notice is being issued because, contrary to earlier regulations (issued 9-30-82), a proposed revision to 36 CFR 219.17 (issued 4-18-83) will allow further evaluation of RARE II wilderness and nonwilderness areas during the Forest Planning process.

The reevaluation of areas on the Mendocino National Forest will be done as part of the Forest's land and resource management plan.

During the reevaluation process, current management and protection policies and activities in the roadless areas will continue. Wilderness values will be protected in areas recommended in RARE II for wilderness, and mangement for other uses will continue in areas recommended for nonwilderness.

On the Mendocino National Forest, a portion (25,600 acres) of one roadless area containing 52,054 acres was recommended for wilderness and seven additional roadless areas containing 90,446 acres were recommended for nonwilderness. These areas will now be reevaluated. They include:

Name	Gross acres	Net N.F. acres
Deer Mountain	12,003	11,839
Thomas Creek	16,456	15,383
Thatcher	12,804	12,769
Grindstone	26,131	26,076
Reister Canyon	6,331	5,894
Snow Mountain	52,054	49,758
Skeleton Glade	9,436	9,245
Briscoe	7,283	7,283

Detailed information on the roadless area and the reevaluation process will be distributed to individuals on the Forest mailing list and to other individuals and organizations requesting a copy. In addition there will be three Open House sessions held; November 7

at Covelo Ranger District Office, November 8 at Upper Lake Ranger District Office, and November 9 at the Mendocino National Forest Supervisor's Office in Willows. All three Open Houses will start at 9 a.m. through 4 p.m. and 6 p.m. through 8 p.m. If these times are inconvenient then an appointment may be made by contacting one of the before mentioned offices. The purpose of the Open Houses are to further explain, discuss, and gather information about the roadless areas and the reevaluation process.

All reevaluation responses for the Mendocino National Forest must be received on or before November 30, 1983 to the enclosed address.

For further information about the proposed reevaluation contact: James R. English, Mendocino National Forest, 420 East Laurel Street, Willows, CA 95988, or phone (916) 934-3316.

Dated: September 26, 1983.

Lyle Laverty,

Forest Supervisor, Mendocino National Forest.

[FR Doc. 83-27294 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, San Bernardino National Forest, San Bernardino County, California; Notice of Intent to Reevaluate Roadless Areas

The Department of Agriculture, Forest Service issued a national environmental impact statement in January 1979. This environmental impact statement documented the results of a review of 62 million roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were suitable for wilderness and which should be used for other purposes.

In the Pacific Southwest Region RARE II dealt with over 6 million acres located in California only. About 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979 the State of California challenged the adequacy of the National RARE II Environmental Impact Statement as the basis for decisions to manage 46 areas in California for other than wilderness. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was adequate. Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October 1982 court decision, National Forest roadless areas studied for wilderness potential during RARE II will be reevaluated. This Notice is being issued because, contrary to earlier regulations (issued 9/30/82), a proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of RARE II wilderness and nonwilderness areas during the Forest planning process.

The reevaluation of areas on the San Bernardino National Forest will be done as part of the Forest's land and resource management plan.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in areas recommended in RARE II for wilderness, and management for other uses will continue in areas recommended for nonwilderness.

On the San Bernardino National Forest nine roadless areas containing 58,000 acres were recommended for wilderness in addition to designated existing wilderness. Twenty roadless areas of 182,025 acres were recommended for other than wilderness. These areas will now be reevaluated. They include:

Name	Gross acres	Net national forest acres
Sheep Mountain [1]	7,700	7,700
Cucamonga B	14,900	14,700
Cucamonga C	4,000	4,000
Circle Mountain	6,600	6,400
Cajon	7,500	7,200
San Sevaine	8,000	6,700
City Creek	10,900	10,900
Deep Creek	23,400	23,300
Granite Peak [2]	11,700	11,700
Sugarloaf	8,800	8,800
Heartbreak Ridge	6,200	4,900
Fish Creek [2]	700	700
Forsee Creek [2]	700	700
Crystal Creek	7,500	6,900
Mill Peak	9,500	9,500
Raywood A [2]	22,320	20,400
Raywood B	18,615	11,825
Cabezon Peak [2]	5,300	4,700
Black Mountain [2]	300	300
South Ridge [2]	1,100	1,100
Spitler Peak [2]	7,100	6,600
Pyramid A [2]	19,500	11,800
Pyramid B	8,600	7,600
Horse Creek	10,100	10,100
Hixon Flat	7,300	7,200
Cahuilla	7,100	5,600
Rouse	13,700	13,200
Cactus A	19,200	12,800
Cactus B	5,200	2,700

[1] Will be reevaluated by the Angeles National Forest.
[2] Areas recommended for wilderness in RARE II.

Detailed information on the roadless areas and the reevaluation process will be distributed to individuals on the Forest mailing list and to other individuals and organizations requesting a copy. In addition, three informational meetings will be held as follows:

Tuesday, October 25, 7-9 p.m. San Bernardino Convention Center, California Room

Tuesday, November 1, 7-9 p.m. Arrowhead Hilton Hotel, Lake Arrowhead

Thursday, November 3, 7-9 p.m. Idyllwild Town Hall, Idyllwild

Forest personnel will be present to further explain, discuss and gather information about the roadless areas and the reevaluation process.

For a copy of detailed information on the roadless areas to be reevaluated on the San Bernardino National Forest and for further information, contact: San Bernardino National Forest, 144 N. Mt. View Avenue, San Bernardino, CA 92408, 714-383-5588.

Dated: September 19, 1983.

Robert R. Tyrrel,

Forest Supervisor, San Bernardino National Forest.

[FR Doc. 83-27295 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Angeles National Forest, Los Angeles County, California; Intent To Reevaluate Roadless Areas

The Department of Agriculture, Forest Service, issued a national environmental impact statement in January 1979. This environmental impact statement documented the results of an analysis of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest system. The purpose of this Roadless Area Review and Evaluation (RARE II) was to determine which of these roadless areas were more suitable for wilderness than for other National Forest uses.

In California, RARE II analyzed over 6 million acres located in the Forest Service Pacific Southwest Region. Of the total acres analyzed, about 983,000 acres were recommended for wilderness; 2,643,000 acres were recommended for further planning for wilderness; and 2,395,000 acres were not considered suitable for wilderness or were designated nonwilderness.

In 1979, the State of California challenged the adequacy of the RARE II Environmental Impact Statement prepared as the basis for making the

decisions for the allocation of the roadless land to either wilderness or nonwilderness use. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision which applied specifically to 46 roadless areas in California. This decision sets a binding precedent for all Federal Courts in the Ninth Circuit.

As a result of the October 1982 court decision, all the roadless areas on National Forests in California that meet the original criteria for the RARE II study will be reevaluated. The reevaluation of the RARE II areas on the Angeles National Forest will be done as part of the Forest's present land and resource management planning. The areas to be studied are:

Name	Number	Gross acres	Net national forest acres
San Gabriel Addition	267	4,200	4,200
San Dimas	001	6,100	6,100
Salt Creek	003	11,700	11,700
Fish	004	32,900	32,900
Tule	005	10,300	10,300
Magic Mountain	006	15,000	13,988
Red Mountain	007	8,600	8,600
Strawberry	009	7,900	7,700
Cucamonga	174	4,400	4,400
Sheep Mountain	5307	67,800	66,900
West Fork	270	4,000	4,000

Detailed information on the roadless areas and the reevaluation process will be distributed to individuals and organizations on the Forest mailing list, and to other individuals and organizations requesting a copy. In addition, there will be open houses held, as listed below, to further explain, discuss, and gather information about the roadless areas and the reevaluation process.

Location	Date	Time
Tujunga Ranger District, Little Tujunga, 12371 Little Tujunga Canyon Road, San Fernando, CA 91342 (213) 899-4516	Monday, Nov. 7	8 a.m.-9 p.m.
Mt. Baldy Ranger District, 110 N. Wabash Avenue, Glendora, CA 91740 (213) 335-1251	Tuesday, Nov. 8	8 a.m.-9 p.m.
Valyermo Ranger District, 34146 Longview Road, P.O. Box 5689, Pearblossom, CA 93553 (805) 944-2187	Wednesday, Nov. 9	8 a.m.-9 p.m.
Saugus Ranger District, 27757 Bouquet Canyon Road, Saugus, CA 91350 (805) 252-9710	Tuesday, Nov. 15	8 a.m.-9 p.m.
Supervisor's Office, 150 S. Los Robles Avenue, Suite 300, Pasadena, CA 91101 (213) 577-0050	Friday, Nov. 18; Saturday, Nov. 19.	8 a.m.-9 p.m.; 9 a.m.-3 p.m.

For further information, contact:

Robert M. Swinford (213) 577-0050, Ext. 310

Richard E. Modee (213) 577-0050, Ext. 360

Written comments concerning the reevaluation are encouraged. These comments should be directed to Richard E. Modee, Planning Officer, Angeles National Forest, 150 S. Los Robles Ave., Suite 300, Pasenda, CA 91101.

These comments should be received by November 25, 1983. For further information about the proposed reevaluation contact Richard E. Modee at the above address, or call (213) 577-0050.

Dated: September 29, 1983.

Henry H. Hazen III,

Acting Forest Supervisor, Angeles National Forest.

[FR Doc. 83-27299 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Clarno Critical Area Treatment RC&D Measure, Oregon; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Clarno Critical Area Treatment RC&D Measure, Wheeler County, Oregon.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1220 S. W. Third Ave., 16th Floor, Portland, Oregon 97204, telephone 503-221-2751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for erosion reduction. The planned works of improvement include the installation of loose rock riprap, rock jetties, and vegetation to stabilize a site on the John Day River.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jack P. Kanalz.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 27, 1983.

W. R. Evans,

Assistant State Conservationist.

[FR Doc. 83-27297 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-16-M

Polk County Critical Area Treatment RC&D Measure, Oregon; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Polk County Critical Area Treatment RC&D Measure, Polk County, Oregon.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1220 SW.

Third Ave., 18th Floor, Portland, Oregon 97204, telephone 503-221-2751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Polk County Critical Area Treatment RC&D Measure, Oregon Notice of a Finding of No Significant Impact

The measure concerns a plan for erosion reduction. The planned works of improvement include the installation of streambank shaping, loose rock riprap, and vegetation to stabilize eroding sites on Waymire Creek, West Salt Creek, and Rickreall Creek.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reveiwed by contacting Jack P. Kanalz.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 28, 1983.

W. R. Evans,

Assistant State Conservationist.

[FR Doc. 83-27296 Filed 10-5-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 36-83]

Foreign-Trade Zone 31, Granite City, Illinois; Application for Extension of Zone Status at Temporary Site

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Tri-City Regional Port District (Tri-City), grantee of Foreign-Trade Zone 31, requesting an extension of zone status for its foreign-trade zone site on South State Street in Granite City, Illinois, within the St. Louis 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 September 26, 1983. The applicant is authorized to make this proposal under Section 1, Illinois P. A. 79-613.

Foreign-Trade Zone 31 was authorized by the Board on September 6, 1977 (Board Order 122, 42 FR 46568, 9/16/77) for a 47-acre site within the 127-acre Tri-City Industrial Center on the western limits of Granite City, Illinois, adjacent to the Chain of Rocks Canal on the Mississippi.

On November 21, 1980, the Board authorized Tri-City to temporarily expand its zone to include an existing 95,000 square foot warehouse (Tri-City Grocery Warehouse) located at 1630 South State Street in Granite City (Board Order 169, 45 FR 79520, 12/1/80). This site was requested so that Tri-City could begin providing zone warehousing services until a planned permanent warehouse became available at the canal site. Zone status for the temporary site expires on December 31, 1983.

Because the South State Street site has proved to be an effective means of providing warehousing services, Tri-City has requested that the time limitation be removed. The grantee intends to extend its operating contract with Fox Industries, owner and operator of the warehouse.

Comments concerning the proposal are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before October 28, 1983. A report with recommendations for the Board will be prepared by the FTZ Staff.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 120 South Central Avenue, St. Louis, MO 63105

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: September 30, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-27318 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[C-533-055]

Oleoresins From India; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On August 24, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on oleoresins from India. The review covers the period January 1, 1980 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. After review of the comment received, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 38524) the preliminary results of its administrative review of the countervailing duty order on oleoresines from India (44 FR 21009, April 9, 1979). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Indian oleroresins, which are determined by the Customs Service to be ineligible for duty-free treatment under GSP. Oleoresins are flavoring extracts, fruit flavors, essences, esters, and oils not containing alcohol, and not in ampules, capsules, tablets, or similar forms. Such merchandise is currently classifiable under items 450.2010, 450.2015, 450.2025, and 450.2040 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1982, and the following programs: (1) The Cash Compensatory Support program; (2) a preferential pre-shipment export loans program; (3) tax

deductions through the Export Market Development Allowance; and (4) grants under the Market Development Assistance program.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received a comment from the Government of India.

Comment: The Government of India states that Article 35B of the Finance Act has been repealed, and that no benefits have been available under that Article since March 1, 1983. Therefore, the Department should not collect countervailing duties on future entries of the subject merchandise due to benefits under Article 35B.

Department's Position: Even though Article 35B of the Finance Act was repealed, the benefits conferred as a result of this program continue at least until after the end of the tax year in which March 1, 1983 falls. We look to the benefit in a review period from income tax exemptions earned in previous tax years. Therefore, the Department has included potential benefits from this program in its cash deposit of estimated countervailing duties and will examine benefits from this program in its next administrative review.

Final Results of Review

After review of the comment received, the final results of the review are the same as the preliminary results. We determine the net subsidy to be 8.06 percent *ad valorem* for the period January 1, 1980 through December 31, 1981, and 6.68 percent *ad valorem* for the period January 1, 1982 through December 31, 1982. The Department will instruct the Customs Service to assess countervailing duties of 8.06 percent of the f.o.b. invoice price on any shipments of non-GSP Indian oleoresins entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1981, and 6.68 percent for shipments exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before December 29, 1982.

On December 30, 1982, the International Trade Commission ("ITC") notified the Department that the Indian government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties, in the amount or the estimated duties required to be deposited, on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 30, 1982 and through the date of the ITC's notification to the Department of its determination.

The Department will instruct the Customs Service, as provided for by section 751(a)(1) of the Tariff act, to collect a cash deposit of estimated countervailing duties of 2.56 percent of the f.o.b. invoice price on any shipments of non-GSP Indian oleoresins entered, or withdrawn from warehouse, for consumtion on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now beginning the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: September 30, 1983.

Alan F. Holmer,

Deputy Assistant Secretary Import Administration.

[FR Doc. 83-27317 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

Eastman Dental Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-172R. Applicant: Eastman Dental Center, 625 Elmwood Avenue, Rochester, N.Y. 14620. Instrument: Osseointegration System-Product System for Association. Manufacturer: Bofors Nobelpharma, Sweden. Intended use of instrument: See notice on page 38869 in the **Federal Register** of August 26, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a complete system of tools and fixtures of titanium for anchoring bridges to jaw bone. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27316 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-DS-M

Harvard University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-181. Applicant: Harvard University, The Biological Laboratories, 16 Divinity St., Cambridge, MA 02138. Instrument: Fluorescence Lifetime Instrument (Optical Subsystem). Manufacturer: Photochemical Research Associates,

Inc., Canada. Intended use of instrument: See notice on page 23286 in the **Federal Register** of May 24, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides single photon sensitivity, measurement in the nanosecond range and operates in the pulsed light mode. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Programs, Statutory Import Programs Staff.

[FR Doc. 83-27310 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

Harvard University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-158. Applicant: Harvard University, School of Public Health, Department of Tropical Public Health, 665 Huntington Ave., Boston, MA 92115. Instrument: 150 Longworth Small Mammal Traps and 20 Doors to Longworth Traps. Manufacturer: Penlon, Ltd., United Kingdom. Intended use of instrument: See notice on page 15303 in the **Federal Register** of April 8, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument may be baited with oats and protects trapped animals from rain or cold. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27314 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

State of Connecticut—Health Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-89R. Applicant: State of Connecticut—Health Laboratory, 10 Clinton Street, P.O. Box 1689, Hartford, CT 06101. Instrument: Electron Microscope, JEM-100CX SEG and Accessories. Original notice of this resubmitted application was published in the **Federal Register** of January 28, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 83-89 which was denied without prejudice to resubmission on June 16, 1983 for informational deficiencies. The foreign instrument has a resolving power of 4.5 Angstroms and a magnification of 330 X to 250,000 X. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27311 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

Temple University School of Medicine; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-189. Applicant: Temple University School of Medicine,

Department of Anatomy, 3400 North Broad Street, Philadelphia, PA 19140. Instrument: Scanning Microdensitometer, Model M85a complete with Accessories. Manufacturer: Vickers Instruments, United Kingdom. Intended use of instrument: See notice on page 23286 in the **Federal Register** of May 24, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has high sensitivity (detection limit $.5\times10^{-15}$ grams/ml of corticotrophin) and the ability to measure light over very small areas (e.g. the cell nucleus). The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27309 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

University of California at Davis; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pretaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-195. Applicant: University of California at Davis, Department of Biological Chemistry, Davis, CA 95616. Instrument: Topical Magnetic Resonance Spectrometer, Model TMR 32/200. Manufacturer: Oxford Research Systems, United Kingdom. Intended use of instrument: See notice on page 23285 in the **Federal Register** of May 24, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a 30 cm bore which can accommodate the animals (rabbit, primate and dog) under study. The National Institutes of Health advises in its memorandum dated August 9, 1983 that: (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27308 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

University of Miami School of Medicine; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-190. Applicant: University of Miami School of Medicine, Dept. of Ophthalmology, Bascom Palmer Eye Institute, P.O. Box 016880, 900 NW 17 St., Miami, FL 33101. Instrument: Rotating Photo Slit Lamp Model SL-45 w/table plate and table leg Model A1T-5. Manufacturer: Topcon Deutschland GMBH, West Germany. Intended use of instrument: See notice on page 23285 in the **Federal Register** of May 24, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides slit image photographs with a slit lamp camera rotatable to 180°. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27312 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Medical School; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and

Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-154. Applicant: University of Texas Medical School, Psychiatry MSMB/5.226, 6431 Fannin, Houston, TX 77030. Instrument: Scanner Densitometer (Monochromator Version) Model #75611 HPTLC and Linear Developing Chamber, #28510. Manufacturer: CAMAG, Switzerland. Intended use of instrument: See notice on page 13475 in the **Federal Register** of March 31, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a wavelength repeatability of ±0.2 nm and constant bandwidth of 10 nm over the 200 to 800 nm range. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27313 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

Yale University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-163. Applicant: Yale University, 333 Cedar St., New Haven, CT 06510. Instrument: Penning Sputter Coater for Electron Microscope. Manufacturer: Zentrum für Electronenmicroscopie, Austria. Intended use of instrument: See notice on page 16310 in the **Federal Register** of April 15, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument coats specimens by atomic deposition of metal at the proper energy to be implanted in the specimen's uppermost atomic layers. The National Institutes of Health advises in its memorandum dated September 7, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 83-27315 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

[A-421-060]

Animal Glue and Inedible Gelatin From the Netherlands; Final Results of Administrative Review of antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of Antidumping finding.

SUMMARY: On January 17, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covered the two known manufacturers and/or exporters and the one third-country reseller of this merchandise to the United States, and the period December 1, 1980 through November 30, 1981.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. One importer provided comments. After our consideration of the comments received and our correction of a clerical error, we have changed the margin for one firm. The margins in the preliminary results remain unchanged for the other two firms.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden 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 December 22, 1977, the Treasury Department published in the **Federal Register** (42 FR 64115) an antidumping finding with respect to animal glue and inedible gelatin from the Netherlands. On January 17, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 2030-1) the preliminary results of its administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters and the one known third-country reseller of Dutch animal glue and inedible gelatin to the United States. The period of

review is December 1, 1980 through November 30, 1981.

We have excluded an apparent third-country reseller (listed in the preliminary results), Fein & Co., Ltd. (U.K.), from this and future reviews since there is no evidence that the firm has ever exported animal glue or inedible gelatin to the United States. If Fein ships Dutch glue to the U.S. in the future, we will treat it as a new exporter.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results. One importer, Olympic Adhesives, Inc., submitted comments.

Comment 1: For exports by b.v. Lijmfabriek C. Trommelen, Olympic objects to the Department's use of home market sales of quality 300 glue for comparison with U.S. sales of quality 250 glue. It claims that the Department should use home market sales of quality 230 for comparison because: (a) quality 230 is more similar to quality 250 for various reasons (including the fact that qualities 230 and 250 have similar uses while quality 300 usually has a different use); and (b) the Department is legally constrained by section 771(16) of the Tariff Act of 1930 ("the Tariff Act") to follow a hierarchy in choosing merchandise for comparison.

Department's Position: Although quality 230 appears to be more similar to quality 250, we also consider quality 300 to be similar to quality 250 merchandise. Prior to the publication of the preliminary results, the Department requested cost of production data for each quality sold in the home market so that we could determine what quality was the most similar merchandies and make adjustments for physical differences in merchandise. The producer failed to provide adequate data, and as a result, we made comparisons using quality 300 glue (without adjustments for differences) as the best information available.

Comment 2: In the previous administrative review the Department compared U.S. sales of quality 250 glue with home market sales of quality 230. Olympic objects to the Department's change in the selection of similar home market qualities for this review, claiming that the producer and Olympic relied on the previously used selection for establishing marketing practices. Olympic contends the firms should have been advised of the change in the selection and provided the opportunity to adjust their marketing practices.

Department's Position: Because quality 300 was sold in sufficient quantities during this review period and because the producer failed to provide sufficient cost data for adjusting home market sales of quality 230 blue to account for differences in physical charateristics, the Department used sales of quality 300 glue for comparison as best information available. Generally, the Department will use home market sales of identical merchandise for comparison with U.S. sales. Absent that, most similar merchandise will be used for comparison. In this case the Department received insufficient data from the producer to determine the most similar merchandise.

Comment 3: Olympic suggests that the Department apply a quality variance of ±15 for determining whether sales in the home market are comparable to sales to the United States.

Department's Position: Olympic did not provide sufficient information to support its suggestion. As a result, the Department will not use this method to determine whether home market sales are of such or similar quality with sales to the United States.

Comment 4: Olympic claims that the Department should adjust the foreign market value downward to account for errors in the Department's calculation of differences in packing costs and credit costs.

Department's Position: We agree to the adjustment for the differences in packing costs and for differences in credit terms. We have adjusted the home market prices accordingly.

Final Results of the Review

As a result of our analysis of the comments received, we determine that the following margins exist for the period December 1, 1980 through November 30, 1981:

	Margin (percent)
Manufacturer/exporter:	
b.v. Lijmfabriek C. Trommelen	24.60
Wed. P. Smits & Zoon b.v.	0.2
Third-country reseller (United Kingdom), F. Leiner & Co. Ltd.	43.0

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the period of review. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions for each exporter directly to the Customs Service.

Further, as provided in the § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Dutch animal glue and inedible gelatin from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. The Department waives the cash deposit requirement for Wed. P. Smits & Zoon b.v. because the weighted-average margin for that firm is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes. For any future shipment from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after November 30, 1981 and who is unrelated to any covered firm, a cash deposit of 24.60 percent shall be required.

These deposit requirements and waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-27217 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

[A-405-069]

Kraft Condenser Paper From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On June 23, 1983, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke the antidumping finding of kraft condenser paper from Finland. The review covered the one known exporter of this merchandise to the United States, Tervakoski Osakeytio, and the period September 1, 1981 through August 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and our tentative determination to revoke. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: Octover 6, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or John R. Kugleman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 28693-4) the preliminary results of its last administrative review of and tentative determination to revoke the antidumping finding on kraft condenser paper from Finland (44 FR 54696-7, September 21, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80 percent or more by weight chemical sulphate or soda wood pulp based on total fiber content. This merchandise is currently classifiable under items 252,4000, 252,4200, and 256,3080 of the Tariff Schedules of the United States Annotated.

The review covered the one known exporter of Finnish kraft condenser paper to the United States, Tervakoski Osakeyhtio, and the period September 1, 1981 through August 31, 1982.

Final Results of the Review

We invited interested parties to comment on the preliminary results and our tentative determination to revoke. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that a margin of 0.04 percent exists for sales of kraft condenser paper to the U.S. by Tervakoski Osakeyhtio for the period September 1, 1981 through August 31, 1982.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Since the weighted-average margin for Tervakoski Osakeyhtio is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall waive the requirement for cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, for shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department will examine exports by Tervakoski Osakeyhtio made during the period September 1, 1982 to May 6, 1983, the date of our tentative determination to revoke, in our next administrative review.

The Department encourages interested parties to review the public records and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-27214 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

[A-427-070]

Kraft Condenser Paper From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 6, 1983, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke the antidumping finding on kraft condenser paper from France. The review covered the one known exporter of this merchandise to the United States, Papeteries Bollore, S.A., and the period September 1, 1981 through Augsut 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and our tentative determination to revoke. We received no comments. Based on our analysis, we have changed the final results of review from those presented in the preliminary results of review to correct a clerical error.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 20461-2) the preliminary results of its last administrative review of and tentative determination to revoke the antidumping finding on kraft condenser paper from France (44 FR 54696, September 21, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80 percent or more by weight chemical sulphate or soda wood pulp based on total fiber content. This merchandise is currently classifiable under items 252.4000, 252,4200, and 256,3080 of the Tariff Schedules of the United States Annotated.

The review covered the one known exporter of French kraft condenser paper to the United States, Papeteries Bollore, S.A., and the period September 1, 1981 through August 31, 1983.

Final Results of the Review

We invited interested parties to comment on the preliminary results and our tentative determination to revoke. The Department received no written comments or requests for a hearing. Based on our analysis, we have corrected a clerical error in the preliminary results of review, and we determine that a margin of 0.1 percent exists for sales of kraft condenser paper to the U.S. by Papeteries Bollore, S.A. for the period September 1, 1981 through August 31, 1982.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market

value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Since the weighted-average margin for Papeteries Bollore, S.A. is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall waive the requirement for cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, for shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department will examine exports by Papeteries Bollore made during the September 1, 1982 to May 6, 1983, the date of our tentative determination to revoke, in our next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-27216 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

[A-428-022; A-405-021]

Pig Iron From West Germany and Finland; Final Results of Administrative Reviews and Revocations of Antidumping Findings

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative reviews and revocations of antidumping findings.

SUMMARY: On March 31, 1983 and April 8, 1983, the Department of Commerce published in preliminary results of its administrative reviews and tentative determinations to revoke the antidumping findings on pig iron from West Germany and Finland. The reviews covered the three known West German exporters and one known Finnish exporter of this merchandise to the United States and the period July 1, 1981 through June 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were provided an opportunity to submit oral or written comments on the preliminary results and tentative determinations to revoke. We received no comments. We also determined that there were no shipments of this merchandise to the United States from either country during the period July 1, 1982 through the dates of publication of the tentative determinations to revoke. We advised all interested parties that there were no shipments and we provided an additional opportunity to comment. Again we received no comments. Accordingly, these final results cover up to the dates of our tentative determinations to revoke and we revoke the antidumping findings on pig iron from West Germany and Finland.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia C. Connell or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-2923/1130.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1983 and April 8, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 13472) and 48 FR 15309) the preliminary results of its administrative reviews and tentative determinations to revoke the antidumping findings on pig iron from West Germany and Finland (36 FR 42315-16, July 24, 1971). The Department has now completed those administrative reviews.

Scope of the Reviews

Imports covered by these reviews are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machine parts. Such merchandise is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The reviews cover the three known West German exporters and one known Finnish exporter of this merchandise to the United States the period July 1, 1981 through June 30, 1982. The Department has also determined that there were no shipments of this merchandise to the United States from these countries during the periaod July 1, 1982 through the dates of publication of their respective tentative revocations.

Final Results of Reviews and Revocations

We invited interested parties to comment on the preliminary results and tentative determinations to revoke. We received no comments or requests for a hearing. The Department provided to all interested parties further preliminary results for the periods up to the respective tentative determinations to revoke, and give interested parties an additional opportunity to comment. Again we received no comments. Based on our analysis, the final results of our reviews are the same as those presented in the preliminary results.

As a result of these reviews, the Department revokes the antidumping findings on pig iron from West Germany and Finland.

These revocations apply to all unliquidated entries of West German pig iron entered, or withdrawn from warehouse, for consumption on or after March 31, 1983 and all unliquidated entries on Finnish pig iron entered, or withdrawn from warehouse, for consumption on or after April 8, 1983.

These administrative reviews, revocations, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: September 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary, for Import Administration.

[FR Doc. 83-27215 Filed 10-3-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of anitidumping finding.

SUMMARY: On May 20, 1982, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on steel wire strand for prestressed concrete from Japan. The review

covered the 13 known manufacturers and exporters of this merchandise to the United States currently covered by the finding, generally for the period April 1, 1978 through November 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. At the request of the petitioner, we held a public hearing on June 21, 1982. After our analysis of the comments received, with the exception of deferring analysis of Mitsui & Co., Ltd., we have made no changes in these final results from those presented in our preliminary results of review.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Philip S. Gallas 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 December 8, 1978, the Treasury Department published in the **Federal Register** (43 FR 57599) a dumping finding with respect to steel wire strand for prestressed concrete ("PC strand") from Japan. On May 20, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 21909-10) the preliminary results of its administrative review of the finding and a tentative determination to revoke with regard to one of the covered firms, Sumitomo Electric Industries, Ltd. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete. PC strand is currently classifiable under item 642.1120 of the Tariff Schedules of the United States Annotated.

The review covered the 13 known firms engaged in the manufacture and/or exportation of Japanese PC strand to the United States currently covered by the finding. The Treasury Department discontinued the original fair value investigation with regard to Kawatetsu Wire Products Co., Ltd. The Department is deferring publication of the final results for one of the 13, Mitsui & Co., Ltd., in light of the guilty plea to customs fraud by its wholly-owned subsidiary, Mitsui & Co. (U.S.A.) Inc. In general, the review covers the period April 1, 1978 through November 30, 1980.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results and the tentative determination to revoke in part. At the request of the petitioner, the Prestressed Concrete Strand Group, the Department held a public hearing on June 21, 1982.

Comment 1: The petitioner argues that the Department is obligated to consider in the current administrative review the discontinuance with regard to Kawatetsu, in accordance with § 353.53(e) of the Commerce Regulations.

Department's Position: On September 29, 1983, the Department published in the **Federal Register** (48 FR 44587) a notice of proposed rulemaking proposing to remove § 353.53(e) from Title 19 of the Code of Federal Regulations, because that regulation originally was promulgated without legal authority. We are therefore holding in abeyance the petitioner's comment regarding the Kawatetsu discontinuance pending final action on this rulemaking proceeding.

Comment 2: The petitioner alleges that the Department conducted inadequate cost and sales verifications for Sumitomo Electric Industries, Ltd. and Shinko Wire Co., Ltd. for the period April 1, 1978 through March 31, 1979.

Department's Position: In March 1980, the Department verified production costs and sales information for the period April 1, 1978 through March 31, 1979 for Sumitomo and Shinko. On the basis of the verification and subsequent clarifying information submitted on behalf of those respondents, we have determined that there was adequate information sufficiently supported to determine the cost of production and data pertaining to the sales comparison. An additional verification for Sumitomo and Shinko for the period April 1, 1978 through March 31, 1979 therefore was not conducted.

Comment 3: The petitioner argues that it provided, through its market research report, enough information that five Japanese strand producers (including Shinko, Sumitomo, and Kawatetsu) sold PC strand in the United States in the period April 1978 through November 1980 at prices below their cost of production, while selling in Japan above cost, to warrant further investigation by the Department.

Department's Position: Prior to recovering the petitioner's allegations, the Department requested and verified cost data from Shinko and Sumitomo, the two largest Japanese strand producers. Our analysis of this data indicated sufficient above cost sales to proceed on a price basis of comparison.

In light of the verified information, which contradicted the petitioner's allegations, we twice requested from the petitioner access to the data supporting the allegations, such as more adequate source citations and interview reports. Despite these reasonable requests, the petitioner did not supply all of the necessary information. Therefore, since we believe such documentation was reasonably available to the petitioner (having been used to compile the report), and since our own cost of production investigation, based on verified data, detected sufficient above cost sales, we have determined that further investigation is not warranted.

Comment 4: The petitioner states that the Department's calculations of the margins of dumping include adjustments to foreign market value (for lead patenting, billet grinding, technical assistance, and rebates) which are improper.

Department's Position: (a) *Lead patenting:* The Department verified that the merchandise produced for home consumption is lead patented, while the merchandise produced for export is not subject to this treatment. Inasmuch as greater costs are incurred in producing the lead patented strand than in producing the exported strand, the adjustment is appropriate.

(b) *Billet grinding:* Billet grinding is a process employed in the production of strand for home consumption to assure compliance with Japanese product standards; the process is not used on strand sold for export. The Department has verified that billet grinding is part of the home market production process only, and that greater costs are incurred in producing that strand than in producing the exported strand. Therefore, the adjustment is appropriate.

(c) *Technical assistance:* The Department verified that certain claimed technical assistance expenses were directly related to the sales under consideration and that an adjustment therefore is warranted.

(d) *Rebates:* Since the adjustment claimed for certain rebates was directly related to the sales under consideration and verified, the Department considers it an appropriate adjustment.

Comment 5: Relying on the above comments, the petitioner argues that the Department should not revoke the finding with regard to Sumitomo and Shinko.

Department's Position: Shinko has withdrawn its request for revocation. In accord with our normal practice we will not revoke the finding for Sumitomo until we have reviewed Sumitomo's

sales up to the date of the tentative determination to revoke in part. However, Sumitomo has otherwise met the requirements for revocation under section 353.54 of the Commerce Regulations, inasmuch as all of its sales from April 1, 1978 through December 31, 1980 were made at not less than fair value, and Sumitomo has provided the required written agreement.

Comment 6: The Department improperly denied the petitioner access under administrative protective order to certain confidential information provided by the respondents.

Department's Position: The Department denied certain of the petitioner's applications for protective orders because they were not timely filed. The Department feels obliged to circumscribe participatory rights within reasonable time constraints, consistent with congressional concern for the expeditious processing of these reviews.

Comment 7: Shinko argues that the Department improperly failed to use the Department's trigger price data as the best evidence for wire rod prices in calculating Shinko's cost of production.

Department's Position: In its reponse to our cost questionnaire, Shinko refused to disclose the actual price it paid for the wire rod from which it made strand. The Department therefore was unable to verify whether the actual price paid by Shinko was at or below trigger price, as Shinko claimed. The Department has no independent evidence that the trigger price is the price charged in Japan by the Japanese steel mills to Japanese wire strand producers. The Department therefore considered the wire rod price published in the Japanese trade magazine, Japan Metal Bulletin, as the best evidence of the price for wire rod charged in Japan to Shinko.

Final Results of the Review

Based on our analysis of the comments received, the final results of our review are the same as those presented in our preliminary results of review, except with regard to Mitsui, and we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Kokoku Steel Wire, Ltd./All exporters	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
Shinko Wire Company, Ltd./All exporters (except) Mitsui & Co., Ltd.)	04/01/78-03/31/79	0
Shinko Wire Company, Ltd./Mitsubishi Corporation/Freyssinet International	04/01/79-11/30/80	0
Shinko Wire Company, Ltd./All other exporters (except Mitsui & Co., Ltd.)	04/01/79-11/30/80	0
Sumitomo Electric Ind., Ltd./All exporters (except) Mitsui & Co., Ltd.)	04/01/78-03/31/79	0
	04/01/79-12/31/80	0
Suzuki Metal Industry Co., Ltd./All exporters (except Mitsui & Co., Ltd.)	04/01/78-03/31/79	0
Suzuki Metal Industry Co., Ltd./All exporters(except) Mitsui & Co., Ltd.)	04/01/79-11/30/80	0
Suzuki Metal Industry Co., Ltd./Mitsubishi Corp.	04/01/79-12/31/79	0.29
	01/01/80-11/30/80	0
Suzuki Metal Industry Co., Ltd./Nissho-Iwai Co., Ltd.	04/01/79-12/31/79	0.03
	01/01/80-11/30/80	0
Teikoku Sangyo Co., Ltd./All exporters (except Mitsui & Co., Ltd.)	04/01/78-03/31/79	0
Teikoku Sangyo Co., Ltd./Nissho-Iwai Co., Ltd.	04/01/79-11/30/80	0.10
Teikoku Sangyo Co., Ltd./All exporters (except Mitsui & Co., Ltd.)	04/01/79-11/30/80	0
Tokyo Rope Mfg. Co., Ltd./	04/01/78-03/31/79	0
	04/01/79-11/30/80	0
Tokyo Rope Mfg. Co., Ltd./All exporters (except Mitsui & Co., Ltd.)	04/01/78-03/31/79	0
	04/01/79-11/30/80	0

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the latest of the above margins shall be required on all shipments of Japanese steel wire strand for prestressed concrete from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the most recent margin for Teikoku Sangyo Co., Ltd./Nissho-Iwai Co., Ltd. is less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department waives the cash deposit requirement on shipments from that manufacturer/exporter combination. For any future entries from a new exporter not covered in this administrative review, unrelated to any covered firm, no cash deposit shall be required. These deposit requirements and waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. We will examine exports by Sumitomo made during the period January 1, 1981 to May 20, 1982, the date of our tentative determination to revoke with regard to Sumitomo, in our next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 29, 1983

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-27213 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Minority Business Development Center; Solicitation of Applications

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning January 31, 1984 in the State of Connecticut. The cost of the project is estimated to be $187,000. The maximum Federal participation amount is $158,950. The minimum amount required for non-Federal participation is $28,050. The award number will be 01-10-84002-01.

Applicants shall be required to contribute at least 15% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: October 25, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Georgina Sanchez, telephone (212) 264-3262.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement—Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and

operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDA programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants—Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process—All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications—The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort —i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circular A-110 or A-102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 15% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-kind contribution* —represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of prioirty for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs* —demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Dated: September 28, 1983.

Georgina Sanchez,

Regional Director.

[FR Doc. 83-27223 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile and Apparel Products From Malaysia

September 30, 1983.

ACTION: Adjusting the levels of restraint established for wool sweaters in Category 445/446 (Sweaters) and Category 604 (other man-made fiber yarn, wholly of non-continuous filament), produced or manufactured in Malaysia and exported during the agreement year which began on January 1, 1983 by the application of carryforward. The limits for knit shirts and blouses in Category 338/339, men's and boys' woven cotton shirts in Category 340, and cotton trousers in Category 347/348 are being adjusted by the application of carryover for the same agreement year.

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: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia, provides, among other things, for the carryover of shortfall in certain categories from the previous agreement year (carryover) and for the borrowing of designated percentages of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. In accordance with the terms of the bilateral agreement, carryforward is being applied to the limits for wool and man-made fiber textile products in Categories 445/446 and 604 and 604 and carryover to Categories 338/339, 340 and 347/348.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 17, 1982, there was published in the **Federal Register** (47 FR 56535) a letter dated December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 338/339, 340, 347/348, 445/446, and 604, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, in accordance with the terms of the bilateral agreement, the United States Government is adjusting the limits for the foregoing categories during the agreement year which began on January 1, 1983.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 30, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 14, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia.

Effective on October 6, 1983, paragraph 1 of the directive of December 14, 1982 is amended to include adjusted levels of restraint for the following categories:

Category	Adjusted Level of Restraint [1]
338/339	488,843 dozen of which not more than 175,805 dozen shall be in Category 339.
340	321,756 dozen.
347/348	192,625 dozen of which not more than 100,719 dozen shall be in Category 348.
445/446	22,754 dozen.
604	1,319,574 pounds.

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1982.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Ronald I. Levin,

Acting Chairman ,Committee for the Implementation of Textile Agreements.

[FR Doc. 83-27212 Filed 10-5-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on october 25 and 28, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on October 25 and 28, 1983 the Task Force will consider the basic requirements for fire support during amphibious warfare operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly

these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

October 3, 1983.

[FR Doc. 83-27246 Filed 10-5-83; 8:45 am]

BILLING CODE 3810-01-M

Organization of the Joint Chiefs of Staff

National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School; Notice of Advisory Committee Meeting

The President of the National Defense University has scheduled a meeting of the National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School on Tuesday, 29 November 1983, from 0900–1145 and 1330–1600. The meeting will be held in the Hill Conference Center, Theodore Roosevelt Hall (Building 61), Fort Lesley J. McNair, Washington, D.C. The discussion will include progress and plans for the National Defense University and the curricula, faculty, and students of the Industrial College of the Armed Forces, the National War College, and the Armed Forces Staff College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested persons should write or phone (693–1075), the Assistant to the President, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 3, 1983.

[FR Doc. 83-27246 Filed 10-5-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

State Vocational Education Programs; Intent To Compromise Claim

AGENCY: Department of Education.

ACTION: Notice of Intent to Compromise Claim.

SUMMARY: Notice is given that the Secretary intends to compromise a claim against the Washington State Commission for Vocational Education now pending before the Education Appeal Board, Docket No. 3-(58)-80 (31 U.S.C. 952; 20 U.S.C. 1234a(f)).

DATE: Interested persons may express their opinions by submitting written data, views, or arguments on or before (insert the 45th day after publication of this notice).

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained by writing to: Ms. Daphna Crotty, Office of the General Counsel, Department of Education, 400 Maryland Avenue, S.W. (Room 4091, FOB-6), Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: Part B of the Vocational Education Act of 1963 (20 U.S.C. 1261 *et seq.*), in effect at the time of the events at issues, authorized grants to States for vocational education programs for persons of all ages. The regulations governing Part B grants at the time of the events at issue were found in 45 CFR Part 102 (presently found in 34 CFR Part 400).

The regulations containing the rules for the conduct of proceedings before the Education Appeal Board, established by the Secretary pursuant to Section 451 of the General Education Provisions Act (20 U.S.C. 1234), were published in the **Federal Register** on May 18, 1981 (46 FR 27305). The Education Appeal Board regulations currently in effect are found at 34 CFR Part 78.

The claim in dispute arose out of an audit conducted by the HEW Audit Agency. The audit disclosed that three local educational agencies in the State of Washington had not maintained fiscal effort between Fiscal Years 1973 and 1974 and thus were not eligible for Federal vocational education funds in 1975. In a final determination letter dated January 8, 1980 the Department notified the Wasington State Commission for Vocational Education that it must refund $25,460 as a result of the auditors' findings. The Washington State Commission filed a timely appeal to this final determination and the case was docketed for hearing before the Education Appeal Boad. Prior to the Prehearing Conference, the Commission submitted documentation to the Assistant Secretary for Vocational and Adult Education which demonstrated that a substantial portion of the $25,460 was barred by the applicable statute of limitations, Section 452(g) of the General Education Provisions Act (20 U.S.C. 1234a(g)), and that an additional portion of the original claim was based on erroneous expenditure and payment data affecting the local educational agencies in question. This documentation showed that the amount of the claim should be reduced to $1,760.

The Secretary proposes to compromise the remaining claim of $41,760 to $800. The Secretary has determined that it would not be practical or in the public interest to continue this proceeding, given the cost of taking the claim through the appeal process, the substantial reduction of the claim, and the difficulty in gathering evidence relevant to this claim many years after the expenditures were made. Moreover, the Assistant Secretary has been adequately assured that the practice which resulted in the claim has been corrected and will not recur. This proposed compromise will not adversely affect any other audit proceeding currently pending before the Education Appeal Board.

The public is invited to comment on the Secretary's intent to compromise this claim. Additional information may be obtained by writing to Ms. Daphna Crotty at the address given at the beginning of this notice.

(31 U.S.C. 952; 20 U.S.C. 1234 and 1234a(f)).

(Catalog of Federal Domestic Assistance No 84.048)

Dated: September 2, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-27286 Filed 10-5-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Continuing Education; Meetings

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of three committees of the National Advisory Council on Continuing Education—the By-Laws Committee; the Internal Operations Committee; and the Executive Committee. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: November 1, 1983.

ADDRESS: National Advisory Council on Continuing Education, 425 Thirteenth Street, NW., Suite 529, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteenth Street, NW., Suite 529, Washington, D.C. 20004, Telephone: (202) 376-8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The By-Laws Committee and the Internal Operations Committee will meet concurrently from 9:00 A.M. until 12:00 Noon. The meeting of the Executive Committee will be held from 2:00 P.M. until 4:30 P.M.

The proposed agenda includes:

—Review of Council By-Laws.
—Review of internal operations.
—Council budget review.
—1983–84 priorities/schedule.
—Other business.

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, NW., Suite 529, Washington, D.C.

Signed at Washington, D.C., on October 3, 1983.

William G. Shannon,

Executive Director.

[FR Doc. 83-27268 Filed 10-5-83; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on March 16, 1983, an arbitration panel rendered a decision in the matter of James A. Smith, vendor, vs State of Rhode Island, Services for the Blind and Visually Handicapped, State Licensing Agency (R-S/82-1). The panel was convened by the Secretary of the Department of Education pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by petitioner James A. Smith on February 9, 1982. Under this section of the Act, a blind licensee dissatisfied with the State's operation or administration, of the vending facility program may request a full evidentiary hearing from the State Licensing agency. If the licensee is dissatisfied with the State agency decision, the licensee may complain to the Secretary, who is then required to convene an arbitration panel to resolve the dispute.

Note.—Subsequent to the issuance of the panel decision, Mr. Smith has challenged the decision in a court case filed under the judicial review procedures of the Randolph-Sheppard Act, *Smith v. Rhode Island State Services for the Blind and Visually Handicapped and T. H. Bell, Secretary of Education*, CA #83-0292/S (Rhode Island District).

FOR FURTHER INFORMATION CONTACT: Director, Division for Blind and Visually Impaired, Rehabilitation Services Administration, Room 3330, Mary E. Switzer Building, Department of Education, 330 'C' Street, S.W., Washington, D.C. 20202, Area Code (202) 245-0918 TTY (202) 245-0591. The full text of the arbitration panel decision can be obtained from this source.

Dated: October 3, 1983.

T. H. Bell,

Secretary of Education.

Arbitration Panel Decision

A blind vendor, James A. Smith, grieved a determination by the State of Rhode Island's State Services for the Blind and Visually Handicapped, State Licensing Agency, to award a vacant vending facility location (Garrity Judicial Complex) to another blind vendor with allegedly less seniority than Smith (the Grievant).

Smith retained counsel and pursued his complaint consistent with the procedural requirements of the Randolph-Sheppard Act at 20 U.S.C. 107 *et seq.* and the Department of Education's Revised Interim Policies and Procedures for Randolph-Sheppard arbitrations.

The dispute surrounded the State agency's transfer and promotion system. In calculating senority to determine who should receive the award at issue, the State deducted from the grievant's total service period the time which he operated a vending facility as a salaried employee of the licensing agency. The agency took the position that only time spent in assuming the responsibility for and managing a "Profit and Loss" facility should count toward seniority.

On an appeal by Smith, and after hearing and consideration of the matter in this complaint, the Arbitration Panel found that the State agency had adopted and issued the transfer and promotion policies set forth in its regulations without the participation of the State's elected Committee of Blind Vendors ("the Association") as required by the act and implementing federal regulations, and that the proposed rules which it presented to the Association were written in ambiguous language and were not discussed with the members.

Pursuant to the above finding, the Panel ordered that: (1) Within sixty (60) days from the receipt of this decision, the agency must transmit to the Association and to each blind licensee in the program a proposed provision on transfers and promotions which "in clear and unambiguous language explains which periods of time spent by a blind licensee in which types of operations shall be counted to determine seniority." (2) Within sixty (60) days thereafter the agency shall, with the participation of the Association as provided in the Act and the federal regulations, adopt as part of its regulations " a clear and unambiguous seniority policy." (3) Thereafter, transfers and promotions at all facilities including the facilities at the Judicial Complex, shall be awarded in accordance with said seniority policies. (4) The vendor awarded the facility in the Judicial Complex shall remain there pending a permanent award of that facility in accordance with the actions required by this decision. In the event that Smith is permanently awarded the facility at the Judicial Complex, the assignment shall not be retroactive and he shall not be awarded reimbursement based on that contingency.

The dissenting member of the panel was of the opinion that Smith should have been credited with all time spent operating a vending facility as licensed blind vendor, including those periods when he did so as an employee of the agency.

The Arbitration Panel decision does not necessarily represent the views of the Department of Education.

[FR Doc. 83-27235 Filed 10-5-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Advisory Board, Technical Panel on Magnetic Fusion, Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat 770), notice is hereby given of the following meeting:

Name: Technical Panel on Magnetic Fusion of the Energy Research Advisory Board (ERAB).

Date and Time: October 28, 1983 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, D.C. 20585.

Contact: Thomas J. Kuehn, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Technical Panel: To perform a review of the conduct of the national magnetic fusion energy program and make recommendations to the Energy Research Advisory Board. After consideration of the Panel report, the Board shall submit such report, together with any comments that the Board deems appropriate, to the Secretary of Energy. The purpose of the Energy Research Advisory Board is to advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion and revision of draft report.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas J. Kuehn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 30, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-27280 Filed 10-5-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-628-000]

Kansas Gas and Electric Co.;

Issued: September 29, 1983.

On July 15, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing (1) a proposed increase in rates for firm power service to fourteen full requirements and nine partial requirements municipal customers, the Kansas Power and Light Company (KP&L), Missouri Public Service Company (MPS), and the Kansas Electric Power Cooperative, Inc. (KEPCO); (2) revised transmission rates to five of the above-referenced partial requirements customers, to KP&L, and to KEPCO; and (3) a proposed cancellation of Service Schedule F—Reserve Capacity Service for Outside Participation Power Services—which schedule is currently applicable to the Cities of Neodesha, Mulvane, and Winfield Kansas.[1] The proposed rate changes would increase revenues by about $4.1 million (14.2%) for the twelve month period ending June 30, 1984. Approximately $1.6 million of that increase is supported by the inclusion of construction work in progress (CWIP) in rate base pursuant to section 35.26(c)(3) of the Commission's regulations. KG&E requests that the submittals be made effective on September 30, 1983.[2]

Notice of the filing was published in the **Federal Register**, with comments due on or before August 19, 1983. On August 19, 1983, the Kansas State Corporation Commission filed a notice of intervention which alleges that KG&E has misallocated among the wholesale customers the amount of CWIP in rate base. The Kansas Commission requests that the proposed rates be suspended for five months.

On August 19, 1983, KP&L filed a motion to intervene requesting that the rates applicable to KP&L be rejected or, alternatively, suspended for five months. The principle basis for this request is KP&L's argument that the rates applied to it should not reflect CWIP associated with the Wolf Creek Nuclear Power plant. Specifically, KP&L argues that, by prior agreement, KG&E will discontinue sales to KP&L's Parsons Division at approximately the same time as the Wolf Creek plant is currently scheduled to become operations. KP&L concludes that it will not receive benefits from the Wolf Creek plant and that, therefore, KP&L should not be paying rates which reflect this CWIP in rate base.

Twenty-two Kansas cities (Cities) also filed a timely protest, motion to intervene, request for a five month suspension, motion to reject, and motion for summary disposition. The Cities argue that certain of these customers [3] have contracts with KG&E which do not allow for unilateral rate filings under section 205 of the Federal Power Act. The Cities request that with respect to these customers, KG&E's section 205 filing be rejected and treated as a request for investigation under section 206 of the Act. Citing the *Mobile-Sierra* doctrine,[4] the Cities also argue that present rates cannot be changed for those customers unless KG&E meets the strict "*Sierra*" burden of proof, that is unless KG&E demonstrates that the existing rates are so low as to adversely affect the public interest.

The Cities also argue that KG&E's proposed rates reflect more CWIP in rate base than is allowed by the Commission's regulations. Specifically, the Cities cite § 35.26(d)(i) which limits the amount of CWIP in rate base to "six percent of the test period aggregate wholesale revenues *under the rates to be superseded*." Cities assert that KG&E has exceeded this limit by miscalculating present revenues insofar as it has (1) erroneously included revenues from KG&E's firm power sales to the Cities of Chanute, Fredonia, and Iola; and (2) erroneously included revenues that the company is collecting under its fuel adjustment clause. According to the Cities, the inclusion of both amounts is improper since KG&E is not attempting to supersede the schedules relating to these revenues in this proceeding. Accordingly, the Cities request that the Commission eliminate by summary disposition the amount of "excess" CWIP in rate base.

Further, the Cities request a five month suspension citing several issues, including (1) an excessive rate of return; (2) undue discrimination resulting from the proposed transmission rate; and (3) the proposed cancellation of Service Schedule F. The Cities also request that the Commission initiate price squeeze proceedings.

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[1] *See* Attachment for customers and rate schedule designations.

[2] We note that KG&E's firm power contracts permit unilateral rate changes only as to KP&L, MPS, and KEPCO and to the cities of Augusta, Oxford, Burlington, Coffeyville, Girard, Neodesha, Mulvane, Wellington, and Winfield.

[3] Arcadia, Arma, Blue Mound, Elsmore, Erie, Haven, LaHarpe, Moran, Mount Hope, Mulberry, and Savonburg.

[4] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

On August 19, 1983, KEPCO filed a protest, motion to intervene, request for a five month suspension, motion for summary disposition, and request to initiate price squeeze proceedings. KEPCO argues that the proposed rates should be suspended for five months based on a number of cost of service issues, including (1) excessive rate of return; (2) overstated demand allocation; (3) excessive increase in operation and maintenance expenses; (4) overstated fuel stock allowance; and (5) improper calculation of the amount of CWIP to be included in rate base. As a related matter, KEPCO notes that the parties are litigating in an earlier KG&E's rate proceeding, Docket No. ER82-412-000, the propriety of KG&E's amortization of a claimed deficiency in its deferred tax account. Since KG&E has proposed the same treatment in this proceeding, KEPCO requests that the issue not be relitigated but be made subject to the outcome of the Commission's decision in Docket No. ER82-412-000.

In addition, KEPCO seeks summary disposition with respect to KG&E's calculation of deferred taxes relating to AFUDC and KG&E's calculation of the amount of pollution control CWIP included in rate base. As to the latter request, KEPCO asserts that KG&E has improperly included radwaste expenditures as pollution control CWIP.

KEPCO also requests summary disposition with respect to several terms and conditions set forth in KG&E's proposed service Schedule D. This new schedule is a part of KG&E's revised transmission rate for KEPCO and relates to the transmission by KG&E on behalf of KEPCO of peaking power from the Southwestern Power Administration. Finally, KEPCO appears to request summary disposition of certain terms and conditions contained in existing Service Schedules A and B which relate to firm power service and transmission and distribution service, respectively.

On September 7, 1983, KG&E filed an answer to each of the interventions. KG&E does not state any opposition to the motions to intervene. However, it presents arguments against the motions for rejection or summary disposition and further contends that only a minimum suspension is appropriate. KG&E also argues that price squeeze proceedings are not warranted.

On August 30, 1983, the Mayor of the City of Coffeyville filed a protest asserting that KG&E's proposed rates are excessive and expressing several concerns regarding the allocation of transmission investment to the service at issue. The protest urges the Commission to "deny" KG&E's proposed increase or to preclude an effective date prior to June 1, 1984, when KG&E has agreed to terminate transmission to Coffeyville of energy purchased outside of KG&E's system.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 285.214), the Kansas Commission's timely notice of intervention and the unopposed motion to intervene of KP&L, the Cities, and KEPCO serve to make them parties to this proceeding.

Inasmuch as KG&E's filing, as modified by this order, substantially complies with the Commission's filing requirements, KP&L's motion to reject will be denied.[5] As noted, KP&L contends that its service from KG&E at the Parsons Division will cease by the time that KG&E's Wolf Creek Plant commences operations. However, KG&E's rate request is predicated on other CWIP and cost components as well. The Commission believes that outstanding questions of law and fact preclude summary action on the filing insofar as it applies to KP&L.

The Cities' motion to reject KG&E's filing with respect to certain customers actually requests that the Commission instead treat the filing as calling for an investigation with a prospective effective date under section 206 of the Federal Power Act. As ordered below, we are initiating a hearing concerning the rates for these as well as other customers whose contracts bar unilateral rate filings, although we shall not permit those rates to take effect until after a final Commission order. Given this treatment of KG&E's submittal, it is unnecessary and would be administratively burdensome to "reject" the company's unilateral filing. *See Kansas Gas and Electric Company*, 19 FERC ¶ 61,210 (1982). Furthermore, we shall deny the Cities' motion to impose the "*Sierra*" burden of proof upon KG&E. As the Cities recognize their request is inconsistent with Commission precedent. *See, e.g., id.*[6]

Our review of this filing confirms KEPCO's allegation that KG&E has improperly included nuclear radwaste expenditures in rate base as pollution control CWIP. This is contrary to well-established Commission precedent.[7] Furthermore, KG&E's proposed rate already reflect CWIP, other than pollution control and fuel conversion facilities, up to the maximum six percent limit prescribed by our regulations. As a result, KG&E's filing overstates the maximum permissible level of CWIP in rate base. We shall therefore grant KEPCO's request for summary disposition with respect to the radwaste issue and we shall require the company to refile its cost of service and rates to reflect this dicision.

We shall, however, deny the Cities' request to summarily require KG&E to recalculate the level of CWIP in rate base to the extent that the company's six percent increase calculation is predicated on present revenues from customers whose rates are not now being superseded. We agree that there may be a technical violation of our regulations inasmuch as KG&E has based its CWIP increment on a present revenue level which includes the revenues from firm sales to Iona, Chanute, and Fredonia. However, KG&E has performed both its cost allocations and CWIP computations on a customer class basis. As a result, the company has allocated a proportionate share of the CWIP charges to the three class members whose rates are not being changed. We have evaluated the effect of the company's approach assuming a disaggregation of the customer class and have determined that any overstatement of allowable CWIP occasioned by KG&E's calculations is *de minimis. Under these circumstances, we perceive no compelling reason to summarily require KG&E to depart from its historical customer classification.*

We also note our disagreement with the Cities' related contention that revenues which KG&E collects from its fuel adjustment clause cannot be treated as present revenues in calculating the six percent limitation on CWIP in rate base. While the fuel clause itself is not being superseded or amended by this filing, the fuel clause revenues are nonetheless an integral part of KG&E's present revenues under the superseded rate schedules. It would constitute an overly narrow interpretation of our regulations to exclude these charges from present revenues.

The remainig requests for summary disposition will be denied. These issues as well as the other matters raised by the intervenors present questions of law or fact more appropriately resolved on the basis of an evidentiary hearing. With respect to KEPCO's request to make KG&E's proposed amortization of its deferred tax deficiency subject to the Commission's resolution of the identical

[5] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[6] The Cities indicate that they have raised this issue for the purpose of preserving their rights in the event that they prevail in a pending court appeal concerning the burden of proof issue. *Kansas Cities* v. *FERC*, Docket No. 81-2248 (D.C. Cir.).

[7] *E.g., Louisiana Power and Light Company*, Opinion No. 110, 14 FERC ¶61,075 (1981).

issue in Docket No. ER82-412-000, we note that KEPCO is the only current intervenor that has also participated in the hearing in Docket No. ER82-412-000.[8] While desiring to avoid unnecessary relitigation, we are also concerned that all parties be permitted to advocate their interests. Thus, we shall grant KEPCO's request unless a party other than KEPCO or KG&E demonstrates to the satisfaction of the presiding judge that good cause exists to adduce additional evidence.

Our preliminary review of KG&E's filing indicates that the proposed rates and service schedule changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and, as to the customers whose contracts permit unilateral rate changes *(see* footnote 2, *supra)*, we shall suspend the rates as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), the Commission explained its suspension policy and noted that rate filing would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, however, our preliminary review suggests that the proposed increase in rates for firm power service may yield substantially excessive revenues. Accordingly, we shall suspend KG&E's firm power rates for the customers subject to unilateral rate changes for five months to become effective, subject to refund, on February 29, 1984. As to the remaining customers, the rates may become effective, if at all, prospectively only following a final Commission order.

With regard to KG&E's proposed transmission rates, our review suggests that the rates for transmission service at 138 kV or above may not yield excessive revenues and that, therefore, a one day suspension is appropriate. Our review also indicates that the proposed rates for transmission below 138 kV may yield substantially excess revenues. Usually this finding would lead us to suspend these rates for five months. However, since the proposed rates for transmission service below 138 kV represent a reduction from the currently effective rates for that service, we shall also suspend these rates for one day. Accordingly, KG&E's proposed rates for transmission service shall become effective, subject to refund, on October 1, 1983.

With respect to the proposed cancellation of Service Schedule F, KG&E states that the service is to be withdrawn because it has not been used. However, it appears that KG&E would reestablish this service if requested to do so.[9] Nonetheless, the Cities contend that cancellation of this schedule could irreparably harm them. Under these circumstances, the most appropriate course is to suspend the proposed cancellation for five months and set the question of cancellation for hearing. KG&E, as the proponent of the change in service, will bear the burden of persuasion.[10]

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶61,131 (1979).

The Commission orders

(A) The motions for rejection of KG&E's filing are hereby denied.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to KG&E's rate base inclusion of radwaste expenditures. Within thirty (30) days of the date of this order, KG&E shall refile its rates and supporting cost data to reflect this determination.

(C) All other motions for summary disposition are denied.

(D) The issue concerning KG&E's amortization of its claimed deferred tax deficiency shall be subject to the outcome of the proceedings in Docket No. ER82-412-000 unless, as noted in the body of this order, another party demonstrates good cause to adduce additional evidence.

(E) KG&E's firm power rates for the customers whose contracts permit unilateral rate changes are hereby accepted for filing and are suspended for five months from the requested effective date, to become effective on February 29, 1984, subject to refund. The firm power rates with respect to the remaining customers are accepted for filing, to become effective prospectively, if at all, following a final Commission order in this proceeding.

(F) KG&E's proposed transmission rates are hereby accepted for filing and are suspended for one day from the requested effective date, to become effective on October 1, 1983, subject to refund.

(G) KG&E's proposed cancellation of Service Schedule F, under the rate schedules for the Cities of Neodesha, Mulvane, and Winfield is hereby suspended for five months and set for hearing as noted in the body of this order.

(H) 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 section 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 KG&E's rates and service schedule changes.

(I) The commission staff serve top sheets in this proceeding within ten (10) days of the date of this order.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the commission's Rules of Practice and Procedure.

(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. 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.**

[8] The remaining intervenors in that docket reached a settlement prior to the commencement of the litigation.

[9] *See* Direct Testimony of D. R. Rohlfs at 12; *see also*, KG&E's September 7, 1983 Answer at 12.

[10] Cancellation of a rate schedule is a change in service under section 205(d) of the Federal Power Act. *See* 18 CFR § 2.4; *Pennsylvania Water and Power Company* v. *F.P.C.*, 343 U.S. 414 (1951). As the proponent of that change, KG&E bears the burden of persuasion. Administrative Procedure Act, 5 U.S.C. 556(d).

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment.—Kansas Gas & Electric Co., Docket No. ER83-628-000

Rate Schedule Designations

Filing Date: July 15, 1983.

Effective Dates: Upon final Commission Order (1-13); February 29, 1984 (14-21, 23, 25, 27, and 30), subject to refund; October 1, 1983 (22, 24, 26, 28, 29, 31-33), subject to refund; February 29, 1984 (34-36).

Designation, Other Party and Description

(1) Supplement No. 13 to Rate Schedule FPC No. 114 (Supersedes Supplement No. 12)—City of Arma; Rate Schedule PWM-1083.

(2) Supplement No. 11 to Rate Schedule FPC No. 115 (Supersedes Supplement No. 10)—City of La Harpe; Rate Schedule PWM-1083.

(3) Supplement No. 8 to Rate Schedule FPC No. 116 (Supersedes Supplement No. 7)—City of Elsmore; Rate Schedule PWM-1083.

(4) Supplement No. 11 to Rate Schedule FPC No. 117 (Supersedes Supplement No. 10)—City of Blue Mound; Rate Schedule PWM-1083.

(5) Supplement No. 11 to Rate Schedule FPC No. 118 (Supersedes Supplement No. 10)—City of Moran; Rate Schedule PWM-1083.

(6) Supplement No. 12 to Rate Schedule FPC No. 119 (Supersedes Supplement No. 11)—City of Mulberry; Rate Schedule PWM-1083.

(7) Supplement No. 10 to Rate Schedule FPC No. 120 (Supersedes Supplement No. 9)—City of Bronson; Rate Schedule PWM-1083.

(8) Supplement No. 7 to Rate Schedule FPC No. 121 (Supersedes Supplement No. 6)—City of Savonburg; Rate Schedule PWM-1083.

(9) Supplement No. 12 to Rate Schedule FPC No. 122 (Supersedes Supplement No. 11)—City of Haven; Rate Schedule PWM-1083.

(10) Supplement No. 11 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 10)—City of Mount Hope; Rate Schedule PWM-1083.

(11) Supplement No. 12 to Rate Schedule FPC No. 124 (Supersedes Supplement No. 11)—City of Arcadia; Rate Schedule PWM-1083.

(12) Supplement No. 12 to Rate Schedule FPC No. 125 (Supersedes Supplement No. 11)—City of Mindenmines; Rate Schedule PWM-1083.

(13) Supplement No. 9 to Rate Schedule FPC No. 133 (Supersedes Supplement No. 8)—City of Erie; Rate Schedule PWM-1083.

(14) Supplement No. 6 to Rate Schedule FERC No. 135 (Supersedes Supplement No. 5)—City of Oxford; Rate Schedule PWM-1083.

(15) Supplement No. 7 to Rate Schedule FERC No. 152 (Supersedes Supplement No. 6)—Missouri Public Service Co.; Rate Schedule PWM-1083.

(16) Supplement No. 7 to Rate Schedule FERC No. 150 (Supersedes Supplement No. 6)—Kansas Power & Light Co.; Rate Schedule PWM-1083.

(17) Supplement No. 16 to Rate Schedule FPC No. 134—City of Augusta; Amendment to Service Schedule A.

(18) Supplement No. 7 to Rate Schedule FERC No. 144—City of Burlington; Amendment to Service Schedule A.

(19) Supplement No. 6 to Rate Schedule FERC No. 145—City of Wellington; Amendment to Service Schedule A.

(20) Supplement No. 6 to Rate Schedule FERC No. 147—City of Girard; Amendment to Service Schedule A.

(21) Supplement No. 7 to Rate Schedule FERC No. 149—City of Coffeyville; Amendment to Service Schedule A.

(22) Supplement No. 6 to Rate Schedule FERC No. 149—City of Coffeyville; Amendment to Service Schedule E.

(23) Supplement No. 7 to Rate Schedule FERC No. 153—City of Neodesha; Amendment to Service Schedule A.

(24) Supplement No. 8 to Rate Schedule FERC No. 153—City of Neodesha; Amendment to Service Schedule E.

(25) Supplement No. 7 to Rate Schedule FERC No. 154—City of Mulvane; Amendment to Service Schedule A.

(26) Supplement No. 8 to Rate Schedule FERC No. 154—City of Mulvane; Amendment to Service Schedule E.

(27) Supplement No. 7 to Rate Schedule FERC No. 155—City of Winfield; Amendment to Service Schedule A.

(28) Supplement No. 8 to Rate Schedule FERC No. 155—City of Winfield; Amendment to Service Schedule E.

(29) Supplement No. 16 to Rate Schedule FERC No. 93—KP&L; Amendment to Interconnection Agreement, Service Schedule M—Transmission.

(30) Supplement No. 12 to Rate Schedule FERC No. 151—KEPCO; Amendment to Service Schedule A.

(31) Supplement No. 13 to Rate Schedule FERC No. 151—KEPCO; Amendment to Service Schedule B—Transmission

(32) Supplement No. 14 to Rate Schedule FERC No. 151—(Supersedes Rate Schedule FERC No. 148, as supplemented)—KEPCO Service Schedule D—Purchase and Transmission of Peaking Power.

(33) Supplement No. 2 to Supplement No. 5 to Rate Schedule FPC No. 128—City of Chanute; Amendment to Service Schedule T—Transmission Service.

(34) Supplement No. 9 to Rate Schedule FERC No. 153 (Cancels Supplement No. 5)—City of Neodesha; Cancellation of Service Schedule F—Reserve Capacity Service.

(35) Supplement No. 9 to Rate Schedule FERC No. 154 (Cancels Supplement No. 5)—City of Mulvane; Cancellation of Service Schedule F—Reserve Capacity Service.

(36) Supplement No. 9 to Rate Schedule FERC No. 155 (Cancels Supplement No. 5)—City of Winfield; Cancellation of Service Schedule F—Reserve Capacity Service.

[FR Doc. 83-27158 Filed 10-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7306-000]

Arnold Irrigation District, et al.; Suspending 120-Day Period for Action on Small Hydro Exemption

September 30, 1983.

Arnold Irrigation District has filed an application for exemption for the proposed Arnold Flume Hydroelectric Project No. 7306 in Deschutes County, Oregon. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.101 *et seq.* of the Commission's regulations.

Additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received. Therefore, pursuant to § 4.105(b)(5)(iv) of the Commission's regulations, the 120-day period for Commission action is suspended.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-27327 Filed 10-5-83; 8:45 am]

BILLING 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51484; TSH-FRL 2434-3]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-25153, beginning on page 41638, in the issue of Friday, September 16, 1983, make the following corrections:

1. On page 41638, in the third column, in "PMN 83-1098", in the second line, "bis(-(2" should read "bis(-(2-"; and in the fifth line "diyldi imino" should read "diyldiimino".

2. On page 41639, in the first column, in "PMN 83-1103", in the Fifth line, "227-272" should read "227-272".

BILLING CODE 1505-01-M

[AD-FRL 2445-6]

Control Techniques Guideline Document, VOC Emissions From Volatile Organic Liquid Storage in Floating and Fixed Roof Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The end of the public comment period has been extended 21 days for the draft control techniques

guideline (CTG) document for control of volatile organic compounds emissions from volatile organic storage in floating and fixed roof tanks. EPA received requests to extend the public comment period for the draft CTG because printing of the document was delayed. The comment period was extended, therefore, in order to provide adequate time for public review.

DATE: The comment period is extended to October 27, 1983.

ADDRESSES: Comments should be submitted, in duplicate if possible, to the Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. James Durham, on or before October 27, 1983. Comments will be available for public inspection an copying between 8:30 a.m. and 4:00 p.m., Monday through Friday at the Chemicals and Petroleum Branch, Room 730, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Copies of the draft CTG document may be obtained by contacting the Environmental Research Library (MD-35) (919) 541-2777, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Please refer to "Guideline Series—Control of Volatile Organic Compounds Emissions from Volatile Organic Liquid Storage in Floating and Fixed Roof Tanks."

FOR FURTHER INFORMATION CONTACT: Mr. James Durham (919) 541-5671, Chemicals and Petroleum Branch (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Dated: September 27, 1983.

Joseph A. Cannon,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-27131 Filed 10-5-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51485; TSH-FRL 2439-5]

Premanufacture Notices; Certain Chemicals

Correction

In FR Doc. 83-28022, beginning on page 43397, in the issue of Friday, September 23, 1983, on page 43400, in the third column in "PMN 83-1246", lines five, six, and seven should be removed; in "PMN 83-1247" in the second line "maleta" should read "maleate".

BILLING CODE 1505-01-M

[WH-FRL-2446-6]

Approval of Kentucky's NPDES Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the Commonwealth of Kentucky's application to participate in the national pollutant elimination system (NPDES) program.

SUMMARY: On September 30, 1983, the Administrator for the Environmental Protection Agency (EPA) approved the Commonwealth of Kentucky's request to administer the National Discharge Elimination System (NPDES) program within the State.

FOR FURTHER INFORMATION CONTACT: Allen Danzig, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: The Clean Water Act (33 U.S.C. 1251, et seq.) established the National Pollutant Discharge Elimination System (NPDES) under which permits are issued for the discharge of pollutants from point sources into the waters of the United States. Initially, the Environmental Protection Agency (EPA) issues these permits. States may be authorized to administer the NPDES program for discharges into navigable waters within their jurisdiction if the Administrator of EPA determines that the State program satisfies the requirements of section 402(b) of the Clean Water Act. With the passage of the 1977 amendments to the Clean Water Act, State NPDES program must include a pretreatment program and the authority to regulate Federal facilities. On July 20, 1983, EPA published notice of Kentucky's request to administer the NPDES program in the **Federal Register** (48 FR 33021). Public hearings were held on August 23 and 25, 1983, in Owensboro and Lexington, Kentucky respectively, to solicit comments on the proposed authorization of the Kentucky program.

During the public comment period, EPA received 42 comments. Seven commenters representing industrial or commercial interests, favored approval of the NPDES program while 35 commenters, representing citizen and environmental groups, opposed approval. Those favoring approval stated that Kentucky met the requirements for approval, and that the Commonwealth was the most appropriate level of government to administer the program. The opposing commenters stated that the Commonwealth had a poor performance in enforcing State wastewater violations and other State regulatory programs, and had inadequate resources and funding. Some of these commenters also stated concerns with State administration of coal mining activities. EPA has prepared specific responses to public comments which have been incorporated into Kentucky's submittal package and may be reviewed by the public at the Kentucky Natural Resources and Environmental Protection Cabinet, Frankfort, Kentucky 40601, or at the U. S. Environmental Protection Agency, Region IV, Water Management Division, 345 Courtland Street, N.E., Atlanta, Georgia, 30365 from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. In response to the public comments, and upon EPA's request, Kentucky made several changes to its program submission. These changes are identified in EPA's response to comments. Further, in response to EPA and public concerns about Kentucky's regulation of coal mining activities, the NREPC has stated in a letter to EPA, that State law does not prohibit issuance of the final coal mining general permit according to the terms of the draft general permit, and that it has committed to issuing a final coal mining general permit as expeditiously as practicable.

While I have determined that Kentucky has a sufficient NPDES program, EPA will closely review Kentucky's implementation of the NPDES program to ensure that the Commonwealth adheres to its funding, enforcement, and coal mining regulation commitments. EPA will conduct a formal audit of the Kentucky NPDES program after one year of the Commonwealth's administration of the program. During the audit, EPA will solicit public comments on State program administration. If EPA determines that the Commonwealth no longer meets NPDES program requirements, EPA will commence program withdrawal proceedings under Section 402 of the Clean Water Act and 40 CFR Part 123.

Today's **Federal Register** notice is to announce the approval of the Commonwealth of Kentucky's NPDES program, including its pretreatment program and Federal facilities authority.

"Federal Register" Notice of Approval of State NPDES Program or Modification

Under the NPDES Permit Regulation (48 FR 14146, April 1, 1983), EPA will provide **Federal Register** notice of actions by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	5/14/73	5/5/78	
Colorado	3/27/75		
Connecticut	9/26/73		6/3/81
Delaware	4/1/74		
Georgia	6/28/74	12/8/80	3/12/81
Hawaii	11/28/74	6/1/79	8/12/83
Illinois	10/23/77	9/20/79	
Indiana	1/1/75	12/9/78	
Iowa	8/10/78	8/10/78	6/3/81
Kansas	6/28/74		
Kentucky	9/30/83	9/30/83	9/30/83
Maryland	9/5/74		
Michigan	10/17/73	12/9/78	6/7/83
Minnesota	6/30/74	12/9/78	7/16/79
Mississippi	5/1/74	1/28/83	5/13/82
Missouri	10/30/74	6/26/79	6/3/81
Montana	6/10/74	6/23/81	
Nebraska	6/12/74	11/2/79	
Nevada	9/19/75	8/31/78	
New Jersey	4/13/82	4/13/82	4/13/82
New York	10/28/75	6/13/80	
North Carolina	10/19/75		6/14/82
North Dakota	6/13/75		
Ohio	3/11/74	1/28/83	7/27/83
Oregon	9/26/73	3/2/79	3/12/81
Pennsylvania	6/30/78	6/30/78	
South Carolina	6/10/75	9/26/80	4/9/82
Tennessee	12/28/77		8/10/83
Vermont	3/11/74		3/16/82
Virgin Islands	6/30/74		
Virginia	3/31/75	2/9/82	
Washington	11/14/73		
West Virginia	5/10/82	5/10/82	5/10/82
Wisconsin	2/4/74	11/26/79	12/24/80
Wyoming	1/30/75	5/18/81	

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have significant impact on a substantial number of small entities. The approval of the Kentucky NPDES permit program merely transfers responsibility for administration of permitting facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not affect a significant number of small entities. It does not trigger the requirement of a Regulatory Flexibility Analysis.

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

Dated: September 30, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-27284 Filed 10-5-83; 8:45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

DATE: Comments must be received on or before November 21, 1983. If you anticipate commenting on a report form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Liaison Officer of your intent as early as possible.

ADDRESS: Copies of the proposed report form, the request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Liaison Officer. Comments on the item listed should be submitted to the Agency Liaison Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: *EEOC Agency Liaison Officer:* Gary G. Papritz, Administrative Management Services, Room 281, 2401 E Street, NW., Washington, D.C. 20506; Telephone (202) 634-6990.

OMB Reviewer: Joseph Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C., 20503; Telephone (202) 395-6880.

Type of Request Extention: (No change.)

Title: Elementary-Secondary Staff Information (EEO-5).

Form Number: EEOC Form 168A and 168B.

Frequency of Report: Biannually.

Type of Respondent: Public elementary and secondary school districts.

Reponses: 82,500.

Reporting Hours: 412,500.

Federal Cost: $69,000.00.

Number of Forms: 2.

Abstract—Needs/Uses: EEO-5 data is used by the Equal Employment Opportunity Commission to investigate charges of employment discrimination against public elementary and secondary school districts. The data is used to support EEOC decisions and conciliations, and in systemic program activities. Data is shared with other Federal Agencies and State and Local Fair Employment Practices Commissions (FEPC's) as required by law.

Dated: September 29, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-27230 Filed 10-5-83; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Jerome Thomas Lamprecht	Middletown, Maryland	BPH820409AB	83-965
B. Dragon Communications, Inc.	do	BPH820421AK	83-966
C. Barbara D. Marmet	do	BPH820908AW	83-967
D. Port Royal Broadcasting, Inc.	do	BPH820908AO	83-968

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicant(s)

1. (See Appendix), B
2. Air Hazard, C, D
3. Comparative, A, B, C, D
4. Ultimate, A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's

Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

To determined with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8*, the applicant(s) is financially qualified: B (Dragon).

[FR Doc. 83-27221 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Tap Communications, Inc.	Madill, Oklahoma	BPH-811230AL	83-971
B. Glenn E. Corbin et al. d.b.a. Radio Station KMAD.	do	BPH-820122AD	83-972

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant (s)

1. Comparatively, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephona request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-27222 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Nugent Broadcasting Corp.	The Dalles, Oregon	BPH-810918AD	83-969
B. Larson-Wynn, Inc.	do	BPH-820430AS	83-970

2. Pursuant to section 309(e) of the Communcations Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A, B
2. Air Hazard, B
3. Comparative, A, B
4. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issues(s)

1. To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8 [1], the applicant(s) is financially qualified: A (Nugent), B (Wynn).

[FR Doc. 83-27223 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-993, File No. BPCT-820816KF; MM Docket No. 83-994, File No. BPCT-821109KF]

Applications; Bellingham Television Associates, Ltd. and Prism Broadcasting Corp.; Hearing Designation Order

Adopted: September 8, 1983.

Released: September 30, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Bellingham Television

*Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency:

Applicant(s) and Deficiency

B (Dragon)—Applicant requires $119,500 to construct a station and operate for 3 months. However, applicant shows only $1,000 on hand and does not demonstrate availability of the other $118,500.

[1] Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency:

Applicant(s) and Deficiency

A (Nugent)—Applicant shows insufficient liquid assets to furnish required funds. Additionally, applicant can not claim anticipated revenue from the proposed station. No balance sheet has been provided for Burns Nugent, 100% owner of the applicant, who applicant indicates will provide any additional funds required.

B (Wynn)—Applicant shows insufficient liquid assets to furnish required funds. Additionally, applicant can not claim anticipated revenue from the proposed station. No balance sheets have been provided for the stockholders who applicant indicates will provide any additional funds required.

Associates, LTD. (Bell TV) [1] and Prism Broadcasting Corporation (Prism) Bellingham, Washington, for authority to construct a new commercial television broadcast station on Channel 64, Bellingham, Washington.

2. The Commission is not in receipt of a determination from the Federal Aviation Adminstration that the tower height and location proposed by Prism would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Section II, Item 10, FCC Form 301, inquires whether documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation: (b) in the event of default, there will be either a private or public sale of the stock: and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained. A negative response to this question must be accompanied by an explanation as exhibits. Prism answered "no" to Item 10; however, it did not submit the required Prism answered "no" to Item 10; however, it did not submit the required exhibits. Prism will be required to submit its exhibits in the form of an amendment to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

4. Bell TV proposes to use a directional antenna. Section 73.685(e) of the Commission's Rules limts the maximum-to-minimum ratio of a UHF directional antenna to 15db. Bell TV proposes a directional antenna with maximum-to-minimum ratio of 17db, but no waiver has been requested. Accordingly, an issue regarding this matter will be specified.

5. An applicant seeking authority to construct a commercial television station is required to afford equal employment opportunity to all qualified persons. See § 73.2080 of the Commission's Rules and Section VI, FCC Form 301. Pursuant to this requirement, an applicant who proposes to employ five or more full-time station employees must establish a program of practices to assure equal employment opportunities. Although Bell TV intends to employ at least five full time employees, it has failed to submit a complete equal employment opportunity proposal. Bell TV did not submit a response to element III or supply examples of recruitment and training for elements IV and V of the guidelines to the model EEO program required by FCC Form 301. Therefore, we cannot conclude that applicant has complied with § 73.2080 and that its EEO program adequately meets the guidelines delineated in that rule. Accordingly, Bell TV will be required to submit its complete EEO proposal to the presiding Administrative Law Judge within 15 days after the date of the release of this order.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Prism would constitute a hazard to air navigation.

2. To determine, with respect to Bell TV, whether circumstances exist such that the public interest would be served by a waiver of § 73.685(e) of the Commission's Rules.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That Prism Broadcasting Corporation, shall submit its explanation for answering "no" to Section II, Item 10, FCC Form 301, to the presiding Administrative Law Judge within 15 days after the date of the release of this order.

9. It is further ordered, That Bellingham Television Associates, LTD., shall submit a complete EEO proposal to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

10. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division Mass Media Bureau.

[FR Doc. 83-27220 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

[1] On June 15, 1983, Bellingham Television Associates, LTD., filed a Motion for Leave to Amend. On April 15, 1983, Prism Broadcasting Corporation filed an amendment. Both amendments updated other broadcast interests. The amendments will be accepted for § 1.65 purposes only.

[MM Docket No. 83-996, File No. BP-780908AC; MM Docket No. 83-997, File No. BP-820216BE]

WFVR, Inc. and Pam-Lar Broadcasting; A Partnership; Hearing Designation Order

In re Applications of WFVR, INC., WFVR, Aurora, Illinois, Has: 1580 kHz, 250 Watts, DA-D, Req: 930 kHz, 500 Watts, D; Pam-Lar Broadcasting, a Partnership, Sandwich, Illinois, Req: 930 kHz, 500 Watts, DA-2 U, for Construction Permit.

Adopted: September 9, 1983.

Released: September 30, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of WFVR, Inc. (formerly Salter Broadcasting Company) and Pam-Lar Broadcasting, A Partnership (Pam-Lar), an informal objection to the Pam-Lar application filed by Mr. Thomas G. Werner, a motion to dismiss the Pam-Lar application filed by WFVR, Inc., and various other related pleadings.

2. *Background.* The Commission, by letter dated March 30, 1983, dismissed the application of Pam-Lar, Sandwich, Illinois based on the fact that Pamela and Lawrence Nelson either owned or had an interest in an FM station (WSPY)

in Plano, Illinois, an AM/FM combination (WPOK-AM/FM) in Pontiac, Illinois and a pending application for a new FM station in Paxton, Illinois, all located within 100 miles of the Sandwich proposal and of which the 0.5 mV/m contours of the Sandwich proposal and WPOK-AM overlapped, in violation of § 73.35(b) of the Rules. On April 29, 1983, Pam-Lar filed a Petition for Reconsideration and Reinstatement of Application and a Petition for Leave to Amend, followed by a Combined Opposition to Petition for Reconsideration and Reinstatement of Application and Petition for Leave to Amend filed by Salter Broadcasting and various related pleadings.

3. *Pam-Lar.* In its Petition for Leave to Amend, Pam-Lar included a request for waiver of § 73.35(b) citing *Kingston Radio Company*, 67 F.C.C. 2d 583 (1978) and *Generation II Radio San Diego, Inc.*, 62 F.C.C. 2d 691 (1976). These cases are inapposite. In the *Kingston* case the overlap occurred between a proposed AM station and an existing UHF TV station. Note 8 to § 73.35 states that such cases would be handled on a case-by-case basis to determine whether common ownership, operation, or control of the stations would be in the public interest. In *Generation II* it was determined that no 1 mV/m overlap would occur over the land areas between San Diego and Los Angeles and but for the high conductivity of the salt water there would not have been any prohibited overlap. Such is not the case between WPOK, Pontiac and the proposed Sandwich application. The overlap does not involve a UHF television station nor is high salt water conductivity a factor. In addition, for our purposes, the primary service area is considered to be out to the 0.5 mV/m contour. The fact that intermittent interference may be experienced within the 0.5 mV/m contour is not sufficient grounds for waiver of the multiple ownership rules. Therefore, we will deny the request for waiver. The Pam-Lar amendment also contained a promise to divest of any connection with the newly granted FM station at Paxton, Illinois should this proposal be granted, thereby negating the multiple ownership violation. Based on the promise to divest we will grant the Pam-Lar Petition for Reconsideration and Reinstatement of the application *nunc pro tunc*. In addition, we will accept the corrective amendment.

4. Mr. Thomas G. Werner filed an informal objection to the application of Pam-Lar upon reading the local publication of the AM proposal for Sandwich, alleging that the Nelsons (Pam-Lar) had increased the height of the WSPY-FM tower and constructed a cable operation amidst much local controversy without proper zoning authority. Mr. Werner owns the property adjoining the initially proposed AM site. Date filed by both parties reveal the existence of a suit filed by Werner in the Circuit Court of Dekalb County, Illinois, relative to the WSPY-FM tower height increase and complaining that the addition of the four AM towers would destroy the residential/agricultural neighborhood. It is clear from the data before the Commission, including a transcript in which Mr. Nelson testified that he never intended to use the site, that the site was the subject of local controversy long before the filing of this proposal, and that the controvery resulted in the subsequent filing of a suit by Mr. Werner. Pam-Lar did not fully report all of the facts and circumstances surrounding the proposed use of the site nor reflect the controversy or litigation, a matter of clear potential decisional significance, until it was brought to the attention of the Commission by other sources.[2] We are therefore unable to determine whether Pam-Lar has been candid with the Commission in reporting details concerning the originally proposed site, and whether reasonable assurance of availability of the site existed. While the Commission has never required that the applicant ultimately use the site specified, we expect that representations in an application will be made in good faith. Although the fact that Mr. Nelson may have testified that he did not plan to utilize that site is not sufficient in itself to raise the issue of whether he filed in good faith, we will specify a broad inquiry into Pam-Lar's failure to report the controversy over the site. A basic and/or comparative issue will be specified.

5. In its motion to dismiss the Pam-Lar application, WFVR alleges violation of § 73.35 (multiple ownership rule) [3] in connection with the July 14, 1981 acquisition by Pam-Lar of Station WCCQ-FM, Crest Hill, Illinois, claims that the 1 mV/m contour of commonly-owner WSPY-FM, Plano, Illinois overlapped the 1 mV/m contour of WCCQ-FM, and that Mr. Nelson submitted a detailed engineering report purporting to show that no 1 mV/m overlap existed between these stations. The Commission may have erred in granting the WCCQ-FM assignment. However, we find no intent to deceive by Mr. Nelson in that the multiple ownership study relative to the assignment application conducted by the Commission may not have indicated a small overlap of the 1 mV/m contours of WSPY-FM and WCCQ-FM. Mistakes do occur, and it appears that no denigration of service due to interference or other technical problems developed from this oversight. Therefore, the Commission will not rescind the grant. The present proposal for Sandwich totally encompasses the WCCQ-FM, Crest Hill contour, and Pam-Lar has agreed to divest itself of the station prior to program test authority should the Sandwich application be granted. The Commission has consistently allowed divestiture prior to program test authority where multiple ownership violations have been encountered.

6. WFVR also filed a motion to dismiss amendment [4] and supplement to motion to dismiss application of Pam-Lar. WFVR claims a public interest consideration in dismissing the Pam-Lar application and granting the Salter application in that a hearing would delay the better utilization of the electromagnetic spectrum by changing the WFVR frequency, thereby diminishing the significant interference caused and received and improving the present inadequate coverage provided to Aurora. In addition, WFVR claims that Pam-Lar, by its failure to serve them with a copy of an October 28, 1982 amendment, violated the Commission's *ex parte* rule. The applicable rule here is § 1.47 rather than the *ex parte* rule, and since Salter obtained a copy of the amendment from Commission files, no irreparable damage was done. Therefore, no issue will be specified. The amendment was timely filed and accepted. Therefore, the motion to dismiss amendment will be denied.

7. *Environmental Impact Information.* The proposal of Pam-Lar Broadcasting constitutes a major environmental action as defined by Section 1.1305 of the Commission's Rules, and requires submission of environmental impact information described in § 1.1311. The environmental narrative statement

[2] Section 1.65 of the Rules requires that each applicant is responsible for notifying the Commission whenever there has been a substantial change in a matter of decisional significance.

[3] Section 73.35(b) requires in pertinent part that no license will be granted to any party if such party directly or indirectly owns, operates, or controls any three stations in one of several services, where any two are within 100 miles of the third, if there is primary service overlap. Pamela and Lawrence Nelson have an interest in five stations (including the AM proposal for Sandwich) located within 100 miles.

[4] As will be discussed in this document, the amendment submitted by Pam-Lar will be accepted and the Motion to Dismiss Amendment will be denied.

submitted by this applicant does not contain all of the required information.[5] Consequently, we are unable to determine whether grant of the application will have a significant effect on the quality of the human environment. Accordingly, Pam-Lar will be required to file within 30 days of the release of this Order an amended environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Section 1.1317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979), *recon denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

8. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

9. Accordingly, it is ordered, That pursuant to Section 307(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the facts and circumstances surrounding the litigation relative to Pam-Lar's original site and whether Pam-Lar violated § 73.3514 and/or § 1.65 of the Commission's Rules in failing to notify the Commission of local controversy surrounding the initially proposed AM site.

2. To determine in light of the evidence adduced under the foregoing issue, the effect on Pam-Lar's basic and/or comparative qualifications to receive a grant in this proceeding.

3. If a final environmental impact statement is issued with respect to Pam-Lar which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment.

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

4. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

5. To determine in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

10. It is further ordered, That the Motion to Dismiss the Pam-Lar Broadcasting application, the Motion to Dismiss Amendment, and all other related pleadings filed by WFVR, Inc. are granted to the extent indicated herein and denied in all other respects.

11. It is further ordered, That the Pam-Lar corrective amendment dated April 29, 1983 is accepted.

12. It is further ordered, That the Pam-Lar request for waiver of § 73.35(b) of the Commission's Rules is denied.

13. It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Pam-Lar shall submit an amended environmental narrative required by § 1.1311 of the Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Service Division.

14. It is further ordered, That the construction permit for Pam-Lar, should it be granted, shall contain the following condition:

Before program test authority (PTA) is granted, the applicant shall divest itself of any interest in Station WCCQ-FM, Crest Hill, Illinois and the new FM construction permit/station at Paxton, Illinois.

15. It is further ordered, That the informal objection to the Pam-Lar application is granted to the extent indicated herein and DENIED in all other respects.

16. It is further ordered, That the Petition for Reconsideration and Reinstatement filed by Pam-Lar is granted.

17. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

18. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-27219 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

[5]The environmental statement submitted by Pam-Lar did not state the zoning classification (if any) and whether the proposal has been a source of controversy in the local community as required by § 1.1311(a) (3) and (4) of the Rules.

Telecommunications Industry Advisory Group; Definitions and Rules Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Definitions and Rules Subcommittee scheduled to meet on Tuesday, October 18 and Wednesday, October 19, 1983. The meeting will begin on October 18 at 9:30 a.m. in the offices of GTE Service Corporation, Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Discussion of Assignments
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of

Subcommittee objectives. Anyone not a member of the subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203/965-2800) at least five days prior to the meeting date.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-27224 Filed 10-5-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-44]

Stevens Shipping and Terminal Co. v. South Carolina State Ports Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Stevens Shipping and Terminal Company against South Carolina State Ports Authority was served September 27, 1983. Complainant alleges that respondent has violated sections 15 through 18 of the Shipping Act, 1916, in connection with establishment of rules concerning responsibility for loss and damage to persons and property.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-27251 Filed 10-5-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; One Valley Bancopr of West Virginia, Inc., et al.

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 secion 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 Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *One Valley Bancorp of West Virginia, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares or assets of The Citizens National Bank of Martinsburg, Martinsburg, West Virginia. Comments on this application must be received not later than October 28, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F&M Financial Services Corporation*, Menomonee Falls, Wisconsin; to acquire 100 percent of the voting shares or assets of State Bank of Slinger, Slinger, Wisconsin. Comments on this application must be received not later than October 28, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Forstrom Bancorporation, Inc.*, Clara City, Minnesota; to acquire 100 percent of the voting shares or assets of security State Bank of Howard Lake, Howard Lake, Minnesota. Comments on this application must be received not later than October 28, 1983.

D. **Federal Reseve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of First State Bank, Cypress, Texas. Comments on this application must be received not later than October 28, 1983.

2. *United Bankers, Inc.*, Waco, Texas; to acquire 100 percent of the voting shares of First National Bank of Commerce, Commerce, Texas. Comments on this application must be received not later than October 28, 1983.

Board of Governors of the Federal Reserve System, September 30, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-27200 Filed 10-5-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Exchange Bankshares, Inc. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Exchange Bankshares, Inc.*, Milledgeville, Georgia; to become a bank holding company by acquiring at least 80 percent of the voting shares of Exchange Bank, Milledgeville, Georgia. Comments on this application must be received not later than October 28, 1983.

2. *Woodbury Bancshares, Inc.*, Woodbury, Georgia; to become a bank holding company by acquiring 91.4 percent of the voting shares of Woodbury Banking Company, Woodbury, Georgia. Comments on this application must be received not later than October 28, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Community Investment, Inc.*, Elkins, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Elkins, Elkins, Arkansas. Comments on this application must be received not later than October 28, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice

President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Dakota State Banking Company, Inc.*, Tripp, South Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Dakota State Bank of Tripp, South Dakota, Tripp, South Dakota. Comments on this application must be received not later than October 28, 1983.

Board of Governors of the Federal Reserve System, September 30, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-27199 Filed 10-5-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13.600-841]

Head Start Projects; Possible Availability of Financial Assistance

Correction

In FR Doc. 83-26410 beginning on page 44440 in the issue of Wednesday, September 28, 1983, make the following correction in column two, paragraph one, line seven. Insert "not" between "do" and "meet".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1291]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgagee's Certification and Application for Interest Reduction Payments and Substantial Readiness for Occupancy Certification
Office: Administration
Form number: HUD-3111 and HUD-3197
Frequency of submission: Monthly
Affected public: State or Local Governments and Businesses or Other For-Profit
Estimated burden hours: 1,980
Status: Reinstatement
Contact:
Tom Stewart, HUD, (202) 755-5202
Robert Neal, OMB, (202) 395-7316

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: July 29, 1983.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-27332 Filed 10-5-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1290]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Project Mortgage Insurance (Rehabilitation)
Office: Housing
Form number: HUD-92013-R
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit and Non-Profit Institutions
Estimated burden hours: 3,000
Status: Extension
Contact:
Edward M. Winiarski, HUD, (202) 755-5743
Robert Neal, OMB, (202) 395-7316.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: September 7, 1983.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration, AD.

[FR Doc. 83-27333 Filed 10-5-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1289]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Partial Payment of Annual Contribution Leased Projects
Office: Housing
Form number: HUD-52977
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 340
Status: New
Contact:
Kenneth Moul, HUD, (202) 755-8145
Robert Neal, OMB, (202) 395-7316

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: June 2, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-27334 Filed 10-5-83; 8:45 am]

BILLING 4210-01-M

[Docket No. N-83-1288]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgagee's Certification and Application for Assistance or Interest Reduction Payments
Office: Housing
Form number: HUD-93102
Frequency of submission: Monthly
Affected Public: Businesses or Other For-Profit
Estimated burden hours: 36,000
Status: Extension
Contact:
William Ingleton, HUD, (202) 755-6672
Robert Neal, OMB, (202) 395-7316

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of

Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: August 23, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-27335 Filed 10-5-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT DES 83-67]

Availability of the Draft Environmental Impact Statement on Proposed Construction of a Sports Stadium Near Firebird Lake on Gila River Indian Community Lands, Maricopa County, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of a Draft Environmental Impact Statement (DEIS).

SUMMARY: This notice advises the public that the Draft Environmental Impact Statement on the proposed leasing of Gila River Indian Community lands for a sports stadium near Firebird Lake on Gila River Indian Community lands, Maricopa County, Arizona is available for public review.

The hearing is scheduled as follows: October 12, 1983, 7:30 p.m. to 10:00 p.m., Fiesta Inn, 2100 South Priest, Tempe, Arizona 85282.

ADDRESS: Written comments should be addressed to: Robert H. Berger, Bureau of Indian Affairs, P.O. Box 7007, 3030 N. Central Avenue, Phoenix, Arizona 85011.

FOR FURTHER INFORMATION CONTACT: Robert H. Berger, Environmental Protection Specialist, Telephone number AC (602) 241-2275.

Individuals wishing copies of this Draft Environmental Impact Statement for review should immediately contact the above individual. Copies have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA), Department of the Interior (DOI), has prepared a draft environmental impact statement (DEIS) on the proposal to lease 500 acres of land located on the Gila River Indian Community, Arizona for the purpose of constructing a sports stadium on the site by the National Football League. The DEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality regulations, 40 CFR 1500-1508; DOI guidelines for compliance with NEPA, 516 DM; and Bureau of Indian Affairs guidelines, 30 BIAM Supplement 1.

The DEIS addresses the proposal to construct an 80,000-seat sports stadium on the project site. The purpose of the proposed action is to attract an expansion franchise of the National Football League to Arizona. In addition to the major project purpose, several objectives evolved that aided development and the evaluation of alternative plans. These included, among other things, potential for recreational development and enhancement, and opportunities for economic enhancement and development for both the Gila River Indian Community (GRIC) and the region. Adopted land use plans prepared by the GRIC have designated the area as recreational/commercial. It is planned that the area will become a major recreational, sporting complex.

Alternatives considered include no action, alternative site locations, and the proposed actions. The major impacts from the proposed action would be the impacts to vegetation and wildlife as a result of approximately 400 acres permanently lost due to construction and development and the potential problems associated with the dynamics of 60-80,000 people on the reservation. Localized air quality standards may be exceeded on "game days." Beneficial impacts included the enhancement of recreational opportunities and positive economic stimulation through increased employment opportunities and increasing levels of disposable income.

Other governmental agencies and members of the public contributed to the planning and evaluation of the proposal and to the preparation of the DEIS. The Notice of Intent to prepare the DEIS was published in the **Federal Register** on 28 March (48 FR 12840). Public involvement included requests for information and comments from seven Federal agencies, six State agencies, and six local agencies. Public scoping meetings were held on 28 March and 12 April 1983. At these meetings, representatives, from the BIA met with members of the technical contractor's project team, representatives from the GRIC, and interested agencies and citizens. In addition to formal public advertisements, contacts were made with local government representatives and reservation residents to inform them about the scoping meetings and to encourage their attendance.

The DEIS has been distributed and is available for public inspection at: (1) Public libraries in Phoenix and Chandler; (2) City Hall in Phoenix, Chandler, and Guadalupe; (3) BIA offices in Phoenix and Sacaton; (4) Gila River Indian Community in Sacaton; and (5) Maricopa County planning offices. Agencies and individuals are urged to provide comments on the DEIS as soon as possible. All comments received within the 45 day commenting period given above will be considered in preparation of the final EIS for this proposed action.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: September 30, 1983.

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 83-27197 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[OR 36315 (WA)]

Realty Action—Sale; Public Land in Chelan County, Washington

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Willamette Meridian, Washington

T. 27 N., R. 22 E.,

Sec. 12, NW¼NE¼, aggregating 40.00 acres in Chelan County.

The fair market value shall be determined before the sale by appraisal.

The sale will be held on December 7, 1983, at the Chelan County Planning Department Conference Room 204, Courthouse Annex Building, 411 Washington, Wenatchee, Washington. Registration of bidders will begin at 10:00 a.m. and the sale will start upon completion of registration.

This isolated parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another federal agency. There are no significant resource values which will be affected by this disposal. Legal access is available to this parcel by county road. The sale is consistent with the BLM's planning for the land involved and the public interest would be served by offering this land for sale.

The patent issued will be subject to:

1. A reservation to the United States for ditches and canals (43 U.S.C. 945).

2. A reservation to the United States for all mineral rights (43 U.S.C. 1719).

The above described land will be offered for sale by sealed and oral bids using competitive bidding procedures (43 CFR 2711.3-1). No bid will be accepted for less than the appraised value, and bids for a parcel must include all the land in the parcel. Federal law requires that individuals be 18 years of age or over and U.S. citizens, and corporations be subject to the laws of any State of the United States.

Bids must be made by the principal or his duly qualified agent, by either: (1) Sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202, before 4:00 p.m., December 2, 1983, to be considered. Each sealed bid must be accompanied by postal money order, bank draft, or casher's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of each bid. The sealed envelope must be marked in the lower left-hand corner as follows: "Public Sale Bid, Serial No. OR 36315. Sale held December 7, 1983."

If two or more envelopes are received containing valid bids of the same amount for the same parcel, the successful bid shall be determined by drawing. The highest qualifying sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. The highest bid price, either sealed or oral, will be the sale price. The successful bidder will be required to pay one-fifth the full sale price immediately at the close of the sale and the remainder within 30 days. Failure to submit the full sale price within 30 days shall cancel sale of the specific parcel and the bidder's deposit will be forfeited. All unsuccessful bids will be returned.

If the parcel is not sold on December 7, 1983, it will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Detailed information concerning the sale, including the planning documents, environmental assessment, and land report, is available for review at the Bureau of Land Management, Spokane District Office, at the above address.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the Spokane District Manager, at the above address. Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional committees and delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes.

Date of Issue: September 30, 1983.

Roger W. Burwell,

District Manager.

[FR Doc. 83-27227 Filed 10-4-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 36314 (WA)]

Realty Action—Sale; Public Land in Franklin County, Washington

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Willamette Meridian, Washington

T. 9 N., R. 31 E., Section 22, NW¼NE¼ and N½NW¼, aggregating 120.00 acres in Franklin County

The fair market value shall be determined before the sale by appraisal.

The sale will be held on December 7, 1983, at the Franklin County PUD #1 Building Auditorium, 1411 West Clark, Pasco, Washington. Please park in the southeast parking lot. Registration of bidders will begin at 10:00 a.m. and the sale will start upon completion of registration.

This isolated parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another federal agency. There are no significant resource values which will be affected by this disposal. There is no legal access to this parcel. The sale is consistent with the BLM's planning for the land involved and the public interest would be served by offering this land for sale.

The patent issued will be subject to:

1. A reservation to the United States for ditches and canals (43 U.S.C. 945).

2. A reservation to the United States for all mineral rights (43 U.S.C. 1719).

3. The powerline right-of-way OR-13204 (WA) granted to Franklin County PUD #1.

4. The oil and gas lease OR 25333 (WA) issued to Tyrex Oil Company.

The above described land will be offered for sale by sealed and oral bids using competitive bidding procedures (43 CFR 2711.3-1). No bid will be accepted for less than the appraised value, and bids for a parcel must include all the land in the parcel. Federal law requires that individuals be 18 years of age or over and U.S. citizens, and corporations be subject to the laws of any State of the United States.

Bids must be made by the principal or his duly qualified agent, by either: (1) Sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202, before 4:00 p.m., December 2, 1983, to be considered. Each sealed bid must be accompanied by postal money order, bank draft, or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of each bid. The sealed envelope must be marked in the lower left-hand corner as follows: "Public Sale Bid, Serial No. OR 36314. Sale held December 7, 1983."

If two or more envelopes are received containing valid bids of the same amount for the same parcel, the successful bid shall be determined by drawing. The highest qualifying sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. The highest bid price, either sealed or oral, will be the sale price. The successful bidder will be required to pay one-fifth the full sale price immediately at the close of the sale and the remainder within 30 days. Failure to submit the full sale price within 30 days shall cancel sale of the specific parcel and the bidder's deposit will be forfeited. All unsuccessful bids will be returned.

If the parcel is not sold on December 7, 1983, it will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Detailed information concerning the sale, including the planning documents, environmental assessment, and land report, is available for review at the Bureau of Land Management, Spokane District Office, at the above address.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the Spokane District Manager, at the above address. Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional committees and delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any

action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes.

Date of issue: September 30, 1983.

Roger W. Burwell,

District Manager.

[FR Doc. 83-27226 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-076707 et al.]

Colorado; Termination of Classifications

This notice will terminate 42 Recreation and Public Purpose Classifications that classified the lands for lease or sale to qualified state and local goverments, and non-profit organizations, pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended; and under Section 7 of the Act of June 28, 1934 (48 Stat. 1272; U.S.C. 315f), as amended.

1. Classifications orders as described are hereby terminated insofar as they affect the following described lands:

C-07607, Bureau of Land Management Order dated November 8, 1961:

Little Park Road Recreation Area

Sixth Principal Meridian

By Protraction Diagram No. 13

T. 12 S., R. 100 W.,
Sec. 7;
Sec. 18, NE¼ and NE¼NW¼;
(Excluding approximately 15 acreas in unpatented mineral survey 20791-No. 1.)

The area described aggregates 291.54 acres in Mesa County.

C-081299, Bureau of Land Management Order dated April 13, 1962, as amended February 19, 1968:

Bard Creek

Sixth Principal Meridian

T. 3 S., R. 74 W.,
Sec. 32, lots 5, 9, 10, 14, and 15;
Sec. 33, lots 3, 4, 5, 8, ,9 and 10.

The area described aggregates 265.36 arces in Clear Creek county.

C-083383, Bureau of Land Management Order dated August 24, 1961, as amended February 18, 1969:

Lane Road, Tunnel #6

Sixth Principal Meridian

T. 4 S., R. 72 W., sec. 2, lot 1.
(Subject to 6 acres in patented Mineral Survey 19242.)

The area described aggregates 44.95 arces in Clear Creek County.

C-083388, Bureau of Land Management Order dated August 24, 1961, as amended February 18, 1969:

Four Mile Canyon Site

Sixth Principal Meridian

T.1 N., R. 71 W., sec. 21, lot 49.

The area described aggregates 6.21 arces in Boulder County.

C-083390, Bureau of Land Management Order dated August 24, 1961:

Clear Creek Recreation Site

Sixth Principal Meridian

T. 12 S., R. 79 W., sec. 5, SE¼.
(NW¼SE¼, S½SE¼ are subject to C-28584, Power Site Reserve No. 92.)

The area described aggregates 160 arces in Chaffee County.

C-083391, Bureau of Land Management Order dated April 7, 1966:

Skagway Reservoir Site

Sixth Principal Meridian

T. 16 S., R. 69 W., sec. 1, lot 22.
(Subject to C-17697, Public Water Reserve withdrawal.)

The area described 34.93 acres in Teller County.

C-083393, Bureau of Land Management Order dated August 24, 1961, as amended, August 16, 1963:

Pinnacle Rock Site

Sixth Principal Meridian

T. 18 S., R. 73 W.,
Sec. 26, SE¼;
Sec. 35, NE¼NW¼.
(Subject to C-3659, FPC order withdrawal Power Project No. 824 and C-28584, Power Site Reserve No. 92.)

The area described aggregates 200 arces in Fremont County.

C-083396, Bureau of Land Management Order dated March 3, 1958, as amended February 26, 1962:

Animas Mountain Site

New Mexico Principal Meridian

T. 35 N., R. 9 W.,
Sec. 4, S½NW¼, and SW¼;
Sec. 5, S½NE¼, SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, lot 18;
Sec. 7, lot 10;
Sec. 8, lots 1, 2, NW¼, and N½SW¼;
Sec. 9, lots 2, 3, 4, 5, and 6.
(N½S½NW¼, sec. 4, and N½S½SE¼, sec. 5, are subject to C-78065, Animas-La Plate Reclamation Project withdrawal.)

The area described aggegates 1,179.67 acres in La Plata County.

C-083406, Bureau of Land Mangement Order dated August 23, 1961, as amended January 4, 1962 and July 31, 1963:

Colorado Midland Recreation Area

Sixth Principal Meridian

T. 14 S., R. 78 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 5, SW¼SE¼NE¼SE¼, SE¼SW¼NE¼SE¼ and NE¼SE¼SE¼ (patented land);
Sec. 9, NW¼SW¼NE¼, S½NW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, N½NE¼SE¼NW¼, NW¼NE¼SE¼, S½NE¼SE¼, N½NW¼SE¼, and NE¼SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 14, SW¼;
Sec. 15, NW¼, N½NE¼SW¼, N½SE¼ (subject to patented Mineral Survey 18411 and 18631);
Sec. 23, NW¼ (subject to patented Mineral Survey 11925), N½SW¼.
(Most of these lands are subject to C-24224, Protective Withdrawal application; and C-28584, Power Site Reserve No. 92.

The area described aggregates 870 acres in Chaffee County.

C-083407, Bureau of Land Management Order dated July 24, 1961, as amended August 23, 1961, and February 18, 1969:

Happy Thought Placer Site

Sixth Principal Meridian

T. 3 S., R. 73 W., by metes and bounds in section 19.
(See serial page for legal description.)

The area described aggregates 17 acres in Clear Creek County.

C-083416, Bureau of Land Management Order dated November 24, 1959, as amended December 3, 1964, and February 18, 1969:

Silver Spoon Mine Site

Sixth Principal Meridian

T. 3 S., R. 72 W.,
Sec. 34, a portion of N½SW¼, and NW¼SW¼SW¼ excluding patented Mineral Surveys 19040 and 20694.
T. 4. S., R. 72 W.,
Sec. 3, lot 1, excluding patented Mineral survey 19242.

The area described aggregates 105 acres in Clear Creek County.

C-083442, Bureau of Land Mangement Order dated June 2, 1964:

Eleven Mile Recreation Site

Sixth Principal Meridian

T. 13 S., R. 73 W.,
Sec. 1, E½SE¼;
Sec. 2, NW¼SE¼.

The area described aggregates 120 acres in Park County.

C-083446, Bureau of Land Management Order dated October 8, 1962:

Huerfano River Campground Site

Sixth Principal Meridian

T. 27 S., R. 72 W.,
Sec. 23, NE¼SE¼;
Sec. 24, NW¼SW¼.

The area described aggregates 80 acres in Huerfano County.

C-083451, Bureau of Land Management Order dated October 22, 1962:

Beaver Creek to Saltado Creek Site

New Mexico Principal Meridian

T. 44 N., R. 12 W.,
Sec. 3, SE¼SW¼;
Sec. 10, NE¼NW¼NW¼, E½SE¼NW¼NW¼, W½NW¼NE¼NW¼, SW¼NE¼NW¼, W½SE¼NE¼NW¼, E½NW¼SE¼NW¼, E½SE¼NW¼, NW¼NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, W½SE¼SE¼, and S½SE¼SE¼SE¼;
Sec. 14, SW¼NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, E½SW¼SW¼NW¼, NW¼NE¼SW¼, S½NE¼SW¼, NE¼NW¼SW¼, NE¼SE¼SW¼, and N½NW¼SE¼SW¼.
(The lands are subject to C-28632, Power Site Classification No. 110.)

The area described aggregates 260 acres in San Miguel County.

C-083453, Bureau of Land Management Order dated October 22, 1962:

Clay Creek to Beaver Creek Site

New Mexico Principal Meridian

T. 44 N., R. 12 W.,
Sec. 4, W½ of lot 2, and lot 3, SW¼SW¼, E½NW¼SW¼, N½NE¼SW¼, and SW¼NE¼SW¼;
Sec. 5, E½SE¼SE¼;
Sec. 8, E½NE¼, E½SW¼NE¼, SE¼SW¼, E½NE¼SW¼, NW¼SE¼, and W½SW¼SE¼;
Sec. 9, W½NW¼NW¼.
T. 45 N., R. 12 W.,
Sec. 18, lots 1, 2, 3, 4, SE¼SW¼, W½NE¼SW¼, and SE¼NE¼, SW¼ excluding patented Mineral Survey 4612;
Sec. 19, SW¼NE¼, E½NE¼NW¼, W½NW¼NE¼, SE¼NW¼NE¼, N½NW¼SE¼, SE¼NW¼SE¼, W½NE¼SE¼, and SE¼SE¼ (excluding patented Mineral Survey 15977);
Sec. 20, S½SW¼SW¼;
Sec. 29, W½NE¼, N½NW¼, and N½SE¼NE¼;
Sec. 33, NW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, E½SE¼SW¼, E½SE¼, and SW¼SE¼, excluding patented H.E.S. No. 91.
(The lands are subject to C-28632, Power Site Classification No. 110.)

The area described aggregates 1,232.51 acres in Montrose and San Miguel Counties.

C-083468, Bureau of Land Management Order dated August 6, 1963:

Zapata Falls Site

Sixth Principal Meridian

Description conformed to the latest plat of survey.

T. 28 S., R. 73 W.,
Sec. 8, NE¼NE¼;
Sec. 9, lots 2, 3, 6, 7, and 8.

The area described aggregated 242.16 acres in Alamosa County.

C-083480, Bureau of Land Management Order dated December 30, 1965:

Cotopaxi Site

New Mexico Principal Meridian

T. 48 N., R. 12 E.,
Sec. 21, lots 6, 8, 9, and SW¼SW¼;
Sec. 22, W½SW¼;
Sec. 28, N½NW¼NW¼;
Sec. 29, lot 1 and NE¼.
(SW¼SW¼, sec. 21, and NE¼, sec. 29 are subject to C-28593, Power Site Reserve No. 186; lot 8, sec. 21, is subject to C-28584, Power Site Reserve No. 92; lot 8, SW¼SW¼ sec. 21, NW¼SW¼, sec. 22, N½NW¼NW¼, sec. 28, and lot 1, NE¼, sec. 29, are subject to C-28242, Arkansas Valley Reclamation Project withdrawal.)

The area described aggregates 406.57 acres in Fremont County.

C-0108812, Bureau of Land Management Order dated March 13, 1964:

Montrose County Disposal Site

New Mexico Principal Meridian

T. 48 N., R. 19 W., sec. 22 W½W½NE¼SW¼NW¼SW¼, and NW¼SW¼NW¼SW¼.

The area described aggregates 3.12 acres in Montrose County.

C-0113714, Bureau of Land Management Order dated October 14, 1963, as amended April 11, 1966:

Green Creek Recreation Area

New Mexico Principal Meridian

T. 49 N., R. 8 E., sec. 21, N½NE¼, SW¼NE¼, and W½SE¼.
(Subject to C-28615, Power Site Reserve No. 612)

The area described aggregates 200 acres in Chaffee County.

C-0122820, Bureau of Land Management Order dated May 28, 1964:

Snyder Mountain Recreation Site

Sixth Principal Meridian

T. 4 S., R. 72 W., sec. 27, NW¼SE¼.

The area described aggregates 40 acres in Clear Creek County.

C-0122906, Bureau of Land Management Order dated May 28, 1964:

Browns Canyon Campground and Recreation Site

New Mexico Principal Meridian

T. 51 N., R. 8 E.,
Sec. 23, SE¼SW¼;
Sec. 26, NE¼NW¼.
(These lands are subject to C-24224, Protective withdrawal application, and C-28584, Power Site Reserve No. 92.)

The area described aggregates 80 acres in Chaffee County.

C-0122908, Bureau of Land Management Order dated May 26, 1964:

Twin Mountain Recreation Site

Sixth Principal Meridian

T. 18 S., R. 71 W.,
Sec. 11 SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 12, NW¼SW¼.
(NW¼SE¼, sec. 11, is subject to C-17097, Public Water Reserve No. 107 withdrawal, revocation pending.)

The area described aggregates 280 acres in Fremont County.

C-0123130, Bureau of Land Management Order dated July 1, 1964, as amended October 5, 1964, October 28, 1964, January 13, 1965, and May 20, 1966:

Willow Creek Site

Sixth Principal Meridian

T. 9 N., R. 85 W.,
Sec. 3, lot 19, and SW¼;
Sec. 4, lots 10, 11, 12, 13, 15, 18, 19, and NE¼SE¼;
Sec. 5, lots 5, and Tracts 42A, B, C, D, and E;
Sec. 6 and 7, Tracts 43A, H, I, and P;
Sec. 10, lots 1, and 2.
T. 10 N., R. 85 W., sec. 32, lots 11, 12, and 13.
(Almost all lands are subject to C-28649, Power Site Classification No. 355.)

The area described aggregates 947.46 acres in Routt County.

C-0123145, Bureau of Land Management Order dated June 29, 1964:

Eleven Mile Reservoir Site

Sixth Principal Meridian

T. 13 S., R. 73 W., sec. 12, SE¼SE¼.
(Subject to C-28636, Power Site Classification No. 225.)

The area described aggregates 40 acres in Park County.

C-0124380, Bureau of Land Management Order dated November 13, 1964, as amended June 22, 1966:

Black Canyon Site

New Mexico Principal Meridian

T. 50 N., R. 8 W.,
Sec. 10, SE¼SE¼;
Sec. 11, NW¼SW¼, and S½SW¼;
Sec. 14, NW¼, and N½SW¼;
Sec. 15, SW¼NW¼.

The area described aggregates 440 acres in Montrose County.

C-0124476, Bureau of Land Management Order dated December 1, 1964:

St. Charles River Recreation Site

Sixth Principal Meridian

T. 23 S., R. 68 W., sec. 35, SW¼NE¼, E½ NW¼, SW¼NW¼, and N½SW¼.

The area described aggregates 240 acres in Pueblo County.

C-0125036, Bureau of Land Management Order dated March 15, 1965 as amended February 18, 1969:

Lyons Pride Site

Sixth Principal Meridian

T. 3 N., R. 71 W.,
Sec. 11, SE¼SE¼;
Sec. 13, lots 1, 2, and 3.
(SE¼SE¼, sec. 11, is subject to C-28618, Power Site Reserve No. 715; lots 1, and 2, sec. 13, are subject to C-28599, Power Site Reserve No. 356; lot 3, sec. 13, is subject to C-28641, Power Site Classification No. 343.)

The area described aggregates 154.10 acres in Boulder County.

C-0125501, Bureau of Land Management Order dated June 22, 1965:

Poncha Pass Recreation Site

New Mexico Principal Meridi

T. 48 N., R. 8 E., sec. 15, S½NW¼.

The area described aggregates 80 acres in Saguache County.

C-0126809, Bureau of Land Management Order dated December 10, 1965:

Sacramento Creek Recreation Site

Sixth Principal Meridian

T. 9 S., R. 77 W., sec. 31, SW¼NE¼NW¼.

The area described aggregates 10 acres in Park County

C-0126819, Bureau of Land Management Order dated December 14, 1965, as amended March 15, 1966, and March 28, 1966:

Terrace Reservoir Recreation Site

New Mexico Principal Meridian

T. 36 N., R. 6 E.,
Sec. 23, lot 6;
Sec. 24, lots 5, 7 to 11, inclusive, and N½ SW¼.

The area described aggregates 258.06 acres in Conejos County.

C-0127472, Bureau of Land Management Order dated March 1, 1966, as amended June 13, 1966, and September 11, 1968:

Antelope Rest Area

Ute Meridian

T. 4 S., R. 3 E., sec. 18, W½NW¼NE¼NE¼, W½NE¼,and E½NW¼.

The area described aggregates 165 acres in Delta County.

C-0127885, Bureau of Land Management Order dated April 11, 1966:

Antero No. 1 Recreation Site

Sixth Principal Meridian

T. 12 S., R. 76 W., sec. 27, N½SW¼, SE¼ SW¼.

The area described aggregates 120 acres in Park County

C-2297, Bureau of Land Management Order dated June 29, 1967:

Navajo River Campground

New Mexico Principal Meridian

T. 33 N., R. 2 E.,
Sec. 34, E½NE¼, and NE¼SE¼;
Sec. 35, N½NE¼, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 36, lots 1 and 2.

The area described aggregates 394.14 acres in Archuleta County

C-2298, Bureau of Land Management Order dated June 29, 1967, as amended, August 1, 1967, and March 7, 1972:

Sand Canyon Archeological Area

New Mexico Principal Meridian

T. 36 N., R. 17 W., sec. 30, lots 1, 2, 3, 4, and E½W½.
T. 36 N., R. 18 W.,
Sec 12, E½, SW¼, and S½NW¼;
Sec. 13, W½E½, and W½;
Sec. 14, NE¼NE¼, S½NE¼, and S½;
Sec. 15, E½, and E½SW¼;
Sec. 22, N½, SW¼, S½SE¼, and NE¼ SE¼;
Sec. 23;
Sec. 24, W½E½, and W½;
Sec. 25;
Sec. 26, N½, SE¼, and N½SW¼;
Sec. 27;
Sec. 36, N½NW¼.
(Almost all lands are subject to Protective Withdrawal application, C-16379.)

The area described aggregates 5,846.24 acres in Montezuma County

C-2357, Bureau of Land Management Order dated November 9, 1967:

De Beque Site

Sixth Principal Meridian

T. 8 S., R. 97 W., sec. 22, SW¼NE¼SE¼.

The area described aggregates 10 acres in Mesa County

C-4343, Bureau of Land Management Order dated June 17, 1968:

Sawpit Fossil Site

New Mexico Principal Meridian

T. 43 N., R. 11 W., sec. 12, all, excluding patented lands.
(The lands are subject to C-28632, Power Site Classification No. 110.)

The area described aggregates 347.87 acres in San Miguel County

C-9340, Bureau of Land Management Order dated November 19, 1969:

City of Montrose Disposal Site

New Mexico Principal Meridian

T. 49 N., R. 9 W., sec. 12, N½SE¼SE¼SE¼, and S½NE¼SE¼SE¼.

The area described aggregates 10 acres in Montrose County.

C-9585, Bureau of Land Management Order dated September 11, 1969:

Bonnie Reservoir Site

Sixth Principal Meridian

T. 5 S., R. 43 W.,
Sec. 11, lot 21;
Sec. 15, lot 13.

The area described aggregates 0.81 acres in Yuma County.

C-9822, Bureau of Land Management Order dated September 27, 1968:

Goat Hill Site

Sixth Principal Meridian

T. 8 N., R. 69 W., sec. 19, lot 4.

The area described aggregates 44.78 acres in Larimer County.

C-14323, Bureau of Land Management Order dated May 21, 1973:

Idaho Springs Site

Sixth Principal Meridian

T. 3 S., R. 72 W., sec. 34 NE¼SW¼SW¼, S½ SW¼, S¼ and SE¼SW¼.
T. 4 S., R. 72 W., sec. 3, lot 2.
(The lands are subject to C-28614, Power Site Reserve No. 542.)

The area described aggregates 114.86 acres in Clear Creek County.

C-19535, Bureau of Land Management Order dated February 15, 1974:

Jackson Reservoir Site

Sixth Principal Meridian

T. 5 N., R. 60 W., sec. 27 SE¼NW¼.

The area described aggregates 40 acres in Morgan County.

C-22844, Bureau of Land Management Order dated March 11, 1976:

Hinsdale County Disposal Site

New Mexico Principal Meridian

T. 44 N., R. 4 W., sec. 22, SE¼SW¼SE¼, and E½SW¼SW¼SE¼.

The area described aggregates 15 acres in Hinsdale County.

2. The classifications segregated the above lands from all forms of appropriation under the public land laws, including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

3. In accordance with 43 CFR 2741.4(h) the lands described in paragraph one have not had applications filed within 18 months after issuance of the classification notices; therefore, pursuant to the authority contained in 43 CFR 2400.0-4 and 2450.6, the classifications are hereby terminated.

4. At 10 a.m. on November 3, 1983, the lands described in paragraph one shall be open to the operation of the public land laws, subject to valid existing

rights, the provisions of existing withdrawals, and the requirements of applicable laws.

5. At 10 a.m. on November 3, 1983, the lands described in paragraph one will be open to the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The described lands have been and will continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights and patented lands as noted in paragraph one.

All valid applications received at or prior to 10 a.m. on November 3, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Dated: September 28, 1983.

Bob Moore,

Acting State Director.

[FR Doc. 83-27235 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Section 403, that a public meeting of the California Desert District Grazing Advisory Board will be held on Thursday, November 3, 1983 from 10 a.m. to 4:30 p.m. in the Heritage Room, Riverside Inn, 1150 University Avenue, Riverside, California 92507.

The agenda for the meeting will include:

—Range Improvement Project Review for FY83
—Range Improvement Projects Proposed for FY84
—FY84 Range Management Budget
—FY83 Desert Plan Amendment Review
—Cooperative Management Agreement Nominations
—New Board Elections

The meeting is open to the public, with time allocated for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, California 92507; (714) 351-6398.

Dated: September 27, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-27229 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of California Desert District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Friday, November 4, and Saturday, November 5, 1983, in a public meeting room at the Town and Country Hotel, 500 Hotel Circle, San Diego, California 92138. The meetings will be held from 9 a.m. to 5 p.m. on Friday and from 8 a.m. to approximately 12 noon on Saturday.

Agenda items of the two sessions will include Bureau of Land Management programs in San Diego County, Council review and recommendation on 1983 amendment proposals to the California Desert Plan and the Eastern San Diego County Plan, review of FY84 budget allocations and plan implementation, an update on new right-of-way proposals for energy resources and other issues involving management of the public lands in the California Desert District.

The meeting is open to the public, with time allocated for public comments after presentation of each agenda item.

Statements may be filed in advance with the California Desert Advisory Council Chairman, Clayton A. Record, Jr., Bureau of Land Management Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, California 92507; (714) 351-6383.

Dated: September 27, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-27228 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

Redding Area Off-Road Vehicle Use Designations; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Off-Road vehicle use designations.

SUMMARY: Notice is hereby given that off-road vehicle use designations are made on all the public lands within the Battle Creek, North Yolla Bolly and Trinity River Management Prescription Areas, the Tehama County portions of the South Yolla Bolly Management Presciription Area, and the Trinity County portions of the Sacramento-Trinity Management Prescription Area. These management prescription areas are part of the Redding Resource Area, Ukiah District. The areas contain approximately 79,000 acres of public lands and lie within Tehama and Trinity Counties, California.

These designations are being made in order to protect the resources of the public lands, promote the safety of all users of those lands, and to minimize conflicts among the various users of those lands. This action applies to off-road vehicles as defined in 43 CFR 8340.05 A.

This action is in compliance with 43 CFR 8342.2, Designation Procedures for Off-Road Vehicles and the Redding Area Land Use Plan. The Battle Creek Area, North Yolla Bolly Area, and the Tehama County portion of the South Yolla Bolly Area shall be designated as open to off-road vehicle use. Off-Road vehicle use in the Trinity River Area and the Trinity County portions of the Sacramento-Trinity Area shall be limited to designated vehicles routes, with the exception of one parcel near the town of Weaverville which will be open, and another area on Indian Creek which will be closed to protect cultural resources.

Maps showing the designated vehicle routes are available at the Redding

Resource Area Office of the Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

The public has been involved in this designation through the Bureau's land use planning process in which the initial decisions to manage off-road vehicle use on these public lands were made, then through the vehicle route inventory and environmental assessment process.

Any person who violates or fails to comply with this designation is subject to arrest as prescribed in 43 CFR 8340.0-7. Penalties for violations may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

DATE: Effective September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Bainbridge, Redding Resource Area Manager, 355 Hemsted Drive, Redding, CA 96002, Telephone: (916) 246-5325.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 83-27238 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-28256]

Proposed Continuation of Withdrawal; Colorado

Dated: September 28, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Department of the Interior, Bureau of Reclamation has requested continuation of the Mancos Reclamation Project withdrawn by Secretary's Order of February 7, 1941 under the provisions of Section 3, Act of June 17, 1902 (32 Stat. 388). The following described land which is in San Juan National Forest is included in the proposed continuation:

New Mexico Principal Meridian

T. 37 N., R. 13 W.,

Sec. 25, W½SE¼SE¼, E½SW¼SE¼, SW¼SW¼SE¼, and S½NW¼SW¼SE¼.

Sec. 35, E½E½E½SE¼, and E½W½E½E½SE¼.

The area described aggregates 85 acres in Montezuma County.

The Bureau proposes continuation of the withdrawal for the described lands for 20 years. The purpose of the withdrawal is for irrigation facilities for the Mancos Project of the Jackson Gulch Diversion and Inlet Canal. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. No change in the segregative effect or use of the land would be affected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-27233 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-0124534]

Proposed Withdrawal and Reservation of Public Minerals; Pinon Canyon Site, Fort Carson Military Reservation, Colorado; Correction

In FR Doc. 83-23963, beginning on page 39703, column 3, in the issue of Thursday, September 1, 1983, correct the land description "T. 30 S., R. 58.," to read "T. 30 S., R. 58 W.,".

Dated: September 27, 1983.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-27234 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[OR-36350]

Oregon, Realty Action; Sale of Public Lands in Harney County

The following described public land has been examined and determined to be suitable for disposal pursuant to the provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the appraised fair market value:

Willamette Meridian, Oregon

Parcel No.	Legal description	Acreage
1	T. 33 S., R. 31 E., Sec. 7: E½	320
2	T. 33 S., R. 31E., Sec. 8: W½	320

Bids are being solicited for the parcel offered for sale. Appraised values are not being published in this NORA. The value will be disclosed only at the conclusion of the sale and only for the parcel for which acceptable bids were received, i.e., appraised value or higher.

Sale of this public land shall be through competitive bidding procedures provided for at 43 CFR Part 2711. Access exists for both tracts offered for sale. All minerals will be reserved to the United States.

The sale of this land will be subject to all valid existing rights and reservations of record as well as a reservation to the United States of a right-of-way for ditches and canals under the Act of August 30, 1890.

The *Andrews Resource Area Management Framework Plans* have consistently referred to the difficulties of practical and applied management of public lands in Catlow Valley. The plan clearly suggests sale is preferable to exchange due in large part to the lack of interests by exchange proponents for acquisition of lands in the Catlow Valley area.

As a result of land-use planning required by Section 202 of the FLPMA, the Bureau has determined that the sale of this tract clearly meets the disposal criteria of Section 203(a)(1).

The sale is to held at the Burns District Office of the Bureau of Land Management, 74 South Alvord Street in Burns, Oregon at 10:00 A.M. on December 7, 1983.

Bidding Information and Instructions

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the

United States. Bids may be made by a principal or his duly qualified agent.

Bid Standards: Bids must be for all land within the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received by the Burns District Office, U.S. Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720 prior to 9:00 A.M. on December 7, 1983. Bids sent in by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale OR-36350—Parcel 1 or OR-36350—Parcel 2." Also, print the sale date of December 7, 1983 on the envelope.

If two (2) or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced. All sealed bids received in the Burns District Office will be opened at 10:00 A.M. on the date of the sale.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than $50.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Final details: The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in the cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned and this parcel not sold shall remain available for sale on a continuing basis until sold, or withdrawn from sale. Subsequent purchases may be transacted at the Burns District Office in person during regular business hours.

Further Information: Detailed information concerning this land sale, including the land-use planning documents, land reports, environmental assessments and the record of public comments is available for review at the Burns District Office at the location and address previously noted. Telephone inquiries can be placed to the district office at (503)-573-5241 between 7:45 A.M. and 4:30 P.M., P.S.T.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Burns District Office, U.S. Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720.

Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional Committees and delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Joshua L. Warburton,

District Manager.

[FR Doc. 83-27237 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

Intent to Prepare an Environmental Statement and Scoping Activities; Utah

The Department of Interior, Bureau of Land Management, Cedar City District Office will be preparing an environmental statement on a resource management plan (RMP) covering the Cedar, Beaver, Garfield, and Antimony Planning Units and associated coal resource lands. The planning area includes the eastern portion of Beaver and Iron Counties, western Garfield County, and northwestern Kane County. These lands are administered by the BLM from the Beaver River, Kanab, and Escalante Area Offices. The resource management plan and environmental statement will be published simultaneously. A final document is expected to be published by September 30, 1984.

Public scoping on issue identification has been ongoing since publication of the "Notification of Resource Management Plan Preparation" on these units in the **Federal Register**, Volume 45, No. 71, page 24703, April, 1980. Coal planning began on July 14, 1983 with a notice in Volume 48, No. 136, page 32225 "Call for Coal Resource Information." Public participation to date includes meetings, letters, individual consultation, and notices in local media. The next phase in RMP preparation is the development of alternatives. Alternatives will be prepared by an interdisciplinary team consisting of specialists representing vegetation, minerals, recreation, soil, water, socioeconomics, lands, wildlife, and grazing managment. The team will use previous scoping information, planning criteria, and public response to activities initiated by this notice.

Scoping of the RMP and proposed alternatives will be performed through direct mailings and individual/group meetings. A summary of major actions that would take place under each proposed alternative will be made available for scoping. Copies of the proposed alternatives will be available at the locations listed below. Comments should be sent to the Beaver River Office before November 30, 1983.

Cedar City District Office, P.O. Box 724, 1579 North Main Cedar City, Utah 84720, Phone 801-586-2401

Beaver River Resource Area, 444 South Main, Cedar City, Utah 84720, Phone 801-586-2458

Kanab Resource Area, P.O. Box 458, Kanab, Utah 84741, Phone 801-644-2672

Escalante Resource Area, P.O. Box 225, Escalante, Utah 84726, Phone 801-826-4291

Alternatives will range from noncommodity value protection to commodity value production and will include a "Continue Present Management" (No Action) alternative. Each alternative will address the resolution of Planning Issues identified earlier in the planning process. These are: special resource protection measures, forage management and land treatment, oil and gas and coal leasing, and forest management.

For additional information, contact Jay Carlson, RMP Team Leader, at the Beaver River Resource Area listed above.

Dated: September 29, 1983.

J. Kent Giles,

Acting District Manager.

[FR Doc. 83-27239 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[U-025827, etc.]

Utah; Proposed Continuation of Bureau of Reclamation Withdrawal

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act of October 21, 1976, the Bureau of Reclamation has filed a statement of justification for continuation (in part) of their Flaming Gorge Unit, Colorado River Storage project withdrawal, as to the following described lands:

Salt Lake Meridian, Utah

T. 2 N., R. 20 E.,
Sec. 1, lots 1, 2, 3;
Sec. 2, lots 1 thru 8, SE¼NE¼, S½NW¼, SW¼, NE¼SE¼;
Sec. 3, lots 1, 2, 6, 7, 9, 10, HES No. 53, HES No. 128;
Sec. 4, lot 5, SW¼SE¼;
Sec. 9, lots 1, 2, 4 thru 9, NE¼NW¼;
Sec. 10, lots 1, 2, 3, NE¼NE¼, SE¼SE¼;
Sec. 11, lots 6 thru 18, N½NW¼, SW¼NW¼;
Sec. 12, lot 2, S½, NE¼, NE¼SW¼, N½SE¼, SW¼SE¼
Sec. 13, lots 4 thru 9, SW¼NW¼, NE¼NW¼SW¼, SE¼SW¼, NE¼SE¼;
Sec. 14, lot 1, NW¼NE¼; NW¼;
Sec. 15, E½NE¼;
Sec. 24, lots 2, 3, 4, NE¼NE¼NW¼.
T. 3 N., R. 20 E.,
Sec. 13, N½SW¼; SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 14, lots 1, 2;
Sec. 23, S½S½;
Sec. 24, NE¼NE¼, SW¼, W½SE¼;
Sec. 25, N½ of lots 1, 3, 4, and SE¼SE¼ SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, All;
Sec. 36, lots 1 thru 6, NE¼, N½NW¼, SE½ NW¼, N½SE¼, SE¼SE¼.
T. 2 N., R. 21 E.,
Sec. 5, NW¼SW¼, W½NW¼;
Sec. 8, lots 1 thru 12;
Sec. 11, NE¼SW¼, S½S¼, NW¼SE¼;
Sec. 12, lots 1, 2, 3, E½NE¼, NE¼SW¼, SW¼SW¼, tract A;
Sec. 13, lot 1, N½NE¼, SE¼NE¼, and all lands south of the Green River in the N½ NW¼, SW¼NW¼, N½SE¼NW¼, N½ SE¼SE¼, SE¼SE¼SE¼;
Sec. 14, lots 1, 2, tract A except SE¼SW¼, S½SE¼;
Sec. 15, lots 1, 2, E½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 16, S½SW¼;
Sec. 18, lot 10;
Sec. 19, lots 3 thru 8, tract A;
Sec. 20, lots 1 thru 4, NE¼NE¼, SW¼ NE¼, and tract A except S½NW¼ SW¼, SW¼SW¼, S½S¼SE¼SW¼, S½S½SE¼;
Sec. 21, lots 1 thru 4, S½NE¼NE¼, NW¼ NE¼, and tract A except NE¼SW¼, E½ NW¼SW¼, S½SW¼, SW¼SE¼, S½ SE¼SE¼;
Sec. 22, lots 1 thru 4, W½NE¼, S½S½ NW¼, tract A;
Sec. 23, W½NW¼;
Sec. 30, NE¼.
T. 3 N., R. 21 E.,
Sec. 13, S½S½
Sec. 14, S½;
Sec. 15, lots 2 thru 7, SE¼;
Sec. 16, NE¼SE¼, S½SE¼;
Sec. 17, lots 1 thru 4, S½;
Sec. 18, lots 1 thru 6, E½SW¼, SE¼;
Sec. 19, lots 1, 2, NE¼, E½NW¼, N½SE¼;
Sec. 20, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 21, all;
Sec. 22, lots 1 thru 10, E½;
Sec. 23, NE¼, N½NW¼, W½SW¼;
Sec. 24, S½N½, NE¼SW¼;
Sec. 26, W½NE¼, NW¼, N½SW¼;
Sec. 27, lots 1, 2, 3, 6, NE¼, NE¼SE¼;
Sec. 28, all;
Sec. 29, S½S½;
Sec. 30, lots 1, 2, 4, thru 11;
Sec. 31, lots 1 thru 5, 7, 8, 9, SW¼NE¼, NW¼SE¼;
Sec. 33, lots 1, 2, SW¼NW¼.
T. 2 N., R. 22 E.,
Sec. 3, S½;
Sec. 4, SE¼SE¼;
Sec. 6, E½SW¼, S½SE¼;
Sec. 7, lots 1 thru 11, N½NE¼, E½NW¼, SE¼SE¼;
Sec. 8, NW¼SW¼, S¼SE¼;
Sec. 9, lots 1 thru 6, NE¼, SE¼NW¼, N½ SW¼, SW¼SW¼, NW¼SE¼;
Sec. 10, lots 1, 2, 3, N½, SE¼ lying west of Highway 260;
Sec. 11, NE¼NE¼, and W½ lying west of Highway 260;
Sec. 12, NW¼;
Sec. 14, all lands lying west of Highway 260;
Sec. 15, lots 1 thru 10, SE¼NE¼, NE¼NE¼ lying west of Highway 260, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 16, lots 1 thru 8, SE¼NE¼, S½NW¼, E½SE¼;
Sec. 17, lots 1 thru 8, S½NE¼, SE¼NW¼, W½SW¼SW¼;
Sec. 18, lots 1 thru 12, SE¼NE¼, NW¼ NE¼, SE¼SW¼;
Sec. 21, NE¼NE¼, S½NE¼.
Aggregating 20,610 acres in Daggett County.

The proposed continuation would be for an initial period of 20 years at which time further review would be required to determine if the withdrawal should be continued further.

Notice is hereby given that a public hearing may be afforded in connection with this proposal. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register.**

All communications in connection with the proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: September 29, 1983.

J. K. Latimer,
Acting Chief, Branch of Land and Minerals Operation.

[FR Doc. 83-27236 Filed 10-5-83; 8:45 am]
BILLING CODE 4310-84-M

Federal Minerals Exchange, Mohave County, Arizona; Realty Action

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—exchange, Federal minerals in Mohave County, Arizona.

SUMMARY: The following described Federal mineral estate has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

Township 19 North, Range 11 West,
Sec. 6, All;
Sec. 8, All;
Sec. 10, All;
Sec. 12, All;
Sec. 18, All;
Sec. 20, W½;
Sec. 22, All;
Sec. 24, All;
Sec. 26, All;
Sec. 28, NW¼ and S½;
Sec. 30, All;
Sec. 34, S½.
Township 20 North, Range 11 West,
Sec. 4, All;
Sec. 7, Lots 13, 14, 18, and 19;
Sec. 8, N½ and N½SW¼;
Sec. 10, All;
Sec. 18, Lots 11, 12, 15, 16, 17, 18, 19, 20, and SE¼;
Sec. 20, All;
Sec. 22, All;
Sec. 26, All;
Sec. 28, All;
Sec. 30, Lots 1 through 10 and 13 through 18;

Sec. 34, All.
Township 20 North, Range 12 West,
Sec. 1, Lots 1–4 and S½N½;
Sec. 4, Lots 1–4, S½N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, All.
Township 21 North, Range 11 West,
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 18, All;
Sec. 22, SW¼;
Sec. 26, All;
Sec. 30, All;
Sec. 34, All.
Township 21 North Range 12 West,
Sec. 4, SW¼;
Sec. 6, All;
Sec. 8, All;
Sec. 10, All;
Sec. 12, All;
Sec. 14, All;
Sec. 18, All;
Sec. 20, All;
Sec. 22, All;
Sec. 24, All;
Sec. 26, N½;
Sec. 28, All;
Sec. 30, All;
Sec. 34, All;
Township 21 North, Range 13 West,
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 12, All;
Sec. 14, All;
Sec. 18, All;
Sec. 20, All;
Sec. 22, All;
Sec. 24, All;
Sec. 26, All;
Sec. 28, All;
Sec. 30, Lots 1–4, NE¼, E½NW¼, E½SE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, and S½SE¼SW¼;
Sec. 34, N½NE¼, SW¼NE¼, NW¼, and S½.
Township 21 North, Range 14 West,
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 10, All;
Sec. 12, All;
Sec. 14, N½N½ and SW¼NW¼;
Sec. 30, Lots 1–4 and E½W½.
Township 21 North, Range 15 West,
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 10, All;
Sec. 12, All;
Sec. 14, All;
Sec. 18, All;
Sec. 20, SW¼NE¼;
Sec. 24, All;
Sec. 29, NW¼NE¼ and SW¼NW¼;
Sec. 30, Lots 3 and 4, E½SW¼, and SE¼;
Sec. 34, All.
Township 22 North, Range 12 West,
Sec. 6, All.
Township 22 North, Range 13 West,
Sec. 20, All;
Sec. 22, All;
Sec. 24, All;
Sec. 26, All;
Sec. 28, All;
Sec. 30, All;
Sec. 34, NE¼, S½NW¼, and S½.
Township 22 North, Range 14 West,
Sec. 18, All;
Sec. 20, All;
Sec. 21, NE¼NE¼, S½NE¼, and NW¼;
Sec. 22, All;
Sec. 24, All;
Sec. 26, All;
Sec. 28, All;
Sec. 32, All;
Sec. 34, All.
Township 22 North, Range 15 West,
Sec. 6, All;
Sec. 10, All;
Sec. 12, All;
Sec. 14, All;
Sec. 20, All;
Sec. 22, All;
Sec. 24, All;
Sec. 34, N½NE¼ and S½.
Township 23 North, Range 15 West,
Sec. 34, All.
Township 23 North, Range 18 West,
Sec. 18, All.
Township 27 North, Range 19 West,
Sec. 14, All;
Sec. 30, All.

Comprising 65,317.91 acres, more or less.

In exchange for this Federal mineral estate, the United States will acquire the following State-owned minerals:

Township 11 North, Range 11 West,
Sec. 2, All;
Sec. 16, N½N½ and S½NE¼.
Township 11 North, Range 12 West,
Sec. 2, All.
Township 12 North, Range 13 West,
Sec. 6, All.
Township 12 North, Range 15 West,
Sec. 2, NE¼SW¼, S½SW¼, and SE¼;
Sec. 16, All.
Township 13 North, Range 12 West,
Sec. 32, All.
Township 13 North, Range 15 West,
Sec. 36, All.
Township 15 North, Range 12 West,
Sec. 36, All.
Township 16 North, Range 14 West,
Sec. 2, All;
Sec. 16, S½NW¼SE¼, SW¼SE¼, and SW¼.
Township 16½ North, Range 13 West,
Sec. 32, All.
Township 16½ North, Range 14 West,
Sec. 36, All.
Township 16½ North, Range 19 West,
Sec. 32, All.
Township 16½ North, Range 20 West,
Sec. 32, W½SW¼NW¼NW¼, SW¼NW¼, and W½SW¼;
Sec. 36, All.
Township 17 North, Range 13 West,
Sec. 16, All;
Sec. 32, All.
Township 17 North, Range 18 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All.
Township 17 North, Range 19 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 17 North, Range 20 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 17 North, Range 21 West,
Sec. 2, All;
Sec. 36, All.
Township 18 North, Range 16 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 18 North, Range 17 West,
Sec. 2, All;
Sec. 36, All.
Township 18 North, Range 18 West,
Sec. 16, All;
Sec. 32, All.
Township 18 North, Range 19 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 18 North, Range 20 West,
Sec. 32, All;
Sec. 36, All.
Township 18 North, Range 21 West,
Sec. 2, All;
Sec. 16, All;
Sec. 36, All.
Township 19 North, Range 16 West,
Sec. 2, All;
Sec. 8, All;
Sec. 16, All;
Sec. 18, All;
Sec. 32, All;
Sec. 36, All.
Township 19 North, Range 17 West,
Sec. 2, All;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 19 North, Range 18 West,
Sec. 32, All.
Township 19 North, Range 19 West,
Sec. 32, All;
Sec. 36, All.
Township 19 North, Range 21 West,
Sec. 2, All;
Sec. 36, All.
Township 20 North, Range 16 West,
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 20 North, Range 17 West,
Sec. 32, All, excluding 5.59 acres deeded to the Atchinson Topeka and Santa Fe in State Patent No. 618;
Sec. 36, All.
Township 20 North, Range 19 West,
Sec. 16, All;
Sec. 32, All.
Township 20 North, Range 20 West,
Sec. 16, All;
Sec. 36, All.
Township 21 North, Range 17 West,
Sec. 32, Lots 1 thru 7, NE¼, and NE¼SE¼.
Township 21 North, Range 19 West,
Sec. 16, All;
Sec. 32, All.
Township 21 North, Range 20 West,

Sec. 2, Lots 1, 2, 3, and 5 thru 12, and S½.
Township 22 North, Range 18 West,
Sec. 16, All;
Sec. 32, All.
Township 22 North, Range 20 West,
Sec. 16, NE¼ and S½;
Sec. 32, N½, NE¼SW¼, and SE¼;
Sec. 36, N½, SW¼, and NW¼SE¼.
Township 23 North, Range 19 West,
Sec. 2, Lots 1, 2, 3, and 4, S½NW¼, and S½;
Sec. 16, All;
Sec. 32, All.
Township 23 North, Range 21 West,
Sec. 2, All;
Sec. 36, All.
Township 24 North, Range 18 West,
Sec. 2, Lots 1, 2, and 3, and S½;
Sec. 16, All.
Township 24 North, Range 20 West,
Sec. 32, All.
Township 24 North, Range 21 West,
Sec. 2, Lot 4, S½NW¼, and S½;
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 25 North, Range 17 West,
Sec. 16, All;
Sec. 32, All.
Township 25 North, Range 18 West,
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
Township 25 North, Range 21 West,
Sec. 2, Lots 1 and 2, S½NE¼, and S½;
Sec. 16, All;
Sec. 36, E½ and SW¼.
Township 26 North, Range 17 West,
Sec. 32, All.
Township 26 North, Range 18 West,
Sec. 32, All;
Sec. 36, All.
Township 26 North, Range 20 West,
Sec. 32, All.
Township 26 North, Range 21 West,
Sec. 2, Lots 1, 2, 3, and 4, S½N½, SW¼, and NW¼SE¼;
Sec. 32, N½, SW¼, N½SE¼, and SW¼ SE¼.

Comprising 65,318.29 acres, more or less.

The purpose of this exchange is to unite State and Federal Split estates, thereby eliminating surface management difficulties and providing for the consolidation of mineral ownerships. The exchange is consistent with the Bureau's planning system and the public interest will be well served.

The above described mineral estates are not encumbered by mining claim locations. They do, however, contain a number of oil and gas leases. On the basis of a mineral potential report, it has been determined that the overall potential mineral values of the State and Federal minerals are approximately equal.

Minerals to be transferred from the United States will be subject to the following terms and conditions:

1. Oil and gas leases A-10484, A-10485, A-10496, A-10497, A-10498, A-10516, A-10925, A-10927, A-12282, A-13765, A-13765A, A-13766, A-13766A, A-13767, A-13767A, A-13768, A-13768A, A-13799, A-13799A, A-13800, A-13800A, A-13801, A-13801A, A-14351, A-14352, A-14354, A-14355, A-14497, A-14572, A-14577, A-14578, A-14579, A-16516, A-16519, A-16523, A-16524, A-17137, A-18658, and A-18664 and the right of the mineral lessee to occupy and use so much of the surface of the land as may be reasonably necessary for mineral leasing operations. Acts of February 25, 1920 and March 4, 1933 (30 U.S.C. 186, 124). The United States will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the State of Arizona.

2. Subject to all valid existing rights and those applications on record as of the date of this Notice.

Minerals to be acquired by the United States will be subject to the following terms and conditions:

1. Oil and gas leases 13-86617, 13-86628, 13-86634, 13-86650, 13-86651, 13-86675, 13-86679, 13-86686, 13-86695, 13-86700, and 13-86701 with the right to explore for and remove such deposits. The State of Arizona will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the United States.

Publication of this Notice shall segregate the subject land from all appropriations under the public laws, including the mining laws with the exception of the mineral leasing laws. This segregative effect shall terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning the exchange, including the environmental assessment and mineral potential report, can be obtained from the Area Manager, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days, from the date of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments may be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 28, 1983.

Marlyn V. Jones,
District Manager.

[FR Doc. 83-27290 Filed 10-5-83; 8:45 am]
BILLING CODE 4310-84-M

Boise District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Boise District, Idaho, Advisory Council Meeting.

SUMMARY: In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management act, notice is hereby given that the Boise District Advisory Council will meet October 24-25, 1983.

SUPPLEMENTARY INFORMATION: The meeting on October 24, 1983, will begin with a field tour via helicopter to the Owyhee Canyonlands Wilderness EIS Area. The tour is scheduled from 9:00 a.m. to 12:00 p.m.

The business meeting will be October 24, 1983, from 1:00 p.m. to 4:00 p.m. and October 25, 1983 from 8:00 a.m. to 12:00 p.m. It will be held in the main floor conference room at the BLM, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. The public is invited and a public comment period is scheduled from 2:00 p.m. to 3:00 p.m. on October 24, 1983. Major topics for discussion at the business meeting are as follows:

—Snake River Birds of Prey Update
—Statewide Wilderness Perspective
—Owyhee Canyonlands Wilderness EIS Briefing
—Future Role and Involvement of Council in District Activities

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

Dated: September 26, 1983.

Martin J. Zimmer,
District Manager.

[FR Doc. 83-27282 Filed 10-5-83; 8:45 am]
BILLING CODE 4310-84-M

[C-28333 and C-28334]

Colorado; Proposed Continuation of Withdrawals

Correction

In FR Doc. 83-25432, beginning on page 41821 in the issue of Monday, September 19, 1983, make the following corrections:

1. On page 41822, the twenty-sixth and twenty-seventh lines of the second column should read,

"reserved to United States: 4,819.49 acres. Public lands: 35,587.66 acres."

2. Also on page 41822, the next to last line of column three should read,

"Sec. 16, lots 1 to 5, inclusive, and S½S½;"

3. On page 41823, first column, the third word in the eleventh line of the next to last paragraph should read "claims".

BILLING CODE 1505-01-M

[Designation Order CA-010-8301]

California Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

SUMMARY:

Decision: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use.

The 507,181 acre area affected by the designations is known as the Benton-Owens Valley Planning Units, which includes public lands in Inyo and Mono County, California. These designations are a result of resource management decisions made in the 1982 Benton-Owens Valley Management Framework Plan. Oral and written comments received from various public individuals influenced the final designation decisions. These designations are published as final today. A final map showing the location of the area designations can be obtained from the Bureau of Land Management offices described at the end of this notice. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals. The designation decisions include the following:

A. *Open Designation.* The Poleta Canyon Management Area (1,760 acres) is located approximately five miles west of Bishop, California and is designated open. An open designations was determined to be appropriate for these public lands in order to satisfy a local need for open space recreation activity.

B. *Limited Designation.** Public lands which fall in this category total 464,354 acres. Vehicle use is designated as limited to existing roads and trails throughout the year on 377,959 of these acres. This designation resulted from various public inputs.

On the remaining 86,395 acres, vehicle use will be further limited to designated roads and trails *either* seasonally *or*, in some areas, permanently. When the season restricting vehicle use to designated roads and trails in affected areas is over, then the vehicle use limitation for these areas will revert to existing roads and trails. The decisions for these areas were based on the Benton-Owens Valley planning decisions, the associated environmental assessment and public input. These areas are described as follows:

1. Limited Use to Designated Roads and Trails on a Seasonal or Permanent Basis—86,395 acres.

a. The Long Valley Management Area (5,680 acres) is located approximately 16 miles northeast of Mammoth Lakes, California. The area is designated as limiting snowmobile use to designated roads and trails from November 15 to March 1 to protect sage grouse and winter habitat areas. From March 2 to November 14, vehicle use is limited to existing roads and trails.

b. The Alabama Hills Management Area (15,970 acres) is located immediately west of Lone Pine, California. Vehicle use in this area is limited to designated roads and trails throughout the year to protect visual values.

c. The Southern Inyos Management Area (37,457 acres) is located approximately six miles east of Lone Pine, California. Vehicle use in this area above the 6,000 feet elevation is limited to designated roads and trails throughout the year to protect flora, wildlife habitat and visual values.

d. The Fish Slough Management Area (26,438 acres) is located approximately three miles north of Bishop, California. Vehicle use in this area is limited to designated roads and trails throughout the year to protect flora, wildlife and cultural values.

e. Campgrounds administered by the Bureau of Land Management total approximately 850 acres and are located in the following areas of California: Crowley Lake Campground—approximately three miles north of Crowley Lake community; Horton Creek Campground—approximately 12 miles northwest of Bishop; Symmes Creek Campground—approximately six miles west of Independence; Goodale Creek Campground—approximately one mile west of Aberdeen; and Tuttle Creek Campground—approximately eight miles west of Lone Pine. These campgrounds are designated as limiting vehicle use to designated roads and trails throughout the year in order to protect recreation values and public facilities.

C. *Closed Designation.** Public lands which fall in this category total 41,067 acres. Twenty one acres are designated as closed to motorized vehicle use. The remaining 41,046 acres are designated as closed to motor vehicle use only on a seasonal basis which ranges from 1½ to 5 months a year. When the season prohibiting vehicle use in these areas is over, then the vehicle use limitation for these areas will return to existing roads and trails. All designation decisions that fall in this category stem from the Benton-Owens Valley planning effort, the associated environmental analysis, and public input. The affected areas are presented below:

1. Limited to Seasonal or Non-Use of Area—41,067 acres.

a. The Benton Valley Management Area (2,507 acres) is located approximately eight miles north of Benton Hot Springs, California. The area is designated as closed to all vehicle use from November 15 to April 15 to protect mule deer and winter habitat areas. From April 16 to November 14, vehicle use is limited to existing roads and trails.

b. The South Benton Valley Management Area (12,320 acres) is located approximately four miles south of Benton, California. Motorized vehicle use in this area is prohibited from November 15 to April 15 to protect mule deer and winter habitat areas. From April 16 to November 14, vehicle use is limited to existing roads and trails.

c. The Hot Creek access road (5 acres) is located approximately nine miles east of Mammoth Lakes, California. The access road is designated as closed from November 30 to March 31, unless posted open. This designation protects the area's geological resources as well as visitors.

d. The Bishop Management Area (9,124 acres) is located approximately 15

*Exemptions to this designation for legitimate land use needs can be granted by the authorized officer on a case-by-case basis.

miles northwest of Bishop, California. Approximately 9,110 acres is designated as closed to motorized vehicle use from November 15 to April 15 in order to protect mule deer and winter habitat areas. From April 16 to November 14, vehicle use is limited to existing roads and trails. The remaining 14 acres is designated as closed to vehicle use throughout the year. These areas include the following: (1) Rovana Dump Access Road (2 acres)—This closure curtails unauthorized use of public lands; (2) Horton Creek Campground Powerline Access Road (10 acres)—This closure curtails vandalism of powerline facilities; and (3) Lower Rock Creek Trail (2 acres)—This closure protects the trail's recreation values.

e. The East Owens Valley Management Area (9,994 acres) is located approximately six to eight miles east and north of Big Pine, California and approximately five miles east of Aberdeen, California. The area is designated closed to all motor vehicle use from April 15 to May 31 to protect tule elk during calving season. From June 1 to April 14, vehicle use is limited to existing roads and trails.

f. The Poverty Hills Management Area (3,710 acres) is located approximately four miles north of Aberdeen, California. The area is designated closed to vehicle use from April 15 to May 31 to protect tule elk during calving season. From June 1 to April 14, vehicle use is limited to existing roads and trails.

g. The Independence Management Area (3,400 acres) is located approcimately two miles west of Aberdeen, California and approximately six miles north of Independence, California. The area is designated closed to all vehicle use from April 15 to May 31 to protect tule elk during calving season. From June 1 to April 14, vehicle use is limited to existing roads and trails.

h. The Pat Keyes Trail (5 acres) is located in the Southern Inyo Mountains Management Area which is described above (Section B.1.c.). The trail is designated closed to all vehicle use throughout the year. The closure protects the trail's recreation values.

i. The Red Rock Petroglyphs Access Road (2 acres) is located in the Fish Slough Management Area which is described above (Section B.1.d.). The road is designated as closed to motorized vehicle use throughout the year. The closure will protect the area's cultural values.

The above designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. A final environmental assessment describing the impact of these designations is available for inspection at the offices listed below. For further information about these designations, contact either of the following Bureau of Land Management officials:

District Manager, Bakersfield District Office, 800 Truxtun Avenue, Bakersfield, CA 93301, 805-861-4191

Area Manager, Bishop Resource Area, 973 N. Main St., Ste. 201, Bishop, CA 93514, 619-872-4881

Dated: September 30, 1983.

Robert D. Rheiner, Jr.,

Authorized Officer.

[FR Doc. 83-27284 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-083452]

Colorado; Modification of Classification; Partial Continuation and Partial Termination

1. Recreation and Public Purposes Classification dated October 22, 1962, as amended April 22, 1965, that classified lands suitable for lease or sale to qualified state and local governments and non-profit organizations, prusuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 74, 43 U.S.C. 869), as amended, and under Section 7, Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, is hereby continued for a period of 20 years from the date of this order insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 44 N., R. 11 W.,
Sec. 34, lots 21 and 23.

(The lands are subject to Recreation and Public Purposes lease applications, C-35411, to San Miguel County.)

The area described aggregates 68.70 acres in San Miguel County.

2. The classification segregated the above lands from all forms of appropriations under the public land laws including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

3. Pursuant to Section 202(d) of the Federal Land Policy and Management Act of 1976, the classification modification in paragraph one will be reviewed within 20 years of the effective date of this order if appropriate, or when the lease is terminated, at which time the classification will be reviewed to determine whether if should be continued further, unless earlier review and termination are taken under the land use planning system (Section 202(d), FLPMA).

4. The classification is hereby terminated insofar as it affects the following described land:

Beaver Creek Campground

New Mexico Principal Meridian

T 44 N., R. 11 W.,
Sec. 29, SW¼SW¼, S½SE¼SW¼, and SW¼SW¼SE¼;
Sec. 30, SE¼ of lot 1, N½ of lot 3 excluding patented mineral survey 4574, N½SE¼SW¼, S½NE¼SW¼, NW¼NE¼SW¼, N½SW¼SE¼, and SE¼SE¼;
Sec. 32, NE¼NE¼, E½NW¼NE¼, NW¼NW¼NE¼, and N½NE¼NW¼;
Sec. 33, S½ of lot 5, lot 6, NE¼ of lot 7, lots 8, 9, 10, and SE¼NE¼.
T. 44 N., R. 12 W.,
Sec. 14, SW¼SE¼, and SW¼SE¼SE¼;
Sec. 23, NE¼NW¼NE¼, NW¼NE¼NE¼, W½NE¼NE¼NE¼, E½SW¼NE¼NE¼, and SE¼NE¼NE¼.

The area described aggregates 543.68 acres in San Miguel County.

5. In accordance with 43 CFR 2741.4(h), the land described in paragraph four has not had an application filed within 18 months after issuance of the classification notice; therefore, pursuant to the authority contained in 43 CFR 2400.0-4 and 2450.6, the classification is hereby terminated for the land described in paragrpah four.

6. At 10 a.m. on November 4, 1983, the lands described in paragraph four shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

7. At 10 a.m. on November 4, 1983, the lands described in paragraph four will be open to the Unitd States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Mangement will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The described lands have been and will continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights.

All valid applications received at or prior to 10 a.m. on November 4, 1983 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Mangement, 1037—20th Street, Denver, Colorado 80202.

Dated: September 29, 1983.

Bob Moore,

Acting State Director.

[FR Doc. 83-27285 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-3923, C-3924, C-7702, C-13058]

Colorado; Modification of Classifications, Continuations

1. Recreation and Public Purpose Classifications that classified lands suitable for lease or sale to qualified state and local governments and non-profit organizations, pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 74, 43 U.S.C. 869), as amended, and under Section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, are hereby continued for a period of 20 years from the date of this order insofar as they affect the following described lands:

C-3923, Bureau of Land Management Order dated November 26, 1969:

Dolores County Disposal Site

New Mexico Principal Meridian

T. 40 N., R. 18 W.,
Sec. 26, N½NW¼NE¼NE¼.

(These lands are subject to Recreation and Public Purposes lease to Delores County.)

The area described aggregates 5 acres in Delores County.

C-3924, Bureau of Land Management Order dated February 18, 1969:

Delores County Recreation Site

New Mexico Principal Meridian

By Protraction Diagram No. 25

T. 41 N., R. 18 W.,
Sec. 23, N½NE¼SW¼, and S½SE¼NW¼.

(These lands are subject to Recreation and Public Purposes lease to Delores County.)

The area described aggregates 40 acres in Delores County.

C-7702, Bureau of Land Management Order dated February 10, 1969:

San Miguel County Disposal Site

New Mexico Principal Meridian

T. 44 N., R. 15 W.,
Sec. 26, S½NW¼NW¼SW¼, and N½SW¼NW¼SW¼.

(These lands are subject to Recreation and Public Purposes lease to San Miguel County.)

The area described aggregates 10 acres in San Miguel County.

C-13058, Bureau of Land Management Order dated March 1, 1978:

Jackson County Disposal Site

Sixth Principal Meridian

T. 9 N., R. 79 W.,
Sec. 24, SE¼NW¼SW¼.

(These lands are subject to Recreation and Public Purposes lease to San Miguel County.)

The area described aggregates 10 acres in Jackson County.

2. The lands described in paragraph one shall remain segregated from all forms of appropriation under the public land laws, including the United States mining laws.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

3. Pursuant to Section 202(d) of the Federal Land Policy and Management Act of 1976, the classification modifications in paragraph one will be reviewed within 20 years of the effective date of this order if appropriate, or when a lease is terminated, at which time the classification will be reviewed to determine whether it should be continued further, unless earlier review and termination are taken under the land use planning system (Section 202(d), FLPMA).

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Dated: September 29, 1983.

Bob Moore,

Acting State Director.

[FR Doc. 83-27286 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-0125482]

Colorado; Modification of Classification, Partial Continuation and Partial Termination

1. Recreation and Public Purposes Classification dated June 15, 1965, as amended August 12, 1974, that classified lands suitable for lease or sale to qualified state and local governments and non-profit organizations, pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 74, 43 U.S.C. 869), as amended, and under Section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, is hereby continued for a period of 20 years from the date of this order insofar as it affects the following described land:

Hahn's Peak Recreation Site

Sixth Principal Meridian

T. 10 N., R. 85 W.,
Sec. 19, lot 19;
Sec. 20, lot. 19;
Tract 46.

(Almost all lands are subject to Recreation and Public Purposes lease, C-526, to State of Colorado, Game, Fish and Parks Commission.)

The area described aggregates 80.83 acres in Routt County.

2. The classification segregated the above lands from all forms of appropriation under the public land laws including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

3. Pursuant to Section 202(d) of the Federal Land Policy and Management Act of 1976, the classification modification in paragraph one will be reviewed within 20 years of the effective date of this order if appropriate, or when the lease is terminated, at which time the classification will be reviewed to determine whether it should be continued further, unless earlier review and termination are taken under the land use planning system (Section 202(d), FLPMA).

4. The classification is hereby terminated insofar as it affects the following described land:

Sixth Principal Meridian

T. 10 N., R. 85 W.,
Sec. 19, lot 17;
Sec. 20, lots 16 and 17.

The area described aggregates 18.01 acres in Routt County.

5. In accordance with 43 CFR 2741.4(h), the land described in paragraph four has not had an application filed within 18 months after issuance of the classification notice; therefore, pursuant to the authority contained in 43 CFR 2400.0-4 and 2450.6, the classification is hereby terminated for the land described in paragraph four.

6. At 10 a.m. on November 4, 1983, the lands described in paragraph four shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

7. At 10 a.m. on November 4, 1983, the lands described in paragraph four will be open to the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized.

Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The described lands have been and will continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights.

All valid applications received at or prior to 10 a.m. on November 4, 1983 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 1037—20th Street, Denver Colorado 80202.

Dated: September 29, 1983.

Bob Moore,

Acting State Director.

[FR Doc. 27287 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[C-0126812]

Colorado; Modification of Classification, Partial Continuation and Partial Termination

1. Recreation and Public Purposes Classification dated December 10, 1965, that classified lands suitable for lease or sale for qualified state and local governments and non-profit organizations, pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 74, 43 U.S.C. 869), as amended, and under Section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, is hereby continued for a period of 20 years from the date of this order insofar as it affects the following described lands:

Four Mile Recreation Site

New Mexico Principal Meridian

T. 51 N., R. 8 E.,
Sec. 21, SW¼NE¼.

[The lands are subject to Recreation and Public Purposes lease, C-18270, to Chaffee County Board of County Commissioners.)

The area described aggregates 40 acres in Chaffee County.

2. The classification segregated the above lands from all forms of appropriation under the public land laws including locations under the mining laws, except as to applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

3. Pursuant to Section 202(d) of the Federal Land Policy and Management Act of 1976, the classification modification in paragraph one will be reviewed within 20 years of the effective date of this order if appropriate, or when the lease is terminated, at which time the classification will be reviewed to determine whether it should be continued further, unless earlier review and termination are taken under the land use planning system (Section 202(d), FLPMA).

4. The classification is hereby terminated insofar as it affects the following described land:

New Mexico Principal Meridian

T. 51 N., R. 8 E.,
Sec. 21, N½NE¼, and SE¼NE¼.

The area described aggregates 120 acres in Chaffee County.

5. In accordance with 43 CFR 2741.4(h), the land described in paragraph four has not had an application filed within 18 months after issuance of the classification notice; therefore, pursuant to the authority contained in 43 CFR 2400.0-4 and 2450.6, the classification is hereby terminated for the land described in paragraph four.

6. At 10 a.m. on November 4, 1983, the lands described in paragraph four shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

7. At 10 a.m. on November 4, 1983, the lands described in paragraph four will be open to the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The described lands have been and will continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights.

All valid applications received at or prior to 10 a.m. on November 4, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Dated: September 29, 1983.

Bob Moore,

Acting State Director.

[FR Doc. 83-27288 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 36328]

Realty Action—Sale of Public Land in Gilliam County, Oregon

The following described land has been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2743, 43 U.S.C. 1713), at no less than the appraised fair market value.

Parcel No.	Legal Description	Acreage
1	T. 1 N., R. 22 E. Will Mer., Sec. 20, W½NW¼.	80
2	T. 1 N., R. 22 E. Will Mer., Sec. 20, NW¼SE¼.	40
3	T. 1 S., R. 22 E. Will Mer., Sec. 20, SW¼SE¼.	40
4	T. 1 S., R. 22 E. Will Mer., Sec. 20, NW¼NW¼.	40

Bids are being solicited for each parcel offered for sale. Appraised values are not being published in this NORA. The value will be disclosed only at the conclusion of the sale and only for those parcels for which acceptable bids were received; i.e., appraised value or higher.

The sale will be held on December 7, 1983, 10:00 A.M. at the Gilliam County Courthouse, 221 South Oregon, Condon, Oregon 97823.

These parcels are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another federal agency. There are no significant resource values which will be affected by this disposal and the sale of these parcels will allow agricultural development of suitable portions. Physical access is by foot to all parcels but Parcel No. 2 which has a dirt road through it. There is no legal access to any parcel. The sale is consistent with the BLM's planning to dispose of these tracts and the public interest would be served by offering this land for sale.

All parcels will be offered for sale at public auction through modified competitive bidding. Failure to meet the high bid after the close of oral bidding shall constitute a waiver of such right. The following individuals have the preference right to meet the high bid:

Parcel No. 1: William E. West
Parcel No. 2: Foster Odom
Parcel No. 3: James and Michael Murtha, Leo Graham
Parcel No. 4: Joseph Irby

Modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3-2(a)(2)).

Federal law requires that individuals be 18 years of age or over and a U.S. citizen, and corporations be subject to the laws of any State of the United States.

Sealed or written bids will be considered only if received by the Bureau of Land Management, P.O. Box 550, Prineville, Oregon 97754, prior to 10:00 A.M., Tuesday, December 6, 1983. A separate written bid must be submitted for each sale parcel desired.

The sealed bids will be opened and publicly declared at the beginning of the sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. Oral bidding will be entertained after public declaration of the apparent high sealed bidder and all oral bids must be made in increments of $50.00 or more.

The highest qualifying sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. The highest bid price, either sealed or oral meeting the fair market value will be the sale price. The successful bidder will be required to pay one-fifth the full sale price together with the $50.00 non-refundable filing fee for the conveyance of minerals immediately at the close of the sale and the remainder within 30 days. Failure to submit the full sale price within 30 days shall cancel sale of the specific parcel and the bidder's deposit will be forfeited. All unsuccessful bids will be returned within 30 days of the sale date.

Bids must be made by the principal or his duly qualified agent, by either: (1) Sealed bids mailed or delivered to the Prineville District Office, or (2) oral bids made at the sale. Each sealed bid must be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management. The sealed envelope must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No.——, Serial No. OR 36328, Sale held December 7, 1983."

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from receipt of notice of acceptance. Failure to submit the full bid price within 30 days from receipt of notice of acceptance shall result in sale cancellation of the specific parcel and the deposit shall be forfeited.

2. The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

3. A reservation to the United States for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 USC 945).

4. A bid will also constitute an application for conveyance of the entire mineral estate except for oil and gas which will be reserved to the United States. The mineral interests being offered for conveyance have no known mineral value. The declared high bidder will be required to deposit a $50.00 nonreturnable filing fee (43 CFR 2720.1-2(c)).

5. The sale will be subject to all valid existing rights.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold or withdrawn. Bids will be solicited on these parcels at the Prineville District Office, during regular business hours (7:45 a.m. to 4:30 p.m.). Interested parties bidding on these parcels shall be informed of the appraised value only when an acceptable bid has been received, i.e., appraised value or higher.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the District Office, Bureau of Land Management, P.O. Box 550, Prineville, Oregon 97754. For a period of 45 days after the issuance of this notice, the public and interested parties may submit comments to the District Manager, at the above address. Any adverse comments received as a result of the Notice of Realty Action or notification to the congressional committees and delegations pursuant to Pub. L. 97-394, will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Date of issue: September 29, 1983.

Gerald E. Magnuson,
District Manager.

[FR Doc. 83-27289 Filed 10-5-83; 8:45 am]
BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579, and 43 CFR Part 1780 that a meeting of the Spokane District Advisory Council will be held on Thursday, November 3, 1983. The meeting will begin at 9:30 a.m., in the Conference Room of the BLM, Spokane District Office, East 4217 Main Avenue, Spokane, Washington.

The agenda for the meeting is as follows:

1. Discussion of the Washington Land Study,
2. Discussion of the Spokane District Resource Management Plan/ Environmental Impact Statement,
3. Discussion of the Cooperative Management Agreement,
4. Introduction of Joe Buesing, newly appointed Spokane District Manager,
5. General discussion of unfinished and new business,
6. Public comments and statements,
7. Next meeting agenda.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 3:00 and 4:00 p.m., or file written statements for the Council's consideration.

Any responsible person wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Spokane District Office, E. 4217 Main Avenue, Spokane, Washington 99202, or telephone (509) 456-2570 by the close of business, 4:30 p.m., Friday, October 28, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the Spokane District Office, and will be made available for

public inspection and reproduction at the cost of duplication.

Roger W. Burwell,

District Manager.

[FR Doc. 83-27281 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

[W-83359]

Wyoming; Proposed Continuation of Withdrawals

September 28, 1983.

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawals of the following public lands for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714). The lands were withdrawn by the following orders for stock driveways: Secretarial Order of August 3, 1921, Secretarial Order of December 7, 1926, and Bureau of Land Management Order of January 31, 1961.

The above orders will be continued insofar as they affect the following described lands:

Sixth Principal Meridian, Wyoming

T. 32 N., R. 106 W.,
- Sec. 19, lots 1, 3, NE¼NE¼, NE¼NW¼;
- Sec. 20, lots 1–4 inclusive;
- Sec. 21, N½N½.

T. 34 N., R. 110 W.,
- Sec. 4, lots 2, 3, SW¼NE¼, E½NE¼, NW¼SE¼;
- Sec. 21, W½SW¼;
- Sec. 27, W½W½;
- Sec. 28, All.

T. 35 N., R. 110 W.,
- Sec. 5, lot 4, SW¼NW¼, W½SW¼,
- Sec. 6, lots 1–7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
- Sec. 7, lots 1–4 inclusive, E½E½W½;
- Sec. 8, W½;
- Sec. 17, W½NE¼, W½;
- Sec. 20, W½NE¼, N½SE¼;
- Sec. 32, NE¼NE¼;
- Sec. 33, SW¼.

T. 36 N., R. 110 W.,
- Sec. 4, lot 4, SW¼NW¼, NW¼SW¼;
- Sec. 5, lot 1, SE¼NE¼, NW¼SW¼;
- Sec. 7, SE¼SE¼;
- Sec. 8, NW¼NE¼, SE¼NW¼, W½SW¼;
- Sec. 18, E½E½;
- Sec. 19, E½NE¼, SE¼;
- Sec. 20, NW¼NW¼;
- Sec. 30, lots 1–4 inclusive, N½NE¼, E½W½;
- Sec. 31, S½NE¼, E½SE¼.

The area decribed contains approximately 5,756.23 acres in Sublette County, Wyoming.

The withdrawals closed the described lands to all forms of appropriation under the public land laws, but not to the mining laws or leasing under the mineral leasing laws. No change in the segregative effect or use of the land is proposed by the continuation.

Comments, suggestions, or objections to the proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management on or before January 4, 1984.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a meeting to the undersigned before January 4, 1984. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice will be published in the **Federal Register** giving the time and place of such meeting. Public meetings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objective of the program for which the lands are dedicated. He will also prepare a report for consideration by the Secretary of the Interior, The President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

P. D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 83-27283 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Sun Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Sun Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1848, Block 129, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 28, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-27324 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights Within the Otter Creek Wilderness Area of the Monongahela National Forest

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

ACTION: Request for Additional Comments.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening the comment period on the request of the Otter Creek Coal Company that OSM determine that the Company's proposed underground coal mining operation on Federal lands in the Otter Creek Wilderness Area, West Virginia, is not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (the Act). The Company has specifically requested that OSM determine the Otter Creek has valid existing rights under that section of Act. On April 19, 1983 OSM gave notice of receipt of the request and established a comment period through July 18, 1983. See 48 FR 16763 (April 19, 1983). OSM solicited

additional public comments on the application in the June 3, 1983, **Federal Register** (48 FR 25012). Further, OSM recently promulgated revised criteria for determining the existence of valid existing rights (VER) (48 FR 41312; September 14, 1983).

OSM is reopening the comment period so that the public may review the complete administrative record and comment on Otter Creek's application in light of the recently revised criteria for VER.

DATE: Written comments will be accepted until 5:00 p.m., e.d.t., on November 7, 1983.

ADDRESSES: Documents comprising the administrative record are available for public review and copying during regular business hours at the address below. Copies of relevant notices may be obtained at the same location.

Administrative Record Room, Room 5315L, Office of Surface Mining, Department of the Interior, 1100 L Street, N.W. Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Murray Newton, Chief, Branch of Regulatory Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 343-5866.

Background

Otter Creek Coal Company (the Company, or Otter Creek) initially filed an action in the United States Court of Claims pursuant to the just compensation clause of the Fifth Amendment to the U.S. Constitution and 28 U.S.C. 1491, seeking compensation for the alleged taking by inverse condemnation by the United States of its mineral estate underlying the Otter Creek Wilderness Area (OCWA) in Randolph and Tucker counties, West Virginia. Among other things, the Company alleged that the Act prohibits all surface coal mining within the OCWA, thereby depriving Otter Creek of all use or enjoyment of its property, requiring the payment of compensation.

In subsequent judicial proceedings, the United States Court of Claims ordered Otter Creek Coal Company to file an application for a valid existing rights (VER) determination pursuant to Section 522(e) of the Act. If OSM grants Otter Creek's VER application, then Otter Creek would be exempt from the 522(e) restrictions on mining in the Otter Creek Wilderness Area; however, its operations would remain subject to the permitting and performance standards of the act.

Otter Creek complied with the court order by filing its VER application on January 28, 1983; OSM announced receipt of the application and solicited public comment in the April 19, 1983, **Federal Register**. 48 FR 16763. OSM subsequently published a second notice in the **Federal Register** (June 3, 1983; 48 FR 25012) identifying and soliciting comments on certain related matters.

In the litigation pending before the Court of Claims, the Government has suggested that it was possible for Otter Creek to mine its reserves within the Wilderness Area without disturbing the surface of the OCWA by locating mine entries and portals on adjacent Federal lands outside the boundaries of the Wilderness Area. Otter Creek has rejected any contention that it is feasible to mine without committing surface disturbances of the OCWA in violation of Section 522(e) of the Act, 30 U.S.C. 1272(e). In order to determine whether Otter Creek has valid existing rights, the Court of Claims has suggested that OSM may want to consider the feasibility or practicality of mining from outside the Wilderness Area boundaries.

OSM is now reopening the comment period for two reasons. First, OSM has recently put into the administrative record several documents which bear on Otter Creek's application. These include:

- OSM's letter to the Forest Service, dated June 7, 1983, asking that agency's position on any approvals or rights-of-way Otter Creek might require under the Government's alternative plan of mining, and the Forest Service's response, dated July 28, 1983.
- A letter from counsel to the Otter Creek Coal Company, dated September 8, 1983, responding to certain questions asked in a May 19, 1983, letter from Donald R. Tindal, Associate Solicitor, Department of the Interior.
- A technical analysis by OSM's Eastern Technical Center, dated September 12, 1983, of the feasibility and impacts on the Wilderness Area of mining, both as proposed in the Company's application and in the Government's alternative plan for mining from adjacent Federal lands outside the Wilderness Area.

The second reason for reopening the comment period is that OSM has recently revised 30 CFR Parts 760-769; Section 761.5 includes criteria for determining the existance of valid existing rights. See 48 FR 41312; September 14, 1983.

In light of these developments, OSM is today reopening the comment period until November 7, 1983 to ensure that the public has an adequate opportunity to review the complete administrative record on Otter Creek's application, and to ensure that the public is able to consider that application as it may be affected by OSM's recent revisions to 30 CFR Part 761.

Dated: September 30, 1983.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 83-27252 Filed 10-5-83; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Termination of Investigation No. 731-TA-115 (Final)]

Canned Mushrooms From the People's Republic of China; Import Investigations

AGENCY: International Trade Commission.

ACTION: Termination of final antidumping investigation.

EFFECTIVE DATE: September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Vera Libeau, Supervisory Investigator, telephone No. 202-523-0368.

Background

On May 20, 1983, the Department of Commerce (Commerce) preliminarily determined that there was a reasonable indication that canned mushrooms from the People's Republic of China (China) were being sold in the United States at less than fair value (LTFV). Accordingly effective June 10, 1983, the United States International Trade Commission (Commission) instituted antidumping investigation No. 731-TA-115 (Final), canned mushrooms from China, for the purpose of determining whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of the LTFV imports from China of canned mushrooms. For purposes of the investigation, canned mushrooms are those articles provided for in item number 144.20 of the Tariff Schedules of the United States (TSUS).

On September 28, 1983, Commerce issued a final determination with respect to imports of canned mushrooms from China. Commerce determined that canned mushrooms from China are not being, nor are likely to be, sold in the United States at less than fair value and, therefore, Commerce terminated its investigation. As a result, pursuant to its authority under § 207.20 of the Commission's Rules of Practice and Procedure, the Commission's antidumping investigation (No. 731-TA-

115 (Final)) concerning canned mushrooms from China, is also hereby terminated.

Issued: September 30, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-27218 Filed 10-5-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 399]

Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Grant of extension of time to file comments.

SUMMARY: This order grants a seven-day extension of time to file comments to the Commission's decision served August 12, 1983 (48 FR 36687, August 12, 1983, as amended at 48 FR 40327, September 6, 1983). This action is in response to a request by the Western Coal Traffic League (WCTL) in order to facilitate more precise analysis which was hampered due to the incompatibility of the computer processing codes maintained by the Commission and WCTL's consultants and missing data identification codes.

DATE: The comment date in this proceeding is hereby extended to October 7, 1983.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275-7354; Robert C. Hasek (202) 275-0938.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources or have an adverse effect on small entities.

Dated: September 29, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-27259 Filed 10-5-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30279]

Rail Carriers; Detroit and Mackinac Railway Co.—Trackage Rights Exemption—Over Grand Trunk Western Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 *et seq.* the acquisition by Detroit and Mackinac Railway Company of trackage rights over a 5.6-mile line of railroad owned by the Grand Trunk Western Railroad Company, subject to rail employee protective conditions.

DATES: This exemption will be effective on November 7, 1983. Petitions to stay the effectiveness of this decision must be filed by October 17, 1983, and petitions for reconsideration must be filed by October 26, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30279 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners's representative: Bennett J. Biscan, 120 Oak Street, Tawas City, MI 48763

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

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Dated: September 28, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-27256 Filed 10-5-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-28 (Sub-7)]

Central of Georgia Railroad Co.; Exemption for Abandonment in Aiken County, SC

October 4, 1983.

Central of Georgia Railroad Company (applicant) has filed a notice of exemption for an abandonment under 49 CFR 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 251.17 and milepost 258.0 at North Augusta, Aiken County, SC.

Applicant has certified: (1) That no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in South Carolina has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on November 7, 1983 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by October 17, 1983 and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by October 26, 1983. A copy of any petition filed with the Commission should be sent to applicant's representative: Nancy S. Fleischman, General Attorney, Norfolk Southern Corporation, P.O. Box 1801, Washington, D.C. 20013, (202) 383-4252.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-27387 Filed 10-5-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Advisory Corrections Council; Renewal

Notice is hereby given that the Charter for the Advisory Corrections Council has been renewed.

The Council will continue to consider correctional issues, especially in the Federal sphere, as provided for in Pub. L. 81-956; Title 18, U.S. Code, Section 5002. Correctional issues encompass the entire scope of imposition and execution of sanctions in criminal cases, including matters of probation, parole, imprisonment, victims' rights, and rights of prisoners and offenders.

Since its members include major policy makers on correctional issues in the Judiciary and Executive Branch, the recommendations of the Council have a significant role in policy development in both branches, and hence the Congress.

It has been determined that the continuation of this Council is in the public interest.

The Council will meet on a quarterly basis and when specially convened. Notices of all meetings will be announced in the **Federal Register**.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 83-27261 Filed 10-5-83; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panels;

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisry Panel (Solo Recitalists Section) to the National Council on the Arts will be held on October 24-28, 1983, from 9:00 a.m.-5:30 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 28 from 1:30 p.m.-3:30 p.m. to discuss Guidelines Review and Policy.

The remaning sessions of this meeting on October 24-27 from 9:00 a.m.-5:30 p.m.; October 28 from 9:00 a.m.-1:30 p.m.; and, October 28 from 3:30 p.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in conference to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: September 30, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-27298 Filed 10-5-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection:

—DOE/NRC Form 742—Material Balance Report and NUREG/BR-0007, instructions for completing forms 742, 742C, and 740M

—DOE/NRC Form 742C—Physical Inventory Listing

3. The form number if applicable: Same as item 2 above.

4. How often the collection is required:

—Semiannually for affected special nuclear material licensees. Annually for affected source material licensees. As specified in Facility Attachments for licensees reporting under 10 CFR Part 75.

5. Who will be required or asked to report: Persons licensed to possess specified quantities of special nuclear material or source material.

6. An estimate of the number of responses:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 600

7. An estimate of the total number of hours needed to complete the requirement or request:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 4,800

8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not Applicable.

9. Abstract: Each licensee authorized to possess special nuclear material totalling more than 350 grams of uranium-235, uranium-233, or plutonium or any combination thereof, and any licensee authorized to possess 1,000 kilograms of source material, is required to submit DOE/NRC Form 742. Licensees required to submit DOE/NRC Form 742, and facilities subject to 10 CFR Part 75, are required to submit DOE/NRC Form 742C.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 3rd day of October 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-27307 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413-OL and 50-414-OL; ASLBP No. 81-463-06 OL]

Duke Power Co., et al., Catawba Nuclear Station, Units 1 and 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Duke Power Company, et al.* (Catawba Nuclear Station, Units 1 and 2), Docket Nos. 50-413-OL and 50-414-OL), is hereby reconstituted by appointing Dr. Paul W. Purdom to the Board in place of Dr. A. Dixon Callihan, who, because of a schedule conflict, is unable to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

James L. Kelley, Chairman
Dr. Richard F. Foster
Dr. Paul W. Purdom

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Paul W. Purdom, 235 Columbia Drive, Decatur, Georgia 30030.

Issued at Bethesda, Maryland, this 30th day of September, 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-27302 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Granting of Relief From ASME Section XI Inservice Testing Requirements

In the matter of Iowa Electric Light and Power Co., Central Iowa Power Cooperative, Corn Belt Power Cooperative and Duane Arnold Energy Center.

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Iowa Electric Light and Power Company (the licensee). The relief relates to the inservice testing program for the Duane Arnold Energy Center (the facility) located in Linn County, Iowa. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of September 26, 1983.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings, as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action see: (1) The application for relief dated March 1, 1978, as revised May 14, 1980 (Revision 2), November 11, 1980 (Revision 3), and December 8, 1982 (Revision 4); (2) the Commission's letter dated September 26, 1983; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 425 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555: Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 26th day of September, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-27303 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL-3]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), Emergency Planning Proceeding; Order Dismissing Motions To Compel Discovery and Canceling Second Discovery Conference

September 30, 1983.

On September 28, 1983 the parties notified us that they had resolved two Motions to Compel Discovery filed by Suffolk County and that the County withdrew those motions. The parties further stated that no additional discovery motions would be filed prior to the close of business on September 28, 1983, and hence, the Second Discovery Conference scheduled for October 3, 1983 would not be required.

Wherefore, it is ordered that the Suffolk County Motion to Compel LILCO Response to Interrogatory Concerning LERO Workers and the Suffolk County Motion to Compel Production of LERO Workers to be Deposed are dismissed.

It is further ordered that the Second Discovery Conference scheduled for October 3, 1983 is canceled.

Bethesda, Maryland.

Atomic Safety and Licensing Board.

James A. Laurenson,

Chairman, Administrative Law Judge.

[FR Doc. 83-27304 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Issuance of Interim Director's Decision

Notice is hereby given that the Director, Office of Inspection and Enforcement, has issued a decision concerning a petition dated April 8, 1983 filed by David Santee Miller on behalf of Sensible Maine Power and others. The petitioners had requested that the Commission take action to ensure correction of emergency planning deficiencies identified by the Federal Emergency Management Agency and evaluate the adequacy of State Route 27 as an evacuation route. Pending the resolution of such matters, the petitioners requested that the NRC institute proceedings to discontinue operation of the Maine Yankee Atomic Power Station. The Director, Office of Inspection and Enforcement, has determined to grant in part, deny in part, and defer in part the petitioners' request.

The reasons for this decision are explained in the "Interim Director's Decision" under 10 CFR 2.206 (DD-83-15) which is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Local Public Document Room for the Maine Yankee facility, located at the Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

A copy of the decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland this 30 day of September, 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-27305 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power Co., Point Beach Nuclear Plant, Unit No. 1; Availability of Final Environmental Statement

Notice is hereby given that the Final Environmental Statement (NUREG-1011) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the repair of steam generators at the Point Beach Nuclear Plant, Unit No. 1 which is located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The Final Environmental Statement (NUREG-1011) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the Documents Department Library, University of Wisconsin-Stevens Point, Stevens Point, Wisconsin, and the Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin. The Final Environmental Statement is also being made available at the Bay Lake Regional Planning Commission, University of Wisconsin-Green Bay, Socio-Ecology Building, Suite 450, Green Bay, Wisconsin 54302.

The notice of availability of the Draft Environmental Statement for the Point Beach Nuclear Plant, Unit No. 1 and

request for comments was published in the **Federal Register** on July 22, 1983 (48 FR 33575). The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG–1011) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 30th day of September, 1983.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-27306 Filed 10-5-83; 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 6, No. 1).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss of significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the first calendar quarter of 1983. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were three abnormal occurrences at the nuclear power plants licensed by the NRC to operate. The first involved a main feedwater line break due to water hammer. The second involved management and procedural control deficiencies. The third involved failure of the automatic reactor trip system. There were no abnormal occurrences for the other NRC licensees. There were six abnormal occurrences at Agreement State Licensees. One involved an individual who ingested and was contaminated by radioactive material. Four involved lost or stolen radioactive sources. One involved radioactive contamination of a metals production facility.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, DC, or at any of the nuclear power plant Local Public Document Rooms throughout the country. Single copies of the report, designated NUREG–0090, Vol. 6, No.1, may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

A year's subscription to the NUREG–0090 series publication, which consists of four issues, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Microfiche of single copies of the publication are also available from this source.

Dated at Washington, DC this 30th day of September 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission

[FR Doc. 83-27301 Filed 10-5-83; 8:45am]

BILLING CODE 7590-01-M

PEACE CORPS

Advisory Council; Meeting

AGENCY: Peace Corps.

ACTION: Peace Corps Advisory Council; Meeting.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that an open meeting of the Peace Corps advisory Council will be held on October 24, 1983 in Room 474, Old Executive Office Bldg., 17th & Pennsylvania Avenue, NW., Washington, D.C., from 9:00 a.m. to 5:00 p.m., and on October 25, 1983 in Room 2010, New Executive Office Bldg., 726 Jackson Place, NW., Washington, D.C. from 9:00 a.m. to 5:00 p.m. Clearance will be required to enter these buildings.

The purposes of the meetings are to conduct ongoing discussions of Peace Corps programs and meet with Peace Corps staff.

Further information on the meeting may be obtained by calling Phyllis Draper at (202) 254–6898.

Signed this 30th day of September 1983 in Washington, D.C.

Loret Miller Ruppe,

Director.

[FR Doc. 83-27309 Filed 10-5-83; 8:45 am]

BILLING CODE 6051-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Fish Propagation Panel; Meeting

AGENCY: Fish Propagation Panel of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Approval of minutes.
- Staff update.
- Criteria development for subbasin planning and habitat improvements (working session).
- Update on prioritization questionnaire responses.
- Update on interim reprogramming and disposition of surplus spring chinook eggs.
- Other.
- Public comment.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Fish Propagation Panel.

DATE: October 11, 1983, 8:30 a.m.

ADDRESS: The meeting will be held in Conference Room A of the Hyatt Seatac, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Curt Marshall, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83-27254 Filed 10-5-83; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13550; 812-5569]

Merrill Lynch Ready Assets Trust, et al.; Application

September 30, 1983.

Notice is hereby given that Merrill Lynch Ready Assets Trust ("MLRAT"), 633 Third Avenue, New York, New York 10017, CMA Money Fund ("CMA"), Merrill Lynch Institutional Fund, Inc. ("MLIF"); Merrill Lynch Government Fund, Inc. ("MLGF"); CMA Government Securities Fund; ISU Money Maximizer

Fund, The Overland Express Money Market Fund, and Summit Cash Reserves Fund of Financial Institutions Series Trust; Merrill Lynch Retirement Reserves Money Fund of Merrill Lynch Retirement Series Trust; Merrill Lynch U.S.A. Government Reserves; Money Reserve Portfolio of Merrill Lynch Series Fund, Inc.; and Merrill Lynch Reserve Assets Fund and Merrill Lynch U.S. Government Money Fund of Merrill Lynch Variable Series Funds, Inc. (all of the above being sometimes individually referred to as a "Fund" and collectively, in whole or in part as the context requires, as the "Funds"), all registered under the Act as no-load, diversified, and Merrill Lynch Asset Management, Inc. ("MLAM") open-end, management investment companies, and Fund Asset Management, Inc. ("FAM") (collectively, the "Advisers"), and Merrill Lynch Government Securities Inc. ("GSI") and Merrill Lynch Money Markets Inc. ("MMI") (collectively, "Dealers"), (all of which are hereinafter referred to as the "Applicants") have filed an application on June 31, 1983, for an order of the Commission pursuant to Sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") requesting an exemption to permit the Funds and the Advisers to engage in certain principal transactions with GSI and MMI in the manner and subject to the conditions summarized below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of all pertinent provisions.

The application states that each Fund is a no-load, diversified, open-end, management investment company registered under the Act. Applicants state that each Fund is a "money market fund" and seeks the safety of principal, liquidity and current income available from investing in a portfolio of money market securities, primarily short-term United States Government and Government agency securities, bank money instruments (certificates of deposit and bankers' acceptances) and commercial paper. Each Fund has an investment advisory agreement with one of the Advisers pursuant to which the Adviser, subject to the general supervision of the directors (or trustees) of the Fund, provides investment advisory and management services.

Applicants represent that MLAM, a wholly-owned subsidiary of Merrill Lynch & Co., Inc. ("Merrill Lynch"), and FAM, a wholly-owned subsidiary of MLAM, are both registered investment advisers under the Investment Advisers Act of 1940. MLAM and FAM have substantially the same identity with the same directors and executive officers, and, insofar as investment company operations are concerned, the same employees. In their respective contracts with the Funds, the Advisers are responsible for managing the Funds' portfolios, subject to the supervision of the directors (or trustees) of the Funds, and have the responsibility for making investment decisions and the placement of portfolio transactions.

According to the application, GSI, a wholly-owned subsidiary of Merrill Lynch, is one of the largest dealers in money market securities and one of the Government securities dealers who report their daily position and trading to the Federal Reserve Bank of New York. GSI acts as both a primary dealer and distributor of Government and Government agency issues, and makes a market almost totally as principal in both Government and Government agency issues. The application indicates that MMI is a wholly-owned subsidiary of GSI and has assumed GSI's trading in bank money instruments, including certificates of deposit, bankers' acceptances and commercial paper.

Applicants represent that GSI, MMI, and the Advisers operate as completely separate entities under the umbrella of the Merrill Lynch holding company. Applicants state that while such corporations are under common control, each has its own separate officers and employees, each is separately capitalized, and each maintains its own separate books and records and operates as an independent profit center.

Applicants indicate that practically all trading in money market securities takes place in over-the-counter markets consisting of groups of dealer firms which are primarily major securities firms or large banks. The largest group of such dealers consists of the approximately 36 Government securities dealers (one of which is GSI) who report their daily positions and trading to the Federal Reserve Bank of New York. Money market securities are generally traded in round lots of $1,000,000 on a net basis and do not normally involve either brokerage commissions or transfer taxes. The cost of portfolio securities transactions of the Funds consists primarily of dealer or underwriter spreads. Applicants state that spreads generally do not exceed 25 basis points (if quoted in terms of a yield basis) or ¼ of a dollar (if quoted on a dollar price basis) and decline on larger amounts. A typical spread for a portfolio transaction of one of the Funds is 12.5 basis points or ⅛ of a dollar. Applicants state that it has been the experience of the Funds that there is not a great deal of variation in the spreads charged by the various dealers. Applicants assert that because of the variety of types of money market securities the money market tends to be highly segmented. The character of the market for a particular security will vary widely in terms of price, volatility, liquidity and availability. There are significant fluctuations in yield among the various types of securities and even within the various types depending upon the maturity date and the quality of the issuer.

Applicants state that access to the money market depends on access to dealers and this access can only be obtained by being a participating customer of the dealers and thereby obtaining realistic quotations and information concerning issuers of money market securities. Best price and execution is normally achieved by obtaining competitive quotations from the competitive retail dealers with respect to a particular security. It is asserted that GSI and MMI are among the largest, if not the largest, competitive retail dealers in the money market. Being competitive means that such dealer has the security in inventory (or is willing to go short on such security) and is in a position to quote prices within the prevailing market range. It is claimed that during 1982 (through December 29), GSI's share of the trading in U.S. Government and U.S. Government Agency securities maturing within one year and MMI's share of trading in bank money market securities and commercial paper ranged from approximately 5% to 15% of all trading in such securities.

The application states that, subject to policy established by the directors (or trustees) and officers of the Funds, the Advisors are primarily responsible for the Funds' portfolio decisions and placing of the Funds' portfolio transactions. In placing orders it is the policy of the Funds to obtain the best net results taking into account such factors as the price, size, type, and difficulty of the transaction involved, the firm's general execution and operational facilities, and the firm's risk in positioning the securities involved. The Funds' policy of investing in securities with short maturities and their utilization of various yield improvement techniques results in high portfolio turnover. The application indicates that the investment policies of the Funds, the nature of the money market, and the fact

that the Funds' shares are redeemable, require rapid acquisition and disposition of portfolio securities.

On August 10, 1976, the Commission issued an order (Investment Company Act Release No. 9392) (the "1976 Order"), pursuant to Sections 6(c) and 17(b) of the Act granting an exemption from the provisions of Section 17(a) of the Act to permit MLRAT and MLAM to engage in certain principal transactions with GSI which would otherwise be prohibited by Section 17(a) of the Act. This exemption applies only to the short-term United States Government securities and Government agency securities in which MLRAT may invest, and it specifies a number of conditions that must be met before transactions can be conducted. Among such conditions, are that all transactions must originate with MLRAT or MLAM, not with GSI, and a determination is required in each instance, based upon information available to MLRAT and MLAM, that the price available from GSI is "better than" that available from other sources. To be considered better than the price available from other sources, Condition (4) of the 1976 Order provides that the GSI quotation must be at least one basis point better than that otherwise available if the quotation is made in terms of yield basis; if the quotation is made in terms of a dollar price, it must be at least 1/64 of a dollar better than quotations from other sources.

On May 19, 1981, the Commission issued an order (Investment Company Act Release No. 11783) (the "1981 Order") pursuant to Sections 6(c) and 17(b) of the Act which modified the 1976 Order. The 1981 Order covered CMA, MLIF and MLGF, which were organized subsequent to the issuance of the 1976 Order, and FAM and MMI, which had also been organized during such interim period. In addition, the 1981 Order was made applicable to short-term bank money instruments (*i.e.*, certificates of deposit and bankers' acceptances). In all other respects the 1981 Order was subject to the same conditions set forth in the 1976 Order.

The application seeks to modify the 1981 Order in several respects, described herein. First, Applicants desire to make the 1981 Order applicable to all money market funds advised by MLAM or FAM. Applicants state that since the issuance of the 1981 Order, MLAM and FAM have entered into investment advisory relationships with nine additional money market funds. In addition, Applicants anticipate that the increasing investment specialization of money market funds will continue and that MLAM and FAM will continue to establish investment advisory relationships with new money market funds in the future. Each of these Funds is and will be similar to the Funds covered by the 1981 Order in terms of investment objectives and portfolio requirements. Therefore, Applicants submit that the rationale behind the issuance of the 1981 Order applies to the Funds, and will apply to any new funds with which MLAM or FAM hereafter establish investment advisory relationships.

Applicants also seek to permit solicited as well as unsolicited transactions. The 1981 Order prohibits GSI or MMI from initiating transactions with any of the Funds. Applicants state that frequently, however, GSI or MMI is in a position to offer favorable prices on a security given its inventory levels, outlook on rates or otherwise, and they assert that currently, such investment opportunities for the Funds would be missed because of the prohibition on solicited transactions (unless one of the Funds fortuitously contacts GSI or MMI). Applicants argue that given the rapid growth of the assets of the Funds since the 1976 Order and the expertise with respect to the money market developed by MLAM and FAM in managing the increased assets, the original "no solicitation rule" provides little or no protection to the Funds against potential abuses and that any such protection is outweighed by the benefits of enabling traders of the Dealers to initiate discussions with respect to transactions that might be attractive to the Funds. Accordingly, Applicants propose that the 1981 Order be modified to permit solicited as well as unsolicited transactions, but that the conditions applicable to solicited transactions be more stringent than those applicable to unsolicited transactions. For one thing, Applicants state that to limit the risks of abuse inherent in permitting the Dealers to initiate discussions with respect to trades, volume limits on solicited transactions would be imposed. Applicants assert that these volume limits will insure that the Funds continue to conduct a vast majority of their portfolio transactions with unaffiliated dealers and should work to limit transactions conducted pursuant to the requested order to those transactions which particularly benefit the Funds.

The 1981 Order also requires the Funds to obtain competitive quotations from three other dealers prior to the execution of any transaction with GSI or MMI. Applicants assert that this requirement is unduly onerous and time-consuming, if not impossible in many instances to comply with, and limits the Funds' ability to conduct transactions under the 1981 Order which would be of benefit to the Funds. Applicants state that the operations of the Funds require that they stay as fully invested as possible at all times. To achieve this, the Funds must react quickly to any changes in interest rates, trends, dealer perceptions, etc., by buying and selling large amounts of money market securities. Applicants state that the necessity of obtaining three dealer quotations creates a number of obstacles for the Funds. For example, according to the Applicants, the amount of time necessary to obtain three quotes as required by the 1981 Order can result in the Funds losing out on the favorable price offered by GSI or MMI. In addition, Applicants cite the possibility that other dealers may not have the same security or the amounts the particular Fund is seeking to buy, and that in some instances, given the increasing number of types of money market securities, GSI or MMI may be the exclusive dealer for an issuer of one or two dealers marketing an issuer's obligations. In such situations, Applicants assert, obtaining three dealer quotes is impossible and because the 1981 Order's requirement cannot be met, the Funds are precluded from purchasing (or selling) such security.

For the above reasons, Applicants propose that the price verification procedures be revised in the following respects. With respect to the verification of the "better than" price test for solicited transactions, the Funds would be required, prior to entering into such transactions, to obtain and document competitive quotations from two other dealers who are in a position to quote favorable prices with respect to the specific proposed transaction. If quotations are unavailable from two other sources, one other quotation would suffice. With respect to unsolicited transactions, the price test could be verified from current price information obtained through the contemporaneous solicitation of bona fide offers with respect to the type of security involved from other dealers who make a market in such type of securities. In this regard, it is not enough for current price information to be based upon general knowledge of current money market conditions. The traders must be actively engaged in the market with respect to the type of security involved and must have in hand current bona fide offers upon which they can determine and document the prices at

which transactions in such types of securities can be conducted with other non-affiliated dealers. The Funds or Advisers must document and maintain a record of the current price information against which the "no less favorable" test is applied.

Applicants also propose that the price test be modified for unsolicited transactions from the "better than" test to a "no less favorable" test. Applicants submit that unsolicited transactions will often be motivated by the Funds' need for portfolio securities as well as best price and execution, and in this regard Applicants believe that a "no less favorable" test will better serve the Funds than a "better than" test.

A number of issuers, including the Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Student Loan Marketing Associates and the International Bank for Reconstruction and Development, from time to time offer short-term notes through dealers for sale to investors at fixed prices determined by the issuer. Applicants state that because of the fixed price feature, the "better than" test cannot be satisfied. Therefore, Applicants propose to make the "no less favorable" test applicable to solicited transactions with respect to fixed price offerings. While Applicants assert that the selling arrangements described here are made separately with each dealer and do not involve the existence of any underwriting or selling syndicate which would make the offering subject to Section 10(f) of the Act, as protection against any "dumping" abuses Applicants' proposal will be permitted only if the securities are unavailable from other dealers and if such transactions comply with the conditions set forth in paragraphs (d) and (e) of Rule 19f-3 under the Act. Applicants state that in such instance, the Funds would benefit from being able to obtain securities which would otherwise be unavailable.

The 1976 Order was limited to United States Government and Government agency securities. The application with respect to the 1976 Order stated that it was believed that transactions involving such securities present less potential for abuse of the inherent conflicts of interest involved in transactions with affiliates because Government securities are subject to less risk than the other types of money market securities and the market for such securities was deemed to have more depth and liquidity than other types of money market securities. The 1981 Order was broadened to include bank money instruments because, as the application with respect to such order stated, bank money instruments of the type subject to the 1981 Order rank closely behind Government securities in terms of risk and in terms of the depth and liquidity of the market in which they are traded. Such application also emphasized that "the experience of MLRAT under the 1976 Order demonstrates that there has been no overreaching on the part of any person involved in these transactions and that, based upon this experience, it would be appropriate to broaden the 1976 Order to include bank money instruments".

Applicants propose that the 1981 Order be further broadened to make it applicable to unsolicited transactions involving commercial paper ranked in the highest category of a national rating service. Applicants submit that the experience under the 1981 Order demonstrates that there has been no overreaching or abuses with respect to bank money instruments, making it therefore appropriate to further broaden the 1981 Order. Applicants also submit that commercial paper rated in the highest category by a nationally recognized rating agency is the equivalent of bank money instruments in terms of financial risk. Furthermore, with respect to market risk, Applicants state that the market for the highest rated commercial paper has developed considerably in recent years in terms of volume and active intermediaries, and is believed to have depth and liquidity equivalent to that of the bank money instruments in which the Funds may invest.

Applicants assert that due to the increasingly important role played by commercial paper dealers (of which there are currently only nine) like MMI in distributing and acting as secondary purchasers for outstanding commercial paper, access to MMI is essential to achieving best price and execution and crucial to maintaining the Funds' liquidity with respect to commercial paper transactions. To lessen the potential for abuses that may be associated with dealing in commercial paper, Applicants propose to limit transactions in such securities to unsolicited transactions.

In making the foregoing request, Applicants agree that the following conditions may be imposed on the granting of an exemptive order:

(1) The exemption shall be applicable to transactions between GSI and MMI and the money market funds for which MLAM or FAM act as investment advisers.

(2) A determination must be made with respect to each transaction conducted pursuant to the exemption as to whether such transaction is unsolicited (i.e., the contact between the Funds or the Advisers and the Dealers with regard to a specific transaction is initiated by the Funds or their Advisers) or solicited (i.e., all other transactions) and the trade ticket evidencing such transaction must be marked either solicited or unsolicited. Neither Merrill Lynch nor Merrill Lynch, Pierce, Fenner and Smith, Inc. will have any involvement with respect to proposed transactions between the Funds and the Advisers and neither will attempt to influence or control in any way the placing by the Funds or the Advisers of orders with GSI or MMI.

(3) The exemption will apply only to (i) short-term United States Government and Government agency securities, (ii) bank money instruments (i.e., certificates of deposit and bankers' acceptances) issued either by United States commercial banks having at least $1 billion in assets or issued by one of the 50 largest commercial banks in the United States, and (iii) unsolicited transactions with respect to commercial paper rated in the highest category by a nationally recognized rating agency.

(4) Solicited transactions conducted pursuant to the exemption shall be limited to no more than 20 percent of (a) the portfolio purchases or the portfolio sales, as the case may be, by each Fund of (i) U.S. Government and Government agency securities; (ii) certificates of deposit; and (iii) bankers' acceptances; or (b) the transactions conducted by GSI and MMI in such type of security. This calculation shall be measured on an annual basis (the fiscal year of each Fund; the calendar year for GSI and MMI) and shall be computed both with respect to number of transactions and dollar volume thereof.

(5) Before any transaction may be conducted pursuant to the exemption, the Funds or the Advisers must obtain such information as they deem necessary to determine that the price test (as defined in Condition (6) below) applicable to such transaction has been satisfied. Before any solicited transaction may be conducted pursuant to the exemption, the Funds or the Advisers must obtain and document competitive quotations from at least two other dealers with respect to the specific proposed transaction, except that if quotations are unavailable from two such dealers, only one other competitive quotation is required. In the case of unsolicited transactions, the Funds or the Advisers must make and document a good faith determination with respect to compliance with the price test based

upon current price information obtained through the contemporaneous solicitation of bona fide offers with respect to the type of security involved. With respect to prospective purchases of securities, these dealers must be those who have money market securities of the categories and the type desired in their inventories and who are in a position to quote favorable prices with respect thereto. With respect to the prospective disposition of securities, these dealers must be those who, in the experience of the Funds and the Advisers, are in a position to quote favorable prices.

(6) With respect to solicited transactions, a determination will be required in each instance, based upon the information available to the Funds and Advisers, that the price available from GSI or MMI is "better than" that available from other sources. To be considered "better than" that available from other sources, the GSI or MMI quotation must be at least one basis point better than that available from other sources if the quotation is made in terms of yield basis; if the quotation is made in terms of a dollar price, it must be at least 1/64 of a dollar better than the quotations from other sources. In the case of unsolicited transactions, the price available from GSI or MMI must be at least as favorable as that available from other sources. Solicited transactions with respect to fixed price offerings can be conducted pursuant to the "no-less favorable" test if the securities are unavailable from other sources and if such transactions comply with the conditions set forth in paragraphs (d) and (e) of Rule 10f-3 under the Act.

(7) GSI's or MMI's dealer spread in regard to any transaction with the Funds will be no greater than their customary dealer spreads, which in turn will be consistent with the average or standard spread charged by dealers in money market securities for the type of security and the size of transaction involved.

(8) The exemption will be made subject to any regulations promulgated by the Commission under Section 11(a)(2)(B) of the Securities Exchange Act of 1934 which would otherwise prohibit or restrict in any way the ability of the Funds and/or the Advisers to conduct principal transactions with GSI and MMI.

(9) The exemption will be valid only so long as the Advisers, and GSI and MMI operate as separate entities within the holding company framework of Merrill Lynch & Co., Inc., with their own separate officers and employees, separate capitalization and separate books and records.

(10) The Funds and the Advisers will maintain records with respect to their transactions concluded pursuant to the exemption including documentation of whether the transactions are solicited or unsolicited and that the price test and price verification procedures have been met. A schedule of all transactions with GSI and MMI will be filed with the periodic reports filed by the Funds with the Commission pursuant to Sections 30(a) and 30(b)(1) of the Act.

(11) The legal departments of GSI, MMI and the Advisers will prepare guidelines for personnel of GSI, MMI and the Advisers to make certain that transactions conducted pursuant to the exemption comply with the conditions set forth in the exemption and that the parties generally maintain arm's-length relationships. In the training of GSI and MMI personnel, particular emphasis will be given to the fact that the Funds are to receive rates as favorable as other institutional purchasers buying the same quantities; in the training of the Advisers' personnel, particular emphasis will be given to the distinction between solicited and unsolicited transactions. The legal departments will periodically monitor the activities of GSI, MMI and the Advisers to make certain that the conditions set forth in the requested order are adhered to.

(12) The audit committees of the boards of directors (or trustees) of the Funds, consisting of the non-interested directors (or trustees), will prepare guidelines for the Funds and the Advisers to make certain that transactions conducted pursuant to the exemption comply with the conditions set forth therein and that the above procedures are followed in all respects. The respective audit committees will periodically monitor the activities of the Funds and the Advisers in this regard to insure that these matters are being accomplished.

The Applicants believe that the granting of this application will provide the Funds access to the money market necessary to insure best price and execution in the case of United States Government, Government agency securities, bank money instruments and prime commercial paper, and will provide the Funds and the Advisers with important new information sources in the money market and thereby will work to the benefit of the shareholders of the Funds.

The Applicants believe that the procedures to be followed with respect to transactions with GSI and MMI are structured in such a way as to insure that such transactions will be in all instances reasonable and fair and will not involve overreaching on the part of any person concerned, and further that such exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Finally, it is submitted that the experience of MLRAT under the 1976 and 1981 Orders and CMA, MLIF and MLGF under the 1981 Order demonstrates that there has been no overreaching on the part of any person involved in these transactions and that, based upon this experience, it would be appropriate to broaden the 1976 Order to include prime commercial paper and to apply to the principal transactions among the Funds, the Advisers, GSI and MMI in accordance with the terms and conditions set forth herein.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 25, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-27338 Filed 10-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20237; SR-MSRB-83-9]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

September 29, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, submitted on August 15, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend MSRB Rules G-12 and G-15 to require disclosure on

inter-dealer confirmations and customer confirmations that a particular municipal security is available only in book-entry form. The MSRB believes tht purchasers should be advised of this fact because the inability of an investor to obtain physical possession of securities is a factor which could affect the investor's decision whether or not to buy such securities. The MSRB has requested that the proposed rule changes become effective 90 days after the date of Commission approval.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Release No. 20118, August 25, 1983) and by publication in the Federal Register (48 FR 39546, August 31, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-27340 Filed 10-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13551; 812-5554]

Pro-Med Capital, Inc., Western Capital Corporation; Application

September 30, 1983.

Notice is hereby given that Pro-Med Capital, Inc. ("Pro-Med"), 12550 Biscayne Boulevard, Suite 406, North Miami, Florida 33181, registered under the Investment Company Act of 1940 ("Act") as a closed-end, Non-diversified management investment company, and Western Capital Corporation ("Western Capital"), a Florida corporation which is a wholly-owned subsidiary of Pro-Med (Pro-Med and Western Capital are sometimes referred hereinafter as "Applicants"), filed an application on May 26, 1983, and amendments thereto on August 17, 1983, and September 2 1983, requesting an order of the Commission pursuant to Sections 17(b) and 17(d) of the Act, and Rule 17d-1 thereunder, to permit the proposed reorganization of Western Capital with and into Pro-Med, and pursuant to Section 6(c) of the Act exempting Pro-Med and its investment company subsidiaries, and certain affiliated small business concerns, from the provisions of Sections 8(b), 12(d), 17(a), 17(d), 18(a), 18(c), 30(a) and 30(d) of the Act and Rules 8b-16, 17d-1, 30a-1 and 30-1 thereunder to permit certain proposed and continuing transactions, to the extent requested. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of provisions relevant to this application.

Applicants state that Pro-Med was organized under Florida law on June 14, 1983, to be the corporate successor to Western Capital following the reorganization of Western Capital into Pro-Med proposed herein. Immediately following its incorporation, Applicants state, Pro-Med began issuing its shares of common stock to the shareholders of Western Capital in a share-for-share exchange, and thus has acquired all of the 1,875,000 shares of Western Capital common stock which were issued and outstanding as of May 31, 1983. The 32 former stockholders of Western Capital, it is stated, now own all of the 1,875,000 shares of Pro-Med common stock which were outstanding as of July 31, 1983. Each Pro-Med shareholder owns exactly the same number of Pro-Med shares as he previously held of Western, Applicants state, and the officers and directors of Pro-Med and Western Capital are identical.

It is represented further that Pro-Med filed a registration statement on Form N-2 under the Securities Act of 1933 ("Securities Act") covering 1,320,000 shaes of Pro-Med's commn stock, which Pro-Med intends to offer to the public upon the effectiveness of such registration statement. Immediately upon completion of such public offering, it is stated, the reorganization of Western Capital will be consummated through the merger of Western Capital into Pro-Med pursuant to parent-subsidiary merger procedures which, as provided for by Florida law, do not require shareholder approval. Applicants represent that under Florida law, the surviving corporation of such a merger (Pro-Med) possesses all of the rights, privileges, immunities and franchises, public as well as private, of each of the constituent corporations. It is also represented that the organization of Pro-Med to be the surviving entity of the proposed merger with Western Capital has been undertaken in order that Pro-Med will attain, immediately upon consummation of the proposed transaction, the favorable status accorded qualifying registered investment companies under the Internal Revenue Code of 1954, as amended.

Applicants request exemptive relief from the provisions of Section 17(d) of the Act, and Rule 17d-1 thereunder, to permit the incorporation of Pro-Med, and the reorganization of Western Capital through merger with Pro-Med, to be brought about by officers, directors, and controlling and otherwise affiliated stockholders of the merging entities. As an integral part of this transaction, the acquisition by Pro-Med of all of the shares outstanding of Western Capital prior to the proposed merger is an affiliated transaction within the meaning of Sections 2(a)(3) and 17(a) of the Act, Applicants state, and, accordingly, Applicants hereby seek to have this acquisition exempted from section 17(a) pursuant to Section 17(b) of the Act.

Upon effectuation of the merger, it is noted, the present subsidiaries of Western Capital will become direct wholly-owned subsidiaries of Pro-Med. Those subsidiaries are Western Financial Capital Corporation ("Western Financial"), First Western SBLC, Inc. ("SBLC"), and Professional Services Plus, Inc., Applicants state. Western Financial, a federally-licensed small business investment company ("SBIC"), and SBLC are both registered under the Act as closed-end, non-diversified, management investment companies. As an SBIC, Western Financial is able to obtain direct loans, or guarantees of borrowings, from the Small Business Administration ("SBA") for reinvestment.

SBLC, Applicants state, was incorporated under the laws of the State of Florida in August, 1981, and received SBA approval to act as a "small business lending company" in December 1982. It is further stated that SBLC's activities basically consist of making loans solely to qualifying small businesses in conjunction with SBA-guarantee programs, pursuant to which the SBA provides guarantees of up to 90% of the principal amount of the loans which SBLC makes.

Applicants state that the third subsidiary of Western Capital, Professional Services Plus, Inc., is engaged primarily in the business of counseling potential borrowers of Western Financial and SBLC.

In support of the exemptions they seek in regard to the proposed reorganization of Western Capital, Applicants submit that the share-for-share acquisition by Pro-Med of the outstanding shares of Western Capital

stock was fair and reasonable and otherwise consistent with the standards of Section 17(b). In addition, it is asserted that Pro-Med will not be participating in the proposed reorganization on a basis less advantageous than that of any other participant in that the result of the restructuring will ultimately be the formation of a new holding company (Pro-Med) identical in all respects to its predecessor (Western Capital) except for the registration of Pro-Med, Western Financial and SBLC as investment companies under the Act. It is noted that the status of officers directors and shareholders in the new struture will be virtually the same as in the preceding configuration, as will the position of each corporate entity in the complex (other than Western Capital, which will be merged out of existence).

Applicants also state that the structure of the Pro-Med group that will emerge from the proposed reorganization will serve the best interests of Pro-Med shareholders in complying with the policies of the SBA in implementing the legislative intent of the Small Business Investment Act of 1958, as amended. It is asserted that the two-tier structure in this case was adopted in accordance with policies of the SBA, which, it is stated, has determined that SBIC investment programs and those of small business lending companies should be administered through separate corporate instrumentalities.

Applicants request forther exemptive relief, pursuant to Section 6(c) of the Act, for certain prospective transactions in which Pro-Med, Western Financial and SBLC are expected to engage subsequent to the merger of Western Capital and Pro-Med. Specifically, Applicants seek an exemption from Sections 12(d)(1)(A) and 12(d)(1)(C) of the Act to permit Pro-Med to make further acquisitions of the common stock of Financial and SBLC, where such purchases cause Pro-Med's investment therein, valued at cost, to exceed five percent of the value of its total assets at the time of any such purchase. Further relief is sought to permit Pro-Med, banks, insurance companies and other financial institutions to acquire, notwithstanding the restriction of Section 12(e), notes or other evidences of indebtedness of Western Financial or SBLC.

Applicants further state that from time to time after the merger of Western Capital into Pro-Med, Pro-Med may wish to transfer property or securities to Western Financial (or vice versa), or transfer property or securities to SBLC (or vice versa). These transactions would occur in the regular course of business, in the course of increasing Pro-Med's capital investment in its subsidiaries, or as a means of enabling Western Financial or SBLC to make distributions on their respective stock outstanding, Applicants state.

Applicants further state that any such transactions may constitute affiliated transactions within the prohibitions of Section 17(a) of the Act. Applicants want blanket exemptive relief from Section 17(a) of the Act to extend to transactions in which a small business concern which has become an affiliated person of Pro-Med, Western Financial, or SBLC, sells securities to, or borrows funds from, Western Financial or SBLC.

Applicants also request relief pursuant to Section 6(c) of the Act to permit transfers of property and securities, and the borrowing of money or other property effectuated solely between Pro-Med and Western Financial, or Pro-Med and SBLC under circumstances prohibited by Section 17(d) of the Act and Rule 17d–1 thereunder. The blanket exemption so requested would extend to transactions in which a small business concern which had become an affiliated person of Pro-Med, Western Financial, or SBLC, sells its securities to, or borrows money from, Pro-Med, Western Financial, or SBLC.

Applicants have agreed that the following may be imposed as conditions to the exemptions they seek from Section 17 pursuant to Section 6(c) of the Act:

(1) Any small business concern which may become an affiliated person of Pro-Med, Western Financial, or SBLC may borrow from, or sell securities issued by it to, Pro-Med, Western Financial, or SBLC, provided that such transaction meets the requirements for an exemption pursuant to Rule 17a–6 promulgated under the Act, except to the extent that it fails to meet the requirements of such Rule solely because Pro-Med, Western Financial, or SBLC is also a party to the transaction or has, or within six (6) months prior to the transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

(2) Pro-Med, Western Financial, or SBLC may participate in any joint enterprise or joint arrangement involving other participants, provided that such transaction meets the requirements of such Rule solely because Pro-Med, Western Financial, or SBLC is, was, or proposes to be a participant in the joint enterprise or joint arrangement.

Applicants have also requested relief from Section 18 of the Act to permit Pro-Med, Western Financial, and SBLC to borrow from banks, insurance companies and other financial institutions, including in the case of the wholly-owned investment company subsidiaries of Pro-Med, on a secured or unsecured basis, and to permit Pro-Med to guarantee the borrowings of such subsidiaries. Applicants represent that all borrowings by Pro-Med, Western Financial and SBLC, except borrowings by Western Financial and SBLC from Pro-Med, will be subject to the asset coverage requirements of Section 18(a) of the Act as applied on an individual basis to each company and on a consolidated basis to Pro-Med and its subsidiaries. In addition, it is requested that any guarantee by Pro-Med of borrowings by its subsidiaries not be deemed a senior security, and not be subjected to the asset coverage requirements of Section 18(a), provided that 90 percent of Pro-Med's assets are represented by its investments in Western Financial and SBLC, or in securities similar to those in which such companies invest. Applicants further state that any borrowings by Western Financial are not subject to the asset coverage requirement of Section 18(a) by reason of the exception from the provisions of Section 18(a) afforded SBICs by Section 18(k) of the Act, but further represent that in applying the asset coverage requirements of Section 18(a) to Pro-Med on a consolidated basis, an amount of assets equal to Western Financial's borrowings shall be excluded. Lastly, Applicants request an exemption from the provisions of Section 18(c) of the Act to permit Pro-Med and its investment company subsidiaries to have outstanding more than one class of senior security representing indebtedness.

In support of their exemptive request, Applicants state that requiring Pro-Med to borrow and relend proceeds to its subsidiaries would result in considerable duplication of effort. It is asserted that permitting direct borrowings by Western Financial and SBLC will be consistent with the purposes and protections of the Act, since Pro-Med and SBLC individually, and Pro-Med and its subsidiaries on a consolidated basis, as adjusted for the borrowings of Western Financial, will continue to be required to comply with the 300 percent asset coverage requirement of Section 18(a), subject to the above-noted exclusions. It is stated further that by excluding an amount of

assets equal to the borrowings of Western Financial for purposes of calculating the asset coverage prescribed by Section 18(a), investors will be protected from the adverse effects of leveraging. Finally, Applicants contend that the exclusion from the asset coverage provisions of Section 18(a) of borrowings from Pro-Med by its investment company subsidiaries, and Pro-Med's guarantee of its subsidiaries' borrowings do not impair the protections of Section 18, since neither of these senior securities (as defined in the Act) increases the aggregate indebtedness incurred by Pro-Med and its subsidiaries.

Applicants have also requested relief from certain provisions of the Act regarding filings with the Commission and transmittal of reports to shareholders. Specifically, exemptions are requested from Section 8(b) of the Act and Rule 8b-16 thereunder to the extent necessary to permit Pro-Med to file on behalf of itself, Western Financial and SBLC, amendments to its registration statement filed under the Act containing information with respect to, and financial statements of, Pro-Med and its subsidiaries, on a consolidated basis only. In addition, Applicants request an exemption from the provisions of Section 30(a) of the Act and Rule 30a-1 thereunder to the extent necessary to permit Pro-Med to file on behalf of itself, Western Financial and SBLC, annual reports on Form N-1R, or an appropriate successor form, containing information with respect to Pro-Med and its subsidiaries on a consolidated basis only, together with a copy of the financial report of Western Financial filed with the SBA on SBA Form 468. Applicants request that such consolidated forms and amendments shall be in lieu of the separate filing obligations of Western Financial and SBLC pursuant to Section 30(a) of the Act and Rules 8b-16 and 30a-1 thereunder. Applicants also request an exemption from Section 30(d) of the Act and Rule 30d-1 thereunder to the extent necessary to permit Pro-Med to transmit to its shareholders, semi-annually, reports containing financial information and statements prescribed on a consolidated basis for Pro-Med and its subsidiaries. Applicants request that such consolidated report be in lieu of the separate reporting obligations of Western Financial and SBLC.

Applicants agree that separate financial statements will not be required in any amendment filed with the Commission pursuant to Rule 8b-16 under the Act, or in any semi-annual report to shareholders so long as the amount of Pro-Med's total assets on a consolidated basis invested in assets other than securities of its two investment company subsidiaries do not equal or exceed ten percent. It is further stated that in the event ten percent or more of Pro-Med's total assets on a consolidated basis should be invested in securities other than those of its two investment company subsidiaries, additional financial statements will be required: namely, combined financial statements of Pro-Med's two investment company subsidiaries and separate financial statements of any other subsidiary in which Pro-Med's investment equals or exceeds ten percent of its total assets on a consolidated basis.

In support of the relief requested, Applicants contend that separate filings for Pro-Med, Western Financial and SBLC would be burdensome, and that there is a question as to whether multiple filings provide a convenient source of information to investors. Similarily, Applicants assert that transmitting semi-annual reports containing consolidated financial statements will not lessen investors' understanding of the financial position or operations of Pro-Med and its subsidiaries. In this regard, Applicants state that since Pro-Med and its subsidiaries operate essentially as a single economic unit, consolidated financial statements present the most meaningful financial information for financial reporting purposes.

Applicants have agreed that any order granted by the Commission pursuant to this application may be issued subject to the following conditions:

1. At all times after the merger of Western Capital with Pro-Med, Pro-Med will own and hold, beneficially and of record, all of the outstanding capital stock of Western Financial and SBLC;

2. Pro-Med will not cause or permit Western Financial or SBLC to change any of their fundamental investment policies or take other action referred to in Section 13(a) of the Act, unless such action shall have been authorized by Pro-Med after approval of such action by a vote of a majority (as defined in the Act) of the outstanding voting securities of Pro-Med;

3. Pro-Med will not cause or permit Western Financial or SBLC to enter into, renew, or perform any investment advisory or underwriting contract or agreement, written or oral, as contemplated by Section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with said Section 15, and where any vote of the stockholders of Western Financial or SBLC would be required by said Section 15, unless the stockholders of Pro-Med also shall have approved the same by vote of a majority (as defined in the Act) of the outstanding voting securities of Pro-Med, or where any action of the directors of Western Financial or SBLC would be required by said Section 15, unless the board of directors of Pro-Med, including a majority of those directors who are not parties to any such contract or agreement or interested persons of any such party, also shall have approved the same;

4. Pro-Med will not itself, and Pro-Med will not cause or permit Western Financial or SBLC, to issue any security or sell any senior security of which Pro-Med, Western Financial, or SBLC is the issuer except as hereinafter set forth:

(a) Pro-Med and each of its investment company subsidiaries may issue and sell to banks, insurance companies and other financial institutions their secured or unsecured promissory notes or other evidences of indebtedness in consideration of any loan, or any extension or renewal thereof made by private arrangement, provided the following conditions are met: (i) Such notes or evidences of indebtedness are not intended to be publicly distributed; (ii) such notes or evidences of indebtedness are not convertible into, exchangable for or accompanied by any options to acquire any equity security, and (iii) Pro-Med and its subsidiaries on a consolidated basis, and Pro-Med, Western Financial and SBLC individually, shall have the asset coverage required by Section 18(a) of the Act immediately after the issuance or sale of any such notes or evidences of indebtedness by any of them, except that, in determing whether Pro-Med and its subsidiaries on a consolidated basis have the asset coverage required by Section 18(a), any borrowings by Western Financial shall not be considered senior securities and, for purposes of the definition of "asset coverage" in Section 18(h), shall be treated as indebtedness not represented by senior securities;

(b) In addition, (i) Western Financial may borrow from the SBA on such basis as the SBA from time to time may lend to SBICs, (ii) Western Financial and SBLC may borrow from Pro-Med, and (iii) Pro-Med may guarantee any borrowings by its subsidiaries, provided that ninety percent of the total assets of Pro-Med on a consolidated basis are represented by Pro-Med's investment in Western Financial and SBLC, or in securities similar to those in which such

subsidiaries invest. None of the borrowings or other arrangements permitted by this subparagraph (b) shall be deemed senior securities for the purposes of this order or Section 18 of the Act.

5. Pro-Med will cause to be elected as directors of Financial and SBLC only persons who are directors of Pro-Med elected in compliance with Section 16(a) of the Act, and at all times officers of Pro-Med will also be officers of Financial and SBLC.

6. Any independent public accountant who signs a financial statement filed by Pro-Med, Western Financial, or SBLC with the Commission shall be selected and approved in compliance with Section 32 of the Act by a majority (as defined in the Act) of Pro-Med's outstanding voting securities.

Notice is further given that any interested peson wishing to request a hearing on the application may, not later than October 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-27337 Filed 10-5-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12701]

Standard Oil Company; Application

September 30, 1983.

Notice is hereby given that Standard Oil Company, an Indiana corporation ("Standard") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of the Northern Trust Company, a banking association organized and existing under the laws of the State of Illinois ("Northern Trust"), as successor trustee under the following indentures of Standard:

(a) An indenture dated as of October 1, 1958, as amended by the First Supplemental Indenture dated as of April 14, 1977 (the "1958 Indenture");

(b) An indenture dated January 15, 1968 (the "1968 Indenture"); and

(c) An indenture date as of August 1, 1974 (the "1974 Indenture");

which were heretofore qualified under the Act, and the trusteeship of Northern Trust under an indenture of The Industrial Development Board of the City of Andalusia, Alabama (the "Board"), dated as of July 1, 1983 (the "1983 Indenture"), is not so likely to involve a material conflict of interests as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under either the 1958 Indenture, the 1968 Indenture or the 1974 Indenture. The obligations of the Board under the 1983 Indenture are secured by the pledge of the proceeds due the Board under a Lease Agreement (the "Lease Agreement") by and between the Board and Amoco Fabrics Company ("Amoco"), a wholly-owned indirect subsidiary of Standard, dated as of July 1, 1983. The obligations of the Board under the 1983 Indenture are also unconditionally guaranteed by Standard pursuant to a Guarantee Agreement from Standard to Northern Trust dated as of July 1, 1983 (the "Guarantee"). In the event that Amoco defaults in its obligations under the Lease Agreement, thereby causing the Board to default under the 1983 Indenture, the trustee may require Standard to pay the Board's obligations pursuant to the Guarantee. The 1983 Indenture, the Lease Agreement and the Guarantee are part of an Industrial Development Revenue Bond financing issued by the Board for the purpose of providing funds for the construction of an administrative support building and the purchase of certain equipment, all to be located at Amoco's fabrics plant in Andalusia, Alabama.

II

In support of its application Standard alleges that:

(1) Standard has outstanding on the date hereof $54,885,000 aggregate principal amount of its 4½ percent Debentures Due October 1, 1983 (the "4½ percent Debentures") issued under the 1958 Indenture executed by Standard and The First National Bank of Chicago ("First Chicago") as Trustee as amended by the First Supplemental Indenture dated as of April 14, 1977. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1958 Indenture effective July 7, 1982. The 4½ percent Debentures were registered under the Securities Act of 1933, as amended (File No. 2-14327), and the 1958 Indenture was qualified under the Trust Indenture Act of 1939, as amended. Northern Trust is currently acting as trustee under the 1958 Indenture.

(2) Standard has outstanding on the date hereof $156,416,000 aggregate principal amount of its 6 percent Debentures Due 1998 (the "6 percent Debentures") issued under the 1968 Indenture executed by Standard and First Chicago, as Trustee. Upon resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1968 Indenture effective July 7, 1982. The 6 percent Debentures were registered under the Securities Act of 1933, as amended (File No. 2-27968), and the 1968 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No 22-4854). Northern Trust is currently acting as trustee under the 1968 Indenture.

(3) Standard has outstanding on the date hereof $89,906,000 aggregate principal amount of its Floating Rate Notes Due 1989 (the "Floating Rate Notes") issued under the 1974 Indenture executed by Standard and First Chicago, as Trustee. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1974 Indenture effective July 7, 1982. The Floating Rate Notes were registered under the Securities Act of 1933, as amended (File No. 2-51667), and the 1974 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-7999). Northern Trust is currently acting as trustee under the 1974 Indenture.

(4) Pursuant to the 1983 Indenture and the Lease Agreement, the Board issued $1,000,000 aggregate principal amount of its 9¾% Industrial Development Revenue Bonds (the "Revenue Bonds") which are secured by a pledge of the proceeds of the Lease Agreement payable to the Board from Amoco. In addition, the obligations of the Board under the 1983 Indenture are unconditionallly guaranteed by Standard pursuant to the Guarantee. Inasmuch as the Revenue Bonds are issued by a political subdivision of the State of Alabama, the Revenue Bonds have not been registered under the Securities Act of 1933, as amended, and the 1983 Indenture has not been qualified under the Trust Indenture Act of 1939, as amended.

(5) Section 8.08 of the 1958 Indenture provides in part as follows:

Section 8.08. (a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 8.08, it shall, within minety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 8.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 8.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to the debentureholders in the manner and to the extent provided in subsection (c) of Section 6.04 with respect to reports pursuant to subsection (a) of Section 6.04.

(c) For the purposes of this Section 8.08 the Trustee shall be deemed to have a conflicting interest if:

(1) The Trustee is trustee under another indenture under which any other securities, or certificates of inferest or participation in any other securities, of the Company are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, provided that there shall be excluded from the operation of this paragraph any indenture or indentures under which other securities, or certification of interest or participation in other securities, of the Company are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured, and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures, or(ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures."

(6) Section 7.08 of the 1968 Indenture provides in part as follows:

Section 7.08 **Conflicting Interest of Trustee.** (a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 7.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to all holders of Debentures, as the names and addresses of such holders appear upon the registration books of the Company.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if—

(1) the Trustee is trustee under another indenture upder which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; *provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in othere securities, of the Company, are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Identure and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Identure and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures; and *provided, further,* that there shall be excluded from the operation of this paragraph the indenture dated October 1, 1958, under which the Company's 4½% Debentures due October 1, 1983 are outstanding.

(7) Section 7.08 of the 1974 Indenture provides in part as follows:

Section 7.08. **Conflicting Interest of Trustee.** (a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall to comply with the provisions of subsection (a) of this Section 7.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to all holders on Notes, as the names and addresses of such holders appear upon the registration books of the Company.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if—

(1) the Trust is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Notes issued under this Indenture; *Provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company, are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) or Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indenture which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such Indentures; *provided, further,* that there shall be excluded from the operation of this paragraph the Indenture dated October 1, 1958, under which the Company's 4½% Debentures due October 1, 1983, are outstanding and the Indenture dated January 15, 1968, under which the Company's 6% Debentures Due 1998 are outstanding;

(8) Execution of the 1983 Indenture could involve Northern Trust in a conflict of interest within the meaning of Section 8.08 of the 1958 Indenture, Section 7.08 of the 1968 Indenture and Section 7.08 of the 1974 Indenture since the 1983 Indenture is not qualified under the Act and is not the subject of any other proceeding of the Commission.

(9) The 1958 Indenture, the 1968 Indenture and the 1974 Indenture are wholly unsecured. The 1983 Indenture is secured only by the proceeds from the Lease Agreement and by the Standard Guarantee. Standard's obligations under the Guarantee are unsecured and rank equally with Standard's other unsecured and unsubordinated indebtendness, including the 4½% Debentures, the 6% Debentures and the Floating Rate Notes. The primary differences between the 1958 Identure, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, and between the rights of the holders of the 4½% Debentures, the 6% Debentures, the Floating Rate Notes and

the holders of the Revenue Bonds as beneficiaries of the Lease Agreement and the Guarantee, relate to aggregate principal amounts, dates of issue, donominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions on transferability, provisions relating to the non-registered offering of the Revenue Bonds and other provisions of a similar nature. Any such difference and any other difference in the provisions of the 1958 Indenture, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, the Lease Agreement and the Guarantee, are not so likely to involve any material conflict of interest between the respective trusteeships of Northern Trust under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under any of such Indentures.

(10) Standard is not in default under the 1958 Indenture, the 1968 Indenture, the 1974 Indenture, the 1983 Indenture or the Guarantee. Amoco is not in default under the Lease Agreement or the 1983 Indenture.

Standard has filed an application which is on file in the offices of the Commission at 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549, with respect to the matters of fact and law asserted herein.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 24, 1983, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than October 24, 1983, at 5:30 P.M., Eastern Standard Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-27336 Filed 10-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20239; File No. S7-433]

Temporary Approval of an Amendment to the Consolidated Tape Plan To Establish Non-Professional Fees

September 30, 1983.

On July 18, 1983, the participants in the consolidated Tape Association ("CTA") submitted to the Commission an amendment [1] to the Restated and Amended Plan governing the operation of the consolidated transaction reporting system ("CTA Plan").[2] Pursuant to Rule 11Aa3-2(c)(3) under the Act, the fee portion of the amendment became effective upon filing with the Commission, subject to abrogation within 60 days of filing. This abrogation period has now elapsed and the fee portion of the amendment has become final. Pursuant to Rule 11Aa3-2(c)(4), the remainder of the amendment was approved temporarily for a 60 day period.[3]

I. Description of Amendment

The amendment reduces the monthly subscriber fees for "non-professional" subscribers [4] receiving last sale information from the CTA on a real-time basis. Under this amendment, non-professional subscribers are charged substantially lower fees for current last sale information than are professional subscribers. Supplemental contract arrangements have been devised for vendors providing data services to non-professional subscribers, which allow these subscribers to contract solely with the vendor, rather than with the vendor and the CTA as is required of other categories of subscribers.[5] The amendment also gives the plan administrators discretion regarding the timing of implementation of these contractual arrangements and fees. These new contractual arrangements and fees are intended to allow vendors to offer real-time information to investors at reasonable prices through a variety of developing information services such as computer data bases, telephone inquiry devices, and hand held radio receivers.

II. Further Temporary Approval of Amendment

A vendor, GTE Telenet Communications Corp. ("GTE"),[6] submitted the only comment on the proposed amendment. While supportive of the CTA's attempt to reduce the cost of market information to individual investors, GTE argued that the contracts developed for the non-professional subscriber were unduly complex. GTE argued that because the form of contracts required for non-professional subscribers are confusing and overly broad in nature, these contracts will act as a significant disincentive to the marketing of real-time information to individual investors. GTE said that the contracts are particularly unsuitable for investors obtaining the information through computer data bases. Accordingly, GTE suggested that the CTA be required to consult with vendors in order to make the contracts as acceptable to individual investors as possible.[7]

The Commission believes that the CTA Plan amendment is an important step in increasing the dissemination of quotation information to the investing public. The Commission, however, believes that GTE's comments raise important considerations affecting the marketing of this current information to individual investors. Accordingly, the Commission urges the CTA to meet with interested vendors to discuss the specific contractual provisions and modifications that may be necessary. In order to provide sufficient time for these discussions to take place before final approval of the amendment, the Commission believes that the amendment should be approved for a further temporary period. During this period, vendors are encouraged to discuss the contractual provisions with the CTA. The Commission also

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[1] This amendment was submitted pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act").

[2] The 1980 Restatement & Amendment of the CTA Plan was approved in Securities Exchange Act Release No. 16983 (July 16, 1980), 45 FR 49414.

[3] *See* Securities Exchange Act Release No. 20002 (July 22, 1983), 48 FR 34552.

[4] The classification of "non-professional" will be governed by guidelines adopted by the CTA; generally, the "non-professional" category is intended to apply to individual investors not using market information as part of their normal occupation.

[5] Thus, vendors can execute subscriber agreements with their non-professional subscribers on behalf of the CTA, and pay the fees for those subscribers.

[6] *See* Letter from H. F. Balzuweit, Vice-President and General Manager, GTE, to George A. Fitzsimmons, Secretary, SEC, dated September 27, 1983.

[7] GTE also suggested that the fees still may be too high for individual investors having only a casual interest in current market information.

welcomes further comments on contractual aspects of the amendment.

The Commission finds that granting this amendment temporary approval is in furtherance of the Act, in the Public interest, and appropriate for the protection of investors. Accordingly, the Commission orders that this amendment take effect for a period of 45 days, upon publication of the amendment in the **Federal Register.**

III. Request for Comment

Publication of the amendment is expected to be made in the **Federal Register** during the week of October 3, 1983. In order to assist the Commission in determining whether to approve the non-fee portion of the amendment permanently, interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons desiring to make written comment should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. All communication should refer to File No. S7–433. Copies of the submission, including all amendments, all written statements with respect to the amendments which are filed with the Commission, and all written communications relating to the amendments between the Commission and any other persons, other than those which may be withheld from the public [8] will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[9]

George A. Fitzsimmons,

Secretary.

[FR Doc 83–27341 Filed 10–5–83; 8:45 am]

BILLING CODE 8010–01

[Release No. 20240; File No. 4–281]

Temporary Approval of an Amendment To the Consolidated Quotation Plan To Establish Non-Professional Fees

September 30, 1983.

On July 18, 1983, the participants in the Consolidated Quotation System ("CQ System") submitted to the Commission an amendment [1] to the Plan governing the operation of the consolidated quotation reporting system ("CQ Plan").[2] Pursuant to Rule 11Aa3–2(c)(3) under the Act, the fee portion of the amendment became effective upon filing with the Commission, subject to abrogation within 60 days of filing. This abrogation period has now elapsed and the fee portion of the amendment has became final. Pursuant to Rule 11Aa3–2(c)(4), the remainder of the amendment was approved temporarily for a 60 day period.[3]

I. Description of Amendment

The amendment reduces the monthly subscriber fees for "non-professional" subscribers [4] receiving quotation information from the CQ System. Under this amendment, non-professional subscribers are charged substantially lower fees for current quotation information than are professional subscribers. Supplemental contract arrangements have been devised for vendors providing data services to non-professional subscribers, which allow these subscribers to contract soley with the vendor, rather than with the vendor and the CQ System participants as is required of other categories of subscribers.[5] The amendment also gives the plan administrators discretion regarding the timing of implementation of these contractual arrangements and fees. These new contractual arrangements and fees are intended to allow vendors to offer quotation information to investors at reasonable prices through a variety of developing information services such as computer date bases, telephone inquiry devices, and hand held radio receivers.

II. Further Temporary Approval of Amendment

A vendor, GTE Telenet Communications Corp. ("GTE"),[6] submitted the only comment on the proposed amendment. While supportive of the CQ System participants' attempt to reduce the cost of market information to individual investors, GTE argued that the contracts developed for the non-professional subscriber were unduly complex. GTE argued that because the form of contracts required for non-professional subscribers are confusing and overly broad in nature, these contracts will act as a significant disincentive to the marketing of real-time information to individual investors. GTE said that the contracts are particularly unsuitable for investors obtaining the information through computer data bases. Accordingly, GTE suggested that the CQ System participants be required to consult with vendors in order to make the contracts as acceptable to individual investors as possible. [7]

The Commission believes that the CQ Plan amendment is an important step in increasing the dissemination of quotation information to the investing public. The Commission, however, believes that GTE's comments raise important considerations affecting the marketing of this current information to individual investors. Accordingly, the Commission urges the CQ System participants to meet with interested vendors to discuss the specific contractual provisions and modifications that may be necessary. In order to provide sufficient time for these discussions to take place before final approval of the amendment, the Commission believes that the amendment should be approved for a further temporary period. During this period, vendors are encouraged to discuss the contractual provisions with the CQ System participants. The Commission also welcomes further comments on contractual aspects of the amendment.

The Commission finds that granting this amendment temporary approval is in furtherance of the Act, in the public interest, and appropriate for the protection of investors. Accordingly, the Commission orders that this amendment take effect for a period of 45 days, upon publication of the amendment in the **Federal Register.**

III. Request for Comment

Publication of the amendment is expected to be made in the **Federal Register** during the week of October 3, 1983. In order to assist the Commission in determining whether to approve the non-fee portion of th amendment permanently, interested persons are invited to submit written data, views,

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[8] 17 CFR 240.24b–2.

[9] *See* Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1); 17 CFR 200.30–3(a)(29)

[1] This amendment was submitted pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 ("Act").

[2] The CQ Plan was approved in Securities Exchange Act Release No. 16518 (January 22, 1980), 45 FR 6521.

[3] *See* Securities Exchange Act Release No. 20001 (July 22, 1983), 48 FR 34551.

[4] The classification of "non-professional" will be governed by guidelines adopted by the CQ System participants; generally, the "non-professional" category is intended to apply to individual investors not using market information as part of their normal occupation.

[5] Thus, vendors can execute subscriber agreements with their non-professional subscribers on behalf of the CQ System participants, and pay the fees for those subscribers.

[6] *See* Letter from H.F. Balzuweit, Vice-President and General Manager, GTE, to George A. Fitzsimmons, Secretary, SEC, dated September 27, 1983.

[7] GTE also suggested that the fees still may be too high ffor individual investors having only a casual interest in current market information.

and arguments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons desiring to make written comment should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. All communications should refer to File No. 4-281. Copies of the submission, including all amendments, all written statements with respect to the amendments which are filed with the Commission, and all written communications relating to the amendments between the Commission and any other persons, other than those which may be withheld from the public * will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washinbgton, D.C. 20549.

For the Commission, by the Division of Market Regulation pursuant to delegated authority. *

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-27339 Filed 10-5-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective October 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to CFR 107.301(c) is 11.615% per annum.

Dated: September 30, 1983.

Edward J. Myerson,

Deputy Associate, Administrator for Finance and Investment.

[FR Doc. 83-27342 Filed 10-5-83; 8:45 am]

BILLING CODE 8025-01-M

* 17 CFR 240.24b-2.

* See Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1); 17 CFR 200.30-3(a)(29).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-052]

Towing Safety Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC). The meeting will be held on Thursday, October 27, 1983, in room 3201, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and end at 4:00 p.m. The agenda for the meeting will consist of the following items:

1. TSAC deliberation and/or recommendations concerning the following past agenda items:

(a) Proposed revision of 46 CFR Part 148, Marine Transport of Solids in Bulk,

(b) Proposed revision of 46 CFR Part 151, Carriage of Dangerous Bulk Liquid Cargoes,

(c) Implementation of various provisions of MARPOL 73/78,

(d) National Transportation Safety Board (NTSB) recommendation concerning barges with raked bow design,

(e) NTSB recommendation concerning radar observer qualification requirements.

2. TSAC discussion of Navigation and Vessel Inspection Circular (NVIC) 3-83, Voluntary Qualifications for U.S. Merchant Marine Entry Rating.

3. The Coast Guard will brief TSAC on the following items:

(a) NTSB recommendations M-83-56, 57, Minimum Operation Standards for Barge Fleeting Facilities,

(b) Notice of Proposed Rulemaking CGD 81-059, Licensing of Operators and Registration of Staff Officers (48 FR 35920),

(c) Supplemental Notice of Proposed Rulemaking CGD 81-058, Boundary Lines (48 FR 41454),

(d) Proposal to Extend Applicability of Certain Western Rivers Provisions of the Inland Navigation Rules to Other Waters, CGD 83-028.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/44), Washington, D.C. 20593, (202) 426-1477.

Dated: October 3, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-27246 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Executive Steering Committee of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks
Presentation of Task Group Staff Studies, including recommendations:
- Task Group 1-2.5B—Uncontrolled Airports
- Task Group 1-3.4—Route System Concept
- Task Group 1-7.3—Pilot Requirements
- Task Group 2-1.1—Severe Weather Avoidance Plan
- Task Group 2-2.1—Separation Review
- Task Group 2-4.2—Helicopter Routes
- Task Group 3-1.1—NOTAM Evaluation/Flight Data Dissemination

DATE: November 1, 1983, convenes at 10:00 a.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30

Washington, D.C. 20591 (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by October 25, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on September 30, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 83-27275 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 148 Meeting—Airborne

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. (I) notice is hereby given of a meeting of RTCA Special Committee 148 on Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975-137.000 Megahertz to be held on October 26-27, 1983 in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on June 15-16, 1982; (3) Review Comments on Fourth Draft of the Committee Report on Minimum Operational Performance Standards for Airborne Radio Communications Equipment Operating within the Radio Frequency Range of 117.975—137.000 Megahertz; (4) Discuss Coordination Activities with the European Organization for Civil Aviation Electronics (EUROCAE); (5) Discuss Effects of FM Broadcast Interference on Airborne VHF Communications Equipment; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on September 26, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-27272 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-745]

Delta Steamship Lines, Inc.; Application

Notice is hereby given that, by application dated September 23, 1983, Delta Steamship Lines, Inc. (Delta) has requested all necessary approvals and consents under the Merchant Marine Act, 1936, as amended (Act), and its Operating-Differential Subsidy Agreements (ODSAs), including such approval under section 605(c) of the Act as may be necessary, for the substitution of two, and possibly up to four, new containerships for the three C9-S-81d LASH type vessels presently operated on Delta's Trade Route (TR) 20 service (U.S. Gulf/East Coast South America). Delta proposes to acquire the new containerships from Odense Steel Shipyard, Ltd., a Danish shipyard, pursuant to the Maritime Subsidy Board's September 30, 1982 authorization to Delta under section 615 of the Act.

Until recently, Delta provided service with three LASH vessels on TR 20 with one sailing approximately every 14 days. As the result of a temporary cargo decline in the trade, Delta has been operating two LASH vessels, with one sailing every 21 days, since November 1982. Assuming that Delta exercises the option to acquire three or four vessels, sailings will be provided once every 14 days. If only two new vessels are acquired, sailings will be provided every 21 days, supplemented as necessary by other Delta vessels. The new container vessels will call at essentially the same ports as the LASH vessels. Acquisition of the option vessels would possibly allow Delta to provide service to other ports as currently permitted under Delta's ODSA relating to TR 20. Delta has not requested any change in the maximum number of subsidized sailings on the route presently permitted under its ODSA. Delta does not at this time request any transfer or interchange privileges for the new vessels but reserves the right to request such privileges in the future.

Delta's C9-S-81d LASH vessels have a deadweight tonnage of 40,710 metric tons and capacity for 60 barges and 559 TEU's. The new container vessels, which are self-sustaining, will have a deadweight tonnage of 24,300 metric tons and 1900 TEU's. Delta advises that the container vessels also will have Ro/Ro and heavy lift capability. Delta indicates that the new vessels will be able to compete for all cargoes moving in the trade. Cargoes which are containerizable will be carried in containers, while non-containerizable cargoes will be carried using the Ro/Ro and heavy lift capability and liquid cargoes may be carried in tanks.

Delta indicates that the C9 vessels proposed to be replaced will be used in non-liner operations on an unsubsidized basis or laid up unless they can be utilized for military or emergency deployment. Delta advises that the subject application is not dependent on the outcome of its application in Docket No. S-738 for a settlement and early termination of its ODSAs.

The application may be inspected during normal business hours in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Interested parties who desire to comment on Delta's application may submit their views thereon to the Secretary, Maritime Subsidy Board/Maritime Administration, in triplicate, on or before 5:00 P.M. on October 17, 1983. Any request for a hearing shall specify the issues for such a hearing. All timely responses will be considered in MarAd's evaluation of Delta's application. MarAd will take such action as may be deemed appropriate with respect thereto, which may or may not include a hearing.

(Catalog of Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS)).

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: September 30, 1983.

Georgia P. Stamas,

Secretary.

[FR Doc. 83-27320 Filed 10-5-83; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a

meeting will he held at the U.S. Treasury Department in Washington, D.C. on October 25 and 26, 1983, of the following debt management advisory committee:

Public Securities Association U.S. Government and Federal Agencies, Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on October 25 and the preparation of a written report to the Secretary of the Treasury on October 26, 1983.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c) (4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee hearings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: October 3, 1983.

Thomas J. Healey,

Assistant Secretary (Domestic Finance).

[FR Doc. 83-27206 Filed 10-5-83; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Announcement; Tsukuba Expo '85, Japan

The United States Information Agency is seeking corporate and other private sector participation in the U.S. National Exhibition at the 1985 International Exposition, Tsukuba, Japan.

The exhibition is not a trade show, but rather a joint venture of the U.S. Government and American business, with emphasis on high technology, including computer hardware and software and communications equipment. The working theme is "Knowledge Systems and Global Communications".

Way to participate include, but are not limited to:

(1) Financial contributions;

(2) sponsorship of activities and/or facilities, such as a VIP Lounge;

(3) donations of products, materials and/or services, such as carpeting or wall coverings, equipment for use in displays, or transportation services;

(4) leasing of space for non-commercial corporate exhibits.

Memberships in the U.S. Commissioner General's Lounge are available.

All United States participation must be cleared through the U.S. Commissioner General, Ambassador James J. Needham. For additional information, correspondence may be addressed as follows: United States Information Agency, Tsukuba Expo '85, U.S. Section, c/o Ambassador James J. Needham, U.S. Commissioner General, Suite 349, 400 C Street SW., Washington, D.C. 20547.

To discuss a pledge of participation by phone, please call (202) 485–7180.

Dated: September 30, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83-27231 Filed 10-5-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 195
Thursday, October 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

1

CIVIL AERONAUTICS BOARD

[M-389, Sept. 29, 1983]

TIME AND DATE: 9:30 a.m., October 6, 1983.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by Notation.
2. Docket 41217, Direct flights—Petition for rulemaking. (Memo 2029, OGC, BDA, OCCCA, BIA, OEA)
3. Docket 41210, Denied boarding compensation for government requisition of space. (OGC, BDA, BIA, OCCCA, OEA)
4. Docket 39932, Petition by SABENA concerning inbound DBC tariffs. (OGC, BIA)
5. Docket 41512, *McClain Airlines Fitness Investigation.* (Memo 2043, OGC)
6. Docket 41615, Ninety day notice of Delta Air Lines to suspend service at Alexandria, Louisiana. (Memo 2041, BDA, OCCCA)
7. Docket 41612, Application of Republic Airlines for an exemption from the essential air service and notice requirements at Aberdeen, South Dakota. (BDA, OCCCA)
8. Commuter carrier fitness determination of Pegasus Aviation, Inc. (BDA)
9. Commuter carrier fitness determination of Crescent Helicopters, Inc. (Memo 2035, BDA)
10. Commuter carrier fitness determination of Clearwater Flying Service, Inc. d.b.a. Empire Airways. (Memo 2042, BDA)
11. Commuter carrier fitness determination of Flightcenter, Inc., d.b.a. Aerolineas de Baja (Memo 2028, BDA)
12. Commuter carrier fitness determination of Silver Kris Services Ltd. (Memo 2039, BDA)
13. Docket 40817, Essential air service for Cordova, Gustavus, Petersburg, Wrangell and Yakutat, Alaska. (Memo 1500-I, BDA, OCCCA)
14. Docket 40612, Application of U.S. Aviation, Inc. d.b.a. Air U.S. for compensation for losses at Sheridan, Wyoming. (Memo 120-F, BDA, OCCCA, BCAA, OC)
15. Docket 38961, In the Matter of Intra-Alaska Class Service Mail Rates. (BIA)
16. Docket 38623, Agreement CAB 29079, IATA agreement revalidating, without revision, the current U.S.-South America and within South America fare structures through January 15, 1984. (Memo 2030, BIA, OEA)
17. Docket 38623, Agreement CAB 19074, IATA agreement proposing a new Europe-South West Pacific passenger fare structure. (Memo 2031, BIA)
18. Docket 41502, Application of Transbrasil S.A. Linhas Aereas for an initial foreign air carrier permit to perform charter air transportation of persons and property between a point or points in Brazil and points or points in the United States. (BIA, OGC, BALJ)
19. Report on Philippines Negotiations. (BIA)
20. Discussion on U.K. Consultations. (BIA)
21. Discussion on Germany Consultations. (BIA)
22. Discussion on Netherlands Consultations. (BIA)

STATUS: 1-18 Open, 19-22 Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1410-83 Filed 10-4-83; 3:47 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, October 12, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Regulation 1.41(b) Procedural Rules for Reviewing 5a(12)'s
Rule Enforcement Review (Closed)

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1400-83 Filed 10-4-83; 1:45 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, October 14, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1405-83 Filed 10-4-83; 1:45 pm]

BILLING CODE 6351-01-M

4

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Friday, October 14, 1983.

PLACE: Board Hearing Room eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of September, 1983.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone: (202) 523-5920.

Dated: October 3, 1983.

[S-1407-83 Filed 10-4-83; 2:38 pm]

BILLING CODE 7550-01-M

5

NATIONAL SCIENCE BOARD

DATE AND TIME:

October 20, 1983, 9:00 a.m. Open Session;
October 21, 1983, 8:30 a.m. Closed Session;
October 21, 1983, 9:00 a.m. Open Session;

PLACE: National Science Foundation, Washington, D.C.

STATUS: Most of this meeting will be open to the public. Part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: *Thursday, October 20, 1983—9:00 a.m.:*

1. Minutes—September 1983 Meeting;
2. Chairman's Items;
3. Director's Report;
4. Director's Response to NSB Science Education Statement;
5. Long-Range Planning and NSB Schedule; and

6. Planning Environment Statement.

Friday, October 21, 1983—9:00 a.m.

7. Grants, Contracts, and Programs;
8. Criteria For Vannevar Bush Award;
9. Reports of Board Committees;
10. Board Representation at Advisory Committee and Other Meetings;
11. Other Business; and
12. Next Meeting.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: *Friday, October 21, 1983—8:30 a.m.:*

A. Minutes—September 1983 Meeting;
B. NSB and NSF Staff Business; and
C. Grants, Contracts, and Programs.

[S-1409-83 Filed 10-4-83; 8:45 am]

BILLING CODE 7555-01-M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on October 27, 1983.

PLACE: Suite 316, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discustion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: October 4, 1983.

[S-1408-83 Filed 10-4-83; 2:38 pm]

BILLING CODE 7600-01-M

federal register

Thursday
October 6, 1983

Part II

Federal Communications Commission

Use of Volunteers To Prepare and Administer Operator Examinations in the Amateur Radio Service

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1 and 97

[PR Docket No. 83-27; RM-4229; FCC 83-433]

Amendment of the Commission's Rules To Allow the Use of Volunteers To Prepare and Administer Operator Examinations in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends FCC Rules to permit the use of Volunteers to prepare and administer amateur radio operator examinations. These amendments are necessary in order to maintain a viable examination program for amateur radio operators in light of FCC budgetary constraints. With a volunteer examination program, applicants will have more opportunities available to them to obtain amateur radio operator licenses.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: John Borkowski, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Radio, Telecommunications.

47 CFR Part 97

Radio.

Report and Order

In the matter of amendment of Parts 0, 1, and 97 of the Commission's rules to allow the use of volunteers to prepare and administer operator examinations in the Amateur Radio Service. PR Docket No. 83-27, RM-4229, FCC 83-433.

Adopted: September 22, 1983.
Released: September 29, 1983.
By the Commission.

I. Introduction

1. In a *Notice of Proposed Rule Making (Notice)* in this proceeding, 48 FR 8090 (February 25, 1983), we proposed to accept the use of volunteers in the Amateur Radio Service for the preparation and administration of examinations for all classes of amateur radio operator licenses.

II. Background

2. On September 13, 1982, Congress enacted legislation (Pub. L. 97-259) amending the Communications Act of 1934, as amended. Specifically, Congress amended 47 U.S.C. 154(f) to add a new paragraph 4, which states, in pertinent part:

* * * * *

"(4)(A) The Commission, for purposes of preparing any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being prepared. In the case of examinations for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license.

(B) The Commission, for purposes of administering any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being conducted. In the case of examination for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license. Any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses, shall not be eligible to render any service under this paragraph.

3. On October 22, 1982, the American Radio Relay League, Incorporated (ARRL) filed a Petition for Rule Making requesting the issuance of a Notice of Proposes Rule Making to implement those portions of Public Law 97-259 "which authorized the Commission to accept and employ the voluntary and uncompensated services of certain Amateur Radio Service licensees to prepare and administer examinations for applicants for licenses in the Amateur Radio Services."

4. On February 8, 1983, we released a *Notice* in this proceeding proposing, essentially, the ARRL proposal. We proposed to accept the voluntary and uncompensated services of volunteer individuals and organizations in preparation and administration of examinations for amateur radio operator licenses above the Novice Class. (We already have a Novice Class volunteer examiner program.)

III. The Proposal

5. We proposed to use examination questions which had been submitted to us by interested amateur radio operator licensees and amateur radio organizations. These questions would be reviewed and, if acceptable, used to create pools of questions. Those pools of questions would then be published by the FCC as part of periodically updated lists of possible examination questions for each license written examination element. The FCC would then, from time to time, randomly select the appropriate number of questions for each subject of examination for each examination element from the lists of published questions and tell the Volunteer Examiner Coordinators (VEC's) which questions were selected for the current examinations. This would constitute the FCC's function of "designing" the examinations. The FCC and VEC's would keep the makeup of current examinations as privileged information.

6. The *Notice* also proposed that VEC's would assemble, print and distribute current examinations. VEC's would accredit volunteer examiners. Three volunteer examiners, with a team chief qualified as an Amateur Extra Class operator, would actually administer any given examination. VEC's would coordinate the dates and times for scheduling examinations. Upon completion of and examination, the examiners would grade the test papers, and forward the application and test papers of successful candidates to the appropriate VEC. The VEC would then screen the application for completeness and authenticity; make a record of the date and place of the test, the names of the volunteer examiners and candidates involved in that test, test results and related information; issue a successful examination candidate a certificated to verify that the candidate passed the examinations(s); and forward the application to the FCC for processing.

IV. Summary of Comments

7. We received more than one hundred comments in response to the *Notice* in this proceeding. They were split almost evenly on whether or not to adopt a volunteer examiner proposal of the type set forth in the *Notice*. In addition to the comments of many interested individuals, there were comments and/or reply comments from the following organizations: Ameco Publishing Corp., the American Radio Relay League (ARRL), Bash Educational Services, Inc. (Bash), the Capitol Hill Amateur Radio Society (CHARS), the Emerson Electric Amateur Club, the Milwaukee Radio Amateur Club, Inc., the Nashua Area Radio Club, Inc., the Quarter Century Wireless Association (QCWA), the Schenectady Amateur

Radio Asociation, Inc., the Sociedad Internacional de Radio Aficionados, Inc. (SIRA), Sonoma County Radio Amateurs, Inc., the Southern California Repeater and Remote Base Association (SCRRBA), and Westlink Radio Network (Comments by William M. Pasternak, Network Director).

8. The comments in favor of the proposal cited a need for additional examinations, particularly in areas remote from FCC offices, as the primary basis for their support. The comments opposed to the proposal feared degradation of the service due to fraud or abuse in a volunteer examination program, objected to the control private VEC's would have over the program, and endorsed continued use of FCC examinations supported by amateur user or licensing fees instead. There were many comments dealing with specific issues. These comments and issues are more fully addressed in the discussion that follows.

V. Summary of Decision

9. For the reasons set forth in the discussion below, we have decided to proceed with a program to accept the voluntary and uncompensated services of volunteers in the preparation and administration of examinations for amateur radio operator licenses above the Novice Class. This action will result in work being done by volunteers in the private sector which has heretofore been done by government employees. We will retain the procedures we recently adopted for the use of volunteers in the preparation and administration of examinations for the Novice Class amateur radio operator license. *See Report and Order*, PR Docket No. 82-727, FCC 83-297 (July 12, 1983). For amateur radio operator licenses above the Novice Class, we are adopting a volunteer program similar to the program we proposed, but with some modifications.

VI. Discussion

A. *Volunteer Examiners*

10. Generally, the comments regarding the proposed use of volunteer examiners fell into the following categories: (1) Whether three examiners were needed, and whether the use of three examiners was overly burdensome for candidates in remote areas; (2) whether there will be enough volunteers; (3) how the statute's conflict-of-interest provisions affect volunteer examiners; (4) whether examiners may charge money for their services; (5) whether examiners should be required to make public announcements of examinations; (6) whether the code test guidelines for examiners in the proposed rules were sufficient; (7) what procedures examiners should follow for candidates who fail examinations; and (8) whether the rules should provide explicit sanctions for fraud or abuse by volunteer examiners.

1. *Number of examiners per session*

11. In the *Notice* we proposed that three examiners would be required for each test session, with one of their number required to be the "team chief" and an Amateur Extra Class licensee. Many comments, including those of Bash and the American Radio Relay League (ARRL), indicated a preference for an exception to this rule for candidates in remote areas. Bash also stated his view that requiring three Amateur Extra class licensees for Elements 4(A) and 4(B) is impractical.

12. The use of three examiners provides for cross-checking to assure the correctness of answers to examination questions, to assure proper completion of license applications, and to minimize the likelihood of any possible fraud or abuse.

13. As a result, we are not inclined to make any exception to this rule for candidates in remote areas. However, in an effort to accommodate these candidates to the greatest extent possible within the context of a three-examiner rule, we are eliminating the requirement that in every case one of the three examiners must be an Amateur Extra Class licensee (even where it is not statutorily mandated). Thus, in the case of Element 3, the most widely taken written examination above Novice Class, we will permit an examination team of three Advanced Class licensees.

14. The statute requires that examinations for each class of amateur radio operator license must be administered by a licensee of the next higher class. We construe the statute to require that an examiner administering a telegraphy element must have passed the next highest telegraphy element (if one exists), and that an examiner administering a written element must have passed the next highest written element (if one exists). If a higher element does not exist, then the examiner must have passed the element being administered. Therefore, Elements 1(B), 1(C), 4(A) and 4(B) must be administered by a team of three Amateur Extra Class licensees.

15. The ARRL commented that rather than requiring team chiefs to keep examination answer sheets, we should have Volunteer Examiner-Coordinators (VEC's) act as their repository to allow VEC's to more fully discharge their function of reviewing the suitability of questions. We agree, and we have made this change in the rules we are adopting. With the elimination of this function, "team chiefs" would no longer have any specified duties separate and apart from the other examiners. We are therefore deleting the concept of a "team chief" from the rules.

2. *Will there be enough volunteer examiners?*

16. By extrapolating a 1-2% ratio of volunteers to licensees, Bash concludes that the number of volunteer examiners will be inadequate. Bash does not explain the genesis or justification of the conclusion that only 1-2% of amateur licensees would be volunteer examiners. But the ARRL pointed out in its *Reply Comments*, at 9, that the history of voluntarism is most outstanding in amateur radio, particularly when one considers that "*tens of thousands* have risen to meet the needs of the Novice Class licensing program, which has made *exclusive* use of volunteer examiners." *ARRL Reply Comments*, at 9.

17. We anticipate no shortage of volunteer examiners. As the ARRL indicated in its *Reply Comments*, at 10-11, thousands of amateur radio clubs meet regularly nationwide, and a crowded calendar of hamfests and conventions spans the entire year. These occasions have been the sites of large-scale examinations in the past, including an FCC-supervised trial run of the proposed program in Dayton, Ohio this past Spring. We expect that such forums will play a significant and consistent role in providing opportunities for large numbers of willing volunteers to step forward and assist others in the amateur communtiy seeking to advance themselves.

3. *Conflict-of-interest provisions*

18. The SCRRBA commented that the statutory conflict-of-interest provisions relative to examination administration should not be applied to volunteer examiners to the extent that they are employees of general electronics firms making parts (e.g. capacitors) usable in amateur radio equipment or to employees of publishers of books in fields indirectly related to amateur radio, such as mathematics and science books. The ARRL sought clarification on whether membership in the ARRL would constitute a conflict of interest for volunteer examiners.

19. The conflict of interest provisions of 47 U.S.C. 154(f)(4)(B), prohibiting employees of manufacturers or distributors "of equipment used in connection with amateur radio

transmissions," does not appear to apply to an employee of a firm that manufactures electrical parts for many purposes. Rather, it appears intended to apply to firms that manufacture or distribute equipment intended primarily for use by amateur radio operators. In applying and enforcing the conflict-of-interest provisions of this law as applied in our rules, we will use this standard.

20. Additionally, we note that the ARRL, in its *Comments*, sought to draw a distinction between employees of large manufacturers in a division producing amateur radio equipment and other employees of different divisions of the same manufacturers. The ARRL contended that volunteer examiner confict-of-interest constraints should only apply to employees in the division producing amateur radio equipment. We agree. We will accept the services of volunteer examiners for examination administration from such manufacturers where the employee can demonstrate that he/she does not normally communicate with the division which produces amateur radio equipment.

21. The conflict of interest provisions for those administering volunteer examinations as they apply to persons who own a significant interest in, or are employees of, companies manufacturing or distributing publications "used in preparation for obtaining amateur station licenses" would not appear to exclude prospective volunteer examiners employed by companies publishing mathematics or science textbooks of general applicability. Rather, it appears intended to apply to companies that manufacture or distribute publications intended primarily for the use of candidates preparing for amateur radio operator examinations.

22. Finally, membership in the ARRL or any other similar amateur radio club or organization does not in and of itself create a conflict-of-interest for a prospective volunteer examiner. However, since the ARRL is also engaged in the business of preparing and distributing publications "used in preparation for obtaining amateur station operator license," 47 U.S.C. 154(f)(4)(B), any person owning a significant interest in the ARRL would be prohibited from administering an examination as a volunteer examiner. Any employee engaged in that portion of ARRL's business relating to such publishing would also be prohibited from administering an examination as a volunteer. However, we will accept the services of a volunteer for examination administration from the ARRL where the employee can demonstrate that he/she does not normally communicate with employees engaged in the ARRL's publishing business.

4. *Fees*

23. Volunteer examiners will not be permitted to charge for their services. The Communications Amendments Act of 1982 did not authorize the Commission to impose a fee, directly or indirectly, on applicants for amateur radio operator licenses. Moreover, the Act specifically refers to the services of volunteer examiners as "voluntary and uncompensated." 47 U.S.C. 154(f)(4). Therefore, volunteer examiners have no authority to require any remuneration for the preparation or administration of amateur radio operator examinations.

5. *Public announcements*

24. The ARRL, David B. Popkin (Popkin) and others commented that required public announcement of the examinations would assure broadest candidate participation and the fairest administration of examinations. We agree. We have added rules requiring the volunteer examiners to make public announcement of a forthcoming examination.

6. *Telegraphy examinations*

25. We received many comments which claimed various insufficiencies in the proposed telegraphy examination test rules. The ARRL and the SCRRBA urged us to conform the new rules as much as possible to present Field Operations Bureau (FOB) telegraphy examination techniques. J. J. Schweder (Schweder), stated in his reply comments that we should reinstate a CW (code) sending examination.

26. We wish to give examiners sufficient latitude to formulate telegraphy examinations within the framework of present rule requirements. Accordingly, we have incorporated all of the present telegraphy examination requirements and guidelines from our present rules. We will allow volunteer examiners the same latitude the present rules allow. This, we will accept as valid telegraphy examinations based upon receiving tests, just as we do today.

7. *Procedure in cases of failure.*

27. The ARRL requested in its *Comments* that volunteer examiners be permitted to treat candidates who fail in substantially the same manner the Commission does today, *i.e.*, by informing the candidate of his/her test score and, in the case of volunteer examiners, returning the candidate's application and forwarding test papers to the appropriate VEC. Because this minimizes paperwork and administrative burdens to the examiners and at the same time provides the VEC with valuable data regarding the sufficiency of questions, we are adopting rules largely in accord with the ARRL's request in this area.

28. Many comments, including those of Popkin, recommended that we retain the provisions of present § 97.33 requiring a candidate who fails an examination element to wait thirty days before taking the same element again or before taking a higher examination element. Because this requirement is no change from the existing rules and discourages fraud and abuse, we are including it in the rules we are adopting.

8. *Administrative sanctions*

29. We have added a rule indicating that we will not accept the services of a prospective volunteer examiner whose amateur radio station license has ever been revoked or whose amateur radio operator license has ever been revoked or suspended. We believe that even if we have determined that a person whose amateur station or operator license has previously been revoked or suspended now has the requisite character and other qualifications to be a Commission licensee, that person should not be accepted as a volunteer examiner. A volunteer examiner, by auithority of recently enacted law, will stand in the FCC's stead when administering amateur radio operator examinations. This position, by its very nature, demands the highest degree of integrity.

30. We are also adopting a rule specifically authorizing the revocation of the station license and the suspension of the operator license of any volunteer examiner who participates in a fraudulent examination or who accepts payment for preparing or administering an amateur radio operator examination. These sanctions are in addition to applicable existing provisions of Sections 303(m)(1)(F) and 312(a) (1) and (4) of the Communications Act of 1934, as amended (47 U.S.C. 303(m)(1)(F) and 312(a) (1) and (4)), and Section 97.129 of the Commission's Rules (47 CFR 97.129).

B. *Volunteer Examiner-Coordinators (VEC's)*

31. Generally, the comments regarding the proposed use of Volunteer Examiner-Coordinators (VEC's) fell into the following categories: (1) Whether VEC's are necessary; (2) whether VEC's are legally sufficient and whether the conflict-of-interest provisions of Pub. L. 79-252 apply to VEC's; (3) qualifications necessary to be a VEC; (4) whether VEC's may charge for their services; (5)

whether VEC's should be required to make public announcement of examinations; (6) whether VEC's should be able to require advance registration for examinations; (7) whether the FCC should be required to provide VEC's with two tests per operator class per month; (8) whether VEC's should keep examination answer sheets; (9) whether volunteer examiners rather than VEC's should authorize instant upgrade by issuing certificates of successful completion of an examination; and (10) whether VEC's should be regional or national.

1. *Necessity of VEC's*

32. In the *Comments* and *Reply Comments* of the Capitol Hill Amateur Radio Society (CHARS), VEC's are described as an unnecessary "bureaucratic layer" likely only to add "regulatory burdens" and delay to the licensing process. In its *Reply Comments*, the ARRL characterized the use of VEC's and other regulatory devices in the proposed volunteer examination program as safeguards of the integrity of the system.

33. We also note, as we did in the *Notice*, that such organizations are necessary to accomplish the intent of the legislation; otherwise, rather than coordinating the efforts of our limited number of Field Operations Bureau district offices administering examinations, we would, instead, be expending much greater administrative resources in day-to-day dealings with hundreds or thousands of separate volunteer examiners nationally. We believe that VEC's interposed between the Commission and the volunteer examiners will lend consistency to the program by acting as coordinators of volunteer efforts, by reducing Commission and individual examiner overhead and paperwork burdens, and by screening volunteers and verifying their results. We believe VEC's will more fully accomplish the goal of the legislation—to provide for greater access of the general public to amateur operator examinations. *Notice*, at para. 16.

2. *Legal sufficiency of VEC's and conflicts of interest*

34. Several commenters have argued that the new statutory provisions do not contemplate or permit the Commission to utilize the services of organizations such as VEC's. We disagree. Although both subsections 4(A) and 4(B) refer to volunteers as "individuals", subsection 4(G) clearly indicates that Congress expected that term to be construed broadly. Subsection 4(G), 47 U.S.C. 154(f)(4)(G) states:

* * * * *

(G) The Commission, in accepting and employing services of individuals under subparagraphs (A), (B), and (C), shall seek to achieve a broad representation of individuals *and organizations* interested in amateur station operation. (Emphasis added.)

Additional references to the use of organizations in any scheme of volunteer examination in the Amateur Radio Service are contained in the legislative history. H.R. Report No. 97-765, 97th Cong., 2d Sess. 29 (1982). Therefore, we conclude that Congress envisioned a role for amateur radio organizations in the process of examination, preparation, administration and monitoring.

35. There may be some organizations with the resources to be VEC's, however, that also have publishing interests. Both AMECO are Bash indicated their view that publishers of materials used in preparation for obtaining amateur station operator licenses are prohibited from being VEC's by the conflict-of-interest language in subsection 4(B), 47 U.S.C. 154(f)(4)(B). Subsection 4(B)'s conflict-of-interest provision precludes, among other things, any individual involved in the publication or distribution of materials used by individuals in preparation for obtaining amateur station operator licenses from volunteering to adminster examinations. Such individuals or organizations would not be precluded from being involved in the preparation of those examinations. See 47 U.S.C. 154(f)(4)(A).

36. The issue thus becomes whether the VEC's would be involved in the "preparation" or "administration" of examination. However, neither the statute nor its legislative history clearly indicate which activities would constitute administration and which would constitute preparation. It appears from the legislative history that the process of giving the actual examination was considered to be "administration." *See* H.R. Report No. 97-765, 97th Cong., 2d Sess. 29 (1982). The VEC's would not, however, be involved in such activities. Thus, we cannot say with certainty that the activities performed by VEC's are administrative activities contemplated by the conflicts provision. Indeed, it appears that many of the activities performed by the VEC's may be considered as aspects of the preparation of examinations.

37. Nevertheless, in light of the Congressional concerns which prompted enactment of the conflict-of-interest clause in subsection 4(B), we believe some precautions vis-a-vis the publishing activities of VEC's are in order. Congress apparently feared that publishers and distributors of test preparation materials might be inclined to pass those individuals who utilized their materials. Similarly, such entities could assure successful completion of the examination by giving candidates the actual test questions in advance. Accordingly, because VEC's will have access to those questions, and even though we cannot determine with certainty that the VEC's were intended to fall within the purview of 47 U.S.C. 154(f)(4)(B), we are adopting rules to ensure that their activities are consistent with the spirit of the conflict-of-interest provision. Therefore, where an organization seeking to be a VEC also has publishing interests, we will accept its services as a VEC only upon a persuasive showing that preventive measure have been taken to preclude any possible conflict of interest. Such measures could include, but need not be limited to: (1) Creation of a subsidiary or sister corporation or organization to act as the VEC; (2) strict prohibition of "cross-line" communications—i.e., publishing employees have no contact or relationship with VEC employees or volunteers; or (3) creation of separate management lines of reporting to assure maximum distance between publishing interests and VEC operations. An organization, seeking to be a VEC, which manufactures or distributes equipment intended primarily for use by amateur radio operators, may become a VEC only upon a similar showing.

3. *Qualifications*

38. We have added a new § 97.507, VEC Qualifications. In this Section we have listed necessary prerequisites for an organization seeking to be a VEC. Many comments stated that we need not require a VEC to be national in scope. The ARRL was of the opposite view. Given our concern that we generate sufficient interest to make the VEC concept viable, we have chosen to change the position we took in the *Notice* where we required VEC's to be national in scope; instead, we will require that VEC's be regional in scope, capable of coordinating volunteer examiner activities in one or more of the regions defined in the new rule.

4. *Fees*

39. As we discussed above, the Communications Amendments Act of 1982 (Pub. L. 97-259) did not authorize the Commission to impose a fee, directly or indirectly, on applicants for amateur radio operator licenses. Thus, the

Communications Act of 1934, as amended, does not provide any express authorization for the imposition of charges on applicants for amateur radio operator licenses.

40. The ARRL has stated that "for the ARRL to become a VEC, a minimal examination fee to cover necessary out-of-pocket costs of administering the program would first have to be established." *ARRL Reply Comments*, at para. 14. This is not possible. In this *Report and Order* we are, pursuant to P.L. 97-259, delegating our authority to perform a necessary function of this agency, *i.e.*, the preparation and administration of amateur radio operator examinations. Just as we may not collect money for performance of this function, volunteer examiners may not collect money to perform the same delegated function. Nor may VEC's collect money to assist volunteer examiners to perform this delegated function. *See* the *Miscellaneous Receipts Act*, 31 U.S.C. 484 et seq.; *see also* 31 U.S.C. 628 and 18 U.S.C. 209.

41. Finally, most comments opposing this proposal advocated that the FCC retain the examination function and charge fees to cover costs. We have no statutory authority to retain such fees and offset them against operating costs. We are cognizant of the sizable costs a national VEC could incur. This is partly why we have chosen to permit regional VEC's.

5. *Public announcements*

42. We have already indicated that we agree with those commenters who believed public notice of examinations was desirable. We will require the team of volunteer examiners to publicly announce forthcoming examinations.

43. Additionally, however, we note that many concerns expressed about public notice and its sufficiency derived from the loss of a known central point (the FCC District Office) where people could call to get complete examination information for their area. We believe that having access to such a reference source is an important method of assuring that the public has the capability of becoming fully informed of all examination opportunities in a given geographical area.

44. Accordingly, we are adopting rules to require each VEC to notify local FCC District Offices 30 days in advance of any tests in areas within their jurisdictions.

6. *Advance registration*

45. The ARRL commented that VEC's should be permitted to establish deadlines to submit applications for examinations. Some cutoff is needed, the ARRL contended, in order to keep costs down while providing reasonable service to applicants and to properly anticipate the size of the examination session for test printing and distribution and other arrangements. We are adopting rules permitting a VEC to require advance registration for these reasons.

7. *FCC test designing*

46. In its *Comments* the ARRL proposed addition of rules to require the FCC to provide two separate test designs for each class of amateur operator license. For a new program such as this, where it is not easy to predict the number or size of organizations with which we will be dealing as VEC's, such rules would not give us the flexibility we are certain to require. Accordingly, we will not adopt rules mandating a certain number of test designs within specified timeframes.

8. *Answer sheets*

47. As we've already discussed, we are transferring the function of keeping answer sheets from volunteer examiners to VEC's.

9. *Instant upgrade*

48. The ARRL and Popkin both recommended that the proposed system be amended to eliminate inherent delay in VEC issuance of certificate of successful completion of examination by transferring this function to volunteer examiners to facilitate "instant upgrade." We are adopting rules making this change.

10. *Geographic scope of VEC's*

49. We proposed to require that VEC's be national in scope. However, commenters like Malcolm C. Mallette and Harry J. Sapp, Jr., indicated a preference for regional or local VEC's to maximize the availability of examination opportunities. In response to these comments, we are adopting rules requiring that a VEC serve one or more regions which correspond to our present Amateur Radio Service licensing call sign districts.[1] For assignment of call signs we presently divide the United States into thirteen districts with relatively equal populations of amateur radio operators. This concept of call sign districts will be applied to VEC's in order to permit regional coordination of the volunteer examiner program.

[1] *See* Public Notice No. 3627, *Amateur Radio Station Call Sign Assignment System*, April 15, 1983.

C. *Miscellaneous Matters*

1. *Validity of program*

50. Henry M. Adelson (Adelson) most succinctly stated the view of many commenters who generally opposed delegation of preparation and administration of amateur radio operator examinations to volunteer examiners. He expressed the view that failure to "afford equal opportunities to all amateurs to take examinations under uniform conditions of time, place and circumstance as would be afforded applicants for the extra class license as well as applicants for other licenses" constitutes a denial of equal protection of the law. Adelson also relied on the general proposition that a Federal administrative agency cannot delegate responsibility (such as testing of applicants for a required license) to individual citizens.

51. Under the volunteer examination program as proposed, candidates for every Class of amateur operator license above the Novice class will all have access to the same examination system. They will take examinations from volunteer examiners who have been approved by VEC's. The VEC's will be subject to strict standards and will be regulated by the Commission. Most importantly, the written examination elements administered to the candidates will be designed by the FCC and will be uniform throughout the United States. Thus, this equal protection argument is without merit.

52. As to the question of unwarranted delegation of authority, Congress has provided this Commission with specific authorization to accept the services of individuals and organizations in the preparation and administration of amateur radio operator examinations. (Pub. L. 97-259, enacted September 13, 1982.) Any principle of administrative law arguably to the contrary has no applicability in such a circumstance.

2. *Question pools*

53. As we have indicated, we intend to develop large pools of questions for each license class from which the FCC will design each written examination by choosing a limited number of questions from each classes' pool. We proposed to make the pools of available questions public. Mark Everet Siegel (Siegel) and other commenters indicated a preference not to make the questions public, on the basis that this encourages fraud and abuse (presumably through circulation and memorization) and because, these comments argued, publication of the question pools is contrary to the intent of the legislation.

54. The legislative history of Pub. L. 97-252 speaks to this issue:

> The conferees expect that volunteering individuals and organizations will protect against the premature disclosure to the public of submitted questions. H.R. Report No. 97-765, 97th Cong., 2d Sess. 29 (1982).

From this legislative history, we note that Congress had some concern with regard to premature disclosure of questions. In the examination program we have proposed, the FCC will design each examination by choosing questions from the question pool. Examination designs will be forwarded to the VEC's which will be required to keep the designs confidential. There will be no premature disclosure of the content of any given examination.

55. Additionally, we expect to establish question pools that have as many as ten times the number of examination questions possible for any category in any class of any amateur radio operator examination. As a result, we expect to minimize any possible fraud or abuse that might otherwise occur by revelation of the pools and memorization of the questions in them. As Ray Gustafson commented, the greater the quantity of questions, the harder it is to memorize them all. Moreover, publication of question pools of this size will encourage study for the examination. Any candidate who successfully masters the answers to ten times the number of questions on any given examination for a license class is likely to be well qualified to be licensed for that class. We will, therefore, make the pools of available questions public.

3. *Novice Class examinations*

56. We are retaining the essential elements of the Novice Class volunteer program which became effective on August 31, 1983. If an unlicensed candidate applies for an amateur radio operator license above the Novice Class, and passes Elements 1(A) and 2 but fails the higher examination elements, we expect one member of the volunteer team (who would also qualify as a volunteer examiner for the Novice Class) to make the appropriate entries on the application form so that the candiate could receive the Novice Class license for which he/she has qualified by passing Elements 1(A) and 2.

4. *Physical disability*

57. Popkin and others commented that we should retain certain existing rules providing for special examination procedures for persons with physical disabilities. We have done so in the rules we are adopting herein. Consistent with existing rule interpretations, persons who have a hearing impairment or who have a disability impairing use of their hands are not precluded, for these reasons alone, from taking Elements 1(A), 1(B), or 1(C). However, the need for special examination procedures for the physically handicapped is one of the reasons we have adopted a rule allowing VEC's to require advance registration for examinations to be administered by volunteer examiners.

5. *Conditional Class*

58. Some commenters indicated that we should reinstitute the Conditional Class license and/or validate licenses of former Conditional Class licensees who did not submit to FCC retesting procedures or who failed them. The rules we are adopting in this *Report and Order* have no relationship to the former Conditional Class licensing program. We do not intend to reinstitute the Conditional Class license or to revisit our actions taken in relation to the Conditional Class licensing program.

6. *FCC testing*

59. In order to insure the integrity of the examination program for amateur radio operator licenses the FCC will retain the right to prepare and administer amateur radio operator license examinations itself. Additionally, to guarantee against fraud or abuse in the volunteer examination program the FCC will reserve the right to retest any person who has taken an examination under the volunteer program.

7. *Phase-in*

60. Of course, the Novice Class volunteer examination program is already in place. We expect to phase in the program we are adopting above the Novice Class by first implementing the use of volunteers to prepare and administer telegraphy examinations and then releasing the pool of questions we will begin to use for Element 3. This will enable volunteers to give the telegraphy examinations for all amateur operator licenses and the written examinations for the Technician Class and General Class amateur radio operator licenses, after the FCC has entered into agreement with organizations to be VEC's. We will issue pools of questions for Elements 4 (A) and (B) at a later time.

VII. Conclusion

61. Consistent with the previous discussion, we conclude it serves the public interest, convenience and necessity to accept the voluntary and uncompensated services of individuals and organizations to prepare and administer amateur radio operator examinations. We have constructed a program which we believe will insure the integrity of the Amateur Radio Service by providing a substantial number of safeguards which will prevent fraud or abuse. These include the use of three-volunteer examiner teams, accreditation of volunteer examiners, use of Volunteer Examiner-Coordinators (VEC's), requiring VEC's to enter into (and honor) an agreement with the FCC, and FCC retention of authority to give examinations or to retest licensees previously tested by volunteer examiners.

VIII. Regulatory Flexibility.

62. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605) the Commission certified in the *Notice* that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities, because these entities may not use the Amateur Radio Service for commercial purposes (see 47 CFR 97.3(b)), and because these rules would have no foreseeable impact on manufacturers of Amateur Radio Service equipment. The Chief Counsel for Advocacy of the Small Business Administration has been so notified.

IX. Ordering Clauses.

63. Accordingly, it is ordered, effective December 1, 1983, that Parts 0, 1 and 97 of the Commission's Rules (47 CFR Parts 0, 1 and 97) are amended as shown in the Appendix attached hereto. The authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303.

64. It is further ordered that the Commission will, at some future date, issue a Public Notice detailing how and under what circumstances an organization may apply to the FCC to become a Volunteer Examiner-Coordinator (VEC).

65. It is further ordered that this proceeding is terminated.

66. For further information concerning this document, contact John J. Borkowski, (202) 632-4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

Parts 0, 1 and 97 of the Commission's Rules are amended as follows:

PART 0—[AMENDED]

1. The Table of Contents for Part 0 is amended as follows:

(a) A new § 0.484 entitled "Amateur radio operator examinations." is added.

(b) The Heading of § 0.485 is revised to read: "Commercial radio operator examinations."

* * * * *

2. A new § 0.484 is added to read:

§ 0.484 Amateur radio operator examinations.

Generally, examinations for amateur radio operator licenses shall be administered at locations and times specified by volunteer examiners. (See § 97.26(a)). When the FCC conducts examinations for amateur radio operator licenses, they shall take place at locations and times designated by the FCC.

3. Section 0.485 is revised to read:

§ 0.485 Commercial radio operator examinations.

Written examinations and International Morse code telegraphy examinations for commercial radio operator licenses are conducted at prescribed intervals or by appointment at locations specified in the Commission's current examination schedule, copies of which are available from any Commission field office or from the FCC, Public Service Division, Field Operations Bureau, FCC, Washington, D.C. 20554.

PART 1—[AMENDED]

4. The Table of Contents for Part 1 is amended as follows: the heading of § 1.925 is revised to read "Application for special temporary authorization, temporary permit or temporary operating authority."

5. Paragraph (a) of § 1.912 is revised to read:

§ 1.912 Where applications are to be filed.

(a) Applications for any class of new or upgraded amateur operator license shall be submitted to the examiners prior to the examination. (See § 97.26.) The examiners are required to submit the applications of persons passing their respective examinations to the Commission (for Novice Class operator licenses) or to the Volunteer-Examiner Coordinator (for all other amateur operator licenses). All other applications for amateur radio licenses shall be submitted to the Federal Communications Commission, Gettysburg, Pennsylvania 17325. Only one copy of the application is required.

* * * * *

6. The heading and paragraph (e) of § 1.925 are revised to read:

§ 1.925 Application for special temporary authorization, temporary permit or temporary operating authority.

* * * * *

(e) Upon successful completion of an Amateur Radio Service operator examination, an applicant already licensed in the Amateur Radio Service may operate his/her amateur radio station pending issuance of his/her permanent amateur station and operator licenses by the Commission for a period of 90 days or until issuance of the permanent operator and station licenses, whichever comes first, consistent with the rights and privileges of the higher operating class for which the applicant has passed the appropriate examination element(s), provided that the applicant retains the certificate(s) issued by the examiners for successful completion of the examination element(s) at the station location, and provided that the applicant uses an identifier code provided by a VEC as a suffix to his/her present call sign.

* * * * *

7. Section 1.934 is revised to read:

§ 1.934 Procedure with respect to amateur radio operator license.

Each candidate for an amateur radio license which requires the applicant to pass one or more examination elements must present the examiner(s) with a properly completed FCC Form 610 prior to the examination. Upon completion of the examination, the examiner(s) will immediately grade the test papers. If the applicant is successful, the examiner(s) will forward the candidate's application to: (a) the Commission's Gettysburg, Pennsylvania facility for an application for a Novice Class operator license, or (b) a Volunteer-Examiner Coordinator (VEC) for all other classes of operator licenses. The examiners will then issue a certificate for successful completion of an amateur radio operator examination. A VEC will forward the application to the Commission's Gettysburg, Pennsylvania facility.

PART 97—[AMENDED]

8. The Table of Contents for Part 97 is amended as follows:

(a) A new § 97.26 entitled "Examination procedure." is added.

(b) The heading of § 97.27 is revised to read "Examination preparation."

(c) The heading of § 97.28 is revised to read "Examination administration."

(d) A new § 97.29 entitled "Examination grading." is added.

(e) The heading of § 97.31 is revised to read "Volunteer examiner requirements."

(f) Section 97.32 and its heading are removed.

(g) The heading of § 97.33 is revised to read "Volunteer examiner conduct."

(h) A new § 97.35 entitled "Temporary operating authority." is added.

(i) A new Subpart I is added, as follows:

Subpart I—Volunteer-Examiner Coordinators

General

§ 97.501 Purpose.
§ 97.503 Definitions.
§ 97.505 Applicability of rules.
§ 97.507 VEC Qualifications.
§ 97.509 Conflicts of interest.

Volunteer-Examiner Coordinator Functions

§ 97.511 Agreement required.
§ 97.513 Scheduling of examinations.
§ 97.515 Coordinating volunteer examiners.
§ 97.517 Written examinations.
§ 97.519 Examination procedures.
§ 97.521 Evaluation of questions.
§ 97.523 Identification of applicants passing examinations.

Authority: Secs. 4(i) and 303 of the Communications Act of 1934, as amended, 47 USC 154(i) and 303.

9. Section 97.11 is revised to read:

§ 97.11 Application for operator license.

(a) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which will require an examination shall be submitted in accordance with the provisions of § 97.26.

(b) An application (FCC Form 610) for renewal and/or modification of license when no change in operating privileges is involved shall be submitted to the Commission's office at Gettysburg, Pennsylvania 17325.

10. Paragraph (b) of § 97.25 is revised to read as follows:

§ 97.25 Examination credit.

* * * * *

(b) A certificate of successful completion of an examination will be issued to applicants who successfully complete an examination element. Upon presentation of this certificate for telegraphy examination elements 1(A), 1(B) or 1(C), examiners shall give the applicant for an amateur radio operator license examination credit for the code speed associated with the previously completed element. For purposes of examination credit, this certificate is valid for a period of one year from the date of its issuance.

* * * * *

11. A new § 97.26 is added to read:

§ 97.26 Examination procedure.

(a) Each examination for an amateur radio operator license shall be administered at a location and a time specified by the examiner(s). Public announcement before examinations shall be made for elements 1(B), 1(C), 3, 4(A) and 4(B).

(b) The examiner(s) must be present and observing the candidate throughout the entire examination.

(c) The examiner(s) will be responsible for the proper conduct and necessary supervision during each examination.

(d) Each candidate for an amateur radio license, which requires the applicant to pass one or more examination elements, must present the examiner(s) with a properly completed FCC Form 610 on or before the registration deadline date for those examination sessions for which registration is required; otherwise, applicants shall submit FCC Form 610 at the examination session before the start of the examination(s). In cases where a registration deadline is required, it shall be specified by the VEC that issues the examination papers to the examiner.

(e) The candidate shall comply with the instructions given by the examiner(s). The examiner(s) must immediately terminate the examination upon failure of the candidate to comply with the examiner(s)' instructions.

(f) At the completion of the examination, the candidate shall return all test papers to the examiner(s).

(g) A candidate whose physical disabilities require special procedures to allow participation in examination sessions shall attach a statement to his/her application. For examinations other than Novice Class the statement shall be retained in the files of the VEC that issues the test papers. The statement for Novice Class examinations shall be retained by the examiner for one year. The statement shall include:

(1) A physician's certification indicating the nature of the disability; *and*

(2) the name(s) of the person(s) taking and transcribing the applicant's dictation of test questions and answers, if such a procedure is necessary.

(h) An applicant who fails an examination element required for an amateur radio operator license shall not apply to be examined for the same or higher examination element within thirty days of the date the examination element was failed.

12. Section 97.27 is revised to read:

§ 97.27 Examination preparation.

(a) Element 1(A) shall be prepared by the examiner. The preparer must hold an Amateur Extra, Advanced, or General Class operator license. The test shall be such as to prove the applicant's ability to transmit correctly by hand key and to receive correctly by ear texts in the international Morse code at a rate of not less than five (5) words per minute. (Special procedures may be employed in cases of physical disability. See § 97.26(g).) The applicant is responsible for knowing, and may be tested on, the twenty-six letters of the alphabet, the numerals 0–9, the period, the comma, the question mark, AR, SK, BT and DN. (See § 97.29(c).)

(b) Elements 1(B) and 1(C) shall be prepared by the examiners or be obtained by the examiners from the VEC. The preparer must hold an Amateur Extra Class license. The test shall be such as to prove the applicant's ability to transmit correctly by hand key and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed. (Special procedures may be employed in cases of physical disability. See § 97.26(g).) The applicant is responsible for knowing, and may be tested on, the twenty-six letters of the alphabet, the numerals 0–9, the period, the comma, the question mark, AR, SK, BT and DN. (See § 97.29(c).)

(c) Element 2 shall be designed by the examiner from PR Bulletin 1035A (latest date of issue), entitled *Questions for the Element 2 Amateur Radio Operator License Examination.*

(d) Elements 3, 4(A) and 4(B) will be designed by the FCC. The FCC will select questions for each test from the appropriate list of questions approved by the Commission (either PR Bulletin 1035 B, C, or D, latest date of issue). The FCC will provide each VEC with current examination designs. The VEC is required to hold current examination designs in confidence.

(e) PR Bulletins 1035 A, B, and C and D will be composed of questions originated by the FCC and questions submitted by amateur radio operators in accordance with the instructions in the Bulletin. Amateur radio operators holding Amateur Extra Class licenses may submit questions for any written examination element. Amateur radio operators holding Advanced Class licenses may only submit questions for Element 2 and 3. Amateur radio operators holding General Class or Technician Class licenses may only submit questions for Element 2.

13. Section 97.28 is revised to read:

§ 97.28 Examination administration.

(a) Unless otherwise prescribed by the Commission, each examination for an amateur radio operator license (except the Novice Class operator license) shall be administered by three accredited volunteer examiners. The examiners must hold Amateur Extra Class operator licenses, unless: (1) They are administering telegraphy element 1(A), in which case they may hold Amateur Extra Class, advanced Class or General Class radio operator licenses, or (2) they are administering written examination elements 2 or 3, in which case they may hold Amateur Extra Class or Advanced Class radio operator licenses.

(b) Unless otherwise prescribed by the Commission, each examination for the Novice Class operator license shall be administered by one volunteer examiner. The examiner does not have to be accredited. The volunteer examiner must hold a current General, Advanced or Amateur Extra Class operator license issued by the Commission.

(c) Upon completion of an examination element, the examiner(s) shall immediately grade the test papers.

(d) When the candidate does not score a passing grade on an examination element, the examiner(s) shall so inform the candidate by providing the percentage of questions answered correctly, and by returning the application (see § 97.26) to the candidate. For examinations other than Novice Class examinations, the test papers, including answer sheets, shall be returned to the VEC that issued them. For Novice Class examinations, the test papers, including answer sheets, must be retained as part of the volunteer examiner's station records for one year from the date the examination is administered.

(e) When the candidate scores a passing grade on an examination element, the examiners (except for examinations for the Novice Class operator license) must issue a certificate of successful completion of the examination. This certificate must bear the VEC-issued examination identifier code (see § 97.523). This certificate is required for already-licensed applicants operating with privileges of an amateur operator class higher than that of their permanent amateur operator license (See §§ 1.925(e) and 97.84). Within one year this certificate may also be used for examination credit for elements 1(A), 1(B) or 1(C) (See § 97.25).

(f) When the candidate scores a passing grade on all examination elements required for the operator license class sought (see § 97.23), the

examiners shall certify to the following information on the candidate's application form (see § 97.26):

(1) Examiners' names, addresses and amateur radio station call signs;

(2) Examiners' qualifications to administer the examination (see § 97.31); *and*

(3) Examiners' signed statements that the applicant has passed the required examination elements.

(g) Within ten days of the administration of a successful examination for the Novice Class operator license, the examiner shall submit the candidate's application to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

(h) Within ten days of the administration of a successful examination for the Technician, General, Advanced or Amateur Extra Class operator license, the examiners shall submit the successful candidates' applications and all test papers to the VEC that originally issued that test.

(i) The FCC reserves the right, without qualification, to:

(1) administer examinations itself; *or*

(2) readminister examinations itself or under the supervision of an examiner designated by the FCC, to any person who obtained an operator license through the volunteer examination process.

14. A new § 97.29 is added to read:

§ 97.29 Examination grading.

(a) Each examination element shall be graded separately by the examiners.

(b) An applicant passes a written examination if he/she answers at least 74 percent of the questions correctly.

(c) An applicant passes a code element examination if he/she proves his/her ability to transmit correctly by hand key (straight key, or, if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key, but not a keyboard keyer) and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed for one continuous minute during a five-minute test period. Each five characters shall be counted as one word. Each punctuation mark and numeral shall be counted as two characters.

15. Section 97.31 is revised to read:

§ 97.31 Volunteer examiner requirements.

(a) Each volunteer examiner administering an examination for an amateur radio operator license must:

(1) Be at least 18 years of age; *and*

(2) Not be related to the candidate.

(b) Any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses, is ineligible to be a volunteer examiner for purposes of administering an amateur radio operator examination. However, an employee who can demonstrate that he/she does not normally communicate with that part of an entity engaged in such manufacture or publishing is eligible to be a volunteer examiner.

(c) Each volunteer examiner shall be uncompensated for his/her services.

(d) Each volunteer administering an examination for the Technician, General, Advanced or Amateur Extra Class operator license must be accredited by the Volunteer-Examiner Coordinator (see Subpart I).

(e) The FCC will not accept the services of any person seeking to be a volunteer examiner if that person's amateur radio station license or amateur radio station operator's license has ever been revoked or suspended.

16. Section 97.33 is revised to read:

§ 97.33 Volunteer examiner conduct.

A volunteer examiner who has given or certified examinations fraudulently or for monetary or other consideration is subject to revocation of his/her amateur radio station license and suspension of his/her amateur radio operator license.

17. A new § 97.35 is added to read:

§ 97.35 Temporary operating authority.

Upon successful completion of an Amateur Radio Service operator examination, an applicant already licensed in the Amateur Radio Service may operate his/her amateur radio station pending issuance of his/her permanent amateur station and operator licenses by the Commission for a period of 90 days or until issuance of the permanent operator and station licenses, whichever comes first, consistent with the rights and privileges of the higher operating class for which the applicant has passed the appropriate examination(s), provided that the applicant retains the certificate(s) issued by the examiners for successful completion of the examination(s) at the station location, and provided that the applicant uses an identifier code provided by a VEC as a suffix to his/her present call sign.

18. Paragraph (f) of § 97.84 is revised to read:

§ 97.84 Station identification.

* * * * *

(f) When operating under the temporary operating authority permitted by § 1.925(e) with privileges which exceed the privileges of the licensee's permanent operator license, the station must be identified in the following manner:

(1) On radiotelephony, by the transmission of the station call sign, followed by the word "temporary," followed by the identifier code(s) shown on the certificate(s) for successful completion of an amateur radio operator examination.

(2) On radiotelegraphy, by the transmission of the station call sign, followed by the fraction bar DN, followed by the identifier code(s) shown on the certificate(s) for successful completion of an amateur radio operator examination.

* * * * *

19. A new Subpart I is added to Part 97 to read as follows:

* * * * *

Subpart I—Volunteer-Examiner Coordinators

General

§ 97.501 Purpose.

The rules in this subpart are designed to provide for the establishment of volunteer-examiner coordinators to coordinate the efforts of volunteer examiners in preparing and administering examinations for amateur radio operator licenses.

§ 97.503 Definitions.

For the purpose of this subpart, the following definitions are applicable:

(a) *Volunteer-examiner coordinator* (VEC). An entity which has entered into an agreement with the Federal Communications Commission to coordinate the efforts of volunteer examiners in preparing and administering examinations for amateur radio operator licenses.

(b) *Volunteer examiner.* An amateur radio operator who prepares or administers examinations to applicants for amateur radio operator licenses (see § 97.30).

§ 97.505 Applicability of rules.

These rules apply to each entity that serves as a volunteer examiner coordinator.

§ 97.507 VEC Qualifications.

In order to be a VEC, an organization must:

(a) Be organized at least partially for the purpose of furthering amateur radio;

(b) Be at least regional in scope, serving one or more of the following regions:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont;

(2) New Jersey and New York;

(3) Delaware, the District of Columbia, Maryland and Pennsylvania;

(4) Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Virginia;

(5) Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas;

(6) California;

(7) Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming;

(8) Michigan, Ohio and West Virginia;

(9) Illinois, Indiana and Wisconsin;

(10) Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota;

(11) Alaska;

(12) Caribbean Insular areas: Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island; and

(13) Pacific Insular areas: Hawaii, American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana Islands, Guam Island, Howland Island, Jarvis Island, Johnston Island (Islets East, Johnston, North and Sand), Kingman Reef, Midway Island (Islets Eastern and Sand), Palmyra Island (more than 50 islets) and Wake Island (Islets Peale, Wake and Wilkes).

(c) Be capable of acting as a VEC in one or more of the regions listed in paragraph (b);

(d) Agree to coordinate all amateur radio operator examination elements for all amateur radio operator license classes;

(e) Agree not to accept any compensation from any source for its services as a VEC; *and*

(f) Agree to assure that for any examination every candidate qualified under these rules is registered without regard to race, sex, religion, national origin or membership (or lack thereof) in any amateur radio organization.

§ 97.509 Conflicts of interest.

An entity engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur radio station operator licenses may be a VEC only upon a persuasive showing to the Commission that preventive measures have been taken to preclude any possible conflict of interest.

Volunteer-Examiner Coordinator Functions

§ 97.511 Agreement required.

No entity may serve as a VEC until that entity has entered into a written agreement with the Federal Communications Commission to do so. The VEC must abide by the terms of that agreement.

§ 97.513 Scheduling of examinations.

A VEC will coordinate the dates and times for scheduling examinations (see § 97.26) throughout the areas where communications are regulated by the Federal Communications Commission. A VEC may also coordinate the scheduling of testing opportunities at other places. A VEC shall notify the Engineer-in-Charge of the Field Operations Bureau (FOB) District Office having jurisdiction over the area where an examination is to be held of the time, place and registration requirements for any examination. If no FOB District Office has jurisdiction over the area where an examination is to be held, a VEC shall notify the Chief of the Public Service Division of FOB in Washington, D.C., instead. In either case, this notification must be made at least 30 days in advance of the registration deadline.

§ 97.515 Coordinating volunteer examiners.

A VEC will accredit amateur radio operators, licensed by the Federal Communications Commission, as volunteer examiners (see § 97.30). A VEC will seek to recruit a broad representation of amateur radio operators to be volunteer examiners. A VEC may not discriminate in accrediting volunteer examiners on the basis of race, sex, religion or national origin. A VEC may not refuse to accredit a volunteer on the basis of membership (or lack thereof) in an amateur radio organization. A VEC must not accredit an amateur radio operator volunteering to be an examiner if:

(a) The volunteer examiner does not meet minimum statutory qualifications or minimum qualifications as prescribed by the rules;

(b) The FCC refuses to accept the voluntary and uncompensated services of the volunteer examiner;

(c) The VEC determines that the volunteer is not competent to perform the function for which he/she volunteered; *or*

(d) The VEC determines that questions of the volunteer's integrity or honesty could compromise the examination(s).

§ 97.517 Written examinations.

A VEC will assemble, print and distribute written examinations designed by the FCC (see § 97.27(d)).

§ 97.519 Examination procedures.

At the completion of each examination, a VEC will collect the candidates' application forms, answer sheets and test results from the volunteer examiners (see § 97.28(h)). A VEC will:

(a) Make a record of the date and place of the test; the names of the volunteer examiners and their qualifications; the names of the candidates; the test results; and, related information.

(b) Screen the application for completeness and authenticity.

(c) Forward the application within ten days of the date of the most recent examination to: Federal Communications Commission, Licensing Division, Private Radio Bureau, Gettysburg, Pennsylvania 17325.

(d) Make available to any authorized FCC representative any requested examination records.

§ 97.521 Evaluation of questions.

A VEC will be expected to evaluate the clarity and accuracy of examination questions on the basis of experience, and to bring ambiguous or inaccurate questions to the attention of the Commission, with a recommendation on whether to revise the question or to delete the question from the Commission's list of examination questions.

§ 97.523 Identification of applicants passing examinations.

A VEC must establish a unique identifier code for each testing session. This code must be a slant (/) followed by two letters from one of the following letter groups: WA through WZ, KA through KZ, NA through NZ, or AA through AL. The identifier code must be shown on the certificate for successful completion of an examination. The identifier code(s) applicable must be appended as a suffix to the licensee's call sign when the licensee operates under temporary authority granted to amateur radio operators who have passed the appropriate examination(s) for a higher class (see §§ 1.925(e) and 97.84(f)).

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federal register

Thursday
October 6, 1983

Part III

Department of the Interior

Fish and Wildlife Service

Coastal Barrier Resources Act; Advisory Guidelines; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

43 CFR Subtitle A

Coastal Barrier Resources Act; Advisory Guidelines

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Rule-related notice.

SUMMARY: This document sets forth the Department of the Interior's (Department) general statement of policy and advisory guidelines regarding the provisions of the Coastal Barrier Resources Act (Act, CBRA) that address limitations on Federal expenditures and financial assistance, and exceptions to the limitations.

DATES: These guidelines are effective upon publication. The prohibitions on new Federal financial expenditures and assistance other than flood insurance were effective upon enactment of CBRA (October 18, 1982). The prohibition on the sale of new Federal flood insurance for new structures or substantial improvements will be effective October 1, 1983. The Federal Emergency Management Agency, which administers the National Flood Insurance Program, issued a final rule on this provision on August 16, 1983 (48 FR 37036).

FOR FURTHER INFORMATION CONTACT: Mr. Frank McGilvrey, Coastal Barriers Coordinator, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-2618).

SUPPLEMENTARY INFORMATION: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits all new Federal expenditures and financial assistance within the units of the System, except that a Federal agency may, after consultation with the Secretary of the Interior, effect such expenditures or assistance according to the specific exceptions of Section 6 of CBRA. These provisions of the Act became effective upon it being signed into law. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act of 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on the sale of new Federal flood insurance for new construction or substantial improvements in these areas will go into effect on October 1, 1983.

The Department published proposed guidelines in the **Federal Register** on April 25, 1983 (48 FR 17592). Changes in these final guidelines result from comments received concerning the proposed guidelines. Secretarial Order 3093 delegated responsibility for Section 6 to the Fish and Wildlife Service (Service) on April 28, 1983.

The guidelines elaborate on the definitions of expenditures and financial assistance and "new" expenditures and financial assistance and prescribe guidelines for consultation with the Service. As stated by the Director of the Office of Management and Budget in a letter dated March 7, 1983, to the Secretary: "OMB fully agree(s) that questions regarding the limitations on financial expenditures be interpreted by all agencies in a consistent manner. Therefore OMB will look to the Department to develop guidelines and definitions which all agencies, including OMB, can use."

The Service intends that the final advisory guidelines will direct agencies in limiting expenditures and financial assistance within the System in conformance with the dictates of Section 5 and 6 of CBRA. The Service is aware, though, that the guidelines cannot address each particular question that may arise in implementing CBRA with respect to particular activities within the System. The Service expects that the more general directives of the guidelines will be supplemented as a result of bilateral discussion that should be held between each affected agency and the Service as to the particular activities each agency is responsible for and as to the procedures for consultation on future activities.

Discussion of Comments Received

In response to the notice of proposed advisory guidelines, written comments were received from eleven respondents. All were considered in the final guidelines. The following is a discussion of these comments and the Department's responses.

Two respondents were of the opinion that the prohibition on Federal financial assistance should include income tax deductions for casualty loss and interest on Federal mortgages.

We disagree. There is absolutely no indication in the legislative history of CBRA that Congress had any intention of effecting such change in the tax treatment of activities within the System. Congress would not have made such a change in the tax laws without discussion. Moreover, the basic scheme of CBRA, evidenced clearly in the Section 6(a) consultation process, is intended to affect particular decisions by Federal agencies to provide expenditures and financial assistance for activities within the System. These decisions are different from the general grant by the Federal government of income tax deductions for various items.

Section 6(a)(3) of the Act excepts "* * * the maintenance, replacement, reconstruction or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system * * *" from the prohibitions on Federal expenditures or financial assistance. In the proposed guidelines, we interpreted "facilities" to be limited to facilities related to roadworks. Five commentators are of the opinion that the "or facilities" separated roads from utilities, and that it was not the intent of Congress, as evidenced in the legislative history, to exclude repair or replacement of utility systems already in place. After reviewing the comments and further evaluation of the legislative history and Congressional intent, we agree that utilities should be included as part of Sections 6(a)(3) and 6(a)(6)(F).

Several commenters questioned whether the proposed guidelines gave the Department of Defense too much leeway in its determinations of which expenditures are "essential to national security" and therefore exempt from the section 5 prohibitions. The legislative history of Section 6(a)(4) specifically provides that "this exemption should be read broadly and that the Department of Defense should be the judge of the essentiality of the action" (House Report 97-841). Moreover, the Conference Report (97-928) states that: "the determination as to whether military activities are essential to national security must be made in accordance with existing law and procedure." Thus, Congress intended no expansion of current statutory and regulatory standards for determining what is essential to the national security. In addition, Section 6(a) of CBRA does not exempt the Department of Defense from consulting with the Service prior to making expenditures or financial assistance available within the System. The Department of Defense will, however, be the judge of which military activities are essential to national security and therefore excepted from the general prohibition in Section 5 of CBRA.

The section on the consultation process also generated some comment. Two Federal agencies interpret the Act to require only a single consultation with the Service covering the whole range of their activities impacted by CBRA. We are of the opinion that this was not the intent of Congress. A

blanket exemption would not adequately satisfy the oversight responsibilities of the Department to ensure the minimum necessary impact on coastal barriers. The final guidelines are clarified to emphasize the need for consultation prior to expenditures or financial assistance for each excepted activity.

Five commenters contended that consultation with the Department was mandatory and took exception to the position in the proposed guidelines that Federal agencies "should" consult with the Department with respect to expenditures and assistance under Section 6 of CBRA. Additional review of the legislative history supports the view of these commenters. For instance, the Conference Report states, "The Conferees agreed to accept the House provision which *requires* the appropriate Federal officer to consult with the Secretary before making any Federal expenditures or financial assistance available under Section 6 H.R. Rep. No. 928, 97th Cong., 2nd Sess. 13 (1982) (emphasis added). We therefore agree that consultation itself with the Department with respect to expenditures and financial assistance according to the Section 6 exceptions criteria is mandatory and have so changed the final guidelines. But while consultation itself is mandatory, that does not mean that it must be conducted in any particular manner. Thus, these guidelines leave it up to the various Federal agencies to develop acceptable consultation procedures with the Service that best fit their various programs. Such procedures may vary from agency to agency.

1. *Environmental Effects:* These guidelines establish a general framework within which Federal agencies can satisfy their consultation responsibilities with the Service prior to making an expenditure on, or providing assistance to, activities excepted under Section 6 of CBRA. The guidelines merely establish a general framework for the exchange of information and advice among Federal agencies in order to insure compliance with the requirements of CBRA. The guidelines, in and of themselves, therefore, will not create substantive impacts upon the human environment. As for the activities that will be the subject of consultation, such activities generally continue the status quo or provide localized environmental benefits or localized emergency disaster assistance. Moreover, to the extent that an activity does affect the quality of the human environment, appropriate NEPA documentation will be prepared by the responsible Federal agency for that particular activity. Therefore, the Department has determined that the consultation process addressed by these guidelines will have no significant impact on the quality of the human environment which would require the preparation of an environment impact statement.

2. *Statement of Effects:* The Department of the Interior has determined that these interpretive guidelines are not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. These guidelines will result in minimal cost to Federal agencies and some economic effects on local firms and businesses to the extent that they are engaged in activities excepted by section 6 of CBRA and paid for or assisted by Federal funds.

3. *Paperwork Reduction Act:* These interpretive guidelines do not contain information collection requirements and thus the requirements of the Paperworks Reduction Act do not apply. This is because all information required in the consultation process is to be submitted to the Service by the Federal agency involved.

4. *Authorship Statement:* This document has been prepared by Frank McGilvrey of the U.S. Fish and Wildlife Service.

5. *Identification of Subjects:* An Identification of subjects is not necessary because this document is not designed to be codified in the Code of Federal Regulations.

Coastal Barrier Resources System: Prohibition on New Federal Expenditures and Procedures for Consultation

I. Definitions and Limitations

Financial Assistance

The Act, with certain exceptions, prohibits Federal expenditures and financial assistance for development within the Coastal Barrier Resources System.

Section 3(3) of CBRA defines "financial assistance" as: "any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance." On October 1, 1983, this definition will also include Federal flood insurance.

Section 5(a) of the Act provides the general prohibition on new Federal expenditures and financial assistance in System units and provides a listing of specifically prohibited expenditures or assistance. Section 5(a) states:

Except as provided in Section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to:

(1) Construction or purchase of any structure, appurtenance, facility or related infrastructure;

(2) Construction or purchase of any road, airport, boat landing facility on, or bridge or causeway to, any System unit;

(3) Assistance for erosion control or other stabilization of any inlet, shoreline, or inshore area, except in certain emergencies.

The Department has identified additional specific examples of Federal program expenditures and financial assistance prohibited in units of the Coastal Barrier Resources System. We interpret the Act to include, but not be limited to, the following programs:

Department of Agriculture

Farmers Home Administration

—Loans for rural disaster relief, water systems, wastewater systems, commercial development, community services, and subdivision development.

Rural Electrification Administration

—Loans for new or expanded electrical systems that would encourage development.

Department of Commerce

Economic Development Administration

—Grants for planning and administering local economic development programs.

Office of Coastal Zone Management

—CEIP grants (coastal energy improvement program).

Department of Defense

U.S. Army Corps of Engineers

—Construction and financial assistance involving beach erosion control, hurricane protection, flood control works, and new or expanded navigation projects.

Department of Energy

—Energy development programs.

Department of Housing and Urban Development

—Block grants for community development.

—Mortgage insurance, housing assistance or rehabilitation subsidy programs.

—Urban Development Action Grants.

Department of the Interior

National Park Service

—Grants to States for historic preservation, survey, and planning, land acquisition and development of protected areas, and for preparation of State Comprehensive Outdoor Recreation Plans through the Land and Water Conservation Fund (where development of coastal barriers is addressed). (See discussion of Section 6 for exceptions.)

Department of Transportation

Federal Aviation Administration

—Grants for airport planning and development.

Federal Highway Administration

—Federal assistance to States for highway construction

Urban Mass Transportation Administration

—Capital improvement and operating grants.

Environmental Protection Agency

—Grants for wastewater treatment construction (Sec. 201 grants), water quality management planning (Sec. 208 grants).

Federal Emergency Management Agency

—Federal National Insurance Program.
—Disaster assistance program.

Federal Home Loan Administration

—Guaranteed housing loans.

General Services Administration

—Construction or reconstruction of Federal property.
—Exchange or sale of Federal property for development purposes.

Small Business Administration

—Loans to small businesses for disaster relief, upgrading of water treatment systems, and other purposes.
—Disaster assistance to homeowners.

Veterans Administration

—Guaranteed housing loans.

This list may not be all inclusive. Each Federal agency is responsible for review of its programs to assure compliance with CBRA.

"New" Expenditures

CBRA's limitations on Federal expenditures and financial assistance are only applicable to "new" expenditures or "new" financial assistance. Section 5(a) specifically provides that:

Except as provided in Section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System . . .

Section 5(b) articulates when an expenditure or financial assistance is established to be "new" and therefore precluded. Section 5(b) provides:

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) In any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) No legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

As further established by the legislative history, this subsection creates a dual definition. The concept of new expenditures or new financial assistance is defined in terms of actions that require specific appropriations and actions that do not require specific appropriations.

First, a Federal expenditure or financial assistance that does not rest upon a specific appropriation is new, and therefore precluded, unless a legally binding commitment for the site-specific expenditure or financial assistance was made before October 18, 1982, when the President signed the bill into law. The applicable date for Federal flood insurance is October 1, 1983. General intentions, statements of intent or policy are not adequate. A legally binding commitment is one that establishes a right to the funds in question as a matter of law; that is, the right must be an obligation against the United States. Necessarily, such an obligation must rest upon the availability of appropriations in existence prior to the cut-off date of October 18, 1982, or on specific contract authority to obligate funds of the United States in advance of appropriations. There is no general authority to obligate funds of the United States absent the availability of appropriations from the Congress. Such an obligation would be in violation of the Anti-Deficiency Act.

Second, expenditures or financial assistance with respect to which specific appropriations are required are self-evident. These are discrete Federal expenditures—not operating on a general program appropriation as provided above—that are funded by individual line item reference directly within a specific appropriation act. This is typically done by recitation of a specific project name. Such a specific appropriation prior to October 18, 1982, permits the Federal expenditure of financial assistance to continue. Absent such a specific appropriation of the funds in question, however, the expenditure or financial assistance would be "new" and would be precluded.

II. Exceptions and Consultation

Section 6 of the Act outlines the specific exceptions to the general prohibition on new Federal expenditures or financial assistance. The law grants exceptions for energy projects which can only be carried out within the System; maintenance of channel improvements; maintenance of roads, structures or facilities that are essential links to a larger network or system; military activities essential to national security; and Coast Guard facilities. In addition to these five specific exceptions, Section 6(a)(6) outlines seven other activities that may be excepted if the activity is consistent with the purposes of the Act.

Section 6(a) of the Act requires the appropriate Federal officer to consult with the Secretary of the Interior before making any Federal expenditures or financial assistance available under the provisions of Section 6. Procedures for consultation follow the discussion of exceptions.

Exceptions

(1) *Energy projects (Section 6(a)(1)).* Federal assistance may be made available for energy projects in or adjacent to coastal areas for "any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body." The legislative history (House Report 97–841) states that "this provision is intended to be read broadly in terms of energy projects. However, the provision should not be interpreted to allow assistance for projects primarily designed to encourage development but which might be carried out in the guise of energy development."

(2) *Channel improvements (Section 6(a)(2)).* Maintenance of existing channel improvements and related structures, such as jetties can continue. The use of disposal sites for dredge materials is included under this exception, so long as the sites are related to, and necessary for, the maintenance of an existing project. Section 6(b) requires that an existing channel improvement or an existing

related structure be funded, in part or totally, before the date of enactment; i.e., the channel must have existed or have had funds appropriated for construction before October 18, 1982. According to the legislative history, this is not a license or authority for construction of new channels.

The legislative history also states that: "the criterion for determining whether Federal assistance would or would not be precluded is the existence of the channel at the time of enactment of the legislation. If it is in existence, or if money has been appropriated for its construction, then any Federal financial assistance for activities to maintain it, including, for example, the complete reconstruction of jetties or other structures, would be permitted. It is also the Committee's intent that, because of the unstable nature of barrier islands, existing channels can be relocated periodically." (House Report 97-841 at page 16).

(3) *Roads, Structures or Facilities (Section (6)(a)(3)).* Maintenance, replacement, reconstruction, or repair, but not expansion, of publicly owned or publicly operated roads, structures, or facilities that are *essential links in a larger network or system* can continue. This exception differs from that of Section 6(a)(6)(F), which pertain to roads, structures or facilities that may not be essential links in a larger system or network.

The legislative history indicates the Congressional intent to include drains, gutters, curbs and other related roadworks under this exception. The House Report also emphasizes that financial assistance will not be provided for the expansion of such structures, roads or facilities. (House Report 97-840).

The Service interprets "structures or facilities" to include public utilities. Section 6(a)(6)(F) is also applicable to public utilities that are not essential links in a larger system.

(4) *Military activities (Section 6(a)(4)).* Military activities *essential to national security* are excepted from the ban on Federal expenditures, but not from the requirement to consult. The Defense Department will be the judge of what is essential to national security, but, as stated in Conference Report 97-928, its "determination as to whether military activities are essential to national security must be made in accordance with existing law and procedures." The Defense Department still has the responsibility to consult with the Service with respect to any expenditures or financial assistance within the System

(5) Coast Guard (Section 6(a)(5)). Expenditure of funds or provision of financial assistance for the construction, maintenance, operation and rehabilitation of Coast Guard facilities can continue.

(6) *Conservation, navigation, recreation, scientific research, disaster relief, roads, shoreline stabilization (Section 6(a)(6)).* The following actions or projects are excepted, *providing the expenditure is consistent with the purposes of the Act,* which are detailed in Section 2(b) (i.e., to minimize loss of human life, wasteful Federal expenditures and damage to fish, wildlife and other natural resources):

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

The legislative history states: "This exception recognizes the value of System units as fish and wildlife habitats and is in complete conformity with the purposes of the legislation. It is intended that the full range of Federal financial assistance authorized for protecting and managing fish and wildlife habitats will continue to be available. This includes, where necessary, assistance for stabilization projects to protect valuable habitats. Federal funds for projects involving facilities for fish and wildlife-related recreation would also be allowed. It is intended by the Committee that any development of recreational facilities be consistent with the purposes of the legislation." (House Report 97-841.)

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

The legislative history indicates that, in almost every instance, placement and use of such aids and devices on undeveloped coastal barriers would be appropriate. (House Report 97-841.)

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.)

Clearly the legislative history applied to Section 6(a)(6)(A) would be generally applicable to this provision as well. Recreational use of system units should be encouraged so long as it is accomplished consistent with the purposes of the Act.

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

The Department interprets this part to include archeological surveys undertaken pursuant to existing law and procedures.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

Section 305 of the Disaster Relief Act authorizes the President, in a declared emergency, to provide any or all of the assistance available under the Act as the President deems appropriate.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities. There is a distinction between this exception, which may be applied if the action is consistent with the purposes of the Act, and the exception cited in Section 6(a)(3), which requires that the road, structure or facility be one that is an essential link in a larger network or system. Thus a road which otherwise qualifies for a Section 6(a)(3) exemption need not satisfy the additional requirement that its construction is consistent with the purposes of CBRA.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

The legislative history cites the planting of dune grass or other beach nourishment activities as examples of these projects.

III. Consultation

Federal agencies must consult with the Fish and Wildlife Service and allow the opportunity to provide written comment prior to making Federal expenditures or financial assistance available for an action excepted under Section 6 of CBRA within a CBRS unit. Compliance with this provision of the law rests initially on the Federal officer responsible for making the funds or financial assistance available for a permitted action. The Service's responsibility is to respond to a consultation request by providing technical information and comments on the question of consistency with CBRA. The final determination whether action permitted under this section is consistent with the purposes of the Act rests with the consulting agency.

Consultation Process

The consultation process should be carried out at two operational levels.

First, discrete projects identified in an agency's budget proposal should be submitted to the Fish and Wildlife Service, Department of Interior, for comment at least 45 days prior to transmittal to OMB. The Fish and Wildlife Service will acknowledge receipt of the transmittal, review the project, consult with the agency as necessary and provide a written response within 30 days.

On projects that are subject to provisions of The National Environmental Policy Act, consultation should be accomplished early enough to permit the results to be included in the draft environmental impact statement or other appropriate environmental documents.

Second, consultation requests for projects such as channel maintenance or highway repair or other expenditures that are managed by agency field-level officials should be made through the appropriate Regional Director of the Fish and Wildlife Service. (Regional Office addresses are appended).

The Act provides for two levels of exception. Section 6(a)(1-5) clearly allows certain designated Federal activities. When consulting on these activities, the Service will provide technical information and register an opinion as to whether the activity is one which the clause allows.

Section 6(a)(6) provides an additional caveat for the included list of exceptions that require that the action". . . is consistent with the purposes of this Act."

For activities falling under this subsection, the Service will also comment on the consistency of the proposed action with the purposes of CBRA as stated in Section 2(b): ". . . to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with coastal barriers along the Atlantic and Gulf coasts."

The requirements of Sections 305 and 306 of the Disaster Relief Act make prior consultation impractical in responding to a national disaster. However, the Service will participate in Regional Task Forces for disaster and emergencies. Permanent replacement activities related to Section 6(a)(1)-(5) will require consultation prior to commitment of funds.

Several Federal agencies have requested clarification of certain exceptions or have rendered an opinion as to their interpretation. Bilateral discussions between each affected agency and the Fish and Wildlife Service should be initiated to clarify these concerns and to establish procedures for the conduct of consultations. The Service's consultation officer is Mr. Frank McGilvrey, (202) 343-2618. Each agency that anticipates proposing expenditures or financial assistance within the System under the Section 6 exceptions should have its consultation officer contact Mr. McGilvrey at its earliest convenience to establish consultation procedures.

Dated: September 29, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Appendix 1—Pertinent Regional Offices

U.S. Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103: Assistant Regional Director—Habitat Resources; Telephone: 505-766-2324, FTS: 8-474-2324, CBRA Jurisdiction—Texas.

U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring St. S.W., Atlanta, Georgia 30303: Assistant Regional Director—Habitat Resources; Telephone: 404-221-6343, FTS: 8-242-6343; CBRA Jurisdiction—Louisiana, Mississipi, Alabama, Florida, Georgia, South Carolina, North Carolina.

U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158: Assistant Regional Director—Habitat Resources; Telephone: 617-965-5100 ext. 9217, FTS: 8-829-9217; CBRA Jurisdiction—Virginia, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Maine.

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federal register

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October 6, 1983

Part IV

Department of Education

Student Assistance General Provisions and Pell Grant Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 668 and 690

Student Assistance General Provisions and Pell Grant Program

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary amends Subparts B and G of the Student Assistance General Provisions regulations for postsecondary institutions participating in the student financial assistance programs authorized by title IV of the Higher Education Act. Subpart B is being amended to incorporate a postsecondary education community self-regulation initiative which provides parameters for the establishment and enforcement of satisfactory progress standards at institutions. Subpart G concerning proposed fines and actions to limit, suspend or terminate the eligibility of institutions is being amended to correct procedural deficiencies and emphasize fairness, efficiency and participant satisfaction.

The Secretary also amends Subpart H of the Pell Grant Program regulations implementing the recommendations of the (former) Department of Health, Education and Welfare Audit Agency increasing institutional accountability under the Alternate Disbursement System. For clarity and to lessen administrative burden on institutions, the Secretary is also making technical changes in the Pell Grant regulations.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

Section 668.16(e) of the Student Assistance General Provisions applies to the determination of whether a student is maintaining satisfactory progress for the receipt of any title IV student financial aid on or after January 1, 1984. The Pell Grant costs of attendance provisions (§§ 690.51–690.58) apply to Pell Grant awards made for the 1983–84 award year (beginning July 1, 1983). The provision for calculating a Pell Grant for a payment period which occurs in two award years (§ 690.66) applies retroactively to all such payment periods which end after June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Kerrigan or Ms. Andrea Foley, U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW. (Room 4318, Regional Office Building 3), Washington, D.C. 20202, Telephone (202) 472–4300.

SUPPLEMENTARY INFORMATION:

I. Student Assistance General Provisions

In the **Federal Register** of May 4, 1982, the Secretary proposed amendments in two areas of the Student Assistance General Provisions Regulations: (1) Section 668.16(e) of Subpart B, standards of satisfactory progress, and (2) Subpart G, fine, limitation, suspension and termination proceedings. A large number of comments were received, particularly in the area of standards of satisfactory progress. The following is a discussion of these final regulations, including a summary of the comments received and the Department's responses.

A. Standards of Satisfactory Progress (Subpart B, Section 668.16(e))

In order to receive student financial aid under the programs authorized by title IV of the Higher Education Act, as amended (HEA), a student must be maintaining satisfactory progress in the course of study he or she is pursuing according to the standards and practices of the institution in which he or she is enrolled.

As discussed in the preamble of the May 4, 1982 Notice of Proposed Rulemaking (NPRM), three recent studies by the General Accounting Office (GAO) and one study made for the Department entitled, *Quality in the Basic (Pell) Grant Delivery System,* cited the lack of satisfactory progress standards, and institutions' inadequate enforcement of their standards as serious abuses of the Federal aid programs. In addition, the Education Amendments of 1980, which removed the provision limiting the number of years of eligibility for aid from the Pell Grant and Supplemental Educational Opportunity Grant Programs, accentuated these concerns.

To address these concerns, the Secretary proposed revising § 668.16(e) to help ensure program integrity by providing parameters for institutions to use in establishing standards of satisfactory progress while preserving essential institutional discretion in setting their own specific standards. The Secretary believes such parameters are necessary since the establishment and enforcement of reasonable standards are playing an increasingly critical role in the equitable distribution of limited program funds.

The provisions proposed in the NPRM were based on a set of guidelines specifically developed and approved by the American Council on Education, the American Association of Collegiate Registrars and Admission Officers, and the National Association of Student Financial Aid Administrators as a self-regulation initiative. These provisions, as adopted by the Secretary in the NPRM, require reasonable standards of satisfactory progress to include certain basic elements and to conform to the standard of satisfactory progress set by the institution's nationally recognized accrediting agency. Proposed § 668.16(e)(2)(iii) also required that to be considered reasonable the institution's standards must be the same as or stricter than the institution's standards for students who are not receiving aid under a title IV program.

All but one of the comments received were supportive of the adoption in final regulations of the proposed community-developed elements as the Federal parameters for the establishment of reasonable satisfactory progress standards. Therefore, the Secretary is amending § 668.16(e) by adopting, with two substantive changes, the provisions proposed in the May 4 NPRM. In order to allow institutions enough time to evalute their satisfactory progress standards and to amend them, if necessary, revised § 668.16(e) will apply only to the determination of whether a student is maintaining satisfactory progress for the receipt of any title IV aid on or after January 1, 1984.

The first two comments discuss the substantive changes that have been made in these final regulations from the NPRM and are followed by a summary of all other comments received and the Department's responses.

Comment: A number of commenters pointed out that the use of a qualitative measure of progress (grades, work projects completed, or comparable factors which are measurable against a norm), even in conjunction with the establishment of a time frame in which the student's degree or certificate is achieved, does not adequately measure movement or progress toward the objective.

For example, an institution which requires 120 credits for a baccalaureate degree may have standards of satisfactory progress requiring a full-time student to maintain a C average and successfully complete his or her degree within six academic years. In this example, a full-time student who withdraws from six of the twelve credits he or she attempts each semester could maintain a C average for the six credits completed each semester without making progress toward successful completion of the degree in six academic years. Under the NPRM, such a student could continue to receive aid

until the institution determined at the end of the sixth academic year that the student had completed a total of only 72 credits and therefore had not completed the required 120 credits for his or her degree within the established time frame.

Response: A change has been made. The Secretary agrees with the commenters that a deficiency exists in the proposed provisions and has expanded, in these regulations, the concept of a time frame in which the student must earn his or her educational objective, degree or certificate (§ 668.16(e)(3)(ii)). In an effort to more adequately measure progress, these final regulations require that institutions establish a maximum time frame in which the student must earn his or her objective, degree or certificate based on the student's enrollment status. This section also requires that the institution divide the maximum time frame into increments (e.g., term, module, or portion of the program) not to exceed one academic year. However, the Secretary does not believe that it would be reasonable for an institution to choose an entire academic program as its increment length.

At the end of each increment, this section requires that the institution determine whether the student has successfully completed a minimum percentage of work toward his or her educational objective, degree, or certificate for all increments completed. The minimum percentage of work will be the percentage represented by the number of increments completed by the student compared to the maximum time frame.

Thus, to continue with the above example, the baccalaureate degree granting institution with a maximum time frame of six academic years for full-time students, might choose one academic year as the length of its increment for determining work completed. A full-time student then would have to maintain a C average and successfully complete at least one-sixth of the work required for his or her degree (20 credits) by the end of the first academic year, two-sixths (40 credits) by the end of the second academic year, and so on, in order to be making satisfactory progress. And, if the maximum time frame for a half-time student was twelve academic years, the half-time student would have to maintain a C average and successfully complete one-twelfth of the required work (10 credits) by the end of the first academic year, two-twelfths (20 credits) by the end of the second academic year and so on.

Because a student may change his or her enrollment status from time to time, the institution may have to use an average of the several maximum time frames in question in order to determine whether such a student has completed the required amount of work. To continue with the example of an institution which has a maximum time frame of six academic years for full-time students and twelve academic years for half-time students, a student at that institution may enroll full-time in the first semester and half-time in the second semester. At the end of the institution's increment (one academic year), it would first have to average the full and half-time time frames $((6 + 12) \div 2 = 9)$. And, therefore, at the end of one academic year, the student would have to maintain a C average and have completed one-ninth (9 academic years $\div$ 1 increment) of the work toward the objective. For the second academic year, the institution would simply add the appropriate fraction corresponding to the student's enrollment status for that second year (e.g., one-sixth if full-time both semesters, one-twelfth if half-time both semesters, one-ninth if full-time first semester, then half-time second semester) to the one-ninth calculated for the first academic year. The result is the amount of work to be completed by the end of that second academic year. The amount of work to be completed by the end of each successive academic year is calculated similarly.

Of course, if the institution chose one term (e.g., semester, quarter, trimester) as its increment, it would only have to add together the appropriate fractions corresponding to the enrollment status of the student each term. The averaging of the time frames would not be necessary since the enrollment status and, therefore, the time frames would not vary within the chosen increment. The enrollment status for a term would be determined based upon the same rules that the school uses (or would use) to determine enrollment status for payment purposes for title IV aid, if appropriate.

The Secretary believes that the expansion of the time frame element in conjunction with the other four elements helps to ensure the establishment of standards which comprehensively measure students' progress on a qualitative and quantitative basis.

It should be noted that, regardless of the length of the increments into which the institution chooses to divide its time frame for measuring work completion, the institution must make the determination that the student is maintaining satisfactory progress for *each* payment period and for institutional certification of *each* Guaranteed Student Loan or PLUS Loan application or Pell Grant ADS Request for Payment form.

Comment: Several commenters objected to the requirement in the NPRM that in order to be considered reasonable, an institution's standards of satisfactory progress for title IV recipients must be the same as or stricter than the institution's standards for students who are not receiving aid under a title IV program. These commenters recognized the need to prevent the type of abusive "double standard" cited by the GAO study and discussed in the preamble of the May 4 NPRM. However, they felt that progress standards for non-recipients of title IV aid are not necessarily relevant to title IV recipients. For example, an institution may have progress standards for students enrolled in a particular program which is not even an eligible program for title IV purposes.

Response: A change has been made. Section 668.16(e)(2) has been changed to provide that a standard used to measure a title IV student aid recipient's progress must be the same as or stricter than standards used to measure a non-title IV student aid recipient who is enrolled in the same eligible program.

Comment: The effect of these regulations on standards of satisfactory progress set by States for receipt of State-funded student financial aid was questioned by several commenters.

Response: A student who receives State-funded financial aid is, of course, subject to any standards of satisfactory progress established by the State for its program(s). An institution may use a State-established standard as its single standard of measuring satisfactory progress for the purposes of both State and title IV aid provided the State standard falls within the parameter set out in § 668.16(e).

Comment: One commenter completely objected to the issuance of any regulations in the area of satisfactory progress. This commenter viewed any decisions in this area to be academic ones, the authority for which should remain strictly with the institution.

Response: No change has been made. The Secretary agrees with the commenter that the establishment of specific standards of satisfactory progress is, under current legislation, primarily a matter of institutional discretion. However, the Secretary believes it appropriate under the statute that requires a student to be making satisfactory progress in order to be eligible to receive title IV student

financial assistance, to set the parameters for the definition of satisfactory progress.

Comment: Several commenters recommended that the Secretary eliminate discretion by actually setting a specific single national standard of satisfactory progress to be used by all institutions. One comment was received suggesting that the final regulations establish a specific policy to be used by institutions to determine the effect of course incompletes, withdrawals, repetitions and noncredit remedial courses on satisfactory progress. Three other commenters suggested that a specific completion rate per academic year be added to the required elements.

Response: No change has been made. As previously discussed, the Secretary considers the establishment of specific standards, under current legislation, to be an institutional matter. Therefore, although these regulations establish a set of parameters to be used by institutions in setting their standards, they do not establish a specific single national standard. Nor do they establish either a specific policy to be used in determining the effect of course incompletes, withdrawals, repetitions and noncredit remedial courses or a specific completion rate per academic year as was suggested by the commenters.

Comment: One commenter objected to the use of grades (§ 668.16(e)(3)(i)) as an element of satisfactory progress. This commenter indicated that grades are more appropriately a measure of a student's good standing at the institution.

Response: No change has been made. The Secretary believes that the use of grades, work projects completed or other factors which are measurable against a norm is an integral element in a reasonable and comprehensive satisfactory progress policy.

The concept of "good standing" to which the commenter refers simply means that a student is eligible to continue enrollment at an institution. While grades alone are used by many institutions to determine if a student is in good standing, many institutions also consider good standing to include the student's behavior at the institution. Further, the concept of "satisfactory progress" goes beyond good standing to mean evidence of positive movement toward the student's degree or certificate. The Secretary believes that the use of grades provides the critical qualitative element in the measurement of a student's progress toward his or her degree or certificate.

Comment: One commenter objected to the inclusion of a time frame (§ 668.16(e)(3)(ii)) as one of the required elements in a reasonable satisfactory progress policy. This commenter does not believe that this element is appropriate because of the removal in the Education Amendments of 1980 of the provision limiting the number of years of eligibility for aid from the Pell Grant and Supplemental Educational Opportunity Grant Programs.

Reponse: No change has been made. The Education Amendments of 1980 did eliminate the restriction in years on eligibility for those two title IV grant programs. However, the student's period of eligibility is limited to the time it takes for the student to complete his or her first undergraduate baccalaureate course of study while making satisfactory progress toward that goal. Thus, the Congress eliminated a specific period of eligibility in the Education Amendments of 1980 in favor of a more general period to be determined by the institution when defining its standards of satisfactory progress.

Comment: One commenter questioned whether, instead of establishing a time frame (§ 668.16(e)(3)(ii)), an institution may set a maximum number of credits accumulated after which a student is no longer maintaining satisfactory progress.

Response: No change has been made. The Secretary does not consider the setting of a maximum number of credits accumulated rather than a time frame for accumulating credits to be a reasonable element of institutions' satisfactory progress policies for purposes of the title IV programs. Such a limitation does not accurately measure progress toward a student's degree or certificate. For example, such a policy would penalize a superior student who is progressing toward his or her degree at a full-time rate and enrolling in additional courses for his or her own enrichment.

Comment: Two commenters suggested that the concept of a "normal" time frame be made a part of § 668.16(e)(3)(ii). These commenters pointed out that the *1981–82 Federal Student Financial Aid Handbook* addressed the inclusion of a "normal time frame" in its discussion of institutions' standards of satisfactory progress. Both commenters indicated that the use of the qualifying term "normal" would help to prevent an institution from setting an unreasonably long time frame.

Response: No change has been made. The Secretary believes that an institution should only establish its time frame(s) after taking into account the diversity of its student body and the objective(s) being pursued. The "normal" time frame for the completion of an objective at one institution may be thoroughly inappropriate for the same objective at another institution or even for a particular category of students within the same institution.

The Secretary does not agree with the commenters that the inclusion of the term "normal" would help to prevent an institution from setting an unreasonably long time frame since the term itself is subjective and would therefore be difficult to enforce even if abuse was suspected. However, the Secretary believes that the type of abuse feared by the commenters will be more adequately prevented by the expansion of the time frame element (§ 668.16(e)(3)(ii)) in these final regulations as discussed in the first comment and response.

Comment: Two commenters recommended that the final regulations provide for waivers of the satisfactory progress requirement by institutions for students who can demonstrate mitigating circumstances.

Response: No change has been made. By statute, all eligible students must be maintaining satisfactory progress in order to receive any title IV grant, loan or work assistance. Therefore, the Secretary has no authority to provide for waivers of this requirement.

However, the Secretary does agree with the commenters that individual circumstances (e.g., illness or death in the family) can sometimes affect a student's academic performance. Thus, the Secretary believes that an institution's standards may be constructed to allow for the determination that a student who did not meet the rest of the institution's progress criteria, is nonetheless making satisfactory progress if he or she demonstrates mitigating circumstances.

Comment: One commenter questioned whether an institution may include a probationary period in its standards of satisfactory progress.

Response: The Secretary believes that an institution may incorporate a reasonable conditional or probationary period into its standards of satisfactory progress during which a student who did not meet the rest of the institution's criteria may still be considered to be making satisfactory progress.

Comment: Several commenters questioned whether an institution may evaluate only academic periods during which a student received title IV aid in determining his or her satisfactory progress.

Response: In order to receive title IV aid, any student who is otherwise eligible must meet the standards used by the institution to determine if a title IV recipient is maintaining satisfactory

progress in his or her course of study, regardless of whether the student had previously received title IV aid. The Secretary believes that for an institution to reasonably measure a student's satisfactory progress toward his or her degree or certificate, its standards must qualitatively and quantitatively evaluate the student's total academic record at that institution. A determination concerning a student's satisfactory progress toward his or her degree or certificate cannot be adequately made if it is confined only to academic performance during periods for which the student received title IV aid.

For example, two students entering their seventh semester of enrollment (one who had received title IV aid for six semesters and one who had never received title IV aid) must both meet the institution's title IV satisfactory progress standards before receiving title IV aid for that seventh semester. The second student may *not* be assumed to be making satisfactory progress simply because he or she had not previously received title IV aid. Taking into account the complete academic history of both these students prevents a distorted and inequitable measurement of their satisfactory progress toward their degree or certificate for purposes of the receipt of title IV aid.

Comment: Two commenters questioned whether an institution is required to evaluate a transfer student's academic history at the post secondary institution(s) previously attended.

Response: Because of the vast diversity of postsecondary programs available and individual students' circumstances, the Secretary believes that it would be unreasonable to require an institution to evaluate a transfer student's academic history at the previous institution(s) in its initial determination of satisfactory progress. Therefore, a student enrolling at an institution for the first time may be assumed to be making satisfactory progress for title IV purposes regardless of whether he or she had prior postsecondary experience.

B. Fine, Limitation, Suspension and Termination Proceedings (Subpart G)

The amendments to Subpart G proposed in the May 4, 1982 NPRM were intended to correct some of the procedural deficiencies which had become evident during the course of fine, limitation, suspension and termination proceedings conducted by the Office of Student Financial Assistance. The proposed provisions also emphasized the three elements, fairness, efficiency and participant satisfaction, that were recommended for inclusion in such administrative procedures by the U.S. Office of Management and Budget report.

Study on Equity, Fairness and Competition

All of the comments received essentially supported the proposed clarification of these procedures. Therefore, the Secretary is amending Subpart G by adopting, with several minor technical changes, the provisions as proposed in the May 4 NPRM.

A change has been made in § 668.87 in order to distinguish the reinstatement procedures for an institution that has been terminated because it engaged in substantial misrepresentations from the procedures for an institution that has been terminated for other reasons. Section 487(b)(2)(A) of the Higher Education Act provides that the Secretary may terminate the eligibility of an institution to participate in the title IV student financial assistance programs if the institution engages in substantial misrepresentations. The termination lasts until the Secretary finds that the institutional practices have been corrected.

The Secretary believes that an institution that has engaged in substantial misrepresentations concerning the nature of its educational program, the nature of its financial charges or the employability of its graduates, needs at least three months after its termination to correct the practices for which it was terminated. Section 668.87(a)(3) in these final regulations allows such an institution to request reinstatement three months after the effective date of the termination. An institution that was terminated for any other reason may not request reinstatement before the expiration of the 18th month after the effective date of the termination (§ 668.87(a)(2)).

The following is a summary of the two specific issues raised by commenters and the Department's responses.

Comment: Several commenters objected to the inclusion in § 668.73 of a fiduciary capacity standard for institutions in their administration of the title IV student financial assistance programs.

Response: No change has been made. The Secretary believes that § 668.73, "Standard of conduct," is of critical importance in these regulations since it explicitly establishes the standard of conduct required of an institution participating in the title IV student financial assistance programs. This standard reflects the view of the Secretary and various administrative law judges who have presided over termination proceedings that an institution acts as a fiduciary of public funds in its administration of the student assistance programs. Therefore, the institution must meet the highest standard of care and diligence in its administration of the programs and in its accounting to the Government for the program funds it received.

The Secretary has made a minor revision to § 668.73 in these final regulations. A paragraph (c) has been added to that section to make clear, consistent with section 487(b)(1)(D) of the Higher Education Act, that an institution may have its eligibility to participate in the title IV student financial assistance programs terminated solely because it failed to properly administer the programs, or account for the funds it received under the programs. The designated ED official need not show continuing improper administration, or the continuing inability or unwillingness of an institution to properly administer the programs or account for funds. An institution may, on the other hand, use its current ability to properly administer the programs and account for the funds it receives as a factor justifying the imposition of a lesser penalty.

Comment: Six commenters objected to the provision in § 668.79(c)(2) that in a hearing on the record, the institution shall have the burden of proving that the causes of action set forth in the notice of intent to fine, limit, suspend or terminate are in error, or if accurate, do not justify a decision to fine, suspend, limit or terminate.

The commenters indicated that they believed this provision to be unfair and in violation of due process and the Administrative Procedure Act which states in 5 U.S.C. 556(d) that, "Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof."

Response: A change has been made. The Secretary recognizes that the term "burden of proof" is somewhat ambiguous because it generally can refer to two separate requirements. The first relates to the burden of coming forward with evidence in a proceeding; the second relates to the burden of persuasion. Under the first requirement, the party with the burden of proof must present its case first and must generally present enough evidence to minimally support its position in a proceeding. Under the second requirement, the party has the burden of persuading the arbiter in a dispute that its position, rather than its opponent's, is the correct position. In *Environmental Defense Fund Inc. v. E.P.A.*, 548 F. 2d 998 (D.C. Cir. 1976), the Court of Appeals for the D.C. Circuit

ruled that the burden of proof referred to in the Administrative Procedure Act (5 U.S.C. 556(d)) is the burden of coming forward rather than the burden of persuasion. Therefore, the Secretary may as a legal matter, impose the burden of persuasion on the institution in any fine, limitation, suspension or termination proceeding.

Although able to legally impose the burden of persuasion on the institution, in a fine, limitation, suspension or termination proceeding, the Secretary agrees with the commenters that such a requirement would be unfair. As the commenters point out, a fine, limitation, suspension or termination is a severe penalty for an institution. The Secretary, therefore, agrees with the commenters that it would be unfair to require that an institution prove that it should not receive such a penalty.

Accordingly, § 668.79(c)(2) has been revised in these final regulations to read as follows: "The designated ED official shall have the burden of persuasion in any fine, suspension, limitation or termination proceeding under this subpart."

II. Pell Grant Program

The Secretary is making technical changes in four provisions of the Pell Grant Program regulations. These final regulations revise the definition of an academic year (§ 690.2) and of a payment period for an institution that uses the Regular Disbursement System (RDS) but does not use academic terms (§ 690.3(d)). The payment procedures for a payment period that occurs in two award years (§ 690.66) are also being revised. These amendments are included in these final regulations at the recommendation of the financial aid community to ease institutional administrative burden. Further, the Secretary is revising § 690.74, "Providing funds to institutions," to clarify the meaning of that section.

The Secretary is also giving notice here that the regulations to be used in determining the costs of attendance under the Pell Grant Program for the 1983–84 award year will be the same Pell grant costs of attendance regulations (Subpart E) that were in effect for the 1982–83 award year.

The Notice of Proposed Rulemaking (NPRM) that was published on May 4, 1982, proposed amendments for public comment to Subpart H of the Pell Grant Program regulations, which deals with the administration of grant payments under the Alternate Disbursement System (ADS). The following is a discussion of the revisions affecting the Pell Grant Program in these final regulations, including those to Subpart H resulting from the May 4 NPRM.

A. Definition of an Academic Year (Subpart A, Section 690.2)

The current definition of an "academic year" for purposes of the Pell Grant Program addresses an institution that measures progress in credit hours and uses terms and an institution that measures progress in clock hours. The definition does not currently address an institution that measures progress in credit hours but does *not* use terms. Therefore, the Secretary, in these final regulations, is codifying the definition of an academic year for such an institution that is current policy but has never appeared in regulations. In these regulations, as in current policy, an academic year at an institution that measures progress in credit hours but does not use terms is the period of time in which a full-time student is expected to complete at least 24 semester hours or 36 quarter hours. An academic year at such an institution is defined this way to correspond to 24 semester hours or 36 quarter hours, which are the minimum numbers of credit hours a student must complete in an academic year to be considered full-time (§ 690.2, Definition of a "full-time student"). The Secretary believes that a notice of proposed rulemaking in this instance would be unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

B. Definition of a Payment Period for an Institution that Uses the Regular Disbursement System (RDS) but Does Not Use Academic Terms (Subpart A, Section 690.3(d))

The current definition of a payment period for part-time students at an RDS institution that does not use academic terms is linked to the length of time it takes a full-time student to complete a payment period. This definition is being revised on the basis of comments and recommendations received by the financial aid community. The definition for all students at such institutions is changed in these final regulations to the period of time in which a student completes half an academic year, or half of the student's educational program if less than an academic year in length.

This change in the payment period definition will reduce the frequency of disbursements that must be made by an institution. Under the current definition, four disbursements were required in an academic year for half-time students. Under the new definition in these final regulations, only two disbursements are required in an academic year regardless of a student's enrollment status. For example, under the current definition, a half-time student who is enrolled in a 900 clock hour program would only complete 225 clock hours in the period of time that a full-time student completes a payment period of 450 hours. In an academic year of 900 clock hours, the half-time student would have four 225 hour payment periods. Under the new definition, a half-time student's payment period would be 450 hours in the above example, and therefore only two payments would be required. As in the past, an institution has the option of making more than two disbursements in an academic year by either increasing the number of payment periods within an academic year, or by making multiple disbursements within a payment period.

Since this change in the definition of a payment period will reduce the number of times an institution must calculate and disburse Pell Grant awards, and the new definition does not restrict the number of disbursements for those institutions that prefer to make more frequent disbursements, it will reduce administrative burden.

Therefore, this revision is being published as a final regulation since the Secretary believes that a notice of proposed rulemaking would be unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

C. Costs of Attendance (Subpart E)

On October 13, 1982, the Student Financial Assistance Technical Amendments Act of 1982 (Pub. L. 97–301) was enacted. Section 3 of this legislation mandates that the criteria for costs of attendance used for calculating eligibility for and the amount of Pell Grants for 1983–84 shall be the same as those criteria in effect for 1982–83. This legislation overrides, for the 1983–84 award year, the costs of attendance liberalizations for the Pell Grant Program that were included in the Education Amendments of 1980 (Pub. L. 96–374).

Therefore, the Pell Grant costs of attendance provisions (34 CFR Part 690, Subpart E) published in the **Federal Register** on July 22, 1981 and May 13, 1982, that were in effect for the 1981–82 and 1982–83 award years are also in effect for the 1983–84 award year which begins on July 1, 1983.

To reflect current legislation, the statutory citation at the end of each section of Subpart E, Costs of Attendance, is being changed in these final regulations from Pub. L. 97–161 (applicable for the 1982–83 award year) to Pub. L. 97–301, section 3 (applicable for the 1983–84 award year).

D. Calculation of a Pell Grant for a Payment Period Which Occurs in Two Award Years (Subpart F, Section 690.66)

When a payment period occurs in two award years, an institution has the option of placing the entire payment period in the first award year or the second award year. However, under the current regulations, the placement of a payment period in a particular award year has to be applied consistently to all Pell Grant recipients enrolled in the same program who begin a payment period on the same day.

This requirement has been particularly burdensome for institutions that enroll new students on a weekly or monthly basis. Under the current regulations, these institutions are required to apply the determination consistently to all students who are already enrolled in the program and who are beginning a new payment period as well as to those students who are enrolling in that program for the first time. If the payment period was placed in the first award year, entering students who did not apply for a Pell Grant by the March 15 application deadline for that award year could not be paid. If the institution placed the payment period in the second award year, it is possible that some continuing students may not have been eligible, although they would have been eligible to be paid in the first award year.

These final regulations revise § 690.66 so that an institution can make a separate award year determination for each Pell Grant recipient who begins a payment period that occurs in two award years. According to these regulations, recipients may be placed in different award years even though they begin a payment period on the same day.

There are two limitations in these new regulations on an institution's decision. First, a payment period with more than six months scheduled to occur in one award year must be placed in that award year. This restriction will take into account a part-time student's payment period which will be much longer under the new regulations (§ 690.3(d)). Second, for institutions participating under the Alternate Disbursement System (ADS), the award year determination must be the same for all Pell Grant recipients enrolled in the same program who begin a payment period on the same day. This restriction is necessary to accommodate the centralized disbursements of awards under the ADS. The revision to § 690.66 in these final regulations will apply retroactively to all payment periods which were scheduled to occur in two award years and ended after June 30, 1982, so that institutions may adjust awards for students who have been detrimentally affected by the current requirement. The decision to adjust awards can be made on an individual basis.

This revision will not create any additional administrative requirements for institutions and will improve award procedures. Thus, the Secretary believes that a notice of proposed rulemaking would be unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b) and therefore, this revision is being published as a final regulation.

E. Providing Funds to Institutions (Subpart G, Section 690.74)

The Secretary is revising current § 690.74, "Advancement of funds to institutions," to clarify the meaning of that section. Section 690.74, "Providing funds to institutions," in these final regulations makes explicit that the Secretary furnishes funds to an institution if and when the Secretary determines that the institution needs the funds to pay Pell Grants to its students. The Secretary, under this section, is not required to provide funds to an institution in advance of its awarding of Pell Grants merely on the basis of a request of that institution for funds.

F. Administration of Grant Payments—Alternate Disbursement System (Subpart H)

The proposed amendments in the May 4 NPRM to Subpart H, dealing with the administration of Pell Grant payments under the Alternate Disbursement System (ADS), had several objectives. The proposed amendments were an attempt to make Subpart H more easily understandable and to respond to administrative problems indentified through program experience. In addition, they were in response to recommendations of the (former) Department of Health, Education, and Welfare Audit Agency report on the ADS.

The recommendations from this report concerned ADS institutions' accountability for inaccurate information, liability for overpayments, and recordkeeping. Therefore, sections concerning recovery of overpayments and submission of reports were proposed. And, in an effort to ensure the most accurate applicant data upon which to base awards, a verification requirement (called validation) of the information on a student's Student Aid Report (SAR) by ADS institutions was proposed. Institutions participating in the Pell Grant Program under the Regular Disbursement System (RDS) already conduct this verification.

The only substantive comments received on the proposed amendments to Subpart H were in reference to this verification requirement (§ 690.96). The comments were evenly divided concerning the adoption of the proposed requirement. Some commenters favored the adoption of the proposed verification requirement as a means of preventing abuse at the institutional level. Other commenters stated that the proposed verification requirement would contradict the underlying basis for an institution's participation in the ADS—noninvolvement in program administration. These commenters preferred that any verification of information continue to be done centrally by the Department.

In light of the need to close off an avenue of serious potential program abuse, the Secretary has decided to adopt in these final regulations, the verification of information requirement as proposed. This provision gives the Secretary the authority to require that ADS institutions conduct verification of the information included on a student's SAR. If the Secretary, under §690.96(b), directed all ADS institutions to conduct this verification, the ADS institutions would have some additional responsibilities in implementing this requirement. However, for the 1983–84 award year, procedures have been established under which the Department will continue to centrally verify ADS students' applicant data, unless the ADS institution chooses to conduct the verification itself. These procedures will be reevaluated for the 1984–85 award year, and depending upon the Secretary's determination concerning the capability of ADS institutions (particularly the very small ones) to handle the administration of the verification activity, all institutions may be required to conduct the verification on their own in subsequent years.

The Secretary believes that verification for ADS institutions will result in reduced overall program expenditures, and that within a year or two, the ADS institutions themselves will be able to handle that activity without it being excessively burdensome for them.

All institutions participating in the title IV programs, including ADS institutions, are already required by the Student Assistance General Provisions (34 CFR 668.16(f)) to develop an adequate system to verify the consistency of information they receive from different sources with respect to a student's application for title IV aid.

However, if the Secretary directs ADS institutions to conduct verification on their own, then they would have a more specific responsibility under the Pell Grant Program than they currently do.

All other amendments to Subpart H have also been adopted as proposed with minor clarifications.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as nonmajor because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish guidelines for institutional standards of satisfactory progress and revise the fine, limitation, suspension and termination procedures for institutions participating in title IV student financial aid programs.

These regulations also revise certain institutional requirements concerning the administration of payments under the Pell Grant Regular and Alternate Disbursement Systems. About 825 postsecondary institutions participate in the Pell Grant Program under the Alternate Disbursement System. Many of these institutions are small entities, but approximately 50 percent of the institutions have fewer than 10 Pell Grant recipients. Therefore, the revised requirements will not have a significant economic impact on the small entities affected.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would reguire transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Loan programs—education, Grant programs—education, Student aid.

34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalogue of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.032; College Work-Study Program, 84.033; National Direct Student Loan Program, 84.038; Pell Grant Program, 84.063; State Student Incentive Grant Program, 84.069)

Dated: September 27, 1983.

T. H. Bell,

Secretary of Education.

The Secretary amends Parts 668 and 690 of Title 34 of the Code of Federal Regulations as set forth below:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. In § 668.16, the introductory text and paragraph (e) are revised to read as follows:

§ 668.16 Standards of administrative capability.

To participate in the title IV student financial aid programs, an institution must be able to adequately administer those programs. The Secretary considers an institution to have that capability if it establishes and maintains required student and financial records and if it—

* * * * *

(e) Establishes, publishes, and applies reasonable standards for measuring whether a student, who is otherwise eligible for aid under any title IV program, is maintaining satisfactory progress in his or her course of study. The Secretary considers an institution's standards to be reasonable if the standards—

(1) Conform with the standards of satisfactory progress of the nationally recognized accrediting agency that accredits the institution, if the institution is accredited by such an agency, and if the agency has such standards;

(2) For a student enrolled in an eligible program who is to receive assistance under a title IV program, are the same as or stricter than the institution's standards for a student enrolled in the same academic program who is not receiving assistance under a title IV program; and

(3) Include the following elements:

(i) Grades, work projects completed, or comparable factors which are measurable against a norm;

(ii) A maximum time frame in which the student must complete his or her educational objective, degree, or certificate. The time frame shall be—

(A) Determined by the institution,

(B) Based on the student's enrollment status, and

(C) Divided into increments, not to exceed one academic year. At the end of each increment, the institution shall determine whether the student has successfully completed a minimum percentage of work toward his or her educational objective, degree, or certificate for all increments completed. The minimum percentage of work shall be the percentage represented by the number of increments completed by the student compared to the maximum time frame set by the institution;

(iii) Consistent application of standards to all students within categories of students, e.g., full-time, part-time, undergraduates, graduate students, and programs established by the institution;

(iv) Specific policies defining the effect of course incompletes, withdrawals, repetitions, and noncredit remedial courses on satisfactory progress; and

(v) Specific procedures for appeal of a determination that a student is not making satisfactory progress and for reinstatement of aid;

* * * * *

(20 U.S.C. 1094)

2. Section 668.73 is revised to read as follows:

§ 668.73 Standard of conduct.

(a) A participating institution acts in the nature of a fiduciary in its administration of the title IV student financial assistance programs.

(b) In the capacity of a fiduciary, the institution is subject to the highest standard of care and diligence in administering the programs and in accounting to the Government for the funds received under those programs.

(c) An institution's failure to administer the title IV student financial assistance programs, or to account for the funds it receives under those programs, in accordance with the highest standard of care and diligence required of a fiduciary constitutes grounds for the termination of the eligibility of the institution to participate in those programs. (20 U.S.C. 1070 et seq.)

3. In § 668.74, the introductory text of paragraph (a) and paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 668.74 Emergency action.

(a) The Secretary, through a designated ED official, may take emergency action to withhold funds from an institution or its students and to withdraw the authority of an institution to obligate funds under any or all title IV student financial assistance programs covered under this subpart if the designated ED official—

(1) Receives information, determined by the official to be reliable, that the institution is violating applicable laws, regulations, special arrangements, agreements or limitations;

(2) Determines that immediate action is necessary to prevent misuse of Federal funds; and

(3) * * *

* * * * *

(20 U.S.C. 1094)

§ 668.75 [Amended]

4. Section 668.75 is amended by revising the words "presiding officer" to read "administrative law judge" each place they appear, by inserting "(1)" after "(b)" *Procedures.*", and by removing paragraphs (b)(5) and (b)(6).

§ 668.76 [Amended]

5. Section 668.76 is amended by revising the words "presiding officer" to read "administrative law judge" each place they appear, and by removing paragraphs (b)(5), (b)(6), and (b)(7) and paragraphs (c) and (d).

§ 668.77 [Amended]

6. Section 668.77 is amended by revising the words "presiding officer" to read "administrative law judge" each place they appear, and by removing paragraphs (b)(5) and (b)(6).

§§668.78–668.85 Redesignated as §§ 668.81–668.88.

7. Sections 668.78 through 668.85 are redesignated as §§ 668.81 through 668.88, respectively.

8. New §§ 668.78, 668.79, and 668.80 are added to read as follows:

§ 668.78 Pre-hearing conference.

(a)(1) A pre-hearing conference shall be convened by the administrative law judge if he or she thinks that such a conference would be useful, or if requested by—

(i) The designated ED official, or

(ii) The institution.

(2) The purpose of a pre-hearing conference is to allow the parties to settle or narrow the dispute.

(b) If agreed to by the administrative law judge, the designated ED official, and the institution, a pre-hearing conference may consist of—

(1) A conference telephone call,

(2) An informal meeting, or

(3) The submission and exchange of written material.

(20 U.S.C. 1094)

§ 668.79 Hearing on the record.

(a) A hearing on the record is an orderly presentation of arguments and evidence conducted by an administrative law judge.

(b) The hearing process may be expedited as agreed by the administrative law judge, the designated ED official and the institution. Procedures to expedite may include, but are not limited to, the following—

(1) A restriction on the number or length of submissions,

(2) The conduct of the hearing by telephone conference call,

(3) A review limited to the written record, or

(4) A certification by the parties to facts and legal authorities not in dispute.

(c)(1) *Rules of evidence.* The formal rules of evidence and procedures applicable to proceedings in a court of law are not applicable.

(2) *Burden of persuasion.* The designated ED official shall have the burden of persuasion in any fine, suspension, limitation or termination proceeding under this subpart.

(3) *No discovery.* There shall be no discovery required as provided for under the Federal Rules of Civil Procedure.

(4) *Evidence.* The administrative law judge accepts only evidence that is relevant and material to the proceeding. Parties may object to the admission of evidence that they consider to be irrelevant, immaterial, or unduly repetitious.

(d) The designated ED official shall make a transcribed record of the proceedings and shall make that record available to the institution upon its request and upon its payment of a fee comparable to that prescribed under the Department of Education Freedom of Information Act regulations (34 CFR Part 5).

(20 U.S.C. 1094)

§ 668.80 Authority and responsibilities of the administrative law judge.

(a) The administrative law judge regulates the course of the proceedings and the conduct of the parties during the hearing and takes all steps necessary to conduct a fair and impartial proceeding.

(b)(1) The administrative law judge is not authorized to issue subpoenas.

(2) If requested by the administrative law judge, the Secretary and the institution shall provide available personnel who have knowledge about the matter under review for oral or written examination.

(c) The administrative law judge shall take whatever measures are appropriate to expedite the proceeding. These measures may include, but are not limited to, the following—

(1) Scheduling of conferences,

(2) Setting time limits for hearings and submission of written documents, and

(3) Terminating the hearing and issuing a decision against a party if that party does not meet those time limits.

(20 U.S.C. 1094)

§§ 668.81–668.86, 668.88 [Amended]

9. Redesignated §§ 668.81 through 668.86 and 668.88 are amended by revising the words "presiding officer" to read "administrative law judge" each place they appear, and redesignated § 668.81 is amended by revising paragraphs (a)(1), (a)(2), and (b) to read as follows:

§ 668.81 Initial and final decision—appeals.

(a)(1) The administrative law judge shall issue a written initial decision to the institution and the designated ED official within 30 days after—

(i) The last brief is filed,

(ii) The last day of the hearing, if the administrative law judge does not request the parties to submit briefs, or

(iii) The date on which the administrative law judge terminates the hearing in accordance with § 668.80(c).

(2) The administrative law judge's decision shall state whether the imposition of the fine, limitation, suspension, or termination sought by the designated ED official is warranted, in whole or in part. If the designated ED official brought a termination action against the institution, the administrative law judge may, if appropriate, issue a decision to impose one or more limitations on the institution rather than terminating its eligibility.

(3) * * *

(b)(1) In a suspension proceeding, the Secretary reviews the administrative law judge's initial decision and issues a final decision within 20 days after the initial decision. The Secretary adopts the initial decision unless it is clearly unsupported by the evidence presented at the hearing.

(2) A suspension takes effect upon either the date on which notice of the suspension is received by the institution or the original proposed effective date stated in the designated ED official's

notice of intent to suspend, whichever is later.

(3) A suspension shall not exceed 60 days unless a limitation or termination proceeding is begun under this subpart before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Secretary.

* * * * *

(20 U.S.C. 1094)

10. Redesignated § 668.87 is revised to read as follows:

§ 668.87 Reinstatement after termination.

(a)(1) An institution whose participation has been terminated may file a request for reinstatement as a participating eligible institution.

(2) Except for an institution that has been terminated for engaging in substantial misrepresentations concerning the nature of its educational program, the nature of its financial charges, or the employability of its graduates, a request for reinstatement may not be made before the expiration of the 18th month after the effective date of the termination.

(3) An institution whose participation was terminated because the institution engaged in substantial misrepresentations may not request reinstatement before the expiration of three months after the effective date of the termination.

(b)(1) The reinstatement request must be in writing and must show that the institution has corrected the violation(s) on which its termination was based, including payment in full to the Secretary or to designated recipients of funds that the institution improperly received, withheld, disbursed, or caused to be disbursed.

(2) The institution must meet all the qualifications for participation in title IV student financial assistance programs, as provided in Subpart B of this part.

(c) The Secretary will not grant reinstatement to an institution if it—

(1) Is owned, in whole or in part, by a person who has been convicted of a crime related to the abuse of title IV programs; or

(2) Continues to employ an individual in a capacity that involves the administration of title IV programs or receipt of funds under title IV programs who was shown to be an incompetent administrator during the termination proceedings or who was convicted of a crime related to the abuse of title IV programs.

(d) The Secretary, within 60 days of receiving the reinstatement request, shall—

(1) Grant the request,

(2) Deny the request, or

(3) Grant the request subject to limitations.

(20 U.S.C. 1094)

PART 690—PELL GRANT PROGRAM

11. In § 690.2, the definition of "academic year" is revised to read as follows:

§ 690.2 General definitions.

* * * * *

Academic year: (1) A period of time in which a full-time student is expected to complete the equivalent of at least two semesters, two trimesters or three quarters at an institution which measures academic progress in credit hours and uses a semester, trimester or quarter system; or

(2) A period of time in which a full-time student is expected to complete at least 24 semester hours or 36 quarter hours at an institution which measures academic progress in credit hours but does not use a semester, trimester or quarter system; or

(3) At least 900 clock hours of training for each program at an institution which measures academic progress in clock hours.

(20 U.S.C. 1088)

* * * * *

12. In § 690.3, paragraph (d) is revised to read as follows:

§ 690.3 Special terms.

* * * * *

(d) *Payment period for an institution that uses the Regular Disbursement System (RDS) but does not use academic terms.*

(1) For a student whose educational program is one academic year—

(i) The first payment period is the period of time in which the student completes the first half of his or her academic year (in credit or clock hours), and

(ii) The second payment period is the period of time in which the student completes the second half of that academic year.

(2) For a student whose educational program is MORE than one academic year, the first and second payment periods shall be calculated under paragraph (d)(1) of this section. For subsequent academic years, or fractions of academic years, each payment period shall be the period of time in which the student completes—

(i) One-half of the academic year, or

(ii) The remaining hours in the student's educational program, whichever is to be completed first.

(3) For a student whose educational program is LESS than an academic year—

(i) The first payment period is the period of time in which the student completes the first half of his or her educational program (in credit or clock hours), and

(ii) The second payment period is the period of time in which the student completes the second half of that educational program.

(4) If an RDS institution chooses to have more than two payment periods in an academic year or in a program of less than an academic year, the institution shall modify the rules in paragraphs (d)(1) through (d)(3) of this section to reflect the number of payment periods. For example, if an institution chooses to have three payment periods in an academic year, each payment period shall correspond to one-third of the academic year.

* * * * *

(20 U.S.C. 1070a)

§§ 690.51 through 690.58 (Subpart E) [Amended]

13. In Subpart E, the statutory citation at the end of each section is revised to read:

(Pub. L. 97-301, section 3).

14. Section 690.66 is amended by revising the heading and paragraphs (a)(2) and (a)(3) to read as follows:

§ 690.66 Calculation of a Pell Grant for a payment period which is scheduled to occur in two award years.

* * * * *

(a)(1) * * *

(2) The institution shall determine for each Pell Grant recipient the award year in which the payment period will be placed, subject to the restrictions set forth in paragraph (a)(3) of this section.

(3)(i) A payment period with more than six months scheduled to occur in one award year shall be placed in that award year; and

(ii) For an institution participating under the Alternate Disbursement System, the determination made in paragraph (a)(2) of this section must be the same for all Pell Grant recipients enrolled in the same academic program who begin a payment period on the same day.

(4) * * *

* * * * *

(20 U.S.C. 1070a)

15. Section 690.74 is amended to read as follows:

§ 690.74 Providing funds to institutions.

The Secretary provides funds to an institution participating under the Regular Disbursement System for each award year in advance or by way of

reimbursement during the course of that year, based on the Secretary's determination of the institution's need for funds to pay Pell Grants or its need for reimbursement for Pell Grants already paid.

(20 U.S.C. 1070a)

16. The table of contents for Subpart H and Subpart H of Part 690 are revised to read as follows:

* * * * *

Subpart H—Administration of Grant Payments—Alternate Disbursement System

* * * * *

Subpart H—Administration of Grant Payments—Alternate Disbursement System

§ 690.91 Scope.

This subpart deals with program administration by an institution of higher education under the Alternate Disbursement System (ADS). Under the ADS, the Secretary calculates and pays the Pell Grant awards to students.

(20 U.S.C. 1070(a)

§ 690.92 Institutional participation agreement—Alternative Disbursement System.

(a) The Secretary may enter into an agreement with an institution of higher education under which the Secretary will calculate and pay Pell Grant awards to students enrolled at that institution based upon the information provided to the Secretary by the institution and the student.

(b) The agreement shall be on a standard form provided by the Secretary and will contain the necessary terms to carry out this subpart.

(20 U.S.C. 1070a)

§ 690.93 Disbursement system changes.

(a) *Change to Regular Disbursement System (RDS).* (1) The Secretary may allow an ADS institution to change its method of participation in the Pell Grant Program to the RDS.

(2) In order to make the change, the institution shall—

(i) Notify the Secretary no later than January 1 of its desire to make the change for the succeeding award year,

(ii) Submit all required reports by April 30, and

(iii) Sign a new participation agreement.

(3) If the Secretary agrees to the change, the new participation agreement goes into effect on July 1 of the succeeding award year.

(b) *Voluntary change to Alternate Disbursement System (ADS).* (1) The Secretary may allow an RDS institution to voluntarily change its method of participation in the Pell Grant Program to the ADS.

(2) In order to make the change, the institution shall—

(i) Notify the Secretary no later than January 1 of its desire to make the change for the succeeding award year,

(ii) Submit all required reports through the February 15 Progress Report for the current award year by April 30, and

(iii) Sign a new participation agreement.

(3) If the Secretary agrees to the change, the new participation agreement goes into effect on July 1 of the succeeding award year.

(c) *Change to Alternate Disbursement System after termination of Regular Disbursement System agreement.* If the institution's RDS agreement is terminated by the Secretary according to § 690.73(a), the Secretary may allow the institution to enter into an ADS agreement.

(20 U.S.C. 1070a)

§ 690.94 Termination of agreement—Alternate Disbursement System.

(a) *Termination by the Secretary.* The Secretary may teminate the agreement with an institution according to the procedures established by Subpart G of the Student Assistance General Provisions regulations (34 CFR Part 668).

(b) *Termination by the institution.* The institution may terminate the agreement by giving the Secretary written notice. The termination becomes effective on June 30 of the award year in which the institution provides the written notice. The institution must carry out the agreement for the remainder of the award year.

(c) *Termination because of a change in ownership that results in a change of control.* (1) The agreement terminates when an institution undergoes a change of ownership that results in a change of control.

(2) The Secretary may enter into an agreement with the new owner after the institution complies with the requirements of § 668.18 of the Student Assistance General Provisions regulations.

(d) *Limitation of agreement.* (1) The Secretary and the institution may jointly agree to limit the agreement.

(2) The Secretary may limit the agreement in accordance with Subpart G of the Student Assistance General Provisions regulations.

(20 U.S.C. 1070a)

§ 690.95 General procedures for receiving payment.

An eligible student attending an ADS institution receives a Pell Grant under the following procedures:

(a)(1) The student submits a Student Aid Report (SAR) to the institution.

(2) The student is subject to the deadline date for submitting the SAR to the institution set forth in § 690.61(b) and the limitation set forth in § 690.61(d).

(b)(1) Upon receipt of an SAR, the institution gives the student a Pell Grant Request for Payment Form (ED Form 304) which the student uses to request a Pell Grant payment from the Secretary.

(2) On the ED Form 304, the student provides his or her name, social security number and address. The address provided by the student must be his or her residence and not the address of the school, unless the student resides at the school or is incarcerated.

(3) On the ED Form 304, the institution provides information regarding a student's eligibility to receive a Pell Grant, as well as the student's enrollment status, cost of attendance and dates of attendance.

(4) With regard to the student's eligibility for a Pell Grant, the institution shall determine whether the student—

(i) Has presented a valid SAR to the institution as required by § 690.61,

(ii) Has met the eligibility requirements set forth in § 690.4,

(iii) Is maintaining satisfactory academic progress in his or her course of study,

(iv) Is not in default on—

(A) A National Defense/Direct Student Loan made by the institution,

(B) A Guaranteed Student Loan received for attendance at that institution, or

(C) A PLUS Loan received by the student as a parent of another student for attendance at that institution, and

(v) Does not owe a refund on a Pell Grant, a Supplemental Grant, or a State Student Incentive Grant received for attendance at that institution. (In

determining whether the student owes a refund on a grant, the institution is entitled to rely on information in its possession.)

(5) If an institution determines that, at the beginning of a payment period, the student is not maintaining satisfactory academic progress, but reverses itself BEFORE the end of the payment period, the institution may certify the ED Form 304 for the entire payment period.

(6) If an institution determines that, at the beginning of a payment period, the student is not maintaining satisfactory academic progress, but reverses itself after the end of the payment period, the institution may not certify the ED Form 304 for that payment period. The Secretary will not make adjustments in subsequent Pell Grant payments to compensate for the student's loss of Pell Grant aid for that payment period.

(c) If the institution determines that the student has a valid SAR and is eligible for a Pell Grant, it certifies the accuracy of the information it provides on the ED Form 304 and returns the SAR and the certified ED Form 304 to the student.

(d) The student submits both the valid SAR and the certified ED Form 304 to the Secretary before the deadline date established in § 690.61.

(e) Upon receipt of the SAR and the certified ED Form 304 the Secretary calculates a student's award in accordance with Subpart F of this part.

(f)(1) In each payment period, the Secretary pays a student at such times and in such installments as the Secretary determines will best meet the student's needs.

(2) The Secretary makes only one payment to a student if a portion of an academic year occurring within one award period is less than three months.

(3) The Secretary may pay funds due a student for any completed period of enrollment in one lump sum. The student's enrollment status for that period will be determined according to work already completed.

(g)(1) The Secretary also sends the student an ADS Student Report (ED Form 304-1). This form—

(i) Notifies the student of the amount of his or her Scheduled Pell Grant, the amount of expected disbursement, and the amount of the first payment; and

(ii) Is used to request subsequent payments from the Secretary during the award year.

(2) The institution must provide the information requested on the ED Form 304-1 and must certify that the information included on the ED Form 304-1 is accurate and that the student is eligible for payment.

(3) The student must submit the certified ED Form 304-1 to the Secretary for an additional grant payment before the deadline date established in § 690.61.

(20 U.S.C. 1070a)

§ 690.96 Verification of information on the SAR.

(a) An institution shall require a student to verify the information included on his or her SAR if—

(1) Directed to do so by the Secretary,

(2) The institution has documentation which indicates that the information on the SAR used to calculate the student's award is inaccurate, or

(3) The institution believes, but does does not have documentation, that the information on the SAR used to calculate the student's award is inaccurate.

(b) The Secretary publishes procedures to be used to verify information on SARs.

(c)(1) If the institution requests that the student verify the information on his or her SAR for the reasons stated in paragraph (a) (1) or (2) of this section, it may not certify the student's ED Form 304 until it is satisfied that the information on the SAR is correct.

(2) If the institution requests that the student verify the information on his or her SAR for the reason stated in paragraph (a)(3) of this section, it shall—

(i) Certify the ED Form 304, and

(ii) Notify the Secretary.

(d)(1) If, as a result of the verification process, the SAR needs to be corrected, the student must correct the SAR by—

(i) Putting accurate information on the SAR,

(ii) Getting the necessary signatures on the SAR, and

(iii) Resubmitting the SAR to the Secretary for reprocessing.

(2) The student must resubmit the reprocessed SAR he or she receives to the institution.

(3) The institution shall certify the ED Form 304 if it is satisfied that the information on the resubmitted SAR is accurate.

(e)(1) If the student submits the verified SAR to the institution before the appropriate deadline specified in § 690.61, the Secretary pays the student the amount of the payment based on the verified SAR.

(2) The student may submit the verified SAR to the institution after the appropriate deadline specified in § 690.61, but within an established additional time period set by the Secretary. When the verified SAR is submitted to the institution during the established period after the deadline, payment will be based on—

(i) The original SAR, if the Student Aid Index (SAI) on the verified SAR is lower than the SAI on the original SAR, or

(ii) The verified SAR, if the SAI on the verified SAR is higher than the SAI on the original SAR.

(3) If the student does not provide the requested documentation, and if necessary a reprocessed, verified SAR, within the established time period—

(i) The student will forfeit the Pell Grant for the award year, and

(ii) Any grant payments received must be returned to the Secretary.

(f) Under certain conditions as determined by the Secretary, including, but not limited to, suspected fraud and abuse, no further Pell Grant applications will be processed for the student unless he or she verifies the information alleged to be in error or the Secretary decides there is no further need for verification.

(20 U.S.C. 1070a)

§ 690.97 Withdrawals and refunds.

(a)(1) The institution shall notify the Secretary of the date a student officially or unofficially withdraws or is expelled for a payment period for which the student was paid.

(2) If the institution also participates in any other title IV programs, the institution must comply with § 668.21 of the Student Assistance General Provisions regulations and provide the Secretary with the information required by § 668.21(a)(3).

(3) For purposes of this section, the date of a student's unofficial withdrawal shall be determined under § 668.21(c)(4).

(b) If the date provided by the institution under paragraph (a) of this section is before the mid-point of the payment period for which the student has been paid, the student will refund a prorated portion of the payment as determined by the Secretary.

(20 U.S.C. 1070a)

§ 690.98 Recovery of overpayments.

(a) The student is liable for any overpayment made to him or her.

(b)(1) The institution is liable for any overpayment made to a student by the Secretary on the basis of inaccurate information provided by the institution.

(2) The institution shall repay to the Secretary the amount of the overpayment for which it is liable even if the overpayment cannot be collected from the student.

(c) If an overpayment is made for which the institution is not liable, the institution shall help the Secretary to

recover the overpayment by providing the Secretary with the student's name, social security number, most recent address, and other relevant information.

(20 U.S.C. 1070a)

§ 690.99 Recalculation of a grant award.

(a)(1) If the student's expected family contribution changes, the Secretary will recalculate his or her Pell Grant award.

(2) The Secretary will adjust the award and pay the student the amount he or she is entitled to for the award year if the expected family contribution is recalculated because of—

(i) A clerical or arithmetic error under § 690.15, or

(ii) Extraordinary circumstances which affect the expected family contribution under §§ 690.39 and 690.48.

(3) If a student's expected family contribution is recalculated because of a correction of the information requested under § 690.96, the student's grant for the award year will be adjusted by the Secretary as provided for in § 690.96. Where possible, the adjustment will be made within the same award year.

(4) If the recalculation takes place in a subsequent award year, the student will be—

(i) Eligible to receive payment unless prohibited under the provisions of § 690.96, and

(ii) Required to return any overpayment.

(20 U.S.C. 1070a)

§ 690.100 Maintenance and retention of records.

(a) An institution shall establish and maintain the following records—(1) The Student Aid Report for each student,

(2) A copy of each ED Form 304 and Form 304–1 that the institution certifies for each student,

(3) The name and social security number of each student,

(4) The student's cost of attendance,

(5) How the student's full or part-time enrollment status was determined,

(6) The student's enrollment period,

(7) Information collection in compliance with § 690.96, and

(8) Information necessary to determine whether the student was eligible to receive a Pell Grant.

(b)(1) An institution shall maintain records for each of its Pell Grant recipients which are—(i) Systematically organized;

(ii) Maintained for five years after the award year in which the student ceases enrollment, and

(iii) Readily available for review by the Secretary or the designated ED official at the geographical location where the student will receive a degree or certificate of program or course completion.

(2) An institution may substitute micro-film copies for original records in meeting the requirements of this section.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control numbers 1840–0132, 1840–0063 and 1840–0008.)

§ 690.101 Submission of reports.

An institution shall submit any reports and information the Secretary requires in connection with the participation of an institution in the Alternate Disbursement System and shall comply with the procedures the Secretary finds necessary to ensure that the reports are correct.

(20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB control number 1840–0025.)

[FR Doc. 83-26921 Filed 10-5-83; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
October 6, 1983

Part V

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 975]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 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–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED SEPTEMBER 30, 1983

VOLUME 975

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A R ARCHER JR				RECEIVED:		09/09/83 JA: TX			
8354808	F-08-071695	4247133356		103		RYAN 2	ABELL (CLEARFORK 3200	534.3	EL PASO NATURAL G
-ADOBE OIL & GAS CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354773	F-8A-071293	4244531114		103		CLARE "A" #1	PRENTICE (6700)	13.0	
-ALPHA PETROLEUM CORP				RECEIVED:		09/09/83 JA: TX			
8354923	F-7B-072298	4208300000		108		BARR JONNIE #1	COLEMAN COUNTY REGULA	15.0	UNION TEXAS PETRO
8354922	F-7B-072297	4208300000		108		SALLIE BROWN #2	COLEMAN COUNTY REGULA	15.0	UNION TEXAS PETRO
8354886	F-7B-072187	4208300000		108		SALLIE BROWN #3	COLEMAN COUNTY REGULA	10.0	UNION TEXAS PETRO
8354920	F-7B-072295	4208300000		108		SALLIE BROWN #5	STOCKES (CROSSCUT)	10.0	UNION TEXAS PETRO
8354921	F-7B-072296	4208300000		108		SALLIE BROWN #6	STOKES (PALO PINTO) F	8.0	UNION TEXAS PETRO
-AMINOIL USA INC				RECEIVED:		09/09/83 JA: TX			
8354701	F-04-66674	4247933347		102-4	103	LOD MOGLIA #1-U	GUERRA (9,800')	327.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354833	F-8A-072030	4221933775		103		LEVELLAND UNIT #805	LEVELLAND	49.0	AMOCO PRODUCTION
8354836	F-8A-072034	4221933776		103		LEVELLAND UNIT #806	LEVELLAND	0.1	AMOCO PRODUCTION
8354835	F-8A-072033	4221933777		103		LEVELLAND UNIT #807	LEVELLAND	0.1	AMOCO PRODUCTION
8354834	F-8A-072032	4221933780		103		LEVELLAND UNIT #810	LEVELLAND	0.1	AMOCO PRODUCTION
8354837	F-8A-072035	4221933755		103		MAY MONTGOMERY UNIT #74	LEVELLAND	0.0	AMOCO PRODUCTION
8354889	F-10-072190	4219500000		108		NUSBAUM UNIT #1	HANSFORD - LOWER MORR	13.5	NORTHERN NATURAL
8354804	F-06-071654	4234730934		102-4		ROSINE BLOUNT MCFADDIN G/UT "A" #1	APPLEBY N (TRAVIS PEA	72.0	UNITED GAS PIPELI
8354823	F-04-071801	4235532081		102-4		W M SPESSARD #48	LUBY/7460/	37.0	VALLEY GAS TRANSM
8354888	F-10-072189	4242130242		108		W H PRICE #2	TEXAS - HUGOTON	17.4	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:		09/09/83 JA: TX			
8354919	F-10-072294	4206531302		103		ARCO FEE 203 WELL #2	PANHANDLE CARSON COUN	36.5	GETTY OIL CO
8354893	F-04-072213	4221531317		102-4		ARCO MELCH & VOLZ ET AL UNIT #1	TABASCO (VICKSBURG 10	139.0	VALERO TRANSMISSI
8354917	F-10-072292	4223300000		108		MERCHANT-VACUUM #5	PANHANDLE WEST	14.0	PANHANDLE PRODUCI
8354918	F-10-072293	4223330640		108		MERCHANT-VACUUM #7	PANHANDLE WEST	14.0	PANHANDLE PRODUCI
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354799	F-08-071648	4230130396		102-4	103	BASS TXL 45 WELL #3	DIMMITT CHERRY CANYON	11.0	PHILLIPS PETROLEU
-BEARCO				RECEIVED:		09/09/83 JA: TX			
8354769	F-7B-071187	4244732001		103		MARTHA J SHELTON #2A	THROCKMORTON COUNTY R	0.0	THROCKMORTON GAS
-BELCO PETROLEUM CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354813	F-03-071746	4224531639		103		O H ACOM #5-A	ANGELINA 13,000	0.0	AMOCO GAS CO
8354717	F-08-68726	4231700000		108		ROSALIE TOM #2	SPRAYBERRY	0.0	ALPINE OIL CO
8354716	F-08-68725	4231700000		108		WOODARD #5	PHOENIX (GRAYBURG)	0.0	PHILLIPS PETROLEU
-BILL FORNEY INC				RECEIVED:		09/09/83 JA: TX			
8354911	F-03-072274	4248132406		102-4		KRUEGER #1 RRC #103887	BONUS SE (7400')	195.0	VENTURE PIPELINE
8354768	F-02-071148	4229700000		102-4		NESLONEY GAS UNIT #1	CHARLINE (FORNEY)	82.0	TRANSCONTINENTAL
-BOW VALLEY PETROLEUM INC				RECEIVED:		09/09/83 JA: TX			
8354779	F-03-071430	4231330415		103		ISGITT #1	NORTH ZULCH (L-D-B-G)	7.0	LONE STAR GAS CO
-BRITTON OPERATING INC				RECEIVED:		09/09/83 JA: TX			
8354812	F-09-071728	4223735248		102-4		KEYSER #2	DENNIS (BRYSON)	18.3	LONE STAR GAS CO
-BTA OIL PRODUCERS				RECEIVED:		09/09/83 JA: TX			
8354908	F-08-072264	4237134012		102-4		8203 JV-P KIMBALL #1	ROJO CABALLOS SOUTH (	584.0	NORTHERN NATURAL
-BURNETT CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354682	F-10-057949	4206500000		103		GAYDEN #2	WEST PANHANDLE	0.0	PANHANDLE EASTERN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BURNS PETROLEUM									
8354865	F-09-072125	4200935401		RECEIVED:		09/09/83 JA: TX			
8354864	F-09-072124	4200937031		103		COWAN & MCKINNEY "JJ" #1	HULL-SILK-SIKES (3800	18.0	E A WOOD - OPERAT
8354868	F-09-072128	4200937054		103		COWAN & MCKINNEY "JJ" #2	HULL-SILK-SIKES (3800	18.0	E A WOOD - OPERAT
8354867	F-09-072127	4200935484		103		COWAN & MCKINNEY "KK" #2	ARCHER COUNTY REGULAR	27.0	E A WOOD - OPERAT
8354866	F-09-072126	4200937055		103		COWAN & MCKINNEY "LL" #2	ARCHER COUNTY REGULAR	18.0	E A WOOD - OPERAT
-CANUSA ENERGY INC				103		COWAN & MCKINNEY "LL" #3	ARCHER COUNTY REGULAR	27.0	E A WOOD - OPERAT
				RECEIVED:		09/09/83 JA: TX			
8354765	F-78-071054	4244733498		103		PARMENTER #1	THROCKMORTON S (CONGL	38.0	GREAT WESTERN GAS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		09/09/83 JA: TX			
8354681	F-08-057494	4243131122		107-TF		D L GLASS #5	CONGER S W (PENN)	187.9	NORTHERN NATURAL
8354680	F-08-057493	4243131123		107-TF		D L GLASS #6	CONGER S W (PENN)	448.0	NORTHERN NATURAL
8354679	F-08-057470	4243131125		107-TF		D L GLASS #8	CONGER S W (PENN)	48.5	NORTHERN NATURAL
-CHAPARRAL MINERALS INC				RECEIVED:		09/09/83 JA: TX			
8354718	F-03-67466	4204130816		102-4		JOE A FERRERI #1	BRYAN (AUSTIN CHALK)	130.0	FERGUSON CROSSING
-CHARLES N BENTLEY				RECEIVED:		09/09/83 JA: TX			
8354795	F-09-071567	4250336257		103		JOHNSON-BAHNIN #1	YOUNG COUNTY REGULAR	55.0	SUN GAS TRANSMISS
-CLEMENTS ENERGY INC				RECEIVED:		09/09/83 JA: TX			
8354885	F-08-072184	4249531463		103		MILLER #1	G P M (PENN)	30.0	TRANSWESTERN PIPE
-CMC ENERGY INC				RECEIVED:		09/09/83 JA: TX			
8354881	F-04-072160	4213100000		108		BLEVINS #1 089344	BENAVIDES (WALSTEAD S	7.9	ESPERANZA TRANSMI
-CONOCO INC				RECEIVED:		09/09/83 JA: TX			
8354894	F-08-072217	4210335164		103		UNIVERSITY "C" 68 ID 11210	DUNE	365.0	PHILLIPS PETROLEU
8354715	F-04-68719	4247933450		102-2	107-TF	VAQUILLAS RANCH "E" #31	WILDCAT	353.0	E I DUPONT DE NEM
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED:		09/09/83 JA: TX			
8354906	F-03-072258	4270330292		102-4		STATE TRACT 484-L SE/4 WELL #1	EL GORDO NW (MIOCENE	8.0	HOUSTON PIPELINE
8354811	F-04-071727	4221500000		102-4		W H DRAWE #1-A	PROPOSED CAPISALLO (8	8.0	VALERO TRANSMISSI
-DIEKEMPER RAY J JR				RECEIVED:		09/09/83 JA: TX			
8354838	F-8A-072046	4216900000		102-4	103	NORTHWEST GARZA UNIT #708 ID 061053	GARZA	1.1	MID PLAINS PETROC
-DUKE OIL & GAS CO				RECEIVED:		09/09/83 JA: TX			
8354793	F-06-071564	4220300000		108		BELL DANIELS "G" #12	LONGWOOD (GOODLAND LI	0.5	ARKANSAS LOUISIAN
8354792	F-06-071563	4220300000		108		BELL DANIELS "G" #7	LONGWOOD (GOODLAND LI	0.1	ARKANSAS LOUISIAN
8354791	F-06-071562	4220300000		108		CAROLYN M ABNEY #1	LONGWOOD (GOODLAND LI	1.5	ARKANSAS LOUISIAN
-EATON PETROLEUM INC				RECEIVED:		09/09/83 JA: TX			
8354754	F-78-070783	4213334508		102-4		HINES #1 (105985)	EATON (STRAWN)	300.0	EL PASO HYDROCARB
-EL PASO NATURAL GAS COMPANY				RECEIVED:		09/09/83 JA: TX			
8354689	F-10-64107	4217923691		108-PB		BEASLEY #2	PANHANDLE WEST	24.0	EL PASO NATURAL G
-ETERNAL EXPLORATION				RECEIVED:		09/09/83 JA: TX			
8354772	F-78-071289	4213334441		102-2		LILLIAN HANSON #2	EASTLAND COUNTY REGUL	186.5	LONE STAR GAS CO
-EVEREST MINERALS CORP				RECEIVED:		09/09/83 JA: TX			
8354683	F-02-60724	4229732980		102-4	103	MCDOUGAL-HUNSAKER #1-A	FT MERRILL NORTH (11,	600.0	TECO PIPELINE CO
-EXCELSIOR OIL CORP				RECEIVED:		09/09/83 JA: TX			
8354898	F-06-072197	4218300000		103		C E MAGEE HEIRS GAS UNIT #1	DANVILLE (TRAVIS PEAK	94.0	WESTERN GAS CORP
-EXPANDO OIL CO				RECEIVED:		09/09/83 JA: TX			
8354796	F-09-071572	4200934115		102-4		TURBEVILLE J H 1-C	LAKE KICKAPOO EAST CA	20.4	E A WOOD - OPERAT
-EXXON CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354822	F-02-071788	4229732984		102-4		CHARLES L MCCASLIN #20 (ID PENDING)	RAMIRENA SW (YEGUA 3	198.0	NATURAL GAS PIPEL
8354790	F-10-071507	4235730952		107-TF		DUDE WILSON GAS UNIT #1 #2	ELLIS RANCH (CLEVELAN	145.0	TRANSWESTERN PIPE
8354780	F-10-071444	4235730970		107-TF		DUDE WILSON GAS UNIT #2 #2	ELLIS RANCH (CLEVELAN	31.0	TRANSWESTERN PIPE
8354789	F-10-071506	4235730967		107-TF		DUDE WILSON GAS UNIT #4 #3	ELLIS RANCH (CLEVELAN	24.0	TRANSWESTERN PIPE
8354776	F-10-071417	4235730949		107-TF		DUDE WILSON GAS UNIT #5 #3	ELLIS RANCH (CLEVELAN	118.0	TRANSWESTERN PIPE
8354785	F-10-071488	4235730919		107-TF		DUDE WILSON GAS UNIT #7 #2	ELLIS RANCH (CLEVELAN	97.0	TRANSWESTERN PIPE
8354825	F-04-071865	4235532110		102-4		FLOUR BLUFF OIL UNIT II-1-D	FLOUR BLUFF (H-70)	46.7	ARMCO STEEL CORP
8354891	F-04-072204	4235532112		102-4		FLOUR BLUFF OIL III 1-D 010247	FLOUR BLUFF (I-32)	56.6	ARMCO STEEL CORP
8354777	F-10-071418	4235730966		107-TF		HELEN ROGERS #5	ELLIS RANCH (CLEVELAN	46.0	TRANSWESTERN PIPE
8354750	F-08-070650	4243133150		103		J B TUBB A/C 1 #275	SAND HILLS (TUBB)	15.0	EL PASO NATURAL G
8354805	F-04-071657	4240131681		102-4		J WOOLEY OIL UNIT NO 1 #1	OVERTON NE (PETTIT)	240.0	ARMCO STEEL CORP
8354763	F-04-071024	4226130787		102-4		JOHN G KENEDY JR "E" 42-D	EL PAISTLE (J-33)	300.0	NATURAL GAS PIPEL
8354798	F-04-071590	4226130787		103		JOHN G KENEDY JR "E" 42-F	EL PAISTLE (J-28 S)	300.0	NATURAL GAS PIPEL
8354931	F-04-072320	4226130785		102-4		K R SAN JOSE DE LA PARRA 50-F106068	CALANDRIA (F-30 W)	750.0	ARMCO STEEL CORP
8354932	F-04-072321	4227331335		102-4		KING RANCH ALAZAN 329-F (106064)	ALAZAN (E-58)	180.0	ARMCO STEEL CORP
8354892	F-04-072206	4227331750		102-4		KING RANCH BORREGOS M-36-B (105949)	BORREGOS (R-5 N)	1084.0	ARMCO STEEL CORP
8354930	F-04-072319	4227331388		102-4		KING RANCH CANELO 40-F (106071)	CANELO (Q-38 E)	1075.0	ARMCO STEEL CORP
8354946	F-04-072368	4227330580		103		KING RANCH E LAURELES B-11-D 106065	BINA (H-24)	225.0	ARMCO STEEL CORP
8354947	F-04-072361	4235531321		102-4		KING RANCH E LAURELES G-41-D 106056	LAGUNA LARGA (M-1)	700.0	ARMCO STEEL CORP
8354924	F-04-072305	4224700000		108		MCGILL BROS 309-H (10087)	KELSEY DEEP (21-X)	8.0	TRUNKLINE GAS CO
8354933	F-04-072323	4226100000		108		MRS S K EAST 98-F (102471)	RITA (6-C II)	15.0	NATURAL GAS PIPEL
8354778	F-10-071419	4229530785		107-TF		OLA O. PIPER #7	BRADFORD (CLEVELAND)	98.0	TRANSWESTERN PIPE
8354925	F-04-072306	4226100000		108		SARITA FIELD O & G UNIT 130 06973	SARITA (11-A&B E)	3.0	NATURAL GAS PIPEL
8354882	F-04-072162	4213135862		103		V KOHLER A-145 09632	KOHLER NE (MIRANDO #2	7.7	TENNESSEE GAS PIP
8354883	F-04-072163	4213135856		103		V KOHLER A-147 09632	KOHLER NE (MIRANDO #2	1.8	TENNESSEE GAS PIP
8354926	F-03-072307	4220131541		103		WEBSTER FIELD UNIT #1828	WEBSTER	60.0	ARMCO STEEL CORP
8354706	F-08-67284	4249531539		103		YARBROUGH & ALLEN #99	ARENOSO (STRAWN DETRI	8.0	PHILLIPS PETROLEU
-FALCON PETROLEUM COMPANY				RECEIVED:		09/09/83 JA: TX			
8354739	F-10-070366	4235731063		102-4		THOMAS A #1	HERMAN (MORROW UPPER)	0.0	PHILLIPS PETROLEU
-FARGO ENERGY CORP				RECEIVED:		09/09/83 JA: TX			
8354745	F-03-070544	4214931558		102-2		BOEHMKE C #1	GIDDINGS (AUSTIN CHAL	110.0	PHILLIPS PETROLEU
8354895	F-03-072218	4214931539		103		JANECKA #1	GIDDINGS (AUSTIN CHAL	183.0	PHILLIPS PETROLEU
-FORTUNE PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354884	F-7C-072182	4223532097		103		MURPHEY "3" #2	CAL (CANYON)	98.5	FARMLAND INDUSTRI
-FOUR WAY JOINT VENTURE				RECEIVED:		09/09/83 JA: TX			
8354755	F-78-070784	4225331704		102-4		HORACE H DRIVER #1	FOUR-WAY (CANYON UPPE	15.0	TEXAS UTILITIES F
8354728	F-78-69695	4225331704		102-4		HORACE H DRIVER #1	FOUR WAY (CANYON 4800	5.0	TEXAS UTILITIES F
-FRANKS PETROLEUM INC ETAL				RECEIVED:		09/09/83 JA: TX			
8354778	F-06-071199	4220331044		102-4		LITTLE EST #1	HARLETON NORTH-EAST (	0.0	TEJAS GAS CORP
-G & S INC				RECEIVED:		09/09/83 JA: TX			
8354734	F-10-070242	4229531230		102-4		D R ROBERTS #1	WARREN (CLEVELAND) FI	250.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:		09/09/83 JA: TX			
8354707	F-05-67296	4216100000		102-4	107-TF	F S HILL TRUSTEE #1	WINKLER S (COTTON VAL	0.0	LONE STAR GAS CO
8354831	F-06-072023	4236500000		108		WERNER-BAGLEY #1 RRC ID NO 29441	BETHANY (PETTIT)	0.0	TEXAS GAS TRANSMI
8354940	F-8A-072341	4207900000		108		XIT UNIT #11	LEVELLAND SAN ANDRES	0.0	CITIES SERVICE OI
8354938	F-8A-072339	4207900000		108		XIT UNIT #170	LEVELLAND SAN ANDRES	0.0	CITIES SERVICE OI
8354949	F-8A-072374	4207900000		108		XIT UNIT #174	LEVELLAND SAN ANDRES	0.0	CITIES SERVICE OI
8354941	F-8A-072342	4207931537		108		XIT UNIT #28-X	LEVELLAND SAN ANDRES	0.0	CITIES SERVICE OI
8354939	F-8A-072340	4207900000		108		XIT UNIT #83	LEVELLAND SAN ANDRES	0.0	CITIES SERVICE OI
-GHR ENERGY CORP				RECEIVED:		09/09/83 JA: TX			
8354718	F-04-68918	4250531558		102-4		ALFONSO #3	CHARCO (9400)	900.0	NATURAL GAS PIPEL
8354746	F-04-070598	4247933464		102-2	107-TF	ARCO FEE #2	BARNSLEY (LOBO)	450.0	NATURAL GAS PIPEL
8354709	F-04-67448	4247933530		102-4	107-TF	CARR #10	MUJERES CREEK (LOBO &	500.0	NATURAL GAS PIPEL
8354692	F-04-64914	4250531545		102-4		JENNINGS RANCH B-1	CHARCO (9900)	700.0	NATURAL GAS PIPEL
8354688	F-04-63240	4250531568		102-4	107-TF	LA PERLA A-3	LA PERLA RANCH (9100)	350.0	NATURAL GAS PIPEL
8354698	F-04-66319	4247933439		102-4	107-TF	LUNDELL #20	CARR (LOBO)	600.0	NATURAL GAS PIPEL
8354722	F-04-69256	4250531603		102-4		PORRAS GAS UNIT #2	CHARCO 9400	300.0	NATURAL GAS PIPEL
-GOLDKING PRODUCTION COMPANY				RECEIVED:		09/09/83 JA: TX			
8354935	F-03-072329	4248100000		102-4		W POOLE #1	S LISSIE	0.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GRAHAM PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354749	F-03-070641	4248132159		102-4		G Q RUST ESTATE #1	WHARTON WEST (FRIO 44	75.0	NATURAL GAS PIPEL
-GULF OIL CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354729	F-09-69778	4223734769		103		FAYETTE YATES WELL #11-U	LELA HILL (CADDO CONG	61.4	NATURAL GAS PIPEL
8354752	F-08-070711	4213534013		103		GOLDSMITH C A #1369	GOLDSMITH (DEVONIAN)	63.0	PHILLIPS PETROLEU
8354870	F-08-072132	4213534152		103		GOLDSMITH C A ETAL #1372	GOLDSMITH (5600)	21.0	PHILLIPS PETROLEU
8354869	F-08-072131	4247532815		103		HUTCHINGS STOCK ASSN #1255	WARD-ESTES NORTH	14.0	CABOT CORP
8354871	F-08-072135	4247532827		103		HUTCHINGS STOCK ASSN #1268	WARD-ESTES NORTH	3.0	CABOT CORP
8354694	F-08-65036	4200333299		103		TRIPLE-N (GRAYBURG) 6E-2-N	TRIPLE-N (GRAYBURG)	0.0	PHILLIPS PETROLEU
-H P PINNELL TRUSTEE				RECEIVED:		09/09/83 JA: TX			
8354719	F-04-68977	4248930678		102-4	103	EL SAUZ RANCH NOPAL #5	ARROYO COLORADO NORTH	216.0	NATURAL GAS PIPEL
-H-M OIL CO				RECEIVED:		09/09/83 JA: TX			
8354766	F-02-071061	4225531050		102-4	103	WOLTERS "A" #2 #106211	DUNWOLTERS (JUNETEENT	0.0	VALERO TRANSMISSI
-HARRIS R FENDER				RECEIVED:		09/09/83 JA: TX			
8354830	F-06-071981	4242330682		102-4		HIX KING #1	DRISKELL LAKE (RODESS	56.0	LONE STAR GAS CO
-HAWN BROTHERS				RECEIVED:		09/09/83 JA: TX			
8354743	F-02-070504	4217500000		102-4		JOE JACKSON #	CIRCLE "B" (5000)	63.5	
-HENRY PETROLEUM CORP				RECEIVED:		09/09/83 JA: TX			
8354736	F-8A-070251	4211500000		102-4		STUART ESTATE 82-1Y	KEY WEST (SPRABERRY)	0.0	PHILLIPS PETROLEU
-HIGHLAND RESOURCES INC				RECEIVED:		09/09/83 JA: TX			
8354735	F-04-070249	4235532019		102-4	103	STATE TRACT 18 #1	CORPUS CHANNEL EAST (	100.0	HOUSTON PIPE LINE
-HILLIARD OIL & GAS INC				RECEIVED:		09/09/83 JA: TX			
8354700	F-08-66628	4200333263		103		UNIVERSITY 15 #1	MEANS EAST (STRAWN)	11.0	PHILLIPS PETROLEU
-HRUBETZ OIL CO				RECEIVED:		09/09/83 JA: TX			
8354934	F-7B-072328	4208333578		102-4		SHIELDS #5	HRUBETZ (ELLEN)	40.0	LONE STAR GAS CO
-HUGHES & HUGHES				RECEIVED:		09/09/83 JA: TX			
8354737	F-04-070258	4235531724		102-4		BESSIE MARIE WARE UNIT #1	CALALLEN WEST (5335)	172.0	HOUSTON PIPE LINE
-INEXCO OIL COMPANY				RECEIVED:		09/09/83 JA: TX			
8354775	F-04-071405	4270230194		102-4		STATE TRACT 794-L #2	BLOCK 794-L	1095.0	TENNGASCO GAS GAT
-J C WILLIAMSON				RECEIVED:		09/09/83 JA: TX			
8354945	F-08-072351	4230130397		102-4		EXXON JOHNSON #1	RED BLUFF (DELAWARE L	18.2	CONOCO INC
-J PAUL GOLDSMITH				RECEIVED:		09/09/83 JA: TX			
8354764	F-06-071847	4236531542		102-4		MERWYN ORR	PANOLA SW (TRAVIS PEA	460.0	BRAVO GAS CO
-J R PARTEN				RECEIVED:		09/09/83 JA: TX			
8354809	F-03-071704	4231300000		102-4		MYRA GOULD GAS UNIT #1	FT TRINIDAD W (GLEN R	475.0	RAINBOW PIPE LINE
-J-O'B OPERATING CO				RECEIVED:		09/09/83 JA: TX			
8354907	F-06-072260	4207330496		102-4		R A THRASH #1 - LSE #11001	LARISSA (RODESSA)	95.0	LONE STAR GAS CO
-JAKE L HAMON				RECEIVED:		09/09/83 JA: TX			
8354910	F-10-072268	4221131563		103		URSCHEL 3 #3	MATHERS RANCH (DOUGLA	365.0	NORTHWEST CENTRAL
-JEM PETROLEUM CORP				RECEIVED:		09/09/83 JA: TX			
8354751	F-7C-070710	4210534279		102-4		SHANNON B #1	ESCONDIDO S (STRAWN L	73.0	PHILLIPS PETROLEU
-JOHN R SEAY				RECEIVED:		09/09/83 JA: TX			
8354827	F-08-071902	4237130711		108		USM #3 ID# 022186	LEHN-APCO NORTH (1600	3.6	INTRATEX GAS CO
-JOSEPH T DAWSON				RECEIVED:		09/09/83 JA: TX			
8354816	F-04-071755	4235532125		102-2		ANDERSON TRUSTEE #1L 105533	SHELL POINT (Q-1)	1360.0	HOUSTON PIPELINE
8354815	F-04-071754	4235532125		102-2		ANDERSON TRUSTEE #1U 105691	SHELL POINT (19 SAND)	1300.0	HOUSTON PIPELINE
-KERRY OIL & GAS INC				RECEIVED:		09/09/83 JA: TX			
8354937	F-08-072338	4213534209		103		W E COWDEN #5	HARPER (SAN ANDRES)	27.0	PHILLIPS PETROLEU
8354733	F-08-070182	4213534123		103		W E COWDEN "B" #1	HARPER (SAN ANDRES)	37.0	PHILLIPS PETROLEU
-L & B OIL CO INC				RECEIVED:		09/09/83 JA: TX			
8354828	F-08-071923	4217331400		102-4		BAILEY #1-L	DEWEY LAKE S (STRAWN)	450.0	PHILLIPS PETROLEU
-L R SPRADLING				RECEIVED:		09/09/83 JA: TX			
8354794	F-10-071566	4223300000		103		MARNIE #1	PANHANDLE	50.0	PHILLIPS PETROLEU
-LAMBERT HOLLUB DRILLING CO				RECEIVED:		09/09/83 JA: TX			
8354877	F-03-072145	4205132464		102-4		L & M WOLF #1	HOOKER CREEK (NAVARRO	30.0	FERGUSON CROSSING
8354876	F-03-072144	4228731353		102-4		PAYTON #1	HOOKER CREEK (NAVARRO	30.0	PHILLIPS PETROLEU
-LEO ENERGY INC				RECEIVED:		09/09/83 JA: TX			
8354905	F-06-072251	4240131628		102-4		A P PIRTLE #1-T	ROY CLARK-MEL TILLIS	73.0	TEXAS UTILITIES F
8354902	F-06-072248	4240131629		102-4		A P PIRTLE "A" WELL #1	ROY CLARK-MEL TILLIS	42.0	TEXAS UTILITIES F
8354901	F-06-072247	4240131578		102-4		J AUSTIN HARRIS #1	ROY CLARK-MEL TILLIS	72.0	TEXAS UTILITIES F
8354904	F-06-072250	4240131686		102-4		REDUS HAMEL #1	ROY CLARK-MEL TILLIS	87.0	TEXAS UTILITIES F
8354900	F-06-072246	4240131461		102-4		SYBIL BRYCE #1	ROY CLARK-MEL TILLIS	61.0	TEXAS UTILITIES F
8354903	F-06-072249	4240131586		102-4		THOMAS R GAGE #1	ROY CLARK-MEL TILLIS	110.0	TEXAS UTILITIES F
-MABEE PETROLEUM CORP				RECEIVED:		09/09/83 JA: TX			
8354832	F-08-072027	4217331337		102-4	103	POWELL #1	LA VISTA (FUSSELMAN)	58.0	PHILLIPS PETROLEU
-MARLINE OIL CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354757	F-02-070891	4246931656		102-4	103	WELDER-CLIBURN 84-C	WELDER RANCH	985.5	FLORIDA GAS TRANS
-MARTIN EXPLORATION MGMT CORP				RECEIVED:		09/09/83 JA: TX			
8354800	F-10-071650	4248330569		108		B L LITCHFIELD #1	PANHANDLE EAST	7.0	TRANSWESTERN PIPE
8354803	F-10-071653	4248330946		108		B MORGAN #1	PANHANDLE EAST	21.9	TRANSWESTERN PIPE
8354802	F-10-071652	4248330523		108		PURCELL NO 1	EAST PANHANDLE	21.0	TRANSWESTERN PIPE
8354801	F-10-071651	4218330484		108		STOKES #1	PANHANDLE EAST	13.0	TRANSWESTERN PIPE
-MCRAE ENERGY CORP				RECEIVED:		09/09/83 JA: TX			
8354916	F-01-072290	4217731445		102-4		SANDY FORK UNIT ID NO 08968	PEACH CREEK (AUSTIN C	91.0	ORECA GAS CORP
-MID-CONTINENT PETROLEUM CO				RECEIVED:		09/09/83 JA: TX			
8354713	F-7B-68415	4208333302		102-4		ELLIOTT J KEMP #1 (105163)	KEMP (DOG BEND)	50.0	UNION TEXAS PETRO
-MILLS BENNETT ESTATE				RECEIVED:		09/09/83 JA: TX			
8354829	F-02-071965	4202503199		103		MILLS BENNETT EST D E ROBINSON #5	TULETA WEST (2800) FI	0.0	UNITED GAS PIPE L
-MITCHELL ENERGY CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354806	F-09-071663	4249732550		103		ALICE PRYOR #3-L	ALVORD (ATOKA CONGL)	157.6	TEXAS UTILITIES F
8354726	F-05-69557	4239530281		103	107-TF	FRIER #1	BALD PRAIRIE (CV-BOSS	206.3	UNITED TEXAS TRAN
8354676	F-09-037978	4249700000		108-ER		HARTSELL-CASTLEBERRY #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8354693	F-09-64995	4249700000		108-ER		J D BRAHNOM #1	BOONSVILLE	0.0	
8354678	F-09-053777	4249700000		108-ER		J E WOODY #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8354690	F-09-64347	4236700000		108-ER		L E SMITH #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8354677	F-09-052196	4249700000		108-ER		MAY GRIFFETH #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8354674	F-09-704178	4249700000		108-ER		ORAN SPEER #4	BOONSVILLE	0.0	NATURAL GAS PIPEL
8354826	F-09-071868	4249732535		103		SALLY E TULLY #2	CHICO WEST (CADDO CON	295.1	NATURAL GAS PIPEL
8354699	F-09-66620	4249700000		108-ER		T L DICKENSON #2	BOONSVILLE	0.0	
8354675	F-09-034223	4249700000		108-ER		W H PORTWOOD #2	BOONSVILLE	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:		09/09/83 JA: TX			
8354810	F-8A-071710	4221933789		103		NORTH CENTRAL LEVELLAND UNIT #384	LEVELLAND	3.3	AMOCO PRODUCTION
-MORROW RESOURCES INC				RECEIVED:		09/09/83 JA: TX			
8354704	F-7C-67104	4245131164		102-2	103	BROWN #12	K W B (STRAWN)	0.0	LONE STAR GAS CO
8354753	F-7C-070743	4245131226		102-2	103	BROWN "C" #14	K W B (STRAWN)	0.0	LONE STAR GAS CO
-MYERS PHILIP				RECEIVED:		09/09/83 JA: TX			
8354731	F-7B-69804	4244731962		102-4		T G HENDRICK TRACT 5 #10 (105780)	SHINNERY BEND (WOLFCA	74.0	HST GATHERING CO
8354730	F-7B-69803	4244700000		102-4		T G HENDRICK TRACT 5 #16 (105781)	SHINNERY BEND (WOLFCA	49.0	HST GATHERING CO
-N D STOVALL & SONS & WEST GORDON T				RECEIVED:		09/09/83 JA: TX			
8354839	F-7B-072086	4244733527		103		CURTIS WOOD #1 RRC 19644	THROCKMORTON CO REGUL	6.0	GREAT WESTERN GAS
-NATURAL GAS ANADARKO INC				RECEIVED:		09/09/83 JA: TX			
8354782	F-10-071461	4235731375		103		CORALEE #1-300	PARSELL (MORROW UPPER	180.0	TRANSWESTERN PIPE
-NEUMIN PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354732	F-02-069811	4217531546		102-4		CARLYN HURST UNIT #1	SLICK	0.0	UNITED TEXAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8354748	F-82-070636	4205738824		103		STATE TRACT 176-3D	STEAMBOAT PASS (2)	86.0	ALUMINUM CO OF AM
-NEWPORT PETROLEUMS INC				RECEIVED:		09/09/83 JA: TX			
8354875	F-08-072143	4238981222		103	107-TF	CONOCO STATE 20-I (100961)	NINE MILE DRAW (FUSSE	1.8	DELHI GAS PIPELIN
-NICKLOS OIL & GAS CO C/O BRADCO OIL				RECEIVED:		09/09/83 JA: TX			
8354774	F-7C-071379	4210534226		103	107-TF	MARLEY #16-81	HUDSPETH (CANYON)	36.5	TEXAS INTRA-MARK
-NORTH AMERICAN GEOTEC INC				RECEIVED:		09/09/83 JA: TX			
8354712	F-7B-68352	4222100000		102-4		HOOKS GAS UNIT #1	GRANBURY N E (MARBLE	0.0	EMPIRE PIPELINE C
-O I L ENERGY INC				RECEIVED:		09/09/83 JA: TX			
8354767	F-7C-071073	4245131127		103		HOHENSEE #1	S S R (CANYON UPPER)	18.0	EL PASO HYDROCARB
-OWL PETROLEUM CO				RECEIVED:		09/09/83 JA: TX			
8354747	F-83-070606	4248132487		102-4		BROWNSON HOME #1	BLACK OWL	1000.0	HOUSTON PIPE LINE
-OXTEX INC				RECEIVED:		09/09/83 JA: TX			
8354912	F-84-072275	4204700000		108		CAGE B-5	CAGE RANCH	5.9	TRUNKLINE GAS CO
8354913	F-84-072276	4204700000		108		CAGE C-2	CAGE RANCH	0.0	TRUNKLINE GAS CO
-PAMPLIN GARY				RECEIVED:		09/09/83 JA: TX			
8354742	F-7B-070490	4204933466		102-4		CLARK #2 (105793)	LECHE (CADDO)	1500.0	EL PASO HYDROCARB
-PAUL DE CLEVA				RECEIVED:		09/09/83 JA: TX			
8354727	F-09-69563	4219730487		103		BERNGEN #1	CONLEY (MISS)	17.0	SHELL OIL CO
-PAUL E CAMERON JR INC				RECEIVED:		09/09/83 JA: TX			
8354736	F-03-070356	4218500000		102-4		FANNIE UPCHURCH #6	BEDIAS S (GEORGETOWN)	62.0	MORGAS CO
-PECOS OPERATORS INC				RECEIVED:		09/09/83 JA: TX			
8354824	F-08-071843	4249531569		103		MORTON #1	HALLEY	10.0	PHILLIPS PETROLEU
-PENNZOIL PRODUCING COMPANY				RECEIVED:		09/09/83 JA: TX			
8354762	F-84-071022	4235532121		102-4		HELEN P AUSTIN #4-D	AGUA DULCE (8,000' S)	365.0	UNITED GAS PIPE L
-PETRO JET INC				RECEIVED:		09/09/83 JA: TX			
8354797	F-83-071579	4208900000		108		KENNETH DAHKLEFS #1	NADA (WILCOX 9700)	15.3	TEXAS EASTERN TRA
-PETRO-LEWIS CORPORATION				RECEIVED:		09/09/83 JA: TX			
8354786	F-08-071490	4249500000		108		BROWN ALTMAN A #4	EMPEROR (DEEP)	4.1	PHILLIPS PETROLEU
8354788	F-7C-071492	4210500000		108		UNIVERSITY A #3	FARMER (SAN ANDRES)	3.0	J L DAVIS
8354787	F-7C-071491	4210500000		108		UNIVERSITY 47 #2	FARMER (SAN ANDRES)	3.2	J L DAVIS
-PETRO-SEARCH INC				RECEIVED:		09/09/83 JA: TX			
8354880	F-10-072158	4217900000		108		READ #12 (1-090-02709-3)	PANHANDLE	10.5	DORCHESTER GAS PR
8354879	F-10-072157	4217900000		108		READ #13 - (1-090-02709-3)	PANHANDLE	3.2	DORCHESTER GAS PR
8354878	F-10-072156	4217900000		108		READ #17 (1-090-02709-3)	PANHANDLE	10.5	DORCHESTER GAS PR
-PETROLEUM CORP OF DELAWARE				RECEIVED:		09/09/83 JA: TX			
8354887	F-78-072188	4208500000		108		CLARA ODESSA #2	COLEMAN COUNTY REGULA	10.0	UNION TEXAS PETRO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		09/09/83 JA: TX			
8354943	F-08-072349	4213530332		108		(18713) GOLDSMITH ADOBE UNIT #23-05	GOLDSMITH (5600)	2.0	EL PASO NATURAL G
8354944	F-08-072350	4249531349		108		(21555) MCCABE F P #53	HALLEY	6.0	EL PASO NATURAL G
8354942	F-08-072348	4213507287		108		(21556) NORTH PENWELL UNIT #37	PENWELL	0.0	EL PASO NATURAL G
8354928	F-10-072309	4217900000		108		GETHING #9	PANHANDLE GRAY	0.0	
8354927	F-10-072308	4223300000		108		IVY A #4	HUTCHINSON N - MISSIS	0.0	NORTHERN NATURAL
8354929	F-10-072311	4223300000		108		YAKE G #9	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
-RICHEY & CO INC				RECEIVED:		09/09/83 JA: TX			
8354771	F-7B-071214	4213334747		102-4		FROST JOHNSON #1	REB (MARBLE FALLS)	6.0	ENSERCH EXPLORATI
-S K TUTHILL & B J BARBEE				RECEIVED:		09/09/83 JA: TX			
8354936	F-89-072330	4200933447		102-4		MCKINNEY #1 (19128)	LAKE KICKAPOO E (CADD	50.0	ASSOCIATED GAS GA
-SAGE ENERGY CO				RECEIVED:		09/09/83 JA: TX			
8354863	F-7C-072122	4238332580		103		PHILLIPS STATE #2 RRC #10149	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
8354852	F-7C-072108	4210534497		103		UNIV 23-C #4 RRC #09620	FARMER (SAN ANDRES)	2.5	NORTHERN NATURAL
8354860	F-7C-072117	4238332565		103		UNIVERSITY 16 #6 RRC #07556	FARMER (SAN ANDRES)	2.5	NORTHERN NATURAL
8354853	F-7C-072116	4238332564		103		UNIVERSITY 16 #7 RRC #07556	FARMER (SAN ANDRES)	1.8	NORTHERN NATURAL
8354858	F-7C-072115	4238332581		103		UNIVERSITY 18-G #8 RRC #09558	FARMER (SAN ANDRES)	2.2	NORTHERN NATURAL
8354857	F-7C-072114	4238332542		103		UNIVERSITY 19-G #4 RRC #09434	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
8354856	F-7C-072113	4238332543		103		UNIVERSITY 19-G #5 RRC #09434	FARMER (SAN ANDRES)	1.8	NORTHERN NATURAL
8354855	F-7C-072111	4238332578		103		UNIVERSITY 22 #5 RRC #07527	FARMER (SAN ANDRES)	0.7	NORTHERN NATURAL
8354854	F-7C-072110	4238332544		103		UNIVERSITY 23-B #6 RRC #07705	FARMER (SAN ANDRES)	2.5	NORTHERN NATURAL
8354853	F-7C-072109	4238332545		103		UNIVERSITY 23-B #7 RRC #07705	FARMER (SAN ANDRES)	1.4	NORTHERN NATURAL
8354851	F-7C-072107	4210534495		103		UNIVERSITY 23-C #5 RRC #09620	FARMER (SAN ANDRES)	0.9	NORTHERN NATURAL
8354862	F-7C-072120	4238332579		103		UNIVERSITY 4 #7 RRC #07706	FARMER (SAN ANDRES)	0.9	NORTHERN NATURAL
8354861	F-7C-072119	4238332577		103		UNIVERSITY 5-G #6 RRC #08875	FARMER (SAN ANDRES)	2.9	NORTHERN NATURAL
-SANDEFER PETROLEUM CO				RECEIVED:		09/09/83 JA: TX			
8354756	F-82-070805	4229733248		102-4		J R LYNE #3	TOM LYNE N (WILCOX 10	273.0	HOUSTON PIPELINE
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:		09/09/83 JA: TX			
8354761	F-83-070980	4214931494		102-2		WHITE ESTATE #1	GIDDINGS (AUSTIN-CHAL	900.0	CLAJON GAS CO
-SHELL OIL CO				RECEIVED:		09/09/83 JA: TX			
8354744	F-81-070536	4231131848		102-4		BRACKEN #19	A W P (OLMOS)	100.0	HPI TRANSMISSION
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		09/09/83 JA: TX			
8354873	F-08-072141	4213534135		103		EAST GOLDSMITH HOLT UNIT #2414	GOLDSMITH EAST (HOLT)	8.0	PHILLIPS PETROLEU
8354872	F-08-072140	4213534136		103		EAST GOLDSMITH HOLT UNIT #2415	GOLDSMITH EAST (HOLT)	19.0	PHILLIPS PETROLEU
8354702	F-04-66692	4242700000		108-ER		GARZA MONTALVO GAS UNIT #1	NORTH SUN	8.0	TRANSCONTINENTAL
8354874	F-04-072142	4242700000		108		I V MONTALVO -A- #2	SUN NORTH	19.0	FLORIDA GAS TRANS
8354914	F-04-072281	4242700000		108		L L GARCIA -C- NO 5	FROST	4.0	FLORIDA GAS TRANS
8354760	F-06-070973	4222530445		102-4		L W HUFFMAN #6	TRINITY	6.0	
-SUNDANCE OIL CO				RECEIVED:		09/09/83 JA: TX			
8354948	F-05-072365	4216130669		102-4		EVA HUFFMAN #1	FARRAR N/BOSSIER SAND	36.5	DELHI GAS PIPELIN
-SUPERIOR OIL CO				RECEIVED:		09/09/83 JA: TX			
8354723	F-8A-69257	4211531763		103		ACKERLY (DEAN) FIELD UNIT #1510	ACKERLY (DEAN SAND)	22.0	GETTY OIL CO
8354691	F-03-64781	4216730920		102-4	103	EVANS GAS UNIT #1 WELL #1	ALGOA (33 SAND)	684.0	FLORIDA GAS TRANS
8354714	F-04-68514	4221531330		102-4	103	F I JOHNSON #17	MONTE CHRISTO (5950)	42.0	FLORIDA GAS TRANS
8354720	F-04-68990	4221531331		102-4	103	F I JOHNSON #21	MONTE CHRISTO (5950)	25.0	FLORIDA GAS TRANS
8354725	F-04-69480	4221531332		102-4	103	F I JOHNSON WELL NO 22	MONTE CHRISTO (5950)	23.0	FLORIDA GAS TRANS
8354695	F-08-65072	4237134063		102-4	103	UNIVERSITY 19-10-WELL #1	TUNIS CREEK (DEVONIAN	0.0	
-SWEETGRASS ENERGY CORP				RECEIVED:		09/09/83 JA: TX			
8354897	F-09-072237	4223.34964		102-4		MARLEY #8207 RRC LEASE #23342	PEARL (BASIL)	74.4	SOUTHWESTERN GAS
-TANA OIL & GAS CORP				RECEIVED:		09/09/83 JA: TX			
8354740	F-84-070374	4221531315		103	107-TF	FLORA I JOHNSON #3	MONTE CHRISTO SOUTH (	1500.0	TECO PIPELINE CO
-TAYLOR GORDON				RECEIVED:		09/09/83 JA: TX			
8354899	F-10-072244	4234130928		103		GAYLA #3	PANHANDLE MOORE	160.0	DIAMOND SHAMROCK
8354898	F-10-072243	4234130969		103		GAYLA #5	PANHANDLE MOORE	190.0	DIAMOND SHAMROCK
-TED TRUE INC				RECEIVED:		09/09/83 JA: TX			
8354759	F-10-070952	4234100000		103		BROWN 22-2	PANHANDLE MOORE COUNT	0.0	PANHANDLE EASTERN
-TEXACO INC				RECEIVED:		09/09/83 JA: TX			
8354711	F-08-067868	4210931664		102-4		CULBERSON "AB" FEE #2	GERALDINE	295.7	EL PASO NATURAL G
8354896	F-04-072221	4248900601		108		YTURRIA L & L CO -A-HCT-1 #18	RAYMONDVILLE	5.0	TENNESSEE GAS PIP
-TEXAS LOUISIANA PETROLEUM				RECEIVED:		09/09/83 JA: TX			
8354724	F-03-69473	4233900000		102-4		M M MINERALS #1	INDIAN HILLS NORTH	8942.5	SOUTH TEXAS GATHE
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:		09/09/83 JA: TX			
8354685	F-7C-61721	4210534100		103		INGHAM ESTATE 2A	INGHAM (DEVONIAN)	240.0	
8354684	F-7C-61720	4210533886		102-4	107-TF	PERNER "A" #1	UNIVERSITY 31 (STRAWN	240.0	PRODUCERS GAS CO
8354686	F-7C-61722	4219533954		102-4	107-TF	PERNER "C" #1	UNIVERSITY 31 (STRAWN	130.0	PRODUCERS GAS CO
8354705	F-7C-67140	4210500000		102-4	107-TF	THOMPSON FEE #16	UNIVERSITY 31 (STRAWN	300.0	PHILLIPS PETROLEU
8354687	F-7C-62885	4210500000		103	107-TF	UNIVERSITY 32-12 #1	UNIV 31	0.0	PRODUCER'S GAS CO
-TOM BROWN INC				RECEIVED:		09/09/83 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8354819	F-7C-071766	4243532935		103	107-TF	HILL - RANDEE FAWCETT TRUST "H" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8354820	F-7C-071767	4243532927		103	107-TF	HILL-EDWIN S MAYER JR "HN" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8354818	F-7C-071765	4243531313		103	107-TF	HILL-EDWIN S MAYER JR "PP" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TRACY OIL INC				RECEIVED:	09/09/83	JA: TX			
8354807	F-10-071668	4217931369		103		HOLT #1	PANHANDLE GRAY	40.0	CABOT PIPELINE CO
-TRI-SERVICE DRILLING CO				RECEIVED:	09/09/83	JA: TX			
8354845	F-7C-072095	4238300000		108		ROCKER "B" #12 004794	SPRABERRY TREND (SPRA	5.4	PHILLIPS PETROLEU
8354844	F-7C-072094	4238300000		108		ROCKER "B" #15 004794	SPRABERRY TREND (SPRA	8.7	PHILLIPS PETROLEU
8354843	F-7C-072093	4238300000		108		ROCKER "B" #16 004794	SPRABERRY TREND (SPRA	7.5	PHILLIPS PETROLEU
8354842	F-7C-072092	4238300000		108		ROCKER "B" #19 004794	SPRABERRY TREND (SPRA	6.9	PHILLIPS PETROLEU
8354841	F-7C-072091	4238300000		108		ROCKER "B" #22 004794	SPRABERRY TREND (SPRA	7.5	PHILLIPS PETROLEU
8354840	F-7C-072090	4238300000		108		ROCKER "B" #6 004794	SPRABERRY TREND (SPRA	6.3	PHILLIPS PETROLEU
8354847	F-7C-072097	4238300000		108		ROCKER "B" #8 004794	SPRABERRY TREND (SPRA	8.1	PHILLIPS PETROLEU
8354846	F-7C-072096	4238300000		108		ROCKER "B" #9 004794	SPRABERRY TREND (SPRA	7.5	PHILLIPS PETROLEU
-TRITON OIL & GAS CORP				RECEIVED:	09/09/83	JA: TX			
8354915	F-7C-072284	4239932544		102-4		BOWEN ESTATE #2	FRITZESS (GARDNER SD)	110.0	UNION TEXAS PETRO
-TUCKER DRILLING COMPANY INC				RECEIVED:	09/09/83	JA: TX			
8354850	F-08-072101	4243131283		102-4	103	COLLINS RANCH "59" #1	WALTER (WOLFCAMP)	54.0	PHILLIPS PETROLEU
8354848	F-08-072099	4243131301		102-4	103	COLLINS RANCH "59" #2	WALTER (WOLFCAMP)	46.8	PHILLIPS PETROLEU
8354849	F-08-072100	4243131307		102-4	103	COLLINS RANCH "59" #4	WALTER (WOLFCAMP)	14.4	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	09/09/83	JA: TX			
8354721	F-06-69166	4245930568		103	107-TF	ALLGOOD GAS UNIT #1-3	GILMER (BOSSIER SAND)	8.0	DELHI GAS PIPELIN
8354708	F-10-67322	4229931272		102-4		DIXON "H" #1	NANCY	980.0	DELHI GAS PIPELIN
8354758	F-7C-070968	4223532080		103		LINDLEY "40" #12	ROCK PEN	90.0	NORTHERN NATURAL
8354697	F-05-66102	4216130621		102-4		WILLIAMS "O" #1	S TEAGUE (PETTIT)	0.0	DELHI GAS PIPELIN
8354696	F-05-65808	4229330637		102-4	107-TF	WILSON "V" #1	BOX CHURCH (COTTON VA	0.0	
-U S OPERATING INC				RECEIVED:	09/09/83	JA: TX			
8354817	F-03-071764	4228731298		103		LASHAROW #1 RRC ID# N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION OIL COMPANY OF CALIF				RECEIVED:	09/09/83	JA: TX			
8354821	F-01-071774	4210534425		102-2		JESS MARLEY #2	MASSIE (STRAWN)	200.0	INTRATEX GAS CO
8354909	F-10-072265	4221131584		103		MARGARET HODGSON #2-41	FELDMAN (TONKAWA)	69.0	TRANSWESTERN PIPE
-UNION TEXAS PETROLEUM				RECEIVED:	09/09/83	JA: TX			
8354781	F-7C-071446	4223532082		102-2	103	SUGG '11' #3	ANDREW A (CANYON)	146.0	FARMLAND INDUSTRI
-VENUS OIL COMPANY				RECEIVED:	09/09/83	JA: TX			
8354703	F-03-066823	4204100000		102-4		MASTERSON UNIT	LAKE ALASKA	0.0	VALERO TRANSMISSI
8354741	F-03-070394	4232100000		102-4	103	STATE TRACT 308	OYSTER LAKE W	0.0	DOW CHEMICAL CO
-WESTDALE INC				RECEIVED:	09/09/83	JA: TX			
8354785	F-09-071482	4249700000		103		CAROLINE J RICHARDSON #1 085115	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8354784	F-09-071483	4249700000		103		LUTHER WILLIAMS 086186	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-WILLIAMS OIL CO				RECEIVED:	09/09/83	JA: TX			
8354814	F-08-071748	4247532805		103		MCCURDY - MCCUTCHEON #2	KERMIT	12.0	PHILLIPS PETROLEU

[FR Doc. 83-27328 Filed 10-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 976]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 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-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS VOLUME 976

ISSUED SEPTEMBER 30, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	09/09/83	JA: KY			
8355005	505991	1619500000		108		KENTLAND C & C NO I65 809178	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
-P T C INC				RECEIVED:	09/09/83	JA: KY			
8355011	506541	1619500000		107-DV		ERNEST STEPP #1	BIG CREEK - PIKE COUN	0.0	COLUMBIA GAS TRAN
8355010	506540	1619500000		107-DV		R D & VIVIAN MAYNARD #1	BIG CREEK - PIKE COUN	0.0	COLUMBIA GAS TRAN
8355012	506542	1619500000		107-DV		R D & VIVIAN MAYNARD #2	BIG CREEK - PIKE COUN	0.0	COLUMBIA GAS TRAN
-UNITED RECOVERIES INC				RECEIVED:	09/09/83	JA: KY			
8355007	505995	1607100000		107-DV		JACK & BLC MAY HEIRS		15.0	COLUMBIA GAS TRAN
8355006	505994	1607100000		107-DV		JACK & BLC MAY HEIRS		15.0	COLUMBIA GAS TRAN
8355008	505996	1619500000		107-DV		NOAH MULLINS HEIRS & T J TRENT		0.0	COLUMBIA GAS TRAN
8355009	505997	1619500000		103		NOAH MULLINS HEIRS & T J TRENT		0.0	COLUMBIA GAS TRAN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	09/09/83	JA: MT			
8354997	11-82-274	2510122308		102-2		MARTIN FEE 32-29	MARIAS RIVER	56.0	
-HUSKY OIL COMPANY				RECEIVED:	09/09/83	JA: MT			
8355002	11-82-271	2508321528		102-2		MILLER STATE #1-8	WILDCAT	189.0	PHILLIPS PETROLEU
-J BURNS BROWN				RECEIVED:	09/09/83	JA: MT			
8354999	11-82-273	2504122116		108		FIRST TRUST 7-33-17B	COAL COULEE	50.0	NORTHERN NATURAL
8355000	11-82-272	2504122117		102-4		KULBECK 3-32-15B	BLACK BUTTE GAS FIELD	72.0	NORTHERN NATURAL
-MIDLANDS GAS CORPORATION				RECEIVED:	09/09/83	JA: MT			
8354998	11-82-270	2507121812		102-2		MCMULLEN 2 1278	BOWDOIN - EAST LORING	26.0	K N ENERGY INC
-MONTERREY PETROLEUM CORP				RECEIVED:	09/09/83	JA: MT			
8355001	11-82-281	2507321582		102-2		HABEL #1-4 T26N-R2E	WILDCAT	25.0	BANNATYNE GATHERI
8355004	11-82-277	2507321421		102-2		STATE #1-10 - T26N-R2E	WILDCAT	25.0	BANNATYNE GATHERI
8354996	11-82-280	2507321471		102-2		STINSON #1-3 - T26N-R2E	WILDCAT	25.0	BANNATYNE GATHERI
8355003	11-82-279	2501521516		102-2		WOODS #1-21 - T27N-R3E	WILDCAT	25.0	BANNATYNE GATHERI
OHIO DEPARTMENT OF NATURAL RESOURCES									
-APPALACHIAN EXPLORATION INC				RECEIVED:	09/12/83	JA: OH			
8355119		3410323264		107-TF		A PERKINS #1	WADSWORTH	7.3	
8355120		3410323273		107-TF		A SCHMIDT #3	HINCKLEY	12.8	
8355121		3415321461		107-TF		STOBBE UNIT #1-A	BATH	18.3	
-CAMERON BROS				RECEIVED:	09/12/83	JA: OH			
8355122		3411924680		103	107-TF	NORVAL ROLLINS #3	MONROE	7.0	COLUMBIA GAS TRAN
-CENTRAL OIL FIELD SUPPLY CO				RECEIVED:	09/12/83	JA: OH			
8355123B		3412725898	D	107-TF		IMLER-LEWIS #9	SALT LICK	15.0	COLUMBIA GAS TRAN
8355123A		3412725898		103		IMLER-LEWIS #9	SALT LICK	15.0	COLUMBIA GAS TRAN
-CHANSE PETROLEUM CORPORATION				RECEIVED:	09/12/83	JA: OH			
8355124		3400722101		103	107-TF	J MCINTOSH #3	NEW LYME	5.0	
-CLINTON OIL CO				RECEIVED:	09/12/83	JA: OH			
8355182		3413323081		107-TF		D BUNKER #1-650	RANDOLPH	10.0	
8355183		3415522355		107-TF		EVELYN M BELL #1-578	BRISTOL	10.0	
8355180		3405520546		107-TF		FMBB PARTNERSHIP #1-753	AUBURN	10.0	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8355181		3411926718		107-TF		V WARREN #1-625	HIGHLAND	10.0	
-CNG DEVELOPMENT CO				RECEIVED:	09/12/83	JA: OH			
8355125		3405520447		103	107-TF	R & A FENWICK #2	CLARIDON	55.0	
-DART OIL COMPANY				RECEIVED:	09/12/83	JA: OH			
8355126		3409921218		107-TF		AEB1 #1	SMITH	17.0	ALUMINUM SMELTING
8355131		3413322140		107-TF		KOVOLYAN #2	STREETSBORO	8.0	POI ENERGY INC
8355130		3413321719		107-TF		HEWBERGER #2	SHALERSVILLE	5.0	POI ENERGY INC
8355127		3409921219		107-TF		SHARP #1	SMITH	6.0	ALUMINUM SMELTING
8355128		3413321342		107-TF		WEINGART #1	STREETSBORO	0.0	POI ENERGY INC
8355129		3413321343		107-TF		WEINGART #2	STREETSBORO	0.0	POI ENERGY INC
-ENERGY DEVELOPMENT CORP				RECEIVED:	09/12/83	JA: OH			
8355133		3405520220		107-RT		BYLER WELL #4	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
8355132		3405520207		107-RT		GINGERICH WELL #2	MIDDLEFIELD	20.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	09/12/83	JA: OH			
8355134		3411523099		103	107-TF	ST CLAIR #1	MANCHESTER	36.5	
-GASEARCH INC				RECEIVED:	09/12/83	JA: OH			
8355135		3400722166		103	107-TF	OTTO #1	CHERRY VALLEY	20.0	AMERICAN ENERGY S
8355136		3415522331		103	107-TF	PARKS #1	CHAMPION	20.0	
-GEO ENERGY INC				RECEIVED:	09/12/83	JA: OH			
8355137		3410323393		107-TF		MORA-HUTTINGER #2-1	LIVERPOOL	500.0	GAS OHIO TRANSPOR
-GREEN ENERGY				RECEIVED:	09/12/83	JA: OH			
8355138		3409321196		107-TF		MACCLELLAN #1	COLUMBIA	10.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	09/12/83	JA: OH			
8355139		3411926587		103		CHESTER SWINGLE #2	BRUSH CREEK	0.0	NATIONAL GAS & OI
-JERRY MOORE INC				RECEIVED:	09/12/83	JA: OH			
8355148		3407523859		107-TF		ADEM R TROYER #6223	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8355146		3403124988		107-TF		CARL L EVERHART #5970	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8355142		3403125064		107-TF		EARL E MILLER #6260	MILL CREEK	3.0	COLUMBIA GAS TRAN
8355143		3403125065		107-TF		EARL E MILLER #6261	KEENE	10.0	COLUMBIA GAS TRAN
8355149		3407524032		107-TF		ELI A RABER #6253	CLARK	3.0	COLUMBIA GAS TRAN
8355144		3403124896		107-TF		JOHN A GRETEN #6188	WHITE EYES	5.0	COLUMBIA GAS TRAN
8355140		3403125058		107-TF		L A MCCOY UNIT #6198	FRESNO	6.0	COLUMBIA GAS TRAN
8355145		3403124929		107-TF		MOSE M TROYER UNIT #6202	CHILI	4.0	COLUMBIA GAS TRAN
8355147		3403125066		107-TF		NOAH J STUTZMAN #6208	NEW BEDFORD	3.0	COLUMBIA GAS TRAN
8355141		3403125063		107-TF		WALTER M MACHWART #6262	KEENE	5.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED:	09/12/83	JA: OH			
8355152		3415321184		103	107-TF	BORD #2	BATH	40.0	OHIO INDUSTRY
8355150		3415321098		103	107-TF	CUMMINGS/BATH #1	BATH	70.0	OHIO INDUSTRY
8355154		3415321373		103	107-TF	FLETCHER #4	HUDSON	60.0	YANKEE RESOURCES
8355151		3415321099		103	107-TF	FREE INDEED #3	TWINSBURG	60.0	OHIO INDUSTRY
8355153		3415321299		103	107-TF	MEYWES #1	SAGAMORE HILLS	50.0	YANKEE RESOURCES
-LANGASCO DRILLING CO				RECEIVED:	09/12/83	JA: OH			
8355155		3402920966		107-TF		ARLAND WEAVER #1	WEST	45.0	YANKEE RESOURCES
-LITTLEFIELD OIL CO				RECEIVED:	09/12/83	JA: OH			
8355156		3410323392		107-TF		J & J MALUSKY #2	HOMER	7.2	
-LOMAK PETROLEUM INC				RECEIVED:	09/12/83	JA: OH			
8355157		3413322989		107-TF		J SEDENSKY #1	NELSON	24.0	YANKEE OIL & GAS
-OHIO HYDROCARBONS INC				RECEIVED:	09/12/83	JA: OH			
8355167		3416320777		103		FRANKLIN #1	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355169		3416320781		103		HAROLD ZIMMERMAN #3	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355162		3416320754		103		MCVEY #2	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355163		3416320755		103		MCVEY #3	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355164		3416320756		103		MCVEY #4	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355160		3400922666		103		MCVEY #5	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355170		3416320786		103		MCVEY #6	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355161		3416320710		103		PLOSKI 1A	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355168		3416320780		103		PLOVKI #11	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355166		3416320774		103		PLOVKI #13	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355165		3416320757		103		SABO #2	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355158		3400922609		103		TROUT #1	MCCARTHUR	10.0	TENNESSEE GAS PIP
8355159		3400922611		103		TROUT #3	MCCARTHUR	10.0	TENNESSEE GAS PIP
-OXFORD OIL CO				RECEIVED:	09/12/83	JA: OH			
8355185		3412725917		103		HARRY WALSER #2	THORN	10.0	
8355186		3412725930		103		HARRY WALSER #3	THORN	10.0	
8355184		3411926639		103	107-TF	TOM-SHANAHAM #1	HOPEWELL	10.0	
-POI ENERGY INC				RECEIVED:	09/12/83	JA: OH			
8355172		3400722228		103	107-TF	ATARA #1	ANDOVER	37.0	
8355171		3400722227		103	107-TF	ATARA #2	ANDOVER	44.0	
8355173		3400722257		103	107-TF	ATARA #3	ANDOVER	33.0	
-POMINEX INC				RECEIVED:	09/12/83	JA: OH			
8355174		3409921605		103	107-TF	SWANSTON CHILDREN'S HOME #1	CANFIELD	18.0	
-SANDHILL ENERGY INC (OH)				RECEIVED:	09/12/83	JA: OH			
8355175		3416725279	D	107-DV		SHIMP #2	FEARING	36.5	
-SPARTA ENERGY CORP				RECEIVED:	09/12/83	JA: OH			
8355176		3400721734		103	107-TF	J POLCHIN #1	CHERRY VALLEY	15.0	OHIO GAS CO
8355177		3400721735		103	107-TF	J POLCHIN #2	CHERRY VALLEY	12.0	OHIO GAS CO
8355178		3400721736		103	107-TF	J POLCHIN #3	CHERRY VALLEY	12.0	OHIO GAS CO
8355179		3400721812		103	107-TF	J POLCHIN #4	CHERRY VALLEY	15.0	OHIO GAS CO
-TITAN ENERGY CORP				RECEIVED:	09/12/83	JA: OH			
8355187		3415522299		103	107-TF	KOSTOFF UNIT #1	HARTFORD	20.0	COLUMBIA GAS TRAN
-UNIVERSAL MINERALS INC				RECEIVED:	09/12/83	JA: OH			
8355188		3416923567		107-TF		MYRILE FARMS INC #1	GREEN	18.0	
-VIKING RESOURCES CORP				RECEIVED:	09/12/83	JA: OH			
8355193		3416723932		108		FLOWERS #1		2.0	SHELL CHEMICAL CO
8355194		3416723933		108		FLOWERS #2		2.0	SHELL CHEMICAL CO
8355195		3416724479		108		MELLINGER #1		3.0	SHELL CHEMICAL CO
8355197		3416724518		108		MELLINGER #2		3.0	SHELL CHEMICAL CO
8355196		3416724517		108		MELLINGER #3		3.0	SHELL CHEMICAL CO
8355198		3416724575		108		MELLINGER #4		3.0	SHELL CHEMICAL CO
8355192		3416723931		108		SHAFFER #1		2.0	SHELL CHEMICAL CO
8355189		3416723924		108		SHAFFER #2		2.0	SHELL CHEMICAL CO
8355199		3416724855		108		SMITH/CARPENTER UN #1		2.0	SHELL CHEMICAL CO
8355190		3416723929		108		WELLS #1		3.0	SHELL CHEMICAL CO
8355191		3416723930		108		WELLS #2		3.0	SHELL CHEMICAL CO
-WILLIAM N TIPKA				RECEIVED:	09/12/83	JA: OH			
8355201		3410323424		107-TF		LEATHERMAN-DAVIS UNIT #1	SHARON	5.0	
8355200		3410323396		107-TF		PETERSEN #2	SHARON	20.0	DOEHLER-JARVIS
-WILLISTON OIL CORP				RECEIVED:	09/12/83	JA: OH			
8355206		3411924724	D	107-RT		DAYLE DINGEY #4	BLUE ROCK	14.6	
8355202		3411924457	D	107-RT		ROBERT G MITCHELL #1	MEIGS	0.0	COLUMBIA GAS TRAN
8355203		3411924464	D	107-RT		ROBERT G MITCHELL #2	MEIGS	14.6	COLUMBIA GAS TRAN
8355204		3411924465	D	107-RT		ROBERT G MITCHELL #3	MEIGS	14.6	COLUMBIA GAS TRAN
8355205		3411924536	D	107-RT		WILLISTON OIL #42	BLUE ROCK	14.6	COLUMBIA GAS TRAN

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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-ATLAS RESOURCES INC RECEIVED: 09/09/83 JA: PA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8355038	20683	3706327471		102-2		HOSTETLER #1	CHERRYHILL	174.0	
-CARL E MCCALL				RECEIVED:		09/09/83 JA: PA			
8355049	20790	3703120795		108		GOURLEY #1	PORTER	6.8	COLUMBIA GAS TRAN
8355050	20791	3703120843		108		GOURLEY #2	PORTER	6.8	COLUMBIA GAS TRAN
8355051	20792	3703121003		108		GOURLEY #3A	PORTER	6.8	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		09/09/83 JA: PA			
8355039	20773	3712921567		108		J M ORCZECK #2 WN-1878	HEMPFIELD	19.0	GENERAL SYSTEM PU
8355032	20771	3706323183		108		L E STARTZELL WN-1452	BANKS	21.9	GENERAL SYSTEM PU
8355038	20772	3706500477		108		LINDSEY COAL MINING CO #1 WN-1841	PERRY	21.9	GENERAL SYSTEM PU
-DOC-MCC SERVICE CO				RECEIVED:		09/09/83 JA: PA			
8355048	20787	3705120256		108		A F KUZNAR 895-1	MENALLEN	6.8	COLUMBIA GAS OF P
8355013	18241	3712921838		108		C D ADAMS 1546-1	EAST HUNTINGDON	17.6	TEXAS EASTERN TRA
8355016	18992	3712922046		108		FENTON O KEISTER 997-2	EAST HUNTINGDON	19.8	TEXAS EASTERN TRA
8355014	18244	3712922034		108		WALLACE L LOWE 1560-1	EAST HUNTINGDON	20.4	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:		09/09/83 JA: PA			
8355052	20796	3706521765		103		A DESTEFAN #1 KL-162	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8355053	20797	3706521766		103		STABLEY KRULIA #1 KL-158	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-ENERGY PRODUCTION CO				RECEIVED:		09/09/83 JA: PA			
8355054	20854	3706325958		108		M B STEPHENS #2	HOLO MOUNTAIN	19.0	COLUMBIA GAS TRAN
8355055	20855	3706326049		108		M B STEPHENS #4	HOLO MOUNTAIN	15.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:		09/09/83 JA: PA			
8355029	20499	3706327488		103		EDWARD V HARRIS #2 F-3745	PLUMVILLE	30.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:		09/09/83 JA: PA			
8355035	20725	3706327271		103		INDIANA FAIR GROUNDS #1 C51A0	WHITE	0.0	PEOPLES NATURAL G
8355036	20726	3706327474		103		MARTHA ARNOLD MILES #1	YOUNG	0.0	PEOPLES NATURAL G
8355032	20687	3706522606		103		R & P COAL CO #51	WINSLOW	0.0	COLUMBIA GAS TRAN
8355023	20295	3706522617		103		R & P COAL CO #56 (595A)	WINSLOW	0.0	COLUMBIA GAS TRAN
-MARK RESOURCES CORP				RECEIVED:		09/09/83 JA: PA			
8355019	20176	3708520499		107-TF		H GIBSON #1	HERMITAGE	30.0	
8355017	20174	3708520499		102-Z		H GIBSON #1	HERMITAGE	30.0	
8355018	20175	3708520499		103		H GIBSON #1	HERMITAGE	30.0	
-MID-PENN ENERGY CORP				RECEIVED:		09/09/83 JA: PA			
8355024	20395	3703321130		108		BURNETT HAAG #1	BIG RUN	10.0	NATIONAL FUEL GAS
8355026	20397	3703321127		108		RUSSEL HAAG #1	BIG RUN	10.0	NATIONAL FUEL GAS
8355025	20396	3703321128		108		RUSSEL HAAG #1A	BIG RUN	10.0	NATIONAL FUEL GAS
8355027	20398	3706522373		108		WILLIAM WISE #1	BIG RUN	10.0	NATIONAL FUEL GAS
-NRM PETROLEUM CORPORATION				RECEIVED:		09/09/83 JA: PA			
8355047	20784	3704922340		107-TF		KASCHAK #1	ERIE	0.0	COLUMBIA GAS TRAN
8355046	20783	3704922340		102-Z		KASCHAK #1	ERIE	0.0	COLUMBIA GAS TRAN
8355045	20782	3704922613		107-TF		TROYER #1	ERIE	0.0	COLUMBIA GAS TRAN
8355044	20781	3704922613		102-Z		TROYER #1	ERIE	0.0	COLUMBIA GAS TRAN
8355043	20778	3704922280		107-TF		WAGNER "A" #1	ERIE	0.0	COLUMBIA GAS TRAN
8355042	20777	3704922280		102-Z		WAGNER "A" #1	ERIE	0.0	COLUMBIA GAS TRAN
8355041	20776	3704922370		107-TF		YAPLE #1	ERIE	0.0	COLUMBIA GAS TRAN
8355040	20775	3704922370		102-Z		YAPLE #1	ERIE	0.0	COLUMBIA GAS TRAN
-PEACOCK DOVERSPIKE GAS VENTURE-1978				RECEIVED:		09/09/83 JA: PA			
8355020	20299	3708522286		108		MILLS #2 ARM-22286	PLUM CREEK	21.0	PEOPLES NATURAL G
-PEOPLES NATURAL GAS CO				RECEIVED:		09/09/83 JA: PA			
8355031	20681	3706327460		103		HOWARD C WHITE #3 - IND-27460	W PENNA UPPER DEVONIA	47.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO				RECEIVED:		09/09/83 JA: PA			
8355015	18558	3706326403		108		CLARENCE M COLEMAN #1	YOUNG	3.0	CRUCIBLE INC
-PNR PETROLEUM CORP				RECEIVED:		09/09/83 JA: PA			
8355022	20220	3708520517		103		J JANOWCZYK #1	DEER CREEK	26.0	TENNESSEE GAS PIP
8355021	20221	3708520517		107-TF		J JANOWCZYK #1	DEER CREEK	26.0	TENNESSEE GAS PIP
-S T JOINT VENTURE 82-D				RECEIVED:		09/09/83 JA: PA			
8355034	20713	3703321562		102-Z		IRVIN #1	JORDAN	25.0	COLUMBIA GAS TRAN
-S T JOINT VENTURE 82E				RECEIVED:		09/09/83 JA: PA			
8355028	20442	3703321441		103		KUNTZ #1	BRADY	25.0	NATIONAL FUEL GAS
8355033	20496	3703321556		102-Z		WITHEROW-HARGROVE #2	KNOX	25.0	COLUMBIA GAS TRAN
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:		09/09/83 JA: WV			
8355118		4708703743		107-DV		DRODDY #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8355071		4708703691		103		ELLISON #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8355068		4708703711		103		ELLISON #2	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8355067		4708703712		103		ELLISON #3	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8355066		4708703713		103		ELLISON #4	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8355065		4708703714		103		FERRELL #2	HARPER DISTRICT	36.0	COLUMBIA GAS TRAN
8355070		4708703709		103		FERRELL #3	HARPER DISTRICT	36.0	COLUMBIA GAS TRAN
8355069		4708703710		103		FERRELL #4	HARPER DISTRICT	36.0	COLUMBIA GAS TRAN
8355072		4703903804		103		JARRETT #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355060		4703903804		107-DV		JARRETT #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355057		4703903920		107-DV		MOTTESHEARD #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355076		4703903920		103		MOTTESHEARD #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355077		4703903921		103		MOTTESHEARD #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355062		4703903921		107-DV		MOTTESHEARD #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355064		4703903932		107-DV		THAXTON #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355079		4703903932		103		THAXTON #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355063		4703903922		107-DV		TINSLEY #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355078		4703903922		103		TINSLEY #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355059		4703903809		107-DV		TYLER LAND #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355073		4703903809		103		TYLER LAND #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355074		4703903867		103		WALLACE #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355058		4703903867		107-DV		WALLACE #1	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355061		4703903868		107-DV		WALLACE #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
8355075		4703903868		103		WALLACE #2	UNION DISTRICT	36.0	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED:		09/09/83 JA: WV			
8355093		4709702477		107-DV		SEE #1	ADRIAN	10.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY				RECEIVED:		09/09/83 JA: WV			
8355116		4706706031		108		DICKINSON B #9	GAULEY	16.0	EQUITABLE GAS CO
8355117		4703902044		108		HARDY B #1	DAVIS CREEK	5.0	COLUMBIA GAS TRAN
8355115		4701900101		108		SEMET SOLVAY #1	ALLOY	7.3	ELKEM METALS INC
8355114		4701900104		108		SEMET SOLVAY #2	ALLOY	10.2	ELKEM METALS INC
8355112		4701900125		108		SEMET SOLVAY #3	ALLOY	4.2	ELKEM METALS INC
8355113		4701900108		108		UNION CARBIDE OLEFINS #2	ALLOY	3.8	ELKEM METALS INC
-DOMINION OIL & GAS CO				RECEIVED:		09/08/83 JA: WV			
8354993		4700701193		103		STONESTREET BRADY #1	SALT LICK	348.1	EQUITABLE GAS CO
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:		09/08/83 JA: WV			
8354985		4704103196		107-DV		COPLEY #1	GLENVILLE	30.0	COLUMBIA GAS TRAN
8354953		4704103196		103		COPLEY #1	GLENVILLE	30.0	COLUMBIA GAS TRAN
8354954		4704103193		103		HAYDEN #2	COVE LICK	23.0	COLUMBIA GAS TRAN
8354986		4704103193		107-DV		HAYDEN #2	COVE LICK	23.0	COLUMBIA GAS TRAN
8354987		4704103262		107-DV		MOM #1		21.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8354951		4704103262		103		MOM #1	GLENVILLE	8.0	COLUMBIA GAS TRAN
8354988		4702103901		107-DV		OPHA WOLFE #2	GLENVILLE	15.0	COLUMBIA GAS TRAN
8354950		4702103901		103		OPHA WOLFE #2	GLENVILLE	15.0	COLUMBIA GAS TRAN
8354955		4704103233		107-DV		ST PATRICK'S #2	COVE LICK	10.0	COLUMBIA GAS TRAN
8354952		4704103233		103		ST PATRICK'S #2	GLENVILLE	10.0	COLUMBIA GAS TRAN
-GOOCH & HOBSON OIL PRODUCERS				RECEIVED:	09/09/83	JA: WV			
8355056		4708505836		107-DV		LOVE #1	WOLFPEN RUN	45.6	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	09/09/83	JA: WV			
8355096		4708505649		107-DV		H S WILSON H-1331	GRANT DISTRICT	8.0	ROARING FORK GAS
8355099		4708505792		107-DV		LOWTHER H-1347	GRANT DISTRICT	21.0	ROARING FORK GAS
8355095		4708505615		107-DV		M STANLEY H-1323	GRANT DISTRICT	35.0	CONSOLIDATED GAS
8355098		4708505731		107-DV		MOATS H-1335	GRANT DISTRICT	10.0	CONSOLIDATED GAS
8355097		4708505663		107-DV		REXROAD H-705	MURPHY DISTRICT	14.0	ROARING FORK GAS
8355094		4708504739		107-DV		SIMMONS H-787	GRANT DISTRICT	15.0	ROARING FORK GAS
-HYDROCARBON ENERGIES INC				RECEIVED:	09/08/83	JA: WV			
8354994		4709702395		103		CUTLIP-HINKLE #1	MEADE	0.0	COLUMBIA GAS TRAN
-KAISER EXPLORATION & MINING CO				RECEIVED:	09/09/83	JA: WV			
8355080		4703501549		107-DV		BETTY K MCLAUGHLIN KEM #62	ELK/POCA	25.5	KAISER ALUMINUM &
8355089		4703501650		107-DV		CARLOS EPLING KEM #150	ELK/POCA	7.0	KAISER ALUMINUM &
8355081		4703501707		107-DV		CLYDE LATHEY KEM #223	ELK/POCA	25.5	KAISER ALUMINUM &
8355091		4703501524		107-DV		CURTIS HILL KEM #15	ELMWOOD	17.7	KAISER ALUMINUM &
8355090		4703501681		107-DV		DORSEL FISHER KEM #189	ELK/POCA	20.7	KAISER ALUMINUM &
8355086		4703501675		107-DV		JAMES SEXTON KEM #196	ELK/POCA	18.0	KAISER ALUMINUM &
8355088		4703501699		107-DV		JOSEPH EASTER KEM #217	ELK/POCA	40.0	KAISER ALUMINUM &
8355082		4703501655		107-DV		KEM #173 ARTHUR PENNINGTON	ELK/POCA	26.8	KAISER ALUMINUM &
8355084		4703501685		107-DV		MILDRED E HALL KEM #212	ELK/POCA	29.0	KAISER ALUMINUM &
8355085		4703501665		107-DV		MILFORD GREEN KEM #191	ELK/POCA	5.8	KAISER ALUMINUM &
8355092		4703501656		107-DV		SKEEN ENT KEM #195	ELK/POCA	18.0	KAISER ALUMINUM &
8355083		4703501684		107-DV		STANLEY NUZUM KEM #185	ELK	40.0	KAISER ALUMINUM &
8355087		4703501532		107-DV		W S RITCHIE KEM #48	UTAH HILL	19.0	KAISER ALUMINUM &
-LURAY LAND INC				RECEIVED:	09/08/83	JA: WV			
8354992		4703501627		107-DV		FOSTER MAYS #1	JACKSON COUNTY SHALE	17.5	
-RIMROCK PRODUCTION CORP				RECEIVED:	09/08/83	JA: WV			
8354990		4708505844		107-DV		A PIFER #1	DOG COMFORT RUN	24.5	COLUMBIA GAS TRAN
8354991		4708505845		107-DV		F PIFER #1	DOG COMFORT	22.0	COLUMBIA GAS TRAN
8354989		4708505902		107-DV		STEPHEN BIRD #1	DOG COMFORT RUN	25.6	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	09/08/83	JA: WV			
8354965		4701501881		108		BOGGS #393	OTTER DISTRICT	6.0	COLUMBIA GAS TRAN
8354976		4704102991		108		CREASEY #355	SKIN CREEK DISTRICT	70.0	EQUITABLE GAS CO
8354972		4701501979		108		CUNNINGHAM #522	OTTER DISTRICT	30.0	EQUITABLE GAS CO
8354963		4701501980		108		CUNNINGHAM #523	OTTER DISTRICT	10.0	EQUITABLE GAS CO
8354966		4701501888		108		D MULLINS #406	BUFFALO DISTRICT	12.6	EQUITABLE GAS CO
8354961		4702103724		108		DAVIDSON #416	DEKALB DISTRICT	36.0	EQUITABLE GAS CO
8354964		4701501962		108		HIVELY #505	OTTER DISTRICT	5.0	EQUITABLE GAS CO
8354968		4701501887		108		KING #405	BUFFALO DISTRICT	5.9	EQUITABLE GAS CO
8354967		4701501898		108		KING #414	BUFFALO DISTRICT	8.3	EQUITABLE GAS CO
8354969		4701501971		108		MCCRACKEN #513	OTTER DISTRICT	30.0	BROOKLYN UNION GA
8354970		4701501972		108		MCCRACKEN #514	OTTER DISTRICT	29.0	BROOKLYN UNION GA
8354960		4701502006		108		MCCRACKEN #530	OTTER DISTRICT	6.0	EQUITABLE GAS CO
8354962		4701501985		108		MOLLOHAN #527	OTTER DISTRICT	30.0	EQUITABLE GAS CO
8354959		4701502008		108		MORRIS #532	OTTER DISTRICT	6.0	EQUITABLE GAS CO
8354973		4701502011		108		MURPHY #558	OTTER DISTRICT	3.0	BROOKLYN UNION GA
8354975		4701502018		108		MURPHY #559	OTTER DISTRICT	9.0	BROOKLYN UNION GA
8354974		4701502017		108		MURPHY #566	OTTER DISTRICT	0.0	BROOKLYN UNION GA
8354971		4701501974		108		SIRK #516	OTTER DISTRICT	14.3	BROOKLYN UNION GA
-STONESTREET LANDS CO				RECEIVED:	09/08/83	JA: WV			
8354995		4701303431		103		HAROLD CADLE # 1-S-332	ELMIRA	29.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	09/08/83	JA: WV			
8354983		4709100214		103		CHESTER SINSEL #2 1645	FLEMINGTON DISTRICT	0.0	FOURCO GLASS CO
8354982		4709100220		103		CHESTER SINSEL #3 1741	FLEMINGTON DISTRICT	0.0	FOURCO GLASS CO
8354981		4709100221		103		CHESTER SINSEL #4 1742	FLEMINGTON DISTRICT	0.0	FOURCO GLASS CO
8354980		4709100222		103		CHESTER SINSEL #5 1743	FLEMINGTON DISTRICT	0.0	FOURCO GLASS CO
8354977		4709702484		103		FRAY NEWCOME #1 1566	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8354958		4709100209		108		HORNER-REGER #1 1509	FELMINGTON DISTRICT	13.0	FOURCO GLASS CO
8354957		4709100210		108		HORNER-REGER #2 1703	FLEMINGTON DISTRICT	10.0	FOURCO GLASS CO
8354956		4709701668		108		ISLAND CREEK COAL CO #2 1382	WASHINGTON DISTRICT	20.0	EQUITABLE GAS CO
8354984		4709100212		103		JAMES B PEPPER #5 1634	FLEMINGTON DISTRICT	0.0	FOURCO GLASS CO
8354979		4709702444		103		TEAL QUEEN #1 1623	WARREN DISTRICT	0.0	CONSOLIDATED GAS
8354978		4709702448		103		UDI - SMALLWOOD #1 1582	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN				RECEIVED:	09/09/83	JA: WV			
8355104		4708505347		107-DV		AYERS #1	SPRINGS	0.0	
8355109		4708505870		107-DV		BECKETT #1	SPRINGS	0.0	CONSOLIDATED GAS
8355101		4710501001		107-DV		GROW #4	SPRINGS	0.0	
8355106		4708505400		107-DV		HALL/TETRICK #1	SPRINGS	0.0	
8355102		4708505847		107-DV		LIGHT #2	SPRINGS	0.0	
8355107		4708505325		107-DV		MORTON #1	SPRINGS	0.0	
8355100		4710500995		107-DV		PETTIT #3	SPRINGS	0.0	CABOT CORP
8355111		4708505895		107-DV		SAVAGE #1	SPRINGS	0.0	
8355105		4708505799		107-DV		SWADLEY #1	SPRINGS	0.0	
8355108		4708505800		107-DV		SWADLEY #2	SPRINGS	0.0	
8355110		4708505762		107-DV		T SMITH #1	SPRINGS	0.0	CONSOLIDATED GAS
8355103		4708505770		107-DV		WILLINGHAM #2	SPRINGS	0.0	

[FR Doc. 83-27329 Filed 10-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 977]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 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 (1,000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED SEPTEMBER 30, 1983

VOLUME 977

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD									
-GULF OIL CORPORATION				RECEIVED:	09/12/83	JA: MS			
8355395	45-83-8	2306120390		103		HARRISON-MCDONALD UNIT WELL #1	WEST HEIDELBERG	65.7	
MONTANA BOARD OF OIL & GAS CONSERVATION									
-MONTERREY PETROLEUM CORP				RECEIVED:	09/13/83	JA: MT			
8355397	11-82-276	2507321502		102-2		STATE 1-9 - T26N-R2E	WILDCAT	25.0	BANNATYNE GATHERI
8355396	11-82-278	2501521537		102-2		WOODS 1-20 - T27N-R3E	WILDCAT	25.0	BANNATYNE GATHERI
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMAX PETROLEUM CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355278		3003900000		108-PB		BISHOP #2	SOUTH BLANCO	18.0	EL PASO NATURAL G
-AMERADA HESS CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355213		3002500000		108		J G HARE #7	BLINEBRY	3.8	NORTHERN NATURAL
8355237		3002500000		108		STATE "Q" #3	EUMONT	19.4	NORTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	09/12/83	JA: NM			
8355225		3004595032		103		ABRAMS "J" #1	ARMENTA - GALLUP	22.0	
8355211		3004522342		107-TF		CAHN GAS COM #1	MT NEBO - FRUITLAND	64.0	EL PASO NATURAL G
8355254		3004509680		108-PB		CHRISMAN GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8355252		3004509680		108-PB		CHRISMAN GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8355228		3001522543		103		EMPIRE SOUTH DEEP UNIT #19	UND EMPIRE SOUTH WOLF	0.4	GAS CO OF NEW MEX
8355249		3004511650		108-PB		GALLEGOS CANYON UNIT #212	BASIN	0.0	EL PASO NATURAL G
8355236		3004511798		108		GALLEGOS CANYON UNIT #255 2ND FILE	PINON FRUITLAND	18.0	EL PASO NATURAL G
8355256		3004509487		108-PB		HANCOCK GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8355247		3004508552		108-PB		HEATH GAS COM F #1	BLANCO	0.0	EL PASO NATURAL G
8355258		3004508963		108-PB		LIKENS GAS COM A #2	BLANCO	0.0	EL PASO NATURAL G
8355227		3004525509		103		ROMERO GAS COM "A" #1	ARMENTA - GALLUP	25.0	EL PASO NATURAL G
8355210		3004524974		107-TF		SCHNEIDER GAS COM "B" #15	MT NEBO - FRUITLAND	125.0	EL PASO NATURAL G
8355248		3004512171		108-PB		SNYDER GAS COM B #1	BASIN	0.0	EL PASO NATURAL G
8355226		3004525510		103		STATE "BZ" #1	ARMENTA - GALLUP	20.0	
8355212		3004524960		107-TF		STATE GAS COM "BW" #1	MT NEBO - FRUITLAND	98.0	EL PASO NATURAL G
8355259		3004509476		108-PB		STATE GAS COM BE #1	BASIN	0.0	EL PASO NATURAL G
8355258		3004511741		108-PB		STATE GAS COM BI #1	BASIN	0.0	EL PASO NATURAL G
8355261		3004510068		108-PB		STATE GAS COM BJ #1	BASIN	0.0	EL PASO NATURAL G
8355260		3004507765		108-PB		STATE GAS COM O #1	BLANCO	0.0	EL PASO NATURAL G
8355253		3004507649		108-PB		STATE GAS COM V #1	BLANCO	0.0	EL PASO NATURAL G
8355257		3004507649		108-PB		STATE OF NEW MEXICO GAS COM V #1	BLANCO	0.0	EL PASO NATURAL G
8355255		3004509214		108-PB		STEDJE GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8355246		3004507980		108-PB		TOTAH VISTA GAS COM #1	BASIN	0.0	EL PASO NATURAL G
8355251		3004508890		108-PB		ULIBARRI GAS COM #3	BASIN	0.0	EL PASO NATURAL G
-CALVIN PETROLEUM CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355207		3004521674		108-PB		APPERSON #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	09/12/83	JA: NM			
8355244		3002508980		108		SOUTH EUNICE UNIT #13	HMFU - SO EUNICE	4.2	PHILLIPS PETROLEU
-CONSOLIDATED OIL & GAS INC				RECEIVED:	09/12/83	JA: NM			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8355279		3004500000		108-PB		JAQUEZ #2	BASIN DAKOTA	0.0	EL PASO NATURAL G
8355276		3004500000		108-PB		JAQUEZ #2	BASIN DAKOTA	0.0	EL PASO NATURAL G
-DOYLE HARTMAN OIL OPERATOR				RECEIVED:	09/12/83	JA: NM			
8355219		3002528094		103		NORTHSHORE WOODWORTH #6	JALMAT (GAS)	41.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	09/12/83	JA: NM			
8355222		3004525762		103		GAKY C #1 WELL	MEADOWS GALLUP	20.0	INTRASTATE GATHER
8355221		3004525354		103		SLY SLAV #1	BASIN DAKOTA	50.0	NORTHWEST PIPELIN
8355220		3004525353		103		SLY SLAV #2	BASIN DAKOTA	35.0	NORTHWEST PIPELIN
-ENERGY RESERVES GROUP INC				RECEIVED:	09/12/83	JA: NM			
8355215		3004120590		108		RADCLIFF #1	SOUTH PETERSON (CISCO	5.6	WARREN PETROLEUM
-EXXON CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355209		3001524425		103		NEW MEXICO DI STATE #1	WILDCAT (DELAWARE)	32.0	
-GULF OIL CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355232		3002527517		108		ARNOTT-RAMSAY (NCT-E) #12	LANGLIE MATRIX	4.4	EL PASO NATURAL G
8355218		3002520533		108		J A STUART #8	JUSTIS BLINEBRY & JUS	5.5	EL PASO NATURAL G
8355217		3002511915		108		VINSON RAMSAY (NCT-B) #6	JUSTIS BLINEBRY	17.2	EL PASO NATURAL G
8355234		3002507519		108		W D GRIMES (NCT-A) #1	BYERS QUEEN GAS	11.6	
-MARATHON OIL COMPANY				RECEIVED:	09/12/83	JA: NM			
8355230		3002500000		108		MARK OWEN #1	DRINKARD	2.0	EL PASO NATURAL G
8355242		3002500000		108		MCDONALD STATE A/C 2 #13	ARROWHEAD	2.0	GETTY OIL CO
8355243		3002500000		108		STATE LAND SECTION 30 #8	BOWERS	2.5	PHILLIPS PETROLEU
-MARNEL PIPE & SUPPLY CO				RECEIVED:	09/12/83	JA: NM			
8355225		3001523390		103		RUTH #1	E MILLMAN QUEEN-GRAYB	0.0	PHILLIPS PETROLEU
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	09/12/83	JA: NM			
8355241		3002506690		108		H CORRIGAN #3	EUMONT YATES 7 RVRS Q	19.0	NORTHERN NATURAL
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355264		3004521484		108-PB		HOLT #4	BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
8355262		3004521484		108-PB		HOLT 4	BLANCO PICTURED CLIFF	21.5	NORTHWEST PIPELIN
8355265		3003907929		108-PB		S/J 31-06 UNIT #10	BLANCO	12.0	NORTHWEST PIPELIN
8355269		3003922678		108-PB		SAN JUAN 30-5 UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8355263		3003900000		108-PB		SAN JUAN 31-6 UNIT 10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8355268		3003907907		108-PB		SAN JUAN 31-6 UNIT 19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8355266		3003907907		108-PB		SAN JUAN 31-6 UNIT 19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8355267		3004522165		108-PB		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8355270		3004520858		108-PB		STEWART A COM B #5	AZTEC	18.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	09/12/83	JA: NM			
8355216		3002502873		108		EAST VAC GB/SA UNIT TR 2614 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	09/12/83	JA: NM			
8355277		3004500000		108-PB		FEDERAL #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-SOUTHLAND ROYALTY CO				RECEIVED:	09/12/83	JA: NM			
8355245		3004500000		108-PB		CURRENT #1 (PC)	AZTEC PC	0.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	09/12/83	JA: NM			
8355229		3002500000		108		EMERY KING 5 F #1	JALMAT TANSILL YATES	13.0	EL PASO NATURAL G
8355214		3002500000		108		WALTER LYNCH #5	WANTZ GRANITE WASH	13.0	GETTY OIL CO
-TENNECO OIL COMPANY				RECEIVED:	09/12/83	JA: NM			
8355224		3004525533		103		BYRD-FROST 1F	BASIN DAKOTA	84.0	NORTHWEST PIPELIN
8355275		3004523587		108-PB		SHEETS COM #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	09/12/83	JA: NM			
8355271		3004509046		108-PB		NEW MEXICO COM B #1	BLANCO	0.0	EL PASO NATURAL G
8355272		3004508921		108-PB		NEW MEXICO COM G #1	BLANCO	0.0	EL PASO NATURAL G
8355274		3004512158		108-PB		NEW MEXICO COM P #1	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8355273		3004512158		108-PB		NEW MEXICO COM P #1	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-UNICON PRODUCING CO				RECEIVED:	09/12/83	JA: NM			
8355280		3004500000		108-PB		PIERCE 1-A	AZTEC	0.0	EL PASO NATURAL G
8355238		3004523531		108		WRIGHT COM 1-R	AZTEC PICTURED CLIFFS	57.0	SOUTHERN UNION GA
8355239		3004511201		108		WRIGHT STATE #1	BLANCO MESAVERDE	41.0	SOUTHERN UNION GA
8355240		3004523548		108		WRIGHT STATE COM #1-A	BLANCO MESAVERDE	43.0	SOUTHERN UNION GA
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	09/12/83	JA: NM			
8355233		3002506851		108		EUNICE KING #14	HARE SIMPSON	4.2	EL PASO NATURAL G
8355231		3002512115		108		H P SAUNDERS #1	DRINKARD	6.1	EL PASO NATURAL G
8355208		3002525547		103		M T MATTERN (NCT-C) #12	DRINKARD/BLINEBRY	7.3	EL PASO NATURAL G
8355235		3002509998		108		MARK #8	WANTZ GRANITE WASH	1.4	EL PASO NATURAL G
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ANCHOR HOCKING CORP				RECEIVED:	09/13/83	JA: WV			
8355315		4705300188		107-DV		ALTON ROUSH 1-78-014	GRAHAM	9.0	GAS TRANSPORT INC
8355285		4705300283		107-DV		ATTARAH DEWHURST 1-82-037	GRAHAM	3.0	GAS TRANSPORT INC
8355316		4705300172		107-DV		C O FISHER 1-78-012	GRAHAM	3.0	GAS TRANSPORT INC
8355295		4705300165		107-DV		CLARENCE BLESSING 1-78-009	GRAHAM	3.0	GAS TRANSPORT INC
8355292		4705300164		107-DV		CLARENCE OSHEL 1-78-008	GRAHAM	1.0	GAS TRANSPORT INC
8355286		4705300276		107-DV		CLARENCE R OSHEL 2-82-030	GRAHAM	2.0	GAS TRANSPORT INC
8355304		4705300243		107-DV		CLIFFORD BARNETT 1-81-004	GRAHAM	5.0	GAS TRANSPORT INC
8355300		4705300162		107-DV		CULLEN-LOVE 1-78-003	GRAHAM	3.0	GAS TRANSPORT INC
8355307		4705300242		107-DV		DEAN W SMITH 1-81-020	GRAHAM	3.0	GAS TRANSPORT INC
8355311		4705300195		107-DV		DELMER NEWBERRY 1-79-017	GRAHAM	8.0	GAS TRANSPORT INC
8355293		4705300193		107-DV		DONNIE RAYBURN 1-79-006	GRAHAM	18.0	GAS TRANSPORT INC
8355287		4705300245		107-DV		EDITH MCDANIEL 1-81-023	GRAHAM	9.0	GAS TRANSPORT INC
8355301		4705300274		107-DV		ELIZABETH MCCONIHAY 1-82-028	GRAHAM	9.0	GAS TRANSPORT INC
8355302		4705300256		107-DV		EMORY R ROUSH 1-81-026	GRAHAM	10.0	GAS TRANSPORT INC
8355288		4705300291		107-DV		F B LITCHFIELD 1-82-038	GRAHAM	8.0	GAS TRANSPORT INC
8355291		4705300170		107-DV		GEORGE OLIVER 1-78-011	GRAHAM	3.0	GAS TRANSPORT INC
8355313		4705300194		107-DV		GLEN O HOLLAND 1-79-016	GRAHAM	6.0	GAS TRANSPORT INC
8355299		4705300275		107-DV		GLEN O HOLLAND 2-82-029	GRAHAM	8.0	GAS TRANSPORT INC
8355310		4705300159		107-DV		H A LIEVING 141	GRAHAM	12.0	GAS TRANSPORT INC
8355314		4705300158		107-DV		H M HART 1-79-002	GRAHAM	8.0	GAS TRANSPORT INC
8355305		4705300244		107-DV		HOMER WEAVER 1-81-013	GRAHAM	7.0	GAS TRANSPORT INC
8355296		4705300192		107-DV		J TIM EVANS 1-79-015	GRAHAM	5.0	GAS TRANSPORT INC
8355298		4705300254		107-DV		J TIM EVANS 2-81-021	GRAHAM	11.0	GAS TRANSPORT INC
8355312		4705300159		107-DV		JOHN HUSSELL 1-78-007	GRAHAM	7.0	GAS TRANSPORT INC
8355309		4705300277		107-DV		LAWRENCE NEWBERRY 2-82-031	GRAHAM	25.0	GAS TRANSPORT INC
8355294		4705300163		107-DV		LUCY WHEELER 1-78-001	GRAHAM	4.0	GAS TRANSPORT INC
8355306		4705300160		107-DV		MICHAEL COTTRILL 1-78-005	GRAHAM	10.0	GAS TRANSPORT INC
8355299		4705300253		107-DV		ORIS BUMGARNER 1-81-025	GRAHAM	6.0	GAS TRANSPORT INC
8355297		4705300255		107-DV		ROBERT J NEWBERRY 1-81-022	GRAHAM	13.0	GAS TRANSPORT INC
8355303		4703501525		107-DV		ROSS GERLACH 1-80-018	GRAHAM	4.0	GAS TRANSPORT INC
8355308		4705300295		107-DV		ROY KREBS - HOME TOWN DEV 1-82-040	GRAHAM	4.0	GAS TRANSPORT INC
8355317		4705300228		107-DV		V O DURST 1-80-019	GRAHAM	16.0	GAS TRANSPORT INC
8355289		4705300278		107-DV		WALTER & BRUCE HOFFMAN UT 1-82-032	GRAHAM	12.0	GAS TRANSPORT INC
-BEREA OIL AND GAS CORPORATION				RECEIVED:	09/13/83	JA: WV			
8355349		4709320058		102-4		COOPER STATE UNIT #2	CANAAN VALLEY	70.0	BROOKLYN UNION GA
8355322		4709320058		103		COOPER STATE UNIT #2	CANAAN VALLEY	70.0	BROOKLYN UNION GA
8355350		4709320062		102-4		G COOPER #3	DRY FORK	275.0	BROOKLYN UNION GA
8355323		4709320062		103		G COOPER #3	DRY FORK	275.0	BROOKLYN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BERG PETROLEUM INC				RECEIVED:		09/13/83 JA: WV			
8355321		4707300932		103		N HEMTHORN #1-80	OHIO RIVER	50.0	
-BORE INC				RECEIVED:		09/13/83 JA: WV			
8355319		4708504880		103		RALPH WILSON H-1072	GRANT DISTRICT - CISC	29.2	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:		09/13/83 JA: WV			
8355333		4710500931		103		MCCAULEY 953	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355364		4710500931		107-DV		MCCAULEY 953	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355334		4710500933		103		THORN 955	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355365		4710500933		107-DV		THORN 955	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355340		4710500951		103		WATSON 961	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355373		4710500951		107-DV		WATSON 961	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355344		4710500971		103		WELCH #977	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355332		4710500971		107-DV		WELCH #977	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355347		4710500976		103		WELCH #992	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355375		4710500976		107-DV		WELCH #992	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355342		4710500968		103		WELCH 971	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355331		4710500968		107-DV		WELCH 971	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355341		4710500952		103		WELCH 974	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355338		4710500952		107-DV		WELCH 974	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355343		4710500969		103		WELCH 976	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355374		4710500969		107-DV		WELCH 976	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355361		4710500972		107-DV		WELCH 978	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355345		4710500972		103		WELCH 978	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355346		4710500973		103		WILSON #993	BURNING SPRING	0.0	COLUMBIA GAS TRAN
8355362		4710500973		107-DV		WILSON 993	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8355363		4710500974		107-DV		WILSON 994	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:		09/13/83 JA: WV			
8355282		4709900266		107-DV		A J GILKERSON 1-633	UNION	29.0	TENNESSEE GAS PIP
8355281		4703901369		107-DV		L A MEYERS 2-278	WALDEN	12.0	CABOT CORP
8355371		4704700864		102-2		WATSON #1	BROWNS CREEK	73.0	TENNESSEE GAS PIP
8355325		4704700864		103		WATSON #1	BROWNS CREEK	73.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY				RECEIVED:		09/13/83 JA: WV			
8355380		4701700046		108		MAXWELL B #20	SMITHBURG	20.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		09/13/83 JA: WV			
8355338		4704102355		108		C N ROBINSON 8364	FREEMANS CREEK	0.1	GENERAL SYSTEM PU
8355354		4704102864		108		D R SWISHER 12154	HACKERS CREEK	14.0	GENERAL SYSTEM PU
8355368		4703300798		108		EZRA WASHBURN 11758	UNION	14.0	GENERAL SYSTEM PU
8355339		4704101641		108		F WHITE 11031	FREEMANS CREEK	19.0	GENERAL SYSTEM PU
8355353		4704102893		108		FLORA L HACKER 12081	COURTHOUSE	13.0	GENERAL SYSTEM PU
8355352		4701701750		108		FLOYD D BONER 2075	GREENBRIER	9.0	GENERAL SYSTEM PU
8355351		4703300146		108		G T POST 8152	UNION	1.0	GENERAL SYSTEM PU
8355355		4700100982		108		GUY D YOUNG 12304	UNION	15.0	GENERAL SYSTEM PU
8355327		4703301598		108		HARRIET WASHBURN 8164	UNION	21.0	GENERAL SYSTEM PU
8355366		4703300147		108		J C SHARP 7938	CLARK	3.0	GENERAL SYSTEM PU
8355356		4704100063		108		J W KEMPER 8634	FREEMANS CREEK	12.0	GENERAL SYSTEM PU
8355369		4704102897		108		LOIS M LONG 12207	COLLINS SETTLEMENT	16.0	GENERAL SYSTEM PU
8355328		4700101258		108		MITCHELL MAYLE 12633	PLEASANT	24.0	GENERAL SYSTEM PU
8355357		4704700423		108		OLGA COAL CO 11039	SANDY RIVER	22.0	GENERAL SYSTEM PU
8355337		4704700292		108		OLGA COAL COMPANY 10700	SANDY RIVER	20.0	GENERAL SYSTEM PU
8355336		4704700322		108		OLGA COAL COMPANY 10808	SANDY RIVER	21.0	GENERAL SYSTEM PU
8355335		4704700399		108		OLGA COAL COMPANY 10957	SANDY RIVER	19.0	GENERAL SYSTEM PU
8355329		4704700340		108		OLGA COAL 10842	SANDY RIVER	24.0	GENERAL SYSTEM PU
8355359		4710900741		108		POCAHONTAS LAND CORP 11610	BAKERS RIDGE	21.0	GENERAL SYSTEM PU
8355358		4700500246		108		SIDNEY WHITE 7721		1.0	GENERAL SYSTEM PU
8355370		4704500327		108		TRIADELPHIA LAND COMPANY 9794	TRIADELPHIA	22.0	GENERAL SYSTEM PU
8355367		4701900093		108		VANETTA LAND COMPANY 9875	FALLS	20.0	GENERAL SYSTEM PU
8355360		4705900802		108		W W MCDONALD LAND CO 11322	STAFFORD	11.0	GENERAL SYSTEM PU
8355326		4709701574		108		WESLEY H O'DELL 11809	WASHINGTON	12.0	GENERAL SYSTEM PU
-FRANKLIN ADKINS				RECEIVED:		09/13/83 JA: WV			
8355378		4709921776		103		JERRELL #2	LINCOLN	10.0	COLUMBIA GAS TRAN
-H D WELLS OIL & GAS EXPL & DEVEL IN				RECEIVED:		09/13/83 JA: WV			
8355283		4704301664		107-DV		MATTHEW CLARK #1	SHERIDAN DISTRICT	11.7	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:		09/13/83 JA: WV			
8355379		4708505026		103		H L WILSON H-1170	GRANT DISTRICT	15.0	CONSOLIDATED GAS
-KAISER ENERGY INC				RECEIVED:		09/13/83 JA: WV			
8355393		4707901087		107-DV		VINCENT HILTON KEM #247	ELEANOR	8.0	ROARING FORK GAS
-KAISER EXPLORATION & MINING CO				RECEIVED:		09/13/83 JA: WV			
8355376		4703501754		107-DV		D W KESSEL KEM #261	ELK/POCA	17.0	KAISER ALUMINUM &
8355392		4703501714		107-DV		ESTEL SIMMONS KEM #157	ELK/POCA	21.0	KAISER ALUMINUM &
8355394		4703501755		107-DV		FLOYD GREEN KEM #225	ELK/POCA	34.0	KAISER ALUMINUM &
8355382		4703501712		107-DV		GRANT DONOHEW KEM #224	ELK/POCA	38.0	KAISER ALUMINUM &
8355390		4703501733		107-DV		KAY KESSEL KEM #233	ELK/POCA	40.0	KAISER ALUMINUM &
8355389		4703501735		107-DV		KEM #230 C F KESSEL	ELK/POCA	18.0	KAISER ALUMINUM &
8355377		4703501747		107-DV		LEAL FRENCH KEM #232	ELK/POCA	25.0	KAISER ALUMINUM &
8355378		4703501743		107-DV		MARY JOHNSON KEM #245	ELK/POCA	18.0	KAISER ALUMINUM &
8355383		4703501736		107-DV		MILDRED HALL KEM #239	ELK/POCA	24.0	KAISER ALUMINUM &
8355384		4703501713		107-DV		WADE HALL KEM #141	SILVERTON	11.0	
8355391		4703501758		107-DV		WILLIA A RILEY KEM #258	ELK/POCA	23.6	KAISER ALUMINUM &
8355386		4703501671		103		WILLIAM O HALL KEM #192	ELK/POCA	91.0	
-MAGNUM OIL CORP				RECEIVED:		09/13/83 JA: WV			
8355367		4708505386		102-3		PEW #1	GRANT DISTRICT	4.5	CONSOLIDATED GAS
8355388		4708505846		102-3		PEW #2	GRANT DISTRICT	7.5	CONSOLIDATED GAS
-MAXWELL H SMITH AGENT				RECEIVED:		09/13/83 JA: WV			
8355381		4704100164		108		NOAH LIFE - EQUITABLE GAS CO #4063	NOAH LIFE WELL - 2-43	6.2	EQUITABLE GAS CO
-RESERVE EXPLORATION CO				RECEIVED:		09/13/83 JA: WV			
8355284		4708505224		103		SIMMONS #1		36.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO.				RECEIVED:		09/13/83 JA: WV			
8355372		4708506990		107-TF		FAHRNER #1	MIDDLE FORK	35.0	UNCOMMITTED
-UNITED OPERATING CO				RECEIVED:		09/13/83 JA: WV			
8355324		4708505813		103		GEORGE COKELEY 1-A	NORTH FORK OF HUGHES	0.0	CONSOLIDATED GAS
-UNITED OPERATING COMPANY				RECEIVED:		09/13/83 JA: WV			
8355348		4708505808		103		WELCH #1-A	NORTH FORK HUGHES RIV	0.0	CONSOLIDATED GAS
-WAYMAN W BUCHANAN				RECEIVED:		09/13/83 JA: WV			
8355385		4710500991		107-DV		PETTIT #1		0.0	CABOT CORP
-WILLIAMS WELL SURVEYS INC				RECEIVED:		09/13/83 JA: WV			
8355320		4708505929		103		GLEN W ROBERTS #4	CRAB RUN - S FORK HUG	14.0	CONSOLIDATED GAS

[FR Doc. 83-27330 Filed 10-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 978]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 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-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 978

ISSUED SEPTEMBER 30, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-BISHOP PETROLEUM INC				RECEIVED:	09/14/83	JA: AL			
8355501	8-4-834PD	0103521076		107-DP		SCOTT PAPER CO UNIT 9-1	FLOMATON (NORPHLET)	550.0	FLORIDA GAS TRANS
-COALTECH INC				RECEIVED:	09/14/83	JA: AL			
8355504	9-8-838PD	0112520117		107-CS		REICHHOLD CHEMICAL 3-11 #2	HOLT COAL DEGASIFICAT	0.0	REICHHOLD CHEMICA
-ENHANCED ENERGY RESOURCES				RECEIVED:	09/14/83	JA: AL			
8355505	9-8-839PD	0112520127		107-CS		SHOOK LEASE #1-7-2	BROOKWOOD COAL DEGASI	0.0	SOUTHERN NATURAL
8355506	9-8-8310PD	0112520121		107-CS		SHOOK LEASE #6-3-2	BROOKWOOD COAL DEGASI	0.0	SOUTHERN NATURAL
-EXXON CORPORATION				RECEIVED:	09/14/83	JA: AL			
8355502	9-8-835PD	0105320186		107-DP		T R MILLER MILL CO #30-5	JAY/LEC	235.0	FLORIDA GAS TRANS
-HUGHES & HUGHES				RECEIVED:	09/14/83	JA: AL			
8355499	9-8-8326PD	0107520462		102-4		ANDERSON 21-15	ARMSTRONG BRANCH	547.0	
8355491	9-8-8313PD	0107520388		102-4		BUTLER-GREER 34-2 #1	NORTH BLOWHORN CREEK	0.0	
8355492	9-8-8314PD	0107520376		102-4		CARTER 34-11 #1	NORTH BLOWHORN CREEK	87.0	
8355493	9-8-8315PD	0107520361		102-4		CHAMPION INTERNATIONAL CORP 34-6 #1	NORTH BLOWHORN CREEK	47.0	
8355494	9-8-8316PD	0107520372		102-4		CHAMPION INTERNATIONAL CORP 34-7 #1	NORTH BLOWHORN CREEK	87.0	
8355495	9-8-8317PD	0107520415		102-4		COATS 33-16 #1	NORTH BLOWHORN CREEK	9.0	
8355508	9-8-8312PD	0107520481		102-4		NBC UNIT 3-1 #1	NORTH BLOWHORN CREEK	0.0	SOUTHERN NATURAL
8355496	9-8-8318PD	0107520473		102-4		NBC UNIT 34-7 #2	NORTH BLOWHORN CREEK	0.0	
8355497	9-8-8319PD	0107520474		102-4		NBC UNIT 34-9 #1	NORTH BLOWHORN CREEK	0.0	
8355498	9-8-8320PD	0107520475		102-4		NBC UNIT 34-9 #2	NORTH BLOWHORN CREEK	0.0	
-MWJ PRODUCING COMPANY				RECEIVED:	09/14/83	JA: AL			
8355500	9-8-8325PD	0105720313		102-4		BARNES 35-3	BETHEL CHURCH	262.8	
8355503	9-8-837PD	0105720310		102-4		LEE 30-7 #1	KIRK BRANCH GAS	157.0	
-TERRA RESOURCES INC				RECEIVED:	09/14/83	JA: AL			
8355507	9-8-8311PD	0107520447		102-2		SANDERS #33-9	WATSON CREEK	0.0	
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED:	09/15/83	JA: KS			
8355521	K-82-1118	1520320028		102-4		BAUM #1	CHASE	0.0	NATURAL GAS SALES
8355519	K-82-1122	1520320033		102-4		BURCH #1	CHASE	38.0	NATURAL GAS SALES
8355520	K-82-1124	1520320034		102-4		WALK #1	UNNAMED	18.0	NATURAL GAS SALES
-TEXAS ENERGIES INC				RECEIVED:	09/15/83	JA: KS			
8355517	K-83-0511	1500721577		102-4		HINZ 1-23	WILDCAT	9.0	REPUBLIC NATURAL
8355518	K-83-0515	1500721591		102-4		HINZ 1-26	WILDCAT	150.0	REPUBLIC NATURAL
-TXO PRODUCTION CORP				RECEIVED:	09/15/83	JA: KS			
8355516	K-83-0452	1509521338		102-4		VOTH #1	CHRISTOPHER LAKE	360.0	
LOUISIANA OFFICE OF CONSERVATION									
-ARKLA EXPLORATION COMPANY				RECEIVED:	09/15/83	JA: LA			
8355514	83-0928	1711123970		103		FROST LUMBER CO #29	MONROE	91.0	ARKANSAS LOUISIAN
-GATOR HAWK GAS CO				RECEIVED:	09/15/83	JA: LA			
8355513	83-0846	1711123712		108		MO PAC R R CO #19	MONROE	0.0	CUSTER K PRIMOS
-MID LOUISIANA GAS COMPANY				RECEIVED:	09/15/83	JA: LA			
8355511	83-781	1711723862		108		MLGC FEE GAS #1197	MONROE GAS FIELD	14.6	MID LOUISIANA GAS

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HOE & WOODS				RECEIVED:	09/15/83	JA: LA			
8355512	83-0766	1711123488		108		UNION A #7	MONROE GAS	19.8	DEVON CORP
-VIKING RESOURCES (LA)				RECEIVED:	09/15/83	JA: LA			
8355515	83-962	1711123902		108		UNION POWER C #10	MONROE	14.0	PRIMOS PRODUCTION
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMERADA HESS CORPORATION				RECEIVED:	09/15/83	JA: OK			
8355523	01634	3504520094		108-ER		JAMES BERRYMAN UNIT I #1	SOUTH PEEK	0.0	PANHANDLE EASTERN
-AN-SON CORPORATION				RECEIVED:	09/15/83	JA: OK			
8355540	21823	3503920665		102-2		DEAN #1	EAST HAMMON	189.4	
-ARCO OIL AND GAS COMPANY				RECEIVED:	09/15/83	JA: OK			
8355525	16861	3507730030		108-ER		W P LERBLANCE UNIT #1	WILBURTON	33.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY				RECEIVED:	09/15/83	JA: OK			
8355541	21865	3503920418		102-4		BERGMAN #2	WEATHERFORD	750.0	ARKANSAS LOUISIAN
-ATLAS OIL INC				RECEIVED:	09/15/83	JA: OK			
8355545	21854	3508322147		102-2		BROSS 2-4	WEST GUTHRIE	36.5	EASON OIL CO
8355543	21852	3508322149		102-2		COMMISSIONERS OF LAND OFFICE 2-34	WEST GUTHRIE FIELD	36.5	EASON OIL CO
8355544	21853	3508322053		102-2		OLIVER 2-33	WEST GUTHRIE FIELD	36.5	EASON OIL CO
-B & W OIL CO				RECEIVED:	09/15/83	JA: OK			
8355529	20284	3510100000		103		TOLES I	CREEK SYSTEM	1000.0	PHILLIPS PETROLEU
-BETA OIL CO				RECEIVED:	09/15/83	JA: OK			
8355553	21351	3504321313		102-4		DAVIS #3-2	SQUIRREL CREEK (EAST	18.0	HYDROCARBON SERVI
8355554	23350	3504321482		102-4		DAVIS #4-2	SQUIRREL CREEK (EAST	65.0	HYDROCARBON SERVI
-BRACKEN EXPLORATION CO				RECEIVED:	09/15/83	JA: OK			
8355528	20187	3504321513		102-2		TURNER #1-5	WEST HUCMAC	55.0	PHILLIPS PETROLEU
-BROADWAY ENERGY CO INC				RECEIVED:	09/15/83	JA: OK			
8355552	23539	3503723492		103		ELIAS #1		180.0	GOLDEN ARROW GAS
8355555	23541	3503723493		103		ELIAS #2		170.0	GOLDEN ARROW GAS
-C & K PETROLEUM INC				RECEIVED:	09/15/83	JA: OK			
8355527	19730	3508720668		102-4		BAKER #1-29	N E LINDSAY	110.0	WARREN PETROLEUM
-CLARK RESOURCES INC				RECEIVED:	09/15/83	JA: OK			
8355547	22641	3507323716		103		FIREBALL 2-1	SOONER TREND	20.0	CONOCO INC
-DEVON ENERGY CORPORATION				RECEIVED:	09/15/83	JA: OK			
8355557	23435	3507920262		103		REED #2-11	RED OAK	182.0	ARKANSAS LOUISIAN
-DOUBLE DIAMOND INC				RECEIVED:	09/15/83	JA: OK			
8355560	23426	3502720405		103		PORTER #2	N W NORMAN	190.0	SUN GAS CO
8355550	23425	3502720477		103		PORTER #3	N W NORMAN	180.0	SUN GAS CO
8355559	23427	3502700000		103		PORTER #4	N W NORMAN	185.0	SUN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	09/15/83	JA: OK			
8355524	000445	3515320568		108-PB		MCFEETERS #2	QUIHLAN NW	0.0	EL PASO NATURAL G
8355562	21883	3512920886		102-2		RATCLIFF #1	STRONG CITY SE REDFOR	612.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	09/15/83	JA: OK			
8355553	21599	3514900000		103		DALTON-WEBB-CITY OF CLINTON #122	BURNS FLAT	124.0	NATURAL GAS PIPEL
-H O G CORP				RECEIVED:	09/15/83	JA: OK			
8355530	20431	3500722220		103		STRONG #1	SOUTH SIX MILE	30.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED:	09/15/83	JA: OK			
8355536	21937	3503920590		102-2		GANNAWAY #1	PUTNAM	547.0	NATURAL GAS PIPEL
8355561	21882	3512920854		102-2		NADMI #1	N W HAMMON	180.0	NATURAL GAS PIPEL
-J M HUBER CORPORATION				RECEIVED:	09/15/83	JA: OK			
8355551	23587	3500722434		103		HAUTH #1-21	MOCANE	34.0	COLORADO INTERSTA
-OLD DOMINION OIL CORP				RECEIVED:	09/15/83	JA: OK			
8355558	23428	3515321370		103		MACKEY #1-9	S W WOODWARD	740.0	OKLAHOMA GAS & EL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	09/15/83	JA: OK			
8355522	15356	3501720727		108		PETTIGREW A #1	UNION CITY	10.0	TRANSOK PIPELINE
-ROBINSON BROS DRILLING CO INC				RECEIVED:	09/15/83	JA: OK			
8355539	21876	3510920631		102-4 103		ORR #32-2	WHEATLAND	114.0	MOBIL OIL CORP
8355538	21877	3510920631		102-4 103		ORR #32-4	WHEATLAND	114.0	MOBIL OIL CORP
8355537	21878	3510920676		102-4 103		ORR #32-5	WHEATLAND	105.0	MOBIL OIL CORP
-SITCO INC				RECEIVED:	09/15/83	JA: OK			
8355542	21832	3504321570		102-4		STEPHENSON #-26	EAST WEBB	360.0	
-SOUTHLAND ROYALTY CO				RECEIVED:	09/15/83	JA: OK			
8355526	19495	3513900377		108-PB		ELMORE #1	EAST HOOKER	21.5	NORTHERN NATURAL
-STANTON ENERGY INC				RECEIVED:	09/15/83	JA: OK			
8355548	23410	3514322443		103		LUVENA #3	KEYSTONE	100.0	COLORADO GAS COMP
-STEVE JERNIGAN INC				RECEIVED:	09/15/83	JA: OK			
8355534	21977	3504520962		102-2		NIGHTENGALE #2		0.0	PHILLIPS PETROLEU
-THE WIL-MC OIL CORP				RECEIVED:	09/15/83	JA: OK			
8355531	20543	3505320954		103		STEVENS #2	WEST WEBB	18.0	EL GRANDE PIPELIN
-TRIGO DRILLING COMPANY INC				RECEIVED:	09/15/83	JA: OK			
8355535	21910	3500920545		102-2 103		DAMRON #1	MERRITT	730.0	
-TXO PRODUCTION CORP				RECEIVED:	09/15/83	JA: OK			
8355532	21587	3512120724		102-4		WARD "D" #1	S E ULAH	150.0	ARKANSAS LOUISIAN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	09/15/83	JA: OK			
8355556	23436	3504321613		103		IRVIN #1	SQUIRREL CREEK	50.0	HYDROCARBON SERVI
-WESTLAND OIL DEVELOPMENT CORP				RECEIVED:	09/15/83	JA: OK			
8355549	23418	3503920724		103		TAYLOR #1-15		0.0	
-WOODS PETROLEUM CORPORATION				RECEIVED:	09/15/83	JA: OK			
8355546	21856	3503920761		102-2		PARKER #7-1	NW STAFFORD	365.0	ARKANSAS LOUISIAN
**********									
UTAH DIVISION OF OIL,GAS, & MINING									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	09/12/83	JA: UT			
8355509	K-121-16	4304330190		102-2		ANSCHUTZ RANCH E UT/W MUSOW 31-12	ANSCHUTZ RANCH EAST -	1945.0	MOUNTAIN FUEL SUP
8355510	K-121-16	4304330176		102-2		CHAMPLIN 453 AMOCO "G" #1	ANSCHUTZ RANCH EAST -	454.4	
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US DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	09/15/83	JA: WY 5			
8355460	W527-2	4900720628		107-TF		COAL GULCH UNIT "H" #1 -MESAVERDE	COAL GULCH - MESAVERD	76.0	CITIES SERVICE GA
8355464	W526-2	4900720628		102-2		COAL GULCH UNIT "H" #1 -MESAVERDE	COAL GULCH - MESAVERD	76.0	CITIES SERVICE GA
8355488	W594-2	4902320316		102-2		WHISKEY BUTTES UNIT #33 (FRONTIER)	WHISKEY BUTTES - FRON	49.6	CITIES SERVICE GA
8355487	W595-2	4902320316		107-TF		WHISKEY BUTTES UNIT #33 (FRONTIER)	WHISKEY BUTTES - FRON	49.6	CITIES SERVICE GA
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	09/15/83	JA: WY 5			
8355498	W555-2	4900526602		103		BASS OHMAN FEDERAL #30-44	BUFF	18.3	MGPC INC
-BELCO PETROLEUM CORPORATION				RECEIVED:	09/15/83	JA: WY 5			
8355473	W581-2	4903520629		102-4		C77-23	CHIMNEY BUTTES UNIT	0.0	NORTHWEST PIPELIN
8355419	W540-2	4902320451		107-TF		ELBU 37-4	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
8355472	W578-2	4902320491		103	107-TF	STEAD CANYON UNIT 7-10	STEAD CANYON UNIT	0.0	NORTHWEST PIPELIN
-BENSON-MONTIN-GREER DRILLING CORP				RECEIVED:	09/15/83	JA: WY 5			
8355498	W 497-2	4900720236		107-TF		BROWN'S HILL UNIT NO J-31X	BROWN'S HILL FIELD	80.0	WESTERN TRANSMISS
-CELSIUS ENERGY CO				RECEIVED:	09/15/83	JA: WY 5			
8355433	W616-2	4903520689		103		JOHNSON RIDGE #6	JOHNSON RIDGE	366.0	MOUNTAIN FUEL SUP
8355432	W617-2	4903520688		103		JOHNSON RIDGE #7	JOHNSON RIDGE	200.0	MOUNTAIN FUEL SUP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355441	W501-2	4903722092		103		#5A-R DESERT SPRINGS	DESERT SPRINGS	180.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355421	W571-2	4900526517		103		HARTZOG DRAW TRACT 100 WELL #5298	HARTZOG DRAW UNIT	23.7	PANHANDLE EASTERN
8355459	W512-2	4900526456		103		HARTZOG DRAW UNIT TRACT 79 #5308	HARTZOG DRAW UNIT	24.0	PANHANDLE EASTERN
8355458	W511-2	4900526516		103		HARTZOG DRAW UNIT TRACT 81 #5297	HARTZOG DRAW UNIT	31.0	PANHANDLE EASTERN
-DAVIS OIL COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355431	W622-2	4904521845		102-2		GODWIT FEDERAL #1	WILDCAT	9.5	PHILLIPS PETROLEU
8355430	W623-2	4903721952		102-2		SIBERT FEDERAL #1	WILDCAT	39.6	PANHANDLE EASTERN
8355428	W365-2	4900526242		103		WILLIAM F TAHNER FEDERAL #4	WILDCAT	24.2	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355469	W530-2	4900921988		102-2		FORD FEDERAL #23-4	PHILLIPS CREEK	80.0	MOUNTAIN FUEL SUP
8355438	W507-2	4900922034		103		WELL DRAW FEDERAL 12-28	TEAPOT	0.0	PHILLIPS PETROLEU
-EXXON CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355470	W569-2	4903520609		107-DP		FOGARTY CREEK UNIT #11-24	FCU-FRONTIER	4482.0	COLORADO INTERSTA
-FARMERS UNION CENTRAL EXCHANGE INC				RECEIVED:		09/15/83 JA: WY 5			
8355465	W524-2	4903721522		103		16-20 FEDERAL	PINE CANYON	0.0	MOUNTAIN FUEL SUP
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:		09/15/83 JA: WY 5			
8355484	W606-2	4900921995		102-2		FEDERAL MANNING FLAT #1-1	WILDCAT	250.0	
-GREAT WESTERN DRILLING COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355474	W582-2	4900922071		103		FEDERAL 1-26	SCOTT	35.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355461	W523-2	4903721798		107-TF		BARREL SPRINGS UNIT I2-1	BARREL SPRINGS UNIT I	105.0	NORTHWEST PIPELIN
-HPC INC				RECEIVED:		09/15/83 JA: WY 5			
8355420	W546-2	4903721922		107-TF		TRITON UNIT #10	TRITON UNIT	306.0	PANHANDLE EASTERN
8355418	W545-2	4903721922		102-2		TRITON UNIT #10	TRITON UNIT	306.0	PANHANDLE EASTERN
-KERR-MCGEE CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355485	W607-2	4900526571		103		FEDERAL #1-18	LINDSEY	0.0	MGPC INC
-MARATHON OIL COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355443	W506-2	4902921114		103		NIELSON #8 EMBAR & TENSLEEP FORM	OREGON BASIN	3.5	COLORADO INTERSTA
8355436	W610-2	4903721967		102-2		PIPELINE CROSSING #1-20	WILDCAT	247.0	
8355429	W630-2	4902921066		103		TEXAS SONNERS #21 EMBAR & TENSLEEP	OREGON BASIN	12.1	COLORADO INTERSTA
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED:		09/15/83 JA: WY 5			
8355437	W504-2	4901321172		107-DP		LYSITE #2-12	MADDEN	0.0	MICHIGAN WISCONSI
-MONSANTO COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355442	W502-2	4902521472		102-2		CEDAR GAP UNIT #1-10	CEDAR GAP	256.0	COLORADO INTERSTA
8355399	W 558-2	4901320897		107-DP		QUINCY #1-34	BATTLE BUTTE UNIT	1259.0	COLORADO INTERSTA
-NATIONAL COOP REFINERY ASSOC				RECEIVED:		09/15/83 JA: WY 5			
8355489	W593-2	4902521526		103		WALLACE CREEK #7	WALLACE CREEK - RADER	176.3	KN ENERGY INC
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:		09/15/83 JA: WY 5			
8355462	W515-2	4902320505		107-TF		FONTENELLE 11-27B	FONTENELLE	483.0	PACIFIC GAS TRANS
8355444	W427-0	4902320407		107-TF		NGC 32-31 FEDERAL	FONTENELLE II	14.0	PACIFIC GAS TRANS
8355400	W 359-2	4902320507		107-TF		NGC 41-14E FEDERAL	FONTENELLE	939.0	PACIFIC GAS TRANS
-NORTEX GAS & OIL CO				RECEIVED:		09/15/83 JA: WY 5			
8355445	W478-2	4900921985	D	102-4		NORTEX-HART FEDERAL #1-25X	WILDCAT	360.0	NORTHERN NATURAL
-NORTH FINN				RECEIVED:		09/15/83 JA: WY 5			
8355449	W491-2	4904521524		102-2		FEDERAL 1-20	SHURLEY FIELD	3.6	M G P C INC
8355447	W488-2	4904521681		102-2		FEDERAL 1-6	SHURLEY FIELD	5.4	M G P C INC
8355450	W490-2	4904521523		102-2		FEDERAL 1-7	SHURLEY FIELD	5.2	M G P C INC
8355453	W494-2	4904521682		102-2		FEDERAL 2-6	SHURLEY FIELD	5.2	M G P C INC
8355448	W489-2	4904521473		102-2		FEDERAL 2-7	SHURLEY FIELD	3.6	M G P C INC
8355454	W495-2	4904521683		102-2		FEDERAL 3-6	SHURLEY FIELD	5.2	M G P C INC
8355451	W492-2	4904521686		102-2		FEDERAL 3-7	SHURLEY FIELD	4.8	M G P C INC
8355455	W496-2	4904521684		102-2		FEDERAL 4-6	SHURLEY FIELD	4.7	M G P C INC
8355452	W493-2	4904521688		102-2		FEDERAL 5-7	SHURLEY FIELD	5.4	M G P C INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355486	W597-2	4900922099		103		BETTY FEDERAL A #1	WILDCAT	22.2	PANHANDLE EASTERN
8355477	W598-2	4900922111		102-2		BISTORT FEDERAL A #1	SCOTT	28.4	PANHANDLE EASTERN
8355439	W505-2	4900526112		103		PORCUPINE FEDERAL A #1	WILDCAT	1.8	PANHANDLE EASTERN
8355434	W615-2	4900526721		102-2		THUNDER CREEK FED JJ #1	SCHOOL CREEK	5.4	PANHANDLE EASTERN
8355435	W614-2	4900922182		102-2		THUNDER CREEK FED KK #1	SCHOOL CREEK	131.4	PANHANDLE EASTERN
8355480	W601-2	4900526711		102-2		THUNDER CREEK FED KK #2	SCHOOL CREEK	54.4	PANHANDLE EASTERN
8355478	W 599-2	4900526722		102-2		THUNDER CREEK FED LL #2	SCHOOL CREEK	10.9	PANHANDLE EASTERN
8355482	W603-2	4900526693		102-3		THUNDER CREEK FED R #1	SCHOOL CREEK	5.4	PANHANDLE EASTERN
8355463	W514-2	4900526673		102-2		THUNDER CREEK FED T #4	SCHOOL CREEK	64.6	PANHANDLE EASTERN
8355481	W602-2	4900526691		102-3		THUNDER CREEK FEDERAL LL #1	SCHOOL CREEK	12.7	PANHANDLE EASTERN
8355440	W500-2	4900526650		102-2		THUNDER CREEK FEDERAL R #3	SCHOOL CREEK	6.5	PANHANDLE EASTERN
8355479	W600-2	4900526692		102-2		THUNDER CREEK FEDERAL T #5	SCHOOL CREEK	16.7	PANHANDLE EASTERN
-SHELL OIL CO				RECEIVED:		09/15/83 JA: WY 5			
8355475	W591-2	4901320457		108		PAVILLION UNIT 31X-3	PAVILLION	0.0	MONTANA DAKOTA UT
-SINCLAIR OIL CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355404	W563-2	4900720425		102-2		BAUMGARTNER FEDERAL 1-6-1892	STANDARD DRAW	88.0	COLORADO INTERSTA
8355401	W560-2	4900720373		102-2		HAMILTON FEDERAL 23-1	BLUE GAP	90.0	COLORADO INTERSTA
8355406	W565-2	4900720457		102-2		SINCLAIR FEDERAL 1-12	STANDARD DRAW	60.0	COLORADO INTERSTA
8355403	W562-2	4900720405		102-2		SINCLAIR/ORYNBERG FEDERAL 2-1	BLUE GAP	42.0	COLORADO INTERSTA
8355405	W564-2	4900720432		102-2		SINCLAIR/HAMILTON FEDERAL 35-1	BLUE GAP	60.0	COLORADO INTERSTA
8355402	W561-2	4900720374		102-2		SINCLAIR/HAMILTON 25-1	BLUE GAP	40.0	COLORADO INTERSTA
-SNYDER OIL CO				RECEIVED:		09/15/83 JA: WY 5			
8355456		4900720700		107-TF		CIGE FEDERAL 1C-30-17-93	WILDROSE	365.0	COLORADO INTERSTA
8355457	W499-2	4900720734		107-TF		CIGE PETCORP FEDERAL 1C-32-18-93	STANDARD DRAW	913.0	NORTHWEST CENTRAL
8355468	W531-2	4900720768		107-TF		PTS FEDERAL 1C-18-18-92	STANDARD DRAW	400.0	CITIES SERVICE GA
8355417	W539-2	4903722020		107-TF		WEST WAMSUTTER FEDERAL 1-34	UNNAMED	500.0	PANHANDLE EASTERN
-SOHIO PETROLEUM CO				RECEIVED:		09/15/83 JA: WY 5			
8355427	W570-2	4901920688		102-4		NIPPLE II 10-DX	WILDCAT	91.3	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:		09/15/83 JA: WY 5			
8355407	W 567-2	4900922080		102-2		BIRKENMAYER USA 1-12	SCOTT	18.0	
8355408	W 568-2	4900922078		102-2		LANSDALE USA 1-27	SCOTT	18.0	
8355416	W538-2	4900922076		102-2		WEINGARTEN USA 1-26	SCOTT	3.6	
-UNION OIL COMPANY OF CALIF				RECEIVED:		09/15/83 JA: WY 5			
8355483	W604-2	4900526626		103		LAZY "B" UNIT #14-L15	LAZY "B"	50.0	FARMLAND INDUSTRI
-WESTERN PRODUCTION CO				RECEIVED:		09/15/83 JA: WY 5			
8355413	W550-2	4904521831		102-4		WESTERN FEDERAL 1-14-E	SHURLEY	2850.0	M G P C INC
8355412	W549-2	4904521614		102-4		WESTERN FEDERAL 1-15-0	SHURLEY	2376.0	M G P C INC
8355423	W576-2	4904521958		102-4		WESTERN FEDERAL 12-17	FINN/SHURLEY	3938.0	M G P C INC
8355471	W577-2	4904521959		102-4		WESTERN FEDERAL 13-17	FINN/SHURLEY	4.0	M G P C INC
8355411	W548-2	4904521747		102-4		WESTERN FEDERAL 2-10-B	SHURLEY	3370.0	M G P C INC
8355409	W553-2	4904521941		102-4		WESTERN FEDERAL 2-15-MEE	SHURLEY	2376.0	M G P C INC
8355424	W573-2	4904521590		102-4		WESTERN FEDERAL 2-29-M	FINN	1305.0	M G P C INC
8355414	W551-2	4904521633		102-4		WESTERN FEDERAL 2-9-H	SHURLEY	3353.0	M G P C INC
8355415	W552-2	4904521678		102-4		WESTERN FEDERAL 1-2-P	SHURLEY	4068.0	M G P C INC
8355410	W554-2	4904521943		102-4		WESTERN FEDERAL 3-15-B	SHURLEY	1933.0	M G P C INC
8355425	W574-2	4904521591		102-4		WESTERN FEDERAL 3-29-M	FINN	1327.0	M G P C INC
8355422	W575-2	4904521801		102-4		WESTERN FEDERAL 5-29-P	SHURLEY	2436.0	M G P C INC
8355426	W572-2	4904521476		102-4		WESTERN FEDERAL 8-2-M	SHURLEY	3972.0	M G P C INC
-WOODS PETROLEUM CORPORATION				RECEIVED:		09/15/83 JA: WY 5			
8355476	W592-2	4900526555		103		PINE TREE UNIT #20-47	PINE TREE	32.0	WESTERN GAS PROCE
8355446	W487-2	4900526578		103		PINE TREE UNIT #29-50	PINE TREE	84.0	WESTERN GAS PROCE
8355467	W529-2	4900526579		102-4		PINE TREE UNIT #29-51	PINE TREE	92.0	WESTERN GAS PROCE
8355466	W526-2	4900526579		103		PINE TREE UNIT #29-51	PINE TREE	92.0	WESTERN GAS PROCE

[FR Doc. 83-27331 Filed 10-5-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Thursday
October 6, 1983

Part VI

Environmental Protection Agency

Proposed Standards of Performance for New Stationary Sources; Stationary Gas Turbines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2403-4]

Standards of Performance for New Stationary Sources; Stationary Gas Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The EPA has reviewed the standards of performance for stationary gas turbines. A review is required under the Clean Air Act, as amended August 1977. This notice presents the findings of the review and alerts the public to revisions which may be proposed following the completion of ongoing studies at the EPA.

DATE: Comments must be received by December 20, 1983.

ADDRESS: *Docket.* A docket has been established for public comments and information developed during the EPA's review of the NSPS. Send comments to Central Docket Section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket A-83-25. Comments should be submitted in duplicate if possible.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth R. Durkee, Industrial Studies Branch, (919) 541-5595, concerning technical aspects of the industry and control technologies, and Ms. Susan R. Wyatt, Standards Development Branch, (919) 541-5578, concerning regulatory aspects. The address for both parties is Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1979, the EPA promulgated a new source performance standard (NSPS) limiting atmospheric emissions of nitrogen oxides (NO_x) and sulfur dioxide (SO_2) from stationary gas turbines (44 FR 52792). Gas turbines with heat inputs less than 10.7 gigajoules per hour (about 0.75 Mw output) were exempt from NSPS emission limits. An SO_2 emission limit of 150 ppm applied to all other stationary gas turbines. Gas turbines with heat inputs between 10.7 and 107.2 gigajoules per hour (about 0.75 to 7.5 Mw output) were to meet a 150 ppm NO_x emission limit as of October 3, 1982. A 150 ppm NO_x emission limit was also set for large (heat inputs greater than 107.2 gigajoules per hour, about 7.5 Mw output) gas and oil transport or production turbines not located in a metropolitan statistical area (MSA). In addition, a 75 ppm NO_x emission limit was established for all other large gas turbines.

On January 27, 1982, the EPA rescinded the NO_x emission limit for very large (>30 Mw output) industrial gas turbines (44 FR 3767) and set an NO_x emission limit of 150 ppm for industrial turbines with outputs of 30 Mw or less. Other minor revisions were also made.

The primary reasons for the January 27, 1982 revisions were a lack of data concerning the use of wet control systems on turbines operating continuously at or near maximum capacity (which is typical of many industrial gas turbines), the possibly unreasonable economic impacts which would result from unplanned shutdowns for these industrial gas turbines, and a lack of data concerning the performance of dry control techniques on gas turbines larger than 30 Mw output.

The preamble to the January 27, 1982, revisions stated that the EPA would continue to assess the impacts of wet controls on large industrial gas turbines. The EPA has begun gathering data on the impacts of wet controls on the maintenance and reliability of large industrial gas turbines. The EPA has also gathered more data on the performance of dry controls on gas turbines larger than 30 Mw output. In addition, the EPA has reviewed all other aspects of the standard.

The EPA's Review of Available Information

The EPA has reviewed the information in its gas turbine NSPS docket and recently published information. Principal findings of this review are as follows:

1. The EPA has found large new gas turbines which operate continuously using wet NO_x controls without adverse impacts on maintenance and reliability.

2. A survey of the available data indicates that new industrial turbines with outputs greater than 30 Mw using dry controls may be able to meet an emission limit lower than the 150 ppm NO_x emission limit which now applies to industrial turbines with outputs between about 7.5 Mw (heat input greater than 107.2 gigajoules per hour) and 30 Mw.

3. Recent sales data indicate that much of the growth in the stationary gas turbine source category is due to sales of industrial turbines greater than 30 Mw output, which are not subject to NSPS NO_x limits.

4. Recent sales data also indicate that combined-cycle and cogeneration applications have become an increasingly significant portion of the total megawatts sold.

Conclusions

Based on a review of the current NSPS, the EPA has concluded that a program to revise the stationary gas turbine NSPS is warranted. The primary objectives of this program will be as follows:

1. Review the applicability and performance of dry and wet controls for large industrial gas turbines to establish limits for NO_x emissions based on best demonstrated technology (BDT), and

2. Investigate applications of and emissions from combined-cycle and cogeneration units.

This program, while having as its primary focus the two areas mentioned above, could lead to revisions of other parts of the standard. For example, the 75 ppm NO_x emission limit currently required for utility gas turbines greater than 7.5 Mw output will be examined to determine if that level remains the appropriate emission limit. Corrections and clarifications will also be included among the revisions.

All interested parties are invited to comment on this action and to supply information which is relevant to this NSPS.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals.

Dated: September 27, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-27280 Filed 10-5-83; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
October 6, 1983

Part VII

Department of Transportation

Coast Guard

Oil Pollution Prevention Regulations

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 151 and 155

[CGD 75-124a]

Pollution Prevention; Implementation of Outstanding MARPOL 73/78 Provisions

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard amends the oil pollution prevention regulations for ships in order to reduce the amount of oily wastes discharged into the sea by ships. These regulations will implement outstanding provisions of Annex I of the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The Act to Prevent Pollution From Ships, 1980, Pub. L. 96-478, requires the Secretary of Transportation to promulgate regulations to implement the provisions of MARPOL 73/78. The Secretary has delegated this authority to the Commandant.

These regulations will serve to reduce the amount of oil discharged into the sea by U.S. oceangoing ships, wherever located, and by foreign ships within the navigable waters of the United States. These regulations will also help to ensure that U.S. ships will be able to meet the internationally agreed upon discharge of oil limitations set forth in MARPOL 73/78 and to engage in uninterrupted international trade.

EFFECTIVE DATE: October 6, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. W. Josiah or Lieutenant (jg) R. J. Jones, Office of Marine Environment and Systems (G-WER/3), (202) 426-9573.

SUPPLEMENTARY INFORMATION: On July 5, 1983, the Coast Guard published a proposed rule (48 FR 30673) concerning these amendments. Interested persons were given until August 19, 1983 to submit comments. Twenty (20) comments were received. No public hearings were requested and none were held.

Drafting Information

The principal persons involved in the drafting of this proposal are Lieutenant Commander T. W. Josiah and Lieutenant (jg) R. J. Jones, Project Officers, Office of Marine Environment and Systems (G-WER/3), and Michael N. Mervin, Project Attorney, Office of the Chief Counsel (G-LRA).

Background

A Notice of Proposed Rulemaking (NPRM) was published June 27, 1977, in the **Federal Register** (42 FR 32670), as part of a package to amend the Pollution Prevention Regulations (33 CFR Parts 154, 155, and 156). These proposed (1977) regulations would have required the installation of 15 parts per million (ppm) oily-water separating equipment on vessels of 100 gross tons and above operating in the navigable waters or contiguous zone of the United States. Numerous comments were received addressing the requirement for separating equipment on ships between 100 and 400 gross tons. As a result of these comments the proposed separating equipment requirements were not included in the Pollution Prevention Regulations published as final rules in January 1980.

The Act to Prevent Pollution from Ships, 1980, (Pub. L. 96-478, 33 U.S.C. 1901-1911) requires the Secretary of Transportation to prescribe regulations to implement the provisions of MARPOL 73/78. Provisions to be implemented include requirements for the installation of oily-water separating equipment, for the International Oil Pollution Prevention (IOPP) Certificate, for the MARPOL Oil Record Book, and for limitations on the operational discharge of oil.

The U.S. ratified MARPOL 73/78 in 1980. In October 1982, the requisites for entry into force for MARPOL 73/78 were fulfilled. MARPOL 73/78 will therefore enter into force on October 2, 1983. A Notice of Proposed Rulemaking (NPRM) was published July 5, 1983 in the **Federal Register** (48 FR 30673).

The United States and Canada have agreed that ships that operate exclusively on the Great Lakes of North America will not be required to have an IOPP Certificate on board nor will they be required to comply with any other MARPOL 73/78 requirement.

The Marine Environmental Protection Committee (MEPC) of the International Maritime Organization (IMO), has agreed to adopt a number of proposed amendments and uniform interpretations to MARPOL 73/78. These proposed amendments and interpretations cannot be formally adopted by the IMO until after MARPOL 73/78 enters into force. The MEPC has urged its members to implement these amendments without waiting for their formal entry into force. It is the opinion of the Coast Guard and of the MEPC that the amendments fully conform to the purpose, spirit, and intent of MARPOL 73/78. As they pertain to this rulemaking, all of the proposed amendments are for clarification only. Therefore the proposed amendments and uniform interpretations of MARPOL 73/78, where applicable as set out in MEPC Circular Letter 97 of April 6, 1982 "Proposed Amendments and Unified Interpretations of the International Convention on the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 relating thereto" and in MEPC Circular Letter 99 of June 30, 1982 "New Forms of International Oil Pollution Prevention Certificate and Oil Record Book," have been fully incorporated into this rule.

The most significant of the proposed amendments are the new formats for the IOPP Certificate and Oil Record Book. Issuing the revised IOPP Certificates now will eliminate the need to reissue Certificates when the amendments enter into force. The revised IOPP Certificate is desirable because it more clearly indicates compliance with the specific provisions of MARPOL 73/78 and will reduce the time required to conduct compliance inspections. The revised format of the Oil Record Book will be easier for ship's personnel to use.

The IMO has published a composite document that is a compilation of Annex I of MARPOL 73/78 and the proposed amendments and uniform interpretations of Annex I agreed upon by the MEPC. This document "Regulations for the Prevention of Pollution by Oil" may be obtained by writing to the International Maritime Organization, Publications Division, 4 Albert Embankment, London, SE1 7SR.

An Environmental Assessment has been prepared and a Finding of No Significant Impact (FONSI) has been issued.

Reporting and Record Keeping Requirements

The requirement for maintaining and submitting an Oil Record Book is an existing requirement. This rulemaking simplifies the format of the oil record book and changes some of the record keeping requirements. Instead of submitting the Oil Record Book biannually it must be maintained on board the ship for three years. The Oil Record Book record keeping requirement has been approved by the Office of Management and Budget (OMB) under control number 2115-0025.

The International Oil Pollution Prevention (IOPP) Certificate is a new record keeping requirement that has been approved by the Office of Management and Budget under control number 2115-0526.

The changes do not create any appreciable increase in the reporting or

record keeping requirements for the purposes of the Paperwork Reduction Act of 1980 (Pub. L. 96-511; 96 Stat. 2812).

Discussion of Major Comments and Changes Made

General Comments

1. Numerous comments expressed concern over possible duplication between Coast Guard and Environmental Protection Agency (EPA) regulation of fixed and floating drilling rigs and other platforms operating on the outer continental shelf of the United States. Many of these comments suggested changes to various sections of these proposed rules to clarify their application to drilling rigs and platforms.

The Coast Guard agrees with the concern of these comments. These regulations are not intended to impose any additional pollution prevention requirements on fixed and floating drilling rigs and other platforms that are operating under a valid National Pollutant Discharge Elimination System (NPDES) permit in accordance with section 402 of the Federal Water Pollution Control Act, as amended (FWPCA) and with 40 CFR Chapter I. The Regulations in this rulemaking pertaining to fixed and floating platforms were developed in consultation with the EPA. Compliance with an NPDES permit will be considerd to be full compliance with MARPOL 73/78 and with these regulations. When operating under an NPDES permit, permit discharge exceptions such as "upset" and "bypass" will continue to be valid. However, when not operating under a permit, the MARPOL 73/78 Control of Discharge of Oil limitations implemented in § 151.09 will be fully applicable.

Consequently, a number of proposed regulations are revised in this rulemaking. Exemptions for fixed and floating drillings rigs and other platforms operating under an NPDES permit are included in § 151.09, Control of Discharge of Oil, and in § 151.25, Oil Record Book. The Coast Guard recognizes that it is not practicable to keep NPDES permits on board and has therefore deleted this requirement. Section 155.400 is revised to more clearly indicate that compliance with an NPDES permit is a fully satisfactory alternative to compliance with the specific requirements of MARPOL 73/78.

Fixed and floating drilling rigs and other platforms are "ships" as defined in MARPOL 73/78, Article 2(4) as implemented in § 151.05(q). As such, implementing regulations are required to ensure compliance with MARPOL 73/78 by those fixed and floating platforms that are not otherwise regulated by NPDES permit.

Additionally, § 155.400 is revised to more accurately reflect the terminology of MARPOL 73/78 which refers only to "fixed and floating drillling rigs and other platforms." The Coast Guard includes mobile offshore drilling units (MODUs) in this category.

Proposed § 155.400(a)(3) is revised to distinguish between bilge pumping systems installed for emergency dewatering purposes and those used for the disposal of oily wastes overboard. Emergency dewatering systems whose installation precludes the routine bilge-pumping of oil-water mixtures overboard will not require the installation of oily-water separating equipment, provided the stated conditions for retention of wastes on board are met. In recognition of actual practice on these ships, the provisions in this section requiring that they be "equipped to discharge these mixtures to a reception facility" are revised to require that oily mixtures be retained on board "for transport to a reception facility." Section 155.400(a)(3) reflects the Coast Guard's use of the administrative discretion provided in MARPOL 73/78, Annex I, Regulation 21 which requires that fixed and floating drilling rigs and other platforms" . . . be equipped as far as practicable . . ." with oily-water separating equipment. This determination will not require the issuance of an equivalent under § 155.120. The Coast Guard will annotate Form A of the Supplement to the IOPP Certificate to indicate this method of compliance.

2. Five comments questioned whether the three-year delayed implementation scheme for the oily-water separating equipment requirements for existing ships, as prescribed in MARPOL 73/78, would be adopted.

The Coast Guard fully intended to incorporate the MARPOL 73/78 Annex I provision that the oily-water separating equipment requirements not apply to existing ships until October 2, 1986. This provision was omitted in the proposed rule. Sections 155.350, 155.360, 155.370, and 155.400 have been revised to indicate that the oily-water separating equipment requirements will not apply to existing ships until October 2, 1986.

3. Two comments stated that consideration should be given to exempting certain classes of ships engaged in special operations such as fishing, oil pullution cleanup, soil borings, diving operations, platform launch barges, and maintenance paint barges. One comment also recommended that the Coast Guard request IMO to amend MARPOL 73/78 to exclude fishing vessels.

The Coast Guard does not agree with these recommendations. MARPOL 73/78 applies pollution prevention requirements equally within specific ship size categories based upon gross tonnage. These special use ships are regulated by MARPOL 73/78 just as other ships are and must comply with its requirements as implemented by this rulemaking. No change is made to the proposed rules.

4. Two comments requested special treatment for vessels on short international voyages between the U.S. and Canada. One recommended that all such vessels not proceeding more than 12 nautical miles from nearest land be exempted from the oily-water separating equipment requirements, provided they are equipped to retain all oily wastes on board for discharge to reception facilities. A second comment objected to additional possible survey and certification requirements for such ships.

The Coast Guard agrees that ships operating exclusively within the internal waters of the United States and Canada should not be required to meet the requirements of MARPOL 73/78. Such ships are not "seagoing" within the meaning of the Act to Prevent Pollution From Ships, and are therefore not subject to MARPOL 73/78 under U.S. implementing law. These ships must comply with the no-discharge limitations applicable in the internal waters of both countries. Canada is not, at present, a party to MARPOL 73/78 and it is the Coast Guard's understanding that an IOPP Certificate is therefore not required for U.S. ships on voyages to Canada.

Section 151.03 is revised to exclude ships operating exclusively within the internal waters of the United States and Canada. Section 151.05 is revised by modifying the note to § 151.05(j) to exclude these ships from the definition of "oceangoing." A U.S. ship operating in the territorial sea of Canada is considered to be "seagoing" and therefore is subject to MARPOL 73/78. In the event Canada becomes a party to MARPOL 73/78 and chooses to apply MARPOL 73/78 provisions in Canadian internal waters, then MARPOL 73/78 oily-water separating equipment and an IOPP Certificate may be required for U.S. ships entering Canadian waters where the voyage is exclusively on the internal waters of the U.S. and Canada. Section 151.03(b)(3) and the note to § 151.05(j) will be reevaluated at such time as Canada becomes a party to MARPOL 73/78.

5. One comment suggested that bilge alarms not be considered acceptable equipment and that bilge monitors be required in their place. The comment stated that without a bilge monitor's recording, necessary quantitative information regarding operational oil discharges, such as the magnitude and duration of discharges, would not be available and that this would adversely affect enforcement.

The Coast Guard does not agree with this recommendation. MARPOL 73/78 provides ship owners with certain specific equipment options that are considered equivalent in protecting the marine environment. The proposed rules implement these options. The Coast Guard believes it will be able to provide effective enforcement under the MARPOL 73/78 equipment options. No change is made to the proposed rules.

Specific Comments: Part 151

1. Section 151.05(i)—(a) The definition of "new ship" in the proposed rules contained an error. The error consisted of the modifying phrases in § 151.05(i)(3) "If the date that the keel was laid is not available," and in § 151.05(i)(4)(iii) "If the date that the construction was begun is not available. . . ." These two phrases had been added to the MARPOL 73/78 definition in an attempt to clarify the hierarchy between the different criteria. These two phrases are deleted from the proposed rules in order to convey the identical meaning as the MARPOL 73/78 definition of "new ship." If a ship meets any one of these criteria it is considered a new ship.

(b) One comment stated that the definition of "new ship" and "existing ship" should be related to the effective date of this rulemaking rather than as provided for in MARPOL 73/78.

The Coast Guard does not agree with this recommendation. MARPOL 73/78 defined "new ship" and "existing ship" with the realization that the prescribed dates might result in the classification of many ships built years before the treaty entered into force as "new." The U.S. is party to MARPOL 73/78 and will implement its provisions. No change is made to the proposed rules.

(c) One comment stated that "major conversion" should be included in the definitions.

"Major conversion" is defined in § 151.05(f).

2. Section 151.05(j)—One comment stated that the phrase "* * * from land * * *" should be revised to read "* * * from the nearest land * * *."

The Coast Guard does not agree with this recommendation. The recommended change would not add to clarity and would not otherwise be an improvement. No change is made to the proposed rules.

3. Section 151.09—(a) One comment stated that all OCS operations should be excluded from the requirement to comply with any of the provisions of § 151.09, "Control of Discharge of Oil."

The Coast Guard does not agree with this recommendation. Some fixed and floating drilling rigs and other platforms will need to comply with the MARPOL 73/78 discharge limitations. However, § 151.09(h) is added to clarify that the MARPOL 73/78 discharge requirements do not apply to a fixed or floating drilling rig or other platform that is operating under a valid National Pollutant Discharge Elimination System (NPDES) permit in accordance with section 402 of the Federal Water Pollution Control Act and 40 CFR Chapter I.

(b) One comment questioned whether the compliance schedule for the control of discharge of oil would include the same three year delay as for existing ships' equipment requirements.

The proposed rules are revised by adding § 151.09(1) to specify that the requirement for existing ships that discharges be made through oily-water separating equipment is not effective until October 2, 1986. However, the other conditions governing the control of the discharge of oil are effective as of the entry into force of MARPOL 73/78.

(c) One comment stated that 15 ppm discharges, made in accordance with MARPOL 73/78, should be allowed in the navigable waters of the U.S. just as they are allowed in the contiguous zone without regard to the sheen test.

The Coast Guard does not agree with this recommendation. The Act to Prevent Pollution from Ships (Pub. L. 96-478) amended the Federal Water Pollution Control Act (FWPCA) to allow discharges, made in accordance with MARPOL 73/78, to be excepted from the FWPCA discharge standards, while in the contiguous zone. The navigable waters of the U.S., including the territorial sea and inland waters, were not included in this exception. The FWPCA "sheen test" applies without regard to MARPOL 73/78 in the navigable waters of the United States. A note has been added to § 151.09 to direct attention to these requirements.

(d) One comment stated that because existing § 157.39 of this chapter allows the discharge of bilge oily wastes through cargo monitoring and control equipment, to require bilge oily-water separating equipment on oil tankers would be unnecessary duplication.

The control of discharge of oil in § 151.09 is not a duplication of § 157.39 control requirements. The discharge of machinery oily wastes through the oily-water separating equipment as prescribed in §151.09 is the primary method of disposing of machinery space oil-water mixtures for all ships. The discharge of machinery space oil-water mixtures through cargo monitoring control equipment on a tanker, is an option that may be used. However, this will not preclude the need for a tanker to be equipped with oily-water separating equipment because oil tanker slop tanks may at times be full or contain substances not compatible with bilge slops. Consequently, bilge oily-water separating equipment must be provided. No change is made to the proposed rules.

(e) One comment stated that no justification was provided in the proposed rules for the 15 and 100 parts per million (ppm) discharge limitations of § 151.09.

The Coast Guard does not agree with this comment. The discharge limitations contained in § 151.09 are taken directly from MARPOL 73/78 Regulation 9. This discharge limitation scheme is essential to the successful international implementation of MARPOL 73/78. No change is made to the proposed rule.

(f) One comment interpreted the MARPOL 73/78 control of discharge of oil limitations for MODUs to be 100 ppm at all times when operating outside of Special Areas and beyond 12 miles from nearest land. In Special Areas the limit for MODUs is 15 ppm as set out in Regulation 21(c). The commentator objected to a difference in treatment in the proposed rules for "ships" being allowed to discharge at 100 ppm while proceeding enroute and more than twelve nautical miles from nearest land, while MODUs are limited to discharges of 15 ppm when operating in a fixed position in the same waters.

The Coast Guard does not agree with this interpretation. Under MARPOL 73/78 Annex I Regulation 9, any discharge into the sea of oil or oily mixtures from ships (including fixed and floating platforms) is prohibited except when all of the following conditions are met: The ship is not within a Special Area, the ship is more than twelve nautical miles from nearest land, the ship is proceeding enroute, the oil content of the effluent is less than 100 ppm, and oily-water separating equipment is in operation. If any of these conditions are not followed, the discharge is prohibited, unless, under Regulation 9(4) the oil content of the effluent does not exceed 15 ppm.

Regulation 10(3)(b) contains the more severe discharge limitations applicable in Special Areas. For all ships (including fixed and floating platforms) in Special

Areas, the discharge of processed bilge water from machinery spaces is allowed, provided the ship is proceeding enroute, the oil content of the effluent does not exceed 15 parts per million, the bilge water does not originate from cargo pump room bilges and is not mixed with oil cargo residues, and oily-water separating equipment with a stopping device is in operation. Regulation 21(c) provides an exception to the Special Area discharge limitations for "fixed and floating drilling rigs and other platforms," including MODUs. The effect of Regulation 21(c) is to allow platforms to discharge at 15 ppm when not proceeding enroute. In all other respects, as far as the MARPOL 73/78 discharge of oil limitations are concerned, fixed and floating drilling rigs and other platforms are treated the same as other ships. No change is made to the proposed rules.

4. Section 151.17—One comment identified a typographical error.

The proposed rules are revised by correcting in § 151.17(a) the phrase "* * * to subject to * * *" to read "* * * is subject to * * *."

5. Section 151.19—(a) One comment stated that because the U.S. requires all foreign ships in U.S. ports or terminals to have an IOPP Certificate, it should also require all U.S. ships to have an IOPP Certificate.

The Coast Guard does not agree with this comment. There is no reason to require all U.S. ships to have an IOPP Certificate. MARPOL 73/78 and this rulemaking require that only ships which engage in voyages to ports or off-shore terminals of other parties to MARPOL 73/78 need have an IOPP Certificate. As a matter of Coast Guard policy, U.S. inspected oceangoing ships not requiring an IOPP Certificate but required to be surveyed under MARPOL 73/78 will be issued Form A or Form B of the IOPP Certificate Supplement, as appropriate, as documentation of the ship's compliance. No change is made to the proposed rules.

(b) One comment stated that the proposed rules should have more clearly stated that neither the COTP nor the OCMI will issue IOPP Certificates to foreign registered ships.

The Coast Guard does not agree with this comment. MARPOL 73/78 Annex I, Regulation 6 does not permit the issuance of IOPP Certificates to the ships of non-parties. While the Convention does provide for issuance of IOPP Certificates to ships of other parties, this will require a government to government request and is therefore not considered an appropriate subject for rulemaking. No change is made to the proposed rules.

(c) One comment stated that the final rules should clearly state that existing ships will be allowed to obtain an IOPP Certificate prior to October 2, 1986 even if they do not have oily-water separating equipment.

Sections 6 of Forms A and B of the Supplement to the IOPP Certificate provide for the identification of existing ships that are not required to have oily-water separating equipment until October 2, 1986. Under § 151.19(f) the requirement for existing ships to have IOPP Certificates will be effective on 2 October 1984. Nothing in this rulemaking prevents an existing ship from requesting Coast Guard issuance of an IOPP Certificate prior to this date. No change is made to the proposed rules.

(d) One comment stated that since the Supplement to the IOPP Certificate is a proposed amendment to MARPOL 73/78, the format and content of the Supplement may be subject to further change. The commentator suggested that assurance be given to the public that the Coast Guard will grandfather any IOPP Certificate that is issued with the present form of the Supplement.

The Coast Guard cannot provide such an assurance. In the unlikely event that the Supplement to the IOPP Certificate is not adopted as an amendment to MARPOL 73/78 and if there are substantial changes in the survey and compliance requirements for obtaining an IOPP Certificate; then there could be situations where a new IOPP Certificate would be required. No change is made to the proposed rules.

(e) One comment questioned whether a U.S. mobile offshore drilling unit (MODU), operating either on the outer continental shelf (OCS) of the U.S. or in waters of a country not signatory to MARPOL 73/78, would be required to have an International Oil Pollution Prevention (IOPP) Certificate.

Only those ships, including fixed and floating drilling rigs and other platforms, that engage in voyages to ports or offshore terminals under the jurisdiction of other parties to MARPOL 73/78 will be required to have IOPP Certificates. A U.S. MODU operating on the U.S. outer continental shelf is not required to have an IOPP Certificate. No change is made to the proposed rules.

(f) One comment questioned whether a U.S. MODU operating in the waters of a country party to MARPOL 73/78 would have the option of obtaining an IOPP Certificate from that country.

While issuance of an IOPP Certificate by the government of another party is permitted by MARPOL 73/78, the Coast Guard does not view this practice as being desirable. In each case, a government to government request is required under the Convention. For fixed and floating drilling rigs and other platforms, MARPOL 73/78 Regulation 21 allows discretion in the application of MARPOL 73/78 requirements. In order to ensure the consistency of application of MARPOL requirements, the Coast Guard will not ordinarily support requests for other party inspection of U.S. ships. The Coast Guard will consider survey alternatives for those ships (including MODUs) that have a deployment schedule that will not allow them to be available for survey by the Coast Guard. Advice on issuance of IOPP Certificates is contained in Coast Guard Navigation and Vessel Inspection Circular 7-83 (NVIC 7-83). No change is made to the proposed rules.

(g) One comment suggested that since the instructions to the IOPP Certificate Supplement state that the Certificate should be kept on board at all times, this rulemaking should also specify this requirement.

The Coast Guard does not agree. The IOPP Certificate instructions clearly require that the ship's master not remove the IOPP Certificate from the ship. This is a condition of the Certificate that the master must obey. However, the Coast Guard may, for administrative or enforcement purposes, require the removal of the Certificate from time to time. No change is made to the proposed rules.

(h) No comments were received concerning the requirement to maintain an IOPP Certificate on board.

6. Section 151.21—One comment requested that information be provided concerning which countries are party, and which are not party, to MARPOL 73/78.

The following is a list of those countries that are party to MARPOL 73/78 Annexes I & II, as of August 31, 1983: Uruguay, Peru, United Kingdom, Sweden, Norway, United States, Tunisia, Liberia, Yugoslavia, Denmark, Colombia, France, West Germany, Greece, Italy, Japan, Gabon, Bahamas, Netherlands, China, and Lebanon. No change is made to the proposed rules.

7. Section 151.25—(a) One comment stated that because some persons operate their oily-water separating equipment in an automatic mode, the requirement to make entries in the Oil Record Book for specific discharges from machinery space bilges should be deleted.

The Coast Guard does not agree with this comment. The Oil Record Book provides sections D and E for the operator to specify either individual manual discharges or the time when the oily-water separating equipment is

placed in an automatic mode of operation. No change is made to the proposed rules.

(b) One comment objected to the paperwork burden of the new format of the Oil Record Book and to the requirement to log specific valve operations.

The Coast Guard does not agree with this comment. MARPOL 73/78 added several new operational controls on the discharge of oil from ships to those of the International Convention for the Prevention of Pollution by Oil, 1954, which MARPOL 73/78 supersedes. MARPOL 73/78 requires these operations to be recorded in the Oil Record Book. In order to simplify both the format of the Oil Record Book and the entry procedures, the I.M.O. has adopted a revised format in a proposed amendment to MARPOL 73/78. The Oil Record Book supplied by the Coast Guard adopts this revised format. No change is made to the proposed rules.

(c) No comments were received concerning the requirement to maintain an Oil Record Book on board

Specific Comments: Part 155

1. Section 155.120—(a) Two comments indicated that the reference to the requirement for surveys should refer to § 151.17 vice § 151.19.

The proper reference should be to § 151.17. Section 155.120(a) of the proposed rules is revised to read § 151.17, vice § 151.19.

(b) One comment questioned whether and how the public would be informed of any equivalents having received approval by either the United States or other countries.

The U.S. has submitted to the IMO a proposal that the IMO maintain a list of all equivalents granted. This proposal is to be considered at the 19th session of the MEPC during December 1983. If the IMO adopts this proposal then a composite list of all equivalents granted by all Administrations will be available from the IMO. The Coast Guard also intends to maintain a list of equivalents granted. This list will be available to the public upon request. No change is made to the proposed rules.

(c) One comment recommended that because the definition of "new ship" in MARPOL 73/78 includes many ships that have been in operation for a number of years, §§ 155.120 and 155.130 should be expanded and be liberally interpreted.

The Coast Guard does not agree with this comment. The provisions for equivalents and exemptions, as written in the proposed rules, are sufficiently broad to accommodate any necessary equivalents and exemptions that would be considered acceptable by the IMO. No change is made to the proposed rules.

2. Section 155.340—One comment stated that § 155.330 and § 155.340 are substantially the same and should be combined for the purpose of increasing clarity.

The Coast Guard agrees. Proposed §§ 155.330 and 155.340 are combined into one section § 155.330. Proposed § 155.340 is removed.

3. Section 155.380—(a) One comment requested that existing oily-water separating and monitoring equipment installed on ships be approved on an individual basis if the system complies with the discharge standards and the purpose, spirit and intent of MARPOL.

The Coast Guard does not agree with this comment. The proposed rules require, on certain ships, the installation of oily-water separating equipment of a type approved under 46 CFR 162.050. For uninspected ships, equipment may be approved under either 46 CFR Part 162.050 or IMO Resolution A. 393(X). 46 CFR 162.050 was developed from IMO Resolution A.393 (X) and published as a final rule in the **Federal Register** on September 13, 1979 as 44 FR 53352. In order for the oily-water separating and monitoring equipment to comply with the discharge standards and with the purpose, spirit and intent of MARPOL, the system must meet one of these standards. Owners of U.S. ships that have existing non-Coast Guard approved oily-water separating equipment installed may request approval under 46 CFR 162.050. No change is made to the proposed rules.

(b) One comment questioned why § 155.360 requires 100 ppm oily-water separating equipment but does not allow the installation of 15 ppm oily-water separating equipment.

The Coast Guard agrees that the installation of 15 ppm oily-water separating equipment is acceptable in lieu of 100 ppm equipment. The requirement for 100 ppm oily-water separating equipment is a minimum requirement. Section 155.380 (b) and (c) are added to the proposed rules to clarify that the equipment requirements of 33 CFR Part 155 subpart B are minimum requirements. As revised, 15 ppm equipment may be substituted for 100 ppm; and a bilge monitor may be substituted for a bilge alarm.

(c) One comment questioned whether the United States is adopting the IMO Resolution A.444(XI) for the approval of installed oily-water separating equipment.

The Coast Goard accepts IMO Resolution A.444(XI). However, Resolution A.444(XI) provides for the approval of oily-water separating equipment that has been previously approved by an Administration under approval standards adopted prior to IMO Resolution A.393(X). Because the Unites States first developed its national approval standards based upon IMO Resolution A. 393(X), IMO Resolution A.444(XI) has no impact on the U.S. oily-water separating equipment approval process. Any person that has non-approved oily-water separating equipment installed on a U.S. ship, may request approval under 46 CFR 162.050. No change is made to the proposed rules.

(d) One comment questioned whether oily-water separating equipment, approved under IMO Resolution A.393(X) and A.444(XI) but not Coast Guard approved would be considered acceptable for use on a U.S. certificated MODU.

For U.S. certificated ships (including MODUs), required oily-water separating equipment must be Coast Guard approved under 46 CFR 162.050. This policy is in accordance with the general Coast Guard Merchant Marine Safety technical schemes for equipment approval and for installation plan approval which have been uniformly applied to U.S. inspected ships. Existing equipment approved to IMO standards may be approved under 46 CFR 162.050. No change is made to the proposed rules.

(e) One comment suggested "grandfathering" existing oily-water separating equipment for its present life, at which time it would be replaced with Coast Guard approved equipment.

The Coast Guard does not agree with this comment. MARPOL 73/78 requires that all oily-water separating equipment be approved to IMO Assembly Resolutions A.393(X) or A.444(XI). The Coast Guard must certify this on the IOPP Certificate. Approval for existing equipment may be requested under 46 CFR 162.050. No change is made to the proposed rules.

(f) In proposed § 155.380(a)(2), two International Maritime Organization (IMO) Assembly resolutions for equipment approval were listed as alternatives to approval under 46 CFR 162.050. This section is revised to indicate that equipment listed in the IMO Maritime Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment is acceptable. All such equipment has been approved by an Administration under the appropriate Assembly resolutions. This circular is updated and published by the IMO semiannually.

4. Section 155.410—(a) One comment stated that §§ 155.410 and 155.420 are so similar that they could be combined for the purpose of clarity.

The Coast Guard does not agree with this comment. These two sections contain several distinct requirements for two classes of ships. In would detract from clarity if the two sections were to be combined. No change is made to the proposed rules.

(b) Section 155.410(a)(3) is revised to reflect the IMO requirement for the standard discharge connection by removing the reference to ANSI material standards. Piping and fittings on U.S. inspected ships must meet the requirements of 46 CFR Subchapter F, which includes these ANSI standards.

Late Comments

Seven comments were received after the comment period for the Notice of Proposed Rulemaking had closed. After reviewing these comments the Coast Guard has revised § 151.09 by adding a note to § 151.09(b) to reference the applicability of the Federal Water Pollution Control Act (FWPCA) for discharges from ships in the navigable waters of the United States. The remainder of the late comments either duplicate other timely comments or do not warrant any changes to this rulemaking. Therefore, no specific discussion of these comments is included.

Final Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be non-significant. However, a final evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 dtd May 22, 1980) This DOT Order requires that each final evaluation include an economic analysis that quantifies, to the extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State, and Local Governments, as well as the anticipated benefits and impacts of the regulation.

Both the number of ships affected and the total cost this rulemaking have been reevaluated since the issuance of the 1977 NPRM. Most unmanned barges, inland ships and ships of less than 400 gross tons will not be required to be equipped with oily-water separating equipment. These changes have been made because: (1) Under Pub. L. 96-478, MARPOL 73/78 only applies to seagoing ships; (2) MARPOL 73/78 requires oily-water separating equipment only on ships of 400 gross tons and above; (3) the Coast Guard is proposing to regulate vessel classes in a manner consistent with MARPOL 73/78; and (4) the Coast Guard is proposing that certain ships that are not equipped with main propulsion machinery and that are not equipped with installed bilge pumping and piping systems to discharge oil and oily mixtures from machinery spaces or fuel oil tanks, will not be required to have oily-water separating equipment. The Coast Guard published in the NPRM, and continues to believe that the total cost for all ships to comply with the requirements of this rulemaking will be an estimated 31.6 million dollars.

The primary benefit of this regulatory project will be an improvement to the marine environment. The regulations will set finite limitations on the concentration of oil that can be discharged into the sea by oceangoing ships. Ships will be limited to an effluent discharge from machinery space bilges and fuel oil tanks not to exceed 15 parts per million (ppm) of oil when between 3 and 12 nautical miles of land and less than 100 ppm of oil when beyond 12 nautical miles from land; within 3 nautical miles of land the sheen test applies. The regulations will help to make sure that ships to which these regulations apply will be equipped to meet these limitations. The use of oily-water separating equipment for the treatment of bilge oily-wastes would result in an estimated annual reduction of 5,218 tons of bilge oil which otherwise would be discharged into the sea.

A secondary benefit is that compliance with MARPOL 73/78 requirements, as evidenced by an IOPP Certificate, will help enable U.S. ships to engage in uninterrupted international trade. Ships without valid IOPP Certificates may be subjected to possible delays, fines or denial of entry into foreign ports; costly problems that they should avoid if they have on board valid IOPP Certificates and are properly equipped.

The Coast Guard will conduct the required surveys for determining compliance with MARPOL 73/78 and the issuance and renewal of the IOPP Certificate. The Coast Guard will have the responsibility for conducting inspections of foreign ships, upon entry into a U.S. port, to determine whether or not they are in compliance with MARPOL 73/78.

Regulatory Flexibility Analysis

Regulatory Flexibility Act (5 U.S.C. 601-612) requires an initial regulatory flexibility analysis, or a summary thereof, to be placed in the NPRM if the proposal would have a significant economic impact on a substantial number of small entities. The only entities that this rulemaking will have an economic impact on will be oceangoing ships of 400 gross tons and above. These ships are large, expensive entities that, because of the large revenues generated by them, cannot be considered to be small businesses under the "Small Business Act."

Both MARPOL 73/78 and this rulemaking have been developed in such a way as to minimize the economic impact on all ships, particularly smaller ships, those of less than 400 gross tons. Ships of less than 400 gross tons will not be required to have installed bilge oily-water separating equipment. The greatest economic burden of these proposed rules will be borne by the owners of ships of greater than 10,000 gross tons. Therefore, pursuant to Section 605(b) of the Regulatory Flexiblity Act (94 Stat. 1164, Pub. L. 96-354), it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Parts 151 and 155

Environmental protection, Ship oil pollution control, Oily-water separating equipment.

For the reasons set out in the preamble, Subchapter O, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. 33 CFR Part 151 is revised to read as follows:

PART 151—OIL POLLUTION REGULATIONS

Sec.

Authority: 33 U.S.C. 1321(j)(1)(C), 1902(c) and 1903(b), E.O. 11735, 49 CFR 1.46(m).

§ 151.01 Purpose.

(a) The purpose of this part is to implement the Act to Prevent Pollution from Ships, 1980, (33 U.S.C. 1901-1911) and the provisions of the International

Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The provisions to be implemented are: Requirements for the Oil Record Book, requirements for the International Oil Pollution Prevention (IOPP) Certificates, survey and inspection requirements, discharge limitations, the description of special areas, reporting requirements, emergency discharge exceptions and the enforcement of requirements concerning the prevention of pollution of the sea by oil.

§ 151.03 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to each ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05–10 of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) This part does not apply to—

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in non-commercial service;

(2) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;

(3) A Canadian or U.S. ship being operated exclusively on the internal waters of the United States and Canada; or

(4) Any other ship specifically excluded by MARPOL 73/78.

Note: The term "internal waters" is defined in § 2.05–20 of this chapter.

§ 151.05 Definitions.

As used in this part—

(a) "Clean Ballast" means the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom, if it were discharged from a ship that is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the government of the country under whose authority the ship is operating, evidence based on such a system, to the effect that the oil content of the effluent does not exceed 15 parts per million (ppm) is determinative that the ballast is clean.

(b) "Commandant" means Commandant, U.S. Coast Guard.

(c) "Discharge" means any release, however caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(2) Release of oil or oily mixtures directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

(d) "Existing Ship" means a ship that is not a new ship.

(e) "Instantaneous Rate of Discharge of Oil Content" means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant.

(f) "Major Conversion" means a conversion of an existing ship—

(1) That substantially alters the dimensions or carrying capacity of the ship; or

(2) That changes the type of the ship; or

(3) The intent of which, in the opinion of the government of the country under whose authority the ship is operating, is substantially to prolong its life; or

(4) Which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of MARPOL 73/78 not applicable to it as an existing ship.

(g) "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

(h) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of these regulations, "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in—

latitude 11°00' South, longitude 142°08' Eastto a point in—latitude 10°35' South, longitude 141°55' East, thence to a point—latitude 10°00' South, longitude 142°00' East, thence to a point—latitude 9°10' South, longitude 143°52' East, thence to a point—latitude 9°00' South, longitude 144°30' East, thence to a point—latitude 13°00' South, longitude 144°00' East, thence to a point—latitude 15°00' South, longitude 146°00' East, thence to a point—latitude 18°00' South, longitude 147°00' East, thence to a point—latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

(i) "New Ship" means a ship—

(1) For which the building contract is placed after December 31, 1975; or

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after June 30, 1976; or

(3) The delivery of which is after December 31, 1979; or

(4) That has undergone a major conversion—

(i) For which the contract is placed after December 31, 1975;

(ii) In the absence of a contract, the construction work of which is begun after June 30, 1976; or

(iii) That is completed after December 31, 1979.

(j) "Oceangoing" ship means a ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05 of this chapter; or

(5) Is operated under the authority of a country other than the United States.

Note.—A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an "oceangoing" ship.

(k) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products. "Oil" does not include animal or vegetable based oil nor does it include noxious liquid substances designated under Annex II of MARPOL 73/78.

(l) "Oily mixture" means a mixture with any oil content, including bilge slops, oily wastes, oil residues (sludge), oily ballast water, and washings from cargo oil tanks.

(m) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of MARPOL 73/78 when it is carrying a cargo or part cargo of oil in bulk.

(n) "Person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(o) "Recognized Classification Society" means a classification society that is a participating member of the International Association of Classification Societies (IACS).

(p) "Segregated Ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL 73/78.

(q) "Ship" means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms.

(r) "Special area" means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas include those listed in § 151.13.

(s) "U.S. inspected ships" means those ship required to be inspected and certificated under 46 CFR 2.01-7.

§ 151.07 Delegations.

(a) Each Coast Guard official designated as a Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) or Commanding Officer, Marine Safety Office (MSO), is delegated the authority to—

(1) Issue International Oil Pollution Prevention (IOPP) Certificates;

(2) Detain or deny entry to ships not in substantial compliance with MARPOL 73/78 or not having an IOPP Certificate or evidence of compliance with MARPOL 73/78 on board;

(3) Receive and investigate reports under § 151.15; and

(4) Issue subpoenas to require the attendance of any withness and the production of documents and other evidence, in the course of investigations of potential violations of the Act to Prevent Pollution from Ships (33 U.S.C. 1901–1911, Pub. L. 96–478), this part, or MARPOL 73/78.

(b) [Reserved]

§ 151.09 Control of discharge of oil.

(a) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The ship is not within a special area;

(4) The ship is proceeding enroute;

(5) The oil content of the effluent without dilution is less than 100 parts per million (ppm); and

(6) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by Part 155 Subpart B of this chapter.

(b) When within 12 nautical miles of the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The oil content of the effluent without dilution does not exceed 15 ppm;

(4) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by Part 155 Subpart B of this chapter; and

(5) The oily-water separating equipment is equipped with a 15 ppm bilge alarm; for U.S. inspected ships, approved under 46 CFR 162.050 and for U.S. uninspected ships and foreign ships, either approved under 46 CFR 162.050 or listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment.

Note.—In the navigable waters of the United States, the Federal Water Pollution Control Act (FWPCA), section 311(b)(3) and 40 CFR Part 110 govern all discharges of oil or oily-mixtures.

(c) The cargo related oil residues of an oil tanker, including residues from cargo pump room bilges and all oil residues mixed with oil cargo residues shall not be discharged overboard except as provided for in Part 157 of this chapter.

(d) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker; that is not proceeding enroute; shall be in accordance with paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

(e) The provisions of paragraphs (a), (b), (c) and (d) of this section do not apply to the discharge of clean or segregated ballast.

(f) The oil residues that cannot be discharged into the sea in compliance with paragraphs (a), (b), (c) or (d) of this section shall be retained on board or discharged to reception facilities.

(g) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(h) This section does not apply to a fixed or floating drilling rig or other platform that is operating under a National Pollutant Discharge Elimination System (NPDES) permit.

(i) The provisions of paragraphs (a)(6), (b)(4) and (b)(5) of this section do not apply to existing ships until October 2, 1986.

§ 151.11 Exceptions for emergencies.

(a) Sections 151.09 and 151.13 do not apply to—

(1) The discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea.

(2) The discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment—

(i) Provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) Except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

(b) [Reserved]

§ 151.13 Special areas.

(a) For the purposes of this part the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, and the "Gulfs Area" which are defined as follows—

(1) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and the

boundary between the Mediterranean and the Atlantic Ocean constituted by the Straits of Gibraltar at the meridian of 5°36'W.

(2) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N.

(3) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41°N.

(4) The Red Sea Area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5'N, 43°19.6'E) and Husn Murad (12°40.4'N, 43°30.2'E).

(5) The Gulfs area means the sea area located northwest of the rhumb line between Ras al Hadd (22°30'N, 59°48'W) and Ras al Fasteh (25°04'N, 61°25'E).

(b) Subject to the provisions of § 151.11—

(1) Any discharge into the sea of oil or oily mixtures from any oil tanker, and from any ship of 400 gross tons and above other than an oil tanker; is prohibited while in a special area;

(2) Any discharge into the sea of oil or oily mixture from a ship of less than 400 gross tons, other than an oil tanker, is prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or, alternatively, when all of the following conditions are satisfied—

(i) The ship is proceeding enroute;

(ii) The oil content of the effluent is less than 100 ppm; and

(iii) The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

(c) The provisions of paragraph (b) of this section do not apply to the discharge of clean or segregated ballast.

(d) The provisions of paragraph (d)(1) of this section do not apply to the discharge of processed bilge water from machinery space bilges, provided that all of the following conditions are satisfied—

(1) The bilge water does not originate from cargo pump room bilges;

(2) The bilge water is not mixed with oil cargo residues;

(3) The ship is proceeding enroute;

(4) The oil content of the effluent without dilution does not exceed 15 ppm;

(5) The ship has in operation oily-water separating equipment complying with Part 155 of this chapter; and

(6) The oily-water separating equipment is equipped with a device that stops the discharge automatically when the oil content of the effluent exceeds 15 ppm.

(e) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this section.

(f) The oil residues that cannot be discharged into the sea in compliance compliance with paragraphs (b), (c), or (d) of this section shall be retained on board or discharged to reception facilities.

(g) Nothing in this section prohibits a ship on a voyage, only part of which is in a special are from discharging a outside the special arew in accordance with § 151.09.

§ 151.15 Reporting requirements.

(a) The Master or other person having charge of a ship involved in an incident referred to in paragraph (e) of this section, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this section.

(b) In the event of the ship referred to in paragraph (a) of this section being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master or other person having charge of the ship under the provisions of this section.

(c) Each report shall be made by radio whenever possible, but in any case by the fastest available means at the time the report is made.

(d) Reports shall be directed to the appropriate officer or agency of the government of the country in whose waters the incident occurs. Additionally, for incidents involving U.S. ships, the reports shall be directed to either the nearest Coast Guard Captain of the Port (COTP) or to the National Response Center (NRC), toll free telephone number 800-424-8802, telex number 892427.

(e) The report shall be made whenever an incident involves—

(1) A discharge other than as permitted under this part; or

(2) A discharge permitted under this part by virtue of the fact that—

(i) It is for the purpose of securing the safety of a ship or saving life at sea; or

(ii) It results from damage to the ship or its equipment; or

(3) The probability of a discharge referred to in paragraphs (e)(1) or (e)(2) of this section.

(f) Each report shall contain—

(1) The identity of the ship;

(2) The time and date of the occurrence of the incident;

(3) The geographic position of the ship when the incident occurred;

(4) The wind and sea condition prevailing at the time of the incident;

(5) Relevant details respecting the condition of the ship; and

(6) A statement or estimate of the quantity of oil or oily mixtures discharged or likely to be discharged into the sea.

(g) Each person who is obligated under the provisions of this section to send a report shall—

(1) Supplement the initial report, as necessary, with information concerning further developments; and

(2) Comply as fully as possible with requests from affected countries for additional information concerning the incident.

(h) A report made under this section will satisfy the reporting requirement of § 153.203 of this chapter.

§ 151.17 Surveys.

(a) Every U.S. oil tanker of 150 gross tons and above, and every other U.S. ship of 400 gross tons and above; that is required to have an International Oil Pollution Prevention (IOPP) Certificate on board and to which this part applies, except as provided for in paragraphs (b) and (d) of this section; is subject to the following surveys conducted by the Coast Guard—

(1) An initial survey, conducted before the ship is put in service or before an IOPP Certificate required under § 151.19 is issued for the first time; this survey includes a complete examination of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this chapter.

(2) Periodic renewal surveys conducted at intervals corresponding with the renewal of the IOPP Certificates. The purpose of the survey is to determine whether the structure, equipment, systems, fittings, arrangements, and material comply with the requirements of Parts 155 and 157 of this chapter.

(3) Annual surveys for inspected ships conducted as close as practicable to twelve (12) and thirty-six (36) months from the date of issuance of the IOPP Certificate, and not more than two months prior to or later than these twelve and thirty-six month dates; this survey is to determine that the oily-water separating equipment and associated pumps and piping systems remain satisfactory for the service intended, and that no unauthorized

alterations have been made, and is to be endorsed on the IOPP Certificate.

(4) Intermediate surveys for inspected ships conducted as close as practicable to twenty-four (24) months from the date of issuance of the IOPP Certificates, and not more than six months prior to or later than that twenty-four month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of Parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(5) Intermediate surveys for uninspected ships conducted as close as practicable to thirty (30) months from the date of issuance of the IOPP Certificate, and not more than six months prior to or later than that thirty month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of Parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(b) Every U.S. inspected oil tanker of 150 gross tons and above, and every other U.S. inspected ship of 400 gross tons and above; that is not required to have an IOPP Certificate on board is subject to the following surveys to be conducted by the Coast Guard—

(1) An initial survey conducted—

(i) Before the ship is put in service;

(ii) For new ships that are in service prior to October 2, 1983, in conjunction with either their first inspection, for issuance of a Coast Guard Certificate of Inspection, or reinspection, whichever occurs first after October 2, 1983; or

(iii) For existing ships that are in service prior to October 2, 1983, in conjunction with either their first inspection, for issuance of a Coast Guard Certification of Inspection, or reinspection, whichever occurs first after October 2, 1984.

(2) All other surveys are conducted concurrently with either inspections for certification or required reinspections.

(c) After any survey of a ship under this section has been completed, no significant change may be made in the construction, equipment, fittings, arrangements or material covered by the survey without the sanction of the COTP or OCMI except for the direct replacement of such equipment or fittings.

(d) Fixed and floating drilling rigs and other platforms, barges, and uninspected ships; that are not required to have an IOPP Certificate on board are not required to be surveyed under this section.

§ 151.19 International Oil Pollution Prevention (IOPP) Certificates.

(a) Each U.S. oil tanker of 150 gross tons and above and each other U.S. ship of 400 gross tons and above; that engages in voyages to ports or off-shore terminals under the jurisdiction of other parties to MARPOL 73/78 must have on board a valid International Oil Pollution Prevention (IOPP) Certificate.

(b) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country other than the United States that is party to MARPOL 73/78, must have on board a valid IOPP Certificate.

(c) An IOPP Certificate is issued by a COTP or OCMI after a satisfactory survey in accordance with the provisions of § 151.17.

(d) The Supplement to the IOPP Certificate is a part of the IOPP Certificate and must remain attached to that Certificate. If the Supplement to the Certificate is changed, a new IOPP Certificate will be required.

(e) The IOPP Certificate for each U.S. inspected ship is valid for a period not to exceed four years from the date of issue, and for each U.S. uninspected ship the IOPP Certificate is valid for a period not to exceed five years from the date of issue, except as follows—

(1) A Certificate ceases to be valid if significant alterations have taken place in the construction, equipment, fittings, or arrangements required by the pollution prevention requirements of Parts 155 or 157 of this chapter without the approval of the COTP or the OCMI.

(2) A Certificate Ceases to be valid if intermediate surveys as required by § 151.17 of this part are not carried out.

(3) A Certificate issued to a ship ceases to be valid upon transfer of the ship to the flag of another country.

(f) Paragraphs (a) and (b) of this section do not apply to "existing ships" until October 2, 1984.

(Approved by the Office of Management and Budget under control number 2115-0526.)

§ 151.21 Ships of countries not party to MARPOL 73/78.

(a) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country not a party to MARPOL 73/78, must have on board valid documentation showing that the ship has been surveyed in accordance with and complies with the requirements of MARPOL 73/78. Evidence of compliance may be issued by either the government of a country or a recognized classification society.

(b) Evidence of compliance must contain all of the information in, and have substantially the same format as, the IOPP Certificate.

(Approved by the Office of Management and Budget under control number 2115-0526.)

§ 151.23 Inspection for compliance and enforcement.

(a) While at a port or terminal under the jurisdiction of the United States, a ship to which this part applies is subject to inspection by the Coast Guard—

(1) To determine that a valid IOPP Certificate is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of the IOPP Certificate;

(2) To determine that evidence of compliance with MARPOL 73/78, as required by § 151.21 is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of this evidence of compliance;

(3) To determine whether a ship has been operating in accordance with and has not discharged any oil or oily mixtures in violation of the provisions of MARPOL 73/78 or this subchapter;

(4) To determine whether a ship has discharged oil or oily mixtures anywhere in violation of MARPOL 73/78, upon request from a party to MARPOL 73/78 for an investigation when the requesting party has furnished sufficient evidence to support a reasonable belief that a discharge has occurred.

(b) A ship that does not comply with the requirements of Parts 151, 155 and 157 of this chapter, or where the condition of the ship or its equipment does not substantially agree with the particulars of the IOPP Certificate or other required documentation, may be detained by order of the COTP or OCMI, at the port or terminal where the violation is discovered until, in the opinion of the detaining authority, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

(c) An inspection under this section may include an examination of the Oil Record Book, the oil content meter continuous records, and a general examination of the ship. A copy of any entry in the Oil Record Book may be made and the Master of the ship may be

required to certify that the copy is a true copy of such entry.

§ 151.25 Oil Record Book.

(a) Each oil tanker of 150 gross tons and above, ship of 400 gross tons and above other than an oil tanker, and manned fixed or floating drilling rig or other platform; to which this part applies; shall maintain an Oil Record Book Part I (Machinery Space Operations). An oil tanker of 150 gross tons and above or a non oil tanker that carries 200 cubic meters or more of oil in bulk, shall also maintain an Oil Record Book Part II (Cargo/Ballast Operations).

(b) An Oil Record Book printed by the U.S. Government is available to the masters or operators of all U.S. ships subject to this part, from any Coast Guard Marine Safety Office, Marine Inspection Office, or Captain of the Port Office.

(c) The ownership of the Oil Record Book of all U.S. ships remains with the U.S. Government.

(d) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following machinery space operations take place on any ship to which this part applies—

(1) Ballasting or cleaning of fuel oil tanks;

(2) Discharge of dirty ballast or cleaning water from fuel oil tank;

(3) Disposal of oily residues (sludge); and

(4) Discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces.

(e) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following cargo/ballast operations take place on any oil tanker to which this part applies—

(1) Loading of oil cargo;

(2) Internal transfer of oil cargo during voyage;

(3) Unloading of oil cargo;

(4) Ballasting of cargo tanks and dedicated clean ballast tanks;

(5) Cleaning of cargo tanks including crude oil washing;

(6) Discharge of ballast except from segregated ballast tanks;

(7) Discharge of water from slop tanks;

(8) Closing of all applicable valves or similar devices after slop tank discharge operations;

(9) Closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and

(10) Disposal of residues.

(f) Entries shall be made in the Oil Record Book on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place on a fixed or floating drilling rig or other platform to which this part applies—

(1) Discharge of ballast or cleaning water from fuel oil tanks; and

(2) Discharge overboard of platform machinery space bilge water.

(g) In the event of an emergency, accidental or other exceptional discharge of oil or oily mixture, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(h) Each operation described in paragraphs (d), (e) and (f) of this section shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the person or persons in charge of the operations concerned and each completed page shall be signed by the master or other person having charge of the ship.

(i) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and shall be kept on board the ship.

(j) The master or other person having charge of a ship required to keep an Oil Record Book shall be responsible for the maintenance of such record.

(k) The Oil Record Book for a U.S. ship shall be maintained on board for not less than three years.

(l) This section does not apply to a barge or a fixed or floating drilling rig or other platform that is not equipped to discharge overboard any oil or oily mixture.

(m) This section does not apply to a fixed or floating drilling rig or other platform that is operating in compliance with a valid National Pollutant Discharge Elimination System (NPDES) permit.

(Approved by the Office of Management and Budget under control number 2115-0025.)

PART 155—[AMENDED]

2. The authority citation for Part 155 is revised to read as follows:

Authority: 33 U.S.C. 1321 (j)(1)(C), 1902(c) and 1903(b), E.O. 11735, 49 CFR 1.46(m).

3. Subparts A and B are revised to read as follows—

Subpart A–General

Subpart B—Vessel Equipment

Subpart A—General

§ 155.100 Applicability.

(a) Subject to the exceptions provided for in paragraph (b) of this section, this part applies to each ship that—

(1) Is operated under the authority of the United States, wherever located; or

(2) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) This part does not apply to—

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in non-commercial service; or

(2) Any other ship specifically excluded by MARPOL 73/78.

§ 155.110 Definitions.

The definitions in Parts 151 and 154 of this chapter apply to this part.

§ 155.120 Equivalents.

(a) For ships required to be surveyed under § 151.17 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by both MARPOL 73/78 and Subpart B of this part if such fitting, material, appliance, or apparatus is at least as effective as that required by Subpart B. Substitution of operational methods to control the discharge of oil in place of those design and construction features prescribed by MARPOL 73/78 that are also prescribed by Subpart B of this part is not allowed.

(b) Any equivalent to a feature prescribed by MARPOL 73/78 that is authorized for a ship having an IOPP Certificate is noted on that Certificate.

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if—

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that—

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of Subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of Subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by Subpart B of this part against pollution by oil, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

Subpart B—Vessel Equipment

§ 155.310 Cargo oil discharge containment.

(a) An oil tanker with a capacity of 250 or more barrels that is carrying oil cargo must have—

(1) Under or around each oil loading manifold and each oil transfer connection point, a fixed container or enclosed deck area that, in all conditions of ship list or trim encountered during the loading operation, has a capacity of at least—

(i) One half barrel if it serves one or more hoses with an inside diameter of 2 inches or less, or one or more loading arms with a nominal pipe size diameter of 2 inches or less;

(ii) One barrel if it serves one or more hoses with an inside diameter of more than 2 inches but less than 4 inches, or one or more loading arms with a nominal pipe size diameter of more than 2 inches but less than 4 inches;

(iii) Two barrels if it serves one or more hoses with an inside diameter of 4 inches or more, but less than 6 inches, or one or more loading arms with a nominal pipe size diameter of 4 inches or more, but less than 6 inches;

(iv) Three barrels if it serves one or more hoses with an inside diameter of 6 inches or more, but less than 12 inches, or one or more loading arms with a nominal pipe size diameter of 6 inches or more, but less than 12 inches; or

(v) Four barrels if it serves one or more hoses with an inside diameter of 12 inches or more, or one or more loading arms with a nominal pipe size diameter of 12 inches or more;

(2) Means of draining or removing discharged oil from each container or enclosed deck area without discharging the oil into the water; and

(3) A mechanical means of closing each drain and scupper in the container or enclosed deck area required by this section.

(b) A tank barge with a capacity of 250 or more barrels that is carrying oil cargo must meet paragraph (a) of this section or be equipped with—

(1) A coaming, at least 4 inches high but not more than 8 inches high, enclosing the immediate area of the cargo hatches, oil loading manifolds, and transfer connections, that has a capacity, in all conditions of vessel list and trim to be encountered during the loading operation, of at least one-half barrel per hatch, manifold, and connection within the enclosed area;

(2) A fixed or portable container under each oil loading manifold and each oil transfer connection within the coaming, that holds at least one-half barrel;

(3) A mechanical means of closing each drain and scupper within the coaming; and

(4) A means of draining or removing discharged oil from the fixed or portable container and from within the coamings without discharging the oil into the water.

§ 155.320 Fuel oil and bulk lubricating oil discahrge containment.

(a) A ship of 300 gross tons or more constructed after June 30, 1974 must have a fixed container or enclosed deck area under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe, that—

(1) For a ship of 300 or more but less than 1600 gross tons has a capacity of at least one-half barrel; and

(2) For a ship of 1600 or more gross tons has a capacity of one barrel.

(b) A ship of 100 gross tons or more constructed before July 1, 1974, and a ship of 100 or more but less than 300 gross tons constructed after June 30, 1974 must—

(1) Meet paragraph (a)(1) of this section; or

(2) Equip each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe during oil transfer operations with a portable container of at least a 5 U.S. gallon capacity; or

(3) If the ship has a fill fitting for which containment is impractical, use an automatic back pressure shut-off nozzle.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.330 Bilge slops/fuel oil tank ballast water discharges on U.S. non-oceangoing ships.

(a) No person may operate a U.S. non-oceangoing ship in the navigable waters of the United States, unless it has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility.

(b) A U.S. non-oceangoing ship may retain all oily mixtures on board in the ship's bilges. An oily residue (sludge) tank is not required.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.350 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of less than 400 gross tons.

(a) No person may operate an oceangoing ship of less than 400 gross tons, unless it either—

(1) Has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility; or

(2) Has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast and discharges into the sea in accordance with § 151.09.

(b) An oceangoing ship of less than 400 gross tons may retain all oily mixtures on board in the ship's bilges. An oily residue (sludge) tank is not required.

(c) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(d) This section does not apply to a fixed or floating drilling rig or other platform.

(e) This section does not apply to an existing ship until October 2, 1986.

§ 155.360 Bilge slops discharges on oceangoing ships of 400 gross tons and above but less than 10,000 gross tons, excluding ships that carry ballast water in their fuel oil tanks.

(a) No person may operate an oceangoing ship of 400 gross tons and above but less than 10,000 gross tons, excluding a ship that carries ballast water in its fuel oil tanks, unless it is fitted with approved 100 parts per million (ppm) oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(b) No person may operate a ship under this section unless it is fitted with a tank or tanks of adequate capacity to receive the oily residues (sludges) that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oily residues to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily wastes on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50–50(h) for isolation between oil and bilge systems.

(c) No person may operate a ship unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(e) This section does not apply to a fixed or floating drilling rig or other platform.

(f) This section does not apply to an existing ship until October 2, 1986.

§ 155.370 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of 10,000 gross tons and above and oceangoing ships of 400 gross tons and above that carry ballast water in their fuel oil tanks.

(a) No person may operate an oceangoing ship of 10,000 gross tons and above or any oceangoing ship of 400 gross tons and above that carries ballast water in its fuel oil tanks unless it has either—

(1) Approved 100 ppm oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast and an approved bilge monitor; or

(2) Approved 15 ppm oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast and an approved bilge alarm.

(b) No person may operate a ship under this section unless it is fitted with a tank or tanks of adequate capacity to receive the oily residues (sludges) that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oily residues to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily wastes on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50–50(h) for isolation between oil and bilge systems.

(c) No person may operate a ship under this section unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) The master or other person having charge of a ship equipped in accordance with paragraph (a)(1) of this section shall ensure that the bilge monitor continuous record is maintained on board for not less than three years.

(e) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(f) This section does not apply to a fixed or floating drilling rig or other platform.

(g) This section does not apply to an existing ship until October 2, 1986.

(Approved by the Office of Management and Budget under control number 2115–0025)

§ 155.380 Oily-water separating equipment, bilge alarm, and bilge monitor approval standards.

(a) On U.S. inspected ships, oily-water separating equipment, bilge alarms, and bilge monitors must be approved under 46 CFR 162.050.

(b) On U.S. uninspected ships and foreign ships, oily-water separating equipment, bilge alarms, and bilge monitors must be approved under 46 CFR 162.050 or be listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment.

(c) A ship that is required to have 100 parts per million (ppm) oily-water separating equipment may have 15 parts per million (ppm) oily-water separating equipment installed in its place.

(d) A ship that is required to have a bilge alarm may have a bilge monitor installed in its place.

§ 155.390 Ocean going ships other than tank ships carrying oil in bulk.

(a) Except as provided for in paragraph (b) of this section, no person may operate an oceangoing ship, other than a tank ship, with cargo space constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic meters or more unless it complies with §§ 157.11, 157.12, 157.15, 157.33, 157.37, and 157.19(b)(3) of this chapter.

(b) If the aggregate capacity is less than 1,000 cubic meters, the ship may, in lieu of meeting the requirements of §§ 157.11, 157.12 and 157.15 of this chapter, retain oily mixtures on board and discharge them to a reception facility.

§ 155.400 Platform machinery space drainage on oceangoing fixed and floating drilling rigs and other platforms.

(a) No person may operate an oceangoing fixed or floating drilling rig or other platform unless it either—

(1) Complies with the oily-water separating equipment requirements of a valid National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with section 402 of the Clean Water Act and 40 CFR Chapter I;

(2) Complies with the oily-water separating equipment requirements for oceangoing ships of 400 gross tons and above as set forth in either § 155.360 or § 155.370; or

(3) Is not equipped with an installed bilge pumping system for discharge of oily mixtures from platform machinery spaces into the sea and has the capacity to retain on board all of these oily mixtures and is equipped to discharge

these mixtures for transport to a reception facility.

(b) When an oceangoing fixed or floating drilling rig or other platform is in a special area, is not proceeding en route, or is within 12 nautical miles of the nearest land; it must either—

(1) Have the capacity to retain on board all machinery space oily mixtures from platform machinery space drainage and be equipped to discharge these mixtures for transport to a reception facility; or

(2) Discharge in accordance with § 151.09 (b)(3), (b)(4), and (b)(5) of this chapter.

(c) Paragraph (b) of this section does not apply to a fixed or floating drilling rig or other platform that is operating under an NPDES permit.

(d) Paragraph (a) of this section does not apply to an existing fixed or floating drilling rig or other platform until October 2, 1986.

§ 155.410 Pumping, piping and discharge requirements for non-oceangoing ships of 100 gross tons and above.

(a) No person may operate a non-oceangoing ship of 100 gross tons and above that is fitted with main or auxiliary machinery spaces in the navigable waters of the United States unless—

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(3) Each outlet required by this section has a shore connection that meets the specifications in § 155.430 or the ship has at least one portable adapter that meets the specifications in § 155.430 and fits the required outlets; and

(4) The ship has a stop valve for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.420 Pumping, piping and discharge requirements for oceangoing ships of 100 gross tons and above but less than 400 gross tons.

(a) No person may operate an oceangoing ship of 100 gross tons and above but less than 400 gross tons that is fitted with main or auxiliary machinery spaces unless—

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet accessible from the weather deck;

(3) The outlet required by this section has a shore connection that meets the specifications in § 155.430, or the ship has at least one adapter that meets the specifications in § 155.430 and fits the required outlets;

(4) The ship has a means on the weather deck near the discharge outlet to stop each pump that is used to discharge oily wastes; and

(5) The ship has a stop valve installed for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.430 Standard discharge connections for oceangoing ships of 400 gross tons and above.

(a) An oceangoing ship of 400 gross tons and above must be fitted with a standard discharge shore connection, for the discharge to reception facilities, of oily wastes from machinery space bilges or fuel oil tank ballast water. The discharge connection must be of the following dimensions—

(1) Outside diameter = 215 millimeters (mm).

(2) Inner diameter = according to pipe outside diameter.

(3) Bolt circle diameter = 183 mm.

(4) Slots in flange = 6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm.

(5) Flange thickness = 20 mm.

(6) Bolts and nuts, quantity and number = 6 each of 20 mm in diameter and of suitable length.

(b) A portable adapter that meets the specifications of paragraph (a) of this section and that fits the discharge shore connection, for the discharge of oily wastes from machinery space bilges may be substituted for the standard discharge connection requirement of paragraph (a) of this section.

(c) The flange must be designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, must be suitable for a service pressure of 6 kilograms/square centimeters (kg/cm²).

§ 155.440 Segregation of fuel oil and water ballast on new oceangoing ships of 4,000 gross tons and above other than oil tankers, and on new oceangoing oil tankers of 150 gross tons and above.

(a) Except as provided for in paragraph (b) of this section, in new oceangoing ships of 4,000 gross tons and above other than oil tankers, and in new oceangoing oil tankers of 150 gross tons and above, ballast water must not be carried in any fuel oil tank.

(b) Where abnormal conditions or the need to carry large quantities of fuel oil render it necessary to carry ballast water that is not a clean ballast in any fuel oil tank, that ballast water must be discharged to reception facilities or into the sea in compliance with Part 151 of this chapter using the equipment specified in § 155.370, and an entry shall be made in the Oil Record Book to this effect.

(Approved by the Office of Management and Budget under control number 2115-0025.)

§ 155.450 Placard.

(a) A ship, except a ship of less than 26 feet in length, must have a placard of at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following—

Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon or a discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of $5,000.

(b) Existing stocks of placards may be used for the life of the placard.

(c) The placard required by paragraph (a) or (b) of this section must be printed in the language or languages understood by the crew.

§ 155.470 Prohibited oil spaces.

(a) In an oceangoing ship of 400 gross tons and above, for which the building contract is placed after January 1, 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after July 1, 1982, oil must not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(b) A self-propelled ship of 300 gross tons and above, to which paragraph (a) of this section does not apply, may not carry bulk oil or oily waste in any space forward of a collision bulkhead except—

(1) For a ship constructed after June 30, 1974, fuel oil for use on the ship may

be carried in tanks forward of a collision bulkhead, if such tanks are at least 24 inches inboard of the hull structure; or

(2) For a ship constructed before July 1, 1974, fuel oil for use on the ship may be carried in tanks forward of a collision bulkhead, if such tanks were designated, installed, or constructed for fuel oil carriage before July 1, 1974.

Dated: September 15, 1983.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

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33 CFR Part 157

[CGD 76-088b]

Tank Vessels Carrying Oil in Bulk; Cargo Monitors

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These rules require installation and use of approved cargo monitors on board tank vessels of 150 gross tons and over. The rules apply both to U.S. seagoing vessels and to foreign vessels that call at U.S. ports. The rules also include certain requirements of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973. The purpose of the rules is to reduce oil pollution in operational discharges from tank vessels.

EFFECTIVE DATE: These rules become effective on October 2, 1983.

ADDRESSES: The Final Evaluation, comments received, and materials referenced in these final rules are available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council, Commandant (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593 (202-426-1477).

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeffrey G. Lantz, Project Officer, (202) 426-4431.

SUPPLEMENTARY INFORMATION: (1) A notice of proposed rulemaking (NPRM) was published in the **Federal Register** June 27, 1977 (42 FR 32864). Twenty-eight comments were received. A supplemental notice of proposed rulemaking (SNPRM) incorporating these comments was published in the **Federal Register** of December 20, 1982, (47 FR 56786). Three comments were received on the SNPRM and they are discussed below.

(2) The NPRM was published at the same time as two other sets of proposed pollution prevention regulations. The other two regulatory dockets are:

CGD 75-124 Pollution Prevention—Vessel and Oil Transfer Facilities (33 CFR Parts 154, 155, and 156). Portions of the proposal were later published as final regulations on January 31, 1980 (45 FR 7156). Proposed §§ 155.330 through 155.410 which included a requirement that oil-water separators, bilge alarms, and bilge monitors be installed and used, were not finalized and are currently being revised as a result of comments received. A supplemental notice of proposed rulemaking for these revisions was published in the **Federal Register** of July 5, 1983 (48 FR 30673).

CGD 76-088a Engineering Equipment: Design and Approval Requirements for Oil Pollution Prevention Equipment (46 CFR Part 162). These regulations were published as final rules in the **Federal Register** on September 13, 1979 (44 FR 53352; 33 CFR Subpart 162.050). The regulations set out specifications and procedures for approving oil-water separators, cargo monitors bilge monitors, and bilge alarms for use on merchant vessels. A current list of approved equipment can be obtained from the Coast Guard Office of Merchant Marine Safety (G-MVI-3), Room 2412, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202-426-1444).

(3) The NPRM required both new and existing tank vessels to have a recording device that records the total amount of oil discharged in liters, the rate of discharge in liters per nautical mile, and the time and date of discharge. One commenter on the NPRM stated that this requirement should not apply to existing vessels since it would exceed MARPOL requirements. This requirement was revised in the SNPRM in accordance with the commenter's recommendation to incorporate the MARPOL Protocol provisions. The SNPRM stated that the existing requirement for a recording device in 46 CFR 162.050-25(j) would be deleted upon publication of the SNPRM as a final rule. The document which deletes 46 CFR 162.050-25(j) is published elsewhere in this edition of the **Federal Register.**

Drafting Information

The principal persons involved in drafting this final rule are: Lieutenant Jeffrey G. Lantz, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

Background Information

In November 1973, the International Maritime Organization (IMO), which at that time was called the Inter-Governmental Maritime Consultative Organization (IMCO), adopted the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73). In February 1978, MARPOL 73 was incorporated into and modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol). On July 2, 1980, the U.S. Senate gave its advice and consent to ratification of the MARPOL Protocol, and implementing legislation was signed by the President on October 21, 1980 (Pub. L. 96-478; 33 U.S.C. 1901-1911). The legislation becomes fully effective when the MARPOL Protocol enters into force on October 2, 1983. Section 4 of Pub. L. 96-478 (33 U.S.C. 1903) requires the Secretary of Transportation to enforce the provisions of the MARPOL Protocol and to adopt necessary regulations to carry out those provisions. The Secretary has delegated these responsibilities to the Coast Guard in 49 CFR 1.46.

Annex I to the MARPOL Protocol sets forth several requirements applicable to all types of vessels. Regulations 9, 13A, 15, 16, 18, and 21 of the Annex contain specific requirements for the installation and use of oil-water separators, bilge and cargo monitors, bilge alarms, and associated pumping, piping, and discharge arrangements. The Annex also includes provisions for approving the design features of the equipment in accordance with IMO design and testing specifications. The IMO specifications are set forth in IMO Resolution A.393(X) and they form the basis for the Coast Guard specifications published in 46 CFR Subpart 162.050. Copies of the IMO Resolution may be purchased from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom.

These final rules adopt the MARPOL Protocol requirements for cargo monitors on seagoing tank vessels. These final rules also adopt two recent IMO interpretations to the MARPOL Protocol. The interpretations are published as appendices to these final rules. They are not otherwise readily available to the public.

Several MARPOL requirements have already been adopted in regulations published in Subparts A through E of 33 CFR Part 157. Regulations for tank vessels carrying oil in domestic trade were published in 1975 (40 FR 46280). In 1976 these regulations were made applicable to U.S. tank vessels in foreign trade and to foreign tank vessels entering U.S. waters (41 FR 54177). Additional requirements for segregated

ballast tanks (SBT), dedicated clean ballast tanks (CBT), and crude oil washing systems (COW) were published in June 1980 (45 FR 43705). Procedures for obtaining exemptions from the SBT, CBT, and COW requirements were published in Subpart F of Part 157 on January 15, 1981 (46 FR 3510).

These final rules apply both to U.S. seagoing vessels and to foreign vessels that call at U.S. ports. The regulations adopt and interpret various requirements contained in the MARPOL protocol. The SNPRM contains a table listing the regulatons, the corresponding MARPOL protocol provisions, and the intended effect of the requirements. The table is not reprinted here in order to minimize publication costs. As explained in the SNPRM, each of the rules either clarifies or relaxes an existing regulation in 33 CFR Part 157 or adds a new provision that corresponds to similar requirements in the MARPOL Protocol.

Discussion of Comments and Changes Made

1. Each of the commenters recommended that the requirements for the installation of approved cargo monitors and control systems specified in § 157.12 not be enforced until the equipment proves to be more accurate and reliable. This recommendation has not been adopted. The Coast Guard has approved several monitor designs and the equipment is currently available. Although the equipment has been recently developed, it can perform its intended function if properly installed and maintained. The commenters' recommendation was also considered by the Marine Environmental Protection Committee (MEPC) of IMO at its 18th session, held between March 21–25, 1983. The MEPC did not adopt the recommendation. The Committee noted that although present equipment could be improved experience in using it coupled with future technology advancements will lead to improvements.

2. *Section 157.39.* This section contains requirements concerning discharges from machinery space bilges on tank vessels. The NPRM proposed to delete the requirements in § 157.39(b) concerning the use of separators and bilge monitors and replace them with requirements proposed in CGD 75–124, which is referenced above under **SUPPLEMENTARY INFORMATION.** This proposal is being held in abeyance pending completion of the rule making in CGD 75–124. Accordingly, § 157.39 is not changed in these final rules. No comments have been received on proposed § 157.39(b).

Final Evaluation and Environmental Assessment

These regulations are considered to be nonsignificant. A final evaluation has been prepared and placed in the public docket as required by the DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980).

The final evaluation includes an estimate of the annual costs of these regulations to owners of U.S. ships for 1980 and subsequent years. These costs are $0.4 million for 1980; $1.0 million for 1981; $2.4 million for 1982; $1.65 million for 1983; $1.65 million for 1984; $3.1 million for 1985; $3.1 million for 1986; and $0.25 million for 1987 and each subsequent year. All costs are in 1983 dollars. This represents a present value of $13.7 million for U.S. vessels. The costs to U.S. vessels are lower than those shown in the draft evaluation published with the SNPRM which were $31.9 million. The costs associated with these final rules are less than the costs associated with the SNRPM because of an expected decrease in the number of vessels to be affected, a decrease in the estimated price of a cargo monitor and control system, and a more realistic estimate of when monitor systems will be installed on vessels. The evaluation also estimates costs of $15.2 million (in present value) for foreign vessels that call U.S. ports but whose flag states are not signatory to the MARPOL Protocol.

Some vessel owners have already taken measures to comply with the regulations. A portion of these costs may initially be absorbed by vessel owners, but all costs are eventually expected to be passed on to oil consumers in the form of increased transportation charges. However, these increased transportation charges are expected to be negligible when compared to the overall vessel operating costs.

Most of the costs resulting from these regulations will be those involving purchase and installation of cargo monitors and control systems. It is noted, however, that the principal requirements concerning this equipment are mandated by the MARPOL Protocol and implementing legislation in 33 U.S.C. 1901–1911.

The final evaluation also includes an estimate of costs to owners of foreign vessels of countries signatory to the MARPOL Protocol for comparison purposes. These costs will be incurred due to flag state enforcement of the MARPOL Protocol rather than as a result of compliance with these regulations.

The cost of these regulations to individual ship owners is estimated to be between $51,000 and $125,000 per vessel, depending on vessel size, delivery date, and date of monitor installation. Many U.S. vessels are independently owned and some of these can be considered to be "small entities". The cost per vessel (whether a large or small entity) represents a marginal, one-time outlay equal to only a small percentage of annual operating costs for a single year (0.4–3.1%). These costs are not considered to be significant.

The cargo monitor and control system required by these regulations provides both a means for (1) determining whether discharges from tankers meet international standards, and (2) recording the oil content of those discharges. These measures, coupled with MARPOL 73 provisions that have already been adopted in 33 CFR Part 157, are expected to reduce by 80% the amount of oil that would be routinely discharged overboard if no pollution prevention measures were used.

The evaluation includes an environmental assessment as required by DOT Order 5610.16 and Commandant Instruction M16475.1A.

Regulatory Impact Analysis and Regulatory Flexibility Act Certification

A Regulatory Impact Analysis has not been prepared since these regulations are considered to be nonmajor under Executive Order 12291. As provided in Section 3(c)(3) of the Executive Order, nonmajor regulations are excluded from the requirement to prepare a Regulatory Impact Analysis.

Likewise, on the basis of the explanation in the preceding section (**Final Evaluation and Environmental Assessment**), it is certified that these regulations will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601).

Paperwork Reduction Act

The information collection requirement contained in these final rules (§ 157.37(d)) has been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and has been assigned OMB control number 2115–511.

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Tank vessels, Water pollution control.

In consideration of the foregoing, Part 157 of Title 33, Code of Federal

Regulations, is amended as set forth below.

Dated: September 1, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

PART 157—[AMENDED]

1. The authority citation for Part 157 is revised to read as follows:

Authority: Sec. 4, Pub. L. 96-478, 94 Stat. 2298 (33 U.S.C. 1903); Sec. 5, Pub. L. 95-474, 92 Stat. 1480 (46 U.S.C. 391a); 49 CFR 1.46.

2. By revising § 157.03 (e) and (hh) to read as follows:

§ 157.03 Definitions.

* * * * *

(e) "Clean ballast" means ballast which—

(1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(i) Produce visible traces of oil on the surface of the water or on adjoining shore lines, or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.p.m.

* * * * *

(hh) * * * This Protocol incorporates and modifies the International Convention for the Prevention of Pollution from Ships, 1973, done at London on November 2, 1973.

* * * * *

3. By revising § 157.08 introductory text, (b) and (c) and by adding new paragraph (i) to read as follows:

§ 157.08 Applicability of Subpart B.

This subpart applies to vessels under this part that are seagoing and of 150 gross tons or more, except as follows:

* * * * *

(b) Sections 157.11, 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feed stock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(c) Sections 157.11, 157.12, 157.13, 157.15 and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceding en route.

* * * * *

(i) Section 157.12 does not apply to a U.S. vessel that—

(1) Is granted an exemption under Subpart F of this part; or

(2) Is engaged solely in voyages that are—

(i) Between ports or places within the United States, its territories or possessions;

(ii) Of less than 72 hours in length; and

(iii) At all times within 50 nautical miles of the nearest land.

4. By revising §§ 157.11 (a), (b), and (c) to read as follows:

§ 157.11 Pumping, piping and discharge arrangements.

(a) Each tank vessel must have a fixed piping system for transferring cargo residues and other oily mixtures from cargo tanks to slop tanks and for discharging oily mixtures to the sea and to reception facilities. On a vessel that has two or more independent piping arrangements, the arrangements collectively form the fixed piping system required by this paragraph.

(b) Each fixed piping system required by paragraph (a) of this section must have—

(1) At least two manifolds on the weather deck for transferring oily mixtures to reception facilities, one of which is on the port side of the vessel and one of which is on the starboard side; and

(2) Except as provided in paragraph (c) of this section, at least one discharge point that—

(i) Is used for discharges to the sea;

(ii) Is on a port or starboard weather deck or on the vessel's side above the waterline of its deepest ballast condition; and

(iii) Has an automatic stop valve that is actuated by a cargo monitor signal, except that manual valves may be provided on new vessels of less than 4,000 tons deadweight and on existing vessels.

(c) An above waterline discharge point is not required on an existing vessel if its fixed piping system meets Paragraphs 3 and 4 of Appendix E of this part.

* * * * *

5. By adding a new § 157.12 to read as follows:

§ 157.12 Cargo monitor and control system.

(a) Each vessel must have, for each type of cargo oil that it carries, at least one cargo monitor that is designed for use with that oil.

(b) Each monitor installed on a U.S. vessel must be approved under 46 CFR 162.050. Each monitor installed on a foreign vessel must be approved—

(1) Under 46 CFR 162.050; or

(2) As meeting IMO Resolution A.393(X) by a country that has ratified the MARPOL Protocol.

(c) Each monitor must be installed in accordance with Paragraphs 4, 5, and 6 of Appendix F to this part and be fitted with the control system prescribed by paragraphs 6.1.4.2 through 6.1.4.5.5 of that appendix.

(d) Except as provided in paragraph (e) of this section, this section becomes effective—

(1) For new vessels, on October 2, 1983; and

(2) For existing vessels, on October 2, 1986.

(e) An existing vessel that has dedicated clean ballast tanks to meet the requirements in § 157.10a or § 157.10b must comply with paragraphs (a) and (b) of this section not later than October 2, 1986 or the end of the vessel's first scheduled shipyard visit after October 2, 1983, whichever is earlier.

6. By revising the introductory text and paragraph (a) of § 157.13 to read as follows:

§ 157.13 Designated observation area.

Each new vessel must have a designated observation area on the weather deck or above that is—

(a) Located where the effluent from each discharge point and manifold described in §157.11 can be visually observed; and

* * * * *

7. By striking the term "$400\sqrt[3]{}$ DWT" in § 157.19(b)(1) and replacing it with the term "$(400)\times(\sqrt[3]{DWT})$".

8. By revising § 157.19(d) to read as follows:

§ 157.19 Cargo tank arrangement and size.

* * * * *

(d) If a line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_s from the vessel's bottom as defined in Appendix A of this part, has a branch, that branch must have a stop valve—

(1) Within each cargo tank into which the branch opens; or

(2) Outside each tank into which the branch opens in a location that is immediately adjacent to the point at which the branch enters the tank.

* * * * *

9. By revising § 157.25 to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(5), 157.37(a)(6) and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraphs (a)(5) and (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

§ 157.28 [Amended]

10. By striking the citation "§ 157.08(a)(2)" in § 157.28 introductory text, and replacing it with the citation "§ 157.08(c)".

11. By revising the introductory text of (a), (a)(5), the introductory text of (a)(6) and (b), and by adding (a)(7), (c), (d) and (e) to read as follows:

§ 157.37 Discharge of cargo residue.

(a) A tank vessel may not discharge an oily mixture into the sea from a cargo tank, slop tank, or cargo pump room bilge unless the vessel—

* * * * *

(5) Discharges—

(i) Through the above waterline discharge point described in § 157.11(b)(2);

(ii) In accordance with Paragraph 5 of Appendix E to this part, if the vessel is an existing vessel with a Part Flow System meeting that appendix; or

(iii) Below the waterline in accordance with paragraph (e) of this section;

(6) Has in operation a cargo monitor and control system required by § 157.12 that is designed for use with the oily mixture being discharged, except that the system may be operated manually if—* * *

(iv) The system is operated manually only until the ballast voyage is completed; and

(7) Is outside the "Special Areas" defined in Regulation 1 (10) of Annex I to the MARPOL Protocol.

(b) A seagoing tank vessel of 150 gross tons or more that carries asphalt or other products whose physical properties inhibit effective product/water separation and monitoring must transfer all residues and tank washings from such cargoes to a reception facility.

(c) Each cargo monitor must be maintained and operated in accordance with its instructions manual.

(d) All discharge data recorded by a cargo monitor must be retained for at least three years. The data for the most recent year must be retained on board the vessel.

(e) Ballast containing an oily mixture may be discharged below the waterline at sea by gravity if—

(1) The ballast is not from a slop tank;

(2) Examination with an oil-water interface detector shows that oil-water separation has taken place; and

(3) The oil layer is high enough in the tank so that it will not be discharged.

(Paragraph (d) of this section has been approved by the Office of Management and Budget under OMB control number 2115-0518)

12. By revising § 157.43, including the heading, to read as follows:

§ 157.43 Discharges of clean and segregated ballast: Seagoing tank vessels of 150 gross tons or more.

(a) Clean ballast may not be discharged overboard unless the discharge is verified as clean ballast through use of and approved cargo monitor or, if discharged before the required cargo monitor installation date, by visual examination of the ballast contents immediately before discharge. This paragraph applies to discharges of clean ballast—

(1) From dedicated clean ballast tanks; and

(2) Into the navigable waters of the United States from any other tank.

(b) Segregated ballast may not be discharged overboard unless a visual examination, or a test of the ballast contents with an oil/water interface detector, immediately before the discharge shows that there is no oil mixture in the ballast. Use of a cargo monitor is not required.

This paragraph applies to discharges of segregated ballast—

(1) Into the navigable waters of the United States; and

(2) Below the waterline at sea from an existing vessel that does not have an above the waterline discharge point for segregated ballast.

(c) All discharges of clean ballast and segregated ballast must be through an above waterline discharge point described in § 157.11(b)(2), except that:

(1) A vessel may discharge clean ballast and segregated ballast below the waterline when in port or at an offshore terminal.

(2) A vessel may discharge clean ballast and segregated ballast at sea by gravity below the waterline.

(3) An existing vessel that does not have above waterline discharge points for dedicated clean ballast tanks may discharge clean ballast from those tanks below the waterline at sea.

(4) An existing vessel that does not have above waterline discharge points for segregated ballast tanks may discharge segregated ballast below the waterline at sea.

(d) This section applies only to seagoing tank vessels of 150 gross tons or more.

13. By adding new Appendices E and F at the end of Part 157 to read as follows:

Appendix E

Source. Appendix 2 to Annex 5 of IMO's Marine Environment Protection Committee document MEPC/Circ. 97. Paragraphs 1 and 2 are printed for information. Paragraphs 3, 4, and 5 are incorporated into §§ 157.11 and 157.37.

Note.—Information in square brackets on Figure 1 has been added by the Coast Guard for clarity.

Specifications for the Design, Installation and Operation of a Part Flow System for Control of Overboard Discharges

1 *Purpose*

The purpose of these Specifications is to provide specific design criteria and installation and operational requirements for the part flow system referred to in Regulation 18(6)(e) of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto.

2 *Application*

2.1 Existing oil tankers may, in accordance with Regulation 18(6)(e) of Annex I of MARPOL 73/78, discharge dirty ballast water and oil contaminated water from cargo tank areas below the waterline, provided part of the flow is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation and provided that the arrangements comply with the requirements established by the Administration and which shall at least contain all the provisions of these Specifications.

2.2 The part flow concept is based on the principle that the observation of a representative part flow of the overboard effluent is equivalent to observing the entire effluent stream. These specifications provide the details of the design installation, and operation of a part flow system.

3 *General Provisions*

3.1 The part flow system shall be so fitted that it can effectively provide a representative sample of the overboard effluent for visual display under all normal operating conditions.

3.2 The part flow system is in many respects similar to the sampling system for an oil discharge monitoring and control system but shall have pumping and piping arrangements separate from such a system, or combined equivalent arrangements acceptable to the Administration.

3.3 The display of the part flow shall be arranged in a sheltered and readily accessible location on the upper deck or above, approved by the Administration (e.g. the entrance to the pump room). Regard should be given to effective communication between the location of the part flow display and the discharge control position.

3.4 Samples shall be taken from relevant sections of the overboard discharge piping and be passed to the display arrangement through a permanent piping system.

3.5 The part flow system shall include the following components:

.1 Sampling probes;

.2 Sample water piping system;

.3 Sample feed pump(s);

.4 Display arrangement;

.5 Sample discharge arrangement; and, subject to the diameter of the sample piping:

.6 Flushing arrangement.

.3.6 The part flow system shall comply with the applicable safety requirements.

4 *System Arrangement*

4.1 Sampling points.

4.1.1 Sampling point locations:

.1 Sampling points shall be so located that relevant samples can be obtained of the effluent being discharged through outlets below the waterline which are being used for operational discharges.

.2 Sampling points shall as far as practicable be located in pipe sections where a turbulent flow is normally encountered.

.3 Sampling points shall as far as practicable be arranged in accessible locations in vertical sections of the discharge piping.

4.1.2 Sampling probes:

.1 Sampling probes shall be arranged to protrude into the pipe a distance of about one fourth of the pipe diameter.

.2 Sampling probes shall be arranged for easy withdrawal for cleaning.

.3 The part flow system shall have a stop valve fitted adjacent to each probe, except that were the probe is mounted in a cargo line, two stop valves shall be fitted in series, in the sample line.

.4 Sampling probes should be of corrosion resistant and oil resistant material, of adequate strength, properly jointed and supported.

.5 Sampling probes shall have a shape that is not prone to becoming clogged by particle contaminants and should not generate high hydrodynamic pressures at the sampling probe tip. Figure 1 is an example of one suitable shape of a sampling probe.

.6 Sampling probes shall have the same nominal bore as the sample piping.

4.2 Sample piping:

.1 The sample piping shall be arranged as straight as possible between the sampling points and the display arrangement. Sharp bends and pockets where settled oil or sediment may accumulate should be avoided.

.2 The sample piping shall be so arranged that sample water is conveyed to the display arrangement within 20 seconds. The flow velocity in the piping should not be less than 2 metres per second.

.3 The diameter of the piping shall not be less than 40 millimetres if no fixed flushing arrangement is provided and shall not be less than 25 millimetres if a pressurized flushing arrangement as detailed in paragraph 4.4 is installed.

.4 The sample piping should be of corrosion-resistant and oil-resistant material, of adequate strength, properly jointed and supported.

.5 Where several sampling points are installed the piping shall be connected to a valve chest at the suction side of the sample feed pump.

4.3 Sample feed pump:

.1 The sample feed pump capacity shall be suitable to allow the flow rate of the sample water to comply with 4.2.2.

4.4 Flushing arrangement:

.1 If the diameter of sample piping is less than 40 millimetres, a fixed connexion from a pressurized sea or fresh water piping system shall be installed to enable flushing of the sample piping system.

4.5 Display arrangement:

.1 The display arrangement shall consist of a display chamber provided with a sight glass. The chamber should be of a size that will allow a free fall stream of the sample water to be clearly visible over a length of at least 200 millimetres. The Administration may approve equivalent arrangements.

.2 The display arrangement shall incorporate valves and piping in order to allow a part of the sample water to bypass the display chamber to obtain a laminar flow for display in the chamber.

.3 The display arrangement shall be designed to be easily opened and cleaned.

.4 The internal of the display chamber shall be white except for the background wall which shall be so coloured in order to facilitate the observation of any change in the quality of the sample water.

.5 The lower part of the display chamber shall be shaped as a funnel for collection of the sample water.

.6 A test cock for taking a grab sample shall be provided in order that a sample of the water can be examined independent of that in the chamber.

.7 The display arrangement shall be adequately lighted to facilitate visual observation of the sample water.

4.6 Sample discharge arrangement:

.1 The sample water leaving the display chamber shall be routed to the sea or to a slop tank through piping of adequate diameter.

5 *Operation*

5.1 When a discharge of dirty ballast water or other oil contaminated water from the cargo tank area is taking place through an outlet below the waterline, the part flow system shall provide sample water from the relevant discharge outlet at all times.

5.2 The sample water should be observed particularly during those phases of the discharge operation when the greatest possibility of oil contamination occurs. The discharge shall be stopped whenever any traces of oil are visible in the flow and when the oil content meter reading indicates oil content exceeds permissible limits.

5.3 On those systems that are fitted with flushing arrangements, the sample piping should be flushed after contamination has been observed and additionally it is recommended that the sample piping be flushed after each period of usage.

5.4 The ship's cargo and ballast handling manuals and, where applicable, those manuals required for crude oil washing systems or dedicated clean ballast tanks operation shall clearly describe the use of the part flow system in conjunction with the ballast discharge and the slop tank decanting procedures.

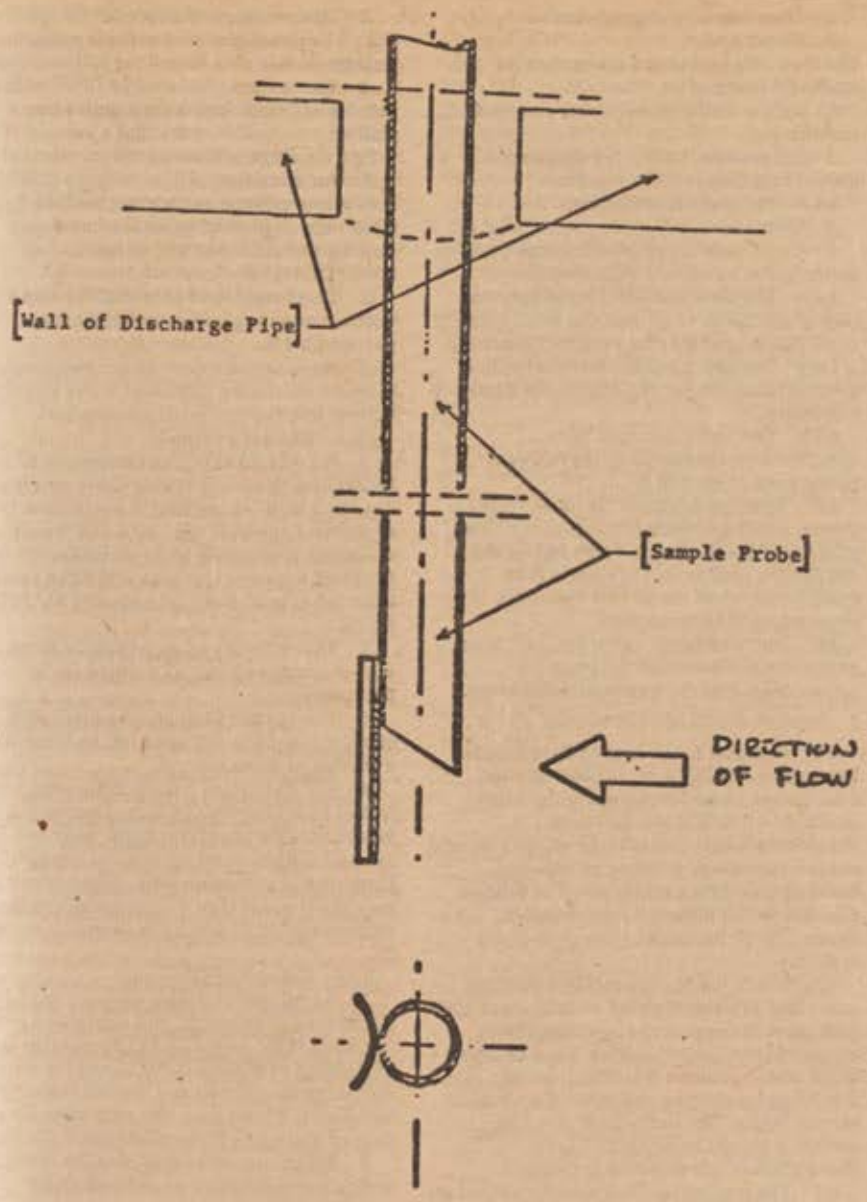

FIGURE 1

SAMPLING PROBE FOR A PART FLOW DISPLAY SYSTEM

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Appendix F

Source. IMO Resolution A.496(XII). Paragraphs 1, 2, 3, and 7 are printed for information. Paragraphs 4, 5, and 6 are incorporated into § 157.12.

Mandatory Language. Wherever the word "should" is used in this appendix, substitute the word "shall". Compliance with these provisions is mandatory.

Note. Numbered footnotes have been added by the Coast Guard for clarity. Footnotes in the original text have been inserted parenthetically in the text and are identified by an asterisk.

Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Tankers

1 *Purpose*

1.1 The purpose of these Guidelines and Specifications is:

.1 To provide a uniform interpretation of the requirements of Regulation 15(3)(a) of Annex I to the MARPOL 73/78 Convention(*1*), and

.2 To assist Administrations in determining appropriate design, construction and operational parameters for oil discharge monitoring and control systems when such systems are fitted in ships flying the flag of their State.

2 *Background*

2.1 The requirements of Annex I to the MARPOL 73/78 Convention relating to oil content monitoring of oil tanker ballast and tank washing water are contained in Regulation 15(3)(a), which stipulates that oil tankers of 150 tons gross tonnage and above shall be equipped with an approved oil discharge monitoring and control system and that the system shall record continuously:

.1 The discharge of oil in litres per nautical mile and total quantity of oil discharge; or

.2 In lieu of the total quantity of oil discharged, the oil content of the effluent and rate of discharge.

In both cases the record shall be "identifiable as to time and date" and shall be kept for at least three years.

2.2 Regulation 15 also stipulates that the system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a). In existing oil tankers the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristics.

2.3 A test and performance specification for the basic oil content meter, indicating oil content in ppm, has been adopted by Resolution A.393(X).

2.4 Resolution A.445(XI) recognizes the need for early installation of oil discharge monitoring and control systems in order that operational experience can be gained. That resolution further invites the Marine Environment Protection Committee (MEPC) to develop guidelines for the progressive installation of oil discharge monitoring and control systems for new and existing oil tankers.

3 *Application*

3.1 An oil discharge monitoring and control system, approved by the Administration, shall be fitted in every oil tanker of 150 tons gross tonnage and above, and shall be fitted in:

.1 New (*as defined in Regulation 1(6))(*2*) tankers, on the date of entry into force of the Convention;

.2 Existing tankers, within three years of the date of entry into force of the Convention.

3.2 Existing tankers operating with a tank cleaning procedure using crude oil washing in accordance with Regulation 13(8) or with dedicated clean ballast tanks in accordance with Regulation 13(9) must fit an oil content meter not later than the first scheduled shipyard visit after entry into force of the Convention.

3.3 An incentive scheme to encourage the early installation of oil discharge monitoring and control systems (Resolution A.445(XI)) has been developed which allows different requirements depending on the date of installation of the system and the size and building date of the oil tanker. The terms used in the description of the various requirements are defined in section 4 below.

4 *Definitions*

4.1 "Oil discharge monitoring and control system"

4.1.1 Oil discharge monitoring and control system is a general term covering any one of the units referred to in paragraphs 4.2, 4.3, and 4.4.

4.2 "Control unit"

4.2.1 A control unit is a system which receives automatic signals of:

.1 Oil content;
.2 Flow rate of discharge;
.3 Ship's speed;
.4 Date and time (G.M.T.); and
.5 Discharge valve position (open or closed).

4.2.2 The unit shall make automatic recordings of:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged;
.3 Date and time (G.M.T.);
.4 Discharge valve position (open or closed);
.5 Alarm condition;
.6 Failure (i.e. no flow, fault etc.); and
.7 Override action (i.e. manual override, flushing, calibration etc.).

4.2.3 The unit shall be fitted with a starting interlock and discharge valve control capability. The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.3 "Computing unit".

4.3.1 A computing unit is a system which receives automatic signals of:

.1 Oil content;
.2 Date and time (G.M.T.);
.3 Discharge valve activation;
.4 Flow rate of discharge; and
.5 Ship's speed in knots.

The flow rate and ship's speed may be manually inserted into the unit.

4.3.2 The unit shall make automatic recordings of:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged;
.3 Date and time (G.M.T.);
.4 Discharge valve position (open or closed);
.5 Alarm condition;
.6 Failure (i.e. no flow, fault etc.);
.7 Override action;
.8 Manual input (i.e. speed, flow); and
.9 Oil content if the flow rate has been manually inserted.

4.3.3 Unless explicitly stated in the Implementation Requirements (see section 5 below) the unit need not be fitted with a starting interlock or discharge valve control capability.

4.3.4 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.4 "Calculating unit".

4.4.1 A calculating unit is a system which received automatic signals of:

.1 Oil content;
.2 Flow rate of discharge; and
.3 Ship's speed.

The flow rate and ship's speed may be manually inserted into the unit.

4.4.2 The unit shall make an automatic recording of:

.1 Oil content, unless the oil content meter is provided with a recorder.

4.4.3 The unit shall display:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged, unless permitted to be calculated manually.

4.4.4 The time and date, instantaneous rate of discharge of oil and, the total quantity of oil discharged may be recorded manually.

4.4.5 The unit need not be fitted with a starting interlock nor discharge valve control capability.

4.4.6 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.5 "Starting interlock" is an automatic device which prevents the initiation of the opening of the discharge valve before the monitoring and control system is fully operational when use of this system is required by the Convention.

4.6 The "discharge valve control" is an automatic device which initiates the sequence to stop the overboard discharge.

5 *Implementation Requirements*

5.1 To assist in the implementation of Resolution A.445(XI), an implementation scheme has been developed by the MEPC which provides slightly different requirements for oil discharge monitoring and control systems depending on size and building date of the oil tanker. The scheme also allows for different requirements, depending on the installation date of the system.

5.2 Under the implementation scheme contained in paragraph 5.4 oil tankers of 150 tons gross tonnage and above have been arranged into five categories. Each category of oil tanker shall be fitted with an oil discharge monitoring and control system as set out below. The definitions given in section 4 should be consulted for a description of the different systems.

5.3 The implementation scheme set out in paragraph 5.4 gives details, with reference to paragraph 4, of the minimum equipment required to comply with this scheme. Where it is expedient to fit equipment of a higher category than required no objection shall be raised to this arrangement.

5.4 Implementation scheme:

5.4.1 Category I—

.1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed on or after 1 June 1982.

.2 This category of ship shall be fitted with a control unit as defined under paragraph 4.2.

5.4.2 Category II—

.1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed before 1 June 1982.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 The system shall also be fitted with a starting interlock and a discharge valve control.

5.4.3 Category III—

.1 An oil tanker of this category is of 150 tons gross tonnage and above, but less than 4,000 tons deadweight and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.4 Category IV(a)—

.1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the date of entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 The system shall also be fitted with a starting interlock, but need not be fitted with a discharge valve control.

.4 For oil tankers within this category up to and including 100,000 tons deadweight, where the overboard discharge has local manual control or where control is provided by means of extension rods, Administrations may grant waivers or exemptions from the requirement to fit a starting interlock system (*3*).

5.4.5 Category IV(b)—

.1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the date of entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.6 Category V(a)—

.1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.7 Category V(b)—

.1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of Annex I

to MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4. However, the total quantity of oil discharged may be computed manually.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.5 Shown at the Appendix is a summary, in tabular form, of the implementation requirements (*4*).

6 *Technical Specifications*

6.1 Oil discharge monitoring and control system:

6.1.1 The oil discharge monitoring and control system shall be so fitted that it can effectively monitor and control the discharge of any effluent into the sea through those overboard discharge outlets permitted by Regulation 18(2) which in the opinion of the Administration are necessary to fulfill the operational requirements of the tanker (*5*). The system should additionally cover:

.1 The gravitational discharge of ballast water from cargo tanks; and

.2 The midship cargo manifold arrangement when used to meet the requirements of Regulation 18.

6.1.2 The discharge of dirty ballast water or oil contaminated water into the sea through outlets which are not controlled by the monitoring and control system is an infringement of the Convention (*6*).

6.1.3 The system should function effectively, according to the criteria shown below, under all environmental conditions which vessels are normally assumed to encounter, and shall be designed and constructed to withstand the environmental conditions as specified in paragraph 6.1.6 of these Guidelines and Specifications:

.1 Except where manual operation of the system is permitted the system shall be so designed that no ballast discharge can take place unless the monitor is in the normal operating mode and the relevant sampling point has been connected to the monitor.

.2 Preferably the system should have a minimum number of discharge outlets and sampling points so arranged that discharge can take place via only one sampling point at a time.

.3 Where it is intended that more than one line is used for simultaneous discharge purposes, one oil content meter (*7*), together with a flow meter, shall be installed per discharge line. These instruments shall be connected to a common processing unit.

.4 In order to avoid alarms due to short term high oil concentration signals (spikes) causing indications of high instantaneous rates of discharge, the short term high ppm signal may be suppressed for a maximum of 10 seconds by employing a delay relay. Alternatively, the instantaneous rate of discharge may be the average during the preceding 20 seconds or less as computed from instantaneous ppm values produced by the oil content meter with intervals of a maximum of 5 seconds.

6.1.4 The system should comprise the following:

.1 An oil content meter to measure the oil content of the effluent in parts per million. This meter shall be approved in accordance with the provisions contained in resolution A.393(X)(*8*) and certified to take into account the range of cargoes carried;

.2 A flow rate system to indicate the quantity of effluent being discharged in a unit of time (see also paragraphs 6.3.7 and 6.3.8);

.3 A vessel speed indicating device; to give the vessel's speed in knots (see also paragraphs 6.4.2 and 6.4.3);

.4 A sampling system to convey a representative sample of the effluent to the oil content meter;

.5 A control section which includes:

.5.1 A processor, which accepts signals of oil content, flow rate and the vessel's speed and converts them into litres per nautical mile and the total quantity of oil discharged (see also paragraph 6.5.3);

.5.2 A transmitting device to provide alarms and, where required, command signals to the discharge control arrangement;

.5.3 A recording device to provide, where required, a continuous record of the effluent discharge;

.5.4 A manual override system to be used in the event of failure of the monitoring and control system; and

.5.5 Where required a transmitting device to provide signals to a starting interlock preventing the discharge of effluent before the oil content meter is fully operative.

6.1.5 The electrical components of the system installed in a hazardous area of a vessel shall meet the appropriate safety requirements (*As contained in the provisions of IEC Publication 92 or its equivalent.) (*9*) provided for these areas.

6.1.6 The control section of an oil discharge monitoring and control system shall be capable of operating satisfactorily under the following environmental conditions:

.1 *Ambient air temperature:* 0° C to 55° C in enclosed spaces; −25° C to 55° C on open decks

.2 *Vibration:* 2.0 Hz to 13.2 Hz, with displacement amplitude of ±1.0 mm 13.2 Hz to 80.0 Hz, with an acceleration amplitude of ±0.7 g

.3 *Voltage variations for alternating current:* permanent variation of ±10%

.4 *Inclination:* inclination at angles of up to 22.5° in any place from the normal operational position

6.2 Sampling system:

6.2.1 Sampling points should be so located that relevant samples can be obtained from those outlets that are used for operational discharges in accordance with paragraph 6.1.1. The sampling probes located in the overboard discharge lines and the piping system connecting the sampling probes to the oil content meter should meet the following requirements:

.1 The piping and probes shall be of corrosion-resistant and oil-resistant material, of adequate strength, properly jointed and supported;

.2 The system shall have a stop valve fitted adjacent to each probe, except that where the probe is mounted in a cargo line, e.g. to the midship cargo manifold arrangement, two stop valves shall be fitted, in series, in the sample line;

.3 Sampling probes should be arranged for easy withdrawal and should as far as practicable be mounted at an accessible location in a vertical section of the discharge line. If a sampling point has to be made in a horizontal section then suitable arrangements should be made to obtain representative samples. Sampling probes should normally penetrate inside the discharge pipe to a distance of one quarter the diameter of that pipe;

4. Means shall be provided for cleaning the probes and piping system by the provision of permanent clean water flushing arrangements or some other equivalent method, especially in the case of probes mounted in a cargo line. The design of the probes and piping should be such as to minimize their clogging by oil, oily residue and other matter;

.5 The velocity of the fluid in the piping shall be such that, taking into consideration the length of the piping, the overall response time should be as short as possible between an alteration in the mixture being pumped and the alteration in the meter reading and in any case not more than 40 seconds;

.6 The location of sampling probes in relation to any point of flow diversion to a slop tank shall be selected with regard to the need for sampling the oily water in the recirculation mode;

.7 The arrangements for driving the sampling pump or any other pumps such as those provided for washing windows shall have regard to the safety requirements of the space in which the pump is located;

.8 The flushing arrangements should be such that where necessary they can be utilized for stabilizing the oil content meter and for correcting zero setting;

.9 Sample water when returned to the slop tank shall not be allowed to free fall into the tank.

6.3 Flow rate indicating system:

6.3.1 A flow meter for measuring the rate of discharge should be installed in a vertical section of a discharge line or in any other section of discharge line as appropriate, so as to be always filled with the liquid.

6.3.2 A flow meter should employ an operating principle which is suitable for shipboard use and, where relevant, can be used in large diameter pipes.

6.3.3 A flow meter should be suitable for the full range of flow rates that may be encountered during normal operation. Alternatively, arrangements such as the use of two flow meters of different ranges or a restriction of the operational flow rate range may be necessary to meet this requirement.

6.3.4 The flow meter, as installed, should have an accuracy of ±15 percent, or better, of the instantaneous rate throughout the operating range.

6.3.5 Any component part of the flow meter in contact with the effluent discharge including associated piping, if fitted, shall be of corrosion-resistant and oil-resistant material of adequate strength.

6.3.6 The design of the flow metering arrangements shall have regard to the safety requirements of the space in which such metering arrangements are located.

6.3.7 In ships fitted with a computing unit the flow rate may be determined from the pump characteristics and the data manually inserted into the unit.

6.3.8 In ships fitted with a calculating unit the flow rate may be manually inserted into the unit. The flow rate is to be estimated from the best available source e.g. pump characteristics, speed of pump(s), ullages or knowledge of pumping rates for particular tanks on the ship.

6.3.9 In oil tankers where the gravitational discharges of ballast water from the cargo tanks is an established practice, in accordance with Regulation 18(6)(d), means, such as calibration curves, shall be provided to estimate the flow rate of discharge.

6.4 Vessel's speed indicating system:

6.4.1 The automatic speed signal required for the control unit shall be obtained from the vessel's speed indicating device (*See "Recommendation on Performance Standards for Devices to Indicate Speed and Distance (Annex to Resolution A.478(XII)).) by means of a repeater signal. This information shall be readily available in a form that can be accepted by a processor. The speed information used may be either speed over the ground or speed through the water depending upon the speed measuring equipment installed on board.

6.4.2 In ships where a computing unit is required the vessel's speed may be manually inserted into the unit. This data shall be obtained from the ship's log or from an indicating device which transmits signals which need not be in a form which can be accepted by a computer system.

6.4.3 The vessel's speed on ships required to install a calculating unit may be obtained from the ship's log or from the navigation charts and shall be estimated from the most reliable source.

6.5 Processor and transmitting device:

6.5.1 The processor should receive, at time intervals not exceeding 5 seconds, signals from the oil content meter, the flow rate measuring system, and the vessel's speed indicator and automatically compute the following:

.1 Instantaneous rate of discharge of oil in litres per nautical mile; and

.2 Total quantity of oil discharged per voyage in cubic meters or litres.

6.5.2 When the calculations of the processor exceed the limits imposed by Regulation 9(1)(a) (iv) and (v) (*10*) the transmitting device will provide alarms and, in new ships, it will also provide command signals to the discharge valve control which will cause the discharge of effluent into the sea to stop.

6.5.3 In existing ships fitted with a calculating unit where the unit is installed early, the total quantity of oil discharged may be computed manually.

6.6 Recording devices:

6.6.1 Control Unit—

.1 The recording device for a control unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years (*11*).

.2 The data to be automatically recorded shall include at least the following items:

.2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

.2.2 The total quantity of oil discharged (litres);

.2.3 Time and date (G.m.t.);

.2.4 The discharge valve position (open or closed);

.2.5 Alarm condition;

.2.6 Failure (i.e. no flow, fault, etc.); and

.2.7 Override action (i.e. manual override, flushing, calibrating, etc.).

6.6.2 Computing Unit—

.1 The recording device for a computing unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years (*11*). Manual input information should be identifiable on the record.

.2 The data to be automatically recorded shall include at least the following items:

.2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

.2.2 The total quantity of oil discharged (litres);

.2.3 Time and date (G.m.t.);

.2.4 Manual input information;

.2.5 The valve position (open or closed);

.2.6 Alarm condition;

.2.7 Failure (i.e. no flow, fault, etc.);

.2.8 Override action (i.e. manual override, flushing, calibration, etc.); and

.2.9 Oil content if flow rate is manually inserted.

6.6.3 Calculating Unit—

.1 An automatic recording device is not required for a calculating unit, but, where fitted, the recording device should include a digital printer or an analogue recorder or the combination of both or a recorded acceptable visible display. The record shall be identifiable as to time and date, which may be entered manually, and shall be kept for at least three years (*11*).

.2 The data to be automatically recorded on the above-mentioned recording device shall include at least the following item: Oil content in ppm, unless the oil content meter is provided with a recorder.

6.6.4 Recording for digital printers.

Occasions of recordings. Data required in paragraphs 6.6.1.2, 6.6.2.2, and 6.6.3.2 of these Specifications shall be printed out with the following minimum frequency:

.1 When the discharge is started;

.2 When the discharge is stopped;

.3 At intervals of not more than 10 minutes;

.4 When an alarm condition is developed;

.5 When normal conditions are restored;

.6 At the change of valve order or valve position;

.7 When introducing input data;

.8 Whenever the computed rate of discharge varies by 10 litres/nautical mile, unless an equivalent trend-indicating arrangement is provided;

.9 When selecting zero setting or calibration mode; and

.10 On manual command.

6.6.5 Recording for analogue recorders.

Data required in paragraphs 6.6.1.2, 6.6.2.2 and 6.6.3.2 of these Specifications should be continuously recorded in such a way as would satisfy the following requirements:

.1 The chart speed should be indicated. If the speed is controllable, the recorder shall be provided with a marker to identify the speed of the chart paper; and

.2 Means shall be provided to enable the chart paper to be interpreted as to time, date and readings after it has been removed from the recorder.

6.7 Data display.

6.7.1 The current data shall be visibly displayed.

6.7.2 The recording device and the data display should be located in a position easily accessible to the person in charge of the operation of discharging the effluent overboard.

6.8 Manually operated alternatives.

6.8.1 The alternative means and information for use in case of any one failure in the system should be as follows:

.1 Oil Content meter: visual observation of the surface of the water (*12*);

.2 Sampling pump: visual observation of the surface of the water;

.3 Flow meter: pump characteristics, etc.;

.4 Vessel's speed indicating device: main engine R.P.M., etc.;

.5 Processor: manual calculation and manual recording; and

.6 Discharge valve control: manual operation of pumps and valves.

6.9 Alarm conditions resulting in the stopping of discharge.

6.9.1 Audio-visual alarms shall be initiated for any of the following conditions:

.1 Whenever the instantaneous rate of discharge of oil exceeds 60 litres per nautical mile;

.2 When the total quantity of oil discharged reaches the allowable limit prescribed by the provisions of the relevant Regulations;

.3 Failure of the system's operation, such as:

.3.1 Power failure;

.3.2 Loss of sample;

.3.3 Failure of the measuring or recording system; or

.3.4 When the input signal of the sensors exceeds the effective capacity of the system.

6.10 Location of alarm indicator

6.10.1 The alarm indicator of the system shall be installed in the cargo control room where provided and/or other places where it will attract immediate attention and action.

7 Equipment, Operation and Maintenance Manuals

7.1 Administrations shall ensure that approved equipment, operational and/or maintenance manuals for the various items comprising the oil discharge monitoring and control systems are on board the vessel. These manuals shall cover the oil content meter, control, computing or calculating unit, flow meter and ship's speed indicator, where required.

Footnotes: (Added by the U.S. Coast Guard for clarity.)

(*1*) The "MARPOL 73/78 Convention" is referred to as the MARPOL Protocol" in 33 CFR, Part 157.

(*2*) Also defined in § 157.03(i).

(*3*) The Coast Guard has determined that a starting interlock system is not required on

Category IV(a) vessels that are 100,000 DWT or less.

(4) The Coast Guard is not publishing this Appendix.

(5) Section 157.11(b)(2) requires at least one discharge point.

(6) Section 157.37(a) requires all overboard discharges of oily mixtures to be monitored.

(7) The "oil content meter" is referred to as a "cargo monitor" in 33 CFR Part 157 and 46 CFR Subpart 162.050.

(8) Approval under 46 CFR Subpart 162.050 constitutes compliance with this resolution. Section 157.12(b) requires that monitors installed on U.S. vessels must be approved under 46 CFR Subpart 162.050.

(9) U.S. vessels are required to meet 46 CFR Parts 110–113, Electrical Engineering Regulations, which also constitutes compliance with IEC Publication 92.

(10) Sections 157.37(a) (3) and (4) impose the same limits. These limits relate to instantaneous rate and total quantity of oil discharged.

(11) Section 157.37(d) also requires that discharge data be kept for three years.

(12) Section 157.37(a)(6) also requires visual observation of the discharge if the system fails.

[FR Doc. 83-27263 Filed 10-5-83; 8:45 am]

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46 CFR Part 162

[CGD 76-088c]

Engineering Equipment; Design and Approval Requirements for Oil Pollution Prevention Equipment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule deletes the requirement for cargo monitors on tank vessels to have a recording device. Requirements for recording devices are now contained in Appendix F of 33 CFR Part 157.

EFFECTIVE DATE: This regulation becomes effective on October 2, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeffrey G. Lantz, Project Officer, (202) 426–4431.

SUPPLEMENTARY INFORMATION: On June 27, 1977, the Coast Guard published in the **Federal Register** (42 FR 32684) a notice of proposed rulemaking (NPRM) concerning the installation and use of cargo monitors on tank vessels. A supplemental notice of proposed rulemaking (SNPRM) was published on December 20, 1982 (47 FR 56786).

The NPRM required both new and existing seagoing vessels of 150 gross tons and over to have a recording device that records the amount of oil discharged overboard in liters, the rate of discharge in liters per nautical mile and the date and time of discharge. This NPRM requirement was a restatement of an existing requirement in 46 CFR 162.050–25(j). The NPRM requirement was modified in the SNPRM to be consistent with the MARPOL Protocol requirements for recording devices. The MARPOL Protocol, as interpreted in International Maritime Organization (IMO) Resolution A.496(XII), imposes the NPRM requirement on new vessels and existing vessels of 20,000 tons DWT, and over. On existing vessels less than 20,000 tons DWT however, only the oil content of discharged ballast water is required to be recorded.

The recording device requirements, as modified in the SNPRM, are published elsewhere in this issue of the **Federal Register** as amendments to 33 CFR Part 157, Appendix F. As explained in the SNPRM, the existing requirement for recording devices in 46 CFR Subpart 162.050 is also being deleted. The purpose of this document is to make the deletion.

A separate notice of proposed rulemaking was not published for the deletion in this document. Notice of the proposed deletion was provided in the SNPRM and its effect is only editorial. The deletion removes a requirement that is inconsistent with requirements adopted in 33 CFR Part 157, Appendix F.

These regulations are considered to be nonsignificant. A final evaluation has been prepared and placed in the public docket as required by DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980).

A Regulatory Impact Analysis has not been prepared since these regulations are considered to be nonmajor under Executive Order 12291. As provided in Sections 3(c)(3) of the Executive Order, nonmajor regulations are excluded from the requirement to prepare a Regulatory Impact Analysis.

Likewise, it is certified that these regulations will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601).

There is no information collection requirement contained in these final rules.

List of Subjects in 46 CFR Part 162

Oil pollution, Water pollution control, Fire prevention.

In consideration of the foregoing, Part 162 of Title 46, Code of Federal Regulations, is amended as follows:

1. The authority citation for Subpart 162.050 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 33 U.S.C. 1903; 46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46.

§ 162.050–25 [Amended]

2. By removing § 162.050–25(j).

Dated: September 19, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-27244 Filed 10-5-83; 8:45 am]

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federal register

Thursday
October 6, 1983

Part VIII

Office of Management and Budget

Cumulative Report on Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report nineteen new deferrals of budget authority totaling $1,909,569,000 and one new deferral of outlays totaling $15,209,000.

The deferrals affect programs in the Departments of Agriculture, Commerce, Defense (Civil and Military), Energy, Health and Human Services, Interior, State, Transportation, Treasury, and the Appalachian Regional Commission, Pennsylvania Avenue Development Corporation, Railroad Retirement Board, Tennessee Valley Authority, and the U.S. Railway Association.

The details of the deferrals are contained in the attached reports.

Ronald Reagan.

The White House.
October 3, 1983.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President:	
D84-1	Appalachian regional development programs.....	10,000
	Department of Agriculture:	
	Forest Service	
D84-2	Timber salvage sales.....	6,211
D84-3	Expenses, brush disposal.....	42,674
	Department of Commerce:	
	National Oceanic and Atmospheric Administration	
D84-4	Promote and develop fishery products and research pertaining to American fisheries.....	33,600
	Department of Defense - Military:	
D84-5	Military construction, all services.....	414,597
D84-6	Family housing, Air Force.....	53,000
	Department of Defense - Civil:	
D84-7	Wildlife conservation, Military reservations Wildlife conservation.....	777
	Department of Energy	
	Energy Programs	
D84-8	Uranium supply and enrichment activities.....	130,000
	Department of Health and Human Services:	
	Office of the Assistant Secretary of Health	
D84-9	Scientific activities overseas (special foreign currency program).....	6,463
	Social Security Administration	
D84-10	Limitation on administrative expenses (construction).....	10,571
	Department of the Interior:	
	Minerals Management Service	
D84-11	Payments for proceeds, sale of water, Mineral Leasing Act of 1920.....	48
	Department of State:	
D84-12	United States emergency refugee and migration assistance fund.....	37,928
D84-13	United States bilateral science and technology agreements.....	2,000
	Department of Transportation:	
	Federal Aviation Administration	
D84-14	Facilities and equipment (airport and airway trust fund).....	1,083,268
	Department of the Treasury:	
	Office of Revenue Sharing	
D84-15	State and local government fiscal assistance trust fund.....	56,068

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)
(continued)

Deferral #	Item	Budget Authority
D84-16	State and local government fiscal assistance trust fund	15,209 *
	Other Independent Agencies:	
	Pennsylvania Avenue Development Corporation	
D84-17	Land acquisition and development fund	13,148
	Railroad Retirement Board	
D84-18	Milwaukee Railroad restructuring administration	85
	Tennessee Valley Authority	
D84-19	Tennessee Valley Authority fund	7,000
	United States Railway Association	
D84-20	Administrative expenses	2,050
	Total, deferrals	1,924,778

* This is a deferral of outlays only.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

	Rescissions	Deferrals
First special message		
New items	---	1,924,778
Revisions to previous special messages	---	---
Effects of first special message	---	1,924,778
Amounts from previous special messages that are changed by this message (change noted above)	---	---
Subtotal, rescissions and deferrals	---	1,924,778
Amounts from previous special messages that are not changed by this message	---	---
	*********	**********
Total amount proposed to date in all special messages	---	1,924,778

NOTE: All amounts listed represent budget authority except for $15,209 thousand in one general revenue sharing deferral of outlays only.

Deferral No: D84-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 98-50): $145,000,000
Bureau: Appalachian Regional Development Programs	Other budgetary resources: 12,160,000
Appropriation title & symbol: Appalachian Regional Development Programs 1180090 1/	Total budgetary resources: 157,160,000
	Amount to be deferred: Part of year: 10,000,000
	Entire year:
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. The Commission is scheduled for termination on September 30, 1984. Funds associated with non-highway activities would be deferred to pay the termination costs.

Estimated Program Effect: This deferral action would provide for costs associated with closing down the Appalachian Regional Commission.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in FY 1983 (D83-40).

Deferral No: D84-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 98-580): $12,775,000
Bureau: Forest Service	Other budgetary resources: 6,211,416
Appropriation title & symbol: 12X5204 - Timber Salvage Sales 1/	Total budgetary resources: 18,986,416
	Amount to be deferred: Part of year:
	Entire year: 6,211,416
OMB identification code: 12-9922-0-2-303	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Secretary of Agriculture is authorized to require purchasers of sales involving dead, damaged, insect-infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

The National Forest Management Act of 1976 established the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees. Sufficient reserves must be held in order to meet these catastrophes, such as the Mount St. Helens volcanic eruption, so that salvage can take place without undue delay.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditures of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in FY 1983 (D83-2).

Deferral No: D84-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 16 USC 490) $40,300,000
Bureau: Forest Service	Other budgetary resources 42,674,154
Appropriation title & symbol: 12X5206 - Expenses, Brush Disposal 1/	Total budgetary resources 90,974,154
	Amount to be deferred: Part of year ____ Entire year 42,674,154
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations as required by 16 U.S.C. 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. The Forest Service is currently planning a program of $48.3 million in the current fiscal year compared with $48.4 million in 1983 and $48.9 million in 1982. The current fiscal year reserve of $42.7 million was established under the Antideficiency Act (31 U.S.C. 1512) as a reserve for contingencies compared with reserves of $42.7 million in 1983 and $49.3 million in 1982.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in FY 1983 (D83-3).

Deferral No: D84-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources 39,350,000
Appropriation title & symbol: Promote and Develop Fishery Products and Research Pertaining to American Fisheries 13X5139 1/	Total budgetary resources 39,350,000
	Amount to be deferred: Part of year 33,600,000 Entire year ____
OMB identification code: 13-5139-0-2-376	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act [ ] Other ____
Grant program [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other 15 U.S.C. 713C-3

Justification: The funding for this appropriation is derived from 30% of the gross receipts from customs duties on imported fishery products under the provisions of 15 U.S.C. 713C-3, (the Saltonstall-Kennedy Act). The Bureau of the Census determines the amount of gross receipts for the Department of Agriculture, which in turn computes the 30% available to National Oceanic and Atmospheric Administration (NOAA). These funds supplement funds appropriated to NOAA for development of the U.S. fishing industry. The Department of Commerce is deferring $33,600,000 in receipts pending congressional action on a proposal to transfer these funds to offset the appropriation for fisheries research, management, and development activities. The funds would be transferred or released for obligation after congressional action on the proposed transfer.

Estimated Program Effect: The effect of this deferral would be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: None.

1/ This account was the subject of a similar part-year deferral in FY 1983 (D83-5).

Deferral No: D84-5

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense - Military	New budget authority (P.L. _____) $3,263,860,7
Bureau	Other budgetary resources 3,263,860,7
Appropriation title & symbol See coverage section below.	Total budgetary resources _____
	Amount to be deferred: Part of year $ 414,597,4 Entire year _____
OMB identification code: See coverage section below	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1987 / September 30, 1986 / September 30, 1985 / September 30, 1984 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	213/72050	21-2050-0-1-051	$65,634,000
Military construction, Army	212/62050	21-2050-0-1-051	38,047,000
Military construction, Army	211/52050	21-2050-0-1-051	--
Military construction, Army	210/42050	21-2050-0-1-051	--
Military construction, Navy	173/71205	17-1205-0-1-051	--
Military construction, Navy	172/61205	17-1205-0-1-051	19,000,000
Military construction, Navy	171/51205	17-1205-0-1-051	--
Military construction, Navy	170/41205	17-1205-0-1-051	--
Military construction, Air Force	573/73300	57-3300-0-1-051	91,000,000
Military construction, Air Force	572/63300	57-3300-0-1-051	4,848,000
Military construction, Air Force	571/53300	57-3300-0-1-051	3,200,000
Military construction, Air Force	570/43300	57-3300-0-1-051	3,808,406
Military construction, Defense Agencies	973/70500	97-0500-0-1-051	5,200,000
Military construction, Defense Agencies	972/60500	97-0500-0-1-051	8,000,000
Military construction, Defense Agencies	971/50500	97-0500-0-1-051	538,000
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	--
Military construction, Army National Guard	213/72085	21-2085-0-1-051	7,122,000
Military construction, Army National Guard	212/62085	21-2085-0-1-051	--
Military construction, Army National Guard	211/52085	21-2085-0-1-051	--
Military construction, Army National Guard	210/42085	21-2085-0-1-051	--
Military construction, Air National Guard	573/73830	57-3830-0-1-051	10,150,000
Military construction, Air National Guard	572/63830	57-3830-0-1-051	--
Military construction, Air National Guard	571/53830	57-3830-0-1-051	--
Military construction, Air National Guard	570/43830	57-3830-0-1-051	--
Military construction, Army Reserve	213/72086	21-2086-0-1-051	--
Military construction, Army Reserve	212/62086	21-2086-0-1-051	--
Military construction, Army Reserve	211/52086	21-2086-0-1-051	--
Military construction, Army Reserve	210/42086	21-2086-0-1-051	--
Military construction, Naval Reserve	173/71235	17-1235-0-1-051	8,050,000
Military construction, Naval Reserve	172/61235	17-1235-0-1-051	--
Military construction, Naval Reserve	171/51235	17-1235-0-1-051	--
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	--
Military construction, Air Force Reserve	573/73730	57-3730-0-1-051	--
Military construction, Air Force Reserve	572/63730	57-3730-0-1-051	--
Military construction, Air Force Reserve	571/53730	57-3730-0-1-051	--
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	--
North Atlantic Treaty Organization Infrastructure	97X0804	97-0804-0-1-051	150,000,000
Military construction, Reserve Components, Generally	972/50805	21-2086-0-1-051	--
			$414,597,406

1/ These accounts were the subject of a similar deferral during FY 1983 (D83-6A).

Justification:

The above amounts in the listed five-year and no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 1512) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated Program Effect: None.

Outlay Effect: None.

Deferral No: D84-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military

Bureau:

Appropriation title & symbol
Family Housing, Army
Family Housing, Navy and Marine Corps
Family Housing, Air Force
Family Housing, Defense Agencies

OMB identification code:
See coverage section below.

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☒ Multiple-year September 30, 1987 September 30, 1986 (expiration date)
☐ No-year

New budget authority $ ____
(P.L. ____)
Other budgetary resources 286,199.
Total budgetary resources 286,199.

Amount to be deferred:
Part of year $ 53,000.
Entire year ____

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ____

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Family Housing, Army	213/70702	21-0702-0-1-051	---
Family Housing, Army	212/60702	21-0702-0-1-051	---
Family Housing, Navy and Marine Corps	173/70703	17-0703-0-1-051	---
Family Housing, Navy and Marine Corps	172/60703	17-0703-0-1-051	---
Family Housing, Air Force	573/70704	57-0704-0-1-051	$53,000,000
Family Housing, Air Force	572/60704	57-0704-0-1-051	---
Family Housing, Defense Agencies	973/70706	97-0706-0-1-051	---
Family Housing, Defense Agencies	972/60706	97-0706-0-1-051	---
			$53,000,000

Justification:

The above amount in the listed five-year appropriations is currently deferred under provisions of the Antideficiency Act (31 U.S.C. 1512) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during FY 1983 (D83-23).

Deferral No: D84-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil

Bureau:

Appropriation title & symbol
Wildlife Conservation, Army
Wildlife Conservation, Navy
Wildlife Conservation, Airforce

OMB identification code:
See coverage section below

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year ____ (expiration date)
☒ No-year

New budget authority (16 U.S.C. 670f) $ 1,690,00
Other budgetary resources 796,77
Total budgetary resources 2,486,77

Amount to be deferred:
Part of year $ ____
Entire year 776,77

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ____

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army	21x5095	21-5095-0-2-303	$600,000
Wildlife Conservation, Navy	17x5095	17-5095-0-2-303	81,000
Wildlife Conservation, Air Force	57x5095	57-5095-0-2-303	95,775
			$776,775

Justification: These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resources conservation. These funds are being deferred because: (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified. This deferral is made under the provisions of the Antideficiency Act (31 U.S.C. 1517).

Estimated Program Effect: None.

Outlay Effect: None.

1/ These accounts were the subject of a similar deferral during FY 1983 (D83-7).

Deferral No: D84-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 98-50): $2,235,000,000
Bureau: Office of Assistant Secretary for Nuclear Energy, Deputy Ass't. Sec. for Uranium Enrichment	Other budgetary resources:
Appropriation title & symbol: Uranium Supply and Enrichment Activities 89x0226	Total budgetary resources:
	Amount to be deferred: Part of year: Entire year: 130,000,000
OMB identification code: 89-0226-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Department's total FY 1984 electric bill is expected to be $124 million lower than originally budgeted for and current estimates of capital equipment requirements for the gaseous diffusion complex indicate that $6 million of FY 1984 appropriations for capital equipment are no longer needed. The funds will be placed in a contingency fund to be used in 1985. The contingency fund is necessary because uncertainties in the marketplace may lead to higher-that-estimated costs and capital requirements in FY 1985.

Estimated Program Effect: None.

Outlay Effect: This action will reduce outlays by $130 million in FY 1984, resulting in revised total estimated outlays of $2,147 million. The revision is incorporated in the Administration's latest public estimates, released July 25. The funds will be used to offset FY 1985 program expenses.

Deferral No: D84-9

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health & Human Services	New budget authority (P.L.): $
Bureau: Office of the Assistant Secretary for Health	Other budgetary resources: 11,463,119
Appropriation title & symbol: Scientific Activities Overseas (Special Foreign Currency Program) 75X1102 1/	Total budgetary resources: 11,463,119
	Amount to be deferred: Part of year: Entire year: 6,463,119
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Scientific Activities Overseas Program is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Burma, Guinea, India, and Pakistan held by the Treasury have been designated as excess to normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1984 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1984. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in FY 1983 (D83-10).

Deferral No: D84-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency Health and Human Services	New budget authority (P.L.) $
Bureau Social Security Administration	Other budgetary resources 17,922,480
Appropriation title & symbol Limitation on Administrative Expenses 75X8704 (Construction)	Total budgetary resources 17,922,480
	Amount to be deferred: Part of year 10,571,000 Entire year
OMB identification code: 75-0704-0-7-601	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This account provides funding for construction and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. SSA is reviewing the need for additional construction and renovation projects in FY 1984. Until that review is completed, no additional obligational authority is needed and these funds are being deferred. This deferral notice will be revised after completion of a new financial plan for field office construction.

Estimated Program Effect: None.

Outlay Effect: None.

Deferral No: D84-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency Department of the Interior	New budget authority (P.L.) $
Bureau Minerals Management Service	Other budgetary resources 48,052
Appropriation title & symbol Payments from Proceeds, Sale of Water Mineral Leasing Act of 1920, Sec. 40(d) 14X5662	Total budgetary resources 48,052
	Amount to be deferred: Part of year Entire year 48,052
OMB identification code: 14-5662-0-2-301	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Permanent, Indefinite, Special

Justification: Section 40(d) of the Mineral Leasing Act of 1920 (30 U.S.C. 229(a)) provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $3,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000. It is estimated that by the start of fiscal year 1984 the unobligated balance will be $48,052. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1984 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current period even if made available for obligation. This reserve action is taken pursuant to the Anti-Deficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

Deferral No: D84-12

Deferral No: D84-12

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. ____) $ ____
Bureau: Bureau of Refugee Programs	Other budgetary resources: 37,928,000
Appropriation title & symbol: United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 1180040	Total budgetary resources: 37,928,000
	Amount to be deferred: Part of year: 37,928,000
	Entire year: ____
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $37,928,000 in unobligated balances from prior-year authority. This amount has been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. We anticipate that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during FY 1983 (D83-12).

Deferral No: D84-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. ____) $ ____
Bureau:	Other budgetary resources: 2,000,000
Appropriation title & symbol: United States Bilateral Science and Technology Agreements 1/ 1981151	Total budgetary resources: 2,000,000
	Amount to be deferred: Part of year: 2,000,000
	Entire year: ____
OMB identification code: 19-1151-0-1-153	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: This appropriation finances the United States share of expenses associated with funding selected science and technology projects through joint funds established with Yugoslavia and Poland. Projects selected by the managing United States-Yugoslavia Joint Board and the United States-Poland Joint Board are usually in the areas of agriculture, energy, ecology, technology, health and transportation. In this appropriation, $2,000,000 was planned for the first year funding of a five year Science and Technology agreement with Poland. Negotiations on the agreement having been suspended since the Polish Government imposed martial law on December 13, 1981. These funds are deferred until such time as the President authorizes the lifting of sanctions against the Government of Poland. When satisfactory internal conditions exist in Poland, agreement negotiations can be speedily resumed in a manner which would signal U.S. support for the improved environment.

Estimated Program Effect: This deferral action will continue to delay obligations for the agreement with Poland.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during FY 1983 (D83-58).

Deferral No: D84-14

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. ____): $250,000,000
Bureau: Federal Aviation Administration	Other budgetary resources: 738,236,426
Appropriation title & symbol: Facilities & Equipment (Airport & Airway Trust Fund), FAA 1/ — 69X8107, 692/68107, 690/48107, 693/78107, 691/58107, 694/88107	Total budgetary resources: 1,488,236,426
	Amount to be deferred: Part of year: 675,518,000
	Entire year: 407,750,426
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [X] Multiple-year ____ (expiration date); [X] No-year — 690/48107 9/30/84, 691/58107 9/30/85, 692/68107 9/30/86, 693/78107 9/30/87, 694/88107 9/30/88	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: Funds from this account are used to procure specific congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with FAA's full funding approach; the congressional intent to provide multi-year funding for the total costs of these projects; and, is taken under provisions of the Antideficiency Act (31 U.S.C. 1512) which authorizes the establishment of reserves for contingencies.

Funds initially are apportioned for the first quarter of FY 1984. This will allow time to assess program impact of $250 million in FY 1984 funding reductions and provide Congress with a report of the agency's actions by November 1, 1983, as requested by the Congress. After submission of the report to Congress, a revised, annual apportionment will be prepared and authorized.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a deferral in FY 1983 (D83-14).

Deferral No: D84-15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Treasury	New budget authority (P.L. 98-45): $4,566,700,0
Bureau: Office of Revenue Sharing	Other budgetary resources: 56,149,5
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 1/ — 2088111	Total budgetary resources: 4,622,849,5
	Amount to be deferred: Part of year: 2,500,0
	Entire year: 53,649,5
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act P.L. 92-51 P.L. 94-488; [ ] Other P.L. 96-604; P.L. 98-45
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation (Permanent); [ ] Contract authority; [ ] Other ____

Justification: The Secretary of the Treasury must hold in reserve an amount sufficient enough to meet valid claims from State and local governments that past revenue sharing payments have been too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of the entitlements of 39,209 governments for prior entitlement periods.

This cumulative unobligated reserve from entitlement periods 1-14 is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust fund for any prior entitlement periods. After adjusting for such releases from the reserve, the deferred amount projected to carry over into FY 1984 is $56.1 million. This unobligated amount will be further reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust fund and will be paid to recipients as part of the regular distribution.

Estimated Program Effect: This action will postpone distribution of the amount in the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

Outlay Effect: This deferral has the effect of shifting $53.6 million in outlays from FY 1984 into FY 1985.

1/ This account is subject to another deferral (D84-16) and has been the subject of similar deferrals in prior years.
2/ Projected carryover into FY 1984 - unobligated reserve.

Deferral No: D84-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 98-45): $4,566,700,000
Bureau: Office of the Secretary	Other budgetary resources: 56,149,528 2/
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources: 4,622,849,528
	Amount to be deferred: Part of year: 15,209,349 3/
	Entire year:
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): [X] Antideficiency Act P.L. 92-512
Grant program: [X] Yes [ ] No	[X] Other P.L. 94-488; P.L. 96-604 P.L. 98-45
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation (Permanent) [ ] Contract authority [ ] Other ____

Justification: The State and Local Government Fiscal Assistance Trust Fund disburses general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of non-compliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Program Effect: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: None.

1/ This account is subject to another deferral (D84-16) and has been the subject of similar deferrals in prior years.
2/ Projected carryover into FY 1984 - unobligated reserve.
3/ Projected carryover into FY 1984 - deferral of outlays only.

Deferral No: D84-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Pennsylvania Avenue Development Corp.	New budget authority (P.L. ____): $ 0
Bureau:	Other budgetary resources: 32,443,000
Appropriation title & symbol: Land Acquisition & Development Fund 42X4084 1/	Total budgetary resources: 32,443,000
	Amount to be deferred: Part of year: 0
	Entire year: 13,148,000
OMB identification code: 42-4084-0-3-451	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Borrowing Authority

Justification: This account provides borrowing authority to acquire private property to accelerate redevelopment in the Pennsylvania Avenue project area. The 1974 land use plan for the eastern sector of the project area was reviewed and updated in light of current real estate trends and market conditions.

In order to ensure that new development consistent with the updated eastern section plan will be economically self-sufficient and within the resources available to private developers, $13,148 thousand of borrowing authority is deferred.

Estimated Program Effect: The Corporation will not proceed with significant new land acquisition activity in the area east of the FBI building. However, borrowing authority will be released on a case-by-case basis to solve problems when development is delayed by recalcitrant owners declining to sell property at a fair price, by title difficulties or by other causes.

Outlay Effect: Not determinable at this time, since part or all of the deferred borrowing authority may not be needed for implementation of the updated eastern sector plan.

1/ This account was the subject of similar deferrals in FY 1981 (D81-40A), FY 1982 (D82-25A), and FY 1983 (D83-19A).

Deferral No: 084-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Railroad Retirement Board	New budget authority (P.L.) $ 0
Bureau:	Other budgetary resources 490,000
Appropriation title & symbol: Milwaukee Railroad Restructuring Administration 60X0108 1/	Total budgetary resources 490,000
	Amount to be deferred: Part of year 0
	Entire year 85,000
OMB identification code: 0-0108-0-1-603	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account funds administrative expenses incurred by the Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act and the Rock Island Act. The Board estimates that only $405,000 in administrative expenses will be charged to this account in fiscal year 1984, and $85,000 will be carried forward into fiscal year 1985. This deferral represents amounts not required for obligation in fiscal year 1984. The amount deferred is being reserved for contingencies under the provision of the Antideficiency Act (31 U.S.C. 1512). 1/

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in fiscal year 1981, fiscal year 1982, and fiscal year 1983 (D83-20A).

Deferral No: 084-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 98-50) $ 78,229,000
Bureau:	Other budgetary resources 186,574,000
Appropriation title & symbol: Tennessee Valley Authority Fund 64x4110	Total budgetary resources 264,803,000
	Amount to be deferred: Part of year $
	Entire year 7,000,000
OMB identification code: 64-4110-0-3-999	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☒ Other TVA Act of 1933
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A favorable construction schedule and increased construction productivity on the new lock at Pickwick Landing Dam have resulted in reductions totaling $7,000,000 in estimated fiscal years 1983 and 1984 funding requirements, an amount adequate to complete the project in fiscal year 1985. TVA is deferring $7,000,000 in fiscal year 1984 ($3,000,000 unobligated in 1983) to complete construction of the new lock in fiscal year 1985 without additional appropriated funding.

Estimated Program Effect: This deferral will have no effect on the construction schedule.

Outlay Effect: Outlays have been reduced $4,000,000 in fiscal year 1984.

Deferral No: D84-20

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: United States Railway Association	New budget authority (P.L. 93-78): $2,500,000
Bureau:	Other budgetary resources: 750,000
Appropriation title & symbol: Administrative Expenses 98X0100	Total budgetary resources: 3,250,000
	Amount to be deferred: Part of year: ____ Entire year: 2,050,000
OMB identification code: 98-0100-0-1-401	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The United States Railroad Associated (USRA) was created by the Regional Rail Reorganization Act of 1973 (3R Act). It was intended to be a temporary agency that would oversee the formation of Conrail, monitor its performance, and act as a conduit for Federal assistance. Ten years and $197M later, USRA has fulfilled almost all these responsibilities. This deferral provide funds in 1984 for the USRA to perform its remaining function and proceed with an orderly phase-down of it activities prior to its going out of business.

Estimated Program Effect: This deferral will cause staff reductions in USRA from current level of 40 employees, to about 14 employees.

Outlay Effect: This deferral action will reduce 1984 outlays by $2,050,000.

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Thursday
October 6, 1983

Part IX

Department of Energy

Energy Information Administration

Criteria To Assess Viability of Domestic Uranium Mining and Milling Industry

DEPARTMENT OF ENERGY

Energy Information Administration

10 CFR Part 761

Criteria to Assess Viability of Domestic Uranium Mining and Milling Industry

AGENCY: Energy Information Administration, DOE.

ACTION: Final rule.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE), in response to requirements set forth in Section 170B of the Atomic Energy Act of 1954 (42 U.S.C. 2210b), is establishing criteria which will be used to assess the viability of the domestic uranium mining and milling industry. The assessment is to be set forth in an annual report to the Congress and the President. The final regulation describes the criteria and identifies information collections necessary to enable the Secretary of Energy to determine if the criteria have been met.

FOR FURTHER INFORMATION CONTACT:

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Ms. Laurie R. Garnand Ford, Office of the General Counsel, GC-41, Room 6A-211, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-8618.

SUPPLEMENTARY INFORMATION:

I. Background

Section 23(b) of Pub. L. No. 97-415, amends the Atomic Energy Act of 1954 by adding a new section 170B (42 U.S.C. 2210b) which requires the Secretary of Energy to monitor and, for the years 1983 through 1992, make an annual determination of the viability of the domestic uranium mining and milling industry. Section 170B further requires the Secretary, within 9 months of enactment, to establish by rule, after public notice, criteria which will form the basis of these annual determinations and specifies that certain criteria shall be considered.

On August 12, 1983, EIA published a proposed rule (48 FR 36792) which set forth proposed criteria to be used in assessing the viability of the domestic uranium mining and milling industry. The EIA proposed to assess industry viability based upon three major attributes—resource capability, operational capability and financial capability. To determine the status of the industry's viability, the EIA proposed to compare current and projected values of these attributes to minimum values. To be deemed viable, the values of each of the three attributes, for the entire industry, needed to meet the minimum value or be projected to meet those conditions within two years of the time of assessment. The proposed approach has been reconsidered and refined in response to public comments received by EIA. A detailed explanation of the changes made to the proposed rule, including comparisons between the proposal and the final rule, is set forth below in **SUPPLEMENTARY INFORMATION** Section III. Comments on Proposed Rule. An explanation of the rule itself is contained in Section IV. Final Rule.

II. Public Hearings

Pursuant to the aforementioned notice on the proposed rule, the EIA held three public hearings—on August 26, 1983, in Washington, D.C.; on August 30, 1983, in Casper, Wyoming; and on September 1, 1983, in Albuquerque, New Mexico. Transcripts of these hearings and copies of all written comments received during the 30-day written comment period are available in the DOE Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, D.C.

III. Comments on Proposed Rule

In response to the notice of proposed rule, 65 comments were received from the public, the Congress, other Federal agencies, and State and local officials. About half of the comments were from uranium-related companies and corporations, including uranium-related trade associations. Seventeen comments were received from elected and appointed public officials, including two members of Congress and two governors. Seven comments were from labor union officials. The remaining comments were received from public interest groups and from private citizens.

All comments received by EIA, both at the public hearings and the written comments received thereafter, were carefully reviewed and fully considered in the formulation of the final rule.

Several comments dealt with the complexity of, and a perceived lack of clarity in, the proposed rule. Most of the elements in the proposal were retained in the final rule, but the description of these elements was revised to improve the rule's clarity and aid in reader understanding.

In addition to revising the text of the rule, several definitions were added to § 761.2, including a definition of the "domestic uranium mining and milling industry." The added definitions of "domestic economic reserves" and "production cost" closely conform to internationally-accepted definitions, as used by the Nuclear Energy Agency (Organization for Economic Cooperation and Development) and the International Atomic Energy Agency.

"Unfilled requirements," a component of total requirements, is defined to be consistent with EIA's current uranium market data collections, with the addition of any future purchases that may be required for Government needs. This definition responds to several comments on the proper incorporation of uranium inventory considerations, by clarifying that requirements include an allowance for use of domestic inventories and also incorporates any purchases needed to maintain a prudent level of inventory. Several commenters took exception to the proposed requirement that the domestic uranium industry, to be deemed viable, must be capable of supplying 100 percent of domestic utility requirements. A convincing argument was made that energy supply security would be a more appropriate measure than total utility requirements. The final rule responds to these comments by defining "domestic uranium supply security requirements" (see § 761.2(m)) as the basis for measuring the industry's resource capability, supply response capability, and financial capability. The EIA will consider a *range* of domestic uranium supply security requirements, to be defined by hypothesizing several import supply disruption scenarios.

Many comments included the opinion that the definition of benchmark price, against which the EIA proposed to compare production costs for determination of "economic reserves" in resource capability, was inadequate. In general, commenters suggested that the procedure for calculating this value needed further explanation. The EIA has responded to these comments by specifying in the final rule that in determining economic reserves, EIA will consider prices in specific contracts to

which the reserves may be committed, or appropriate market conditions for reserves not committed to contracts.

Suggestions that considerations of Government uranium requirements and Government stockpiles of uranium be included in the criteria have been addressed in the final rule. The rule includes anticipated Government purchases in the definition of unfilled requirements, and recognizes the DOE policy on emergency sales and loans to its enrichment customers as a potential last-resort source of supply, after identifying that provision of such supply will not jeopardize Government military and enrichment working inventory needs.

Numerous comments were received that the Financial Capability attribute was redundant, based on the belief that if there are sufficient resources and the industry is operationally capable, there is an implicit assumption of financial health. Some commenters believed the financial criterion should be eliminated; others suggested redefining Operational Capability to include financial factors. These viewpoints do not recognize that although resource, operational and financial attributes are interrelated, in order to make an adequate assessment of the capability of an industry a knowledge and understanding of each individual component is required. This is of particular importance in the financial area where short-term liquidity problems may negate the future long-term solvency of an organization despite favorable reserve positions and technical capabilities. Thus, EIA has retained a Financial Capability criterion in the Final Rule.

The suggestion, made by two commenters, that potential new production facilities be included in measuring potential capacity, has been incorporated in § 761.4 Supply Response Capability. Comments expressing concerns about a perceived lack of recognition of the proper importance of Statutory Criterion No. 1 have been addressed in the final rule by elevating this criterion from a contributory (secondary) status to a fundamental (primary) status, as addressed in § 761.6 Import Commitment Dependency. Numerous commenters expressed the concern that the methodology proposed by EIA was too "prescriptive" and that the ultimate determination on the viability issue should not be made mechanically, on the basis of an arithmetic formula. Several commenters felt that the responsibility to weigh subjective factors should appropriately lie with the Secretary of Energy. The EIA agrees that viability may be difficult to determine by a purely prescriptive method. Therefore, the proposed requirement for viability determinations for each of the primary criteria has been deleted. In addition, § 761.7 of the final rule provides that the Secretary of Energy will determine viability based upon information supplied by EIA on the current and projected status of each of the criteria listed in §§ 761.3 to 761.6.

A compelling argument was made that considerations about effects on employment and on communities be included in any criteria for use in measuring the viability of a U.S. industry. This concern was expressed in the comments of each elected government official and each union representative. The EIA recognizes that information on employment is an important contributor in determining both the supply response capability and the financial capability of the domestic uranium industry. The information, provided by the EIA to the Secretary of Energy, upon which a determination of the viability of the industry will be based, will include data on current and projected levels of employment. In addition, these data will be considered by the Secretary in determining whether or not to request an investigation by the U.S. International Trade Commission under section 201 of the Trade Act of 1974.

In response to concerns expressed by eight commenters about the sensitivity of data that would be collected, especially the competitive harm that might result from disclosure of company-specific financial data, a section has been added to the final rule (see § 761.8(b)) to acknowledge that certain information required by EIA may constitute confidential commercial information, and to provide that individual company data will be kept confidential to the maximum extent permitted by law. The consequences of a finding of non-viability were a major concern of several witnesses at the public hearings, and the issue was also raised in three written comments. The EIA does not agree that speculation about the various possible results of applying the criteria is relevant to the establishment of objective criteria for measuring the viability of the domestic uranium mining and milling industry.

Comments received on possible requirements under section 501 of the DOE Organization Act, the National Environmental Policy Act, Executive Order 12291, and the Regulatory Flexibility Act are addresed in Section V. Rulemaking Requirement.

IV. Final Rule

The Energy Information Administration (EIA) will measure the extent to which the domestic mining and milling uranium industry will be capable, at any particular time, of supplying the needs of the domestic nuclear power industry under a variety of hypothetical conditions. This measure will involve four major attributes of viability: Resource capability, supply response capability, financial capability, and import commitment dependency. The EIA will define indices of these attributes, collect and analyze data to determine current values of the indices, and estimate future values under a range of market assumptions. Information developed by EIA will include, where applicable, uncertainty bands or measure of levels of confidence. The methodology proposed by EIA recognizes that some of the specified criteria are fundamental measures of the uranium industry's capability, whereas others are determinants of future values of capability. The fundamental criteria which define the four attributes are the following—

Resource Capability: Whether domestic economic uranium reserves can supply all domestic needs for a future ten-year period;

Supply Response Capability: The level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a ten-year period;

Financial Capability: The ability of the domestic uranium industry to obtain funds adequate to finance the level of production capability defined under supply response capability.

Import Commitment Dependency: Whether executed contracts or options for source material or special nuclear material will result in greater than 37½ percent of actual or projected domestic uranium requirements for any two-consecutive-year period being supplied by source material or special nuclear material from foreign sources.

The contributory criteria factors indicate changes in the fundamental criteria. For example, the size of domestic economic uranium reserves (the measure of resource capability) would be increased by the results of domestic uranium exploration expenditures (Statutory Criterion No. 5) but decreased by domestic uranium production (Statutory Criterion No. 8). In addition, the number of known uranium deposits that would be considered "economic" depends on future market

conditions, such as projected uranium price levels (Statutory Criterion No. 8).

The relationships among the fundamental and contributory criteria are outlined in the following table:

FUNDAMENTAL AND CONTRIBUTORY CRITERIA

Fundamental criterion	Related contributory criteria
Resource capability (4)	Domestic utility requirements (2); Exploration (5); and Production and prices (8).
Supply response capability (7).	Domestic utility requirements (2); Imports (3); Employment and capital investment (6); and Production and prices (8).
Financial capability	Domestic utility requirements (2); Imports (3); Exploration (5); Employment and capital investment (6); and Production and prices (8).
Import commitment dependency (1).	Domestic utility requirements (2) and Imports (3).

Note.—Numbers in parentheses refer to Criteria set forth in Section 170B.

The status of the industry's viability will be determined by the Secretary of Energy based upon the information provided by EIA on the current and projected condition of each of the four fundamental criteria and their related contributory criteria. The final rule as promulgated by EIA is intended to provide objective criteria consistent with statutory requirements and responsive to public comments. The brief summary, provided above, does not include all the details of the rule, and readers are therefore urged to read carefully its full text which is set forth below.

V. Rulemaking Requirement

A. *Section 501 of the DOE Organization Act:* Under Section 501(c) of the Department of Energy Organization Act (42 U.S.C. 7191(c)), the DOE is not bound by the requirements of subsections (b), (c), and (d) of that Act with respect to the promulgation of regulations if the Secretary of Energy determines that no substantial issue of fact or law exists and that the regulations in question are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or small businesses. Where it is determined that no substantial issue or impact exists, regulations may be promulgated in accordance with Section 553 of Title 5 of the United States Code.

The DOE received two comments concerning the procedural requirements of the DOE Organization Act. Both of these comments were based on the assumption that actions will result from this rule which could have a substantial impact on the nation's economy or on large numbers of individuals or small businesses. One commenter was concerned that this rule could cause a change in the current market conditions. The commenter felt that this change could cause an increase in the price of uranium which in turn could result in increased costs to electricity consumers. Another commenter expressed concern that this rule could change market conditions resulting in new exploration and production activities along with an attendant increase in environmental effects which could have an impact on individuals and small businesses. Both commenters assumed that certain actions will necessarily result from this rule which establishes criteria to assess the viability of the domestic uranium mining and milling industry. The DOE does not agree. The relationship between the establishment of the analytic criteria and the ultimate impact that could result if a number of future unpredictable events, that may or may not affect the viability of the industry, occur is simply too far removed to conclude that this rule will affect the nation's economy or large numbers of individuals or small businesses.

Therefore, the DOE believes that this rule does not raise substantial issues of law or fact and it is unlikely that it will have a substantial impact on the Nation's economy or large numbers of individuals or small businesses; accordingly, it is being promulgated in accordance with 5 U.S.C. 553.

B. *National Environmental Policy Act:* The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to prepare detailed environmental impact statements on proposals for major Federal actions significantly affecting the quality of the human environment. Two comments were received concerning compliance with the procedural requirements under the NEPA. Both comments expressed concern that this rule could trigger a change in the current market for uranium, which would result in new exploration and production with increased environmental effects, such as more mill tailings requiring stabilization, damage to aquifers and increased emissions from the increased production at mines and mills. Although increased exploration and production of uranium could increase environmental effects associated with that process, the establishment of criteria to assess the viability of the domestic uranium industry will not directly cause new mining and milling activities. The causal relationship, if any, between establishing the criteria and environmental impact is attenuated at best. Therefore, the DOE has determined that the establishment of criteria to assess the viability of the domestic uranium industry clearly will not significantly affect the quality of the human environment; hence, neither the preparation of an Environmental Assessment nor an Environmental Impact Statement is required by the National Environmental Policy Act of 1969.

C. *Executive Order 1229:* Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a rule is a "major rule," as defined by Section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. The DOE has reviewed the final rule and, after consultation with the Office of Management and Budget, determined that it does not meet the E.O. 12291 definition of a major rule as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries; Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The DOE received three comments that this rule constitutes a major rule under the Executive Order. These commenters argued that the rule could cause various governmental actions which could change current market conditions with a resultant price increase in uranium such that there would be an annual effect on the economy of $100 million or more. The commenters have assumed that certain actions will automatically result from this rule. The DOE does not agree. The causal relationship between the criteria established in the rule and the ultimate impact that could result if a number of activities are taken by this Department or other federal agencies occur is too far removed to require a determination that this rule directly results in the level of impact necessary under the Executive Order to require the preparation of a Regulatory Impact Analysis. Accordingly, a regulatory impact analysis is not required.

D. *Regulatory Flexibility Act:* Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the DOE finds that sections 603 and 604 of the Act do not apply to this rule because its promulgation will not have a significant economic impact on a substantial number of small entities. Two comments indicated this rule could have a significant economic impact on a

substantial number of small entities. These commenters presented the same argument in support of this contention as those presented when challenging the determination made under the DOE Organization Act. These commenters have assumed that certain actions that would have an impact on small businesses would necessarily be taken by the government if these criteria are established. The nexus between the establishment of the criteria and the potential impact, if action is taken by this Department or other federal agencies, is too strained to conclude that this rule will directly result in triggering the standard in the Regulatory Flexibility Act. Therefore, DOE certifies, as required by Section 605(b), that the proposed rule will not have a significant economic impact on a substantial number of small entities.

E. *Paperwork Reduction Act:* The forms which will be used to collect the information outlined in section 761.8 either have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C., 3501.1 *et seq.*, and procedures implementing that Act, 5 CFR 1320.1 *et seq.*, or will be submitted for approval in accordance with those procedures when the forms are developed.

List of Subjects in 10 CFR Part 761

Uranium, Reporting and recordkeeping requirements.

(Sec. 23(b) Pub. L. No. 97–415, 96 Stat. 2080 (42 U.S.C. 2210b))

For the reasons set out in the preamble, a new Part 761 of Chapter III of Title 10 of the Code of Federal Regulations is to be established as set forth below.

Issued in Washington, D.C. October 4, 1983.

Donald Paul Hodel,

Secretary of Energy.

PART 761—CRITERIA TO ASSESS VIABILITY OF DOMESTIC URANIUM MINING AND MILLING INDUSTRY

Sec.

Authority: Section 23(b), Pub. L. No. 97–415, 96 Stat. 2080 (42 U.S.C. 2210b).

§ 761.1 Purpose and scope.

This part contains the regulations of the Energy Information Administration (EIA) of the Department of Energy (DOE) implementing section 170B of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), which requires the Secretary of Energy to monitor and for the years 1983 to 1992 report annually to the Congress and the President a determination of the viability of the domestic uranium mining and milling industry. The regulations stated here provide for the establishment of criteria which shall be assessed in the annual reports and information collections necessary to determine if the criteria have been met.

§§ 761.2 Definitions.

As used in this part:

(a) "Statutory Criterion No. 1" means an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than 37½ percent of actual or projected domestic uranium requirements for any two-consecutive-year period being supplied by source material or special nuclear material from foreign sources;

(b) "Statutory Criterion No. 2" means projections of uranium requirements and inventories of domestic utilities for a 10-year period;

(c) "Statutory Criterion No. 3" means present and probable future use of the domestic market by foreign imports;

(d) "Statutory Criterion No. 4" means whether domestic economic reserves can supply all future needs for a future 10-year period;

(e) "Statutory Criterion No. 5" means present and projected domestic uranium exploration expenditures and plans;

(f) "Statutory Criterion No. 6" means present and projected employment and capital investment in the uranium industry;

(g) "Statutory Criterion No. 7" means the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a 10-year period;

(h) "Statutory Criterion No. 8" means a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

(i) "Domestic uranium mining and milling industry" or "domestic uranium industry" means resource ownership, exploration, development, mining, milling, and other beneficiation activities, directed specifically toward the ultimate production of uranium from mineral deposits located in the United States, to be offered for sale in the commercial marketplace.

(j) "Domestic economic reserves," as referred to in Statutory Criterion No. 4, means uranium that occurs in known mineral deposits located in the United States of such size, grade and configuration that it could reasonably be expected to be recoverable, at or below specified production costs, with currently proven mining and processing technology and under current law and regulations. Estimates of uranium mineralization size, grade and configuration are based on specific sample data and measurements of the deposits and on knowledge of deposit characteristics.

(k) "Production cost" means costs that would have to be incurred to produce uranium in the form of concentrate. They include any:

(1) Direct costs of mining, transporting, and processing the uranium ore.

(2) Costs of associated environmental and waste management.

(3) Costs of maintaining non-operating production units where applicable.

(4) Capital costs of providing new production units where applicable.

(5) Cost of finance including any unamortized past costs where applicable.

(6) Indirect costs, such as office overheads, taxes and royalties where applicable.

(7) Future exploration and development costs wherever required for further or body delineation to the stage where it is ready to be mined or otherwise extracted from the ground.

(l) "Unfilled requirements" means sum of uranium:

(1) Required to be delivered, under terms of an enrichment contract to enrichment suppliers, that is not accounted for by usage of inventory or supply contracts as of a given date;

(2) Anticipated to be purchased to maintain a prudent level of inventory; and

(3) Anticipated to be purchased to satisfy Government requirements for military or other needs.

(m) "Domestic uranium supply security requirements" means, for a given hypothetical import supply disruption, the quantity of uranium to be delivered in a given future period representing the sum of:

(1) Domestic unfilled requirements;

(2) Contracts with domestic uranium mining and milling industry companies (excluding contracts between such companies); and

(3) Contracts for uranium imports subject to the hypothetical supply disruption.

§ 761.3 Resource capability.

(a) *Components.* The following components will be used to determine

the current and future values assigned to this attribute:

(1) Statutory Criterion No. 2;
(2) Statutory Criterion No. 3;
(3) Statutory Criterion No. 4;
(4) Statutory Criterion No. 5; and
(5) Statutory Criterion No. 8.

(b) *Current Status.* Statutory Criterion No. 4 will be the basis for the current status of the domestic uranium mining and milling industry's resource capability.

(1) The quantity of uranium producible from domestic reserves will be estimated by the EIA on the basis of data provided by domestic uranium mining and milling industry companies.

(2) Domestic economic reserves will be determined by the following method. The EIA will compare the estimated production cost to the price terms of any existing commercial sales contract to which the uranium may be committed. For uranium which may not be committed to commercial contracts, EIA will estimate the production cost in view of market conditions for domestic uranium supply security requirements exclusive of contracts with domestic uranium companies. Reserves will be considered economically producible when estimated production costs are less than expected prices to be realized.

(3) The quantity of domestic economic reserves will be compared to the 10-year-forward sums of domestic uranium supply security requirements with corresponding market conditions.

(c) *Projected Status.* The EIA will estimate resource capability at future times under various market assumptions.

(1) In order to project resource capability, EIA will estimate the additions to domestic economic reserves due to the results of exploration activities on potential resources, additions or subtractions to reserves due to projected changes in uranium prices, and reductions due to projected domestic production.

(2) Projected domestic economic reserves for each year will be compared to the sum of domestic uranium supply security requirements projected for a subsequent 10-year period, adjusting the unfilled requirements portion to account for such factors as projected use of the market by imports and projected changes in prices of uranium relative to enrichment services.

§ 761.4 Supply response capability.

(a) *Components.* The following components will be used to determine the current and future values assigned to this attribute:

(1) Statutory Criterion No. 2;
(2) Statutory Criterion No. 3;
(3) Statutory Criterion No. 6;
(4) Statutory Criterion No. 7; and
(5) Statutory Criterion No. 8.

(b) *Current Status.* Statutory Criterion No. 7 will be the basis for the supply response capability of the domestic uranium industry.

(1) Schedules of annual domestic uranium supply security requirements for a future 10-year period will be the benchmarks against which the ability of the domestic uranium industry to supply uranium will be compared, assuming hypothetical immediate supply disruptions or other potential developments such as changes in the degree of competition in the international uranium market.

(2) Given schedules of future requirements, EIA will estimate the technical ability (under existing legal and regulatory conditions) of the domestic uranium industry to supply those future requirements under unconstrained financial conditions. This estimate will be based on current uranium industry inventories, the capacity of uranium mills (or other beneficiation facilities) and the ability to supply those mills with uranium ore (including the availability of uranium miners). EIA will consider mining and milling facilities in operation, shut down facilities which could be reopened, facilities under development, and potential new production facilities in regions where the amount and grade of reserves justify production but where mill construction commitments are not yet evident. If there is a resulting projected need for uranium beyond the sources identified as domestic supply response capability, any potential availability of the Federally-owned stockpile in excess of its military and enrichment-plant working inventory needs will be identified for consideration.

(c) *Projected Status.* EIA will estimate vulnerability of supply response capability at future times to various potential future import supply disruptions or other international market developments.

(1) Annual schedules of domestic uranium supply security requirements, within a moving 10-year-wide future period beginning at the time of hypothetical import supply disruptions or other potential developments (such as changes in the degree of competition in the international uranium market), will be the benchmarks against which the domestic uranium industry's future projected supply response capability will be compared.

(2) In order to project supply response capability, EIA will project the evolving status of production facilities in operation, shut down, under development or planned, and potential new production facilities in regions where the amount and grade of reserves justify production but where mill construction commitments are not yet evident, up to the time of hypothetical import supply disruptions or other international market developments. The projection of status at future times will be based on present and future imports, present and projected employment and capital investment, and projections of domestic uranium production and prices. If there is a resulting projected need for uranium beyond the sources identified as domestic supply response capability, any projected availability of the Federally-owned stockpile in excess of its military and enrichment-plant working inventory needs will be identified for consideration.

§ 761.5 Financial capability.

(a) *Components.* The following components will be used to determine the current and future values assigned to this attribute:

(1) Statutory Criterion No. 5;
(2) Statutory Criterion No. 6;
(3) Statutory Criterion No. 7;
(4) Statutory Criterion No. 8; and
(5) The working capital of the uranium industry, net property, plant and equipment, capitalization, profits, availability of funds and uses to which the funds are applied.

(b) *Current Status.* The current adequacy of the domestic uranium industry's financial capability will be determined by comparing the industry's current-year sources of funds to the current-year funds needed for uranium activities, such as exploration, property development, mine and mill development, maintenance of facilities in standby condition, etc., to maintain an adequate supply response capability.

(1) Current-year domestic uranium industry fund requirements will be computed, consistent with an adequate supply response capability from § 761.4.

(2) Current-year domestic uranium industry fund availability will be determined from the information collections outlined in section 761.8.

(c) *Projected Status.* The long-term funds generation potential of the domestic uranium industry will be projected and compared to the investment and other fund needs associated with the range of projected supply response capabilities required under § 761.4.

(1) Projected fund needs will be based on projected exploration expenditures, projected employment-related expenditures, capital investment, and

other expenses projected for an adequate supply response capability.

(2) Projected fund generation potential will be based on projected domestic uranium production and prices and the projected attractiveness of domestic uranium industry investments relative to other alternatives.

§ 761.6 Import commitment dependency.

(a) *Components.* The following components will be used to determine the current and projected values of the attribute:

(1) Statutory Criterion No. 1;

(2) Statutory Criterion No. 2; and

(3) Statutory Criterion No. 3.

(b) *Current Status.* Statutory Criterion No. 1 is the basis of the current status for the import commitment dependency attribute. Scheduled uranium deliveries from contracts and options in place at the time of assessment will be compared to total uranium deliveries for domestic utility use, expected at the time of assessment. For all current and future years, EIA will estimate the quantity of foreign-source uranium expected to be used by domestic utilities within each 2-consecutive-calendar-year period and determine if such quanity represents greater than 37½ percent of total projected domestic utility requirements during the same period. The current status of this attribute will serve as the basis for the Secretary of Energy's mandatory responsibility under section 170B(e)(1) of the Atomic Energy Act of 1954, as amended by Pub. L. No. 97–415.

(c) *Projected Status.* For the projected status, EIA will estimate future uranium imports (including those from current contracts), as provided for in Statutory Criterion No. 3, and project total utility requirements consistent with EIA's projections of domestic nuclear power plant start-up dates and operating factors. A comparison of 2-consecutive-calendar-year import usage and total domestic utility requirements will be made in a manner analogous to that carried out for the current status of this attribute.

§ 761.7 Determination of viability.

The Secretary of Energy will determine the domestic uranium mining and milling industry's viability on the basis of information provided by EIA on the current and projected attributes identified in §§ 761.3 through 761.6.

§ 761.8 Reports by companies involved in domestic uranium commerce.

(a) Every company engaged in domestic uranium commerce shall report periodically to the EIA, in accordance with forms and instructions issued by EIA, such information as is required, including the following:

(1) Inventories of and requirements for uranium supplies.

(2) Terms of contractual arrangements for uranium sales, purchases, loans and other similar forms of uranium commerce.

(3) Reserves of uranium-bearing ore.

(4) Exploration, development, construction, production, and operation activities concerning uranium supplies.

(5) Capital expenditures and employment for uranium exploration, development, construction, production, and operation activities.

(6) Financial information about uranium exploration, development, construction, production, and operation activities, such as that contained in:

(i) A Balance Sheet;

(ii) A Statement of Income;

(iii) A Statement of Changes in Financial Position; and

(iv) A Statement of Changes in Property, Plant and Equipment and a related Statement of Changes in Accumulated Depreciation, Depletion and Amortization, which will provide data similar to that contained in Schedules V and VI of Securities and Exchange Commission Form 10–K.

(b) The EIA has determined that the data to be furnished on individual company uranium exploration, development, construction, production, operation, and marketing activities may constitute confidential commercial information as specified in the Freedom of Information Act (5 U.S.C. 552). The EIA has taken the position that such individual company data will be kept confidential to the maximum extent permitted by the Freedom of Information Act and the Trade Secrets Act (18 U.S.C 1905). Except as otherwise provided by law, the information must be made available, upon request, to the Congress or any Committee of Congress and the General Accounting Office.

[FR Doc. 83–27450 Filed 10–5–83; 8:45 am]

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Federal Register

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CFR PARTS AFFECTED DURING OCTOBER

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LIST OF PUBLIC LAWS

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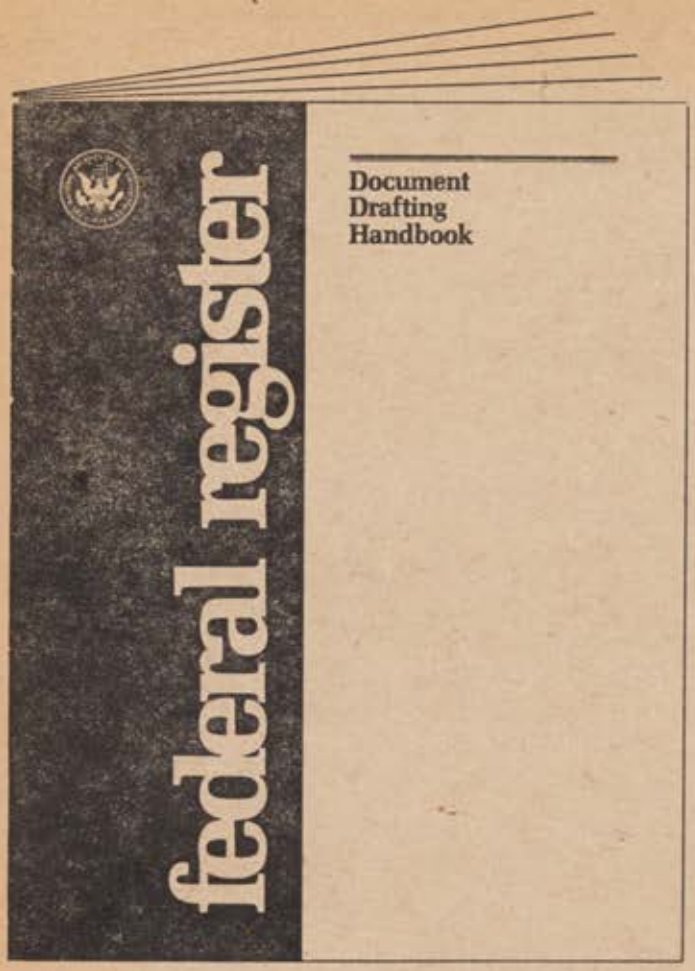
S.J. Res. 81/Pub. L. 98-110 To authorize and request the President to designate October 16, 1983, as "World Food Day" (Oct. 3, 1983; 97 Stat. 747) Price: $1.50



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