

# Federal Register

Wednesday  
November 9, 1983

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## Selected Subjects

**Administrative Practice and Procedure**  
Federal Communications Commission

**Agricultural Research**  
Agricultural Marketing Service

**Air Pollution Control**  
Environmental Protection Agency

**Aviation Safety**  
Federal Aviation Administration

**Crime**  
Defense Department

**Exports**  
Commodity Credit Corporation

**Food Grades and Standards**  
Food and Drug Administration

**Government Contracts**  
Immigration and Naturalization Service

**Government Procurement**  
Agency for International Development

**Military Law**  
Defense Department

**Mortgage Insurance**  
Federal Housing Commissioner—Office of Assistant  
Secretary for Housing

**Natural Gas**  
Federal Energy Regulatory Commission

CONTINUED INSIDE



## Selected Subjects

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### Pesticides and Pests

Environmental Protection Agency

### Surface Mining

Surface Mining Reclamation and Enforcement Office



# Contents

Federal Register

Vol. 48, No. 218

Wednesday, November 9, 1983

III

- The President**  
**PROCLAMATIONS**  
51425 Family Week, National (Proc. 5128)
- Executive Agencies**
- Agency for International Development**  
**RULES**  
51488 Procurement; negotiated overhead rates
- Agricultural Marketing Service**  
**RULES**  
51427 Floral research and consumer information; referenda procedures, etc.
- Agriculture Department**  
*See also* Agriculture Marketing Service; Commodity Credit Corporation; Packers and Stockyards Administration.  
**NOTICES**  
51501 Agency information collection activities under OMB review
- Army Department**  
**NOTICES**  
51506 Agency information collection activities under OMB review
- Commerce Department**  
*See* International Trade Administration; National Oceanic and Atmospheric Administration.
- Commodity Credit Corporation**  
**PROPOSED RULES**  
Export programs:  
51490 Export credit sales program
- Commodity Futures Trading Commission**  
**NOTICES**  
51564 Meetings; Sunshine Act
- Defense Department**  
*See also* Army Department; Navy Department.  
**RULES**  
51467 Courts of Military Review, practice and procedure rules  
**PROPOSED RULES**  
Personnel:  
51490 Victim and witness assistance  
**NOTICES**  
Committees; establishment, renewals, terminations, etc.:  
51505 Defense Intelligence College Board of Visitors  
Meetings:  
51505 Beirut International Airport Terrorist Act Commission
- Drug Enforcement Administration**  
**NOTICES**  
Schedules of controlled substances; production quotas:  
51554 Schedules I and II, 1984 aggregate
- Education Department**  
**NOTICES**  
Grants; availability, etc.:  
51507 Handicapped children's early education program; new awards
- Energy Department**  
*See* Federal Energy Regulatory Commission.
- Environmental Protection Agency**  
**RULES**  
Air quality implementation plans; approval and promulgation; various States:  
51480 Massachusetts  
51472 New Jersey  
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:  
51485 Ethoprop  
51485 Iprodione  
51486 N,N-Diethyl-2-(1-naphthalenyloxy) propionamide  
51487 Oxyfluorfen  
Pesticides; tolerances in animal feeds and human foods:  
51453 Pirimiphos-methyl  
**PROPOSED RULES**  
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:  
51492 Paraquat  
**NOTICES**  
Pesticide, food, and feed additive petitions:  
51530 Rohm & Haas Co.  
Pesticide programs  
51528 Confidential information and data transfer to contractors (Syracuse Research Corp.)  
Pesticide registration, cancellation, etc.:  
51521 Ciba-Geigy Corp.  
51521 ICI Americas, Inc.  
51529 Monsanto Co.  
Pesticides; emergency exemption applications:  
51528 Metalaxyl, etc.  
Toxic and hazardous substances control:  
51519 Interagency Testing Committee; responses, etc.; bromotrifluoromethane, etc.; meeting and inquiry  
51522 Premanufacture notices; monthly status reports
- Environmental Quality Council**  
**NOTICES**  
51564 Meetings; Sunshine Act
- Federal Aviation Administration**  
**RULES**  
Airworthiness directives:  
51431 British Aerospace  
51432 Garrett  
51433, 51436 Control zones (2 documents)  
51434, 51435 Transition areas (2 documents)  
**NOTICES**  
Meetings:  
51561 Aeronautics Radio Technical Commission



**Federal Communications Commission****PROPOSED RULES**

Practice and procedure:

- 51493 Cellular applications; use of random selection or lotteries instead of hearings

**NOTICES**

Hearings, etc.:

- 51530 Amos Communications, Inc., et al.  
51531 Charlotte Message Center Inc. et al.

**Federal Election Commission****NOTICES**

- 51564 Meetings; Sunshine Act

**Federal Emergency Management Agency****NOTICES**

Disaster and emergency areas:  
51531 Oklahoma

**Federal Energy Regulatory Commission****RULES**

Natural gas companies (Natural Gas Act):

- 51436 Interstate pipeline certificates and sales and transportation by interstate pipeline distributors; rehearing  
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:

- 51446 Texas

**NOTICES**

Hearings, etc.:

- 51510 American Electric Power Service Corp.  
51510 Ammon, Idaho  
51511 Columbia Gas Transmission Corp.  
51519 Delmarva Power & Light Co.  
51512 Duke Power Co.  
51513 El Paso Natural Gas Co.  
51513 Locust Ridge Gas Co.  
51514 New England Power Co.  
51514 Northwest Alaskan Pipeline Co.  
51514, 51515 Northwest Central Pipeline Corp. (2 documents)  
51516 San Diego Gas & Electric Co.  
51516 South Georgia Natural Gas Co. (2 documents)  
51517 Southwestern Public Service Co.  
51517 Tennessee Gas Pipeline Co.  
51517 Texas Gas Pipe Line Corp.  
51518 Transcontinental Gas Pipe Line Corp.  
51518 Trunkline Gas Co.  
51519 Western Transmission Corp.

Natural Gas Policy Act:

- 51568- Jurisdictional agency determinations (9 documents)  
51599 Small power production and cogeneration facilities; qualifying status; certification applications, etc.:  
51511 Cogenic Energy Systems Inc.  
51512 Electrodyne Research Corp. (2 documents)  
51513 Mother Earth Industries, Inc.  
51510, 51511 Palm Springs, Calif. (2 documents)  
51519 Union Camp Corp.

**Federal Highway Administration****NOTICES**

Environmental statements; availability, etc.:

- 51561 Los Angeles County et al., Calif.; intent to prepare

**Federal Housing Commissioner—Office of Assistant Secretary for Housing****RULES**

Mortgage and loan insurance programs:  
51455 Interest rate changes

**Federal Maritime Commission****NOTICES**

- 51533 Agency information collection activities under OMB review  
51531, 51532 Agreements filed, etc. (2 documents)

**Federal Mine Safety and Health Review Commission****NOTICES**

- 51564 Meetings; Sunshine Act

**Fish and Wildlife Service****NOTICES**

- 51549 Endangered and threatened species permit applications

**Food and Drug Administration****RULES**

Food and human consumption:

- 51448 Bakery products; identity standards

**NOTICES**

Animal drugs, feeds, and related products:

- 51537 Drug combinations for use in animals, revised guidelines; availability

Human drugs:

- 51536 Intracaine HCl etc.; approval withdrawn

Medical devices; premarket approval:

- 51535 CTL, Inc.

Meetings:

- 51533 Advisory committees, panels, etc.

**General Services Administration***See also* National Archives and Records Service.**NOTICES**

- 51533 Agency information collection activities under OMB review

**Health and Human Services Department***See* Food and Drug Administration; Health Care Financing Administration.**Health Care Financing Administration****NOTICES**

Grants; availability, etc.:

- 51538 Health financing research and demonstration grants

**Housing and Urban Development Department***See* Federal Housing Commissioner—Office of Assistant Secretary for Housing.**Immigration and Naturalization Service****RULES**

Organization, functions, and authority delegations:

- 51430 Service officers, powers and duties; availability of service records; correction

Transportation line contracts:

- 51431 CP Air & Nordair Ltd.  
51431 Washington State Ferries



**Interior Department**

See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office.

**International Development Cooperation Agency**  
See Agency for International Development.**International Trade Administration****NOTICES****Antidumping:**

- 51504 Forged undercarriage components from Italy  
Countervailing duties:  
51501 Bottled green olives from Spain

**International Trade Commission****NOTICES**

- 51553 Civil aircraft, trade agreement on duty-free coverage; hearing  
Import investigations:  
51551 Bag closure clips  
51552 Coin-operated audiovisual games and components (Rally-X and Pac-Man)  
51552 Grooved wooden handle kitchen utensils and gadgets

**Interstate Commerce Commission****NOTICES**

- 51554 Railroad operation, acquisition, construction, etc.:  
Denver & Rio Grande Western Railroad Co.

**Justice Department**

See Drug Enforcement Administration; Immigration and Naturalization Service; Parole Commission.

**Land Management Bureau****NOTICES**

- 51547 Conveyance of public lands:  
California (2 documents)  
Disclaimer of interest to lands:  
51545 Arizona  
Exchange of public lands for private land:  
51546 Oregon  
51546 Washington  
Management framework plans, review and supplement, etc.:  
51547 Wyoming  
Meetings:  
51545 Grand Junction District Advisory Council  
51548 San Juan River Basin Regional Coal Team  
Oil and gas leases:  
51547 Mississippi  
Resource management plans:  
51548 Elko Resource Area, Elko District, Nev.  
Survey plat filings:  
51545, 51546 Arizona (2 documents)  
51548 Nevada  
51548 Oregon

**Minerals Management Service****NOTICES****Meetings:**

- 51549 Minerals Accountability Advisory Committee  
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:  
51550 Aminoil U.S.A.  
51549 Mark Producing, Inc.

51550 Samedan Oil Corp.

51550 Union Oil Co. of California

**National Archives and Records Service**  
**NOTICES**

- 51533 Nixon White House special files, opening; extension of time for filing objections

**National Capital Planning Commission**  
**NOTICES**

- 51555 Federal planning in National Capital Region; intergovernmental cooperation

**National Oceanic and Atmospheric Administration****NOTICES**

- 51505 Marine mammal permit applications, etc.:  
Southwest Fisheries Center

**Navy Department****NOTICES**

- Environmental statement; availability, etc.:  
51506 Gila River Indian Reservation, Phoenix, Ariz.; prototype guayle rubber production and processing operation, development  
Meetings:  
51507 Naval Research Advisory Committee (2 documents)  
51506 Navy Resale System Advisory Committee

**Nuclear Regulatory Commission****NOTICES**

- 51557, 51558 Agency information collection activities under OMB review (2 documents)  
Applications, etc.:  
51558 Philadelphia Electric Co.  
51558 Regulatory guides; issuance, availability, and withdrawal

**Packers and Stockyards Administration****NOTICES**

- Stockyards; posting and deposing:  
51501 Henry County Livestock Auction, Ind., et al.

**Panama Canal Commission****RULES**

- Shipping and navigation:  
51472 Tolls for use of Canal; CFR correction

**Parole Commission****NOTICES**

- 51564 Meetings; Sunshine Act

**Railroad Retirement Board****RULES**

- 51447 Nomenclature changes

**Research and Special Programs Administration****NOTICES**

- Hazardous materials:  
51562 Applications; exemptions, renewals, etc. (2 documents)

**Securities and Exchange Commission****NOTICES**

- 51559 Consolidated Tape Association plan; amendments  
51564, 51565 Meetings; Sunshine Act (2 documents)



- Self-regulatory organizations; proposed rule changes:  
51559 Pacific Stock Exchange, Inc.
- Small Business Administration**  
**NOTICES**  
Authority delegations:  
51560 Comptroller
- Surface Mining Reclamation and Enforcement Office**  
**RULES**  
Permanent program submission; various States:  
51457 Iowa  
51458, North Dakota (2 documents)  
51459  
51461 Tennessee  
51465 Wyoming
- NOTICES**  
Surface coal mining operations; unsuitable lands; petitions, designations, etc.:  
51551 Colorado
- Synthetic Fuels Corporation**  
**NOTICES**  
51565 Meetings; Sunshine Act
- Transportation Department**  
See Federal Aviation Administration; Federal Highway Administration; Research and Special Programs Administration.
- United States Information Agency**  
**NOTICES**  
Meetings:  
51563 Public Diplomacy, U.S. Advisory Commission

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#### List of Separate Parts in This Issue

- Part II**  
51568 Department of Energy, Federal Energy Regulatory Commission
- Part III**  
51572 Department of Energy, Federal Energy Regulatory Commission



**CFR PARTS AFFECTED IN THIS ISSUE**

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

**3 CFR****Proclamations:**

5126..... 51425

**7 CFR**

1290..... 51427

**Proposed Rules:**

1488..... 51490

**8 CFR**

103..... 51430

238 (2 documents)..... 51431

**14 CFR**

39 (2 documents)..... 51431,

51432

71 (4 documents)..... 51433-

51436

**18 CFR**

157..... 51436

271..... 51446

**20 CFR**

200..... 51447

202..... 51447

250..... 51447

259..... 51447

260..... 51447

262..... 51447

350..... 51447

362..... 51447

363..... 51447

**21 CFR**

136..... 51448

193..... 51453

561..... 51453

**24 CFR**

203..... 51455

207..... 51455

213..... 51455

220..... 51455

221..... 51455

232..... 51455

234..... 51455

236..... 51455

241..... 51455

242..... 51455

244..... 51455

**30 CFR**

915..... 51457

934 (2 documents)..... 51458,

54459

942..... 51461

950..... 51465

**32 CFR**

150..... 51467

**Proposed Rules:**

95..... 51490

**35 CFR**

133..... 51472

**40 CFR**

52 (2 documents)..... 51472,

51480

180 (4 documents)..... 51485-

51487

**Proposed Rules:**

180..... 51492

**41 CFR**

Ch. 7..... 51488

**47 CFR****Proposed Rules:**

1..... 51493

22..... 51493



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Mrs. A. B. Jones		456 Elm St.		Los Angeles		CA		90001	
Mr. C. D. Brown		789 Oak St.		Chicago		IL		60601	
Mrs. E. F. Green		101 Pine St.		Houston		TX		77001	
Mr. G. H. White		202 Cedar St.		Phoenix		AZ		85001	
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Mr. U. V. Walker		2222 Kearny St.		San Francisco		CA		94101	
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Mr. I. J. Gibson		4242 Market St.		San Francisco		CA		94101	
Mrs. K. L. Hall		4343 Mission St.		San Francisco		CA		94101	
Mr. M. N. Hill		4444 Divisadero St.		San Francisco		CA		94101	
Mrs. O. P. King		4545 Geary St.		San Francisco		CA		94101	
Mr. Q. R. Lee		4646 Gough St.		San Francisco		CA		94101	
Mrs. S. T. Scott		4747 Hayes St.		San Francisco		CA		94101	
Mr. U. V. Walker		4848 Jackson St.		San Francisco		CA		94101	
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Mrs. E. F. Evans		5353 Divisadero St.		San Francisco		CA		94101	
Mr. G. H. Fisher		5454 Geary St.		San Francisco		CA		94101	
Mrs. I. J. Gibson		5555 Gough St.		San Francisco		CA		94101	
Mr. K. L. Hall		5656 Hayes St.		San Francisco		CA		94101	
Mrs. M. N. Hill		5757 Jackson St.		San Francisco		CA		94101	
Mr. O. P. King		5858 Kearny St.		San Francisco		CA		94101	
Mrs. Q. R. Lee		5959 Lombard St.		San Francisco		CA		94101	
Mr. S. T. Scott		6060 Market St.		San Francisco		CA		94101	
Mrs. U. V. Walker		6161 Mission St.		San Francisco		CA		94101	
Mr. W. X. Young		6262 Divisadero St.		San Francisco		CA		94101	
Mrs. Y. Z. Adams		6363 Geary St.		San Francisco		CA		94101	
Mr. A. B. Baker		6464 Gough St.		San Francisco		CA		94101	
Mrs. C. D. Carter		6565 Hayes St.		San Francisco		CA		94101	
Mr. E. F. Evans		6666 Jackson St.		San Francisco		CA		94101	
Mrs. G. H. Fisher		6767 Kearny St.		San Francisco		CA		94101	
Mr. I. J. Gibson		6868 Lombard St.		San Francisco		CA		94101	
Mrs. K. L. Hall		6969 Market St.		San Francisco		CA		94101	
Mr. M. N. Hill		7070 Mission St.		San Francisco		CA		94101	
Mrs. O. P. King		7171 Divisadero St.		San Francisco		CA		94101	
Mr. Q. R. Lee		7272 Geary St.		San Francisco		CA		94101	
Mrs. S. T. Scott		7373 Gough St.		San Francisco		CA		94101	
Mr. U. V. Walker		7474 Hayes St.		San Francisco		CA		94101	
Mrs. W. X. Young		7575 Jackson St.		San Francisco		CA		94101	
Mr. Y. Z. Adams		7676 Kearny St.		San Francisco		CA		94101	
Mrs. A. B. Baker		7777 Lombard St.		San Francisco		CA		94101	
Mr. C. D. Carter		7878 Market St.		San Francisco		CA		94101	
Mrs. E. F. Evans		7979 Mission St.		San Francisco		CA		94101	
Mr. G. H. Fisher		8080 Divisadero St.		San Francisco		CA		94101	
Mrs. I. J. Gibson		8181 Geary St.		San Francisco		CA		94101	
Mr. K. L. Hall		8282 Gough St.		San Francisco		CA		94101	
Mrs. M. N. Hill		8383 Hayes St.		San Francisco		CA		94101	
Mr. O. P. King		8484 Jackson St.		San Francisco		CA		94101	



# Presidential Documents

Title 3—

Proclamation 5126 of November 4, 1983

The President

National Family Week, 1983

By the President of the United States of America

## A Proclamation

The family and family life are central to our American heritage. Family bonds give us an anchor in the past, as well as hope for the future. It is within the family that tradition is created, individuals grow, and faith is nurtured. Through family living, we discover who we are, how to interact with our fellowman, and the values that make a free society possible.

Families perform the daily tasks that sustain and renew us, including raising children and caring for the elderly. Families not only provide better health but also serve the special needs of the handicapped. In particular, those who have opened their homes through adoption and foster care deserve special thanks for offering the gift of family life to our Nation's less fortunate children.

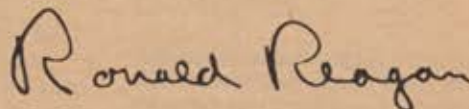
Today, amid new pressures and needs, America is relearning the importance of its families. For instance, success in the national fight against drug and alcohol abuse must begin with a strong and united family. We are newly aware that the family cannot be taken for granted, and that the support of a family can never truly be replicated.

In recognition of the importance of the family as an essential unit of our free and orderly society, the Congress, by Senate Joint Resolution 45, has authorized and requested the President to designate the week beginning on November 20, 1983, as "National Family Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 20 through November 26, 1983, as National Family Week. I applaud the men and women who uphold our families in many ways, as parents, grandparents, as the daughters and sons of older Americans.

I invite the Governors of the several States, the chief officials of local governments and all our citizens to observe this week with appropriate ceremonies and activities. During a week in which we will also observe Thanksgiving Day, I especially invite all Americans to give thanks for the family relationships with which we have been blessed.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of November, 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.









# Rules and Regulations

Federal Register

Vol. 48, No. 218

Wednesday, November 9, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1290

#### Floral Research and Consumer Information Order; Procedure for Referenda and Rules of Practice for Modification or Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** The Floral Research and Consumer Information Act (7 U.S.C. 4301-4319) authorizes a program of research and promotion to be developed through the promulgation of an order. Based on evidence received at a public hearing, the U.S. Department of Agriculture may hold a referendum to determine if eligible flower and plant producers and importers favor an order. This rule establishes procedures for the conduct of referenda and a basis for persons to petition for change in the order or its administration if one is issued.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Anne M. Dec, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 475-3930.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because those with applicable sales of \$100,000 or less are exempt and it would not materially affect costs for the directly regulated producers and importers.

The Floral Research and Consumer Information Act (Pub. L. 97-98, 97th Congress, approved December 22, 1981, 7 U.S.C. 4301-4319) authorizes the development of a nationally coordinated program of research, promotion, and consumer education for flowers and plants. A public hearing was held on a proposed floral research and consumer information order in October and November 1982. Based on the record of the hearing, a recommended decision was published in the *Federal Register* on July 5, 1983 (48 FR 30650) which concluded that an order would effectuate the purposes of the Act. Comments on the decision were allowed through August 19, 1983. A final decision will be issued after consideration of the comments; and if it also supports an order, the Act requires that a referendum be held to determine whether affected producers and importers favor the order.

Notice of proposed procedures for conducting referenda under this part was published in the *Federal Register* on August 3, 1983 (48 FR 35116). The notice also proposed rules for proceedings on petitions to modify or be exempted from an order. Interested persons were invited to submit comments on the proposal by August 19.

Only two comments were received—one submitted on behalf of the Floraboard Development Committee and one on behalf of the Growers United to Oppose Floraboard. Both were in regard to the proposed referenda procedures.

The Floraboard Development Committee indicated that § 1290.201(i) of the proposed rule should be amended to clarify the definition of importers eligible to vote in referenda. The revision brings the definition of "eligible importer" more closely into conformance with the definition set forth in the Act and the proposed order, and so it has been incorporated in the final rule.

The proponents also requested that § 1290.207, which requires that all ballot contents remain confidential, be amended so that the names and addresses of persons voting could be published by the Department at the conclusion of a referendum. This would provide interested persons the opportunity to challenge any individual's eligibility to vote. However, the mere act of voting is an indication of business volume. The ballot may also

contain other confidential information about the voter's business. The proposed order guarantees confidential treatment of business information submitted by an individual. To conform with this principle of confidentiality of business information, this request for revision of § 1290.207 is denied.

The Growers United to Oppose Floraboard contend that certain terms, such as "total value of sales," need to be defined in order to be able to determine who is eligible to vote in referenda under this subpart. Accordingly, the pertinent definitions have been incorporated in this rule.

Remaining comments relate to specific details of an initial issuance referendum, such as its timing and duration, the contents of the ballot, and methods of informing voters of the referendum. Such details are not incorporated in this rule since the procedures set forth are to be used in conducting any future referendum regarding the issuance, amendment or termination of an order.

**Findings.** After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that this subpart will tend to effectuate the declared purpose of the act.

It is further found that under the administrative procedure provisions in 5 U.S.C. 553, it is impractical and unnecessary to delay the effective date of this rule until 30 days after publication in the *Federal Register* because: (1) The rule is essentially the same as the proposal published August 3; and (2) an earlier effective date will not impose any additional burden on any person.

#### List of Subjects in 7 CFR Part 1290

Administrative practice and procedure, Advertising, Agricultural Research, Floral products, Promotion.

Accordingly, Title 7 of the Code of Federal Regulations is amended by adding Part 1290 to read as follows:

#### PART 1290—REFERENDA PROCEDURES

##### Subpart—Procedure for the Conduct of Referenda in Connection With Floral Research and Consumer Information Order

Sec.	
1290.200	General.
1290.201	Definitions.
1290.202	Voting.



- Sec.  
 1290.203 Instructions.  
 1290.204 Subagents.  
 1290.205 Ballots.  
 1290.206 Referendum report.  
 1290.207 Confidential information.

**Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From an Order**

- 1290.250 Words in the singular form.  
 1290.251 Definitions.  
 1290.252 Institution of proceeding.  
 Authority: Pub. L. 97-98, 7 U.S.C. 4301-4319.

**Subpart—Procedure for the Conduct of Referenda in Connection With Floral Research and Consumer Information Order**

**§ 1290.200 General.**

Referenda to determine whether eligible producers and importers favor the issuance, continuance, termination or suspension of a Floral Research and Consumer Information Order shall be conducted in accordance with this subpart.

**§ 1290.201 Definitions.**

As used in this subpart, terms shall have the same meaning as defined in the Act and order unless modified by this section or unless context otherwise requires:

(a) "Act" means the Floral Research and Consumer Information Act, Pub. L. 97-98, 97th Congress, approved December 22, 1981, 7 U.S.C. 4301-4319.

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead; and Department means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(d) "Order" mean the order (including an amendment to an order) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to Section 1709 of the Act.

(g) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity. For the purpose of this definition, the term "partnership"

includes, but is not limited to, (1) a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures," wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing or importing of flowers and plants for market and the authority to transfer title to the flowers and plants so produced or imported.

(h) "Flowers and plants" means those types or varieties of potted flowering plants and foliage plants (plus plant material used in their propagation) used primarily for interior decoration, and all cut flowers and all plant material used in the propagation of cut flowers. It does not include bedding plants, exterior landscape plants, or any other exterior plant material.

(i) Under this subpart, "eligible producer" means any person who produces domestically flowers and plants for interior use, with total sales thereof exceeding \$100,000 during the 12 consecutive months of the representative period and who: (1) Owns and farms land (or a greenhouse), resulting in the ownership of the flowers and plants produced there; (2) rents and farms land, resulting in the ownership of all or a portion of the flowers and plants produced thereon; (3) owns land which the person does not farm and, as rental for such land, obtains the ownership of a portion of the flowers and plants produced thereon; or (4) is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce flowers and plants who share the risk of loss and receive a share of the flowers and plants produced. No other acquisition of legal title to flowers and plants shall be deemed to result in persons becoming producers.

(j) Under this subpart, "eligible importer" means any person engaged in the importation of flowers and plants with total sales thereof exceeding \$100,000 during the 12 consecutive months of the representative period. An importer is any person responsible for making the first sales transaction of commodities originating outside the United States once they are released from Customs by the U.S. Customs Service. Among those included as "eligible importers" are agents, consignees or brokers, acting on behalf of foreign producers or foreign exporters, who make the first sales

transaction which introduces flowers and plants into commerce upon release by the Customs Service.

(k) For the purpose of determining whether a producer or importer is eligible to vote in a referendum under this subpart, "total sales" is defined as a producer's or importer's total dollar amount of sales of flowers and plants primarily used for interior decoration. Specifically excluded are the sales of plants likely to be used outdoors, such as nursery, vegetable, and bedding plants. Also excluded are the sales of accessory items, such as decorative baskets and ceramic pots, that are not necessary to the sale of flowers and plants, and have usefulness independent of the commodities they are sold with. For the purpose of this section, a producer's or importer's total sales shall include, in those cases in which the producer or importer is an individual, sales attributable to such person's spouse, children, grandchildren, and parents; in those cases in which the producer or importer is a partnership or a member of a partnership, sales attributable to the other partners; and, in those cases in which the producer or importer is a corporation, sales attributable to any corporate subsidiaries of which such corporation owns 50 per centum or more of the stock, or if such subsidiaries are not corporations, subsidiaries which are controlled by such corporation. In addition, in determining a producer's or importer's total sales, the sales of any corporation in which such producer or importer owns 50 per centum or more of the stock shall be attributed to such producer or importer. For these purposes stock in the same corporation which is owned by such producer's or importer's spouse, children, grandchildren, parents, partners, and any corporation 50 per centum or more of whose stock is owned by the producer or importer shall be treated as owned by the producer or importer.

(l) "Floraboard" means the administrative board provided for under Section 1701 of the Act.

**§ 1290.202 Voting.**

(a) Only a person who is an eligible producer or eligible importer, as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to a vote in the referendum. However, each such party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce flowers and plants, in which each has a proprietary interest,



including sharing in the risk of loss in the flowers and plants produced by the venture, shall be entitled to one vote in the referendum covering only his or her share of the ownership of the flowers and plants resulting from such venture.

(b) Proxy voting is not authorized but an officer or employee of a corporate eligible producer or importer, or an administrator, executor, or trustee of an eligible producing or importing estate may cast a ballot on behalf of such producer, importer or estate. Any individual so voting in a referendum shall certify that he is an officer or employee of the eligible producer or importer, or an administrator, executor, or trustee of an eligible producing or importing estate, and that he has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) Each eligible producer and importer shall be entitled to cast only one ballot in the referendum.

#### § 1290.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers or importers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, (2) the cumulative total acreage or square footage of flowers and plants produced by the voting producer during the representative period with the total sales value thereof, (3) the total quantity and total sales value of flowers and plants imported during the representative period, and (4) in a joint venture, names of the parties and each one's share of ownership of the resulting flowers and plants.

(d) Give reasonable advance notice of the referendum (1) by utilizing without advertising expense available media or public information sources (including but not limited to, press and radio facilities) announcing the dates, places,

or methods of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to eligible producers and importers instructions on voting, appropriate ballot and certification forms, and, except in the case of a referendum on the termination or continuance of an order, a summary of the terms and conditions of the order. Except that no person who claims to be eligible to vote shall be refused a ballot.

(f) If ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each eligible producer and importer whose name and address is known to the referendum agent.

(g) If ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report thereon, including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

#### § 1290.204 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to eligible producers and importers and receive any ballots which are cast; and

(d) Record the name and address of each person casting a ballot with said subagent and check the eligibility of such person to vote in the referendum.

#### § 1290.205 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

#### § 1290.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

#### § 1290.207 Confidential information.

All ballots cast and the contents thereof (whether or not relating to the identity of any person who voted or the manner in which any person voted) and all information furnished to, compiled by, or in possession of, the referendum agent shall be treated as confidential except that the issuance of general statements regarding referendum results shall not be prohibited provided that information furnished by any one person is not disclosed.

#### Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From an Order

#### § 1290.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

#### § 1290.251 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition unless the context otherwise requires:

(a) The term "Act" means the Floral Research and Consumer Information Act, Pub. L. 97-98, 97th Congress,



approved December 22, 1981, 7 U.S.C. 4301-4319;

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereinafter be delegated, to act in the Secretary's stead;

(d) The term "judge" means any administrative law judge in the Office of Administrative Law Judges, U.S. Department of Agriculture;

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or may hereafter be delegated, to act in the Administrator's stead;

(f) The term "Federal Register" means the publication provided for by the Federal Register Act, approved July 26, 1935 (44 U.S.C. 1501-1511), and acts supplementing and amending it;

(g) The term "order" means any order or any amendment thereto which may be issued pursuant to the Act;

(h) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity subject to an order or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(i) The term "proceeding" means a proceeding before the Secretary arising under Section 1714(a) of the Act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "presiding officer" means the administrative law judge conducting a proceeding under this Act;

(n) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

(o) The term "petition" includes an amended petition.

#### § 1290.252 Institution of proceeding.

(a) *Filing and service of petitions.* Any person subject to an order desiring to

complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, five copies of a petition in writing addressed to the Secretary, requesting a modification of such order or to be exempted from such order. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petitions.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If the petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Requests for the specific relief which the petitioner desires the Secretary to grant.

(c) *An application to dismiss petition—Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the Act or with the requirements of paragraph (b) of this section, the Administrator may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition,

shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition of such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from plans shall be governed by §§ 900.52(c)(2) through 900.71 of this title (Rules of Practice Governing Proceedings on Petitions To Modify or to Be Exempted From Marketing Orders) and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference. However each reference to "marketing order" in the title shall mean "order."

(Title XVII of Pub. L. 97-98; 95 Stat.; 7 U.S.C. 4301-4319)

Dated: November 3, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-30280 Filed 11-8-83; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 103

#### Powers and Duties of Service Officers, Availability of Service Records

##### Correction

In FR Doc. 83-29208 Beginning on page 49651 in the issue of Thursday, October 27, 1983, make the following corrections:

1. On page 49652, in the first column, under § 103.7(d)(4), in the fourth line, the phrase "or either" should read "of either".

2. On the same page, in the third column, under § 103.10(d)(2), in the sixth line, the phrase "a director" should read "a district director".



3. On page 49653, in the first column, in the heading for § 103.21, the word "Adcess" should read "Access".

4. On the same page, in the middle column, under § 103.28(b), in the seventh line from the bottom, "designees" should read "designee".

5. On the same page, in the third column, under § 103.28(b), in the fourth line, the reference to the CFR should read "28 CFR 16.48".

BILLING CODE 1505-01-M

## 8 CFR Part 238

### Contracts With Transportation Lines; Addition of CP Air and Nordair Limited

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds CP Air and Nordair Limited to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

**EFFECTIVE DATE:** November 17, 1983 as to CP Air and December 17, 1983 as to Nordair Limited.

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

**SUPPLEMENTARY INFORMATION:** The Commissioner of the Immigration and Naturalization Service has entered into agreements with CP Air and Nordair Limited to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the present listing and is editorial in nature.

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

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

## List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

### PART 238—CONTRACTS WITH TRANSPORTATION LINES

#### § 238.4 [Amended]

Section 238.4 is amended as follows:

1. Add in alphabetical order, "CP Air" and "Nordair Limited", under "At Winnipeg."

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

Dated: November 2, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-30289 Filed 11-8-83; 8:45 am]

BILLING CODE 4410-01-M

## 8 CFR Part 238

### Contracts With Transportation Lines; Washington State Ferries

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds Washington State Ferries to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States. Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

**EFFECTIVE DATE:** October 12, 1983.

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

**SUPPLEMENTARY INFORMATION:** The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Washington State Ferries to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)).

Compliance with 5 U.S.C. 533 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will

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

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

## List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

### PART 238—CONTRACTS WITH TRANSPORTATION LINES

#### § 238.4 [Amended]

Section 238.4 is amended as follows:

1. Add in alphabetical order, "Washington State Ferries", under "At Victoria."

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

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-30302 Filed 11-8-83; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 83-NM-47-AD; Amdt. 39-4767]

### Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Series 2A and 2B Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final Rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) applicable to British Aerospace Aircraft Group Model HS 748 series 2A and 2B airplanes which require radiographic inspections of the engine subframe for corrosion and repair, if needed. Routine inspections have revealed internal corrosion in the tubes of several subframe struts. If allowed to remain, corrosion could weaken the tubes and lead to structural failure.

**EFFECTIVE DATE:** December 15, 1983.

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



**FOR FURTHER INFORMATION CONTACT:**

Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

**SUPPLEMENTARY INFORMATION:** The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace Aircraft Group HS 748 Service Bulletin 54/25, Revision 2, as mandatory. Radiographic inspections have revealed corrosion in the inner walls of the tubes of engine subframe struts on some airplanes which have ten or more years in service. If significantly corroded, the tubes may fail. The service bulletin prescribes inspections, repairs, or replacements, as necessary.

A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include an airworthiness directive requiring inspections for corrosion of the engine subframe, and repairs, if needed, was published in the *Federal Register* on June 27, 1983 (48 FR 29538). The comment period closed on August 16, 1983, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. In the proposed AD, reference was made to Revision 2 of the service bulletin. In the final AD, reference is made to Revision 4 which now has been issued by the manufacturer. This change does not increase the burden to operators since the changes that Revision 4 contains are editorial in nature.

It is estimated that 5 U.S. registered airplanes will be affected by this AD, that it will take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$35 per manhour. Repair parts are estimated at \$2,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be \$15,250. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously noted.

**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 Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**British Aerospace Group:** Applies to Model HS 748 series 2A and 2B airplanes certificated in all categories. To prevent structural failure of the engine subframe, accomplish the following, unless already accomplished:

A. Prior to 7 years from date of manufacture, or within the next 12 months after the effective date of this AD, whichever occurs later, inspect engine subframe struts and perform the appropriate actions in accordance with paragraph 2, Accomplishment Instructions, of British Aerospace Aircraft Group HS 748 Service Bulletin 54/25, Revision 4, dated May 1979.

B. Repeat the inspections of the subframe struts at seven year intervals from the last inspection.

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

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

This amendment becomes effective December 15, 1983.

(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 1592); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on October 31, 1983.

Wayne J. Barlow, Acting Director,  
Northwest Mountain Region.

[FR Doc. 83-30223 Filed 11-6-83; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 82-ANE-41; Amdt. 39-4761]

**Airworthiness Directives; Garrett Turbine Engine Company TFE731-2, -3, -3R, -3A, -3AR, -3B, and -3BR Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) which requires inspection of certain high pressure compressor impellers used in Garrett Model TFE731-2 and -3 series engines. Furthermore, this amendment supersedes another existing airworthiness directive which provides for hourly or cyclic life limits of various compressor and turbine components.

This amendment is needed to consolidate the requirements of two previous ADs as well as eliminate those portions of the superseded AD which no longer are applicable to the TFE731-2 and -3 series engines. No additional requirements are introduced in this AD.

**DATES:** Effective December 9, 1983.

B. The incorporation by reference provisions in this document were approved by the Director of the Federal Register on October 31, 1983.

C. Compliance schedule—As prescribed in the body of the AD.

**ADDRESSES:** The applicable service information may be obtained from: Garrett Turbine Engine Company, Post Office Box 5217, Phoenix, Arizona 85010. Telephone: (602) 231-1000.

A copy of the service information is contained in the Rules Docket, No. 82-ANE-41, Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Bill Moring, Aerospace Engineer, ANM-174W, Western Aircraft Certification Field Office, Northwest Mountain Region, Post Office Box 92007, Worldway Postal Center, Los Angeles, California 90009; telephone: (213) 536-6383.

**SUPPLEMENTARY INFORMATION:** This amendment supersedes Amendment 39-2116 (40 FR 8939), AD 75-05-12, made effective on March 7, 1975, which currently provides for compressor and turbine rotor disk cyclic life limits and turbine rotor blade, sun and pinion gear assembly, and third stage compressor stator assembly hourly life limits on Garrett TFE731-2 and -3 series engines. This amendment, also, amends



Amendment 39-4488 (47 FR 50462), AD 82-23-03, made effective on November 15, 1982, which currently establishes an inspection interval and reduces the cyclic life limit for the high pressure compressor impeller used in the TFE731-2 and -3 series engines. After issuing Amendment 39-4488, The FAA has determined that the two ADs are inconsistent and that portions of the AD issued in 1975 are no longer applicable. Therefore, the FAA is amending Amendment 39-4488 and superseding Amendment 39-2116 by combining the applicable requirements of the two ADs and eliminating the non-applicable portions.

Since this amendment only provides a clarification of existing requirements and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

#### List of Subjects in 14 CFR Part 39

Engines, Air transportation. Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4488 (47 FR 50462), AD 82-23-03. The amended AD also supersedes Amendment 39-2116 (40 FR 8939), AD 75-05-12. The amended AD reads as follows:

**Garrett Turbine Engine Company:** Applies to all Garrett TFE731-2, -3, -3R, -3A, -3AR, -3B and -3BR series turbofan engines. Compliance required as indicated unless already accomplished.

(a) To prevent failure of high pressure compressor impellers due to cracks originating from a double radius in the seal relief region or a manufacturing notch in the forward balance ring, inspect and rework compressor impeller, Part Number 3070274-1 or 3072639-1, in accordance with the procedures contained in the accomplishment instructions section of Garrett Service Bulletin Number TFE731-72-3239RWK, dated September 13, 1982, or equivalent means approved by the Manager, Western Aircraft Certification Field Office, ANM-170W, Northwest Mountain Aircraft Certification Division.

Inspect in accordance with the following schedule:

(1) Impellers which have been operated in TFE731-3, -3R, -3A, -3AR, -3B, or -3BR engines during any portion of their service lives must be inspected prior to exceeding 5,100 cycles in service.

**Note.**—The engine life limited parts log card for each impeller is located with the impeller or in the engine log book. This card lists the engine serial number of each engine in which the impeller has operated. The 5

digit serial numbers of the TFE731-3 series engines begin with the 2 digits 75, 76, 77, 78, 80, 82, 83, 84, 85, 87, 90, or 94.

(2) Impellers which have been operated in TFE731-2 engines, only, must be inspected prior to exceeding 6,200 cycles in service.

**Note.**—The 5 digit serial numbers of the TFE731-2 series engines begin with the 2 digits 73, 74, 81, 86, 88, or 89.

Impellers found to have crack indications are to be removed from, and not returned to, service. Impellers not found to have crack indications may be returned to service after having the seal relief region and notch in the forward balance ring recontoured in accordance with the procedures contained in the accomplishment instructions section of Garrett Service Bulletin Number TFE731-72-3239 RWK, dated September 13, 1982, or equivalent means approved by the Manager, Western Aircraft Certification Field Office, ANM-170W, Northwest Mountain Aircraft Certification Division.

(b) To prevent cracking and possible failure of the following listed fan and compressor rotor discs, used in TFE731-2 series engines, the life limits on these parts have been reduced. Unless already accomplished, remove rotor discs from service prior to reaching the life limits shown below or, before accumulation of an additional 30 cycles in service after March 7, 1975, whichever occurs later:

Component	Part No.	Life limit in cycles
Fan Disc	3072162	10,000
First Stage Compressor	3072190	3,000
Second Stage Compressor	3072191	3,700
Third Stage Compressor	3072192	1,200
Fourth Stage Compressor	3072193	1,200

**Note.**—For the purpose of this AD, a cycle is considered as any engine operating sequence involving an engine start, at least one acceleration to 80% low pressure rotor speed or above, and shutdown.

**Note.**—Garrett FAA approved Service Bulletin TFE731-72-3001, Revision 15, dated June 30, 1983, provides the cyclic life limits for all life limited components not covered by this AD. This bulletin may be revised in the future, with the approval of the FAA, in order to provide life limit increases if appropriate.

(c) Service life limits have been assigned to the following specific parts used in the TFE731-2 series engines:

(1) Replace the High Pressure Turbine Blades, Part Number 3072111-1 (used in high pressure turbine rotor assembly, part number 3070098), with serviceable turbine blades before exceeding 1,000 hours total time in service or before exceeding 200 additional hours time in service after March 7, 1975, whichever occurs later.

(2) Model TFE731-2 engines Serial Numbers P-74101 through P-74113 and Serial Numbers P-73106 through P-73184 not modified by incorporation of Power Section Change Number 22: Replace the Pinion Gear Assembly, Part Number 3071626-1, and Sun Gear, part Number 3071598-1, with a serviceable Pinion Gear Assembly and Sun Gear before exceeding 500 hours total time in service, or before exceeding an additional 50

hours time in service after March 7, 1975, whichever occurs later.

(3) Model TFE731-2 engines Serial Numbers P-74101 through P-74138 and Serial Numbers P-73106 through P-73209 not modified by incorporation of Power Section Change Number 41 or 44: Replace the Third Stage Compressor Stator Assembly, Part Number 3070279-7, -8, or -10, with a serviceable Third Stage Compressor Stator Assembly before exceeding 500 hours total time in service, or before exceeding an additional 50 hours time in service after March 7, 1975, whichever occurs later.

**Note.**—Power Section Change Numbers are annotated on the Engine Data Plate affixed to the engine.

The manufacturer's specifications and procedures identified and described in the directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010. These documents also may be examined at FAA New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts.

This amendment becomes effective December 9, 1983.

This amendment amends Amendment 39-4488 (47 FR 50462), AD 82-23-03, and supersedes Amendment 39-2116 (40 FR 8939), AD 75-05-12.

(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]; 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation only involves the consolidation of the requirements of two previous ADs as well as eliminating those portions of the superseded AD which no longer are applicable to the TFE731-2 and -3 series engines. No additional requirements are introduced in this AD. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and its impact is so minimal that an evaluation is not required.

Issued in Burlington, Massachusetts, on October 20, 1983.

Jack A. Sain,

Acting Director, New England Region.

(FR Doc. 83-30229 Filed 11-8-83; 8:45 am)

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-AGL-12]

#### Alteration of Control Zone

**AGENCY:** Federal Aviation Administration (FAA), DOT.



**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to alter the Ohio State University Airport, Columbus, Ohio, control zone to revise the airspace currently designated for the control zone.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

**EFFECTIVE DATE:** January 19, 1984.

**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:** This action revises the Ohio State University Airport control zone to accommodate existing airspace requirements. A review of designated airspace in the Columbus area prompted a rewrite to better and more accurately describe the airspace in the area. The revised description is presented in the text of this notice.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

**History**

On page 41170 of the Federal Register dated September 14, 1983, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the Ohio State University Airport, Columbus, Ohio, control zone. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. 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.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., January 19, 1984, as follows:

**Columbus, Ohio State University Airport, OH**

Within a 5-mile radius of the center, latitude 40°04'48" N., longitude 83°04'24" W., of Ohio State University Airport; within 3 miles each side of the 090° bearing from the Don Scott RBN, latitude 40°04'49" N., longitude 83°04'43" W., extending from the 5-mile radius zone to 9 miles east of RBN, excluding that portion within the Port Columbus International Airport, Columbus, Ohio, control zone. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 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 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 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 October 24, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

(FR Doc. 83-30225 Filed 11-8-83; 8:45 am)

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 83-AGL-10]

**Designation of Transition Area**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to designate controlled airspace near Valley City, North Dakota, to accommodate a new NDB Runway 31 instrument approach procedure for Valley City Municipal Airport, Valley City, North Dakota.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

**EFFECTIVE DATE:** January 19, 1984.

**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:** The development of the proposed instrument procedure requires the FAA to lower the floor of the controlled airspace to ensure that the procedure will be contained within controlled airspace.

The new instrument approach procedure is being established in an area which is now primarily uncontrolled airspace below an approximate average of 1,500 feet above the surface. This necessitates the designation of a transition area with a base of 1,200 feet above the surface to contain arriving instrument flight rules operations at 1,500 feet and higher above the surface and departing instrument flight rules operations from the point where they reach 1,200 feet above the surface. That 1,200-foot transition area includes the procedure turn area of the instrument procedure which is located southeast of Valley City Airport. The new procedure also requires the designation of an area with a base of 700 feet above the surface to contain arriving instrument flight rules operations below 1,500 feet above the surface and departing instrument operations until they reach 1,200 feet above the surface. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

**History**

On page 40525 of the Federal Register dated September 8, 1983, the FAA proposed to amend Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a new 700-foot controlled airspace transition area near Valley City, North Dakota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 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

Transition areas, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., January 19, 1984, as follows:

##### *Valley City, North Dakota*

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Valley City Municipal Airport (lat. 46°56'30" N., long. 98°01'00" W.) and that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Valley City Municipal Airport (lat. 46°56'30" N., long. 98°01'00" W.); within 4.5 miles southwest and 9.5 miles northeast of the 133° bearing from the Valley City, North Dakota, NDB (lat. 46°52'39" N., long. 97°54'49" W.), extending from the NDB to 18.5 miles southeast of the NDB.

(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 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 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 October 25, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 83-30226 Filed 11-8-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-ASW-35]

**Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area and Control Zone: Harlingen, TX**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will alter the transition area at Harlingen, TX. The

intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to the Rio Grande Valley International Airport. This amendment is necessary since a review of the designated airspace revealed a realignment is necessary to provide protection of aircraft executing SIAPs to the airport.

**EFFECTIVE DATE:** January 19, 1984.

**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 September 6, 1983, a notice of proposed rulemaking was published in the *Federal Register* (48 FR 40267) stating that the Federal Aviation Administration proposed to alter the transition area and control zone at Harlingen, TX. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration.

Comments on the proposal were received from Mr. C. Dennis Wright, Director, Airspace Department, Aircraft Owners and Pilots Association (AOPA); Mr. Victor J. Nartz, Jr., Assistant Director, Air Transport Association of America (ATA); and Mr. Lewis Barr, Airport Manager and Mr. E. E. Dawson, Airport Board of the San Benito Municipal Airport. The AOPA did not object to the proposal; however, they expressed concern with the amount of airspace designated to the north of the Rio Grande Valley International Airport. The ATA representative did not object but was concerned about the proposed reduction of the control zone northwest of the Rio Grande Valley International Airport. Mr. Barr and Mr. Dawson jointly signed a letter objecting to the proposal on the basis the action would affect the aircraft operations at the San Benito Municipal Airport.

##### **Discussion of Comments**

Subsequent to the proposed action, the FAA has become aware of two events that have a bearing on the proposed action. The new proposed SIAP to Runway 31 at the Rio Grande Valley International Airport, using the Brownsville VORTAC, will not meet the flight inspection criteria; therefore, the approach cannot be implemented. In addition, an error occurred on the computation of necessary airspace, both control zone and transition areas, for

aircraft executing SIAPs to Runway 13 at the Rio Grande Valley International Airport. In recomputing the required airspace, the extensions to the northwest for the control zone and transition area are required for aircraft executing SIAPs to Runway 13. Therefore, this control zone will not be altered as proposed in the notice of proposed rulemaking (NPRM) and the existing 700-foot transition area will remain, extending to the Harlingen VOR.

In consideration of Mr. Barr's and Mr. Dawson's comments on the effect the proposed action would have on the San Benito Municipal Airport the FAA does not agree that the operations at San Benito will be affected. The San Benito Municipal Airport will remain outside of the Harlingen control zone; however, it will be underneath the proposed 700-foot transition area. The lowering of controlled airspace from the existing 1,200 feet above ground level (AGL) to 700 feet AGL over the San Benito Municipal Airport will have minimal impact, if any, to aircraft operating from this airport. The weather, as reported at the Rio Grande Valley International Airport, will have no effect on the San Benito Municipal Airport when the weather at this airport is visual flight rules (VFR). Therefore, the FAA has determined that this proposal, adopted in its revised form, will not have a substantial effect on the users of the airspace. The operations at San Benito Municipal Airport in VFR weather conditions will not be affected.

#### **List of Subjects in 14 CFR Part 71**

Control zones and/or 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., January 19, 1984, as follows:

##### **Harlingen, TX (Amended)**

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of the Rio Grande Valley International Airport (latitude 26°13'41"N., longitude 97°39'13"W.), and within 5 miles each side of the ILS north course extending from the 8.5-mile radius area to 20 miles north of the airport and within 2 miles each side of the Harlingen VOR 118° radial extending from the 8.5-mile radius area to the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); 49 U.S.C. 106(g))



(Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

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

Issued in Fort Worth, TX, on October 28, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-30228 Filed 11-8-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-AGL-13]

#### Alteration of Control Zone

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to alter the Bolton Field Airport, Columbus, Ohio, control zone to revise the airspace currently designated for the control zone.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

**EFFECTIVE DATE:** January 19, 1984.

**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:** This action revises Bolton Field Airport control zone to accommodate existing airspace requirements. It expands the zone from a 3-mile radius to a 5-mile radius due to the instrument flight rule status of the airport while excluding portions northwest and east due to other existing airports. The revised description is presented in the text of this Notice.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate

the area in order to comply with applicable visual flight rule requirements.

#### History

On page 41778 of the Federal Register dated September 19, 1983, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the Bolton Field Airport, Columbus, Ohio control zone. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. 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 14 CFR Part 71

Control zones, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., January 19, 1984, as follows:

#### Columbus, Bolton Field, Ohio

Within a 5-mile radius of the center, latitude 39°54'07"N longitude 83°08'12"W., of Bolton Field Airport, excluding that portion extending beyond a 2-mile radius of the Bolton Field bearing 270° clockwise to 325° and that portion beyond a 1.5-mile radius of the Bolton Field bearing 060° clockwise to 105°. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

(Secs. 313(a) and 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 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 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 October 24, 1983.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 83-30224 Filed 11-8-83; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 157

[Docket Nos. RM81-19-000 and RM81-29-000; Order No. 319-A]

#### Interstate Pipeline Blanket Certificates for Routine Transactions and Sales and Transportation by Interstate Pipelines and Distributors

Issued: November 3, 1983.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order Granting in Part and Denying in Part Applications for Rehearing of Order Nos. 319 and 234-B.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is denying in part and granting in part petitions for rehearing and reconsideration of Phase II of its blanket certificate program. Order No. 319, 48 FR 34,875 (August 1, 1983) and Order No. 234-B, 48 FR 34872 (August 1, 1983). Those final rules expanded the category of activities authorized under a blanket certificate pursuant to Subpart F of Part 157 of the Commission's regulations to include specified off-system sales between interstate pipelines and the transportation of natural gas for all end-users.

Order No. 319-A amends § 157.209 to extend eligibility under the blanket certificate regulations to any seller in a first sale, except for interstate pipelines selling their own pipeline production. This amendment allows continued transportation authorization for gas sold by brokers to end-users.

The Commission is also amending the regulations to clarify that the provisions of Order No. 234-B, which extend transportation eligibility to gas for any end-use, apply to end-user owned and developed gas. In this regard, Order No. 319-A clarifies that, while it is not necessary that an end-user initiated gas exploration and development, proven reserves purchased in place by and end-user do not qualify for transportation under blanket certificates.

The order also continues to grant rehearing solely for purposes of further consideration of those petitions relating



to blanket certificate authorization of off-system sales.

**EFFECTIVE DATE:** November 3, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Jack O. Kendall, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033

Robert J. Cupina, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

**SUPPLEMENTARY INFORMATION:**

In the matter of Interstate Pipeline Certificates for Routine Transactions: Docket Nos. RM81-19-000, RM81-19-010, RM81-19-011, RM81-19-012, RM81-19-013, RM81-19-014, RM81-19-015, RM81-19-016, RM81-19-017, RM81-19-018, RM81-19-019, RM81-19-020, and RM81-19-021, and Sales and Transportation by Interstate Pipelines and Distributors: Docket Nos. RM81-29-000, RM81-29-001, RM81-29-002, RM81-29-003, RM81-29-004, RM81-29-005, RM81-29-006, RM81-29-007, RM81-29-008, RM81-29-009, RM81-29-010, RM81-29-011, RM81-29-012, RM81-29-013, and RM81-29-014.

**I. Introduction**

On July 20, 1983, the Federal Energy Regulatory Commission (Commission) issued final regulations in Docket No. RM81-29-000<sup>1</sup> and Docket Nos. RM81-19-000 and RM81-29-000<sup>2</sup> to amend its blanket certificate program for interstate pipelines at Subpart F of Part 157 of the Commission's regulations.<sup>3</sup> Under the program, an interstate pipeline may apply for a one-time blanket certificate of public convenience and necessity under section 7 of the Natural Gas Act (NGA).<sup>4</sup> Upon acceptance of the certificate, the certificate holder is authorized to undertake certain routine activities subject only to reporting requirements and to undertake other activities subject to prior notice and protest procedures.

The July 1983 final rules expanded the category of activities authorized under a blanket certificate to include specified

off-system sales between interstate pipelines and the transportation of natural gas for all end-users and for the system supply of another pipeline or a local distribution company (LDC). In addition, the final rules amended Part 284 of the Commission's regulations<sup>5</sup> to expand the blanket certificate program established by § 284.222, previously applicable to Hinshaw pipelines, to include all local distribution companies served by interstate pipelines and to revise the regulations implementing section 311(a) of the Natural Gas Policy Act of 1978 (NGPA).<sup>6</sup>

The Commission received thirteen timely applications for rehearing, five motions for reconsideration and clarification of the final regulations, a motion by one rehearing applicant for expedited consideration, and a late filed comment in opposition to several rehearing applicants' motions for stay.<sup>7</sup> On September 19, 1983, the Commission issued an order granting the applications for rehearing of Order Nos. 319 and 234-B for purposes of further consideration.<sup>8</sup>

<sup>1</sup> 18 CFR Part 284.

<sup>2</sup> 15 U.S.C. 3301-3432 (Supp. V. 1981).

<sup>3</sup> The applications for rehearing were submitted by Associated Gas Distributors, Docket No. RM81-29-014 (Order No. 319); Brooklyn Union Gas Company, Docket No. RM81-29-011 (Order No. 319) and Docket No. RM81-19-019 (Order No. 234-B); Columbia Gas Transmission Corporation, Docket No. RM81-29-012 (Order No. 319) and Docket No. RM81-19-020 (Order No. 234-B); Consolidated Edison Company of New York, Inc., Docket No. RM81-29-013 (Order No. 319) and Docket No. RM81-19-021 (Order No. 234-B); Consolidated Gas Supply Corporation, Docket No. RM81-29-004 (Order No. 319) and Docket No. RM81-19-012 (Order No. 234-B); Maryland People's Counsel, Docket No. RM81-29-005 (Order No. 319) and Docket No. RM81-19-013 (Order No. 234-B); Northern Natural Gas Company, Docket No. RM81-29-003 (Order No. 319) and Docket No. RM81-19-011 (Order No. 234-B); Process Gas Consumers Group and American Iron and Steel Institute, Docket No. RM81-29-007 (Order No. 319) and Docket No. RM81-19-015 (Order No. 234-B); Texas Eastern Transmission Company, Docket No. RM81-29-001 (Order No. 319); United Distribution Companies, Docket No. RM81-29-010 (Order No. 319) and Docket No. RM81-19-018 (Order No. 234-B); Valero Interstate Transmission Company, Docket No. RM81-29-006 (Order No. 319) and Docket No. RM81-19-014 (Order No. 234-B); and Yankee Resources, Inc., Docket No. RM81-29-016 (Order No. 319) and Docket No. RM81-19-008 (Order No. 234-B).

The applications for reconsideration and clarification of Order Nos. 319 and 234-B were submitted by Tennessee Gas Pipeline Company, a division of Tenneco, Inc., the State of Louisiana, Chemetals Incorporated, Columbia Gas Transmission Corporation, and the Maryland Industrial Group. In addition, some of the contentions raised by the petitioners as bases for rehearing were also styled in the alternative as bases for requests for clarifications. Rehearing applicant Yankee Resources filed a motion for expedited consideration. Comments opposing the stay of the regulations requested by several applicants for rehearing were filed by Armstrong World Industries, Inc.

<sup>8</sup> Interstate Pipeline Blanket Certificates for Routine Transactions, Sales and Transportation by

**II. Discussion**

**A. Transportation to End-Users**

Order No. 319 provides, in general, that end-users may have their natural gas transported by interstate pipelines pursuant to blanket certificate authorization and thereby eliminate the need for separate certification of individual transactions. Under Order No. 319, transportation of gas owned and developed by a high priority end-user<sup>9</sup> to that end-user is authorized automatically under § 157.209(a)(1)(ii), for a term up to ten years or the life of the reserves, whichever is less. Gas which is not owned and developed by a high priority end-user but which is purchased by a high priority end-user in a first sale, as defined in NGPA section 2(21), or from an intrastate pipeline or from an LDC's local supply also qualifies under Order No. 319 for transportation under a blanket certificate, but only terms of five years or less are authorized automatically; longer periods are subject to the prior notice and protest procedures of § 157.205 of the regulations.

Pursuant to Order No. 234-B, non-high priority end-users became eligible for transportation services under a blanket certificate on August 5, 1983, the same date as high priority end users.<sup>10</sup> Section 157.209(a) automatically authorizes the first 120 days of a transportation term for non-high priority end-users under paragraph (e) of that section. Transportation occurring after the first 120 days is subject to the notice and protest procedures of § 157.205 of the

Interstate Pipelines and Distributors; Order Granting Rehearing for Purposes of Further Consideration, 48 FR 40,021 (August 5, 1983).

<sup>9</sup> Section 157.202(b)(13) of the Commission's regulations defines high priority end-users as: the use of natural gas in a school or hospital or similar institution as defined in § 281.103(a)(11) or (12); any use certified by the Secretary of Agriculture in 7 CFR 2900.3 as an "essential agricultural use" under section 401(c) of the NGPA; the use of natural gas in a large commercial establishment (50 Mcf or more on a peak day); the process or feedstock use of natural gas; and natural gas used for plant protection. See § 2.78 in Subpart A of 18 CFR Part 2 for definitions of process, feedstock, plant protection, and large commercial establishment end-users.

<sup>10</sup> Order No. 234-B provided that the regulations set forth therein would become effective upon the effective date of Order No. 319. Order No. 319 provided that the regulations promulgated therein would become effective on the date that the Commission published notice in the *Federal Register* that the information collection requirements imposed by the final rule had been approved and assigned a control number by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act. Notice of OMB approval, signaling the effectiveness of both orders, was published in the August 5, 1983 edition of the *Federal Register*. See 48 FR at 35,635, (August 5, 1983).

<sup>1</sup> Sales and Transportation by Interstate Pipelines and Distributors; Expansion of Categories of Activities Authorized Under Blanket Certificate [hereinafter cited as Order No. 319], 48 FR 34,875 (August 1, 1983).

<sup>2</sup> Interstate Pipeline Blanket Certificates for Routine Transactions and Sales and Transportation by Interstate Pipeline and Distributors [hereinafter cited as Order No. 234-B], 48 FR 34,872 (August 1, 1983).

<sup>3</sup> Phase I of the blanket certificate program was implemented by Order No. 234, Interstate Pipeline Certificates for Routine Transactions, [hereinafter cited as Order No. 234], 47 FR 24,254 (June 4, 1982).

<sup>4</sup> 15 U.S.C. 717-717w (Supp. V. 1981).



blanket certificate regulations. Since blanket certification for the transportation of gas for non-high priority end-uses is a temporary experimental program, eligibility under Order No. 234-B will expire June 30, 1985.

In their applications for rehearing, a number of commenters, distributors in particular, challenge the Commission's policy of allowing expedited procedures for the transportation of user-owned gas, particularly that owned by boiler fuel users. More specifically, some applicants argue that satisfaction of the notice and protest procedures of § 157.205 should be required prior to the commencement of any arrangement for the transportation of gas purchased by an end-user in a direct sale. Other applicants would permit transportation to an end-user without fulfillment of the notice requirements of § 157.205, but only if written concurrences by any distributors currently serving that end-user are first obtained. One applicant requests elimination of the blanket certificate program for the transportation of direct-sale end-user gas, because it believes that only industrial end-users are able to take advantage of its provisions and, therefore, that the program ultimately will result in higher commercial and residential gas rates.

Those applicants requesting additional procedural safeguards describe numerous situations that they say currently exist which present opportunities for some gas suppliers to usurp substantial load volumes from other suppliers. For example, these applicants allege that in some instances large-volume process, feedstock and boiler fuel users served by a distributor are located in close proximity to the interstate pipeline supplying that distributor. In other instances, the applicants say that more than one local distribution company operates in the same service area. The likelihood of market raiding in these and other situations is greatly increased, the applicants assert, as a result of the blanket certificate program. They argue that this increased threat that some distributors will lose substantial load warrants the imposition of notice and protest procedures in all instances prior to the commencement of gas transportation under the blanket certificate program. As additional support for this argument, the applicants point out that any load losses suffered by distributors due to operation of the blanket certificate program would be in addition to any load losses to No. 6 fuel

oil that the same distributors are already likely to be experiencing.

Other than these general and unsubstantiated assertions, the applicants offer no substantive documentation demonstrating a basis for their concerns that some distributors will suffer significant load losses as a result of the blanket certificate program. As stated in Order No. 319,<sup>11</sup> it is the Commission's continued conclusion that in most instances transportation arrangements on behalf of end-users under the blanket certificate program can be accomplished only if there is agreement not only on the part of the interstate pipeline involved but also by any distributor already serving the end-user. While the applicants state, without support, that in some instances two distributors have existing facilities that would enable both to serve a particular end-user or that an end-user otherwise will be able to bypass a distributor's facilities altogether, it is the Commission's experience that such instances are relatively rare.

Furthermore, the Commission does not agree, as suggested by some commenters, that there is a basis for concern on the part of any LDC that the blanket certificate program will create an incentive for a pipeline or end-user to construct the facilities necessary to directly serve an end-user already being served by a distributor. The cost of facilities constructed for the benefit of certain end-users would have to be borne by those end-users, thus increasing the cost of gas service to be paid by those end-users for gas supplies. The Commission's conclusion in this regard is also supported by the fact that a distributor can intervene in opposition to any proposal to construct facilities directly from a pipeline to an end-user so as to bypass the distributor. As discussed below,<sup>12</sup> the definition of "sales tap" in § 157.202(b)(10) is clarified to prohibit the construction of any "delivery" facilities without an opportunity for intervention.

In addition, as indicated by some applicants, in most instances transportation under § 157.209(a) will be on behalf of industrials for non-high priority end-uses. Such transportation arrangements can commence without notice, but cannot continue for more than 120 days unless the additional period has been subject to the notice and protest procedures of § 157.205. Furthermore, the eligibility of non-high priority end-uses for blanket certificate transportation pursuant to Order Nos.

319 and 234-B is part of an experimental program that will expire June 30, 1985. At that time, the Commission will, as stated on Order No. 234-B, evaluate the effects of the program and make any modifications thereto that it determines to be necessary.

In view of the above considerations, the Commission has concluded that the blanket certificate program is not likely to result in substantial load losses by distributors which would warrant modification of the Commission's regulations. Hence, the Commission believes that the streamlined approval procedures outlined in Order No. 319 are appropriate as a means of hastening the beneficial effects that the blanket certificate program can exert on current market ordering problems. As discussed in Order No. 319,<sup>13</sup> the Commission continues to believe that providing for blanket certificate authorization for transportation of direct-sale gas can serve the public convenience and necessity. In addition, the Commission is not convinced by the applicants' unsupported arguments that some distributors' residential and commercial customers will be harmed. To the extent the program results in direct sales of gas to purchasers who would otherwise switch to alternative fuels, those end-users will continue to bear some of the fixed costs of the transporting pipeline, thereby benefitting the pipeline's other customers. Direct sale arrangements under the blanket certificate program also are likely to keep wellhead gas prices responsive to reductions in the burner-tip price of other fuels by insuring that price competition from competing fuels will actually be felt at gas wellheads. Another important objective of the blanket certificate program is to create an incentive for pipelines to adopt gas purchasing practices which keep their delivered prices competitive. This incentive will arise as a consequence of end-users' having increased opportunities to purchase gas from sources other than the system supply of a distributor or interstate pipeline. Thus, all customers, including residential and commercial customers, should benefit from the increased wellhead price sensitivity.

The Commission's recent experiences with an innovative marketing program on the Transcontinental Gas Pipeline Company (Transco) system illustrates the benefits which could result under the blanket certificate program.<sup>14</sup> Prior

<sup>11</sup> See Order No. 319, *supra* note 1, at 34,877.

<sup>12</sup> Order Approving Settlement Docket Nos. RP83-11 and RP83-30 [issued April 23, 1983] 23 FERC ¶ 63,044. The Commission issued blanket

<sup>13</sup> See Order No. 319, *supra* note 1, at 34,877.

<sup>14</sup> See discussion, *infra* under topic "M. Construction of Facilities."



to the adoption of Transco's program in April 1983, the burner-tip price of gas from Transco could not compete with certain alternative fuels. The prices paid by end-users for gas transported by Transco under the program were significantly lower than the prices theretofore paid by the end-users. Transco's producer-suppliers became more aware of the price sensitivity of Transco's market, in large part due to these direct-sales from producers to end-users. Thus, transportation of gas to end-users can promote market responsive pricing of system supplies. The Commission believes that the same benefits can result on other pipeline systems as well.

In view of all the above considerations, the Commission denies the applicants' requests that the program be eliminated or that all transportation arrangements on behalf of an end-user under the blanket certificate program be subject to requirements of prior notice and opportunity for protest or, alternatively, written concurrence by any distributor already serving that end-user.

#### B. Transportation Priority

Both Order No. 319 and Order No. 234-B require under § 157.209(d)(1)(ii) that any transportation service authorized under the blanket certificate program be conditioned upon the availability of capacity sufficient to render the service without detriment or disadvantage to the pipeline's existing customers that are dependent upon the pipeline's general system supply. Several applicants requested that the Commission clarify or amend the regulations to provide that gas transported on behalf of distributors shall have priority over gas transported on behalf of end-users in the event of limited capacity. On the other hand, one other applicant requested that the Commission clarify that, in the event pipeline capacity is limited, the relative priorities for service for interruptible gas transportation reflected in existing pipeline practices and tariff provisions will continue to govern the manner in

which available capacity is apportioned among transportation customers.

Without offering any support for their view, the applicants requesting that the Commission take measures to ensure the priority of transportation on behalf of distributors over that for end-users argue, in effect, that such a policy would be appropriate as a means of insuring the equitable distribution of gas in the event of a shortage of pipeline capacity. The Commission disagrees and sees no reason to reverse its historic practice of relying on the established tariffs of the pipelines. Current pipeline practices and tariffs contain provisions that have evolved over the years to allocate capacity in the event of capacity shortage. The blanket certificate rule makes no changes in these tariffs or practices. Accordingly, the Commission neither creates nor prohibits a pipeline preference for interruptible transportation on behalf of distributors over such transportation for end-users. Of course, any person believing that an existing pipeline practice or tariff provision regarding capacity priorities is unduly discriminatory may petition the Commission for relief under section 5 of the NGA. In view of these considerations, the Commission is denying the applicants' requests that the Commission mandate transportation priority for distributors over end-users.

Another applicant requests that the Commission amend the blanket certificate regulations to require that a pipeline with unused capacity transport gas for existing customers, including volumes in excess of their contract demands, before it may transport any gas for new customers (especially, it would seem, potential new customers currently served by distributors supplied by the pipeline). The applicant also asserts that, since a pipeline's existing pipeline customers have been paying the pipeline's demand charges associated with its construction costs and other fixed costs, the existing customers have a greater equitable entitlement to a "first call" on any unused pipeline capacity than do other potential customers, especially end-users, who may have contributed little or nothing to the pipeline's fixed costs.

The Commission does not believe for several reasons that such a restriction is necessary or appropriate. First, such a preference is inconsistent with one of the purposes of the user-owned transportation program, which is to instill price sensitivity in the market place. The imposition of a requirement that a pipeline first offer excess capacity to existing customers prior to making it available to new customers seeking

transportation could place an undue regulatory burden on pipelines and be a disincentive to their participation in the program. Moreover, the Commission does not believe, at least in the short term, that any end-user wishing to have gas transported will find a lack of excess pipeline capacity. Hence, the restriction would be unnecessary. Finally, the Commission finds it inappropriate to resolve capacity allocation questions in the context of a generic blanket certificate rule. Any person seeking to raise this claim with respect to a particular pipeline may do so at any time by requesting that the pipeline's tariff be re-opened. Accordingly, the Commission denies the applicant's request.

#### C. Eligible Gas Supplies

Sections 157.209(e) (1)(i)(A) and (2)(i)(A), which apply to gas for all end-users until June 30, 1985, state that gas purchased in a first sale shall not be eligible for transportation authorization under a blanket certificate if it was "committed or dedicated to interstate commerce on November 8, 1978." Similarly, paragraphs (a)(1)(i)(A) and (b) of § 157.209 disallow a certificate holder from transporting gas on behalf of a high priority end-user if the gas was "committed or dedicated to interstate commerce on November 8, 1978."

The effect of these provisions is to exclude all Outer Continental Shelf (OCS) gas from eligibility, since NGPA section 2(18)(A)(i) expressly provides that all OCS gas shall be considered as having been "committed or dedicated to interstate commerce" on November 8, 1978. These provisions also have the effect of excluding all NGPA sections 104 and 106(a) gas and all sections 102 (c) and (d), 103(c), 107(c) (1) through (4), and 109(a)(2) gas which is committed or dedicated to interstate commerce on November 8, 1978, but is no longer subject to the Commission's jurisdiction under the NGA.

Several applicants for rehearing or reconsideration request that the regulations be revised to permit the transportation under a blanket certificate of gas that was "committed or dedicated to interstate commerce on November 8, 1978," but which was never contractually obligated to a particular purchaser or, if it was at one time subject to a contract, has been released from the contract. These applicants argue that such gas may cost as much as gas already eligible for transportation under a blanket certificate. Moreover, they argue that, since section 601 of the NGPA has removed first sales of sections 102(c), 103(c) and 107(c) (1)

transportation certificates to Transco to implement their industrial sales program. See Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Permitting and Approving Limited-Term Abandonment, Docket No. CP83-279-000 (issued May 13, 1983) 23 FERC ¶ 61,221. The Commission granted similar authority to producers that sell to Transco's affiliate, Transco Gas Supply Company (Gasco). See Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Permitting and Approving Limited-Term Abandonment, Docket No. CP83-340-000 (issued June 27, 1983) 23 FERC ¶ 61,460. See also order Denying Rehearing, Docket No. CP83-279-001 (issued July 13, 1983) 24 FERC ¶ 61,052.



through (4) gas from the Commission's jurisdiction under the NGA, making these categories of gas eligible for transportation under a blanket certificate would not jeopardize fulfillment of the Commission's responsibilities.

The exclusion of gas committed or dedicated to interstate commerce on November 8, 1978, reflects the presence of such a limitation in each of the Commission's separate end-user transportation programs for different categories of end-users that were included in the blanket certificate program.<sup>15</sup> The Commission's decision to include the existing end-user transportation programs was based on its long-term experience with the operation of those programs. This familiarity with the programs indicated that their inclusion would not create the potential for significant market disruptions. However, since those particularized end-user transportation programs only covered gas that was not committed or dedicated to interstate commerce on November 8, 1978, their operation cannot provide a basis for making the same assumption regarding committed or dedicated gas.

The Commission believes that issues as to transportation of committed or dedicated gas can be best considered, and are more appropriately addressed, in the context of company-specific ISP applications. This is because the proper resolution of these issues regarding impacts on a pipeline's customers and competitors depends largely on the particular circumstances of each company sponsor and its customers. Observation of the ISP programs over a period of time eventually may enable the Commission to formulate appropriate generic standards that

would permit extension of eligibility for transportation under the blanket certificate program to gas that was committed or dedicated to interstate commerce on November 8, 1978, but which has never been under a contract for purchase or, if so, has been released. For now, however, the Commission denies the applicants' request in this regard.

#### D. Eligible Sellers

Under the proposed blanket certificate regulations, gas marketers and resellers engaging in transactions in first sales, as defined in section 2(21) of the NGPA, were included among eligible sellers.<sup>16</sup> In response to comments on the proposed regulations, the Commission revised the regulations in Order Nos. 319 and 234-B to make gas purchased by end-users from intrastate pipelines or from an LDC's local supplies eligible for transportation under blanket certificates. In making this revision, "first sellers" other than producers, including independent marketers and resellers, were inadvertently excluded from eligibility. Several applicants requested that the Commission clarify that these sellers also are eligible sellers under the blanket certificate regulations. To remedy this oversight, the Commission is amending paragraphs (a)(1)(i)(A), (e)(1)(i)(A), and (e)(2)(i)(A) of § 157.209 to extend eligibility under the blanket certificate regulations to any seller in a first sale, except for interstate pipelines selling their own pipeline production.<sup>17</sup>

This amendment allows continued transportation authorization for certain transactions that heretofore have been authorized under the Order No. 30 regulations set forth in Subpart F of 18 CFR Part 284, but which, due to the above-discussed oversight, were not included by Order No. 234-B in § 157.209(e) among eligible transactions. Specifically, those transactions inadvertently excluded were gas sales by brokers to end-users that have the

capability to use alternative fuel such as fuel oil.<sup>18</sup> The Order No. 30 program was originally set to expire on May 31, 1980. However, the Commission acted on several occasions to extend the Order No. 30 program<sup>19</sup> in order to consider whether the fuel oil displacement program should be included in the comprehensive blanket certification program.

In view of current abundant oil supplies and lower prices, the Commission concluded that there is no longer a basis for finding that a fuel oil shortage emergency exists or, therefore, for including the Order No. 30 program in its existing form as a permanent part of the blanket certificate program.<sup>20</sup> However, since Order No. 234-B authorizes transportation to *all* end-users under the blanket certificate programs through June 30, 1985, it covers transactions previously eligible under the Order No. 30 program.

The Commission provided for the Order No. 30 program to remain in effect until November 3, 1983 (*i.e.*, 90 days after the effective date of Order Nos. 319 and 234-B), to insure that there would not be a gap authorization of these transportation arrangements.<sup>21</sup> Therefore, transportation authorization under Order No. 30 will expire on November 3, 1983. This expiration date applies irrespective of any certificate of eligible use issued by the Economic Regulatory Administration of the Department of Energy. For practical purposes, however, the gas can continue to move without interruption if eligible under the Order No. 234-B requirements,<sup>22</sup> assuming that the parties' contract provides for transportation under successor regulations to Order No. 30 or the parties otherwise reach agreement to continue the transportation arrangement.

#### E. Eligibility of User-Owned Gas Under Order No. 234-B

Order No. 234-B establishes that gas owned and developed by any end-user is eligible for transportation under a blanket certificate for a limited period of

<sup>15</sup> See Subpart E of Part 157, which embodies the Order No. 27 program which permits interstate pipelines to transport gas to schools, hospitals, and essential agricultural users. Section 157.104 therein states: "(a) *Eligibility test.* No certificate issued under this Subpart may authorize the transportation of natural gas which was committed or dedicated to interstate commerce . . . on November 8, 1978." See also, § 2.79 of the regulations implementing the Order No. 2 program which permits interstate pipelines to transport gas sold by producers to certain commercial, process and feedstock users. That section provides: "(d) This policy is not intended to apply to gas which is already committed to jurisdictional pipelines under an advance payment plan, or to gas sold by an affiliate of a jurisdictional pipeline, or to gas sold by a producing division of a jurisdictional pipeline." See also Subpart F of Part 284, which sets forth the regulations implementing the Order No. 30 program authorizing the transportation of fuel oil displacement gas. Section 284.202(a) of these regulations states, in relevant part, that " . . . transportation is authorized under section 311(a)(1) of the NGPA if . . . (B) Such natural gas was not committed or dedicated to interstate commerce on November 8, 1978."

<sup>16</sup> See Interstate Pipeline Blanket Certificates for Routine Transactions; Proposed Rulemaking, 48 FR 16,903 (March 16, 1983), at 16,911. See also Order No. 319, *supra* note 1, at 34,876.

<sup>17</sup> The exclusion of first sales by interstate pipelines of their own production is based on the Commission's concern that, since the Commission has not yet implemented the U.S. Supreme Court's Decisions in *Mid-Louisiana Gas Company v. FERC* (see *infra*, note 24), the pipeline would be able to sell its own system supply in a first sale in contravention of the Commission's off-system sales policy issued on April 25, 1983, in Docket No. PL83-2. (See Statement of Policy on Off-System Sales, 48 FR 20,124 (May 4, 1983).) However, transportation of gas produced by a pipeline's affiliate is permitted under paragraphs (a)(1)(i)(A), (e)(1)(i)(A), and (e)(2)(i)(A) of § 157.209 because it is clear that such sales are first sales.

<sup>18</sup> The effect of Order No. 319 on Order No. 30 transactions was the subject of several applications for rehearing, three requests for clarification, and a motion for expedited consideration. See *supra* note 7.

<sup>19</sup> See Order No. 319, *supra* note 1, at 34,876.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> An interstate pipeline that chooses not to use the procedures of Order Nos. 319 and 234-B may still request case-specific authorization for the transportation of fuel oil displacement gas under section 7(c) of the NGA or in some instances, under section 311(a)(1) of the NGPA.



time. One applicant indicates that Order No. 234-B appears to be limited to gas purchased from third parties. The petitioner requests that the Commission clarify or amend the regulations to provide for the transportation of end-user owned and developed gas for any end-use under Order No. 234-B.

It was the Commission's intent that Order Nos. 319 and 234-B provide for the same eligibility criteria as to the types of gas which could be transported under blanket certificates, although the notice requirements and length of automatically authorized transportation terms would differ under the two orders. In order to remedy this oversight, the Commission is amending §§ 157.209(e)(1) and (2) to provide that end-user owned and developed gas may be transported pursuant to the automatic authorization procedures for 120 days and for longer periods, subject to the notice and protest procedures of § 157.205, under the terms applicable to gas purchased from third parties and transported under Order No. 234-B.

#### *F. Meaning of User Owned and Developed*

Section 157.209(a)(1)(ii) of the Order No. 319 regulations automatically provides for a ten-year transportation term "if the natural gas reserves are owned and developed by the high priority end-user." One petitioner states that the implication is that the user must itself have undertaken the development efforts and that such a restriction is undesirable. The applicant requests that the Commission clarify or amend the regulations to provide that all reserves owned by an end-user, including reserves purchased in place, are automatically eligible for transportation under the extended ten-year term provisions of § 157.209(a)(1)(ii).

The Commission provided for the transportation of end-user owned and developed gas under blanket certificates to encourage gas exploration and development by end-users. The Commission believes that such authorization is an appropriate incentive for gas development activities by an end-user whenever they involve a significant risk that the end-user may not recover its investment. The Commission believes that this is especially true in the case of high priority end-users, both because of the nature of their activities and because they generally are smaller and less likely than non-high priority industrial users to undertake gas development activities. Hence, the extended ten-year transportation term was provided for end-user owned and developed gas for high priority uses.

In view of these considerations, the Commission is, in part, granting and, in part, denying the applicant's request by amending paragraphs (a)(1)(ii), (e)(1)(ii), and (e)(2)(ii) of § 157.209 to clarify that *proven* reserves purchased in place by an end-user do not qualify for transportation under blanket certificates. Reserves are not proven until there is a reasonably accurate estimate available as to how much gas the reserves contain. Therefore, this clarification indicates, as requested by the applicant, that it is not necessary that the end-user *initiated* exploration and development. However, by excluding proven reserves, the Commission is ensuring that significant development remained to be completed when the reserves were purchased by the end-user so that the end-user's efforts to reduce its gas costs involved some element of risk. The Commission will apply the same standard regarding "proven reserves" as apply under section 2(22) of the NGPA.

One petitioner raises an issue regarding instances in which the producing arm of a company makes gas available to the manufacturing arm by means of an intracorporate transfer. The petitioner indicates its assumption that such an arrangement would meet all of the tests for automatic transportation authorization for gas intended for high priority end-uses. However, the petitioner requests clarification regarding instances in which gas is being transferred to the manufacturing arm of a company for *low* priority end-uses. Specifically, the petitioner seeks clarification as to whether automatic transportation authorization for 120 days is available under these circumstances pursuant to §§ 157.209(e)(1) and (e)(2).

The described transaction is authorized automatically for 120 days pursuant to Order No. 234-B. The Commission reaches this determination because the gas involved is produced from user owned and developed reserves. The Commission assumes that the applicant did not discuss this basis for transportation authorization because, as discussed above, such transactions were inadvertently omitted from the scope of Order No. 234-B.

#### *F. Additional Incentive Charge*

Order No. 319 established an experimental program under which an Additional Incentive Charge (AIC) of up to 5 cents per MMBtu may be charged for the transportation of gas on behalf of end-users prior to February 1, 1985. The final rule provides that an interstate pipeline that does not establish representative levels of transportation

volumes or revenues for this type of service in its rate case may elect to participate in the AIC experiment by filing a tariff for end-user transportation under section 4 of the NGA. This tariff would allow a pipeline holding a blanket certificate to charge, collect and retain an additional amount up to the maximum AIC over and above its otherwise applicable general transportation rate (including any Gas Research Institute (GRI) surcharge if the certificate holder is a member of GRI). The final rule does not require an end-user to pay the AIC, but merely permits a certificate holder to collect and retain the incentive charge if the shipper agrees to make the payment. The 5-cent maximum AIC is applied to each transaction as a whole regardless of the number of transporting pipelines.

Several petitioners indicate opposition to the concept of the AIC. These petitioners argue that the rates already approved by the Commission for pipelines include adequate rates of return on investment so that there is no need for giving pipelines a bonus in the form of incentive rates. They believe pipelines should seek to minimize their costs without such incentives. Furthermore, they believe that if current pipeline rate design does not offer such incentives, the Commission should address this question by restructuring the methodology of pipeline rate design. The petitioners assert that the incentive rate approach cannot be justified on the basis that the AIC ultimately will be borne by producers, because the problem with the incentive rate concept is that it can serve to encourage a pipeline to utilize its facilities to effect direct sales to the detriment of its existing customers' rights to service. To mitigate this problem, the applicants would prefer that the AIC be eliminated altogether. They nevertheless argue that, if continued, the AIC should also be available to pipelines when they transport on behalf of LDCs. Several other petitioners support the AIC concept so long as it is restructured to include transportation on behalf of LDCs.

The Commission has carefully considered the applicants' comments regarding the AIC. In view of the importance of removing impediments to transportation during this period of excess gas deliverability, as well as legislative and pricing uncertainty, the Commission is continuing the short-term AIC experiment in which pipelines that do not establish representative levels in their underlying rate cases may participate.



It is the Commission's continued view that the end-user generally is disadvantaged compared to other shippers for several reasons. In most instances, the volumes to be moved in individual transactions tend to be far less than the volumes to be transported for interstate or intrastate pipelines or local distribution companies. In addition, while the Commission recognizes that there may be exceptions, it still believes that, since most end-users are served through a local distribution company, the pipeline may frequently be unfamiliar with the end-user, its gas purchasing personnel, its particular service requirements or even its general business standing. Thus, it would appear that end-users confront greater institutional and informational barriers in negotiating with pipelines for transportation than generally larger and long-standing distributor shippers.

This analysis is supported by many of those commenting during the course of this proceeding who argued that additional financial incentives are needed to encourage pipelines to undertake transportation on behalf of end-users.<sup>23</sup> In fact, all of the commenters who addressed this point favored some type of financial incentive for interstate pipelines to engage in end-user transportation. End-users pointed to the reluctance or the refusal on the part of the pipelines to transport their gas. Pipelines cited the regulations that allow only one cent per MMBtu to be retained as not providing a sufficient financial incentive.

Furthermore, the record in this proceeding indicates that end-user shippers are encountering serious problems in securing pipeline transportation. While some distributors state that they also are encountering such difficulties, the Commission's records demonstrate that short-term interstate pipeline transportation on behalf of distributors, which is authorized generically under § 284.102(a), has resulted in the transportation of a substantial volume of gas.<sup>24</sup>

Although it is not certain that the AIC financial incentive will greatly encourage transportation on behalf of end users, its prospects warrant testing the approach in actual practice. The Commission's goal is to have data available which will permit it to determine the AIC's impact on direct-sale transportation arrangements at the conclusion of this experiment on January 31, 1985.

The broader issue raised by several applicants regarding the proper role of rate design in providing incentives and disincentives for pipeline transportation and sales is being actively explored in current interstate pipeline rate cases. The overall business relationship between distributors and their pipeline suppliers, including questions of cost allocation, rate design and incentives, is more appropriately addressed in these general rate cases. In view of the above considerations and for the additional reasons discussed in Order No. 319,<sup>25</sup> the Commission has determined not to modify the AIC provision here.

The Commission, however, stresses the experimental value of this program. As stated in Order No. 319,<sup>26</sup> the Commission will closely monitor transportation under the blanket certificate program in order to ascertain the effectiveness of this financial incentive for end-user transportation and the effects of the program on gas sales, customers and shippers. Upon the conclusion of the experimental period, the Commission will determine what incentives, if any, may be appropriate for the future. To aid the Commission in its evaluation, § 157.209(g)(3) of the regulations requires a certificate holder to file an interim report midway through the program.

During the experiment, distributors who encounter substantial difficulties in obtaining transportation that they believe constitute "special hardship, inequity, or an unfair distribution of burdens" may request an adjustment of § 284.103 pursuant to section 502 of the NGPA and seek authorization for pipelines to charge transporting on their behalf.

#### G. Treatment of Revenues

Order No. 319 provides at § 157.206(h) of the Commission's regulations for the treatment of revenues received for the transportation of natural gas (including storage service) authorized under a blanket certificate. Under that section, a pipeline may choose (1) to include representative revenues or volumes in test period based rates and retain all

transportation revenues (the "representative levels option"), or (2) to exclude transportation volumes and revenues from the test period based rates and credit to Account No. 191 all revenues in excess of the sum of all one-cent-per-MMBtu allowances collected<sup>27</sup> plus the total amount of AICs collected, if any, by the pipeline (the "revenue crediting option").

One petitioner that supports giving greater incentives for pipeline transportation does not believe that the AIC should be an add-on to the tariff transportation rate, but that a pipeline should be allowed to retain a portion of transportation revenues equal to the AIC plus the one-cent per-MMBtu allowance. The Commission denies this request. The Commission considered providing, as suggested by the applicant, that a pipeline be permitted to retain transportation revenues equal to the AIC, as opposed to adding the AIC to its transportation charges. However, such an approach would place the burden of providing the incentive revenues upon a pipeline's other customers, while add-on of the AIC assigns the burden of the incentive to the parties actually benefiting from the services. Furthermore, utilization of the end-user gas transportation program will be better promoted if pipelines are permitted to add-on the AIC, since an add-on provides more assurance to pipelines than does retention of revenues that they will in fact realize the intended incentive of the AIC if they undertake to transport end-user owned gas. Under the revenue crediting approach, taking the AIC as an offset from the revenues that would otherwise be credited to the certificate holders' sales customers would leave those customers paying a disproportionate share of the pipeline's fixed costs. Furthermore, the fact that the AIC is a short term, experimental program would mitigate against the Commission's changing its policy at this time.

#### H. Request for Clarification of Revenue Treatment

Section 157.206(h)(2)(i) refers to "revenues attributable to such service" in determining whether flow-through is required. One petitioner requests clarification as to which services this language refers. Sections 157.206(h)(2)(i) and (ii) refer to all transportation services authorized under the blanket certificate or the Commission's other self-implementing regulations. While the

<sup>27</sup> The one-cent-per-MMBtu amount allowed to be retained by a transporter is a rough estimate of representative out-of-pocket expenses.

<sup>23</sup> See Order No. 319, *supra* note 1, at 34.881.

<sup>24</sup> Subpart B of Part 284 implements section 311(a)(1) of the NGPA and applies to the transportation of natural gas by interstate pipelines on behalf of any intrastate pipeline or any local distribution company. Information filed with the Commission pursuant to the reporting requirements of § 284.106 indicates that, of the 445 transactions undertaken to date by interstate pipelines under Subpart B, 230 have been on behalf of LDCs. In addition, of the total 4.1 Tcf of gas estimated to be transported in transactions already initiated under Subpart B, 1.9 Tcf would be transported on behalf of LDCs.

<sup>25</sup> See Order No. 319, *supra* note 1, at 34.882-83.

<sup>26</sup> *Id.* at 34.881.



Commission in some instances provides otherwise in rate case settlements, it is the Commission's general practice to establish only a single billing determinant for all transportation service. Given this long-standing practice, no amendment is necessary to clarify the antecedent of "such service" where it occurs in § 157.206(h)(2) or § 284.103(d).

#### *I. Crediting of Revenues to Specific Purchasers*

Several petitioners indicate that it may not be appropriate in all cases to credit transportation revenues against the pipeline's overall cost of service. These petitioners believe, for example, that if an end-user switches from a distribution company to a direct purchase with transportation through a pipeline company, then that distribution company should receive the total pipeline transportation revenues credit attributable to the end-user in its service area, rather than having such revenue credited against the pipeline's overall cost of service. Otherwise, the applicants argue, the distribution company and, consequently, its remaining customers will pay a disproportionately greater share of the pipeline's transmission costs. This would allegedly result because the pipeline's rates were based on volumes including those a distributor no longer may be able to sell because some customers, on whose behalf the distributor originally contracted for the volumes, have left the distributor's system to become direct-purchasers.

The Commission denies this request. Under current regulations, all fixed costs recouped by a pipeline for transporting direct-sale gas will be spread across the pipeline's overall cost of service. Since an end-user that switches to direct gas purchases from producers will most likely continue to use the same interstate pipeline to transport its gas, the LDC that was previously selling gas to the end-user will continue to receive its pro-rata share of the transportation revenues received by the pipeline so long as it continues to receive any gas from the pipeline. Since the regulations traditionally have required that transportation revenues received by pipelines be credited to all pipeline customers on a pro-rata basis, it must be assumed that pipeline customers' purchasing practices are based in part on the expectation that crediting of pipeline revenues, which directly affects each customer's share of the pipeline's fixed costs, will continue to be done on a pro-rata basis.

Crediting all revenues received by a pipeline for transporting direct-sale gas

to specific distributors would create arbitrary inconsistencies between distributors that may lose some sales volumes to direct sales. Also, it is the Commission's conclusion that any benefits to those LDCs who may lose sales volumes which might be gained by requiring pipelines to credit transportation revenues to their specific accounts would be outweighed by the disincentive to pipeline participation in direct sales that would arise from the necessity of requiring pipelines to file supplemental tariffs for each of their distributor-customers.

Furthermore, to require that a pipeline credit a distributor with more than its pro-rata share of transportation revenues could result in a windfall to the distributor. This is because it cannot be certain that the LDC would have been able to retain even the revenues it receives for transporting the gas, much less any additional profit it might have realized from also buying and selling the gas. That is, the pipeline and, therefore, the LDC, very well might have lost their transportation revenues entirely but for the end-user's decision to engage in a direct purchase of gas rather than switching to an alternative fuel. Furthermore, to require that a pipeline credit direct-sale transportation revenues to distributors, even in cases where the distributors do not continue to participate in transporting the gas to the end-user could create an incentive for distributors to refuse cooperation in the blanket certificate program. In view of all these considerations, the Commission denies the applicants' request.

Several comments also raise concerns relating to the non-fixed cost portion of commodity minimum bill charges collected by pipelines. Such provisions may require that an LDC pay its pipeline-supplier for gas equal to a certain percentage of its contract demand even if it does not have a potential buyer for the gas. Some applicants are concerned that pipelines will rely on such provisions to require that LDCs pay for gas that they cannot sell as a result of their customers having switched to direct-purchases. While the Commission shares these applicants' concerns, it is denying their requests regarding the treatment of variable pipeline costs because these issues are the subject of a notice of proposed rulemaking issued by the Commission on August 25, 1983, in Docket No. RM83-71-000, which would apply to all minimum bills including those relevant

to the blanket certificate program.<sup>28</sup> The proposal would amend the Commission's regulations to prohibit natural gas pipeline-suppliers from collecting in their rates any portion of variable costs under minimum bill provisions in their filed tariffs, that are not actually incurred. These issues are better dealt with in the context of all minimum bills, where all the ramifications can be considered, than in the circumstances involved in this rulemaking. Moreover, the record in this rulemaking does not demonstrate that there will be substantial harm to LDCs in the interim before the Commission has resolved the minimum bill rulemaking.

#### *J. Applicability of Order No. 319 to Settlements*

At the time the Commission issued Order No. 319, it was aware that a pipeline may have a rate settlement in effect under which the pipeline would be allowed to retain all revenues in excess of representative amounts for certain end-user transportation services. Since the settlements were negotiated prior to the implementation of this end-user blanket certificate transportation program, the Commission concluded that the transportation services authorized by the Order No. 319 final rule could not have been included in representative levels. Based on this conclusion, Order No. 319 was framed to provide that such representative levels did not include services subject to volumes transported under the blanket certificate and thus such volumes may not be counted toward representative levels. In this regard, the Commission stated in Order No. 319 that until such time as a certificate holder establishes representative levels reflecting these services in a new rate case, the pipeline must credit such revenues from this program in excess of the sum of any AIC charges and one-cent-per-MMBtu allowances collected to Account No. 191.

Several petitioners raise questions regarding the effect of Order No. 319 on settlement agreements to which they are a party and which were approved by the Commission prior to issuance of Order No. 319. They state that these agreements contain specific language that would permit volumes transported under regulations established after their settlements were reached, including gas volumes transported under the blanket certificate program, to be counted

<sup>28</sup> Elimination of Variable Costs From Certain Natural Gas Pipeline Minimum Commodity Bill Provisions. 48 FR 39,238 (August 30, 1983).



toward representative levels. Further, they request that the Commission clarify that the settlement terms described in their petitions indeed have the effects that they claim.

The Commission believes it to be inappropriate to interpret specific rate settlements in a generic rulemaking proceeding. This determination in no way reflects a predisposition on the Commission's part as to whether these particular applicants' settlements contemplate transactions such as those provided for under the blanket certificate program, only that determinations regarding the effect of particular settlements must be made on a case-by-case basis, such as in rate filings or in response to a request for interpretation by the Commission's Office of General Counsel.

#### K. Reporting Requirements

One petitioner states that it will be unable to provide actual volumes transported through April 30, 1984, by the deadline filing date of June 1, 1984. While this petitioner indicates that it has available by the tenth of each month volume information from its meters, due to commingling it must in many instances await receipt of allocation statements from producers, shippers, operators, or sellers' representatives before allocating actual volumes to specific contracts. The applicant's allocation statements usually arrive 60 days following any given service month.

In view of these circumstances, the applicant requests that the Commission clarify that the regulations pertaining to the interim report would be satisfied by the filing of estimated volumes on June 1, 1984. If this request is not consistent with the intent of the filing requirements, the petitioner requests that they be amended either to permit the filing of estimated volumes or to extend the deadline for filing actual data until September 1, 1984.

The Commission denies this request. The Commission will be continually monitoring the various aspects of the blanket certificate program in order to discover at the earliest possible time any unintended, adverse market impacts that may result. This objective will be best served by receipt of the information required to be filed at the earliest possible date. Furthermore, the findings of the evaluation will be more accurate and meaningful to the extent they are based on actual, as opposed to estimated, volumes. As only one petitioner raises this issue, the Commission does not believe that the requested change in filing date is necessary for many pipelines. Any blanket certificate holder that cannot

meet the current filing requirements may request relief based upon individual circumstances.

As a related matter, the Commission is adopting a technical amendment that is intended to insure reporting consistency by adding a new subparagraph (e) to § 157.207. The new provision requires that all gas volumes and prices required to be reported under the blanket certificate regulations shall be stated in terms of MMBtus.

#### L. Order No. 234-B 120-day Automatic Transportation Term

Order No. 234-B provides that the first 120 days of any arrangement for the transportation of gas for non-high priority end-users are automatically authorized under § 157.209. However, transportation to occur after the first 120 days is subject to the notice and protest procedures of § 157.205 of the blanket certificate regulations.

The Commission has received several inquiries as to whether Order No. 234-B permits parties to enter into successive contracts each of which is effective for a 120-day period so that a transportation arrangement may be continued indefinitely under the automatic self-implementing procedures provided in Order No. 234-B until July 1, 1985, when that order expires.

Order No. 234-B states explicitly that "a transaction may be authorized under § 157.209(a)(2) only once, with no provision for renewal or rollover."<sup>29</sup> In view of this statement, there is no basis for any party to a gas transportation arrangement to believe that automatic authorization of such transportation could continue under Order No. 234-B for a period exceeding 120 days, even though such a condition may not be explicitly stated in the regulations. However, the Commission is amending the regulations to explicitly state that 120 days is the total, maximum period during which parties to an arrangement for the transportation of gas for end-users designated under Order No. 234-B may rely on the self-implementing procedures set forth in that rule.

#### M. Construction of Facilities

Section 157.208 of the Commission's regulations automatically authorizes the certificate holder to make miscellaneous rearrangements of certain facilities or to construct and operate any "eligible facility", as defined in § 157.202(b)(2). Two applicants request clarification or amendment of the regulations to provide that a pipeline transporting under a blanket certificate is also automatically authorized to install and operate the

requisite taps, interconnects, and other facilities necessary to effect such transportation.

The Commission believes that to the extent such facilities meet the eligibility criteria in § 157.208, such facilities may be automatically authorized under this section. However, the Commission notes that the definition of "eligible facility" in § 157.202(b)(2) specifically excludes certain facilities, including sales taps. In addition, the term "eligible facilities" includes only those facilities necessary to provide service within existing certificated volumes. For the reasons stated in Order No. 234,<sup>30</sup> the Commission does not believe that the facilities described by the applicants have been authorized under § 157.208; specifically, in the case of sales taps, the Commission believes that the authorization procedure in § 157.211 and the prior notice procedure should be required for construction of these "delivery" facilities or for a change in the use of existing delivery facilities so as to permit all interested parties to address the merit of the underlying transactions, including any rate consequences. Furthermore, the Commission believes that prior Commission approval should continue to be required for construction of the facilities described by the applicants, since such facilities would make it possible for pipelines to compete with their distributor customers for high load factor industrial markets which could result in substantial load loss to the distributor and increased costs to its remaining customers.

The definition of "sales tap" in § 157.202(b)(10) already explicitly refers to any "delivery" of gas, rather than merely being confined to deliveries of gas owned by the certificate holder. However, the Commission is revising that definition to emphasize that taps used by certificate holders solely for delivery of end-user owned gas volumes are included nevertheless within the definition of "sales tap." Therefore, any certificate holder that has constructed a tap to deliver transportation gas pursuant to § 157.209 should seek prospective case-by-case certificate authority for operation of the tap.

#### N. Off-System Sales

The final regulations included in the blanket certificate program permit certain off-system sales between interstate pipelines. Under § 157.210 of the regulations, and off-system sale may be authorized if it does not exceed a period of one year and, if, among other

<sup>29</sup> See Order No. 234-B, *supra* note 2, at 34,874.

<sup>30</sup> See Order No. 234, *supra* note 3, at 24,258.



things, the certificate holder has actual or potential take-or-pay liability and the minimum sale price is the higher of the pipeline's NGPA section 102 gas acquisition cost or its system average load factor rate. Authorization of a transaction is subject to the prior notice procedures in § 157.205 of the blanket certificate regulations.

Two applicants for rehearing and one applicant for reconsideration request the Commission to modify the regulations on off-system sales in several respects. One applicant for rehearing objects to the minimum price at which a sale may be made under a blanket certificate. That applicant argues that the price is too high and will prevent any significant off-system sales by the applicant.

The other applicant for rehearing alleges that two of the conditions in § 157.210 would inadequately enforce the Commission's off-system sales policy. Specifically, the applicant argues that the requirement for actual or potential take-or-pay liability should be modified to require that such liability be unavoidable. The applicant also suggests that an off-system sale should be subject to interruption as soon as it is no longer necessary to reduce or avoid take-or-pay liability. The regulations presently provide that an off-system sale is subject to interruption to the extent that the natural gas subject to the sale is required to provide adequate service to the certificate holder's on-system customers at the time of the sale.

Several applicants have requested rehearing or reconsideration of the requirement that sales by interstate pipelines to intrastate Hinshaw pipelines must be authorized on a case-by-case basis under section 7(c) of the NGA, while Order No. 319 permits interstate pipelines to make certain off-system sales under blanket certificates to other interstate pipelines, subject to prior notice and protest.

In order to have sufficient time to consider these issues, the Commission continues to grant rehearing of these issues relating to off-system sales solely for purposes of further consideration.

#### O. Tariff Filings

Since the issuance of Order No. 319, several pipelines have inquired as to whether they need to file a generally applicable transportation tariff schedule since they already have special transportation rates schedules currently on file with the Commission for individual transactions. Regardless of any such special rate schedules, the Commission emphasizes, as stated in Order No. 319,<sup>31</sup> that a certificate holder

must also have a generally applicable transportation tariff on file prior to transporting gas pursuant to § 157.209. This order revises § 157.209(d)(1)(i) to explicitly state this requirement.

The Commission's position in this regard reflects its belief that such a requirement will promote utilization of the blanket certificate program and, consequently, further its market ordering objectives. This is because having generally applicable tariffs on file so that they will be readily available for inspection should facilitate potential gas shippers' efforts to locate transporters whose rates permit transportation arrangements to which the shipper is amenable.

#### III. Request for Opportunity for Further Comment on and Stay of Orders Nos. 319 and 234-B

The Commission has received several requests to re-open the record in these dockets to allow for additional comments by interested parties or stay of the final rules pending opportunity for judicial review.<sup>32</sup> The requests allege that the record in this docket is stale because it is more than two years old and does not accurately reflect current market conditions. They argue that additional comments would provide a more adequate record upon which to base a final rule. They also state that further opportunity for public comment should be allowed because the Commission did not propose for comment the AIC which was adopted in Order No. 319 or the extension of eligibility under the blanket certificate program to industrial end-uses under Order No. 234-B.

The Commission is not persuaded that further public comment is necessary. The petitioner's requests do not provide any data to support the allegations made therein, nor do the petitioners argue that current market conditions require final rules different from those adopted. In issuing this final rule, the Commission has carefully considered all of the comments filed in this proceeding in light of conditions prevailing at the time the comments were submitted as well as in light of current market conditions.

Many of those persons commenting in the proceedings regarding the blanket certificate program have argued that additional financial incentives are needed to encourage pipelines to undertake transportation on behalf of end-users.<sup>33</sup> In fact, all of the

commenters who addressed this point, including the Economic Regulatory Administration (ERA) of the Department of Energy, favored some type of financial incentive for interstate pipelines to engage in end-user transportation. End-users pointed to the reluctance or the refusal on the part of the pipelines to transport their gas. As noted earlier, pipelines cited the regulations that allow only one cent per MMBtu to be retained as not providing a sufficient financial incentive. Furthermore, contrary to the applicants' statements, comments on the extension of blanket certificate eligibility to industrial end-users were specifically requested and received by the Commission.<sup>34</sup> For these reasons, the Commission believes that it would serve no significant purpose to provide opportunity for further public comment specifically with regard to the AID program or the extension of eligibility to gas used for non-high priority end-uses. For the same reasons, the Commission is also denying the petitioners' requests for stay of Order Nos. 319 and 234-B.

#### IV. Effective Dates

The blanket certificate program is an essential part of the Commission's regulatory reform activities and its effort to minimize the adverse impacts resulting from the present anomalous situation in which declining gas demand coexists with prices that exceed market clearing levels. Some of the amendments contained in this order are intended to clarify certain aspects of the program, while the other regulatory changes will permit the program to be utilized in additional instances. As such, the amendments will promote the operation of this program which the Commission has determined to serve the public interest and necessity. Accordingly, the Commission finds good cause, pursuant

<sup>31</sup> As discussed in Order No. 319, *id.* at 34,878, the Order No. 30 program was originally set to expire on May 31, 1980. However, on May 22, 1980, the ERA referred a proposed rule for a one-year extension to the Commission under section 403 of the Department of Energy Organization Act. As a result, Order No. 30-B was issued to extend the program for three months to give the Commission an opportunity to conduct a notice and comment rulemaking on the extension. In Order No. 30-D, the Commission again extended the program until May 31, 1981. The ERA then proposed inclusion of the fuel oil displacement program as a part of the Commission's comprehensive blanket certificate program (46 FR 27,355, May 19, 1981), and Consolidated Edison filed a petition for a rulemaking to implement ERA's proposal (Petition for Rulemaking, filed March 4, 1981, Docket No. RM81-22-000). As a result, in Order No. 30-F, issued May 1, 1981 (46 FR 30,491, June 9, 1981), the Commission requested comments in the Phase I blanket certificates docket (Docket No. RM81-19-000) on whether the Order No. 30 program should be incorporated into the blanket certificate program.

<sup>32</sup> The Commission has also received one submission in opposition to the applicant's motion for stay. See *supra*, note 7.

<sup>33</sup> See Order No. 319, *supra* note 1, at 34,881.

<sup>34</sup> See Order No. 319, *supra* note 1, at 34,887.



to 5 U.S.C. section 553(d), to make these amendments effective on the date of issuance of this order.

#### V. The Commission Orders

(1) For the reasons stated in Order Nos. 319 and 234-B and herein, the Petitions and Applications for Rehearing, Clarification, and Reconsideration of Order Nos. 319 and 234-B are hereby denied except to the extent that suggestions and clarifications are incorporated into this order and to the extent the Commission hereby grants those requests for rehearing as set forth below; and

(2) For the reasons stated herein, the Commission hereby continues to grant rehearing for purposes of further consideration of those matters raised in the Petitions and Applications for Rehearing, Clarification, and Reconsideration of Order Nos. 319 and 234-B to the extent they relate to off-system sales; and

(3) For good cause shown in this order, the requests for a stay of Order Nos. 319 and 234-B are also denied; and

(4) For the reasons stated herein, the Commission amends 18 CFR 157.202(b)(10), 157.207, 157.209(a)(1), 157.209(d)(1)(i), 157.209(e)(1), and 157.209(e)(2).

#### List of Subjects in 18 CFR Part 157

##### Natural gas.

In consideration of the foregoing, the Commission amends Part 157 of Title 18, Code of Federal Regulations, as set forth below; all amendments are issued as final rules effective November 3, 1983.

By the Commission.

Kenneth F. Plumb,  
Secretary.

#### PART 157—[AMENDED]

1. The authority citation for Part 157 is revised to read as follows:

Authority: Natural Gas Act, as amended, 15 U.S.C. 717-828c (1976 & Supp. V 1981); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (Supp. V 1981); E.O. 12,009, 3 CFR 142 (1978); Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. V 1981).

2. Section 157.202(b)(10) is revised to read as follows:

#### § 157.202 Definitions.

(10) "Sales tap" means metering and appurtenant facilities necessary to enable the certificate holder to deliver gas to a distribution customer or an end-user, irrespective of whether the certificate holder owns the gas to be transported.

3. Section 157.207 is amended by adding a new paragraph (e) to read as follows:

#### § 157.207 General reporting requirements.

(e) All gas volumes and prices required to be reported under Subpart F of Part 157 shall be stated in terms of MMBtus.

4. Section 157.209 is amended by revising paragraphs (a)(1), (d)(1)(i) and (e)(1) and (2) to read as follows:

#### § 157.209 Transportation.

(a) *Automatic authorization.* (1) The certificate holder is authorized to transport natural gas on behalf of a high priority end-user for a high priority end-use, for a term that does not exceed:

(i) Five years, if such natural gas was purchased from:

(A) A producer or other seller in a first sale and the natural gas was not committed or dedicated to interstate commerce on November 8, 1978, and was not produced by an interstate pipeline;

(B) An intrastate pipeline; or  
(C) A local distribution company and the volumes purchased are attributable to the company's local supply; or

(ii) Ten years or the life of the reserves, whichever is less, if the natural gas was produced from reserves owned and developed by the high priority end-user; *provided that* the reserves were not proven reserves purchased in place by the end-user.

(d) *Special conditions.* (1) \* \* \*

(i) Except as provided in paragraph (f) of this section, the rates and charges shall be subject to the requirements of § 284.103 of this chapter and shall be stated in a generally applicable transportation tariff; and

(e) *Designation of end-uses.* \* \* \*

(1) *Automatic authorization.* For the period beginning August 5, 1983, and ending on 11:59 p.m., June 30, 1985, any end-use of gas shall be eligible for transportation pursuant to paragraph (a)(2) of this section for a single term that shall not exceed 120 days, if

(i) The natural gas was purchased by the end-user from:

(A) A producer or other seller in a first sale and the natural gas was not committed or dedicated to interstate commerce on November 8, 1978, and was not produced by an interstate pipeline;

(B) An intrastate pipeline; or  
(C) A local distribution company and the volumes purchased are attributable to the company's local supply; or

(ii) The natural gas was produced from natural gas reserves owned and developed by the end-user; *provided that* the reserves were not proven reserves purchased in place by the end-user.

(2) *Prior notice.* For the period beginning August 5, 1983, and ending on 11:59 p.m., June 30, 1985, any end-use of gas shall be eligible for transportation pursuant to paragraph (b)(2) of this section, if the natural gas

(i) Was purchased by the end-user from:

(A) A producer or other seller in a first sale and the natural gas was not committed or dedicated to interstate commerce on November 8, 1978, and was not produced by an interstate pipeline;

(B) An intrastate pipeline; or  
(C) A local distribution company and the volumes purchased are attributable to the company's local supply; or

(ii) Was produced from natural gas reserves owned and developed by the end-user; *provided that* the reserves were not proven reserves purchased in place by the end-user.

[FR Doc. 83-30106 Filed 11-8-83; 6:45 am]  
BILLING CODE 6717-01-M

#### 18 CFR Part 271

[Docket No. RM79-76-158 (Texas—28); Order No. 346]

#### High-Cost Gas Produced From Tight Formations; Final Rule

Issued: November 7, 1983.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Texas that the Vicksburg (12,000' Boyt Sand) Formation located in



Hidalgo County, Texas, be designated as a tight formation under § 271.703(d).

**EFFECTIVE DATE:** This rule is effective December 7, 1983.

**FOR FURTHER INFORMATION CONTACT:** Kevin R. Rees, (202) 357-8476 or Walter Lawson, (202) 357-8556.

**SUPPLEMENTARY INFORMATION:**

The Commission hereby amends § 271.703(d) of its regulations (18 CFR 271.703(d) (1983)) to include the Vicksburg (12,000' Boyt Sand) Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued December 30, 1982, (48 FR 423, January 5, 1983)<sup>1</sup> based on a recommendation by the Texas Railroad Commission (Texas) in accordance with § 271.703, that the Vicksburg (12,000' Boyt Sand) Formation located in Hidalgo County, Texas, be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Vicksburg (12,000' Boyt Sand) Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective December 7, 1983.

**List of Subjects in 18 CFR Part 271**

Natural gas, Incentive price, Tight formations.

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

By the Commission,  
Kenneth F. Plumb,  
Secretary.

**PART 271—[AMENDED]**

Part 271 is amended as follows:

1. The authority for Part 271 reads as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding a new paragraph (d)(154) to read as follows:

**§ 271.703 Tight formations.**

(d) *Designated tight formations.*

(154) *The Vicksburg (12,000' Boyt Sand) Formation in Texas.* RM79-76-158 (Texas—28).

(i) *Delineation of formation.* The Vicksburg (12,000' Boyt Sand) Formation is located in Hidalgo County, Texas, Railroad Commission District 4. The designated area is within a 2.5 mile radius, the center point of which is located 18,275 feet south and 1,800 feet east of the northwest corner of the Dyonisio Ramirez Porcion 79, Abstract No. 563.

(ii) *Depth.* The Vicksburg (12,000' Boyt Sand) Formation is identified as that formation occurring between the measured depths of 11,802 feet and 12,186 feet on the induction electrical log of the CNG Producing Company Boyt No. 1 Well.

[FR Doc. 83-30234 Filed 11-8-83; 8:45 am]

**BILLING CODE 6717-01-M**

**RAILROAD RETIREMENT BOARD**

**20 CFR Parts 200, 202, 250, 259, 260, 262, 350, 362, and 363**

**Nomenclature changes.**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Final rule.

**SUMMARY:** The Board has recently undergone an executive reorganization which necessitates amending its regulations to substitute the new titles of various executives. The changes made by this amendment are not substantive and merely conform to the title of the appropriate action official after the reorganization.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4944 (FTS 387-4944).

**SUPPLEMENTARY INFORMATION:** The following amendments to the Board's regulations merely conform the titles of Board executives as appearing in the regulations to the duties and functions of such executives under the recently-completed reorganization. As such, the amendments concern the organization of the Board and are not covered by Executive Order 12291.

For the reasons set out in the preamble, 20 CFR Chapter II is amended as follows:

1. The table of contents for Title 20, Chapter II, Railroad Retirement Board, Subchapter B, is revised by retitling the current Part 260 to read "Requests for Reconsideration and Appeals Within the Board from Decisions Issued by the Bureau of Retirement Claims and the

Bureau of Compensation and Certification".

**§ 200.3 [Amended]**

2. 20 CFR Part 200 is amended by removing the words "Chief Executive Officer" wherever they appear in the following sections and inserting in their place the words "Executive Director":

- a. 20 CFR 200.3(g);
- b. 20 CFR 200.3(h);
- c. 20 CFR 200.3(i);
- d. 20 CFR 200.3(j);
- e. 20 CFR 200.3(k);
- f. 20 CFR 200.3(l).

**§ 259.1 [Amended]**

3. 20 CFR 259.1 is amended by removing the words "General Counsel" wherever they appear and inserting in their place the words "Deputy General Counsel or his or her designee".

4. 20 CFR 259.3 is revised to read as follows:

**§ 259.3 Reconsideration of initial determinations with respect to employee or employer status.**

A party to an initial decision issued under § 259.1 shall have the right to request reconsideration of that decision. The Deputy General Counsel or his or her designee shall conduct such reconsideration. A request for reconsideration shall be in writing and must be filed with the Deputy General Counsel within one year following the date on which the initial determination was issued. Where a request for reconsideration has been timely filed, the Deputy General Counsel or his or her designee shall notify all other parties to the initial determination of such request. The party who requested reconsideration and any other party shall have the right to submit briefs or written argument, as well as any documentary evidence pertinent to the issue under consideration. The Deputy General Counsel or his or her designee shall promptly notify all parties of the determination issued upon reconsideration.

**§ 259.4 [Amended]**

5. 20 CFR 259.4 is amended by changing the title to read "Authority to conduct investigations.", and is further amended by removing the words "General Counsel" wherever they appear and inserting in their place the words "Deputy General Counsel or his or her designee".

**§ 259.5 [Amended]**

6. a. 20 CFR 259.5 is amended by changing the title to read "Appeals to the Board from determinations on reconsideration."

<sup>1</sup> Comments on the proposed rule were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.



b. 20 CFR 259.5(a) is amended by removing the words "General Counsel's".

c. 20 CFR 259.5(b) is amended by removing the words "of the General Counsel".

#### § 259.7 [Amended]

7. a. 20 CFR 259.7 is amended by removing the words "General Counsel" the first time they appear and inserting in their place, the words "Deputy General Counsel or his or her designee".

b. 20 CFR 259.7 is further amended by removing the words "by the General Counsel," the second time they appear and inserting in their place a comma.

c. 20 CFR 259.7 is also amended by removing the words "General Counsel" in the third sentence and inserting in their place, the words "Deputy General Counsel".

#### §§ 250.3, 250.4, and 260.2 [Amended]

8. 20 CFR Parts 250 and 260 are amended by removing the words "Director of Data Processing and Accounts" wherever they appear in the following sections and inserting in their place the words "Director of Compensation and Certification":

- a. 20 CFR 250.3;
- b. 20 CFR 250.4;
- c. 20 CFR 260.2;

9. Part 260 is retitled "Requests for Reconsideration and Appeals Within the Board from Decisions Issued by the Bureau of Retirement Claims and the Bureau of Compensation and Certification".

#### §§ 200.3(d)(3), 250.3, 260.3, and 260.5 [Amended]

10. 20 CFR Parts 200, 250, and 260 are amended by removing the words "Bureau of Data Processing and Accounts" wherever they appear in the following sections and inserting in their place the words "Bureau of Compensation and Certification".

- a. 20 CFR 200.3(d)(3);
- b. 20 CFR 250.3;
- c. 20 CFR 260.3;
- d. 20 CFR 260.5.

#### §§ 202.13, 262.16(e) and 262.16(f), 350.3, 362.4, 362.7, 362.8, 362.10, and 363.3 [Amended]

11. 20 CFR Parts 202, 262, 350, 362, and 363 are amended by removing the words "General Counsel" wherever they appear and inserting in their place in the following sections the words "Deputy General Counsel":

- a. 20 CFR 202.13;
- b. 20 CFR 262.16(e);
- c. 20 CFR 262.16(f);
- d.) 20 CFR 350.3;
- e. 20 CFR 362.4;
- f. 20 CFR 362.7;

- g. 20 CFR 362.8;
- h. 20 CFR 362.10;
- i. 20 CFR 363.3.

(45 U.S.C. 231f(b)(5))

Dated: October 31, 1983.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 83-30265 Filed 11-8-83; 8:45 am]

BILLING CODE 7905-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 136

[Docket No. 75P-0361]

#### Standards of Identity for Bakery Products; Final Decision

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; final decision following a formal evidentiary public hearing.

**SUMMARY:** The Commissioner of Food and Drugs is issuing his Final Decision following a formal evidentiary public hearing concerning four amendments to the standards of identity regulations for bakery products. The amendments have been stayed pending completion of the hearing and the Commissioner's review. The Commissioner affirms the holding in the Initial Decision that lecithin should be permitted as an optional ingredient in egg bread as well as in other bakery products; revises a stayed provision in the regulation that would have permitted as an optional ingredient only those spices that do not impart a color simulating that of egg to the finished product, thereby reversing the Initial Decision on this point; deletes a stayed provision in the regulation that would have placed certain restrictions on the addition to bakery products of coloring as such or as part of another ingredient, thereby reversing the Initial Decision on this point; and approves a provision in the regulation requiring a minimum content of 2.56 percent by weight of whole egg solids (equivalent to one medium-sized egg per pound loaf) to justify the use of the name "egg bread," thereby reversing the holding of the Initial Decision that a minimum content of the yolks of two medium-sized eggs per pound be required.

**DATES:** This Final Decision is effective November 9, 1983. The removal of paragraphs a, b, and c of the stay note at the end of § 136.110, the amendment to § 136.110(c)(16), and the removal of § 136.110(c)(17) are effective January 9,

1984. The removal of paragraph d of the stay note at the end of § 136.110 and the removal of the stay notes at the end of §§ 136.115 and 136.160 are effective July 1, 1985. Petitions for reconsideration under 21 CFR 12.139 must be submitted by December 9, 1983.

**ADDRESS:** The transcript of the hearing, evidence submitted, and all other documents cited in this decision may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-02, 5600 Fishers Lane, Rockville, MD 20857. Petitions for reconsideration are to be sent to the Dockets Management Branch.

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

#### SUPPLEMENTARY INFORMATION:

##### I. History

In the Federal Register of September 11, 1974 (39 FR 32753), the Food and Drug Administration (FDA) proposed in response to a petition filed by The Great Atlantic & Pacific Tea Co., Inc., to amend the standards of identity for bakery products, then 21 CFR Part 17, to provide, among other things, for the use of the names "egg bread," "egg rolls," "egg buns," "enriched egg bread," "enriched egg rolls," "enriched egg buns," "raisin and egg bread," "raisin and egg rolls," "raisin and egg buns," "enriched raisin and egg bread," "enriched raisin and egg rolls," "enriched raisin and egg buns" ("egg bread"). (Part 17 was recodified as 21 CFR Part 136 in the Federal Register of March 15, 1977 (42 FR 14302).)

Citing "confusion among consumers as to the identity of 'egg bread,'" FDA proposed that the name on the label of a bakery product called "egg bread" contain not less than 2.56 percent by weight of whole egg solids, a quantity equivalent to one medium-sized egg per pound of bread. FDA also proposed that the name on the label include a statement of the amount of egg present, so that consumers could distinguish among egg breads containing the minimum required egg content of one medium-sized egg per pound of bread and those containing more egg per pound.

The agency's determination that "consumers are not adequately informed by the label of the product as to the amount of egg in 'egg bread'" was based upon the results of two surveys conducted by FDA or at its request. A survey of manufacturers of "egg bread" found that the number of eggs ranged



from less than one-tenth of an egg to about one and one-half eggs per 1-pound loaf of bread or 1 pound of rolls or buns, with an average of slightly less than half an egg. By contrast, a national consumer survey found that almost 24 percent of the consumers expected one egg per 1-pound loaf; nearly 20 percent expected two eggs; 14 percent expected three eggs; and almost 19 percent did not know what to expect. There was no significant difference between the amounts consumers expected to be present and those consumers thought should be present. In addition, FDA summarized 24 recipes for egg bread taken from cookbooks and magazines. The number of eggs per pound of bread varied from 0.56 to 1.25 with an average of 0.91.

FDA determined that a revision of the standards of identity for bakery products to provide for a food called "egg bread" would assure the consumer of at least a specified minimum amount of whole egg solids in the food. Additional amounts of whole egg solids would be declared as part of the name in terms of the number of medium-sized eggs per pound of bread.

For bread not to appear to contain more egg than it does, regardless of whether or not it is labeled "egg bread," the agency proposed that, except for the use of butter which may have added color, the food contain no added color as such or as a component of another ingredient. This would apply to, among other materials, spices that impart to the bread a color simulating the color of egg. Butter with added color would be allowed if the intensity of the color of the butter does not exceed "medium high" when measured against the Munsell Butter Color Comparator.

FDA proposed to revise the recipe requirements of the standards for bakery products to permit the use of any safe and suitable ingredients that do not adversely affect the identity of the food. The agency noted that this proposal would permit manufacturers to adopt new advances in food technology to meet consumer demands without reducing the protection of the consumer. FDA also proposed to require the label declaration of all optional ingredients used in the manufacture of the bread.

In the *Federal Register* of February 12, 1976 (41 FR 6242), FDA summarized comments received in response to the proposed revisions, responded to each comment, published a regulation revising the existing regulation governing the standards of identity for bakery products, and invited objections. The regulation published on February 12, 1976, was substantially the same as that proposed on September 11, 1974.

Five objections and requests for a hearing were filed.

In the *Federal Register* of October 15, 1976 (41 FR 45540), the Commissioner discussed written objections and requests for a hearing. Except as to certain provisions related to egg bread which were stayed, he determined that compliance with the final regulation for bakery products published on February 12, 1976, might begin immediately and all products initially introduced into interstate commerce on or after January 1, 1978, were to comply.

In a document published in the *Federal Register* of May 26, 1978 (43 FR 22785), then Commissioner Donald Kennedy determined that it was necessary to conduct a hearing to resolve the following four factual issues:

1. Whether it is in the best interest of the consumer to prohibit the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns.

2. Whether it is in the best interest of the consumer that spices, spice oil, and spice extracts that impart to a standardized bakery product a color simulating that of egg be permitted in a standardized bakery product which is not represented on its label as containing egg or egg product and which does not purport to contain egg or egg product.

3. Whether, and on what terms, the use of butter and/or margarine containing added color within specified limits should be permitted in standardized bakery products.

4. Whether a minimum content of 2.56 percent by weight of whole egg solids in a standardized bakery product is high enough to justify the use of names "egg bread," "egg rolls," "egg buns," "enriched egg bread," "enriched egg rolls," "enriched egg buns," "raisin and egg bread," "raisin and egg rolls," "raisin and egg buns," "enriched raisin and egg bread," "enriched raisin and egg rolls," "enriched raisin and egg buns," as applicable.

Because the matter is a rulemaking proceeding under 5 U.S.C. 553, 556(d), and 557, the Commissioner determined that the hearing would consist of the submission of evidence in written form only, unless otherwise ordered by the administrative law judge. Parties to the hearing were to be FDA's Bureau of Foods (Bureau), the New York State Department of Agriculture and Markets (New York), the Tennessee State Department of Agriculture, the Basic Foods Division of Mallinckrodt, Inc., and the American Bakers Association (ABA).

A prehearing conference was held on June 28, 1978. Administrative Law Judge

(ALJ) Daniel J. Davidson presiding. NBA, National Association of Margarine Manufacturers, and Hoffmann-La Roche appeared in opposition to the proposed regulation. The Bureau appeared in support of the proposed regulation. Following the submission of written testimony and briefs, the ALJ issued an Initial Decision on April 4, 1979. That Initial Decision is available from the Dockets Management Branch (address above).

ABA filed exceptions to the Initial Decision on May 4, 1979. New York filed a reply to those exceptions on May 25, 1979.

## II. Issues

*A. Issue No. 1: Use of Lecithin.* The proposed regulation (21 CFR 136.110(c)(5)(i), formerly 21 CFR 17.1(a)(1)(i)) allows the use of lecithin, hydroxylated lecithin, and related phosphatides as optional ingredients in all bakery products. This proposal became a final regulation effective October 15, 1976, except for its application to egg bread, which was stayed because of objections pending the outcome of this review (41 FR 45541; 43 FR 22785).

The testimony presented on this issue is discussed in the Initial Decision (ID) (pp. 5-9), and I adopt that factual discussion for purposes of this Final Decision. In summary, New York argued that lecithin should not be allowed in egg bread because its use is not a good manufacturing practice in that it is unnecessary when the proper amount of eggs, considered by New York to be two medium-sized egg yolks per pound of bread, is used; its use is deceptive to the consumer because it is a substitute for egg yolk and imitates egg by giving the bread qualities of softness and texture like those created by eggs; and its use interferes with laboratory analytical methods that serve to determine egg content.

The Bureau argued that the purpose of lecithin in egg bread is not just that of an emulsifier, but also, for example, to improve the shortening effect of fats in dough, to produce more uniform blending with shortening, to prevent "bleeding" by inducing absorption of moisture, and to serve as an antioxidant in fats and oils; New York failed to introduce any evidence of deception, and any deception is avoided by the labeling requirements of the regulation and could be further remedied by regulation or action under the adulteration and misbranding provisions of the Federal Food, Drug, and Cosmetic Act (the act); and although lecithin might interfere the lipid method of



measuring egg content, there are alternative testing methods at least as accurate, and process inspection at the factory can also serve to determine egg content.

Because the existing regulation applied to all standardized breads, including egg bread, the ALJ ruled that New York had the burden of proving that the use of lecithin should not be allowed in egg bread. I affirm that ruling.

The ALJ concluded that New York "failed to meet its burden of proving that a restriction on the use of lecithin would promote honesty and fair dealing in the interest of consumers" (ID at 9). Accordingly, the ALJ concluded that the proposal to revise 21 CFR 136.110(c)(5)(i) so as to prohibit the use of lecithin in egg bread should be denied (ID at 9). No exceptions were filed concerning those conclusions. Based upon the evidence and arguments presented by the Bureau, I affirm the findings of fact and conclusions of law of the ALJ with respect to Issue No. 1.

**B. Issue No. 2: Restrictions on the Use of Spices.** The pre-1974 regulations (21 CFR 17.1(a)(14)) allowed unlimited use of spices in bakery products without regard to spices' ability to impart color. The proposed and final regulation (21 CFR 136.110(c)(16)), stayed pending this review, allows the use of only those spices, spice oil, and spice extract which do not impart a color simulating that of egg to the finished food.

The testimony presented on this issue is discussed in the Initial Decision (pp. 9-11), and I adopt that discussion for purposes of this Final Decision. In summary, the Bureau introduced testimony that some bakeries use spices to give bread a yellow color; spices used in bread contribute to color, not to flavor; few consumers believe that spices contribute to the coloring in bread, although many egg bread users believe that yellow bread is better than white; and allowing the use of a spice which imparts a color simulating egg would be deceptive.

None of the parties took a position adverse to the Bureau.<sup>1</sup> Because the proposed restriction on the use of spices is new, the ALJ ruled that the Bureau had the burden of proving that the restriction would promote honesty and fair dealing. I affirm that ruling. The ALJ concluded that the Bureau made a *prima facie* showing in support of the regulation. No exceptions were filed concerning that conclusion.

The ALJ made the appropriate decision on the basis of the evidence before him. Indeed, there was no other decision he could have made. However, I find that the proposal itself was excessive and would not promote honesty and fair dealing in the interest of consumers. The standards of identity for egg bread being established by this rule will set a minimum amount of egg per pound for any product called "egg bread." In addition, the regulation requires the baker to describe on the label the number of eggs that are in the product, thereby enabling the consumer to distinguish among products containing more than the required minimum egg content. Furthermore, sections 401 and 403(g) of the act (21 U.S.C. 341 and 343(g)) require that the labels of standardized products declare all optional ingredients. FDA regulations (21 CFR 136.110 (b) and (c)(18)) require that all optional ingredients be safe and suitable and not change the basic identity, or adversely affect the physical and nutritional characteristics, of the food. Therefore, it is difficult to imagine that the use of spices that impart a color simulating that of egg will deceive the consuming public.

It is significant in this regard that the Bureau's own testimony concerning a 1978 survey reflects that, of all consumers surveyed (as opposed to the subgroup of egg bread users), about 12.9 percent said that yellow breads are better than white breads, 12.6 percent said yellow breads are not as good, and 36 percent said they were about the same (Ex. No. G-6 at 6). Most of them attributed the yellow color of some breads to factors other than the presence of eggs (Ex. No. G-6 at 4).

Therefore I find and conclude that the use of spices in bread, even spices which impart a color simulating that of egg, has a negligible impact upon consumer purchases and does not deceive the consuming public, and, in any event, that protection against deception is safeguarded by the regulation being promulgated and provisions of the act and the regulations. Accordingly, there is insufficient justification for the proposed restriction on the use of spices as optional ingredients, and I revise the proposed regulation (21 CFR 136.110(c)(16)).

**C. Issue No. 3: Artificial Coloring in Butter and Margarine.** Prior to this proceeding there was no provision regarding the use of artificial coloring in the food standards for bakery products. The proposed regulation (21 CFR 136.110(c)(17)) prohibits the use of artificial coloring in bakery products except for that contained in any added

butter. Butter with added color may be used if the intensity of the color of the butter does not exceed "medium high" when measured against the Munsell Butter Color Comparator. This color intensity corresponds with the highest color normally obtained in butter to which no color has been added (39 FR 32755).

The objectors opposed the proposed regulation as discriminatory and urged that both artificially colored butter and margarine, colored to "medium high," be permitted as optional ingredients.

The ALJ found that the burden of proof on this issue was on the Bureau. He rejected the Bureau's contention that the objectors' position was a "counter proposal" which shifted the burden. The ALJ reasoned that equal treatment for butter and margarine was more of an acknowledgment by objection that some color restriction would be imposed rather than a new proposal.

I affirm the ALJ's ruling that the burden of proof on Issue No. 3 was on the Bureau. The objectors undoubtedly would prefer the absence of restrictions which preceded the proposed regulation. Accordingly, the Bureau had the burden of showing that the proposed restriction on artificial coloring was justified.

The testimony presented on this issue is discussed in the Initial Decision (pp. 11-18), and I adopt that factual discussion for purposes of this Final Decision.

In defense of the proposed regulation, including the exception for butter, the Bureau argued, in summary, that butter, but not margarine, is exempt under section 403(k) of the act (21 U.S.C. 343(k)) from the requirement that added color be declared on the label, so that bakers would be unable to determine whether the butter they are using is artificially colored or naturally colored and, without the exception, would have to order uncolored butter specially; much butter is yellow colored by nature, whereas margarine is a manufactured item that is available as uncolored or white margarine; and in a consumer survey many more consumers identified butter than margarine as a possible source of yellow color in bread. In the alternative, the Bureau argued that if the products are to be treated alike, artificial coloring should be prohibited from being added either to butter or to margarine in bakery products.

The objectors argued, in summary, that the amount of color added to standardized bakery products by colored butter or margarine comprises no more than 3 to 8 percent of a bakery product, and is thus *de minimis*; allowing butter and margarine to be

<sup>1</sup> Basic Foods was not a participant, but had objected to the regulation because it applied to all bakery products, not just those purporting to contain egg (41 FR 45541).



colored to the "medium high" level will give the bakery products more visual appeal (as distinguished from yellow color simulating that of egg); because colored margarine would continue to be used in nonstandardized products for its visual appeal, bakers would be required to maintain and keep records on two inventories, with resulting increased costs to the consumer; consumers prefer margarine over butter because it is more healthful<sup>2</sup> and less costly; and, in any event, the standards of identity for bakery products would protect against any consumer deception.

The ALJ found that the Bureau failed to meet its burden of proof that margarine colored to the "medium high" level would deceive consumers while butter similarly colored would not. He cited the "overwhelming" testimony that margarine so colored, and used as 3 to 8 percent of all ingredients, does not impart a color to the finished bakery product. He further interpreted the survey as showing clearly only that consumers are unsure as to what causes the yellow color in some breads. Thus, the ALJ concluded that the regulation, which would prohibit the use of artificial color in standardized bakery products except for that which may be present in butter, should be modified so as to permit the use of both butter and margarine, artificially colored up to the "medium high" intensity. No exceptions were filed concerning this issue.

Again, the ALJ made the appropriate decision on the basis of the evidence before him. But I find that the proposal itself was unnecessary to promote honesty and fair dealing in the interest of consumers.

I find that consumers are adequately protected from deception from the standards of identity for egg bread being established by this rule. Under the regulation, any product called "egg bread" will contain a minimum amount of egg per pound, and the baker will be required to put on the label the number of eggs that are in the product. Furthermore, sections 401 and 403(g) of the act (21 U.S.C. 341 and 343(g)) require that the labels of standardized products declare all optional ingredients. Furthermore, all optional ingredients must be safe and suitable and must not change the basic identity or adversely affect the physical and nutritional characteristics of the food (21 CFR 136.110 (b) and (c)(18)). Thus, the consumer will be protected from

coloring which is harmful or which alters the basic identity of the food. He or she will be informed by the ingredient list on the label as to the presence of each ingredient, including coloring, and he or she will be told how many eggs per pound are in the egg bread in the name of egg bread products. As noted above, the Bureau's testimony indicates that consumers, as a group, do not consider yellow breads to be any better than white breads (Ex. N. G-6 at 6). Most of them attribute the yellow color of some breads to factors other than the presence of eggs (Ex. No. G-6 at 4). I agree with the ALJ that margarine colored to the "medium high" level, and used as 3 to 8 percent of all ingredients, imparts virtually no color to the finished bakery product.

I conclude that the use of coloring in bread has negligible impact upon consumer purchases, does not deceive the consuming public, and, in any event, that protection against deception is safeguarded by the other regulations and the act. Accordingly, 21 CFR 136.110(c)(17) is deleted.

*D. Issue No. 4: Minimum Content in Egg Bread.* Under the proposed regulations (21 CFR 136.110(e)(1), 136.115(b), and 136.160(b)), a minimum of 2.56 percent by weight of whole egg solids, the equivalent of at least one medium-sized egg per pound, is required in any product labeled egg bread.

The testimony presented on this issue is discussed in the Initial Decision (pp. 18-22) and, except as set forth below, I adopt that factual discussion for purposes of this Final Decision. The Bureau argued, in summary, that the proposed requirement of one whole medium-sized egg per pound of bread reflects the average amount of egg required in published recipes for egg bread; published recipes for homemakers are reliable because they present little likelihood of economic bias; a requirement of two eggs per pound is excessive because a survey of bakers showed that the number of eggs actually used varied from less than one-tenth of an egg to about one and one-half eggs per pound loaf, with an average of slightly less than half an egg; and a requirement of two eggs per pound might increase cholesterol levels for egg bread consumers beyond what is desirable.

New York argued, in summary, that the standard should reflect the fact that the egg content of a true egg bread consists of egg yolks and not egg whites; FDA's 1969 consumer survey showed that most consumers expected at least two eggs; homemakers' recipes are inexact and often duplicative of one

another and bakers' recipes are more reliable; and a survey of New York City bakers performed by New York in 1974 shows that most approved a requirement of two eggs.

The ALJ ruled that the Bureau had the burden of proving that the proposed regulation would promote honesty and fair dealing. I affirm that ruling. However, none of the participants asserted that there should be no minimum, or that the proposed minimum was too high. New York argued that the minimum should be two eggs per pound and that the egg should be measured in terms of egg yolks rather than whole egg solids. The ALJ ruled that, because New York's proposal went beyond the Bureau's, New York must bear the burden of justifying the different minimum requirement sought by it. I affirm that ruling. I further rule that New York has the burden of proving that the characterizing ingredient should be egg yolks.

The ALJ found that consumers are being deceived about the egg content in egg bread because most consumers expect two eggs per pound or more and bakers are not meeting these expectations. He also found that egg yolk is the ingredient in egg bread that distinguishes it from white bread with added egg. Accordingly, the ALJ concluded that the regulations (21 CFR 136.110(e)(1), 136.115(b), and 136.160(b)), requiring a minimum content of 2.56 percent of weight of whole egg solids in a standardized bakery product to justify the use of the name "egg bread," should be modified so as to require a minimum content of the yolks of two medium-sized eggs per pound. Exceptions were filed by ABA, which supported the regulation as proposed. New York replied to those exceptions and concurred with the Initial Decision. The Bureau did not file exceptions and did not reply to ABA's exceptions.

I reverse the ALJ's ruling on this issue and conclude that the regulations (21 CFR 136.110(e)(1), 136.115(b), and 136.160(b)), should be promulgated as proposed, so as to require a minimum of 2.56 percent by weight of whole egg solids, the equivalent of at least one medium-sized egg per pound, in any product labeled "egg bread." In so doing I must emphasize that the regulations also provide for a label statement, as part of the name of the product, of the number of medium-sized eggs per pound in products labeled egg bread, so that consumers will be able to distinguish among egg breads containing the minimum required egg content of one medium-sized egg per pound and those containing more egg per pound.

<sup>2</sup> Objectors claimed that margarine contains less cholesterol and saturated fats than butter, and that margarine is colored with beta-carotene, which contains vitamin A, while butter is colored with annatto, a non-nutritive agent.



New York relied, in part, upon its 1974 survey of bakers in New York City, who were asked whether they would approve of a requirement of at least 5 parts of egg yolk solids to 100 parts of flour (the equivalent of yolks from two medium-sized eggs). Responses were elicited from only five bakers: three responses were positive and two negative. The bakers were not asked whether they were actually using a minimum of 5 parts egg yolk per 100 parts flour (ID at 19-20). I find that this survey is entitled to no weight because of the very small number of respondents and because it does not purport to reflect actual industry practice.

New York also relied upon a 1969 FDA consumer survey showing that most consumers expected at least two eggs in a 1-pound loaf of egg bread (A Study of Consumer Concepts and Expectations Concerning Four Selected Bread Products and their Associated Label Declaration). The ALJ stated that the survey found that 24 percent of respondents expected one egg in a loaf, 20 percent expected two eggs, 14 percent expected three eggs, and more than half expected three to six or more eggs (ID at 19). In fact, however, the study reported that 28.7 percent, not "more than half," expected three to six or more eggs. The ALJ was misled on this point by the testimony of a Bureau witness (ex. G-2 at 17). Moreover, in that same study, 18.6 percent responded that they did not know how many eggs were contained in a loaf of egg bread. I find from the diversity of responses that the survey shows only that most consumers do not know how many eggs are or should be in egg bread, and does not justify any particular minimum level of eggs in egg bread above one egg.

The Bureau relied, in part, upon a survey showing that the number of eggs actually used by bakers varied from less than one-tenth of an egg to about one and one-half eggs per pound loaf, with an average of slightly less than half an egg (ID at 19). I find that this survey is entitled to some weight because the number of eggs used by bakers reflects industry practice.

The Bureau also relied upon 24 published homemakers' or cookbook recipes tending to show that the average number of eggs in such recipes is approximately one egg per pound. On rebuttal, New York introduced a list of seven additional recipes with a higher egg content, averaging more than two eggs per pound loaf. I find that both sets of recipes are entitled to some weight, because they reflect consumer practices and expectations, and are unlikely to be affected by economic bias. However, I

find that the Bureau's recipes are entitled to greater weight because its sample is larger and more representative of consumer practices.

As the ALJ noted, New York relied heavily upon the ingredients of "challah." <sup>3</sup> The ABA argues that New York's testimony is entitled to little probative weight because the Commissioner has stated that the requirements for egg bread do not apply to challah (41 FR 6245; 41 FR 45542). I affirm that standards for egg bread do not apply to challah, and that this applies regardless of how challah is labeled. Because challah is subject to the standards for white bread (41 FR 45542), New York's evidence as to challah cannot be totally disregarded. However, for the reasons set forth below, I find that it is entitled to very little weight.

The ALJ ruled that, before he could consider whether the extra cholesterol from the addition of another egg per pound to egg bread creates a health hazard, specific evidence to that effect would have to be introduced. Because the relation of cholesterol intake to heart disease was admitted by the Bureau to be uncertain, he appears to have disregarded this question. I reverse the ALJ's ruling. There was testimony as to the value of reducing dietary cholesterol for individuals who have atherosclerotic disease or the propensity to develop the disease (Ex. G-8 at 7-8). There was also testimony that egg yolks are one of the highest sources of cholesterol in the American food supply (Ex. G-8 at 10). I find that the Bureau met its burden of coming forward with evidence. I further find that the possible benefits from controlling cholesterol intake may be considered in determining what should be the quantity of egg in a standardized food and in determining what part of the egg should be the characterizing ingredient. The weight to be accorded to that consideration will depend upon the quality of testimony as to benefits and/or risks arising from its level of use. I find that such evidence on this point in this proceeding is weak and is to be accorded very little weight.

Weighing the testimony as discussed above, I reverse the ALJ's ruling and conclude that 21 CFR 136.110(e)(1), 136.115(b), and 136.160(b) should be amended as proposed. I note that these regulations establish a minimum content of one medium-sized egg per pound. Bakers are free to make egg bread with higher egg content, and consumers who desire egg bread rich in eggs can determine from the label whether a

particular egg bread will meet their expectations.

In approving of the regulations as proposed, I also reverse the ALJ's holding that the characterizing ingredient for egg should be egg yolk rather than whole egg solids. That holding was based at least in part upon his erroneous understanding that as part of the Bureau's recent study, 50 percent of the 26 people who answered that they bought egg bread in the last 2 weeks said that the yellow color of the bread was due to egg yolks. He was misled by the testimony of a Bureau witness (Ex. G-6 at 7). In fact, as another Bureau witness made clear, the 50 percent responded that the color was due to "egg yolk (or egg)" (Ex. G-1 at 14). For that reason, and because the survey sample is so small, and because the perceived cause of coloring is of no relevance to the issue of which part of the egg should be the characterizing ingredient, I find that the survey is entitled to no weight on that issue. On the other hand, the ingredient used in recipes is relevant to this issue. All of the cookbook recipes cited by the Bureau call for the use of whole eggs, not egg yolks. The same is true of cookbook recipes referenced in testimony of New York (G-9 at 8; N-2 at 8). Although to be accorded little evidentiary weight, there was also testimony that it may be beneficial to control the intake of cholesterol, which is present in high levels in egg yolks (Ex. G-8 at 7-10). I conclude that the Bureau met its burden of proving that whole eggs should be the characterizing ingredient and that New York failed to meet its burden of proving that the egg content should be measured in terms of egg yolks rather than whole eggs.

*e. Miscellaneous Issue, Effective Date.* ABA further excepted to the ALJ's order, insofar as it applied to issues 2 and 4, proposing as an effective date the date of publication of the Final Decision. The exception argued that the effective date should be July 1, 1981. This argument was based upon FDA's mandatory uniform effective date at that time of July 1, 1981 for compliance with all final food labeling regulations that were published in the Federal Register after September 29, 1978, unless special circumstances justified a different effective date (43 FR 44830). No reply was made to that exception.

This exception may be treated as moot. The ALJ's order stated that "in the absence of the timely filing of exceptions . . . , this initial decision shall become the final decision of the Commissioner . . . and shall be effective as of the date of publication of

<sup>3</sup> "Challah" is bread, traditionally containing egg, which complies with Jewish dietary requirements.



a notice to that effect in the **Federal Register** \* \* \* (ID at 24-25). Timely exceptions were filed. The regulation at issue has been stayed. However, the exception has merit and invites clarification. The effective date of labeling requirements imposed by the ALJ should conform with the agency's uniform effective date. Turning to this proceeding, I find no special circumstances warranting deviation from the uniform effective date where it is applicable. However, because of the passage of time since the issuance of the Initial Decision, the effective date should be the uniform effective date (i.e., July 1, 1985) for food labeling regulations that are published in the **Federal Register** after August 13, 1982. This uniform effective date was announced in the **Federal Register** of August 13, 1982 (47 FR 35185). Accordingly, the regulations concerning the quantity and labeling of egg (21 CFR 136.110(e)(1), 136.115(b), and 136.160(b)) will be effective on July 1, 1985. The regulation concerning lecithin (21 CFR 136.110(c)(5)(i)) is already in existence and in effect, and is not amended by this Final Decision. The regulation concerning spices (21 CFR 136.110(c)(16)) is already in effect; only the limitation as to those spices which impart a color simulating that of egg had been stayed. Thus, a delayed effective date as to revised 21 CFR 136.110(c)(16) is not necessary. This Final Decision deletes the provision concerning artificial coloring (21 CFR 136.110(c)(17)).

### III. Conclusion

Based on the foregoing findings, conclusions, and discussion, I conclude that:

1. The use of lecithin, hydroxylated lecithin, and related phosphatides, as optional ingredients in egg bread, is not contrary to the requirements of honesty and fair dealing in the interest of consumers under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341); accordingly the order staying 21 CFR 136.110(c)(5)(i) should be vacated.

2. The use of spices, spice oil, and spice extract that impart to the standardized bakery product a color simulating that of egg is not contrary to the requirements of honesty and fair dealing in the interest of consumers under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341); accordingly 21 CFR 136.110(c)(16) should be revised and republished to allow for the use of spices, spice oil, and spice extract.

3. The use of artificial coloring as an optional ingredient in standardized

bakery products is not contrary to the requirements of honesty and fair dealing in the interest of consumers under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341); accordingly 21 CFR 136.110(c)(17) should be deleted.

4. The standards of identity for "egg bread," "egg rolls," "egg buns," "enriched egg bread," "enriched egg rolls," "enriched egg buns," "raisin and egg bread," "raisin and egg rolls," "raisin and egg buns" require a minimum content of the whole egg solids of one medium-sized egg per pound in order to promote honesty and fair dealing in the interest of consumers under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341); accordingly the order staying 21 CFR 136.110(e), 136.115(b), and 136.160(b) should be vacated.

The foregoing decision in its entirety constitutes my findings of fact and conclusions of law.

### List of Subjects in 21 CFR Part 136

Bakery products, Bread, Food standard.

### Final Order

Therefore, on the basis of the foregoing findings of fact and conclusions of law and the record in the above proceeding and 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 the stay of 21 CFR 136.110 (c)(5)(i), (c)(16) and (17), paragraph (e), 136.115(b), and 136.160(b), as ordered in the **Federal Register** of October 15, 1976 (41 FR 45540), be terminated and that Part 136 be amended as follows:

### PART 136—BAKERY PRODUCTS

1. In § 136.110, by removing paragraphs a, b, c, and d of the stay note at the end of the section, by revising paragraph (c)(16), and by removing and reserving paragraph (c)(17), to read as follows:

#### § 136.110 Bread, rolls, and buns.

(c) \* \* \*

(16) Spices, spice oil, and spice extract.

#### § 136.115 [Amended]

2. In § 136.15 *Enriched bread, rolls, and buns*, by removing the stay note at the end of the section.

#### § 136.160 [Amended]

3. In § 136.160 *Raisin bread, rolls, and buns*, by removing the stay note at the end of the section.

*Dates.* This Final Decision is effective November 9, 1983. The removal of paragraphs a, b, and c of the stay note at the end of § 136.110, the amendment to § 136.110(c)(16), and the removal of § 136.110(c)(17) are effective January 9, 1984. The removal of paragraph d of the stay note at the end of § 136.110 and the removal of the stay notes at the end of §§ 136.115 and 136.160 are effective July 1, 1985. Petitions for reconsideration under 21 CFR 12.139 must be submitted by December 9, 1983.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: October 28, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

FR Doc. 83-30119 Filed 11-8-83; 8:45 am

BILLING CODE 4160-01-M

### ENVIRONMENTAL PROTECTION AGENCY

#### 21 CFR Parts 193 and 561

[FAP 9H5217/R617; FAP 9H5217/R618; and PH-FRL 2463-6]

#### Tolerances for Pesticides in Food and Animal Feeds Administered by the Environmental Protection Agency; Pirimiphos-Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** These rules establish food and feed additive regulations to permit the combined residues of the insecticide pirimiphos-methyl in or on certain food and feed commodities in accordance with an experimental program. These regulations to establish maximum permissible levels for the combined residues of the pesticide in or on the commodities were requested in a petition by ICI Americas, Inc.

**EFFECTIVE DATE:** Effective on November 9, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.



Office location and telephone number: Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

**SUPPLEMENTARY INFORMATION:** EPA issued notices, published in the *Federal Register* of April 20, 1983 (48 FR 16962), which announced that ICI Americas, Inc., Wilmington, DE 19897, had submitted a food/feed additive petition proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting the combined residues of the insecticide pirimiphos-methyl (*O*-[2-(diethylamino)-6-methyl-4-pyrimidinyl] *O,O*-dimethylphosphorothioate, the metabolite *O*-[2-ethylamino-6-methylpyrimidin-4-yl] *O,O*-dimethylphosphorothioate and in free and conjugated form the metabolites 2-diethylamino-6-methylpyrimidin-4-ol, 2-ethylamino-6-methylpyrimidin-4-ol and 2-amino-6-methylpyrimidin-4-ol in or on certain food and feed commodities as follows:

1. **FAP 9H5217.** Proposed amending 21 CFR 193.468 by establishing a regulation permitting the combined residues of pirimiphos-methyl and its metabolites in or on the food commodities milling fractions of rice and wheat at 50.0 parts per million resulting from application of pirimiphos-methyl to stored rice and wheat grain in connection with an experimental program.

2. **FAP 9H5217.** Proposed amending 21 CFR Part 561 by establishing a regulation permitting the combined residues of pirimiphos-methyl and its metabolites in or on the feed commodities rice hulls at 60.0 ppm and milling fractions of rice and wheat at 50.0 ppm resulting from application of pirimiphos-methyl to stored rice and wheat grain in connection with an experimental program.

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

The pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 751, U.S.C. 135(a) *et seq.*). It has further been determined that since residues of the pesticide may result in rice hulls, rice milling fractions, and wheat milling fractions from the agricultural use provided for in the experimental use permit, the food and feed additive regulations should be established and should include a tolerance limitation.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances

include an 2-year rat chronic feeding/oncogenicity study which was negative for oncogenic effects at the levels tested (10, 50, and 300 ppm) and had a cholinesterase-inhibition and systemic no-observed-effect level (NOEL) of 10.0 ppm and 300 ppm, respectively; a mouse oncogenicity study which was negative for oncogenic effects at the levels tested (5, 250, and 500 ppm); a 2-year dog feeding study which had a cholinesterase-inhibition and systemic NOEL of 0.5 milligram (mg)/kilogram (kg)/day and 2.0 mg/kg/day, respectively; a rabbit teratology study which was negative at 16 mg/kg; a rat reproduction study which had a NOEL of 100 ppm; and a subchronic hen neurotoxicity study which was negative up to 10 mg/kg/day. Studies on mutagenicity showed negative potential.

Based on the 2-year rat chronic feeding/oncogenicity study with a 10 ppm (0.5 mg/kg/day) NOEL for cholinesterase-inhibition, and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.05 mg/kg of body weight (bw)/day.

The metabolism of pirimiphos-methyl is adequately understood for this use, and an adequate analytical method, gas chromatography mass spectrometry, is available for enforcement purposes. No actions are currently pending against registration of the insecticide.

The pesticide is considered useful for the purpose for which the regulations are sought. Therefore, the regulations are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was

published in the *Federal Register*, of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

#### List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: October 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

Therefore 21 CFR, Chapter I, is amended as follows:

#### PART 193—[AMENDED]

1. In Part 193, § 193.468 is revised to read as follows:

##### § 193.468 Pirimiphos-methyl.

- (a) [Reserved].  
(b) Interim tolerances are established for the combined residues of the insecticide pirimiphos-methyl (*O*-[12-(diethylamino)-6-methyl-4-pyrimidinyl] *O,O*-dimethylphosphorothioate, the metabolite *O*-[2-ethylamino-6-methylpyrimidin-4-yl] *O,O*-dimethylphosphorothioate and in free and conjugated form the metabolites 2-diethylamino-6-methylpyrimidin-4-ol, 2-ethylamino-6-methylpyrimidin-4-ol and 2-amino-6-methylpyrimidin-4-ol resulting from application of the insecticide to the stored commodities with tolerance limitations in or on the following food commodities:

Foods	Parts per million	Expiration date
Peanut oil	50.0	Sept. 2, 1984
Rice, milling fractions	50.0	Oct. 25, 1984
Wheat, milling fractions	50.0	Do.

#### PART 561—[AMENDED]

2. In Part 561, a new § 561.432 is added to read as follows:

##### § 561.432 Pirimiphos-methyl.

- (a) [Reserved].  
(b) Interim tolerances are established for the combined residues of the insecticide pirimiphos-methyl (*O*-[2-(diethylamino)-6-methyl-4-pyrimidinyl] *O,O*-dimethylphosphorothioate, the metabolite *O*-[2-ethylamino-6-methylpyrimidin-4-yl] *O,O*-dimethylphosphorothioate and in free and conjugated form the metabolites 2-diethylamino-6-methylpyrimidin-4-ol, 2-ethylamino-6-methylpyrimidin-4-ol and 2-amino-6-methylpyrimidin-4-ol resulting from application of the insecticide to the stored commodities with tolerance



limitations in or on the following feed commodities:

Feeds	Parts per million	Expiration date
Rice, hulls	60.0	Oct. 25, 1984.
Rice, milling fractions	50.0	Do.
Wheat, milling fractions	50.0	Do.

[FR Doc. 83-29676 Filed 11-9-83; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 207, 213, 220, 221, 232, 234, 236, 241, 242, and 244

[Docket No. R-83-1133]

### Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

**AGENCY:** Office of Assistant Secretary for Housing—Federal Housing Commission, HUD.

**ACTION:** Final rule.

**SUMMARY:** This change in the regulations decreases the maximum allowable interest rates on insured home mortgage programs and eliminates the split rate for construction and permanent financing on multifamily mortgage programs. This action by HUD is designed to bring the maximum interest rates into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

**EFFECTIVE DATE:** November 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-755-7270).

**SUPPLEMENTARY INFORMATION:** The following miscellaneous amendments have been made to this chapter to decrease the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been lowered from 13.00 percent to 12.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 13.25 percent to 12.75 percent for graduated payment home loan programs (GPM). The rate for multifamily mortgage

programs has been set at 13.00 percent for both construction and permanent financing.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in, 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

This is a procedural and administrative determination as set forth in the statutes and as such does not require a determination of environmental applicability.

List of Subjects in 24 CFR Parts 203, 207, 213, 220, 221, 232, 234, 236, 241, 242, and 244

Mortgage insurance.

Accordingly, Chapter II is amended as follows:

### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

#### Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is revised to read as follows:

##### § 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.50 percent per annum, except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

2. In § 203.45 paragraph (b) is revised to read as follows:

##### § 203.45 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.75 percent per annum, except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

3. In § 203.46 paragraph (c) is revised to read as follows:

##### § 203.46 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.75 percent per annum, except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

### PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

#### Subpart A—Eligibility Requirements

4. In § 207.7 paragraph (a) is revised to read as follows:

##### § 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 1, 1983.

### PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

#### Subpart A—Eligibility Requirements—Projects—Individual Properties Released From Project Mortgage

5. In § 213.10 paragraph (a) is revised to read as follows:

##### § 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 13.00 percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 1, 1983.

#### Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

6. In § 213.511 paragraph (a) is revised to read as follows:

##### § 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.50 percent per annum, except



that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at time of application.

## **PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS**

### **Subpart C—Eligibility Requirements—Projects**

7. In § 220.576 paragraph (a) is revised to read as follows:

#### **§ 220.576 Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 1, 1983.

## **PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE**

### **Subpart C—Eligibility Requirements—Moderate Income Projects**

8. In § 221.518 paragraph (a) is revised to read as follows:

#### **§ 221.518 Maximum interest rate.**

(a)(1) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after November 1, 1983.

(2) Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

## **PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE**

### **Subpart A—Eligibility Requirements**

9. In § 232.29 paragraph (a) is revised to read as follows:

#### **§ 232.29 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum, with respect to mortgages receiving initial endorsement (or endorsement in cases

involving insurance upon completion) on or after November 1, 1983.

## **PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE**

### **Subpart A—Eligibility Requirements—Individually Owned Units**

10. In § 234.29 paragraph (a) is revised to read as follows:

#### **§ 234.29 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.50 percent per annum except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

11. In § 234.75 paragraph (b) is revised to read as follows:

#### **§ 234.75 Eligibility of graduated payment mortgages.**

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.75 percent per annum, except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

12. In § 234.76 paragraph (c) is revised to read as follows:

#### **§ 234.76 Eligibility of modified graduated payment mortgages.**

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.75 percent per annum, except that where an application for commitment was received by the Secretary before November 1, 1983, the mortgage may bear interest at the maximum rate in effect at the time of application.

## **PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS**

### **Subpart A—Eligibility Requirements for Mortgage Insurance**

13. In § 236.15 paragraph (a) is revised to read as follows:

#### **§ 236.15 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 1, 1983.

## **PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES**

### **Subpart A—Eligibility Requirements**

14. In § 241.75 paragraph (a) is revised to read as follows:

#### **§ 241.75 Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum with respect to loans insured on or after November 1, 1983.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

## **PART 242—MORTGAGE INSURANCE FOR HOSPITALS**

### **Subpart A—Eligibility Requirements**

15. In § 242.33 paragraph (a) is revised to read as follows:

#### **§ 242.33 Maximum interest rate.**

(a)(1) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 1, 1983.

(2) Interest shall be payable in monthly installments on the principal then outstanding.

## **PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES**

### **Subpart A—Eligibility Requirements**

16. In § 244.45 paragraph (a) is revised to read as follows:

#### **§ 244.45 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases



involving insurance upon completion) on or after November 1, 1983.

(Section 3(a), 62 Stat. 113; 12 U.S.C. 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Dated: October 31, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing.

[FR Doc. 83-30208 Filed 11-9-83; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 915

#### Imposition of Condition of Approval on the Iowa Permanent Regulatory Program

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

ACTION: Final rule.

**SUMMARY:** This document imposes a new condition on the Secretary of the Interior's approval of the Iowa permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The new condition relates to the prepayment of civil penalties.

Following notification to the State that a State program amendment is required to meet the requirements of SMCRA and the Federal regulations and a request by the State for a one-year extension of time to submit an amendment, the Secretary is imposing a new condition on his approval of the Iowa program. The Federal regulations at 30 CFR Part 915, which codify decisions concerning the Iowa program, are being amended to reflect this action.

**EFFECTIVE DATE:** November 9, 1983.

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

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Iowa Program

The Iowa program was conditionally approved by the Secretary of the Interior effective April 10, 1981, as published in the January 21, 1981 Federal Register (46 FR 5885). Information pertinent to the general background, revisions, modifications, and amendments to the proposed

permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 Federal Register.

##### II. Secretary's Findings

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

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

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

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

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

However, on May 25, 1982, OSM notified the State that no modification to the Federal prepayment rule was anticipated in the near future and set a deadline of June 30, 1983, for the State to amend its program. On August 16, 1982, OSM promulgated final rules modifying the inspection, enforcement and civil penalty provisions of the permanent regulatory program. OSM made no change to the prepayment requirement and deferred final rulemaking action on the subject. At this time, OSM has no immediate plans to modify the prepayment provision. Accordingly, an amendment to Iowa's permanent program is still necessary.

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

OSM notified Iowa, on August 2, 1983, that the Secretary would propose adding a new condition to the Iowa program requiring the State to amend its program by June 30, 1984, to incorporate requirements consistent with section 518(c) SMCRA and 30 CFR 845.19. The proposed rule announcing intent to impose a new condition and requesting public comment was published August 8, 1983 (48 FR 35903). Iowa has agreed, by letter dated October 24, 1983, to correct the deficiency by the date specified in 30 CFR Part 915.

##### III. Public Comment

No public comments were received on the proposed rule.

##### IV. Secretary's Decision

Accordingly, for the reasons discussed above, the Secretary has determined to add a new condition to the Iowa program requiring the State to amend its program by June 30, 1984, to incorporate requirements consistent with Section 518(c) of SMCRA and 30 CFR 845.19. Part 915 of 30 CFR Chapter VII is being



amended to reflect the Secretary's decision.

#### V. Procedural Matters

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

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

#### List of Subjects in 30 CFR Part 915

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

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

Dated: October 6, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

#### PART 915—IOWA

30 CFR Part 915 is amended by adding a new Section 915.11 as follows:

##### § 915.11 Conditions of State regulatory program approval.

The approval of the State regulatory program is subject to the following conditions: termination of the approval found in Section 915.10 will be initiated on June 30, 1984, unless Iowa submits to the Secretary by that date a copy of enacted legislation or otherwise amends its program to contain provisions consistent with section 518(c) of SMCRA and 30 CFR 845.19 to include a civil penalty prepayment provision.

(Authority: Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-30341 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 934

##### Approval of Amendment and Removal of Condition of Approval of the North Dakota Permanent Regulatory Program

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

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing the approval of an amendment to the North Dakota permanent regulatory program at 30 CFR Part 934 and the removal of condition "f" of the Secretary's approval of the State program, pertaining to the regulation of coal exploration operations. North Dakota submitted the amendment to OSM on July 30, 1982 in satisfaction of condition (f). Following a review of the program amendment in accordance with the procedures set forth under 30 CFR 732.17 the Secretary has decided to approve the amendment and remove the condition.

**EFFECTIVE DATE:** November 9, 1983.

**ADDRESS:** Copies of the modification to the North Dakota Program are available for review at the OSM Headquarters Office, the OSM Casper, Wyoming Field Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, N.W., Washington, D.C. 20240;

Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Freden Building, P.O. Box 1420, Mills, Wyoming 82544; Telephone: (307) 328-5830;

Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505; Telephone: (701) 224-2400.

##### FOR FURTHER INFORMATION CONTACT:

Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, Mills, Wyoming 82544; Telephone: (307) 328-5830.

**SUPPLEMENTARY INFORMATION:** The North Dakota program under SMCRA was conditionally approved on December 15, 1980 (45 FR 82241-82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later

extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071).

On July 30, 1982, North Dakota submitted proposed statutory and regulatory program changes for OSM's approval. The proposed amendments included modifications of Section 38-12.1-03 of the North Dakota Century Code (NDCC) intended to address condition "f" of the Secretary's approval of the State program.

Condition "f" stipulates that North Dakota must submit to the Secretary copies of fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCC 38-12.1-03 to include "environmental data gathering operations."

On September 10, 1982, OSM announced receipt of the modifications in the *Federal Register* (47 FR 39868-39871) and scheduled a 30 day comment period on the proposed revisions. The comment period closed on October 12, 1982.

At the time of OSM's receipt of the amendment package, OSM was contemplating changes to the Federal coal exploration regulations. Because OSM was contemplating these changes to the Federal rules, which together with the Act, are the standard for approval of amendments to State programs under SMCRA, the Secretary decided to defer his final determination on the adequacy of North Dakota's amendment in meeting condition "f" until changes to the Federal rules has been finalized. On February 9, 1983, the Secretary announced his decision to defer action and extended the deadline for the State to satisfy the condition until July 1, 1983. At that time, OSM anticipated that final revisions to the Federal coal exploration regulations would be promulgated prior to July 1, 1983. The Federal rule changes were not issued by the date originally expected. Hence, North Dakota requested and was granted by the Secretary a further extension of the deadline to meet condition "f" until October 1, 1983 (48 FR 43324, September 23, 1983).

On September 8, 1983, OSM promulgated final changes to the Federal regulations governing coal exploration at 30 CFR 700, 701, 722, 776 and 815 (48 FR 40622-40636). On September 23, 1983, the Secretary reopened the comment period on the amendments to Section 38-12.1-03 of the North Dakota Century Code submitted to OSM by North Dakota on July 30, 1982, to provide an opportunity for the public to review the State's submission in light of the Federal rule changes cited above (48 FR 43324). This second comment period closed on



October 12, 1983. No comments were submitted to OSM on the State's submission.

#### Secretary's Finding

Following is a description of the program amendment adopted by North Dakota and the Secretary's determination on the adequacy of that amendment in satisfying condition (f):

North Dakota has amended the definition of "coal exploration" under Section 38-12.1-03 of the North Dakota Century Code by adding a new subparagraph (b) which expands the list of activities defined as coal exploration to include the following: "environmental data gathering activities which substantially disturb the natural land surface and which are conducted for the purpose of establishing the conditions of an area prior to applying for a permit under chapter 38-14.1."

As noted above, condition (f) requires North Dakota to submit to the Secretary fully enacted program provisions to extend coverage of North Dakota's exploration program as defined in NDCC 38-12.1-03 to include "environmental data gathering operations."

The Secretary has determined that by amending its definition of "coal exploration" as described above, the State has satisfied condition (f). The Secretary also finds that the State's revised definition of "coal exploration" is consistent with the Federal definition of that term at 30 CFR 701.5, and, therefore, satisfies OSM's criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

#### Removal of Conditions/Approval of Amendments

Accordingly, the North Dakota permanent program is hereby amended to include the revised definition of "coal exploration" under 38-12.1-03 adopted by the State during its 1981 Legislative Session and submitted to OSM on July 30, 1982. In addition, the Secretary hereby removes condition (f) of his approval of the North Dakota program. The approval of the amendment and removal of the condition are effective upon publication of this notice.

#### Additional Determinations

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and

Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

4. *Environmental Protection Agency (EPA) Concurrence:* On September 30, 1982, the EPA transmitted its written concurrence on the North Dakota amendments submitted July 30, 1982.

#### List of Subjects in 30 CFR Part 934

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

Accordingly, 30 CFR Part 934 is amended as set forth herein.

Dated: November 2, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

#### PART 934—NORTH DAKOTA

##### § 934.11 [Amended]

1. 30 CFR 934.11 is amended by removing and reserving paragraph (f).

2. 30 CFR 934.15 is amended by adding a new paragraph (c) to read as follows:

##### § 934.15 Approval of amendments to State regulatory program

\* \* \*

(c) The amendment to section 38.12.1-03 of the North Dakota Century Code adopted by North Dakota in the 1981 Legislative session is approved effective November 9, 1983.

(Pub. L. 95-87, 30 U.S.C. 1253)

[FR Doc. 83-30943 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 934

#### Permanent State Regulatory Program of North Dakota; Modification of Deadline for State To Satisfy Conditions of Approval

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

ACTION: Final rule.

**SUMMARY:** The Secretary is modifying the deadline for North Dakota to meet conditions (e) and (m) of his approval of the State's permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The conditions require North Dakota to adopt as State program provisions certain permit requirements relating to an applicant's (1) operations in States other than North Dakota and (2) "valid existing rights" to mine in areas prohibited under Section 522(e) of SMCRA.

**EFFECTIVE DATE:** November 9, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Freden Building, P.O. Box 1420, Mills, Wyoming 82644.

**SUPPLEMENTARY INFORMATION:** Under 30 CFR 732.13(i) the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. Termination of the conditional approval will be initiated by OSM if the conditions are not met according to the schedule. The dates are established in consultation with the State based on its regulatory and administrative schedules.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241-82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071). The Secretary granted a further extension of the deadline for conditions (e) and (m) to July 1, 1983 (47 FR 42347-42348, September 27, 1982 and 48 FR 5902, February 9, 1983).



On March 2, 1983, North Dakota advised the Director of the defeat of Senate Bills 2151 and 2155 by the North Dakota Legislative Assembly. These proposed bills were intended to address conditions (e) and (m) of the Secretary's approval of the State program.

The Public Service Commission (PSC) advised OSM that as a result of the legislature's action, the State would be unable to meet the July 1, 1983, deadline to meet the conditions. In a letter dated March 21, 1983, the State requested a two-year extension of the July 1, 1983, deadline for meeting conditions (e) and (m).

To satisfy these two conditions, North Dakota must adopt statutory changes. The next opportunity for the State to enact such modifications is the 1985 biennial session.

#### Condition (e)

Condition (e) stipulates that North Dakota must adopt provisions consistent with sections 507 and 510 of SMCRA and 30 CFR 786.17, 786.19, 778.13 and 778.14 as those sections pertain to a permit applicant's outstanding violations in any State. The Federal standards prohibit issuance of a permit to any person with an outstanding violation in any State unless the applicant submits proof that such violation is in the process of being corrected to the satisfaction of the regulatory authority which has jurisdiction over such violation. The Federal standards further specify that no permit shall be issued to an applicant with a demonstrated pattern of willful violations of the Act of such nature, duration and with such irreparable damage to the environment as to indicate an intent not to comply with the Act. North Dakota's program prohibits issuance of a permit to an operator with outstanding violations in North Dakota which the operator is not in the process of correcting. It does not, however, prohibit issuance of a permit to an operator with outstanding violations in States other than North Dakota, not being corrected by the operator.

#### Condition (m)

This condition stipulates that North Dakota must enact provisions revising the date for establishment of valid existing rights to be consistent with section 522(e) of SMCRA. Under the Act and OSM's regulations, surface coal mining operations are prohibited on certain areas unless the operator had established "valid existing rights" to mine in one of those areas by August 3, 1977. North Dakota's program establishes July 1, 1979, as the date for establishment of valid existing rights,

In its March 21, 1983, letter to the Director requesting an extension of the deadline for meeting conditions (e) and (m), PSC acknowledged that North Dakota does not currently have statutory authority to enforce the requirements of SMCRA and the Federal regulations as they pertain to valid existing rights acquired between August 3, 1977 and July 1, 1979, and the permit requirements relating to a permittee's operations in States other than North Dakota. Accordingly, to ensure that no person is deprived of any rights guaranteed under SMCRA, the State requested that OSM enforce these requirements until the State amends its program to include standards consistent with the Federal requirements. The State indicated that the Commission would furnish to OSM all data and information to enable it to enforce these requirements properly.

On April 13, 1983, OSM published a notice in the *Federal Register* proposing an extension of the deadline for North Dakota to satisfy conditions (e) and (m) until July 1, 1985 (48 FR 15930).

In that notice OSM indicated that it was considering measures to ensure that the Federal permit requirements pertaining to valid existing rights and a permittee's operations in States other than North Dakota would be upheld in the State until such time as North Dakota amended its program and satisfied conditions (e) and (m).

After giving careful consideration to the State's request and to public comment received by OSM on the proposal to extend the deadline, the Secretary has made the decision to grant North Dakota an extension to satisfy conditions (e) and (m) until July 1, 1985, following the State's next legislative session.

Until North Dakota amends its programs to satisfy these conditions, OSM will carefully monitor the State's permitting actions to ensure (1) that mining shall not be conducted in North Dakota in those areas on which mining is prohibited under Section 522(e) of SMCRA unless an operator had established "valid existing rights" to mine prior to August 3, 1977 and (2) that a permit shall not be issued to an operator with an outstanding violation or a pattern of violations in any State outside North Dakota unless the applicant submits evidence that he is in the process of correcting the violation. As noted above, North Dakota has agreed to furnish to OSM data and information as necessary relative to these provisions. Should OSM obtain evidence at any time that North Dakota has approved a permit in violation of the permit application approval standards

which are the subjects of conditions "e" and "m", OSM will take steps in accordance with its oversight policy to compel the permittee to bring his permit into compliance with the Federal standards or face revocation of his permit.

#### Public Comment

The Dakota Resource Council (DRC) commented that it supports the extension of the deadline for North Dakota to satisfy conditions (e) and (m). DRC requested, however, that OSM enforce section 503, 510 and 522(e) of SMCRA in North Dakota until the State amends its regulatory program to satisfy the two conditions.

As discussed above, the Secretary is approving an extension of the deadline for North Dakota to satisfy conditions (e) and (m) with the provision that OSM will take steps which could lead to revocation of an operator's permit if PSC approves the permit in violation of the pertinent standards.

DRC also noted that North Dakota's law prohibits mining within 500 feet of an occupied dwelling, subject to valid existing rights, whereas the Federal law and regulations prohibit mining within 300 feet of an occupied dwelling, subject to valid existing rights. DRC stated that it believes that Federal enforcement of Section 522(e) of SMCRA should not in any way reduce the 500 feet exclusion area. It stated that the only area of North Dakota's law that need be changed is the date and that since the State Legislature prohibited mining within 500 feet of the dwelling, subject to VER, the 500 feet prohibition should remain in force. DRC also stressed that this prohibition should apply regardless of whether the coal is private or Federal.

The Secretary has concluded that the determination of "valid existing rights" shall be made on the basis of the Federal cutoff date for establishment of valid existing rights, but in all other respects the criteria contained in the approved North Dakota State program shall apply. Thus, in order to mine within 500 feet of an occupied dwelling, an operator would have had to acquire by August 3, 1977, valid existing rights to mine the area within 500 feet of the dwelling, not merely the area within 300 feet of the dwelling.

With the exception of the August 3, 1977 cutoff date, the State program provisions shall apply in all determinations on valid existing rights regardless of whether the coal is Federal or private. OSM's revised rules governing the regulation of mining on Federal lands published February 16, 1983 clarify that the provisions of a



State program shall be applicable to surface coal mining operations on Federal lands within the State, except for specific provisions in the State program that are inappropriate for Federal lands. Hence, applications for permits, permit revisions or renewals thereof to conduct surface coal mining and reclamation operations of Federal lands in North Dakota must be reviewed and processed in accordance with the requirements of the approved North Dakota State program.

DRC also inquired about a particular application of the North Dakota Surface Owner Protection Act. OSM has determined that DRC's question deals with a subject outside the scope of this rulemaking and should be addressed not by OSM, but by North Dakota. Therefore, OSM has provided the North Dakota Public Service Commission with a copy of DRC's comment.

#### Additional Determinations

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

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

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

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

#### List of Subjects in 30 CFR Part 934

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

Accordingly, the North Dakota program is hereby amended as set forth below.

Dated: November 2, 1983.

William P. Pendley,

Assistant Secretary for Energy and Minerals.

#### PART 934—[AMENDED]

##### § 934.11 [Amended]

30 CFR 934.11 is amended by substituting July 1, 1985 for July 1, 1983 in paragraphs (e) and (m).

(Sec. 503, Pub. L. 95-87 (30 U.S.C. 1253))

(FR Doc. 83-30347 Filed 11-8-83; 8:45 am)

BILLING CODE 4310-05-M

#### 30 CFR Part 942

##### Approval of Amendments and Removal of Conditions of the Tennessee Regulatory Program

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

**ACTION:** Final rule.

**SUMMARY:** This document amends 30 CFR Part 942 to approve amendments to the Tennessee permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) and to remove eight of eleven conditions of the Secretary's approval of the Tennessee program.

On May 2, 1983 and June 20, 1983, Tennessee submitted to OSM provisions to satisfy nine of the Secretary's conditions of approval of the State program. On June 24, 1983, Tennessee submitted to OSM six statutory amendments unrelated to the Secretary's conditions.

Following a review of these program amendments in accordance with the Federal regulations at 30 CFR 732.15 and 732.17, the Secretary has decided to approve all statutory modifications submitted by the State and regulatory amendments which satisfy eight of the conditions of approval.

The Secretary is deferring his final decision on amendments submitted by the State which are intended to satisfy condition (i), and extending the deadline for the State to meet that condition until December 31, 1983.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Curry, Knoxville Field Office Director, OSM (615) 524-7648

**SUPPLEMENTARY INFORMATION:** The Tennessee program was conditionally approved by the Secretary on August 10, 1982 (47 FR 34724-34757). The approval was conditioned on the State's correction of eleven minor deficiencies in its program.

Information pertinent to the general background, revisions, modifications

and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Tennessee program can be found in the August 10, 1982 *Federal Register* (47 FR 34724-34757), April 30, 1983 *Federal Register* (48 FR 8058-8059) and the September 30, 1983, *Federal Register* (48 FR 23635-23636).

#### Submission of Revisions

On November 1 and 10, 1982, Tennessee submitted amendments to the approved permanent program to satisfy condition (i) concerning procedures and forms for permitting, inspection and enforcement and condition (j) concerning staffing and funding. The amendments included extensive modifications of Chapters V, VI, VII, X, XI and XII of the Tennessee permanent regulatory program.

On December 2, 1983, OSM announced receipt of the amendments and scheduled a 30-day comment period on their adequacy in meeting the Secretary's conditions of approval (47 FR 54474-54475). Subsequently, Tennessee notified OSM by letter that by executive order of the Governor, the Division of Surface Mining, which is the regulatory authority under Tennessee's approved program, was to be transferred from the Department of Conservation to the Department of Public Health and Environment, effective February 15, 1983. Because of this reorganization, the State determined that revision of the amendments submitted to OSM on November 1 and 10, 1982, to satisfy conditions (i) and (j) was needed. As noted above, these conditions pertained to the State's staffing, budget and procedures. For this reason, the State requested an extension of the deadline for the State to meet conditions "i" and "j" to April 30, 1983. This extension was granted on February 25, 1983 (48 FR 8058) to allow the State an opportunity to revise the amendments submitted to OSM to reflect the organizational changes.

On May 2, 1983 and June 20, 1983, DSM resubmitted for the Secretary's approval amendments to satisfy conditions (i) and (j) as well as program modifications to address conditions (b)-(h). On June 24, 1983, the State submitted six statutory revisions not related to conditions of approval. In the June 6, 1983 *Federal Register*, OSM announced receipt of the proposed statutory revisions and the modifications intended to satisfy nine of the Secretary's conditions of approval (48 FR 25229-25231). In that same notice, OSM



scheduled a public hearing and comment period on these proposed program changes. The hearing was subsequently cancelled as no one expressed interest in presenting testimony. The comment period closed July 6, 1983.

On July 6, 1983, OCM reopened the comment period to provide the public an opportunity to consider and comment on further program revisions submitted by the State for OSM's approval on May 2, 1983, June 20, 1983 and June 24, 1983 (48 FR 31054-55). This second comment period closed July 21, 1983.

#### Secretary's Findings

I. Set forth below is a summary of the regulatory provisions contained in the amendment package of May 2, 1983, June 20 and 24, 1983. Also discussed are the conditions these provisions are intended to satisfy and the Secretary's Findings on each of the program modifications:

Condition (b) of the Secretary's approval of Tennessee's program requires the State to submit regulations containing definitions of "surface mining activities" and "surface coal mining operations" which are consistent with the Federal requirements, and which clarify that "surface coal mining operations" has the same meaning as the State's term "surface mining operations". To address this condition Tennessee submitted definitions of "surface mining activities" and "surface coal mining operations" at TR 0400-1-1-.03 (92) and (93) which are consistent with the Federal definitions at 30 CFR 700.5. TR 0400-1-1. (93) clarifies that "surface coal mining operations" has the same meaning as "surface mining operations." The Secretary finds that these revision satisfy condition (b).

Condition (c) requires the State to submit regulations which correct the typographical and editorial errors identified in the June 4, 1982 letter to the State (OSM Administrative Record TN-526).

Tennessee's submission of May 2, 1983, corrected more than 80 percent of 540 typographical and editorial errors. A detailed description of individual changes made to date is in OSM's Administrative Record, number TN-699. The State is presently in the process of correcting the remaining editorial and typographical errors. Because of the insignificance of the remaining errors, both quantitatively and substantively, and in view of the fact that neither the State nor the Secretary has experienced any difficulty with the errors negatively impacting on implementation of the State Program, the Secretary is removing condition (c).

Condition (d) requires Tennessee to submit revised underground mining regulations for evaluating vegetation survival which do not contain an exception to the limitation on bare areas for areas too stony to support revegetation.

The State has revised TR 0400-1-15-.62(1), which identifies criteria for evaluation of revegetation, by deleting the phrase "unless such areas are too stony to support vegetation". Thus the Secretary finds that condition (d) of 47 FR 34753 has been satisfied.

Condition (e) requires Tennessee to submit regulations which include the requirements that the water quality protection plan in the permit application contain "a detailed description, with appropriate maps and cross section drawings" of the measures to be taken to protect the quality and quantity of water resources. Condition (e) also requires the State to delete the redundant and incomplete TR 0400-1-5-.22 or provide assurance that TR 0400-1-5-.32 is the controlling regulation for the water quality protection plan for underground mining. To address condition (e), Tennessee has deleted TR 0400-1-5-.22. Tennessee's revised TR 0400-1-5-.32(1) requires that the permit application contain a detailed description with appropriate maps and cross section drawings, of the measures to be taken during and after the proposed underground mining activities to ensure protection of water quality. The Secretary has determined that TR 0400-1-5-.32(1), as revised, is no less effective than 30 CFR 784.14(a)(1). The Secretary finds that Tennessee has satisfied all the requirements of condition (e).

Condition (f) stipulates that Tennessee must submit regulations that require the permit applicant to locate manmade and natural features on a mining plan map consistent with 30 CFR 779.24 (d), (e), (h) and (j) and 779.25(j), 783.24 (d), (e), (h) and (j) and 783.25(j). To address condition (f) Tennessee submitted revised regulations which include provisions requiring permit applicants to submit a mining plan map identifying natural and manmade features consistent with 30 CFR 779.24 (d), (e), (h), and (j); 30 CFR 779.25(j); 30 CFR 783.24 (d), (e), (h) and (j), and 783.25(j). State Section 0400-1-2-.32 pertaining to permitting requirements for maps and drawings has been amended to conform to Federal Sections 779.24 (d), (e), and (j), and 779.25(j). State Section 0400-1-2-.29 pertaining to plans for relocation or use of public roads has been amended to conform to Federal Section 779.24(h). State Section 0400-1-5-.33 pertaining to existing structures

has been amended to conform to Federal Sections 783.24 (d), (e), and (j) and 783.25(j). State Section 0400-1-5-.29 pertaining to plans for relocation or use of public roads has been amended to conform to Federal Section 783.25(j). Accordingly, the Secretary finds that the State's provisions are no less effective than the Federal requirements and condition (e) has been satisfied.

Section 0400-1-3-.17 of Tennessee's regulations stipulates that the decision of whether or not any change is considered a significant departure requiring a written permit revision and public notice shall be made by DSM on a case by case basis. Condition (g) requires Tennessee to submit for the Secretary's approval regulations which establish parameters for determining what changes constitute "significant departures".

Tennessee has amended 0400-1-3-.17 pertaining to permit revisions to include parameters for determining significant departures from the approved permit for purposes of requiring a formal review of a proposed permit revision. Under the revised permit revision rule, 30 CFR 774.13(b) (48 FR 44396 September 26, 1983) OSM requires that each regulatory authority provide guidelines in the regulatory program to determine those changes which constitute significant departures. Tennessee's rules, as amended, are consistent with the revised Federal requirements and, therefore, the Secretary approves the modifications, and removes condition (g).

Condition (h) requires the submission of regulations which provide that the operator's five year period of liability under the performance bond shall begin "after the last year" of augmented seeding, fertilizing, irrigation, or other work, as required by SMCRA. Tennessee has amended Section 0400-1-7-.05(2) by replacing the phrase "beginning with the first year of augmented seeding, fertilizing, irrigation or other work" with the phrase "after the last year of augmented seeding, fertilizing, irrigation or other work." This revision makes the Tennessee regulation consistent with OSM's regulations at 30 CFR 816.116(c). Thus, the Secretary approves the amendment and removes condition (h).

Condition (i) requires Tennessee to submit additional documentation for Chapters VII (1), (4), (5), (6), (7), (8), (9), (15), and (16) of the Tennessee program concerning procedures and forms for permitting, inspection, and enforcement, to provide a full description of the State's intended methods of implementing the program.



OSM has determined that the program modifications submitted by Tennessee do not fully satisfy condition (i). However, in light of the State's good faith effort to satisfy this condition by the submission of program amendments and in light of the occurrences discussed below which have a bearing on the State's satisfaction of this condition, the Secretary has decided to extend the deadline for the State to satisfy this condition until December 31, 1983. On April 8, 1983, and August 17, 1983, the Director of the Office of Surface Mining wrote letters to the Governor of Tennessee pursuant to Part 733 of OSM's regulations notifying him that OSM had reason to believe the State was not implementing, administering or enforcing its program in accordance with the approved provisions. The April 8, 1983 letter pertained to deficiencies identified by OSM regarding the State's permitting operations. The Director's August 7, 1983 letter pertained to problems noted in the State's implementation of the inspection and enforcement provisions of the State program. In each of these letters the Director specified actions to be taken by the State to remedy the identified problems.

Many of the required remedial actions are similar or related to those actions which the Secretary specified as necessary for the State to take under condition (i) of his approval of the State program. Thus, the State's satisfaction of the concerns outlined in the Director's "733" letters has a bearing on its satisfaction of condition (j). The Secretary is, therefore, extending the deadline for the State to satisfy this condition until December 31, 1983. This extension will allow the State sufficient time to address all requirements of condition (i) not satisfied by the amendments already submitted and at the same time proceed with the remedial actions specified in the Director's 733 letters.

Condition (j) requires Tennessee to submit supplemental information for Chapters V, VI, X, XI, and XII of the Tennessee program concerning staffing and funding, which includes sufficient documentation to show that the State will have qualified personnel and funding adequate to implement all aspects of the State program.

The State submitted the following information to satisfy condition (j):

1. A description, including appropriate charts, of the existing and proposed structural organization of the agency designated as the regulatory authority and of other agencies or applicable divisions or departments of those agencies which have duties in the State

program, the staffing functions within each agency, the lines of authority and the systems of coordination between agencies.

2. A copy of supporting agreements between agencies having duties in the State program.

3. A description of how the proposed staffing for the State program will be adequate to carry out all functions, and ensure that coal exploration and surface coal mining and reclamation operations will be regulated in accordance with the requirements of the Act and this Chapter. The State indicated that the existing permitting staff is adequate to carry out the requirements of the State law and regulations once Tennessee reviews and issues the backlog of permits that are the subject of the Director's April 8, 1983 letter to the Governor concerning permitting deficiencies. The State also clarified that the present inspection and enforcement staff will be adequate to conduct the mandated number of inspections and to carry out necessary enforcement actions once all new inspectors are trained and the State regulations are revised to reduce the inspection frequency requirements for inactive sites to conform to the Federal requirements for inactive sites of 4 inspections per year. The revised State regulations concerning inspection frequency are now being reviewed by the State's legal staff. Additionally, the State has sought funding for eleven new positions in its 1983-84 grant application.

4. An explanation of the projected use of professional and technical personnel that are available to the regulatory authority from other State agencies.

5. A description of the actual capital and operating budget, including source of funds, for the prior and current fiscal years, and the projected annual budget for each of the next two fiscal years.

The Secretary finds that the submission of this information shows that the State will have adequate staffing and funding to implement all aspects of the approved program. Hence, the Secretary removes condition (j).

II. Set forth below is a summary of the six statutory provisions submitted for the Director's approval and his findings on each of these. These provisions are not related to any of the Secretary's conditions of approval.

1. Tennessee has amended Tennessee Code Annotated (TCA) to include new subsections 59-8-306(g), 307(n), 310(g), and 313(s) to resolve potential conflict between requirements under Tennessee's Surface Mining Law and requirements under other State laws governing major energy projects. As the

Surface Mining Law is given precedence over other State laws, the Secretary finds the amendments are consistent with the Federal Act.

2. Tennessee has made minor punctuation changes in its definition of "surface mining operations" at TCA 59-8-303(33)(1) to closely reflect the definition provided in the Federal Act. The Secretary finds the revisions meet the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

3. Tennessee has amended TCA 59-8-307(i) to establish additional guidelines for determining which laboratories are qualified to provide services to small operators under the State's small operator assistance program. Three of the additional evaluation factors—capability to coordinate with the operator, past performance in related surface mining work and proximity of the office staff to the mine area and the department—are not requirements under the Federal regulations at 30 CFR 795.10. The Secretary finds these additional qualifying factors are not inconsistent with the Act provided the regulatory authority does not rely solely on these criteria but considers them together with the other evaluation criteria set forth under section 0400-1-28-.10 of the approved State regulations.

4. Tennessee has amended TCA 59-8-313(m) by inserting language which allows the regulatory authority to issue a permit to an operator with outstanding violations of the State law provided the violations are in the process of being corrected or brought into compliance by the operator to the satisfaction of the commissioner, department or agency which has jurisdiction over such violations. The Secretary finds that this provision is consistent with Section 510(c) of the Federal Act, which provides that the regulatory authority shall not issue a permit to an operator with outstanding violations of the Act "until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department or agency which has jurisdiction over such violation." While Tennessee's revised statutory provision does not specifically state that the operator must submit evidence that a violation is in the process of being corrected, as does the Federal provision, the Secretary assumes that the regulatory authority in Tennessee will obtain such evidence before issuing a permit.

5. Tennessee has amended TCA 59-8-321(a) to enable the Commissioner of Conservation or his designee to serve as



a member of the Board of Reclamation Review for the sole purpose of serving as a member of the advisory body to the Governor for matters in connection with the Interstate Mining Compact. The amendment prohibits both the Commissioner or his designee from participating in Board activities except as a member of the Advisory Commission to the Governor. The Secretary finds the amendment is not in conflict with any provisions of the Federal Act or regulations.

6. Tennessee has amended TCA 59-8-325(a) to require the addition of an interest charge of 5% per year to any lien filed on reclaimed mine lands. The Secretary finds this amendment more stringent than the Federal Act; hence, it satisfies the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

#### Public Comments

Following is a summary of the comments received on the regulatory and statutory amendments submitted by Tennessee on Nov. 1 and 20, 1982, May 2, 1983, June 20 and 24, 1983.

The Tennessee Valley Authority (TVA) made two comments concerning Tennessee's proposed amendments. With regard to the amendments submitted by the State to satisfy condition (j), TVA suggested that the State provide narratives with its organizational charts to explain the coordination between agencies which have roles in implementing the approved program. The Secretary finds the State has provided sufficient narrative in Sections 731.14 (e), (g) and (k) of its May 2, 1983 submission to explain the coordination between agencies which have roles in implementing the State program. TVA also commented on an apparent inconsistency between amended Sections 731.14(e) and 731.14(l) as submitted to OSM on November 1, 1982. Amended section 732.14(e) specified that three full time agents of the Tennessee Bureau of Investigation (TBI) would be assigned full time to DSM, while amended section 731.14(l) stipulated that four TBI agents would be made available. The Secretary finds that this inconsistency has been corrected in DSM's May 2, 1983 submission. Both section 731.14(e) and section 731.14(l) of the May 2, 1983 submission indicate that TBI will provide four agents to DSM.

Save Our Cumberland Mountains (SOCM) commented on January 5, 1983, and June 28, 1983, that the charts, descriptions and Memoranda of Agreement between the Division of Surface Mining (DSM) and other cooperating state agencies do not describe responsibilities of other

agencies, nor the procedures for reimbursing them when necessary. SOCM further noted that DSM's relationship with the Tennessee Bureau of Investigation (TBI) and the Attorney General's Office was not addressed in sufficient detail.

The charts, descriptions and MOA's included in the amendments to sections 731.14 (e), (f), (j) and (k) of Tennessee's program have been determined to be adequate to satisfy the requirements of condition (j). OSM has also concluded that the content of the MOA's and annual contracts describe with sufficient detail the areas in which each agency would coordinate with DSM. During its annual evaluation of the Tennessee program OSM will assess the effectiveness of Tennessee's enforcement operations and examine the role of TBI staff and staff of the Attorney General's Office in the State's enforcement operations.

SOCM commented that amended sections 731.14 (e) and (f) of Tennessee's program do not clarify enforcement responsibility for water quality violations or hearing procedures concerning water quality violations. The Secretary finds that there is sufficient explanation in the Memorandum of Agreement between DSM and the Division of Water Management provided in Tennessee's May 2, 1983 submission, pages 878-885, to clarify the enforcement responsibilities of DSM and the Division of Water Management and the procedures to be followed for hearings involving water quality violations.

Save Our Cumberland Mountains commented on January 25, 1983, that they are interested in DSM being fully staffed as soon as possible. With respect to staffing, DSM has advised that all positions approved in the FY-82 Administration and Enforcement Grant were filled by April 30, 1983. Save Our Cumberland Mountains commented on January 25, 1983, and June 28, 1983, that information concerning sources of State income, including the amount from severance tax, has not been shown in the budget information of Section 731.14(1). The DSM has advised that all surface mining severance taxes collected are deposited to the State of Tennessee's general fund. In turn, the State's matching share of the Federal grant that is used to run the DSM program is paid from the State's general fund.

#### Removal of Conditions/Approval of Amendments

Accordingly, the Tennessee permanent program is hereby amended to indicate partial approval of the

amendments submitted by the State on May 2, 1983, June 20, 1983 and June 24, 1983, as set forth herein and removal of the conditions of approval of the Tennessee program set forth at 30 CFR 942.11 (b), (c), (d), (e), (f), (g), (h) and (j). The approval of amendments and removal of conditions are effective upon publication of this notice.

#### Additional Determinations

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

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

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

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

#### List of Subjects in 30 CFR Part 942

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

Dated: November 2, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 [30 U.S.C. 1201 *et seq.*].

#### PART 942—[AMENDED]

1. 30 CFR 942.11 is amended by removing and reserving paragraphs (b), (c), (d), (e), (f), (g), (h) and (j) and by revising paragraph (i) to read as follows:

§ 942.11 Conditions of State regulatory program approval.

(i) Termination of the approval found in § 942.10 will be initiated on December



31, 1983, unless Tennessee submits to the Secretary by that date, additional documentation for Chapters VII (1), (4), (5), (6), (7), (8), (9), (15) and (16) of the Tennessee program concerning procedures and forms for permitting, bonding, inspection and enforcement, which is complete and adequate to describe the State's intended methods of implementing the program.

2. A new section 30 CFR 942.15 is added to read as follows:

**§ 942.15 Approval of amendments to State regulatory program.**

(a) Statutory changes submitted to OSM by Tennessee on June 24, 1983, which modify sections of the Tennessee Code Annotated (TCA) as listed below are approved effective November 9, 1983.

(1) Subsections 59-8-306(g), 307(n), 310(g) and 313(s)—amended.

(2) Subsection 59-8-303(33)(1)—amended.

(3) Subsection 59-8-307(i)—amended.

(4) Subsection 59-8-313(m)—amended.

(5) Subsection 59-8-321(a)—amended.

(6) Subsection 59-8-325(a)—amended.

(b) Regulatory modifications submitted to OSM by Tennessee on May 2, 1983 and June 20, 1983, which amend or delete sections of the State program regulations as listed below are approved effective November 9, 1983.

(1) TR 0400-1-.03 (92) and (83)—amended.

(2) Typographical and editorial corrections in multiple sections of the State program rules.

(3) TR 0400-1-15.62(1)—amended.

(4) TR 0400-1-5.22—deleted.

(5) TR 0400-1-5-.32(1)—amended.

(6) TR 0400-1-2-.32—amended.

(7) TR 0400-1-2-.29—amended.

(8) TR 0400-1-5-.33—amended.

(9) TR 0400-1-5-.29—amended.

(10) TR 0400-1-3-.17—amended.

(11) TR 0400-1-7-.05(2)—amended.

(c) Modifications of Chapters V, VI, X, XI, and XII of the Tennessee program submitted to OSM by Tennessee on May 2, 1983 and June 20, 1983, are approved effective November 9, 1983.

[FR Doc. 83-30344 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 950**

**Approval of Amendments and Removal of Condition of Approval of the Wyoming Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977**

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

**ACTION:** Final rule.

**SUMMARY:** The State of Wyoming has submitted to OSM proposed amendments to the State's permanent regulatory program under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments include provisions to: (1) Satisfy condition (g) relating to judicial grant of temporary relief pursuant to the Secretary of the Interior's approval of the Wyoming program; (2) modify the definition of "complete application" and add definitions of "deficiency" in a permit application and "interim mine stabilization"; (3) clarify action to be taken on deficient permit applications; and (4) adopt an alternative bonding system.

After providing opportunity for public comment and conducting a thorough review of the proposed program amendments, the Secretary has determined that the proposed amendments meet the requirements of SMCRA and the Federal permanent program regulations and satisfy condition (g). Accordingly, the Secretary has approved the proposed amendments and is removing condition (g).

As a result of the approval, 30 CFR Part 950 is being amended to implement this decision.

**EFFECTIVE DATE:** This approval is effective November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** William R. Thomas, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, Mills, Wyoming 82644. Telephone: (307) 328-5824.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The general background on the permanent program, the general background on the State program approval process, the general background on the Wyoming program, and the conditional approval can be found in the Secretary's Findings and conditional approval published in the November 26, 1980 Federal Register (45 FR 78637-78684).

One of the conditions of the approval imposed by the Secretary was as follows:

Condition (g) requires that on or before March 26, 1981, Wyoming must demonstrate that its law and practice is in accordance with section 526(c) of SMCRA with respect to its judicial grant of temporary relief, or, if it cannot so demonstrate, change its law or regulations to make them in accordance with section 526(c).

Based on a request by the State, the Secretary on February 18, 1982, published notification in the Federal Register (47 FR 7218) extending the date by which the State was required to satisfy condition (g) until May 20, 1983.

**II. Submission of Revisions**

On March 3, 1983, Wyoming submitted enacted legislation which amends Wyoming Statutes (W.S.) 35-11-1001 by creating a new subsection (c) relating to judicial review of administrative decisions.

The submission of this amendment was intended to meet condition (g).

Wyoming also submitted on March 8, 1983, proposed changes to other provisions of the act that are unrelated to the program conditions. The following sections of the Wyoming Environmental Quality Act were revised: W.S. 35-11-103(e) (xxii) and (xxiii), W.S. 35-11-406(h) and W.S. 35-11-401. In addition, Wyoming submitted on March 21, 1983, changes to Chapter I, Section 2; Chapter XIII, Section 2; Chapter XVI, Sections 1, 2, 3, 4, 5 and 6 of the Wyoming regulations.

The details surrounding the changes to the Wyoming act and regulations, unrelated to condition (g), are discussed under Section II.B (Findings on other amendments) of this notice.

OSM published a notice in the Federal Register on April 15, 1983 (48 FR 16295-16296) announcing receipt of all the above amendments and inviting public comment on them. No requests were received for a public hearing. The public comment period ended May 16, 1983.

On July 29, 1983, OSM sent a letter to Wyoming expressing concern over two provisions in the proposed bonding regulations relating to annual bond calculations and permittee liability for third party actions.

Wyoming submitted to OSM on August 15, 1983, additional material addressing the two areas discussed above.

OSM published notice in the Federal Register on September 16, 1983, reopening the comment period on the material dated August 15, 1983. The public comment period closed October 3, 1983. No comments were received.

**III. Secretary's Findings**

The Secretary finds in accordance with SMCRA and 30 CFR 732.15 and 732.17 that the program amendments submitted by Wyoming on March 3, 8, and 21, 1983, as discussed below, meet the requirements of SMCRA and the Federal regulations.



### A. Findings on Conditions

*Condition (g).* The Secretary found that the Wyoming program, conditionally approved on November 26, 1980, contained no provisions governing judicial granting of temporary relief in accordance with Section 526(c) of SMCRA. The Secretary's findings also noted that Wyoming must demonstrate that its law and practice is in accordance with Section 526(c) of SMCRA with respect to its judicial grant of temporary relief, or, if it could not so demonstrate, change its law or regulations. Wyoming has amended its act by adding the following language at Section W.S. 35-11-1001(c):

In a proceeding to review any order or decision of the department providing for regulation of surface coal mining and reclamation operations in accordance with Pub. L. 95-87, the court may under conditions it prescribes grant temporary relief pending final determination of the review proceeding if:

(i) All parties to the proceedings were notified and given opportunity for hearing on the request for temporary relief;

(ii) The party requesting relief shows there is a substantial likelihood he will prevail on the final determination of the proceeding; and

(iii) The relief will not adversely affect the public health and safety or cause significant environmental harm to land, air or water resources.

The Secretary now finds that the amended provision at W.S. 35-11-1001(c) provides judicial granting of temporary relief in a manner consistent with Section 526(c) of SMCRA, and satisfies condition (g).

### B. Findings on Other Amendments

1. The Wyoming statute at W.S. 35-11-103(e)(xxii) has been amended to modify the definition of "complete application" by adding language that now specifically identifies what must be contained in a permit application in order for it to be determined to be complete prior to processing. The amendment is not inconsistent with any Federal provision.

2. The Wyoming statute at W.S. 35-11-103(e)(xxiii) has been amended by adding a definition of "deficiency" in a permit application. This change allows the regulatory authority to deem a submitted permit application as deficient without denying it. This amendment is not inconsistent with any Federal provision.

3. The Wyoming statute at W.S. 35-11-103(e)(xxiii) has been amended by adding a definition of "interim mine stabilization" as it relates to the

temporary cessation of mining operations within the terms of a valid permit to mine. This amendment is not inconsistent with any Federal provision.

4. The Wyoming statute at W.S. 35-11-406 has been amended by adding a new subsection (h) which more clearly defines the responsibilities and timeframes for permitting actions to be taken by the Administrator. The new language requires that the Administrator of the Wyoming Land Quality Division review the permit application and notify the applicant in writing within 150 days from the date of determining the application complete that it is deficient, or that the application is denied. This amendment is no less effective than the Federal requirements of 30 CFR 771.21(b)(1).

5. The Wyoming statute at W.S. 35-11-401 has been amended by adding a new subsection (n) which requires the Administrator of the Wyoming Land Quality Division and the Director of the Wyoming Department of Environmental Quality to consider interim mine stabilization while promulgating regulations to implement the compliance provisions and the performance standards of the Wyoming statute. This amendment is no less effective than the Federal requirements of 30 CFR 816.131 relating to temporary cessation of a mining operation.

6. Wyoming has amended Chapter I, Section 2; Chapter XIII, Section 2; and Chapter XVI, Sections 1, 2, 3, 4, 5 and 6 of the Land Quality Division rules. This amendment establishes an alternative bonding system under Section 509(c) of SMCRA. Section 509(c) allows the Secretary to approve as part of a State program "an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section." Section 509 requires that a bond be posted sufficient to cover the cost of reclamation if it had to be performed by the regulatory authority in the event of forfeiture. The revised Federal bonding regulations, 30 CFR 800.11(e) (48 FR 32960, July 19, 1983), require an alternative bonding system to (1) assure that sufficient funds will be available to cover reclamation costs and (2) provide substantial economic incentive for the permittee to comply with reclamation requirements. The alternative bonding system proposed by Wyoming accomplishes both.

The alternative system proposed by Wyoming requires an operator to submit one bond that includes two types of calculations: an area bond calculation and an incremental bond calculation.

The area bond calculation covers the cost of completing rough backfilling during the annual bond period as set

forth in W.S. 35-11-411 and W.S. 35-11-417(c) in order to meet the applicable backfilling performance standards in Chapter IV.

Wyoming's proposed bonding system is aimed at establishing a maximum amount for rough backfilling over the life of the mine.

The area bond will be set or adjusted upward based on costs for rough backfilling work to be done during the upcoming year. Reductions in this bond will only occur through the bond release provisions of Chapter XVI. Because the area bond amount can only remain constant or increase in future years, Wyoming can ensure that, for any year, sufficient funds will be available to perform the rough backfilling work should bond forfeiture occur.

The incremental bond calculation covers the estimated cost of performing all reclamation requirements other than those covered by the area bond, during the annual bond permit, in order to meet the standards of the Act, the regulations, and the provisions of the permit. This bond calculation must be supported by detailed cost estimates for activities such as grading, rip rapping, topsoil placement, seed bed preparation, seeding and all other miscellaneous activities.

Unlike the area bond calculations, the incremental bond is increased for the renewal bond period by adding the past year's unreleased bond amount to the amount necessary to complete reclamation for the renewal period. As with the area bond, a reduction in the incremental bond can only occur through the bond release provisions of Chapter XVI. This section of the Wyoming regulations also provides for the same level of public participation as that provided by revised Federal regulations at 30 CFR 800.15 relating to adjustments in bond amounts. Therefore, the Wyoming alternative bonding system is being approved.

### IV. Public Comment

No comments were received from the public on Wyoming's amendments. Comments from Federal agencies were limited and did not identify any specific deficiencies of the amendment.

### V. Secretary's Decision

The Secretary, based on the above findings, is approving the March 3, 8, and 21, 1983, amendments to the Wyoming program and is removing condition (g). Part 950 of 30 CFR Chapter VII is being amended to reflect approval of the State program modifications. Also, Part 950 is being reorganized and expanded to reflect, to date, all



approvals of State program amendments submitted by Wyoming. This reorganization should afford the reader a clearer indication of the Secretary's approval of Wyoming's permanent program amendments.

#### VI. Procedural Matters

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

2. Executive Order No. 12291 and the Regulatory Flexibility Act: On August 29, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

#### List of Subjects in 30 CFR Part 950

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

Therefore, 30 CFR Part 950 is amended as set forth herein.

Dated: November 2, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

#### PART 950—WYOMING

Part 950 of Title 30 is amended as follows:

1. 30 CFR 950.10 is revised to read as follows:

##### § 950.10 State regulatory program approval.

The Wyoming permanent program, as submitted on August 15, 1979, as amended October 23, 1979, May 30, 1980, and August 5, 1980, was approved effective November 26, 1980. Copies of the approved program, as amended, are available at:

Office of Surface Mining Reclamation and Enforcement, Casper Field Office, P.O. Box 1420, Mills, Wyoming 82644, Telephone: (307) 328-5824  
Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240  
Wyoming Department of Environmental Quality, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 82002

##### § 950.11 [Amended]

2. 30 CFR 950.11 is amended by removing and reserving paragraph (g).  
3. 30 CFR Part 950 is amended by adding a new § 950.15 as set forth below:

##### § 950.15 Approval of regulatory program amendments.

(a) The following amendments were approved effective February 18, 1982:

(1) Wyoming's definition of "complete application" added at Chapter I, Section 2 (14) submitted March 26, 1981, to satisfy condition (a);

(2) Wyoming's assurance that the following guidelines submitted March 26, 1981 to satisfy condition (d), are enforceable as regulations:  
Chapter II, Section 1.c. (maps)  
Chapter II, Section 2.a. (1)(f)(ii) (topsoil)  
Chapter II, Section 3.a. (6)(b)(iii) (overburden)

Chapter II, Section 3.a. (6)(d)(ii) (vegetation types)  
Chapter IV, Section 2.c. (2)(a) (topsoil)  
Chapter IV, Section 3.p. (1)(a) (roads and powerlines)

(3) Wyoming's revised regulation Chapter IV, Section 2.d. (6) submitted March 26, 1981 to satisfy condition (e); and

(4) Wyoming's assurance that all applicants will sign a sworn statement at time of application filing that all reclamation fees have been paid submitted March 26, 1981 to satisfy condition (f).

(b) The following amendment was approved effective September 27, 1982: Wyoming's revised regulation Chapter I, Section 2(99) submitted May 26, 1982 to satisfy condition (b).

(c) The following amendments are approved effective November 9, 1983:

(1) Wyoming's revision to W.S. 35-11-103(e) (xxii) and (xxiii) relating to modifying and adding definitions of "complete application", "deficiency" in permit applications, and "interim mine stabilization".

(2) Wyoming's revision to W.S. 35-11-406(h) which clarifies action to be taken by the administrator on deficient permit applications.

(3) Wyoming's revision to W.S. 35-11-401 adding new subsection (n) directing Administrator and Director to consider interim mine stabilization in promulgating regulations.

(4) Wyoming's revised regulations, Chapter I, Section 2; Chapter XIII, Section 2; Chapter XVI, Sections 1, 2, 3, 4, 5, and 6.

[Pub. L. 95-87, Section 503 [30 U.S.C. 1253]]

[FR Doc. 83-30345 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-05-M

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### 32 CFR Part 150

##### Courts of Military Review Rules of Practice and Procedure

AGENCY: Office of the Secretary, Defense.

ACTION: Final rule.

SUMMARY: This regulation set forth revised rules of practice for courts of military review. It explains changes in the authority of these courts and the revised requirements and procedures affecting counsel appearing before them. This regulation provides revised instructions to an accused and the counsel of an accused necessary for appearing before these courts.

EFFECTIVE DATE: December 2, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas L. Hemingway, Lt. Col., USAF, HQ AFLSC/JAJM, Washington, D.C. 20330, telephone (202) 693-5770.

SUPPLEMENTARY INFORMATION: This revision changes the name of the United States Navy Court of Military Review to the United States Navy-Marine Corps Court of Military Review; reflects the authority of the Courts of Military Review to grant extraordinary relief pursuant to the All Writs Act and provides procedure therefor; authorizes the Court to request appointment of appellate defense counsel; changes standard paper size for pleadings to reflect current government standard, and requires a certificate of service of pleadings upon opposing counsel; makes oral argument discretionary with the court, establishes order of argument on petitions, and clarifies accused's right to be present at oral argument, duty permitting, at no expense to government motion; provides for promulgation of orders of the court in the same manner as decisions; provides for suspension of the rules; and prohibits photographic or electronic reproduction or broadcasting of court proceedings.



**List of Subjects in 32 CFR Part 150**

Courts, Military law.

Accordingly, 32 CFR Part 150, is revised as follows:

**PART 150—COURTS OF MILITARY REVIEW RULES OF PRACTICE AND PROCEDURE**

- Sec.
- 150.0 Purpose.
  - 150.1 Name and seal.
  - 150.2 Jurisdiction.
  - 150.3 Scope of review.
  - 150.4 Quorum.
  - 150.5 Place for filing papers.
  - 150.6 Signing of papers.
  - 150.7 Computation of time.
  - 150.8 Qualification of counsel.
  - 150.9 Conduct of counsel.
  - 150.10 Request for appellate defense counsel.
  - 150.11 Retention of civilian counsel.
  - 150.12 Failure to request or give notice of appellate counsel.
  - 150.13 Assignment of appellate defense counsel.
  - 150.14 Notice of appearance of counsel.
  - 150.15 Availability of records of trial to civilian counsel.
  - 150.16 Assignments of errors and briefs.
  - 150.17 Oral arguments.
  - 150.18 En banc hearing.
  - 150.19 Orders and decisions of the court.
  - 150.20 Reconsideration.
  - 150.21 Petition for extraordinary relief, answer, and reply.
  - 150.22 Petition for new trial.
  - 150.23 Motions.
  - 150.24 Continuances and interlocutory matters.
  - 150.25 Suspension of rules.
  - 150.26 Internal rules.
  - 150.27 Recording, photographing, broadcasting, or telecasting of hearings.
  - 150.28 Format for direction of review.
  - 150.29 Format for assignment of errors and brief on behalf of accused.

Authority: Sec. 866, 70A Stat 59; 10 U.S.C. 866.

Source: Joint Publication: AFR 111-4; AR 27-13; NAVSO P-2319; CGM 5800.5A, 2 December 1982.

**§ 150.0 Purpose.**

This part publishes the rules of practice and procedure for courts of military review, pursuant to the Uniform Code of Military Justice, Article 66(f) (10 U.S.C. 866). When the title The Judge Advocate General is used in this part, it includes the General Counsel of the Department of Transportation when the Coast Guard is not operating as a service in the Navy. This part applies to The Judge Advocates General of the Departments of the Air Force, the Army, and the Navy and the General Counsel of the Department of Transportation.

**§ 150.1 Name and seal.**

(a) The titles of the Courts of Military Review of the respective services are:

- (1) United States Army Court of Military Review.
- (2) United States Navy-Marine Court of Military Review.
- (3) United States Air Force Court of Military Review.
- (4) United States Coast Guard Court of Military Review.
- (b) Each court is authorized a seal in the discretion of The Judge Advocate General concerned. The design of such seal shall include the title of the court.

**§ 150.2 Jurisdiction.**

The court shall review the record in the following cases:

(a) Review Under Article 66. All cases of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of a commissioned officer, cadet or midshipman, dishonorable discharge or bad conduct discharge, or confinement at hard labor for one year or more.

(b) Review Upon Direction of The Judge Advocate General Under Article 69. All cases of trial by general court-martial in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by Article 66, and which The Judge Advocate General forwards by Direction for Review to the Court.

**§ 150.3 Scope of review.**

(a) The court may act only with respect to the findings and sentence as approved by the convening authority.

(b) The court in its discretion may issue extraordinary writs upon application by a petitioner.

(c) The court may act on a petition for new trial only in a case pending before the court.

(d) The court may review such other matters as it may determine to be proper under substantive law.

**§ 150.4 Quorum.**

(a) *In Panel.* When sitting in panel, a majority of the judges assigned to that panel constitutes a quorum for the purpose of hearing and determining any matter referred to the panel. The determination of any matter referred to the panel shall be according to the opinion of a majority of the judges participating in the decision. However, any judge present for duty may issue all necessary orders concerning any proceedings pending in panel preparatory to a hearing or decision and act on uncontested motions provided such action does not finally dispose of a petition or case before the court.

(b) *En Banc.* When sitting as a whole, a majority of the judges of the court

constitutes a quorum for the purpose of hearing and determining any matter before the court. The determination of any matter before the court shall be according to the opinion of a majority of the judges participating in the decision. In the absence of a quorum, any judge present for duty may issue all necessary orders concerning any proceedings pending in the court preparatory to hearing or decision thereof.

**§ 150.5 Place for filing papers.**

When the filing of a notice of appearance, brief, or other paper in the Office of a Judge Advocate General is required by this part, such papers shall be filed in the Office of The Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office.

**§ 150.6 Signing of papers.**

All formal papers shall be signed and shall show, typewritten or printed, the signer's name, address, military grade (if any), and the capacity in which the paper is signed. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper and that the paper is filed in good faith and not for purposes of unnecessary delay.

**§ 150.7 Computation of time.**

In computing any period of time prescribed or allowed by this part, by order of the court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

**§ 150.8 Qualification of counsel.**

(a) In any proceeding before the court, the accused may be represented by assigned appellate defense counsel or by civilian counsel provided by the accused or by both. If the accused is represented by both, civilian counsel normally shall be the primary counsel. Civilian counsel shall be a member in good standing of the bar of a Federal court or of the highest court of a State and may be required to file a certificate setting forth such qualifications. Assigned appellate defense and



government counsel shall be qualified in accordance with Articles 70(a) and 27(b)(1), Uniform Code of Military Justice.

(b) Civilian counsel may not act as counsel before the court while suspended by The Judge Advocate General of the service concerned.

#### § 150.9 Conduct of counsel.

(a) The conduct of counsel appearing before the court shall be in accordance with rules of conduct prescribed in the Manual for Courts-Martial, 1969 (Revised edition), paragraph 42b.

(b) The court may exercise its inherent right to remove, on an ad hoc basis, counsel misbehaving before or in relation to their appearance before the court. When a counsel has been so removed and the court considers that his conduct was such as probably to warrant suspension, either temporarily or indefinitely, the court shall report the misconduct to The Judge Advocate General of the Service concerned and make such recommendations as deemed appropriate.

#### § 150.10 Request for appellate defense counsel.

A request for representation by appellate defense counsel shall be forwarded to the convening authority or reviewing authority for attachment to the record or dispatched to the Office of The Judge Advocate General within 10 days from the date of receipt of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall have 5 days from the time he receives notice of such direction to forward a request for appellate defense counsel to the Office of The Judge Advocate General. Any request for appellate defense counsel may be accompanied by a statement as to the errors or other matters urged as grounds for relief. If trial defense counsel files a brief as provided in Article 38(c), the brief may be submitted in lieu of this statement.

#### § 150.11 Retention of civilian counsel.

(a) Notice that an accused has retained or has taken action to retain civilian counsel to represent (the accused) before the court shall be forwarded to the convening or reviewing authority for attachment to the record or dispatched to The Judge Advocate General within 15 days from the date of receipt of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall forward such notice within 10 days after receipt of notice of such direction.

The notice of retention of civilian counsel shall be signed by the accused or the accused's representative and shall state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain counsel, a notice of retainer stating the name and address of such counsel should be received in the Office of The Judge Advocate General within 10 days of receipt of the notice of intention. Civilian counsel will thereafter be notified of the receipt of the record of trial in the Office of The Judge Advocate General, the number of the case, and the arrangements made, or to be made, for a hearing before a panel or court sitting as a whole.

(b) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel. Assigned defense counsel will continue to assist after appearance of civilian counsel unless excused by the accused.

#### § 150.12 Failure to request or give notice of appellate counsel.

Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and the court may take final action in the case.

#### § 150.13 Assignment of appellate defense counsel.

(a) In all cases in which the United States is represented by counsel before the court, the accused shall be assigned defense counsel.

(b) The court may request counsel in all cases before it in which counsel have not been assigned.

#### § 150.14 Notice of appearance of counsel.

(a) *In Writing.* Military and civilian appellate counsel shall file a written notice of appearance in the Office of The Judge Advocate General.

(b) *Filing of Pleading and Other Paper.* The filing of any pleading or other paper relative to a case in the Office of The Judge Advocate General which contains the signature of counsel constitutes notice of appearance for such counsel.

#### § 150.15 Availability of records of trial to civilian counsel.

Ordinarily, the accused is expected to make his copy of the record of trial available to civilian counsel. If civilian counsel does not have access to the accused's personal copy of the record, arrangements may be made with

appellate defense counsel to permit examination of a copy of the record in the Office of The Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government.

#### § 150.16 Assignments of errors and briefs.

(a) *General Provisions.* Appellate counsel for the accused may file an assignment of errors if any are to be alleged setting forth separately each error asserted. The assignment of errors should be included in a brief for the accused. An original and as many additional copies as shall be prescribed by each service of all assignments of errors and briefs shall be submitted. Briefs and assignments of errors shall be typewritten, double-spaced on 8½" by 14" (legal cap) white paper, and securely fastened at the top. All references to matters contained in the record shall show record page numbers and any exhibit designations. A brief on behalf of the Government shall be of like character as that prescribed for the accused.

(b) *Number of Briefs.* Appellate counsel shall be limited to the filing of one brief for each side unless the court otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused shall be filed within 30 days after his appellate counsel has been notified of the receipt of the record in the Office of The Judge Advocate General. If The Judge Advocate General has directed appellate Government counsel to represent the United States, such counsel shall file a reply on behalf of the Government within 30 days after any brief and assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the Government may be filed within 30 days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(d) The time for filing briefs relating to issues specified by the court shall be as directed by the court.

(e) A brief of an amicus curiae may be filed only by permission of the court.

(f) All pleadings filed before the court shall contain a certificate of service upon opposing counsel.

#### § 150.17 Oral arguments.

(a) *Motion for Argument.* Oral argument may be heard in the discretion of the court upon motion by either counsel or upon order by the court after briefs have been filed in accordance with § 150.16. Motion for oral argument shall be made at the time pleadings are filed or within 5 days after the Government files its reply.



(b) *Notice of Setting of Arguments.* The court shall give appellate counsel at least 10 days' notice of the time and place of oral arguments.

(c) *Time Limits.* Nor more than 30 minutes for each side shall be allowed for oral argument unless the time is extended by leave of court.

(d) *Number of Counsel; Opening and Closing.* The court in its discretion may limit the number of counsel making an oral argument. The appellant has the right to make opening and closing arguments. In petitions for reconsideration and for extraordinary relief, the party requesting action of the court has the right to make opening and closing arguments.

(e) *Failure to Appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the court may proceed to act on the case as submitted without argument or, in its discretion, may continue the case for argument at a later date.

(f) *Presence of Accused.* The accused does not have a right to be present, at government expense, at the hearing before the court.

#### § 150.18 En banc hearing.

(a) On their own motion, a majority of all the judges present for duty may order that a hearing be referred to the court sitting as a whole. Such a hearing ordinarily will not be ordered except (1) when consideration of the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance, or (3) when the sentence, as approved by the convening authority, affects a general or flag officer or extends to death.

(b) A party may move for a hearing by the court sitting as a whole. The motion shall be filed with the court within 5 days after the Government files its reply brief to the assignment of errors. Upon receipt of such motion and response, if any, by opposing counsel, a poll of all judges present for duty shall be taken and a majority vote on the motion is final.

#### § 150.19 Orders and decisions of the court.

Notice of orders and decisions of the court shall be accomplished as prescribed in the Manual for Courts-Martial, 1969 (Revised edition), paragraph 100, and when rendered shall be immediately served on appellate defense and Government counsel and The Judge Advocate General as appropriate.

#### § 150.20 Reconsideration.

(a) The court may, in its discretion and on its own motion, enter an order in any case not later than 30 days after service of its decision on the accused to reconsider such decision, provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by the court. Copies of such order will be served on appellate defense counsel and appellate Government counsel. No briefs or arguments shall be received unless the order so directs.

(b) Provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by that court, the court may, in its discretion, reconsider its decision in any case upon motion filed either:

(1) By appellate defense counsel within 10 days after receipt of a decision or order by counsel, or accused, whichever is later, or

(2) By appellate Government counsel within 10 days after receipt of a decision or order.

(c) A motion for reconsideration shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the court. A reply to the motion for reconsideration will be received by the court only if filed within 5 days of receipt of a copy of the motion. Oral arguments shall not be heard on a motion for reconsideration unless ordered by the court. The original of the motion filed with the court shall indicate the date of receipt of a copy of the same by opposing counsel.

(d) The time limitation prescribed by this part shall not be extended under the authority of § 150.24 or § 150.25 beyond the expiration of the time for filing a petition for review by the United States Court of Military Appeals, except that the time for filing briefs by either party may be extended for good cause.

#### § 150.21 Petition for extraordinary relief, answer, and reply.

(a) *Petition for Extraordinary Relief.* A petition for extraordinary relief shall be accompanied by proof of service on the party respondent and will contain:

(1) A previous history of the case including whether prior actions have been filed or are pending for the same relief in this or any other court and the disposition or status of such actions;

(2) A concise statement of the facts necessary to understand the issue presented;

(3) A statement of the issue;

(4) The specific relief sought;

(5) Reasons for granting the writ; and

(6) The jurisdictional basis for the relief sought and the reasons why the relief sought cannot be obtained during the ordinary course of appellate review.

(b) *Notice to The Judge Advocate General.* Immediately upon receipt of any such petition, the Clerk shall forward a copy of the petition to the appropriate Judge Advocate General or his designee.

(c) *Briefs.* Each petition for extraordinary relief shall be accompanied by a brief in support of the petition unless it is filed in propria persona. The court may issue a show cause order in which event the respondent shall file an answer within 10 days of the receipt of the show cause order. The petitioner may file a reply to the answer within 5 days of the receipt of the answer.

(d) *Initial Action by the Court.* The court may, as the circumstances require, dismiss or deny the petition, order the respondent to show cause and file an answer within the time specified, or take whatever other action is deemed appropriate.

(e) *Oral Argument and Final Action.* The court may set the matter for oral argument. However, on the basis of the pleadings alone, the court may grant or deny the relief sought or make such other order in the case as the circumstances may require.

#### § 150.22 Petition for new trial.

(a) *General Provisions.* The court shall, as soon as practicable after receipt from The Judge Advocate General of a petition for a new trial in a case pending before the court, notify appellate counsel of such receipt.

(b) *Additional Investigation.* The court on considering a petition for a new trial may, when it deems appropriate, refer the matter to The Judge Advocate General who shall cause further investigation to be made and to report the results thereof to the court.

(c) *Answer.* Appellate Government counsel shall file an answer to a petition for new trial within 10 days after being notified of the receipt thereof by the court.

(d) *Briefs.* Any brief in support of a petition for new trial shall be filed within 10 days of appellate Government counsel's answer. If appellate Government counsel fails to file an answer, accused may file a brief within 10 days after the expiration of the time allowed for the filing of appellate Government counsel's answer. Appellate Government counsel's brief shall be filed within 10 days of the filing



of accused's brief. It accused fails to file a brief, appellate Government counsel may file a brief within 10 days after the expiration of the time allowed for filing of accused's brief.

(e) *Oral Argument.* Except when ordered by the court, oral argument shall not be permitted on a petition for a new trial.

#### § 150.23 Motions.

(a) *Content.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Motions, pleadings, and other papers desired to be filed with the court may be combined in the same document, with the heading indicating, for example, "MOTION TO FILE (SUPPLEMENTAL ASSIGNMENT OF ERRORS) (CERTIFICATE OF CORRECTION) (SUPPLEMENTAL PLEADING)," or "ASSIGNMENT OF ERRORS AND MOTION TO FILE ATTACHED REPORT OF MEDICAL BOARD."

(b) *Opposition.* Any opposition to a motion shall be filed within 5 days after receipt by the opposing party of service of the motion.

(c) *Leave to File.* Any pleading not required by this part shall be accompanied by a motion for leave to file such pleading.

(d) *Oral Argument.* Except when ordered by the court, oral argument shall not be permitted on motions.

#### § 150.24 Continuances and interlocutory matters.

Except as otherwise provided in § 150.20(d), the court, in its discretion, may extend any time limits prescribed and may dispose of any interlocutory or other appropriate matter not specifically covered by this part, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case. See § 150.4.

#### § 150.25 Suspension of rules.

For good cause shown, the court acting as a whole or in panel may suspend the requirements or provisions of any of this part in a particular case on petition of a party or on its own motion and may order proceedings in accordance with its direction.

#### § 150.26 Internal rules.

The Chief Judge of a court has the authority to prescribe internal rules for that court.

#### § 150.27 Recording, photographing, broadcasting, or telecasting of hearings.

The recording, photographing, broadcasting, or televising of any

session of the court or other activity relating thereto is prohibited unless specifically authorized by the court sitting as a whole.

#### § 150.28 Format for direction for review.

##### Format for Direction for Review in the United States Army \* Court of Military Review

United States v. Private (E-1) John Richard Doe, SSN 000-00-0000, U.S. Army, 300th Administration Company, 300th Infantry Division, APO New York 09000

Direction for Review, Case No. —, Tried at —, on — before a G.C.M., appointed by —.

##### To the Honorable, the Judges of the United States Army \* Court of Military Review

1. Pursuant to the Uniform Code of Military Justice, Article 69, and the Rules of Practice and Procedure for Courts of Military Review, Rule 2b, the record of trial in the above-entitled case is forwarded for review pursuant to the Uniform Code of Military Justice, Article 66.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article(s) —, was sentenced to — on — at — by —. The convening authority (approved the sentence) (approved only so much of the sentence as provided for —) and the case was received in the United States Army \* Judiciary on —.

3. In review pursuant to Uniform Code of Military Justice, Article 66, it is requested that attention be given to the following issues:

A. Whether the specification of charge I fails to state an offense under the Uniform Code of Military Justice in that it does not allege that accused's absence was without authority.

B. Whether the Military Judge failed to tailor his instructions of sentence to the matters presented in extenuation and mitigation.

John H. Brown,

Major General, USA, The Judge Advocate General.

Received a copy of the foregoing Direction for Review this — day of — 19—

Robert Jones,

Colonel, JAGC, Chief, Government Appellate Division.

\* Use Navy-Marine Corps, Air Force, or Coast Guard as the case may be.

Harry Arnold,

Colonel, JAGC, Chief, Defense Appellate Division.

John C. Smith, Esq.,

1 Ace Street, Union, New Jersey.

#### § 150.29 Format for assignment of errors and brief on behalf of accused.

##### Format for Assignment of Errors and Brief on Behalf of Accused (Rule 16)

##### In the United States Army \* Court of Military Review

United States v. Private (E-1) John Richard Doe, SSN 000-00-0000, U.S. Army, Replacement Detachment, 300th Administration Company, 300th Infantry Division, Fort Gordon, Georgia 31093.

Assignment of errors and relief on brief of accused, Case No. —, Tried at —, on — before a G.C.M., appointed by —.

##### To the Honorable, the Judges of the United States Army \* Court of Military Review

##### Summary of Proceedings

On —, the accused was tried by general court-martial. The charges and specifications upon which he was arraigned, his pleas, and the court-martial's findings, were as follows:

Chg	Art UCMJ	Specs	Summary of Offenses	Pleas	Findings
I	86	1	AWOL (28 Jan) — 28 Feb —).	G	G
		2	AWOL (3 Mar — 3 Apr —).	G	
II	121		Larceny of \$100.00, property of U.S. Government.	NG	G

He was sentenced to dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 2 years, and reduction to the lowest enlisted grade. The convening authority approved only so much of the sentence as provides for bad conduct discharge, forfeiture of \$50.00 pay per month for 6 months, and reduction to the lowest enlisted grade.

\* Use Navy-Marine Corps, Air Force, or Coast Guard as the case may be.



**Statement of Facts**

Those facts necessary to a disposition of the assigned errors are set forth in the argument, *infra*.<sup>2</sup>

**Errors and Argument****I**

Specification 1 of charge I fails to state an offense under the Uniform Code of Military Justice.

The allegation of absence in Specification 1 of the Charge I fails to indicate that the absence was "without proper authority." The United States Court of Military Appeals has held that such an omission is fatal to the legal sufficiency of the specification. *United States v. Schultz*, 16 U.S.C.M.A. 488, 37 C.M.R. 108 (1967); *United States v. Fout*, 3 U.S.C.M.A. 565, 12 C.M.R. 121 (1953).

**II**

The military judge failed to tailor his instructions on sentence to the matters presented in mitigation and extenuation.

There was extensive evidence presented on behalf of accused to establish his proper exemplary conduct in civilian and military life (R. 108-133). The military judge limited his instructions on sentence to the maximum authorized punishment and the voting procedure.

In *United States v. Wheeler*, 17 U.S.C.M.A. 274, 38 C.M.R. 72 (1967), the failure of the military judge to tailor the instructions on sentence to the evidence presented in mitigation and extenuation was held to require a rehearing on sentence.

Wherefore, the sentence should be set aside and a rehearing authorized thereon.

**Sentence Appropriateness**

Accused is an 18-year-old first time offender (Post-trial Review, p. 3) and has sincerely urged his restoration to duty (R. 100). His immediate superiors have expressed their willingness to have accused return to his organization (R. 110).

Wherefore, only so much of the sentence as provides for forfeiture of \$50.00 pay per month for 6 months, confinement at hard labor for 6 months, and reduction to the lowest enlisted grade should be approved by this Honorable Court.

Date \_\_\_\_\_

John C. Smith, Esq.,  
1 Act Street, Union, New Jersey.  
Albert Jones,  
Captain, JAGC, Appellate Defense Counsel.  
Harry Arnold,  
Colonel, JAGC, Appellate Defense Counsel.

**Certificate of Service**

I certify that a copy of the foregoing was mailed or delivered to appellate Government counsel on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Name \_\_\_\_\_

Address \_\_\_\_\_

Dated: November 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 83-30285 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-01-M

**PANAMA CANAL COMMISSION****35 CFR Part 133****Tolls for Use of Canal****CFR Correction**

In the July 1, 1983 revision of Title 35 of the Code of Federal Regulations, in § 133.1(a), the toll rate appears incorrectly. In § 133.1(a), appearing on page 146, the toll rate in the fourth line of the paragraph which reads "\$.83" should read "\$1.83".

BILLING CODE 1505-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[Region II Docket No. 16; A-2-FRL 2467-4]

**Approval and Promulgation of Implementation Plans; New Jersey 1982 Ozone and Carbon Monoxide Attainment Plan**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces final approval by the Environmental Protection Agency (EPA) of a revision to the New Jersey State Implementation Plan (SIP). As required by Part D of the Clean Air Act, this SIP revision was developed to provide for the attainment by December 31, 1987 of the national ambient air quality standards for ozone and carbon monoxide in the State of New Jersey. Based on its review of the State's submittals and comments received on earlier EPA notices of proposed rulemaking (48 FR 5144,

February 3, 1983 and 48 FR 36139, August 9, 1983), EPA has found that the New Jersey SIP revision meets applicable requirements on the Clean Air Act and EPA regulations.

**EFFECTIVE DATE:** This action becomes effective on November 9, 1983 with the exception of a proposed New Jersey rule to authorize currently licensed automobile reinspection stations to conduct initial inspections. EPA approval of this rule will become effective upon its execution by a duly authorized New Jersey official, provided that such execution occurs by December 9, 1983.

**ADDRESSES:** Copies of the State's submittals, public comments received on EPA's proposals, and an EPA Technical Support Document to this action are available for inspection during normal business hours at the following locations:

Environmental Protection Agency,  
Region II, Air Programs Branch, Jacob K. Javits Federal Building, 26 Federal Plaza, Rm. 1005, New York, New York 10278;

Environmental Protection Agency,  
Public Information Reference Unit,  
EPA Library, 401 M Street, SW.,  
Washington, D.C. 20460;  
New Jersey Department of  
Environmental Protection, Labor and  
Industry Building, John Fitch Plaza,  
Trenton, New Jersey 08625.

A copy of the State's Submittals is also available for inspection at the following address:

Office of the Federal Register, 1100 L Street, NW., Washington, D.C. 20480.

**FOR FURTHER INFORMATION CONTACT:**

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II

or  
Jacob K. Javits Federal Building, 26 Federal Plaza, Rm. 1005, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:****I. Background**

In response to provisions of the 1977 Amendments to the Clean Air Act, on December 29, 1978 the State of New Jersey submitted to the Environmental Protection Agency (EPA) a revision to its State Implementation Plan (SIP). This revision presented a program to continue the State's efforts toward attainment of the ozone and carbon monoxide air quality standards. EPA approved this revision on March 11, 1980 (45 FR 15531); however, because the State requested and received an extension to December 31, 1987 for

<sup>2</sup> Where a statement of facts generally applies to all of the assigned errors, it may be set forth here.



attainment of the standards, the State was required to submit another SIP revision by July 1, 1982.

On October 8, 1982, the New Jersey Department of Environmental Protection (NJDEP) submitted a draft of the required SIP revision. Public hearings were held by the State on its draft SIP revision on October 14, 19, and 20, 1982 and the document was supplemented with additional information on November 23, 1982. Based on EPA's review of these two submittals, on February 3, 1983 (48 FR 5144) EPA proposed approval of the draft SIP revision. (The reader is referred to this February 3, 1983 notice and to Section III of today's notice for an overall description of New Jersey's ozone and carbon monoxide control program.) This proposed approval noted that EPA's final action would be dependent on its analysis of comments received during the EPA public comment period and on the content of the final SIP ultimately adopted by the State. EPA also identified in its February 3, 1983 notice three elements of the draft SIP revision which needed additional development before EPA could take final approval action.

On January 18, 1983, the Governor submitted a final SIP revision, which was supplemented with additional information from NJDEP on February 14, 1983. The informational needs identified by EPA in its February 3, 1983 proposal were submitted by NJDEP on July 11 and 28, 1983. On August 8 and 9, 1983 New Jersey held public hearings concerning the motor vehicle emissions inspection and maintenance (I/M) program contained in its July 11, 1983 submittal.

On August 9, 1983 (48 FR 36139) EPA proposed to approve the State's July 11 and July 28, 1983 submittals as meeting the needs EPA identified in its February 3, 1983 proposal. (The reader is also referred to this August 9, 1983 notice for a complete discussion of how these informational needs were met.) As specifically requested by EPA in its August 9, 1983 proposal, on September 26, 1983 NJDEP submitted procedures for the operation of the private inspection stations. A summary of these procedures and other supplemental information that was submitted and the results of EPA's review of this material are contained in the next section of today's notice.

## II. September 26, 1983 Supplemental Information

**A. Introduction.** On September 26, 1983, the State submitted explanatory material and documents supplementing its earlier submissions. This latest submittal contains a revised main SIP document, dated August 1983, and new

and revised Appendices and Attachments related to:

- Operating procedures for private inspection stations,
- Mechanic certification,
- Specifications for exhaust gas analyzers,
- Emission test standards for motor vehicles,
- Ozone modeling,
- The volatile organic compound (VOC) emission inventory,
- Conformity Criteria, and
- Public hearings.

The submittal also provided information related to:

- The State's new car inspection exemption,
- The inspection extension for motorists experiencing long waits at inspection stations,
- Requirements for the calibration of exhaust gas analyzers, and
- Stationary source test procedures.

The contents of the September 26, 1983 submittal are discussed in detail in the following subsections of today's notice.

**B. Operating Procedures for Private Inspection Stations.** The State's submittal contains a proposed emergency rule (Appendix 12, Attachment 14-A) to authorize currently licensed reinspection stations to conduct initial inspections. The State has committed to adopt this emergency rule within one week of today and to adopt the rule in substantially unchanged form in its final rulemaking.

New Jersey is already operating an I/M program that meets all of EPA's I/M requirements. Under that program, vehicles are inspected initially in State-operated inspection stations. Vehicles that must undergo repair may be reinspected in licensed private inspection stations. The proposed emergency rule would add to the existing program provisions authorizing private inspection stations to conduct initial inspections as well as reinspections. The proposed rule also specifies procedures for initial inspections at private stations.

EPA has reviewed the proposed emergency rule and finds that the procedures for initial inspections at private stations are approvable. They are substantially the same as the existing procedures for reinspections at private inspection stations. Therefore, EPA is approving the new emergency rule for initial inspections at private stations. However, since the rule establishing this program is still in draft form, EPA is making its approval of initial inspections being conducted at the private stations contingent upon the final adoption of the emergency rule.

EPA's approval will take effect only when a duly authorized New Jersey official executes the rule so as to bind the State. Moreover, this contingent approval will expire within 30 days of today's date if the State does not adopt the rule. Expiration of the contingent approval of the emergency rule will not affect the approval of the current I/M program based on initial inspections at State stations. That program will continue to be approved even without EPA approval of inspections at private stations.

The State has committed to permanently adopt a rule which authorizes private stations to conduct initial inspections and which specifies procedures for initial inspections, in substantially unchanged form from the emergency rule. However, the State must obtain EPA approval as a SIP revision of this permanently adopted rule. After submittal of the permanently adopted rule by the State, EPA intends to take timely action so as to minimize the period of time, if any, between expiration of the emergency rule and EPA action on the permanently adopted rule.

Finally, it is useful to note that the improvements that the State has committed to in order to increase the effectiveness of its I/M program (e.g., anti-tampering checks, a reduction in the period of the current new car exemption, inclusion of commercial vehicles into the I/M program) will be implemented under either inspection system. This fact is discussed in greater detail in Section IV.B.4 of today's notice.

**C. Mechanic Certification.** The State's submittal contains an emergency rule (Appendix 12, Attachment 14-B) which requires the certification of mechanics at reinspection stations. The rule became effective on September 2, 1983 and expires on November 1, 1983. In its submittal, the State notes that it will permanently adopt the rule, consistent with due consideration of public comments, in substantially unchanged form and will be submitted to EPA for approval. The emergency rule is consistent with the SIP's commitment (Appendix 12) to adopt standards for mechanic certification.

**D. Specifications for Exhaust Gas Analyzers.** The State's submittal contains another emergency rule (Appendix 12, Attachment 7) which specifies standards for the exhaust gas analyzers to be used at private inspection stations. The rule, which also became effective on September 2, 1983, expires on November 1, 1983 and will be permanently adopted consistent with due consideration of public comments.



in substantially unchanged form and will be submitted to EPA for approval. The emergency rule is consistent with the SIP's commitment (Appendix 12) to prepare specifications for exhaust gas analyzers.

**E. Emission Test Standards.** The State's submittal contains a proposed draft revision to Subchapter 15, "Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles" (Appendix 12, Attachment 3). This revision provides:

- Revised emission standards for light-duty vehicles for implementation,
- Emission standards and test procedures for heavy-duty gasoline-fueled vehicles, and
- Prohibitions against tampering with emissions control equipment by individuals.

The SIP contains a commitment (Appendix 12) to revise Subchapter 15 for adoption of all of these measures by July 1, 1984. The proposed draft revision is consistent with this commitment. EPA will take a separate rulemaking action on this proposed SIP revision after EPA completes its detailed review.

**F. Ozone Modeling.** The State's submittal contains supplemental ozone modeling for the New Jersey-New York-Connecticut Air Quality Control Region (NJ-NY-CT AQCR) (Appendix 3, Attachment 13). As noted in EPA's August 9, 1983 proposal, this modeling demonstrates that a 59 percent reduction in VOC emissions in the NJ-NY-CT AQCR is needed for attainment of the ozone standard. EPA finds this determination to be acceptable.

**G. VOC Emission Inventory.** The State's submittal contains revisions to the SIP's inventory of VOC emissions in the NJ-NY-CT AQCR (Appendix 1, Attachment 1). The revisions relate to changes in the baseline inventory and the effect of implementation of the SIP's extra-ordinary measures. These changes were previously submitted to EPA on July 28, 1983 and were discussed in EPA's August 9, 1983 proposal, where EPA found them adequate. Thus, EPA is approving the revised inventory.

**H. Conformity Criteria.** The State's submittal contains criteria and procedures for evaluating the conformity of transportation plans, programs and projects with the SIP (Appendix 49). In its August 9, 1983 proposal, EPA reviewed these criteria and procedures before they were adopted by the North Jersey Transportation Coordinating Committee (NJTCC). EPA found that they would be adequate provided that they were adopted in a substantially unchanged form by the NJTCC. The NJTCC adopted the proposed criteria

and procedures without substantial changes on August 2, 1983 and thus EPA approves them.

**I. Public Hearing.** The State's submittal contains a summary of the comments it received at the State's public hearings of August 8 and 9, 1983 (Appendix 50). The hearing concerned changes to the motor vehicle control measures contained in the SIP.

At the hearings, one of the commentors expressed concern about the proposed schedule extending until January 1, 1988 for the implementation of the SIP's I/M related extraordinary measures. In response, the State has revised its SIP to advance the implementation date for these measures from January 1, 1988 to May 1, 1987. As discussed in Subsection IV.B.4 of today's notice, EPA finds that the revised schedule makes it possible to provide for attainment of the ozone standards within the statutory time frame established by the Clean Air Act (i.e., attainment by December 31, 1987). EPA thus approves the revised schedule.

**J. Other Issues.** The State's submittal contains information which clarifies commitments made in its proposed SIP. It is now made clear that:

- The State is committed to reducing the current new car exemption from two years to one year even if the private inspection system is not extended beyond its one-year trial period.
- The State is committed to conducting monthly gas calibration checks of exhaust gas analyzers at the private inspection stations.
- The test procedures for Group II Control Techniques Guideline source categories are contained in "Air Test Method III," which is currently being used by the State to determine compliance with State regulations. EPA found these procedures adequate in its February 3, 1983 proposal.

Finally, the submittal describes the State's policy for issuing 45-day inspection extensions to motorists experiencing long waits at State inspection stations. This policy is discussed in Subsection IV.B.4 of today's notice.

III. Summary of the New Jersey State Implementation Plan for Ozone and Carbon Monoxide.

**A. The Ozone Control Program.** The entire State of New Jersey is classified under Section 107(d) of the Clean Air Act as not attaining the national ambient air quality standard for ozone. The SIP identifies the VOC emission reductions from 1980 levels which are necessary to attain the ozone standard by December 31, 1987 in each of the New Jersey's four AQCRs. The

necessary reductions are presented in Table 1.

TABLE 1.—VOC EMISSION REDUCTIONS IN NEW JERSEY NECESSARY FOR ATTAINMENT OF THE OZONE STANDARD

AQCR	Percent reduction
NJ-NY-CT AQCR	58
Metropolitan Philadelphia Interstate AQCR	44
New Jersey Intrastate AQCR	29
Northeast Pennsylvania-Upper Delaware Valley Interstate AQCR	28

The SIP demonstrates attainment of the ozone standard through the development and implementation of "reasonably available" and "extraordinary" control measures. These measures will reduce VOC emissions from both stationary and mobile sources. Using the NJ-NY-CT AQCR as an illustration, Table 2 identifies the measures that the State commits to implement.

The SIP demonstrates that these control measures, which will be implemented throughout New Jersey, will provide for the required emission reductions in the other three AQCRs.

TABLE 2.—EMISSION CONTROL PROGRAM NJ-NY-CT AQCR. EFFECTIVENESS OF MEASURES, 1987

[1980 Emissions—1,058 metric tons/day]			
Control program	Emission reduction (metric tons/day)	Percent reduction from 1980 emission levels	Applicable State regulation (NJAC) *
Existing Control Measures	432	40.8	
New Reasonably Available Control Measures			
• Industrial Control	19	1.8	7:27-16 & 17
• Stage II Vapor Recovery	16	1.7	7:27-16
• Revised Offset Program	4	0.4	7:27-16
• I/M Program Modifications *	21	2.0	7:27-15 and 13:20-32 & 33
• Transportation Controls	5	0.5	
Subtotal	67	6.4	
New Extraordinary Control Measures			
• Lower Exclusion Rates for Industrial Processes and Industrial Surface Coating	50	4.7	7:27-16
• I/M Program modifications *	9	0.9	7:27-14 & 15 and 13:20-32 & 33
• Non-Industrial Surface Coating	31	3.0	(*)
• Barge and Tanker Loading	10	0.9	7:27-16
• Waste Disposal *	10	0.9	7:26 and 7:27-17
• Consumer Solvent Use	15	1.4	(*)



TABLE 2.—EMISSION CONTROL PROGRAM NJ-NT-CT AQCR EFFECTIVENESS OF MEASURES, 1987—Continued

(1980 Emissions—1,056 metric tons/day)

Control program	Emission reduction (metric tons/day)	Percent reduction from 1980 emission levels	Applicable State regulation (NJAC)*
Subtotal	125	11.8	
Total Reduction	624	59.0	
Emission Reduction Target for Attainment	624		

\* New Jersey Administrative Code.

\* Reflects EPA recalculation of effectiveness of I/M program.

\* I/M program modifications include: revised emission standards, heavy duty gasoline vehicle inspection, tampering inspection, and reduction of new car inspection exemption.

\* I/M program modifications include: diesel I/M and revised testing procedures.

\* To be determined in the future.

\* Waste disposal includes: hazardous waste incinerators, and landfill controls.

Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds", (N.J.A.C. 7:26-16) as revised on December 31, 1981 and made effective March 1, 1982 is being incorporated into the SIP by today's action. The adequacy of this regulation was discussed in EPA's February 3, 1983 proposal and EPA did not receive any comments concerning it.

In revising Subchapter 16, New Jersey deleted the final compliance dates applicable to sources included in EPA's Group II Control Technology Guideline (CTG) category. This was done because the dates for these sources to be in compliance had passed and all sources were expected to be in compliance. However, EPA requires the specification of an enforceable final compliance date should it be required to take federal enforcement action. Therefore, EPA intends to use the final compliance dates which were originally contained in Subchapter 16 if federal enforcement action is necessary.

Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," as revised on October 17, 1979 and made effective on December 17, 1979 is being incorporated into the SIP by today's action. This is being done for the purpose of controlling the emissions of perchlorethylene (perc) from dry cleaners. The state-of-the-art requirements for perc dry cleaners, as required by Subchapter 17, is clarified in a NJDEP memorandum, "Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems", dated October 25, 1982, which is also being incorporated into the SIP. The adequacy of this regulation and memorandum were discussed in EPA's February 3, 1983

proposal; EPA did not receive any comments on this control measure.

**B. The Carbon Monoxide Control Program.** Fourteen central business districts located throughout New Jersey have been designated as nonattainment for carbon monoxide. Also, seventy-five communities in the State have been designated under Section 107(d) of the Clean Air Act as being unclassifiable for carbon monoxide.

The SIP demonstrates that all of the State's designated and predicted "hot spots" will come into attainment prior to December 31, 1987. This will be accomplished by the State through its new I/M program and the implementation of transportation control measures at the hot spots. The State's attainment demonstration also relies upon continuation of the Federal Motor Vehicle Control Program, which ensures that new vehicles meet stringent emission standards. The State further commits to locate air quality monitors at several of the hot spots predicted to be experiencing high concentrations of carbon monoxide (as determined through modeling). This is necessary to define more precisely the attainment status of these hot spots and to further refine the State's ability to predict carbon monoxide concentrations using modeling procedures.

#### IV. Discussion of Comments

During the public comment period established by EPA's February 3, 1983 proposal and ending on March 21, 1983, EPA received comments from seven commentors which addressed 20 principal issues. During the public comment period established by EPA's August 9, 1983 proposal and ending on September 9, 1983, EPA received comments from 12 commentors which addressed 19 principal issues. These comments are summarized and discussed in this section of today's notice. They are also treated in greater detail in a document prepared by EPA entitled, "Technical Support Document: Response to Comments on 1982 Revision to the New Jersey State Implementation Plan, September 1983." This document is available at the locations identified in the ADDRESSES section of today's notice.

##### A. Comments on EPA's February 3, 1983 Proposal

###### 1. Ozone Modeling

**Comment:** One commentor questioned why EPA accepts the results of ozone modeling which employed the Dodge chemical mechanism, since EPA employs a Chemical Bond-III mechanism (CB-III) in its Northeast Corridor

Regional Modeling Project study work. The commentor believes that, if the CB-III mechanism had been used by the State and if all other modeling factors remained equal, the required control of VOCs would have been reduced by 10.8 percent in the New Jersey portion of the Metropolitan Philadelphia AQ CR.

**Response:** A review of the modeling analysis for the Metropolitan Philadelphia AQ CR as contained in the SIP indicates that it was performed using a chemical mechanism approved in the EPA guidelines. These guidelines for modeling are contained in an EPA document entitled, "Guidelines for Use of City-specific EKMA (Empirical Kinetic Modeling Approach) in Preparing Ozone SIPs," EPA-450/4-80-077. Furthermore, EPA analysis has demonstrated, assuming that the recommended concentration of non-methane organic compounds aloft is incorporated into the model on the SIP control-day, that the required degree of control of VOCs for attainment of the ozone standard is virtually identical regardless of whether the Dodge chemical mechanism or CB-III is used.

**Comment:** EPA Region II and EPA's Office of Air Quality Planning and Standards appear to have inconsistent positions on the use of the CB-III mechanism.

**Response:** The positions of these two EPA offices are not inconsistent. The Dodge chemical mechanism is recognized by both as a technically acceptable technique for estimating required VOC reductions. As previously discussed, the CBM-III mechanism is an alternative assumption which can also be used, provided that certain test requirements are met.

**Comment:** The ozone modeling conducted for the SIP does not recognize the possible design bias introduced by using meteorological data from the year 1980.

**Response:** In its ozone modeling analysis, New Jersey used data from the period 1979 through 1981. This was in response to an EPA recommendation that three years of ozone data be used in conducting an ozone modeling analysis. This recommended approach tends to mitigate the effect that ozone concentrations from any one year might have on the modeling results.

It appears to EPA that a principal concern of the commentor relates to the higher-than-average number of days in 1980 when the ambient temperature exceeded 90 degrees. While it is true that ozone formation is related to a threshold temperature value, the magnitude and frequency of ozone episodes are more directly related to



overall synoptic weather patterns than to temperature. In fact, 60 percent of the violations of the ozone standard recorded in New Jersey during the 1979 through 1981 period occurred on days when the maximum temperature was below 90 degrees.

*Comment:* EPA has not reviewed information contained in a report by Weston Inc. done for the Texas Air Control Board which shows that the EKMA model, which was used by New Jersey, overpredicts VOC control requirements. Furthermore, it is claimed that EPA Region II has not reviewed a number of citations in the Weston report which relate to the uses and validation of EKMA.

*Response:* EPA has reviewed all material directly submitted to it during the public comment period. However, EPA's determination in this regard must be based on the fact that the use of EKMA by New Jersey in developing its SIP revision was fully consistent with EPA guidelines. As stated earlier in this notice, New Jersey used an EPA-approved modeling approach. Furthermore, in recent studies, EPA research indicates that EKMA modeling results have compared favorably with actual ozone levels.

*Comment:* The four AQCRs in New Jersey should be viewed as discrete airsheds. The State's concept of equity among AQCRs for the control of VOC emissions is not sound and leads to overregulation.

*Response:* A state has the right to apply any air pollution control approach that it believes necessary, provided that the approach meets the requirements of the Clean Air Act. New Jersey has met these requirements. Therefore, EPA has no basis on which to question New Jersey's policy.

## 2. Stationary Source Control Measures

*Comment:* There are several major VOC sources identified in the SIP that are not currently regulated through application of reasonably available control technology (RACT). The SIP does not demonstrate that RACT is otherwise being met at these sources nor does it commit to future regulation.

*Response:* There are 198 major sources of VOCs in New Jersey, 16 of which are not currently regulated. Nine of these sources are electric generating stations; the remaining seven are sources to which the State's generic VOC control regulation (Subchapter 16) is not applicable.

Electric power stations currently employ technology which minimizes VOC emissions through boiler designs which optimize efficiency. Therefore, no additional controls are considered

reasonable for these sources. For the remaining seven sources, EPA has not published information identifying what degree of control is presumed to represent RACT. Therefore, it will be necessary for the State to determine RACT on an individual source-by-source basis. The State has committed in its SIP to regulate these sources and has identified its implementation schedule. EPA guidelines allow for the acceptance of such schedules.

*Comment:* The State makes a less than unequivocal commitment to the application of RACT to minor sources.

*Response:* In its SIP, New Jersey has committed to adopt regulations to control the emission of VOCs from currently unregulated minor sources and has identified a detailed implementation schedule for this effort. Moreover, in New Jersey the majority of minor sources currently are being controlled through enforcement of Subchapter 16.

*Comment:* The State has not conducted a complete analysis of all sources with VOC emissions above 100 tons per year so as to identify the specific emission reductions that are credited to them in the SIP.

*Response:* In Appendix 1, Attachment E to its SIP, New Jersey has included tables which identify the principal emitting operations at a sampling of major facilities. With this information and the knowledge of what emission reductions are reasonable from the application of existing control techniques, the State has estimated the emission reductions it expects to achieve once these sources are fully controlled. While the State has not identified the specific emission reduction expected to be obtained from each individual facility, the technique employed by the State is sufficiently accurate so as to be acceptable to EPA.

## 3. Extraordinary Measures

*Comment:* The State makes a less than unequivocal commitment to implement its extraordinary control measures.

*Response:* In order to demonstrate attainment of the ozone standard by December 31, 1987, the State commits in its SIP to the future implementation of extraordinary measures. While, as the commentor points out, the State did not originally identify the specific extraordinary measures it intended to implement, it did so in supplemental information submitted to EPA on July 11, 1983. This submittal is discussed in detail in EPA's August 9, 1983 supplemental notice of proposed rulemaking, where it was found acceptable.

*Comment:* New Jersey failed to consult adequately with New York on the development of its extraordinary control measures. The commentor believes that the development of such measures requires interstate consultation in order for the measures to be effective.

*Response:* EPA supports the concept of regional cooperation and unified effort in developing control measures. However, the extraordinary control measures chosen by the State are not dependent on other states adopting the same measures. EPA has found that New Jersey fulfilled the Clean Air Act's consultation requirements in developing its SIP revision.

## 4. Motor Vehicle Inspection and Maintenance

*Comment:* EPA should withhold approval of the SIP until the State's commitments to its I/M program are fully described and legally adopted.

*Response:* In its February 3, 1983 proposal, EPA stated that it would not grant final approval to the New Jersey SIP revision until the type of I/M program ultimately selected by the State was fully described. The State's July 11, 1983 submittal presents this information, which has been described by EPA in its August 9, 1983 supplemental proposal. Additional submittals concerning the State's I/M program were provided by New Jersey on September 26, 1983. These are described in Section II of today's notice. As noted in its September 26, 1983 submittal, the State commits to adopt an emergency rule establishing operating procedures for private inspection stations within one week of publication of this notice.

*Comment:* The State (at the time of the publication of EPA's February 3, 1983 proposal) has decreased the frequency of its motor vehicle inspections from once per year to once every other year. The commentor believes that this is a violation of the I/M program commitment contained in the 1979 New Jersey SIP and that EPA should impose the sanctions provided for by the Clean Air Act. The commentor further believes that the State's commitment to a new I/M program is weak because the State does not appear to be fully committed to adopt all aspects of the program.

*Response:* As of July 1, 1983, the State returned to an annual inspection schedule and is meeting the commitments made in its 1979 SIP. Furthermore, the I/M program committed to by the State as a part of its current SIP revision goes beyond the 1979 program in both scope and effectiveness. The State's commitment



to implement this new I/M program is detailed in Section II.A-E of this notice.

**Comment:** The State, in the joint NJDEP—New Jersey Division of Motor Vehicles (NJDMV) Task Force program, has not demonstrated how it addresses the specific measures required to determine the effectiveness of an I/M program (as described in an EPA January 22, 1981 guideline document).

**Response:** In a detailed discussion in its July 11, 1983 submittal the State adequately addressed each of the ten measures of effectiveness contained in the EPA guidelines.

**Comment:** On October 14, 19 and 20, 1982, when hearings were conducted by the State on its draft SIP, the new I/M program was not detailed in the document made available to the public.

**Response:** In its October 8, 1982 draft SIP revision, which was subject to public hearing, the State presented the ten options which it was considering at the time for the future of its I/M program. The I/M program ultimately selected by the State and described in its July 11, 1983 submittal to EPA was from among these ten options. This program was the subject of two New Jersey public hearings (held on August 8 and 9, 1983) and of EPA's August 9, 1983 supplemental proposal. Therefore, there has been an adequate opportunity for public comment on the new New Jersey I/M program.

#### 5. General Comments

**Comment:** The SIP does not contain enforceable measures which will assure attainment of air quality standards by 1987. Some of the measures contained in the SIP were not enforceable or were not adopted at the time of SIP submittal. Furthermore, the 1984 mid-course correction procedure described in the SIP is contrary to the directives of the Clean Air Act.

**Response:** As discussed in its February 3, 1983 proposal, EPA intends to be appropriately flexible in reviewing SIP submittals.

In some cases, if a state submits sufficient enforceable measures to provide for reasonable further progress during the first few years of the extended attainment period, EPA will accept schedules for the submittal of the other measures needed to provide additional emission reductions in the remaining years. These schedules, however, must represent genuine commitments to develop, describe in detail, and adopt needed control measures and must include specific dates by which the measures will be submitted to EPA. EPA believes that the New Jersey SIP revision meets this test.

EPA cannot accept a state commitment to submit a future SIP revision in lieu of meeting the requirements of the Act. However, a state is entitled to request a revision to its SIP at any time that it finds that it is necessary. In its reference to a midcourse correction, New Jersey simply indicates that it intends to do additional analysis of its progress toward attainment in 1984 based upon any new information that becomes available. EPA does not believe that this diminishes the quality of New Jersey's SIP commitments.

**Comment:** The SIP does not provide for reasonable further progress towards the attainment of the ozone standard because it does not provide for substantial emission reductions in the first few years after the SIP becomes effective. This is compounded by the fact that the State is requiring motor vehicle emission tests only every other year instead of on the annual testing cycle assumed in the SIP.

**Response:** The SIP provides for adequate emission reductions of VOCs every year throughout the period from 1980 to 1987. In addition, since the State now requires motor vehicle emission tests every year, there is no reason to question the emission reductions attributed to its I/M program.

#### 6. National Policy Issues

**Comment:** The EPA sanctions policy is deficient in failing to take into account the fact that ozone in the major metropolitan areas of the eastern United States is a problem of regional scope involving significant interstate dimension. This is contrary to provisions of the Clean Air Act.

**Response:** There are two general cases which occur with regard to the interstate transport of photochemical (e.g., ozone) pollution:

- The case of a major metropolitan area whose ambient ozone concentrations and resulting control estimates are influenced by transport, but not dominated by it; and
- The case of a smaller metropolitan area in which transport is the overwhelming cause of high observed ozone concentrations.

It is clear from reviewing available surface and aircraft data collected in the northeast by an EPA contractor that major metropolitan areas (e.g., the New York City metropolitan area) are examples of the former case. In such areas, EPA procedures allow the assumption that the transport of both ozone and its precursors would be reduced in accordance with anticipated impacts of upwind control programs.

EPA believes that this adjustment, coupled with the fact that all nonattainment area control strategies are required to reduce future ozone concentrations to the standard, represents a technically defensible approach to ozone transport and is consistent with requirements of Sections 110(a)(2)(e) and 110(c) of the Clean Air Act.

**Comment:** Many States are being "excused" from imposing reasonably available controls for certain categories of sources.

**Response:** The commentator has misinterpreted the requirements of Section 172(b)(2) of the Act. That section does not require all reasonable controls; rather, it requires that States adopt only those controls that are found to be "reasonably available" in particular nonattainment areas. This comment is more fully addressed in Appendix II of the Technical Support Document that accompanies this notice.

**Comment:** EPA has failed to promulgate CTG documents for a number of source categories. The result is a lack of thoroughness and uniformity among States that are planning for attainment of the ozone standards.

**Response:** EPA has pursued a policy of encouraging and assisting the States, to the extent possible, in identifying economically efficient levels of pollution abatement considering available control methods for specific industries. In this regard, EPA has taken the approach of developing and distributing CTG documents. EPA has not issued CTG documents for all source categories as it does not believe it would be practicable or desirable to do so.

EPA does not have any reason to believe that this situation is, in any way, limiting the ability of ozone nonattainment areas to maintain reasonable further progress toward attainment. EPA expects to issue formally a new group of CTGs (Group-III) in the near future and has accepted commitments by States for the subsequent adoption into their SIPs of appropriate control requirements.

Finally, EPA believes that the guidance published to date in available CTGs is broad enough so as to permit the States to make judicious and technically responsible evaluation of controls equivalent to the RACT requirements for remaining sources.

**Comment:** Growth in VOC emissions from new source categories remains uncontrolled until EPA promulgates new source performance standards (NSPS) for several source categories. The commentator states that lack of NSPS



frustrates the correction of interstate ozone pollution.

*Response:* The commentator is incorrect in the argument that new sources remain uncontrolled unless NSPS are issued. Such sources must comply with Section 173 (lowest achievable emission rate (LAER)) or Section 165 (best available control technology (BACT)) requirements. In either case, control levels at least as stringent as what NSPS usually requires are expected.

#### B. Comments on August 9, 1983 Proposal

##### 1. Barge and Tanker VOC Transfer and Cleaning Operations

*Comment:* Commentors questioned whether the State has the authority to regulate barges and tankers since they are regulated by the U.S. Coast Guard.

*Response:* New Jersey will have to consult with the Coast Guard in the development of its barge and tanker control regulation in order to insure that the requirements imposed do not conflict with any Coast Guard regulations. As one of the first steps to this effort, the State will have to insure that it has adequate legal authority to regulate these sources. Should the State not be able to obtain legal authority for this measure, it will have to revise its SIP.

*Comment:* Commentors questioned the safety of controlling gasoline vapors emitted from barge tanker loading.

*Response:* While the loading of gasoline into barges and tankers is different from other types of gasoline loading operations (e.g., truck loading), there are similarities. Other transfer operations are currently being safely controlled through proper equipment design. Safety will also have to be a factor in the design of barge and tanker VOC controls.

*Comment:* Commentors questioned the reasonableness and cost effectiveness of controlling barges and tankers.

*Response:* An important consideration in the cost of this control measure will be the location of the control equipment. Cost will be affected by whether the equipment is aboard the barges or tankers or at the shore loading facility. In its development of this measure, the State will have to make this determination and calculate its economic impact.

*Comment:* Commentors questioned the availability and feasibility of control equipment which could be used for barges and tankers.

*Response:* The State will have to conduct extensive studies to determine what equipment can be used for barge and tanker VOC control and what

control efficiency can be reasonably required. As an example of the control measure in operation, the State indicated that at least one barge is currently equipped to recover the vapors it generates during loading. Also, the recovery of gasoline vapors generated during transfer at other points in the distribution chain has been demonstrated as feasible and has been extensively implemented. Therefore, while unique differences may exist between barge and tanker loading operations and other types of loading operations, the types of control equipment than can be used has been proven. The State will be studying this measure to resolve any problems before it proposes a specific regulation.

*Comment:* Commentors requested an extension to the comment period to more fully document their concerns with the extraordinary measure dealing with barge and tanker loading of gasoline.

*Response:* The request for extension of the comment period was not honored for the following reasons:

- EPA is taking action on the State's development and implementation program for this measure and not on the specific content of a regulation. Subsequent to adoption of the regulation by the State, EPA will establish a comment period as part of its rulemaking action to incorporate the specific regulation into the SIP.

- This measure is considered an extraordinary measure for which the State has provided an implementation schedule that provides substantial time for development and for public hearings before State adoption.

- This control measure was previously identified in the State's SIP submittal of October 8, 1982 and mentioned in EPA's proposed rulemaking of February 3, 1983. EPA's August 9, 1983 Federal Register notice provided additional time to comment. EPA believes that adequate time for comment was provided in both of these notices.

##### 2. Architectural Coatings

*Comment:* Changes in the composition of paint have occurred in recent years and the commentator believes that the EPA emission factor used to estimate VOC emissions from this source category is no longer accurate.

*Response:* The State used an EPA approved-emission factor for calculating emissions from this category. EPA emission factors are based on the results of EPA research into sources of air pollution. While this factor could have been updated by the State if adequate support for the change could be provided, the use of the current factor is

acceptable. Prior to developing its regulation, the State may elect to update its estimates.

*Comment:* A commentator questioned the reasonableness of controlling the many small users of architectural coatings.

*Response:* Air pollution control agencies traditionally have regulated small sources, especially when a persistent air pollution problem could not be solved by the control of larger sources. However, the commentator seems to assume that the State will control the actual users of these architectural coatings when, in fact, this decision has not yet been made. In the case of architectural coatings, the task could be made easier since the State may only need, if necessary, to restrict the selling of such coatings by wholesalers or retailers.

*Comment:* A commentator questioned the accuracy of the emission reductions estimated to be achievable from implementing architectural coating controls.

*Response:* Once the full scope of this measure is identified, as is committed to in the SIP, the State will be in a position to estimate more accurately the measure's emission reduction potential. However, the SIP's current estimates are sufficiently accurate so as to be acceptable to EPA.

*Comment:* Alternative formulations for architectural coatings which meet SIP requirements might not be available for all the situations presently requiring them.

*Response:* Substantial progress has been made in recent years to develop coatings which are environmentally compatible and less costly to manufacture. One of the driving forces behind this effort has been air pollution control requirements. With adequate developmental time, as provided for in the SIP, manufacturers should be able to produce complying architectural coatings for the majority of uses.

##### 3. Lowering Emission Rate Exclusions

*Comment:* The cost-effectiveness of regulating large numbers of smaller sources and the costs of controls were questioned.

*Response:* The State has proposed to halve its current emission rate exclusion, but has not presented specific limits in its SIP. The cost of controls will have to be considered by New Jersey in developing these limits and these will be made available for public comment prior to adoption. While this measure has the potential to affect a large number of small sources, the options available to New Jersey to achieve the VOC



reductions needed to attain the ozone standard are limited.

*Comment:* Since many small sources operate intermittently, the accuracy of the emission reductions attributed by New Jersey to their control and, consequently, the need for their control are questionable.

*Response:* The State is generally aware of the types of small sources which are currently excluded from control and which types are feasible for control. In the development of its specific control requirements, the State will be concentrating on those sources which will have the greatest effect on attaining the ozone standard.

*Comment:* One commentor wanted to make sure that New Jersey implemented all available "ordinary" measures before it implements its extraordinary measures.

*Response:* The State has implemented, or will soon be implementing, all ordinary (or "reasonable") measures identified by EPA. The only areas where additional emission reductions are possible are in the extraordinary measure category, which is composed of those sources which have not traditionally been controlled.

#### 4. Inspection and Maintenance Program

*Comment:* Contrary to the requirements of the Clean Air Act, New Jersey has failed to submit certain regulations associated with its I/M program. Specifically, regulations for the operation of the private inspection stations, regulations providing the specifications for the exhaust gas analyzers, the revised emission standards, and the procedures for conducting the anti-tampering and malfunction diagnosis work are not included in the State's July 11, 1983 submittal.

*Response:* As discussed in Section II of this notice, the State on September 26, 1983 submitted information which appropriately addresses these concerns as they relate to the operation of private inspection stations, specifications for exhaust gas analyzers, and revised emission standards. The State has committed in its SIP to implement an anti-tampering and malfunction diagnosis program by January 1, 1985. Information necessary for this program will be developed prior to this date and submitted to EPA.

*Comment:* If the private inspection system is not extended beyond its initial trial period, the SIP fails to commit the State to full implementation of its new I/M program.

*Response:* The July 11, 1983 and the

September 26, 1983 submittals commit the State to implement fully the new I/M program expansions described in its SIP regardless of the status of the private inspection system. The expansions committed to by the State will be implemented whether or not inspections are conducted at private inspection stations.

*Comment:* The SIP postpones implementation of certain of the I/M program's "extraordinary" measures until after the 1987 attainment deadline.

*Response:* This concern has been adequately addressed in the State's September 26, 1983 submittal. The State now commits to the implementation of all I/M measures by May 1, 1987. This should be adequate to provide for attainment of standards by December 31, 1987 because one full cycle of motor vehicle inspections will have been completed prior to the 1988 New Jersey ozone season (generally May through September).

*Comment:* There are no minimum requirements concerning periodic calibration of the exhaust gas analyzers.

*Response:* The September 26, 1983 submittal clearly states that exhaust gas analyzers will be calibrated, at a minimum, on a monthly basis. This meets EPA's requirements.

*Comment:* The NJDMV has not developed an analytic technique and survey model to evaluate the effectiveness of the initial inspections to be done at private inspection stations.

*Response:* The State has adequately addressed all of EPA's I/M requirements and will report regularly as to how these requirements are being met. In addition to meeting EPA requirements, the State has committed to conducting its own analysis of the effectiveness of initial inspections at the private inspection stations.

*Comment:* Reliance upon the less effective, outdated exhaust gas analyzers used by private inspection centers may prevent emission reduction milestones from being attained.

*Response:* The State maintains a list of exhaust gas analyzers that must be used in the private inspection stations. This list is periodically evaluated and updated based upon analyzer performance and other criteria. Also, as mentioned in Section II of today's notice, the State has committed to monthly calibration of these analyzers in order to assure that they operate accurately. Finally, the State has committed to require the use of state-of-the-art analyzers at all new private inspection stations and their use at existing private inspection stations by May 1, 1985.

*Comment:* The 90-day inspection extension being granted at State inspection stations is not discussed in the 1979 SIP and, therefore, represents a SIP violation.

*Response:* The State has included a detailed description of its extension procedures (which now provide for only a maximum 45-day extension) in its September 26, 1983 submittal. EPA is approving these procedures because the State explained that the procedures do not permanently extend the inspection cycle and therefore do not have an impact on air quality. EPA believes that additional opportunity to comment on this issue is unnecessary because the lack of impact is so clear.

#### IV. Conclusion

Based on its review of the submitted documents and the comments received, EPA finds that the 1982 revision to the New Jersey SIP adequately provides for the attainment by December 31, 1987 of the air quality standards for ozone and carbon monoxide in New Jersey. Therefore, EPA is approving the New Jersey SIP as it relates to these pollutants.

With one exception today's action is being made effective immediately since the SIP revision being approved is already in effect and EPA approval imposes no additional regulatory burden. EPA approval of a New Jersey proposed rule to authorize currently licensed automobile reinspection stations to conduct initial inspection will take effect when a duly authorized New Jersey official executes the rule so as to bind the State, provided that such execution occurs within 30 days of today's date (see Section II.B of today's notice).

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

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 9, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons, Incorporation by reference.



Dated: November 3, 1983.

William D. Ruckelshaus,  
Administrator, Environmental Protection  
Agency.

(Secs. 110(a), 172, 176 and 301(a) of the Clean  
Air Act, as amended (42 U.S.C. 7410(a), 7502,  
7506 and 7601(a))

Note.—Incorporation by reference of the  
State Implementation Plan for the State of  
New Jersey was approved by the Director of  
the Federal Register on July 1, 1982.

Part 52, Chapter I, Title 40 of the Code  
of Federal Regulations is amended as  
follows:

## PART 52—[AMENDED]

### Subpart FF—New Jersey

1. Section 52.1570 is amended by  
adding new paragraph (c)(34) as follows:

#### § 52.1570 Identification of plan.

(c) The plan revisions listed below  
were submitted on the dates specified.

#### § 52.1605 EPA-approved New Jersey regulations.

(34) Revisions to the New Jersey State  
Implementation Plan submitted on  
November 23, 1982, January 18, 1983,  
February 14, 1983, July 11, 1983, July 28,  
1983 and September 26, 1983 by the New  
Jersey Department of Environmental  
Protection.

2. Section 52.1582 is amended by  
removing paragraphs (a), (b) and (c);  
redesignating paragraph (d) as (a) and  
revising the introductory text of new  
paragraph (a); and adding a new  
subparagraph (a)(4) and a new  
paragraph (b) to read as follows.

#### § 52.1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

(a) Subchapter 16 of the New Jersey  
Administrative Code, entitled "Control  
and Prohibition of Air Pollution by  
Volatile Organic Substances," N.J.A.C.  
7:27-16.1 et seq. as revised on December  
31, 1981 and effective March 1, 1982, is  
approved with the following provisions  
and conditions:

(4) The December 17, 1979 version of  
Subchapter 16 is approved as a part of  
the SIP only to the extent that it  
addresses compliance dates for Group I  
Control Techniques Guideline source  
categories.

(b) Subchapter 17 of the New Jersey  
Administrative Code, entitled "Control  
and Prohibition of Air Pollution by Toxic  
Substances," N.J.A.C. 7:27-17.1 et seq. as  
revised on October 17, 1979 and  
effective December 17, 1979, is approved  
for the regulation of perchloroethylene  
dry cleaners, as further clarified in a  
New Jersey Department of  
Environmental Protection memorandum  
"Subchapter 17 Requirements for  
Perchloroethylene Dry Cleaning  
Systems" dated October 25, 1982.

3. Section 52.1605 is amended by  
revising the entry for Subchapter 16 and  
adding a new entry for Subchapter 17 to  
the Table as follows:

State regulation	State effective date	EPA approved date	Comments
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances."	Dec. 17, 1979 Mar. 1, 1982	Apr. 6, 1981, 46 FR 20556. [Nov. 9, 1983, citation of this notice]	The December 17, 1979 version of Subchapter 16 remains as a part of the SIP only to the extent that it addresses compliance dates for Group I CTG sources. Emission limitations adopted by the State under and complying with §§ 16.6(c)(4) and 16.6(c)(5) became applicable if transmitted to EPA. Variances adopted by the State pursuant to §§ 16.9 and 16.10 become applicable only if approved by EPA as SIP revisions (46 FR 20551, April 6, 1981).
Subchapter 17, "Control and Prohibition of Air Pollution By Toxic Substances."	Dec. 17, 1979	[Nov. 9, 1983, citation of this notice]	Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene.

[PR Doc. 83-30301 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 52

### [AD-FRL-2467-5]

#### Approval and Promulgation of Implementation Plans; Massachusetts; 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State  
Implementation Plan revisions  
submitted by the Commonwealth of  
Massachusetts. These revisions will  
reduce emissions from stationary and  
mobile sources. The intended effect of  
these actions is to control emissions of  
volatile organic compounds, oxides of  
nitrogen and carbon monoxide in order  
to attain the National Ambient Air  
Quality Standards as required under  
Part D of the Clean Air Act.

EFFECTIVE DATE: December 9, 1983.

ADDRESSES: Copies of the submittal are  
available for public inspection at Room  
2111, JFK Federal Building, Boston, MA  
02203; Public Information Reference  
Unit, EPA Library, 401 M Street, SW,  
Washington, D.C. 20460; Office of the  
Federal Register, 1100 L Street, NW,  
Room 8401, Washington, D.C. 20408 and  
the Massachusetts Department of  
Environmental Quality Engineering  
(DEQE), One Winter Street, Eighth  
Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT:  
Cynthia L. Greene, (617) 223-5131.

SUPPLEMENTARY INFORMATION: On  
February 3, 1983 (48 FR 5044), EPA  
published a Notice of Proposed  
Rulemaking (NPR) for the  
Massachusetts 1982 Ozone and Carbon  
Monoxide State Implementation Plan  
(SIP) Revisions. After reviewing our  
comments on the proposed SIP,  
Massachusetts submitted on September  
9, November 2, November 17, 1982, and  
February 2, March 21, April 7, April 26,

and May 18, 1983 a final SIP that  
corrects deficiencies in the proposed  
revisions. Background documentation  
was submitted on December 28, 1982  
and January 19, 1983 by Kenneth A.  
Hagg, Director of the Division of Air  
Quality. The corrected revisions are  
explained in detail in this Notice, but the  
rationale for EPA's actions on revisions  
that have not changed since publication  
of the NPR will not be restated here. The  
proposed actions of the NPR were based  
on two documents referenced as the  
draft SIP revisions of May 21 and the  
November 22, 1982 commitment letter.  
The November letter was dated  
November 17 and received by EPA on  
November 22. Today's rulemaking will  
refer to this document as the November  
17 submittal.

Three public comments on the  
February 3, 1983 NPR (48 FR 5044) have  
been received and responses to those  
comments appear in appropriate



sections of this notice. New York State submitted comments regarding EPA's proposed actions on 1982 ozone SIPs for 15 states, including Massachusetts. Also, NRDC submitted comments on all of the 1982 submittals that EPA proposed to approve. EPA's responses to these comments are at the regional office (address above).

We have reviewed the three public comments and we are taking the following actions to approve:

1. The area, mobile and point source emission inventories for ozone and oxides of nitrogen ( $\text{NO}_x$ ).
2. The EKMA modeling analysis.
3. Revisions to Regulations 310 CMR 7.18 (9) and (11) to include EPA-approved exemptions in the regulations for cutback asphalt and miscellaneous metal parts and products.
4. Revisions to Regulations 310 CMR 7.18 (3), (4), (5), (6), (7), (10), (11), (14), (15) and (16) to include test methods 24 and 25 for the surface coating of metal furniture, metal cans, large appliances, magnet wire insulation, automobiles, metal coil, miscellaneous metal parts and products, paper, fabric and vinyl.
5. A revision to Regulation 310 CMR 7.18 (12) to include a wording change for graphic arts-rotogravure and flexography.
6. A revision to Regulation 310 CMR 7.18 (10) to delete an extended compliance schedule for the surface coating of metal coils.
7. A revision to Regulation 310 CMR 7.18 (13) to include EPA test methods.
8. A schedule to control small open top degreasers and small conveyORIZED vapor degreasers.
9. A schedule to control external floating roof tanks by December 31, 1983.
10. A commitment to propose and adopt a Reasonably Available Control Technology (RACT) regulation for gasoline tank trucks.
11. Regulation 310 CMR 7.18(17) for the control of sources with the potential to emit 100 tons per year (TPY) or more of volatile organic compounds (VOC), that have not been previously controlled.
12. The Massachusetts Motor Vehicle Inspection and Maintenance (I/M) program.
13. The transportation control measures for the reduction of nonmethane organic compounds (NMOs).
14. The reasonable further progress (RFP) demonstration for attainment of the national ambient air quality standard (NAAQS) for ozone by December 31, 1985 in Boston, and by December 31, 1986 statewide.
15. The carbon monoxide (CO) inventories.

16. The carbon monoxide modeling analysis.

17. The commitments and schedules to implement transportation control measures for the reduction of carbon monoxide at four Boston locations: Kenmore Square, Leverett Circle, Cambridge Street at Staniford Street and the Callahan Tunnel.

18. The RFP demonstration for attainment of the NAAQS for carbon monoxide by December 31, 1987 at all eleven (11) monitored or modeled hot spot locations.

19. The resource commitments to implement programs to attain the NAAQS for ozone and carbon monoxide by December 31, 1987.

20. The public participation and intergovernmental consultation plan.

In the NPR we also proposed approval of the generic VOC bubble for surface coaters (310 CMR 7.18(2)(b)) and the generic VOC bubble (Appendix B) which would allow sources to bubble emissions to achieve compliance with RACT limits. All of the issues regarding these bubble regulations have not been resolved. Since the bubble regulation is not a requirement for an approvable 1982 SIP, and we cannot approve the bubble regulations at this time, we have removed these elements from the SIP package. We will take final action on these two regulations in a separate rulemaking at a later date.

EPA's actions on the State submittals are discussed according to the following outline:

- I. Ozone
  - A. Emissions Inventories
  - B. Monitoring
  - C. Modeling for Attainment Demonstration
  - D. Stationary Source Controls
  - E. Motor Vehicle Inspection and Maintenance
  - F. Transportation Control Measures
  - G. Reasonable Further Progress
- II. Carbon Monoxide
  - A. Emissions Inventories
  - B. Modeling for Attainment Demonstration
  - C. Transportation Control Measures
  - D. Reasonable Further Progress
- III. Additional Requirements
  - A. Resource Commitments
  - B. Public Participation and Intergovernmental Consultation
- IV. Final Action

#### I. Ozone

Massachusetts is divided into three analysis areas for ozone: the Boston, Worcester and Springfield urban areas. The Massachusetts 1982 State Implementation Plan (1982 SIP) combines a mix of strategies, stationary and mobile source, to achieve the necessary reductions for each of these analysis areas.

#### A. Emission Inventories

Massachusetts submitted inventories for mobile sources, area sources and point sources of volatile organic compounds and oxides of nitrogen. The area and mobile source inventories are consistent with our guidance and the State has agreed to update the point source inventory by June 1, 1985.

Final Action: EPA is approving Massachusetts mobile, area and point source inventories with the understanding that the State will update the point source inventory by June 1, 1985.

#### B. Monitoring

The Massachusetts ozone monitoring data base includes data from 1978, 1979 and 1980 and is adequate to support the Level III modeling analysis (City-Specific EKMA) for estimating emission reduction requirements. Additionally, the 1981 ozone data base, with an estimate of its impact on required emissions reductions, was submitted on December 28, 1982. The submission of the 1981 data completes the 1982 requirements for Massachusetts' ozone data base.

Final Action: EPA is approving Massachusetts' ozone data base.

#### C. Modeling for Attainment Demonstration

Massachusetts used the City-Specific Empirical Kinetic Modeling Approach (EKMA) to determine the percent of emission reductions required for each urban area. The table below summarizes the results of the modeling analysis for each urban area to attain the ozone standard by December 31, 1987.

Urban Area	Required VOC percent reduction
Boston	35
Worcester	40
Springfield	35

Final Action: EPA is approving Massachusetts' EKMA modeling analysis.

#### D. Stationary Source Controls

1. The NPR stated that final approval of the Massachusetts 1982 SIP would be with the understanding that the proposed revisions for the surface coating of metal furniture, metal cans, large appliances, magnet wire insulation, automobiles, metal coil, miscellaneous metal parts and products,



paper, fabric, and vinyl be corrected to delete the federal promulgation date reference to EPA test methods. The final SIP is now written so that DEQE's test methods for these regulations can be automatically updated when EPA revises test methods 24 and 25.

**Final Action:** EPA is approving Massachusetts' revision to the regulations which require the use of EPA test methods 24 and 25 for the surface coating of metal furniture, metal cans, large appliances, magnet wire insulation, automobiles, metal coil, miscellaneous metal parts and products, paper, fabric and vinyl (see 310 CMR 7.18 (3), (4), (5), (6), (7), (10), (11), (14), (15) and (16)).

**2. Solvent Metal Cleaning:** EPA proposed approval of the public information program for the control of small solvent metal cleaning with the understanding that the final SIP include a schedule to implement the program by May 1, 1983 and a commitment to submit a copy of the program information.

The final SIP includes a schedule to implement a public information program for small conveyerized vapor degreasers, and small open top degreasers. A draft of the public information program was submitted on March 11, 1983 and describes the emission reductions and cost benefits of using covers and safety switches on small degreasing units. EPA reviewed this program and finds that the program is approvable. A packet of information is being distributed through solvent and degreaser suppliers, distributors and trade associations. It will include a pamphlet explaining the emission reductions and cost benefits of the program, and a sticker and operating instructions to be placed on the degreaser. The State will also be distributing this information in its source registration packets for the VOC emissions inventory. This information will be distributed prior to the 1983 ozone season.

This submittal also corrects the conditional approval of the 1979 SIP for solvent metal degreasers.

**Final Action:** (a) EPA is approving Massachusetts' public information program for the control of emissions from small conveyerized vapor degreasers and small open top degreasers. (b) EPA is removing the conditions of the Massachusetts 1979 SIP for solvent metal cleaning Part 52, Subpart W, Section 52.1166(a)(6).

**3. External Floating Roof Tanks:** EPA proposed approval of Massachusetts' agreement to control external floating roof tanks with the understanding that the final SIP would include a proposed control strategy which would be

adopted by March 1, 1983 and completed by December 31, 1983.

The final SIP includes a schedule to develop, adopt and implement a regulation or strategy to control emissions from external floating roof tanks.

The State has recently requested an extension of the December 31, 1983 compliance date. In a separate action we are proposing parallel approval of the draft regulation submitted on May 2, 1982 and we will address the extension request in that rulemaking.

**Final Action:** EPA is approving Massachusetts' schedule to develop, adopt and implement a regulation for external floating roof tanks with final compliance by December 31, 1983.

**4. Gasoline Tank Trucks:** EPA proposed approval of Massachusetts' schedule to propose, adopt and implement a gasoline tank truck regulation with the understanding that the adopted regulation will be submitted as a SIP revision, the regulation will be RACT and that start-up will occur no later than May, 1984.

In the November 17, 1982 submittal, the State committee to propose a gasoline tank truck regulation and to hold public hearings on the regulation no later than June 1, 1983. Massachusetts has committed to adopt their proposal for a gasoline tank truck regulation within 90 days of the close of the hearings and to start up by May 1984, if, at the public hearings, no evidence is presented stating that the proposed regulation is not RACT.

The regulation will be submitted as a SIP revision after the public hearings are completed and EPA will take action on the regulation in a separate rulemaking.

**Comment:** On March 21, 1983, the DEQE submitted its comments on the NPR and requested a revision to its November 17, 1982 commitment to hold a public hearing on the gasoline tank truck regulation by June 1, 1983. The State could not devote the time necessary to develop a RACT regulation for gasoline tank trucks because I/M start-up required more staff resources than anticipated. Therefore, in order to give the staff time to develop a regulation and to give all interested parties adequate opportunity to comment on a proposed regulation, DEQE requested that the commitment be revised to an October 1, 1983 public hearing date.

**EPA Response:** EPA understands the resource demands that the State has experienced and agrees with the hearing date change is reasonable. An October 1, 1983 hearing date will leave the State with adequate time to implement the regulation by May, 1984. EPA is not

permitting any extension to this implementation date.

**Final Action:** EPA is approving Massachusetts' March 21, 1983 schedule to adopt and implement gasoline tank truck regulation with the understanding:

(a) that the adopted regulation will be RACT, and

(b) the program will start up as expeditiously as possible, but no later than May, 1984.

**5. The 100 Tons Per Year (TPY) RACT Regulation:** In order to fulfill the 1982 SIP requirements, the State submitted a 100 TPY RACT regulation to control unregulated volatile organic compound sources. The State will determine the RACT limits for these sources, and will submit the limits into their SIP to make the limits federally enforceable.

We proposed approval of Massachusetts 100 TPY RACT regulation with the understanding that the three deficiencies described in the NPR would be corrected in the final SIP. First, the State had not provided for the control of Group III CTG sources under 100 TPY. Second, the State had not provided an opportunity for public hearing on the RACT determinations. Finally, the State had not committed to submit State determined RACT limits into its SIP to make the limits federally enforceable.

The State corrected the three deficiencies in the final SIP by committing to:

(a) Propose regulations for sources with emissions under 100 TPY within one year of final publication of each Group III CTG document, if DEQE finds the recommended control measures to be RACT for Massachusetts (see page 117 of the 82 SIP).

(b) provide an opportunity for public hearing for each RACT determination (see 310 CMR 7.18(17)(d)).

(c) submit each RACT determination as a SIP revision (see the November 17, 1982 submittal).

**Final Action:** EPA is approving Massachusetts' 100 TPY RACT regulation (see 310 CMR 7.18 (17)).

**6. Seasonal Shutdown of Afterburners:** After receiving requests at the public hearings on the proposed 1982 SIP, Massachusetts decided to allow shutdown of afterburners, used only for VOC control, during the months of November through March inclusive. This is consistent with EPA policy.

**Final Action:** EPA is approving Massachusetts' allowance for seasonal shutdown of afterburners.

**E. Motor Vehicle Inspection and Maintenance (I/M)**

EPA proposed approval of the Massachusetts I/M program with the



understanding that prior to the Final Rulemaking Notice (FRN) the State would submit: (1) The final regulations, (2) enabling legislation, (3) audit and surveillance procedures, (4) enforcement procedures and (5) a demonstration that the program will achieve required emission reductions by 1987. The State has submitted approvable items as follows:

(1) Massachusetts' 1982 final SIP revisions for I/M, submitted on September 9, 1982, November 2, 1982 and April 26, 1983 include all the final regulations.

(2) The enabling legislation for the Massachusetts I/M program contained a January 1, 1982 start-up date, but the State decided to use computerized emissions analyzers and extended its start-up date to April 1, 1983. This extension has not been formally submitted into the SIP, but the State did submit a statement by the General Counsel of the Massachusetts Department of Environmental Quality Engineering (DEQE) with the September 9, 1982 SIP revisions, concluding that Massachusetts has the legal authority to start-up the program on April 1, 1983.

(3) and (4) The April 26, 1983, submittal contained Phase II and Registry of Motor Vehicle regulations necessary to implement the I/M program as well as audit and surveillance procedures and enforcement procedures.

(5) The required emissions reduction demonstration was submitted in the final SIP on September 9, 1982 and fulfills all EPA requirements.

Final Action: EPA is approving Massachusetts' Motor Vehicle Inspection and Maintenance Program (see 310 CMR 7.20, and 540 CMR 4.00).

#### F. Transportation Control Measures (TCMs)

Massachusetts' final SIP committed to transportation control measures for the reduction of NMOC that included: improved public transit, exclusive bus/carpool/van-pools, bicycle lanes and storage facilities, variable work hours, traffic flow improvements and road pricing.

EPA proposed approval of Massachusetts' TCMs for the reduction of NMOC with the understanding that two deficiencies—a contingency plan for delaying projects with adverse air quality impacts and a submittal of the Metropolitan Planning Organizations' (MPOs) endorsed Transportation Elements (TESIPs), be corrected.

The first deficiency was corrected by a State commitment in the November 2, 1982 submittal to a contingency plan for delaying projects with adverse air quality impacts which will be accomplished through the conformity

review process. The second deficiency was corrected in the February 2, 1983 submittal of the MPOs' endorsed TESIPs for urbanized areas greater than 200,000 population which include Boston, Springfield and Worcester. Although not required by EPA policy, the State also submitted TESIPs for smaller urbanized areas. Each TESIP commits to reasonable further progress towards the attainment of the ozone NAAQS and describes transportation projects to be implemented in each area.

EPA received two comments on this element of the SIP. The Urban Mass Transportation Administration expressed support for the proposed approval and the Federal Highway Administration (FHWA) criticized the State's conformity procedures.

Comment: FHWA agreed with EPA's proposal to approve the revisions but commented that it felt that conformity procedures outlined in the Massachusetts SIP were out of date and disproportionate to the magnitude of the air pollution problem caused or correctable by the transportation system. Further, it recommended that the procedures endorsed by EPA and described in 23 CFR Part 770, "Air Quality Conformity and Priority Procedures for Use in Federal-Aid Highway, and Federally Funded Transit Programs" be integrated into the Massachusetts procedures. Specifically, FHWA believes that the process of analyzing the Transportation Improvement Program—Annual Element is an acceptable method for assessing systems level emissions and, therefore, no project-level conformity analysis is necessary.

EPA's Response: The conformity procedures developed by Massachusetts meet EPA requirements for 1982 SIP adoption contained in the January 22, 1981 (46 FR 7182) Federal Register and are consistent with all earlier guidance issued both nationally and regionally by EPA. While the Massachusetts procedures do require a review of projects which are not required to be reviewed under 23 CFR Part 770, the State procedures do not conflict with any federal provisions. EPA believes that a systems-level review is adequate to evaluate hydrocarbon impacts from the collective group of transportation projects planned for an area, but that a project level review is also necessary to determine if CO violations will be caused or exacerbated by individual projects. The Massachusetts procedures were approved as part of the 1979 SIP revisions, and were not substantively changed in the 1982 SIP revisions.

Final Action: EPA is approving Massachusetts' Transportation Control Measures for the reduction of NMOCs.

#### G. Reasonable Further Progress (RFP)

The September 9, 1982 submittal contained reasonable further progress (RFP) demonstrations which indicate that the Boston analysis area will attain the NAAQS for ozone by December 31, 1985, and that the Springfield, Worcester and statewide analysis areas will attain the NAAQS for ozone by December 31, 1986. We proposed approval of the RFP portion of the SIP with the understanding that the final submittal would contain a commitment to provide VMT data for each analysis area. In a January 19, 1983 letter, Massachusetts committed to the format that DPW will use to report vehicle miles traveled data in each analysis area. These data will be used to track the motor vehicle portion of the RFP in each analysis area and correct the deficiency described in the NPR.

Final Action: EPA is approving Massachusetts RFP demonstrations for attainment of the NAAQS for ozone by December 31, 1985 in Boston and December 31, 1986 statewide.

## II. Carbon Monoxide (CO)

Massachusetts has eleven locations where carbon monoxide from automobile emissions has been monitored or modeled for violations of the carbon monoxide NAAQS. The Massachusetts 1982 SIP includes mitigation measures to achieve the necessary reductions at all eleven locations to attain the NAAQS for CO statewide by December 31, 1987.

#### A. Emissions Inventory

Massachusetts submitted a CO emissions inventory for a 1980 baseline by city and town that was based on an average winter weekday during the CO season. This included a detailed modeling analysis for specific hotspot locations. Where there were CO violations, the State analyzed mitigation measures to demonstrate attainment (pages 96-111 and Appendix C).

Final Action: EPA is approving the carbon monoxide inventories.

#### B. Modeling for Attainment Demonstration

Massachusetts used a two-phased, site-specific, traffic-based analytical procedure to assess existing CO hot spots and to identify mitigation measures. The first phase included a screening model to identify and rank potential hot spots statewide. In the second phase, the State used and EPA-



refined dispersion model to identify eleven locations not expected to attain standards by 1987. At seven of the locations the Federal Motor Vehicle Emissions Control Program (FMVECP) and I/M will provide sufficient reductions to achieve attainment of the CO standard by 1987. In the four remaining locations, transportation control measures will be implemented to achieve the reductions required for 1987 attainment.

EPA proposed approval of Massachusetts CO modeling with the understanding that the State would submit a schedule for conducting hot spot analyses for Boston's Essex Street and the Springfield Central Business District (CBD). The State submitted its analysis of the Essex Street hot spot on January 19 and April 7, 1983. These submittals included a 1982 monitored 8-hour CO value of 9.3 ppm and a 1987 modeled 8-hour CO value of 6.1 ppm (the 8-hour CO NAAQS is 9 ppm). Essex Street will attain the CO NAAQS with reductions from the FMVECP and the I/M program.

The City of Springfield is conducting hot spot analyses in its CBD. Massachusetts committed, in the September 9, 1982 revisions, to submit a more detailed CO analysis at this location as part of a draft environmental impact statement (EIS) by April 30, 1983. The Department of Public Works in Springfield committed, in the November 2, 1982 submittal, to take steps to mitigate any indicated CO problems. The DEQE notified EPA on May 16, 1983 that the draft EIS for the Springfield CBD will not be submitted until fall due to contractor delays. These commitments are acceptable and correct the deficiencies described in the NPR.

**Final Action:** EPA is approving Massachusetts' carbon monoxide modeling analysis with the understanding that the State will submit a CO analysis for the Springfield CBD by October 31, 1983.

#### C. Transportation Control Measures (TCMs)

We proposed approval of the TCMs for the reduction of CO with the understanding that the final SIP would include a schedule for implementing mitigation measures for four Boston locations. Massachusetts committed to the following transportation control measures at the four identified CO hot spots in Boston:

- (1) Elimination of parking lanes in Kenmore Square,
- (2) signal improvements as part of a redevelopment project at Leverett Circle,

(3) signal improvements at Cambridge Street and Staniford Street, and

(4) mitigation measures at Logan Airport for reductions of CO in the Callahan Tunnel.

These measures have been endorsed by the Metropolitan Planning Organization as part of the TESIP and are therefore on a schedule for implementation.

**Final Action:** EPA is approving Massachusetts' schedule to implement transportation control measures for the reduction of carbon monoxide at four Boston locations: Kenmore Square, Leverett Circle, Cambridge Street at Staniford Street and the Callahan Tunnel.

#### D. Reasonable Further Progress

Massachusetts demonstrates reasonable further progress towards attainment of the CO standard by December 31, 1987. The State is also proposing a system to analyze monitoring data to track RFP and to initiate redesignations to attainment.

**Final Action:** EPA is approving Massachusetts' RFP demonstration for the attainment of the NAAQS for CO by December 31, 1987.

#### III. Additional Requirements

Massachusetts did not commit to any additional control measures because the measures described above are adequate to demonstrate attainment of the ozone and CO NAAQS by December 31, 1987.

#### A. Resource Allocations

Massachusetts has outlined its resource commitments for fiscal year 1983 and will update these commitments up through the attainment year, in its 105 grant work program. The State has committed to submit these 105 grant work programs for EPA review. This commitment corrects the resource plan deficiency described in the NPR.

**Final Action:** EPA is approving Massachusetts' resource commitments to implement programs to attain the NAAQS for ozone and CO by December 31, 1987.

#### B. Public Participation and Intergovernmental Consultation

The State pursued participation with elected officials, environmental groups, private industry, special interest groups and private citizens for the development of the 1982 SIP. Through these efforts the State has kept, and will keep, the public educated and aware of the issues involved in Massachusetts' air quality.

**Final Action:** EPA is approving Massachusetts' Public participation and intergovernmental consultation plan.

#### IV. Final Action

EPA is approving Massachusetts' 1982 ozone and carbon monoxide SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons and Intergovernmental relations.

**Authority:** Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

**Note.**—Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 4, 1983.

William D. Ruckelshaus,  
Administrator.

#### PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart W—Massachusetts

1. Section 52.1120 is amended by adding paragraph (c)(53) as follows:

##### § 52.1120 Identification of plan.

(c) \* \* \*

(53) (i) Attainment plans for carbon monoxide and ozone submitted by the Department of Environmental Quality Engineering on September 9, November 2 and November 17, 1982; February 2, March 21, April 7, April 26 and May 16, 1983. These revisions amend Regulations 310 CMR 7.18 (3)–(7), (9)–(16); and add Regulation 310 CMR 7.18(17), 7.20 (1)–(14), and 540 CMR 4.00.

(ii) Regulation 310 CMR 7.18(3) for the surface coating of metal furniture submitted on September 9, 1982 as part of the attainment plan identified in Section 52.1120(53)(i), is added to the VOC surface coating bubble Regulation 310 CMR 7.18(2)(b) identified in section 52.1120(42).

(iii) Regulation 310 CMR 7.18(13) for Perchloroethylene Dry Cleaning systems submitted on September 9, 1982 as part of the attainment plan identified in



Section 52.1120(53)(i), is amended by adding EPA test methods to the no action identified in 52.1120(48).

2. Section 52.1123 is amended by designating the existing paragraph as (a) and adding paragraph (b) as follows:

#### 52.1123 Approval status.

(b) The above requirements for continued satisfaction of Part D are fulfilled by Massachusetts Regulation 310 CMR 7.18(17) and a narrative commitment to review CTG IIIs issued in the future. Both were submitted on September 9, 1982. Additionally, each individual RACT determination made under 310 CMR 7.18(17) will be submitted as a SIP revision to incorporate the limitation into the SIP, and DEQE will propose regulations for CTG III category controls if the controls are appropriate for the State.

#### § 52.1166 [Reserved]

3. Section 52.1166 is removed and reserved.

[FR Doc. 83-30303 Filed 11-9-83; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 3E2851/R615; PH-FRL 2464-1]

#### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethoprop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes a tolerance for residues of the pesticide ethoprop in or on the raw agricultural commodity okra. The regulation to establish a maximum permissible level for residues of ethoprop in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

**EFFECTIVE DATE:** Effective on November 9, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington VA 22202, (703-557-1192).

**SUPPLEMENTARY INFORMATION:** EPA issued a proposed rule, published in the Federal Register of September 14, 1983 (48 FR 41184), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 3E2851 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina which proposed the establishment of a tolerance for residues of the pesticide ethoprop (O-ethyl, S,S-dipropyl phosphorodithioate) in or on the raw agricultural commodity okra at 0.02 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

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

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

#### List of Subjects in 40 CFR Part 180

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

Dated: October 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, 40 CFR 180.262 is amended by adding and alphabetically inserting the raw agricultural commodity okra to read as follows:

#### § 180.262 Ethoprop; tolerances for residues.

Commodities	Parts per million
Okra	0.02

[FR Doc. 83-29679 Filed 11-9-83; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 3F2841/R599 PH-FRL #2463-2]

#### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Iprodione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes a tolerance for the combined residues of the fungicide iprodione, its isomer, and its metabolite in or on the raw agricultural commodity garlic. This regulation to establish a maximum permissible level for residues of the pesticide was requested pursuant to a petition by Rhone-Polenc, Inc.

**EFFECTIVE DATE:** Effective on November 9, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the Federal Register of April 6, 1983 (48 FR 15002), which announced that Rhone-Polenc, Inc., PO Box 125, Monmouth Junction, NJ 08852, had submitted pesticide petition 3F2841 to EPA proposing that 40 CFR 180.399 be amended by establishing a tolerance for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] its isomer [3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-



dioxo-1-imidazolidinecarboxamide) in or on the raw agricultural commodity garlic at 0.1 part per million (ppm).

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

The data submitted in the petition and other relevant material have been evaluated. The data considered include a 2-year rat-feeding study at dose levels of 125, 250, and 1,000 ppm iprodione in the diet with a no-observed-effect-level (NOEL) of 1,000 (50 mg/kg body weight/day) and no oncogenic effect at the dose levels under the conditions of the study; an 18-month mouse oncogenic study at dose levels of 200, 500, and 1,250 ppm iprodione in the diet with no oncogenic effects at the dose levels under the conditions of the study; a 3-generation rat reproduction study with a NOEL of 500 ppm (25 mg/kg body weight/day); and a mutagenicity study in the mouse with no evidence of mutagenicity or adverse effect on fertility at 1,500 and 6,000 ppm.

Data currently lacking include a teratology study in a second species and mutagenicity studies including at least the following: (1) DNA repair; (2) gene mutation, mammalian, preferably in vitro; and (3) chromosomal aberration, mammalian, preferably in vitro.

The acceptable daily intake (ADI) based on the 3-generation rat reproduction study (NOEL of 25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.2500 mg/kg of body weight per day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 15.00 mg/day.

Published tolerances and unpublished tolerances which have been toxicologically approved contribute 1.2251 mg/day to the TMRC and use 8.17 percent of the ADI. The current action on garlic will contribute 0.00005 mg/day to the TMRC (based on a 1.5 kg daily diet for a 60-kg person) and will not result in any significant increase in the use of the ADI.

The nature of the residues is adequately understood, and an analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. Since no feed items are associated with garlic, there will be no secondary residues expected in eggs, meat, milk, or poultry. There are currently no actions pending against the continued registration of the chemical.

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

Any person adversely affected by this

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

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

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

#### List of Subjects in 40 CFR Part 180

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

Dated: October 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, 40 CFR 180.399 is amended by adding, and alphabetically inserting in paragraph (a) the raw agricultural commodity garlic to read as follows:

#### § 180.399 Iprodione; tolerances for residues.

(a) \* \* \*

	Commodities	Parts per million
Garlic	* * * * *	0.1

[FR Doc. 83-28674 Filed 11-9-83; 8:45 am]

BILLING CODE 5560-50-M

#### 40 CFR Part 180

[PP 1F2543/R607; PH-FRL 2462-2]

#### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N,N Diethyl-2-(1-Naphthalenyloxy) Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes tolerances for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy) propionamide in or on the new agricultural crop grouping *Brassic* (cole) leafy vegetables and cucurbits vegetables. The regulation was requested by Stauffer Chemical Co. This rule establishes the maximum permissible level for residues of the herbicide in or on these raw agricultural crop groupings.

**EFFECTIVE DATE:** Effective on November 9, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** By mail: Robert J. Taylor, Product manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington D.C. 20460.

Office location and telephone number: Rm. 412, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the Federal Register of October 2, 1981 (46 FR 48755) that announced that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (PP No. 1F2543) to EPA proposing that 40 CFR 180.328 be amended by establishing tolerances for the raw agricultural crop groupings leafy vegetables and cucurbits at 0.1 ppm.

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

The data submitted in the petition and other relevant material have been evaluated. The data considered include an acute oral study in the rat with an LD<sub>50</sub> greater than 5 grams/kilogram (g/kg); a 90-day rat-feeding study with a no-observed-effect-level (NOEL) of 25 milligrams/kilogram/day (mg/kg/day); a 90-day dog-feeding study with a NOEL of 40 mg/kg/day; a 2-year rat-feeding study with a systemic NOEL of 30 mg/kg/day and no-observed oncogenic



effects at all levels tested (10, 30, 100 mg/kg/day); a 2-year mouse-feeding study with a systemic NOEL of 30 mg/kg/day and no-observed oncogenic effects at all levels tested (10, 30, 100 mg/kg/day); a 3-generation rat reproduction study with a NOEL of 30 mg/kg/day, a rat teratology study with a NOEL of 400 mg/kg/day; and three mutagenic studies (rec-assay, host-mediated assay, and Ames test) all negative for mutagenic effects.

The acceptable daily intake (ADI) based on the 2-year rat-feeding study (NOEL of 30 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.3 mg/kg/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 18.0 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5-kg diet is calculated to be 0.0194 mg/day. The current action will use 0.04 of the ADI. Published tolerances use 0.11 percent of the ADI.

A teratology study on a second species is lacking. The company has been notified and has agreed to perform the study.

The nature of the residue is adequately understood, and an adequate analytical method (gas-liquid chromatography using the Coulson conductivity detector specific for nitrogen) is available for enforcement purposes. There are currently no actions pending against the continued registration of this chemical. *Brassica* (cole) leafy vegetables and cucurbits are not feed items; therefore, secondary residues are not expected in meat, milk, eggs, and poultry.

Based on the above information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health and are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-

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

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

#### List of Subjects in 40 CFR Part 180

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

Dated: October 24, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, 40 CFR 180.328 is amended by adding and alphabetically inserting two raw agricultural commodities, to read as follows:

§ 180.328 *N,N*-Diethyl-2-(1-naphthalenyloxy) propionamide; tolerances for residues.

Commodities	Parts per million
<i>Brassica</i> (cole) leafy vegetables	0.1
Cucurbits vegetables	0.1

[FR Doc. 83-29678 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 3F2859/R619; PH-FRL 2464-2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide oxyfluorfen in or on the raw agricultural commodity onions (dry bulb). This regulation to establish a maximum permissible level for residues of oxyfluorfen in or on this commodity was requested by Rohm and Haas Co.

EFFECTIVE DATE: Effective on November 9, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110),

Environmental Protection Agency, Rm. 3708, 401 M St., Washington, D.C. 20460.

#### FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

#### SUPPLEMENTARY INFORMATION: EPA

issued a notice published in the Federal Register of May 4, 1983 (48 FR 20131), which announced that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had filed pesticide petition 3F2859 to EPA proposing that 40 CFR 180.381 be amended by establishing a tolerance for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity onions (dry bulb) at 0.05 part per million.

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

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

Based on the NOEL of 2 ppm in the chronic mouse-feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.003 mg/kg/day with a maximum permissible intake (MPI) of 0.18 mg/day for a 60-kg person. This tolerance and previously established tolerances result in a



theoretical maximum residue contribution of 0.0394 mg/day in a 1.5-kg diet and use 21.92 percent of the ADL.

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

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

The pesticide is considered useful for the purpose for which the tolerance is sought. The metabolism of the pesticide is adequately understood, and an adequate analytical method, gas chromatography, is available for enforcement purposes. Because there are no feed items involved, there will be no problem of secondary residues in meat, milk, and eggs.

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

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial

number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

#### List of Subjects in 40 CFR Part 180

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

Dated: October 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, 40 CFR 180.381 is amended by adding, and alphabetically inserting, the raw agricultural commodity onions (dry bulb) in the table, to read as follows:

#### § 180.381 Oxyfluorfen; tolerances for residues.

Commodities	Parts per million
Onions (dry bulb)	0.05

[FR Doc. 83-29860 Filed 11-8-83; 8:45 am]

BILLING CODE 6580-50-M

#### INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

#### 41 CFR Ch. 7

[AIDPR Notice 84-2]

#### Negotiated Overhead Rates

**AGENCY:** Agency for International Development, IDCA.

**ACTION:** Final rule.

**SUMMARY:** This AIDPR Notice revises AID procedures for negotiating overhead rates to make it clear that AID complies with the cognizant agency concept of OMB Circular A-88 (which provided for establishment of cognizant Federal agencies which would negotiate overhead rates with educational institutions on behalf of the Government), and to conform AID's contract clauses governing negotiated overhead rates to current FPR clauses by removing the AID clauses from the AIDPR and replacing them with cross-references to the appropriate FPR contract clause.

**EFFECTIVE DATE:** This AIDPR Notice is effective October 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** J. M. Kelly, M/SER/CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone (703) 235-9107.

**SUPPLEMENTARY INFORMATION:** This AIDPR Notice is not considered "significant" for purposes of OFPP Policy Letter 83-2. It implements an existing Government-wide requirement (OMB Circular A-88); conforms AID contract clauses to those currently in the FPR; primarily affects internal procedures; and, in our estimation, will have a positive cost and administrative impact on AID contractors because it eliminates the requirement for duplicate submission of overhead cost proposals to the AID Inspector General and the AID Overhead and Special Cost Branch. This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, under Section 8(b) of the Order, by the Director, OMB, in a letter dated April 8, 1981, as amended October 4, 1982. The determination required by paragraph 4a of OFPP Policy Letter 80-5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

#### List of Subjects in 41 CFR Ch. 7

Government procurement.

#### PART 7-3—PROCUREMENT BY NEGOTIATION

#### Subpart 7-3.7—Negotiated Overhead Rates

1. Section 7-3.705 is revised as follows:

#### § 7-3.705 Procedure.

Except for educational institutions having a cognizant agency (as defined in OMB Circular A-88, 44 FR 70094, 12/5/79) other than AID, AID may establish negotiated overhead rates in a Negotiated Indirect Cost Rate Agreement (Form AID 1420-47, as set forth in AIDPR 7-16.557), executed by both parties. The Negotiated Indirect Cost Rate Agreement is automatically incorporated in each contract between the parties and shall specify: (a) The final rate(s), (b) the base(s) to which the rate(s) apply, (c) the period(s) for which the rate(s) apply, (d) the items treated as direct costs, and (e) the contract(s) to which the rate(s) apply. The Negotiated Indirect Cost Rate Agreement shall not change any monetary ceiling, obligation, or specific cost allowance or



disallowance provided for in each contract between the parties.

#### **PART 7-7—CONTRACT CLAUSES**

##### **Subpart 7-7.50—Clauses for Cost Reimbursement Contracts**

2. Section 7-7.5001-10 is revised as follows:

###### **§ 7-7.5001-10 Negotiated overhead rates—postdetermined.**

Insert the clause set forth in FPR 1-3.704-1.

##### **Subpart 7-7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions**

3. Section 7-7.5501-9 is revised as follows:

###### **§ 7-7.5501-9 Negotiated overhead rates—postdetermined.**

Insert the clause set forth in FPR 1-3.704-2(a).

4. Section 7-7.5503-4 is revised as follows:

###### **§ 7-7.503-4 Negotiated overhead rates—predetermined.**

Insert the clause set forth in FPR 1-3.704-2(b).

#### **PART 7-16—PROCUREMENT FORMS**

##### **Subpart 7-16.5—[Amended]**

5. The Subpart Title is revised as follows:

##### **Subpart 7-16.5—Forms for Advertised and Negotiated Nonpersonal Services Contracts (Other Than Construction and Architect-Engineer Contracts)**

6. Section 7-16.557 is revised as follows:

###### **§ 7-16.557 Negotiated Indirect Cost Rate Agreement.**

AID Form 1420-47, "Negotiated Indirect Cost Rate Agreement" is for use in establishing indirect cost rates for AID contracts, except for contracts with educational institutions having a cognizant agency (as defined in OMB Circular A-88, 44 FR 70094, 12/5/79) other than AID.

###### **Determination**

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400, as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

###### **Certification**

Pursuant to the Regulatory Flexibility Act, I hereby certify, as the Agency's Procurement Executive, that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

**Authority:** This AIDPR Notice is issued under 41 CFR 7-1.008-51.

Dated: October 31, 1983.

John F. Owens,

*Associate Assistant to the Administrator for Management.*

[FR Doc. 83-30311 Filed 11-8-83; 8:45 am]

BILLING CODE 6116-01-M



# Proposed Rules

Federal Register

Vol. 48, No. 218

Wednesday, November 9, 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

### Commodity Credit Corporation

#### 7 CFR Part 1488

#### CCC Export Credit Sales Program (GSM-5)

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would delete supplements I, II and III to the Commodity Credit Corporation's (CCC) Export Credit Program (GSM-5) covering the special financing eligibility requirements for export sales of beef breeding cattle, dairy breeding cattle, and breeding swine, respectively. The sale of breeding animals will now be financed under the general financing provisions for all agricultural commodities. The purpose of the rule is to provide more flexibility for providing financing for breeding animals.

**DATE:** Comments must be received on or before January 9, 1984.

**ADDRESS:** Mail comments to Director, CCC Operations Division, Export Credits, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** L. T. McElvain, Deputy Director, CCC Operations Division, Export Credits, Foreign Agricultural Service, USDA, Washington, D.C. 20250 Tel: (202) 447-6225.

**SUPPLEMENTARY INFORMATION:** Supplements I, II and III to CCC's Export Credit Sales Program (GSM-5) (7 CFR 1488), contain special financing eligibility requirements for export sales of beef cattle, dairy breeding cattle and breeding swine. In order for beef and dairy breeding animals to be eligible for financing, they must, among other requirements, be eligible for registration with the appropriate national breed association, be classified as a purebred animal, or be an animal which is predominately of the color characteristics and body confirmation of

the specified animal breed. For swine to be eligible for financing the animal must, among other requirements, be registered with the appropriate national breed association or declared eligible for registration.

Eliminating these requirements would provide more flexibility for providing financing for breeding cattle and swine and would also give U.S. exporters more flexibility to negotiate sales that will meet the importing country's breeding programs. Request for financing breeding animals would be reviewed on a case-by-case basis to determine if the animals would meet the market development objectives of the program in the same manner as requests for financing other commodities. Breeding animals financed and exported would still be subject to any health or other inspection requirements that may be enforced by the Animal and Plant Health Inspection Service, USDA.

The public is invited to submit written comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his/her name and address and should give reasons for suggested changes. Copies of all written communications will be available for examination by interested persons in Room 4526, South Building, USDA, during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

To the extent that the provisions of the Regulatory Flexibility Act apply, if any, the General Sales Manager, Foreign Agricultural Service (FAS), certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities since there will not be a substantial number of such entities affected by this proposed rule. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq). The public is invited to comment on the impact of this proposed rule on small entities, and the General Sales Manager will review this

determination in light of those comments.

An assessment of the impact of this rule on the environment was made and based on that evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this proposed rule. The environmental assessment is available for review in Room 4526, South Building, USDA, during normal business hours.

#### List of Subjects in 7 CFR Part 1488

Agriculture commodities, Exports, Livestock.

Accordingly, for the reasons set out above, the CCC proposes to amend Part 1488 of Chapter XIV of Title 7 of the Code of Federal Regulations by removing supplements I, II, and III.

(Sec. 5(f), 62 Stat. 1072 (15 U.S.C. 714c) and sec. 4, 80 Stat. 1538 (7 U.S.C. 1707a))

Dated: November 3, 1983.

Melvin E. Sims,

General Sales Manager and Associate Administrator and Vice President, Commodity Credit Corporation.

[FR Doc. 83-30317 Filed 11-8-83; 8:45 am]

BILLING CODE 3410-10-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 95

[DoD Directive 1030.xx]

#### Victim and Witness Assistance

**AGENCY:** Office of Secretary of Defense, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule implements the Victim and Witness Protection Act of 1982, section 6(c), 96 Stat. 1248, 1257, which requires federal agencies to develop guidelines to protect the interests of victims and witnesses in federal investigations. The proposed rule is intended to ensure that DoD Components mitigate the hardships suffered by victims of crimes investigated by DoD within the means of available resources and in accordance with applicable law. The rule is also intended to foster cooperation by victims and witnesses.



**DATE:** Written comments received by January 9, 1984, will be considered.

**ADDRESS:** Office of the Assistant General Counsel (Manpower & Health Affairs), Department of Defense, Room 3E999, The Pentagon, Washington, D.C. 20301.

**FOR FURTHER INFORMATION CONTACT:** Andrew S. Efron. Phone: 202/695-1078.

**SUPPLEMENTARY INFORMATION:** The proposed rule establishes guidelines for assisting victims in obtaining medical and social treatment, crime victim compensation (if available), and similar aid. It also establishes guidelines for assisting victims and witnesses in their participation in, and understanding of, DoD developments in investigations and proceedings.

This rule pertains to a military function. The opportunity to provide public comments is provided solely to improve internal management of the federal government. This opportunity does not create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any party.

This proposed rule is being coordinated within the Department of Defense and is subject to revision during that coordination process.

#### List of Subjects in 32 CFR Part 95

Crime victims, Crime witnesses, Federal investigations, Federal assistance.

Accordingly, it is proposed to amend 32 CFR by adding a new Part 95 reading as follows:

#### PART 95—VICTIM AND WITNESS ASSISTANCE

- Sec.  
95.1 Purpose.  
95.2 Applicability and Scope.  
95.3 Policy.  
95.4 Definitions.  
95.5 Procedures.

Authority: Pub. L. 97-291, 10 U.S.C. 801-940.

##### § 95.1 Purpose.

This proposed rule implements Pub. L. No. 97-291, The Victim and Witness Protection Act of 1982 and parallels the Department of Justice Guidelines for Victim and Witness Assistance, July 9, 1983 by setting forth guidelines for the treatment of victims of offenses under the Title 10, United States Code, Sections 801-940, Uniform Code of Military Justice (UCMJ). The guidelines in this rule pertaining to victims also apply to the victims of crimes under the jurisdiction of state or other federal authorities during any portion of the investigation conducted primarily by

DoD Components. This rule provides only internal DoD general guidance to protect and assist crime victims and witnesses, and to enhance their roles in the criminal justice process without infringing on the constitutional rights of the accused. It is not intended to and does not create any rights, substantive or procedural, enforceable at law by any victim, witness, or other person in any matter, civil or criminal. No limitations are hereby placed on the lawful prerogatives of DoD or its officials.

##### § 95.2 Applicability and scope.

The provisions of this rule apply to the Office of the Secretary of Defense, the Military Departments; the Organization of the Joint Chiefs of Staff and the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components").

##### § 95.3 Policy.

(a) Humanitarian and practical concerns for victims of offenses under UCMJ and for witnesses participating in investigations or proceedings within the responsibility of DoD Components require consideration of the needs of these persons by authorities responsible for effective functioning of the system. DoD Components should mitigate, within the means of available resources and in accordance with applicable law, the physical, psychological, and financial hardships suffered by victims of crimes investigated by DoD authorities, and make all reasonable efforts to foster cooperation by victims and witnesses.

(b) When an investigation or prosecution is within the primary responsibility of another agency, DoD Components shall ensure appropriate consultation with such agency in applying the provisions of this rule.

##### § 95.4 Definitions.

(a) *Victim.* A person who suffers direct or threatened physical, emotional, or financial harm as the result of an offense. "Victim" also includes the immediate family of a minor who is a victim or of a homicide victim. No other person or entity is included within the term "victim" for purposes of this Directive. The United States Government may not be classified as a victim under this Directive.

(b) *Witness.* A person who participates in a DoD criminal investigation or proceeding for the purpose of providing information or evidence concerning an offense within the investigative jurisdiction of a DoD Component. When the witness is a minor, the term "witness" includes the minor's parents, or any person having

legal custody of the minor. "Witness" does not include a person allegedly involved in an offense as a co-conspirator, accomplice, or other principal.

(c) *Serious offense.* An offense involving personal violence, or attempted or threatened personal violence, for which a maximum punishment of confinement in excess of one year would be authorized under the Manual for Courts-Martial. "Serious offense" also includes an offense involving the destruction or permanent loss of property of a value of more than \$100.

##### § 95.5 Procedures.

*In general.* DoD Components will establish a program to ensure that within available resources, victims and witnesses are provided the following information and services.

(a) *Victims.* (1) All victims, when circumstances dictate, will be promptly informed of the availability of emergency medical and social care and when necessary, will be provided appropriate assistance in securing such care.

(2) All victims will be informed of:

- (i) Available crime victim compensation, if any;
- (ii) Available community-based victim treatment programs;
- (iii) The stages in the military criminal justice process of significance to the victim, and the role which the victim plays in the process; and
- (iv) How the victim can obtain additional information about the process and the case.

(3) The victim of a serious offense ordinarily will be consulted by a representative of the military department or DoD agency concerned to obtain the victim's views about: A decision not to prefer charges; dismissal of charges; pretrial restraint; and negotiations for a pretrial agreement. Consultation may be limited when justified by the circumstances, such as to avoid endangering the safety of a victim or a witness, jeopardizing an ongoing investigation, disclosing classified or privileged information, or unduly delaying the disposition of an offense. Although the victim's views should be considered, nothing in this rule limits the responsibility and authority of appropriate officials to take such action as they deem appropriate in the interest of good order and discipline and of preventing service discrediting conduct.

(4) A victim's property held for evidence should be safeguarded and returned as expeditiously as possible.



(b) *Victims and witnesses.* (1) A victim or witness will be informed concerning protection from intimidation or similar threats when appropriate.

(2) A victim or witness of a serious offense who so requests will, if he or she provides an appropriate official with a current address and telephone number, be notified in advance, if possible, of the following:

(i) The apprehension of the accused;  
(ii) The pretrial release of the accused;  
and

(iii) The trial or entry of a plea of guilty and sentencing proceedings.

(3) A victim or witness who has been scheduled to attend any proceedings will be notified promptly of scheduling changes affecting his or her attendance.

(4) At courts-martial and other proceedings, victims and witnesses should, to the extent practicable, be afforded the opportunity to wait in an area separate from the accused or other witnesses when appropriate to avoid embarrassment, coercion, or similar emotional distress.

(5) Upon request of a victim or witness, reasonable steps will be taken to inform the employer of the victim or witness of the reasons for his or her absence from work. In addition, in appropriate cases, a victim or witness who, as a direct result of crime or of cooperation in the investigation or prosecution of an offense, is subject to serious financial strain, should be assisted by responsible officials in explaining to creditors the reason for such strain.

(6) Victims and witnesses will be informed of, and provided appropriate assistance to obtain available services such as transportation, parking, child care, lodging, and court-room translators or interpreters.

(7) The extent to which witnesses are provided services or information under this paragraph will be determined on a case-by-case basis. For example, it will ordinarily be unnecessary to provide some or all of these services to active duty military witnesses or to expert or character witnesses. However, doubt whether to provide information or services should be resolved in favor of providing them. Witnesses on behalf of the suspect or accused should be provided the foregoing information or services when this is requested by the defense counsel or is otherwise appropriate.

(c) *Training.* DoD components will ensure that law enforcement personnel, judge advocates, and other personnel associated with the military criminal justice process receive appropriate training in order to effectuate the purposes of this rule.

Dated: November 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 83-30284 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[PP 3E2880/P312; PH-FRL 2463-1]

#### Paraquat; Proposed Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that a tolerance be established for residues of the desiccant, defoliant, and herbicide paraquat in or on the raw agricultural commodity acerola. The proposed regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

**DATE:** Comments must be received on or before December 9, 1983.

**ADDRESS:** Written comments may be submitted by mail to: Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs (703-557-1192).

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2880 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the pesticide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on the raw agricultural commodity acerola at 0.05 part per million (ppm).

The data submitted in the petition and other relevant material have been

evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include several rat acute oral-feeding studies with LD<sub>50</sub> values of 43 to 150 milligrams (mg) paraquat cation/kilogram (kg) of body weight (bw); a 90-day dog-feeding study with a no-observed-effect level (NOEL) of 20 ppm of paraquat cation (0.5 mg/kg bw); a mouse oncogenic study with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 12.5 ppm (1.87 mg/kg); a 1-generation rat reproduction study with a NOEL of 100 ppm paraquat cation (10 mg/kg bw, highest level tested); two teratology studies, rat and mouse, with no observed teratogenic effects at 1.0 mg and 10 mg paraquat cation/kg bw, respectively; mutagenic studies with *Salmonella typhimurium* (paraquat was not mutagenic with the following histidine-requiring strains: TA 1535, TA 1537, TA 1538, TA 98, and TA 100); and a mutagenic dominant-lethal test (no observed mutagenicity to male CD-1 strain of mice). A 1-year dog-feeding study and a rat chronic-feeding/oncogenic study are currently lacking and must be submitted in the future to support tolerances that might result in significant additional dietary exposure; the rat study is currently in progress. A 3-generation rat reproduction study has been submitted and is currently under review.

The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.1107 mg/day; the current action will increase the TMRC by 0.00002 mg/day (0.02 percent).

Tolerances have previously been established for paraquat on a wide variety of food commodities, including meat, milk, grain, fruits, vegetables, and nuts at levels ranging from 0.01 to 2 ppm. The Agency has concluded that the amount of paraquat added to the diet from the proposed use will not significantly increase dietary exposure in humans. Thus the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

The nature of the residues in plants is adequately understood, and an adequate analytical method (spectrophotometry) is available for enforcement purposes. No secondary residues are expected in meat, milk, poultry, or eggs since acerola is not considered to be an animal feed item. There are currently no actions pending against the continued registration of this chemical. EPA has reviewed paraquat



as a candidate for a rebuttable presumption against registration (RPAR) and determined that potential effects do not merit issuance of an RPAR.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.205 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E2880/P312]. All written comments filed in response to this petition will be available in the Program Management and Support Division, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

#### List of Subjects in 40 CFR Part 180

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

Dated: October 24, 1983.

Robert Brown,  
Acting Director, Registration Division, Office  
of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.205 be amended by adding and alphabetically inserting the raw agricultural commodity acerola, to read as follows:

#### § 180.205 Paraquat; tolerances for residues.

	Commodities	Parts per million
Acerola	• • • • •	0.05

[FR Doc. 83-29873 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 1 and 22

[CC Docket No. 83-1096; FCC 83-460]

#### Amendment of the Commission's Rules to Allow the Selection From Among Mutually Exclusive Competing Cellular Applications Using Random Selection or Lotteries Instead of Comparative Hearings

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This rulemaking proposes to amend the Commission's rules to utilize random selection or lotteries for selecting cellular licensees in markets below the top-30. Adoption of random selection will expedite cellular service to the public and reduce administrative burdens in processing cellular applications.

**DATES:** Comments must be received by December 5, 1983. Reply comments must be received by January 5, 1984.

**ADDRESS:** Secretary's Office, Room 222, FCC, Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Susan Cohen, (202) 632-6450.

#### List of Subjects

##### 47 CFR Part 1

Administrative practice and procedure.

##### 47 CFR Part 22

Cellular radio.

#### Proposed Rulemaking

In the matter of amendment of the Commission's Rules to allow the selection from among mutually exclusive competing cellular applications using random selection or lotteries instead of comparative hearings; CC Docket No. 83-1096.

Adopted: October 6, 1983.

Released: October 28, 1983.

#### I. Introduction

1. This Notice of Proposed Rulemaking proposes implementation of a system of random selection or lottery to select cellular licensees from among competing applicants. While we have declined in our previous *Cellular* decisions<sup>1</sup> to adopt a lottery to award cellular licenses, we are now seeking comment on adopting a lottery procedure to select licensees for markets other than the 30 largest.

2. In our *Report and Order in Cellular Communications Systems*, we declined to adopt a lottery procedure for the selection of cellular licensees from among competing applicants. 86 FCC 2d 469, 499 (1981). Because we believed that there might be significant differences among competing cellular applications, we felt that a lottery procedure would be inappropriate in the newly initiated and technologically complex cellular service. However, we left open the possibility of implementing a lottery should future events dictate that random selection of licensees would be in the public interest. *Id.* at 499. In our *Second Lottery Notice*, Gen. Doc. 81-768, 48 FR 45046, released October 13, 1982, we proposed to implement random selection procedures for the public mobile service because we expected new frequency allocations to result in an extremely large number of mutually exclusive applications. We decided, however, not to use lottery procedures to select cellular licensees. When we adopted the *Second Lottery Notice*, *supra*, we only had an average of five nonwireline applicants competing for cellular licenses in each market.<sup>2</sup> We now have an average of 11 nonwireline applicants in markets 31-60, and 16 in markets 61-90. Moreover, in 20 markets in the 31-60 group there are multiple wireline applicants (an average of 3 per market); in markets 61-90 there are competitive wireline applications in 23 markets (again, an average of 3). In addition, we expect the number of applicants filing for markets below the top-90 to increase dramatically. *See* para. 4, *infra*. Because of the large number of applicants, and the administrative burden and potential delay in implementing service associated with processing these

<sup>1</sup> Report and Order, in CC Docket No. 79-318, 86 FCC 2d 469 (1981), modified (Reconsideration Order) 89 FCC 2d 58 (1982), further modified (Further Reconsideration), 90 FCC 2d 571 (1982), appeal dismissed *sub nom.* U.S. v. FCC, No. 82-1526 (D.C. Cir., March 3, 1983).

<sup>2</sup> In 12 of the 30 markets there was one wireline applicant. There were 2 wireline applicants in 15 markets, and 3 or 4 in the remaining 3 markets. Settlement agreements were reached in all 18 before any was designated for comparative hearing.



applications, we now must consider whether lottery procedures serve the public interest better than traditional comparative hearing procedures.

## II. Public Interest Considerations

3. Although there are only two licenses to be awarded in each market, there are a large number of grants to be made nationwide. Taking into account the large number of competing applicants in each of these markets and the significant back-log in processing applications, we tentatively find that the public interest would be better served by using a lottery to award cellular construction permits. As described in more detail below, a lottery would bring service to the public in the quickest way possible, with the least cost to the public and the applicants, and with no significant reduction in the qualifications of licensees. A lottery would also eliminate any headstart issues, provide incentive for settlement agreements, promote cellular technology, and prevent competitive trade disadvantages for U.S.-based manufacturers of cellular equipment resulting from lengthy processing time. Accordingly, we seek comment on the general proposal to use random selection or lotteries to select wireline and/or nonwireline cellular licensees from among competing applicants.

4. In the *Second Lottery Notice, supra*, we stated that the streamlined comparative hearing procedures were the best way to proceed with the processing of cellular applications. *Id.* at para. 12. We have found, however, that the processing of cellular applications requires significantly more staff time than previously contemplated. It has taken the staff of the Common Carrier Bureau's Mobile Services Division, generally six attorneys and six engineers, nearly eleven months to complete initial processing of the top-30 markets.<sup>3</sup> There were 190 acceptable applications (138 nonwireline/52 wireline), 350 amendments, and nearly 700 pleadings. In addition, there were several petitions for reconsideration, applications for review of Bureau decisions, and various other cellular matters requiring diversion of resources from the designation orders.<sup>4</sup> In the

second round (markets 31-60), there are 353 pending applications (283 nonwireline, 70 wireline) but proportionately fewer amendments and pleadings.<sup>5</sup> Although the staff will be able to proceed more quickly, having benefitted from experience and the precedents established in Round One, it is likely to be mid-to-late-1984 before the initial processing of Round Two is completed. With 567 applications (484 nonwireline/83 wireline) in Round Three (markets 61-90), the designation orders will not be completed until late-1985.<sup>6</sup> Based on experience to date involving only a few applicants per market, we must add at least eight to ten months for an Administrative Law Judge's initial decision and at least three months for Commission review following the ALJ's initial decision.<sup>7</sup> Thus, construction of most nonwireline systems will not begin before some time in late-1985 for markets 31-60 and some time in late-1986 for markets 61-90. If, as we anticipate, we receive 1,000 or more applications for markets below the top-90, the delays will only be more lengthy and implementation of cellular service further forestalled. We believe this result is inimical to the public interest and inconsistent with our goal of making available a nationwide, high-quality mobile communications service on an expedited basis.<sup>8</sup>

public. See Order, FCC 82-466, released October 28, 1982; Memorandum Opinion and Order, FCC 83-161, released April 22, 1983.

<sup>3</sup> There were 326 nonwireline applications filed but 43 were withdrawn or dismissed. There were about 300 amendments and 500 pleadings.

<sup>4</sup> Unfortunately, applicants have been slow to merge their interests to avoid comparative hearings. While all the wirelines in Round One settled, the nonwirelines settled in only two markets before designation and in a handful more after designation. This difficulty in reaching settlement will undoubtedly be compounded in markets below the top-30 where there are many more applicants in each market. However, we continue to encourage such settlements, and we believe that a lottery may actually foster future settlement arrangements between applicants. See para. 21, *infra*.

<sup>5</sup> We have streamlined the comparative process by providing for expedited paper hearings, for limited oral testimony and for a contracted pleading cycle. We have also restricted the use of discovery, motions to enlarge issues and post-designation amendments. Despite our efforts, however, the authorization process continues to be a slow process.

<sup>6</sup> As we have emphasized repeatedly, our goal of expediting cellular service to the public is based on our assessment that cellular radio is the best way of relieving congestion on conventional mobile systems and satisfying the growing demand for land mobile communications. The Commission originally undertook the cellular rulemaking because the demand for mobile service could not be accommodated within the existing spectrum allocation. Report and Order, *supra* note 1, at 488-490.

5. We have attempted to estimate how much more quickly service to the public would commence if we were to use random selection for both wirelines and nonwirelines in Rounds Two and Three. The Round Two applications are ripe for processing, and our random selection procedures are in place.<sup>9</sup> On a single day this winter we could select all permittees in Round 2.<sup>10</sup> It would take our staff perhaps three to four months to review the pleadings previously filed against the selectees. We would anticipate findings qualifications problems with, at most, 10 percent of the applicants. Accordingly, 90 percent of the Round Two construction permits could be awarded by Spring 1984 rather than late-1985 (for the first few) under our existing, expedited processing. Even more dramatically, Round Three construction permits could be awarded by mid-1984 or sooner, rather than late-1986. As stated above, we believe the public would greatly benefit from this expedited processing of cellular applications.

6. In reaching this tentative conclusion to use a lottery, we have also considered devoting more resources to cellular processing. It appears that we will receive sufficient funding to nearly double the size of our cellular processing staff. With that augmentation, we could reduce processing time by six or eight months from the time applications are ready for processing to designation. On the other hand, with so many more applicants (an average of 11 nonwirelines per market in Round Two and 16 in Round Three), the hearing process is likely to be much more protracted, and the distinctions among applicants, upon which a selection must be based more difficult to discern. Therefore, we would expect the post-designation process to consume several months more than the time we anticipated in Round One. We question whether it is reasonable to devote so many more resources to the process when there will be a net benefit to the public of a few months at most and the quality of the applicants will not be substantially affected.

7. In addition, the comparative hearing process is very costly both for the applicants and for the Commission. Adoption of a lottery at this time will save applicants the costs of filing direct cases and the expenses of trial, thus

<sup>9</sup> We propose to use the random selection procedures adopted in our Second Report and Order, Gen. Doc. 81-768, 48 FR 27162, released May 27, 1983, para. 125-127. See para. 8, *infra*.

<sup>10</sup> There would be 30 nonwirelines selected and 20 wirelines, barring any settlements. In ten wireline markets there is only one applicant.

<sup>3</sup> The time period is measured from the anticipated "ripe" date, that is, the date on which the last authorized pleading was due: August 27, 1982. In reality, the ripe date for many applications extended into January 1983 because of settlement agreements filed in late 1982.

<sup>4</sup> In addition, the Commission has twice had to extend the filing dates for cellular applications in markets 61-90. While this has served to keep the application filings more in line with the staff's ability to process them, it has also added to the delay in the provision of cellular service to the



preserving private and public resources that would otherwise be expended on the comparative process. In sum, we believe that adoption of random selection procedures will reduce the burden, expense and delay in processing cellular applications and will serve to expedite the implementation of cellular service.

### III. Lottery Procedures

8. Under our proposed adoption of a lottery for cellular service, the same procedures set forth in Part I and Part 22 of our rules will be followed as to application filing, acceptance or dismissal, public notice, and filing of petitions to deny. Prior to lottery submission, all applications will be prescreened to determine that they are acceptable for filing under our cellular rules. Where it is determined that properly filed applications are mutually exclusive, a lottery will be held under the direction of the Office of the Managing Director. Pleadings filed against mutually exclusive applications will not be reviewed prior to conducting the lottery. The Commission will hold the lottery and then review only the pleadings filed against the tentative selectee. After the staff reviews the selectee's application and the related pleadings, if the applicant is found qualified, the staff will grant the application. If, however, a substantial and material question of fact remains, the application will be designated for hearing. If, after hearing, the selectee's application is denied, the Commission will proceed to review the application of, and any pleadings filed against, a second selectee. In the cellular service, the lottery will not only identify a tentative selectee but will also rank the applicants so that, if the first selectee is ultimately disqualified, the second (and third, and so on) selectee will have already been identified.

9. For communities within Metropolitan Statistical Areas (MSAs) or New England County Metropolitan Areas (NECMAs), there is no question about which applications are mutually exclusive for lottery purposes because the MSA or NECMA boundary provides the outer limit for each applicant's Cellular Geographic Service Area (CGSA). For non-MSA or non-NECMA areas, however, we may be required to select among applicants with radically different CGSAs. We therefore request comment on whether we should choose some geographical boundaries for non-MSA and non-NECMA areas. The boundaries could be entire States, or they could be broken into small areas such as Basic Trading Areas defined in Rand McNally's *Commercial Atlas and*

*Marketing Guide*. In these areas, we also request comment on what coverage standards, if any, should be adopted. See para. 11, *infra*.

### IV. Impact on Cellular Policies

#### A. Qualifications of Cellular Applicants

10. In our *Second Lottery Notice*, *supra*, at para. 10, we stated that random selection would be inappropriate in the cellular service because the proposals of competing applicants could differ in significant ways. We felt that the selection process should be designed to award cellular licenses to applicants proposing the highest quality cellular systems. The comparative criteria developed in our cellular rulemaking were our best estimate, at that time, of how to select cellular licensees consistent with the public interest. We believe this codification of the public interest was a legitimate exercise of our broad discretion. We believe that these criteria should continue to be applied to applicants in the top-30 markets, especially when these applicants have been required to spend considerable time and money preparing direct cases and getting ready for hearing. However, balancing their considerations against the substantial benefits (timer, lessened administrative burden) to be gained by using lotteries in markets not yet designated, we are unable to conclude that the public interest would best be served by comparing applicants in all cases on the basis of these criteria in the future.<sup>11</sup> In addition, although the staff of the Mobile Services Division found in processing Round One applications that there were enough relevant differences to make a comparative selection of applicants possible, we question whether these were "night and day" type differences warranting continued use of the comparative process in all cases, and whether such differences will be more narrow in subsequent rounds.

11. In the *Second Lottery Notice*, *supra*, we stated that new threshold standards for applications would have to be established if a lottery were used in the cellular service. We believed that such standards would "avoid a rush of superficially 'acceptable' lottery entries that would be incapable of fully implementing the promise of cellular radio." *Id.* at para. 11. We did not propose to establish such standards then because of the imminent filing for top-30 markets. We now believe that it may be necessary to adopt basic service

standards for cellular applications. We propose to establish a basic service qualification standard for all applications to be filed for markets below the top-90. We propose to require all applicants to serve at least 75% of the population of the Metropolitan Statistical Area (MSA) or NECMA for which they are filing.<sup>12</sup> We believe this requirement is necessary in order to avoid the filing of superficial cellular proposals and is consistent with the general level of coverage in applications filed to date. We also solicit comment on whether additional basic qualifications are necessary, and should be included in applications, to assure that lottery entrants are technically and financially qualified to operate cellular systems.<sup>13</sup> However, establishing a basic service standard for non-MSA and non-NECMA areas is a matter of some concern. Two possibilities are to require service to all incorporated areas of 25,000 or more people in non-MSA areas, or to require coverage of four-lane or larger highways connecting MSAs. Accordingly, we solicit comment on what standards, if any, should be adopted for these areas.

12. Because of the standards we are proposing to adopt and because of the standards developed in processing applications for the top-30 markets, we do not believe the quality of cellular applications will deteriorate if we resort to a lottery. In order for applications to be included in the lottery, they will have to be acceptable for filing under our cellular rules. We will not permit applicants to meet our strict standards by means of later-filed amendments.<sup>14</sup> Our decision to prescreen all entrants' applications prior to lottery submission will prevent and deter the filing of superficial proposals. In addition, because we will review the qualifications of the lottery winner only, we will be able to scrutinize very carefully the winner's application. Thus, although comparative criteria will not be used to distinguish competing applications, only those applicants who have the financial and technical

<sup>11</sup> See para. 9, *supra*, discussing the procedures for non-MSA and non-NECMA areas.

<sup>12</sup> Because we are proposing to augment basic qualification standards for markets below the top-90, we find that the public interest requires a deferral of the opening filing date until March 1, 1984. This deferral does not entitle nonwirelines to file applications mutually exclusive with wireline applications even after April 8, 1984, as long as the wireline has filed before that date. In other words, by postponing the filing date, we do not intend to deprive wirelines of exclusive rights to file for the wireline block before the set-aside expires.

<sup>13</sup> Section 1.65 of our rules, as well as § 22.23 pertaining to major amendments, will continue to be in full force and effect if we adopt lotteries.

<sup>14</sup> We have the authority to decline to use a lottery in particular cases if we find that the public interest would be better served by some other type of comparative procedure. See para. 23, *infra*.



resources to implement cellular service will be licensed.<sup>13</sup> We further believe that potentially vigorous competition between the wireline carrier and the nonwireline carrier will discourage speculative applicants for cellular licenses. Quality service will have to be provided by each carrier, or the carrier will not survive in the marketplace. In addition, consistent with past policy and the lottery statute authorizing the Commission to use lotteries to award licenses,<sup>14</sup> we have tentatively decided that no preferences shall be applied in the cellular lottery. The Conference Report accompanying the lottery statute states that where services are treated by the Commission as common carrier services "with no ability on the part of the licensee to exercise editorial control over a substantial proportion of the programming offered over its facilities, no preferences need be applied in using a lottery system for these services."<sup>15</sup> In our *Second Report and Order in the Lottery Proceeding*, 48 FR 27182, 27201 (June 13, 1983), we explicitly declined to award preferences in the common carrier services in issue there. See 47 CFR 1.822(b). Nevertheless, we invite comment here on whether legally we can and should, pursuant to our general authority under the public interest standard, use any preferences in cellular lotteries even though the use of preferences is not mandatory.

#### B. Separate Allocation

13. We believe that the use of lotteries is consistent with and, indeed, would enhance the provision of speedy service to the public which is one of the policies behind our decision to consider separately the licensing of wireline telephone companies and non-wireline carriers. The separate allocation was expected to greatly reduce the delay in providing cellular service to the public

because in many markets there is only one telephone company, and thus fewer comparative hearings would be needed before cellular service could be provided.<sup>16</sup> A lottery would mean that the Commission would be able to license not only the wireline carrier but also a non-wireline carrier without the delay of comparative hearings and without the headstart problem. See para. 20, *infra*. Furthermore, in those markets where there is more than one wireline applicant, a lottery to select among competing applicants would only serve to further minimize the delay due to time-consuming evidentiary hearings.

14. We propose to maintain the separate allocation for markets 31-90, for which all applications are currently on file, and for all markets below the top-90 during the remaining months of the separate allocation.<sup>17</sup> While we recognize that there is some justification for eliminating the separate allocation for markets below the top-90, and even for markets 31-90, we believe, on balance, that the set-aside should be maintained. We originally adopted the set-aside based on our findings that AT&T, which would be the predominant provider of cellular service, possessed distinctive technical expertise, that AT&T and other wirelines could implement cellular service quickly, and that a market structure based on wireline-nonwireline competition would best serve the public interest.<sup>18</sup> Obviously, awarding licenses by lottery ameliorates our concern about timely introduction of cellular service. Random selection shortens the comparative process for each market by more than a year. Although the wirelines still hold an advantage in technical expertise, the past two years have seen various applicants gain theoretical, if not practical, experience with cellular technology. More important, several manufacturers have put together cellular packages ("turnkey" services) which provide all the requisite components and technology for providing cellular service to the public. The separate allocation continues to have the most vitality for purposes of assuring a competitive market structure in which two carriers with different histories and different approaches to service will vie with one another in the marketplace.

15. Just as time and subsequent developments have weakened the

rationale for a separate allocation if we adopt lottery procedures, so have they provided added justification for retaining the set-aside. First, the wirelines have invested a great deal of time, money and effort in reliance on our decision to grant them a license in each community. They have made long term plans on the assumption that they would receive licenses in their monopoly markets. They have hired personnel and ordered equipment. In markets in which more than one wireline has a presence, they have formed joint ventures and developed operating plans at no small cost.<sup>19</sup> Finally, AT&T has formed a cellular subsidiary (which will be transferred to the regional holding companies) and capitalized it based on the separate allocation for all markets, not just the top-30, in which Advanced Mobile Phone Service, Inc. (AMPS) intends to provide service.<sup>20</sup> The reliance of all wirelines, but particularly AT&T, on the set-aside militates in favor of retaining it for all markets.

16. Second, if we were to eliminate the separate allocation for markets 31-90, it is likely that considerations of due process would require us to reopen these markets to additional wireline applications, thereby incurring a processing delay of nearly a year. The reason is that wirelines, unlike nonwirelines, are eligible to apply for cellular licenses only in the general areas in which they are certified as wireline carriers and are limited to the wireline frequency block.<sup>21</sup> Elimination of the separate allocation, coupled with random selection processing, would undercut the rationale for this policy to such an extent that we would be hard-pressed to justify foreclosing wirelines from applying outside their franchise areas. Yet, to reopen the application process for these wirelines (including AT&T) in markets 31-90 would entail unacceptable delay with no discernible public interest benefits.<sup>22</sup>

<sup>13</sup> In the top 30 markets, the wirelines reached settlements in all 18 where two or more applied. They have reached a settlement agreement in one second-30 market so far, but press reports indicate that many more settlements are imminent.

<sup>14</sup> The capitalization plan was approved by the Commission in *American Telephone and Telegraph Company*, FCC 83-126, released April 15, 1983, recon. pending.

<sup>15</sup> *Report and Order*, supra, at 490, n. 56; *Reconsideration Order*, supra, at 69. See also ITT Mobile Telephone, Inc., 1 RR 2d 957 (1983).

<sup>16</sup> We would have to allow 60 to 90 days to file applications after the release of a Report and Order, which could occur after the first of the year. The staff could screen the applications and place them on public notice within 60 days. There would be a 45-day period for objections and answers, following which all applications in markets 31-90 would be ready for random selection. Thus, it would be the

<sup>13</sup> Very few basic qualification issues have been designated against cellular applicants in the top-30 markets. In the first 27 orders designating for hearing or granting applications, we reviewed the financial and technical qualifications of 40 different applicants (wireline and nonwireline). We found only one unqualified. We designated minor technical issues against two and a major technical issue against a third. With respect to financial qualifications, we found all but eight fully qualified. Of the eight, the issue designated against five was narrow, while the issue designated against three was quite broad. In addition, where qualification issues have been raised in prior proceedings, the Commission has conditioned any cellular grant to those applicants on the outcome of those proceedings.

<sup>14</sup> The Communications Amendment Act of 1982, Pub. L. 97-250 Section 115, enacted September 13, 1982, amended Section 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 309(j).

<sup>15</sup> H.R. Rep. No. 765, 97 Cong., 2d Sess. 37 (1982) at 41 (hereinafter cited as Conference Report).

<sup>16</sup> *Report and Order*, supra, at 487-493; *Reconsideration Order*, supra, at 69-77.

<sup>17</sup> The separate allocation, or "set-aside," expires two years from the date of publication of the *Reconsideration Order* in the *Federal Register*: April 8, 1984.

<sup>18</sup> Note 18, supra.



17. Finally, and perhaps most important, retention of the separate allocation assures that telephone companies, both large and small, have an opportunity to participate in, and profit from, cellular service. Cellular service is an intrastate radio service subject to state regulation under Sections 2(b) and 221(b) of the Communications Act of 1934. It is also "exchange telecommunications" under the terms of the Modification of Final Judgement (MFJ) in *United States v. American Telephone and Telegraph Company*, 552 F. Supp. 131 (D.D.C. 1982), and it will be offered by the divested Bell operation companies (BOCs). This Commission has characterized cellular service as "an extension of local exchange service." *Reconsideration Order, supra*, at 71. We have also found, among other things, that "cellular service will be an effective substitute—both in price and service—for present common carrier mobile service and will meet the demand for this service for the foreseeable future." *Report and Order, supra*, at 485.<sup>25</sup> Wirelines are major providers of two-way mobile communications, as opposed to paging. Every Bell operating company provides mobile service, and for the year 1981, the BOCs had 59,746 units in service.<sup>26</sup> The independent telephone companies had an additional 20,828 units in operation at the end of 1980.<sup>27</sup> Although it may be argued that eliminating the set-aside would not preclude wireline participation, the odds in a lottery would so favor the far more numerous nonwireline applicants as a group as to make significant wireline participation unlikely. See para. 2, *supra*. Even if we were to attempt to correct the imbalance by reopening markets 31-90, para. 16 *supra*, we would still face the anomalous situation of telephone companies being virtually precluded from offering new mobile service in their local areas, areas in which they have traditionally offered the most, if not the only, mobile service. It is apparent,

therefore, that wirelines as a group would not fare well under the lottery as measured by the number of licenses which they are statistically likely to receive; the net result would largely be to remove from cellular markets those entities—local telephone companies—which are fully qualified and experienced to offer these exchange services. The Commission has long pursued the policy of seeking introduction of additional competition to telephone companies' mobile exchange services; it has never sought to displace the telephone companies themselves from providing such services. This underlying policy thrust, which has been pursued consistently since the 1947 initial allocation of mobile common carrier spectrum both to telephone companies and to others, has been maintained in our cellular deliberations, and we believe that it would be inconsistent with our public interest mandate to reach an alternative result now.

18. Of additional concern are the potentially adverse financial consequences of removing the set-aside. If, as we and all parties who have filed comments in our cellular proceedings anticipate, conventional mobile customers will switch to cellular services when they become available, without the separate allocation the wirelines not only would lose the obvious profit opportunity that cellular will provide, but also they would lose the base of more than 80,000 existing customers.<sup>28</sup> In that light, we believe that our decision to assure continued wireline participation in mobile telephone service, in geographical areas in which they have always provided such services, is analogous to the Courts decision in the divestiture proceeding permitting the BOCs to retain the Yellow Pages. The Court relied explicitly on the favorable impact on local rates of maintaining the Yellow Pages profits in the BOCs, and conversely on the detrimental, immediate upward pressure on such rates if the profits were lost: "All those who have commented on or have studied the issue agree that the Yellow Pages provide a significant subsidy to local telephone rates. . . . The loss of this large subsidy would have important consequences for the rates for local telephone service." 552 F. Supp. at 194. While we do not know whether conventional mobile service has provided significant subsidies to local exchange service, or whether cellular revenues in a competitive

environment should or even could subsidize local telephone service, it is clear that the wirelines risk losing most of the revenues from 80,000 existing customers (and thousands on waiting lists) and the potential revenues from cellular service if we eliminate the set-aside.

19. There is ample reason to believe that cellular service will be a lucrative opportunity for wirelines and will consequently, contribute to their general financial health. First, there is an extraordinary level of interest as measured by the number of applications filed in the top-90 markets. AMPS filed applications in 82 of the markets, which was expected. Somewhat unexpected were the 35 applications (one a joint venture) filed by GTE, the largest independent telephone company, as well as 13 by United, 15 by Continental, and 5 by Centel, the next three largest companies. Even more unexpected were the 54 applications (including one joint venture with GTE) filed by smaller independents in the top-90 markets. Furthermore, many small independents have shares of the joint ventures formed in 21 of the top-30 markets. Second, according to the cellular capitalization plan, AT&T and the BOCs will invest nearly \$1 billion in cellular construction through 1987.<sup>29</sup> While specific financial forecasts were deemed proprietary and withheld from public disclosure by the Commission, we do note that AT&T anticipates very substantial profits for the BOCs from cellular service beginning in 1986. Because the service will be provided by the newly-divested BOCs and their independent counterparts as an adjunct to local exchange service in the states in which they are franchised for exchange service, we believe they are entitled to assurance of a share of the revenues that the service will generate. Accordingly, we find that the public interest will best be served by our retaining the separate allocation through its two-year life.

### C. Headstart

20. Adoption of a lottery will also have the effect of limiting the headstart issue to Round 1 (markets 1-30). In refusing to delay the licensing of a wireline carrier until its competitor was licensed, we balanced the potential (but unproven) impact on competition against the need for rapid implementation of cellular service. Our decision was not an easy one, and we

fall of 1984 before we could begin to grant licenses in markets below the top 30.

<sup>25</sup> See also *Report and Order*, at 480, n. 49, where we said: "Because two-way mobile service has been traditionally offered by wireline carriers as a logical extension of local exchange service, and because AT&T has the expertise and resources to build cellular systems that have been proven workable and efficient, a separate allocation scheme could be justified even without the pressing need for immediate relief."

<sup>26</sup> Source: FCC, Statistics of Communications Common Carriers, Table 15, Line 211 (December 31, 1981).

<sup>27</sup> Source: USITA, Statistics of the Independent Telephone Industry, p. 24 (July 1981). The 1981 FCC statistics do not reflect the operations of hundreds of small telephone companies which do not report to the Commission.

<sup>28</sup> There would be many thousands more customers on wireline systems if spectrum had been available. *Report and Order, supra*, at 489.

<sup>29</sup> American Telephone and Telegraph Company, *supra* note 22, at para. 6. See also Advanced Mobile Phone Service, Inc., FCC 63-124, released April 26, 1963 (Los Angeles Wireline Order), at paras. 37-38.



made it reluctantly. Perhaps the most significant benefit of the lottery for both wireline and nonwireline blocks is that it both expedites construction and eliminates whatever anticompetitive effect the headstart may have. Both wireline and nonwireline carriers will be able to initiate cellular service and compete for customers at about the same time. This is both a desirable and procompetitive result.

#### D. Settlements

21. While adoption of random selection procedures will greatly accelerate the cellular licensing process, we will continue to encourage applicants to enter into settlement agreements, whether they include all or only some of the applicants. As we have stated, settlement on both the wireline and nonwireline sides will help to speed cellular service to the public. See *Report and Order, supra*, at 469, 490-491; *Reconsideration Order, supra*, at 76. See also *Advanced Mobile Phone Service, Inc. (Los Angeles Wireline Order)*, FCC 83-124, released April 26, 1983 at paras. 18-19; and *Cellular Mobile Systems of Indiana, Inc. (Indianapolis Order)* FCC 83-83-70, released March 3, 1983 at para. 6. Although random selection will largely produce the same results as settlements, there are yet other reasons to continue to encourage them. For one thing, settlements allow many different parties with a variety of financial, technical, operational and marketing resources to participate in cellular service.<sup>30</sup> This heterogeneity, it seems to us, serves the public interest when there can be only two licenses per market. Second, settlements completely eliminate administrative burdens, delay and expenses. Even with a lottery, our staff must examine pleadings filed against the selectee. Administrative and judicial appeals are inevitable no matter which selection process is chosen. Settlements eliminate them.

Accordingly, in order to encourage settlements and to prevent applicants from being penalized for entering into partial settlement agreements, we propose to give parties who enter into settlement agreements the cumulative number of chances is a lottery that they would have had if no settlement agreement had been reached. We believe that this proposal will provide applicants with added incentives to settle, thereby fostering rapid implementation of service and reducing or eliminating administrative burdens.

#### E. Transfers

22. The Commission recently adopted rules governing the transferability of licenses for the broadcast and Domestic Fixed Radio Services. *Amendment of § 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control)*, BC Docket No. 811-887, FCC 82-519, released December 2, 1982, and *Multipoint Distribution Service*, General Docket No. 80-112 and CC Docket No. 80-116, FCC 83-243, released July 15, 1983 (*MDS Decision*). In those proceedings, we relaxed the anti-trafficking rules to permit free transferability of most licenses (i.e., stations constructed) but retained a limitation on the transferability of license awarded after comparative hearings and on the transferability of construction permits. The limitation is that we will carefully review any application for transfer of a construction permit or a license for a station operated less than one year. Essentially, we reserved the right to require the transferor to demonstrate that he was not speculating in authorizations to use the spectrum. See *MDS Decision, supra*, at paras. 142-145. For the reasons stated in the cited proceedings, we propose to adopt the same transferability rules for cellular licenses and construction permits granted as a result of the lottery process. While we recognize that imposition of a stricter anti-trafficking rule could arguably constrain insincere applicants from applying for cellular licenses, we do not feel this situation will occur often enough to warrant such an absolute strict restriction. However, as with lottery entrants, we will carefully examine the qualifications of all transferees to ascertain that our basic cellular requirements are met. We solicit comment on this issue.<sup>31</sup>

#### V. Legal Authority

23. Congress has provided us with the statutory authority to use lotteries in the cellular service. The lottery statute<sup>32</sup>

<sup>30</sup> In addition to the transferability issue, § 22.21 of our rules, 47 CFR 22.21, prevents an applicant from holding a majority interest in more than one cellular application per market. However, our rules do not expressly limit the number of applications in each market in which a company can have minority ownership. In light of our proposed adoption of a lottery, we solicit comments on whether we should limit the number of applications in each market in which a carrier can hold minority interests, whether we should limit the percentage of such minority interests, and whether we should restrict the number of applications any one carrier can submit for providing cellular service.

<sup>31</sup> The Communications Amendment Act of 1982, Pub. L. 97-259, Section 115, enacted September 13, 1982, amended Section 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 309(j). The Lottery Statute empowers the

which authorizes us to adopt a system of random selection for certain Mass Media, Common Carrier and Private Radio Services in our *Second Lottery Notice, supra*, also empowers us to adopt a lottery for use in the Domestic Public Cellular Radio Telecommunications Service. The relevant legislative history of the lottery statute indicates that the Congress intended the Commission to use random selection techniques where the public interest would best be served. The Conference Report accompanying the legislation cites several factors that the Commission should consider in determining whether there are a large number of available licenses; whether there are a number of mutually exclusive applicants for each license; whether there is a significant back-log of applications and a lottery would speed service to the public; and whether diversity of information sources would be enhanced.<sup>33</sup> As previously discussed in the context of the cellular service, each of these factors, with the exception of the last criterion which does not apply to the public mobile services, is consistent with the adoption of a lottery for granting cellular licenses. Accordingly, we propose to implement our lottery procedures to select from among mutually exclusive cellular applicants in all markets except the first 30. We recognize that different considerations may govern adoption of a lottery for applications already filed in Rounds Two and Three as compared to markets beyond the top-90. However, we tentatively find that the public interest favors our use of random selection techniques to award all cellular licenses in markets beyond the top-30, particularly in light of the significant backlog in processing applications which our staff is experiencing. Its possible, however, that the public interest may be better served by some type of comparative procedure in particular markets for either or both frequency blocks. We can envision circumstances under which all applicants are "basically qualified" but there are nonetheless significant differences in their technical proposals which could dramatically affect the quality of service offered to the public. Parties are requested to identify circumstances in which they believe a lottery would not be in the public

Commission to use lottery procedures in any proceeding in which the first application was tendered for filing on or after August 14, 1981, the effective date of the Statute. Round Two applications were filed on November 8, 1982 and Round Three on March 8, 1983.

<sup>33</sup> Conference Report, *supra*, at 37-38.

<sup>32</sup> We remain neutral with respect to the role of small wirelines in entities formed as a result of settlements. Whether participation is active or passive is a matter to be negotiated between the parties. *Reconsideration Order, supra*, at 76.



interest, and to identify alternative procedures or modifications to the traditional comparative process to select licensees in these instances.

24. We believe that application of our lottery procedures in Rounds Two and Three is a reasonable and valid exercise of our authority to award licenses in a manner consistent with the public interest. Although adoption of a lottery in Rounds Two and Three will change the way applications currently on file are granted and processed, we believe that this change will not unduly prejudice any of the applicants for markets 31-90. While we proposed to add specific minimum qualifications standards for future applications, we are not changing fundamentally the way parties file for cellular licenses, and we do not expect adoption of random selection procedures to lower the quality of applications to be filed for markets below the top-90. While applicants in markets 31-90 have a vested interest in their choice of markets and their decisions regarding their planned cellular companies, they have no vested interest in the way the Commission chooses to select cellular licensees from among competing applicants. Some parties may argue that our proposed lottery may be inequitable to individual applicants who have already filed in Rounds Two and Three. While applicants for these markets might have made some changes in the content of, or the number of, their applications had they known there would be a lottery, that possibility does not foreclose our using the lottery. We believe that any iniquity to individual applicants which may result from adoption of a lottery at this time is slight and will be far outweighed by the general public interest benefits, recited above, to be derived from using the lottery.

#### Regulatory Flexibility Act—Initial Analysis

25. *Reasons for action and objective.* The proposed action will allow lotteries to be used instead of comparative hearings to choose among mutually exclusive competing cellular applicants. This action is expected to greatly reduce the delay, lower the cost and speed the process of granting licenses in mutually exclusive cases.

26. *Legal Basis.* The authority for this proposed rulemaking is contained in Sections 1, 3, 4 (i) and (j), 303, 309 and 403 of the Communications Act of 1934, as amended.

27. *Small entities affected and potential impact.* The proposed action will substitute lotteries for comparative hearings as a way to choose among mutually exclusive competing applicants

for cellular licenses. Existing and potential applicants for cellular licenses range in size from single entities and small partnerships to large multi-million dollar corporations. This proposal is expected to decrease the legal and administrative costs of applying for a cellular license. Therefore, we expect that small businesses and radio common carriers may see this as an opportunity to enter the communications business and may now apply for licenses.

28. *Relevant federal rules which overlap, duplicate or conflict with this action.* The proposed action involves modifying a few Commission rules; to our knowledge there is no federal rule that conflicts with, duplicates or overlaps the proposals made in this Notice.

29. *Reporting, record-keeping and compliance requirements.* None.

30. *Specific alternatives that could accomplish the same objectives.* At least two alternatives exist to the lottery proposal. One would be to retain the present comparative hearing process. Another alternative to using lotteries to choose among applicants for licenses would be to auction off those licenses to the highest bidder. However, the Commission does not appear to have statutory authority to hold such an auction.

31. Comments on all aspects of the analysis and proposed rules in this Notice are encouraged. Interested persons are invited to submit comment in accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419. Comments must be filed by December 5, 1983, and reply comments by January 5, 1984. It is our intention not to grant any extensions of time on the comment and reply deadlines.

32. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file.

Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See 47 CFR 1.1231. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

33. Paragraph 12 of the *Memorandum Opinion and Order*, FCC 83-161, released April 22, 1983, is modified to change the date for applications from December 1, 1983, to March 1, 1984.

34. A copy of this Notice of Proposed Rulemaking shall be sent to the Chief Counsel For Advocacy of the Small Business Administration, Federal Communications Commission, William J. Tricarico, Secretary.

#### Appendix A—Proposed Rules

In consideration of the foregoing, the Federal Communications Commission proposes to amend Title 47 of the Code of Federal Regulations as follows:

#### PART 1—PRACTICE AND PROCEDURE

##### Subpart E—General Rules of Practice and Procedures

1. In Part 1, § 1.821 is amended by adding after "... and the provisions referenced herein, shall apply to applications for initial licenses for stations in the Public Land Mobile Service" the words "or for frequencies in the Domestic Public Cellular Radio Telecommunications Service". As revised the section reads as follows:

##### § 1.821 Scope.

Where action on applications is permitted by the Chief, Common Carrier Bureau, under delegated authority, the provisions of this section, and the provisions referenced herein, shall apply



to applications for initial licenses for stations in the Public Land Mobile Service or for frequencies in the Domestic Public Cellular Radio Telecommunications Service.

## **PART 22—PUBLIC MOBILE RADIO SERVICES**

### **Subpart B—Applications and Licenses**

2. In Part 22, § 22.33 is amended by adding after "Public Land Mobile Service" the words "or Domestic Public Cellular Radio Telecommunications Service", to read as follows:

#### **§ 22.33 Grants by random selection.**

If a properly filed application for an initial license in the Public Land Mobile Service or Domestic Public Cellular Radio Telecommunications Service is mutually exclusive with another such application, the applicants shall be included in the random selection process set forth in Part I, § 1.821 *et seq.*

No preferences shall be awarded. Renewal applications shall not be included in a random selection.

### **Subpart K—Domestic Public Cellular Radio Telecommunications Service**

3. Section 22.916 is amended by revising paragraphs (a), (b) and (b)(1) and adding a new paragraph (c) to read as follows:

#### **§ 22.916 Evaluations of cellular applications.**

(a) Mutually exclusive applications for the top-30 cellular modified Standard Metropolitan Statistical Areas that are acceptable for filing and meet our basic qualifying issues shall be designated for a comparative hearing. Applications involving basic qualifying issues shall also be designated for hearing on those particular issues, on an expedited basis, as described in paragraph (b) of this section. The comparative hearing shall be conducted by an Administrative Law

Judge named in the designation order or a subsequent order.

(b) Expedited hearings procedures for the top-30 cellular markets. The following procedures shall apply to hearings in the top-30 cellular markets in the Domestic Public Cellular Radio Telecommunications Service.

(1) The affirmative direct case including all documentary evidence upon which an applicant intends to rely in a comparative context, must be submitted for a top-30 modified SMSA with the application.

(c) Evaluation of cellular applications for markets below the top-30. The procedures set forth in § 1.822 *et seq.* and §§ 22.31 through 22.33 shall apply to all cellular applications chosen by random selection in markets below the top-30.

[FR Doc. 83-30126 Filed 11-6-83; 8:45 am]

BILLING CODE 6712-01-M



# Notices

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

### Office of the Secretary

#### Forms Under Review by Office of Management and Budget

November 4, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB

Desk Officer of your intent as early as possible.

### New

- Animal and Plant Health Inspection Service  
7 CFR Part 355 Endangered Species Regulations  
PPQ 621, 623, 625, 626  
On Occasion, Record Keeping  
Businesses: 19,210 responses; 3,743 hours; not applicable under 3504(h)  
L. M. Sedgwick, Jr. (301) 436-8584

### Revised

- Packers and Stockyard Administration  
Regulations and Related Reporting and Recordkeeping  
Requirements—Packers and Stockyard Act  
P+S-5, 122, 124, 124-1, 125, 130, 131, 132, 134, 135, 202, 212, 216, 218, 315, 316  
On Occasion, Semiannually, Annually, Recordkeeping  
Businesses: 31,980 responses; 248,427 hours; not applicable under 3504(h)  
Calvin W. Watkins (202) 447-7201
- Statistical Reporting Service  
Milk and Milk Products  
Monthly, Quarterly  
Farms, Businesses: 143,146 responses; 17,692 hours; not applicable under 3504(h)  
Lee Sandberg (202) 447-6820  
Extension (Burden Change)
- Agricultural Marketing Service  
Grain Market News Reports and Molasses Market News  
LMGS-73, 177, 383, 388  
Weekly, Monthly  
Farms, Businesses: 4,960 responses; 1,004 hours; not applicable under 3504(h)  
James A. Ray (202) 447-6231
- Federal Crop Insurance for Indemnity  
FCI-74, FCI-74-T-P-C  
On Occasion  
Individuals or Households, Farms:  
140,000 responses; 52,500 hours; not applicable under 3504(h)  
Peter Cole (202) 447-3325
- Federal Crop Insurance Corporation  
Claim for Peach Indemnity  
FCI-63  
On Occasion  
Individuals or Households, Farms: 500 responses; 250 hours; not applicable under 3504(h)  
Peter Cole (202) 447-3325
- Federal Crop Insurance Corporation  
Regulations—Crop Insurance Program

## Federal Register

Vol. 48, No. 218

Wednesday, November 9, 1983

### On Occasion

Individuals or Households, Farms:  
50,000 responses; 8,400 hours; not applicable under 3504(h)

Peter Cole (202) 447-3325

Dewayne Hamilton,

Acting Department Clearance Officer.

[FR Doc. 83-30334 Filed 11-8-83; 8:45 am]

BILLING CODE 3410-01-M

## Packers and Stockyards Administration

### Posted Stockyards; Indiana et al.

Pursuant to the authority delegated under the Packers and Stockyards Act, 1981, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
IN-158 Henry County Livestock Auction, New Castle, Indiana.	Oct. 17, 1983.
SC-135 Palmetto Livestock, Inc., Anderson, South Carolina.	Do.
SC-136 Corley's Horse Auction, Batesburg, South Carolina.	Oct. 19, 1983.
TN-181 Murfreesboro Livestock Market, Inc., Murfreesboro, Tennessee.	Oct. 27, 1983.

Done at Washington, D.C., this 4th day of November, 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-30335 Filed 11-8-83; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-469-021]

### Bottled Green Olives From Spain; 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 2, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on bottled green olives from Spain. The review covers the period January 1, 1980 through December 31, 1981.

We gave interested parties an opportunity to comment on our preliminary results. After review of all comments received, the final results are the same as the preliminary results.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Susan Silver 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 2, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 34997) the preliminary results of its administrative review of the countervailing duty order on bottled green olives from Spain (39 FR 32904; September 12, 1974). 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 Spanish bottled green olives. Such merchandise is currently classifiable under items 148.4420, 148.4440, 148.4800, and 148.5020 through 148.5080 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1981 and three programs: (1) A rebate upon exportation of indirect taxes under the *Desgravacion Fiscal a la Exportacion* ("the DFE"); (2) an operating capital loans program; and (3) a minimum export price program.

**Analysis of Comments Received**

We gave interested parties an opportunity to comment on our preliminary results. We received written comments from the Petitioner, the Spanish exporters and a bottled green olive importer in the United States.

**Comment 1:** The petitioner, the Green Olive Trade Association, asserts that the Department must investigate all of the "subsidies" alleged in the original 1973 countervailing duty petition. The petitioner argues that one program, the Export Investment Reserve, was specifically identified in the petition, and two other types of programs, preferential financing for plant

expansion and regional financing assistance, are similar to allegations in the petition. The petitioner notes that the Department has, in a sense, investigated these programs through the questionnaire, by describing what constitutes subsidization, and by asking whether any subsidies, other than those specifically enumerated, are bestowed. Further, the Spanish government falsely responded to that question, ignoring those programs described in the petition.

**Department's Position:** Since the time of our questionnaire in February 1981, the petitioner has been aware, or should have been aware, that we had not asked questions about those programs, and could have called this fact to our attention. Because the original investigation occurred in 1973 and because the Department of the Treasury did not find countervailable the one program specifically identified, the allegations are new, brought to our attention after the publication of our preliminary results. We will not now investigate them. We do, however, intend to examine the alleged three types of programs in our next administrative review. Finally, we have no evidence that the Spanish government falsely replied to our questionnaire.

**Comment 2:** The petitioner challenges our decision not to countervail the minimum export price program applicable from November 1, 1979 through December 31, 1980 to bulk and bottled green olive exports. The petitioner contends that, in spite of the weakness of the U.S. dollar against the Spanish peseta, Spanish bottlers during that period were able to sell bottled green olives at an artificially high export price because of their near monopoly position as sellers of bulk olives in the United States market and their ability to purchase bulk olives at prices lower than prices available to their U.S. competitors. By mandating this price differential, the Spanish government was able to place the Spanish bottled olive exporting industry at an advantage over U.S. competition without granting a direct export subsidy. Since the result is the same, the program must be a countervailable subsidy.

**Department's Position:** The Department does not consider the minimum export price program on bottled green olives to be a countervailable subsidy, because the program operates to increase the price of bottled olives exported to the U.S. Further, the minimum export price program on bulk olives does not confer a benefit on exports of bottled olives, as the Spanish domestic price of bulk

olives is unregulated and not necessarily lower for exporters of bottled olives.

**Comment 3:** The petitioner maintains that the minimum export price for bottled green olives from Spain is similar to a program found countervailable in the Department's investigation of nitrocellulose from France (48 FR 11971, March 22, 1983). In that case, the French government purchased military grade nitrocellulose at an artificially high price. The petitioner claims that the law does not distinguish between a subsidy "provided by the government" through government purchases of production and a practice "required by government action" as in the case of bottled green olives.

**Department's Position:** In the cited case, the Department determined on the basis of the best information available that the French government was "cross-subsidizing" industrial grade nitrocellulose by purchasing nitrocellulose for the military at inflated prices, augmenting the income of the manufacturer. The minimum price program, unlike the case of French nitrocellulose, involved no infusion of government funds; bottled and bulk olive consumers were not required to purchase at the higher price, but were free to buy or not buy at the elevated price.

**Comment 4:** The exporters claim that, in calculating the DFE overrebate, the Department should treat parafiscal taxes for certain government export inspection requirements (sanitary, "phytosanitary" and quality) as allowable indirect taxes applicable to the final stage product at the time of export.

**Department's Position:** We only allow the rebate of indirect taxes borne by those inputs which are physically incorporated in the final product and the rebate of final stage indirect taxes. Annex 1.1 of part 355 of the Commerce Regulations deems payments for services as not incorporated even if those services directly relate to the exportation of the merchandise. Although these parafiscal taxes are required for export of the final product, we consider these taxes for sanitary, "phytosanitary", and quality inspection actually to be payment for services performed by the government, and therefore not allowable in the calculation of the countervailable overrebate.

**Comment 5:** The exporters claim that the Department's calculation of the subsidy attributable to the operating capital loans program is inconsistent with our calculation in the final affirmative determinations for certain



Spanish steel products (47 FR 51433; November 15, 1982). The exporters argue that, in the steel cases, the Department looked only at loans repaid during the period of investigation. Because the loans here were approximately one year in length, a March 31, 1981 increase in interest differentials was not applicable to loans repaid during 1981, but would apply only to loans due for repayment beginning in March, 1982.

**Department's Position:** There is no inconsistency between our treatment of the operating capital loans program in this case and loans in the Spanish steel cases. In the steel cases, the Department used date of repayment only for calculation of the benefit from medium- and long-term loans. As we said in those cases (47 FR 51448), "in calculating the benefit from the operating capital loans, our calculations include the loans obtained in 1981. Therefore, we used the interest differential in effect in 1981 when these loans were received to calculate any benefit."

**Comment 6:** The exporters claim that our calculations are inconsistent with precedents set in Brazilian countervailing duty cases, in which the Department allocated the subsidy benefit on a pro rata basis for the time the loans were outstanding during the review period.

**Department's Position:** In order to calculate the prorated benefits from all short-term loans outstanding during the period of review, we need actual loan data, including principal amounts and dates of receipt and repayment. Although we requested this information from the Spanish government during the course of the current review, we did not receive it in a timely manner. Without such data, we cannot calculate the amount of preferential loans outstanding during the review period without engaging in purely speculative assumptions.

**Comment 7:** The exporters claim that the Department is overstating the benefit from the operating capital loans program in 1981. They assert that over half of the operating capital loans outstanding in 1981 were contracted for prior to the March 1, 1981 liberalization of commercial short-term interest rates. The interest differential for the earlier loans therefore was 1.5 percent. Further, any loans outstanding in the period January through June 14, 1981 could only have been contracted for in June, 1980; only after July 15, 1981 could such loans be obtained at times other than June of each year. Therefore, exporters could only benefit from the higher interest rate differential after July 15, 1981. The exporters argue that the Department should calculate the 1981 subsidy based

on the interest rate differential in effect at the time receipt of loans outstanding in 1981 was possible (June, 1980 and after July 15, 1981), rather than on the basis of an average interest rate differential weighted by days in 1981.

**Department's Position:** The Department does use date of receipt of the loan in measuring the interest differential. The Spanish government did not respond to our request for actual loan data nor did it provide support for the claim that before July 15, 1981, all loans were granted in June. Therefore, as best information available, we assumed uniform borrowing throughout the period of review and maximum use of the program. The Department used a 1.5 percent differential for borrowings up to March 1, 1981.

**Comment 8:** The exporters suggest that the Department calculate the benefit from the operating capital loans in 1980 by dividing the interest savings on loans received from June 15, 1979 to June 14, 1980 by exports during that same period.

**Department's Position:** Again, the exporters are asking us to accept, without support, the fact that until July 15, 1981 loans were given only once a year, in June. In the absence of specific loan data showing dates of receipt and repayment, and based on the best information available, we have calculated the benefit from operating capital loans as though they were granted uniformly over the period of review.

**Comment 9:** The exporters contend that the commercial benchmark used by the Department is too high. They contest 2 percent of the Department's 2.5 percent addition to the average of the monthly prime rates for one-year loans because any exporter that could obtain any significant amount of financing under the operating capital loans program would have been able to obtain normal commercial credit at a rate no higher than prime. To support this contention, the Spanish embassy submitted 1981 Bank of Spain statistics on "free rates," which are rates charged for "loans made without the benefit of guarantees." The exporters argue that the fact that these free rates are within the range of published monthly prime rates for the same period demonstrates that only the legally established 0.5 percent addition to prime for fees and commissions is justified.

**Department's Position:** Since the preferential loans are given under a broad national lending program, we have used a national commercial interest rate as our benchmark. Additionally, because the operating capital loans program is not directed

toward a particular group of exporters, we have used an average commercial rate (composed of prime plus 2.5 percent), and not a rate available to borrowers of better-than-average creditworthiness. Additionally, during verification, the government of Spain refused to allow the Department to gather information on comparable commercial loans. Absent that information and its verification we would not in any event presume and use a better average interest rate.

**Comment 10:** The exporters contend that various additional charges associated with preferential export financing raise the cost of the operating capital loans from a nominal rate (as of March 1, 1981) of 10 percent to an effective rate of 14-15 percent, as verified in the cases of potassium permanganate and prestressed wire strand from Spain, and in the verification report on ferroalloys from Spain, dated January 6, 1981.

**Department's Position:** The exporters have not provided us with any documentary evidence to corroborate their assertion. The verification reports cited by respondents show that the 14-15 percent figure arose during discussions with a U.S. bank official in Madrid, which does not constitute verification. The Department has never used the 14-15 percent figure cited by the exporters; instead, in the absence of documented evidence of additional interest charges, we have continued to use the published nominal rate of interest for such operating capital loans.

**Comment 11:** On February 23, 1983, the exporters submitted new information showing the amount of operating capital loans granted from July 1980 through June 1981 and from July 1981 through June 1982 to those firms Department representatives had visited in March 1982. The loan information indicated that firms had borrowed less than the maximum allowable amount assumed by the Department in the preliminary results.

**Department's Position:** During the March 1982 verifications, the Department attempted to collect information, and verify that information, on actual loans granted under the operating capital loans program. The government of Spain instructed the firms being verified not to cooperate on this matter. The Department views the February 1983 submission of this information untimely and we will not consider it.

**Comment 12:** The exporters provided a table constructing a theoretical maximum subsidy of 1.49 percent for 1981. They suggest that this rate be used



for assessment for that year. The table assumes maximum eligibility for operating capital loans based on exports from a previous quarter. The benefit from the loans is prorated over the review period.

**Department's Position:** There is no information in the record of this case to support the assumption of eligibility for loans based on quarterly exports. Following past practice, we have calculated eligibility and benefits based on previous years' exports as the best information available. Further, as noted above, we cannot prorate loan benefits without actual loan data submitted on a timely basis.

**Comment 13:** The exporters contend that the deposit rate for the operating capital loans program should not have been based solely upon the maximum eligibility level for 1983 (17.5 percent). Because eligibility levels are based on previous year's exports, it should have been adjusted for the year-to-year growth in those exports as represented by 1980 and 1981 data.

**Department's Position:** As we stated in our final results of the administrative review of unwrought zinc from Spain (48 FR 35698; August 5, 1983), the exporters are asking us to predict the future value of bottled olive exports. The Department views such forecasting as inappropriate. We cannot make such an assumption for the remainder of 1983 and the beginning of 1984 based on any increase in 1981 exports when compared to 1980.

**Comment 14:** The exporters maintain that the duty deposit rate should be updated to reflect the current status of Spain's phase-out of the operating capital loans program, citing a 1982 regulation reducing maximum eligibility to 10.5 percent effective January 1, 1984.

**Department's Position:** As we stated in our final results of administrative review for ferroalloys from Spain (48 FR 34493; July 29, 1983) and unwrought zinc from Spain (48 FR 35689), it is our policy in setting the duty deposit rate to include timely corroborated reports of government actions, subsequent to the review period and already in effect, that affect the size of the benefits on future entries. Therefore, we have not incorporated the January 1, 1984 eligibility change in setting our deposit rate.

**Comment 15:** The importer, Durkee Famous Foods, contends that the information submitted by its supplier supports a lower calculated DFE overbate than that determined by the Department.

**Department's Position:** Our uniform practice in reviewing the overbate under the DFE is to calculate one country-wide rate. Durkee's argument

does not convince us that we should deviate from that practice.

#### Final Results of the Review

After consideration of all of the comments received, we determine the aggregate net subsidy to be 2.70 percent *ad valorem* during 1980. For 1981, we determine the aggregate net subsidy to be 2.44 percent *ad valorem*.

The Department will instruct the Customs Service to assess countervailing duties of 2.70 percent of the f.o.b. invoice price on all shipments of Spanish bottled green olives entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980, and 2.44 percent of the f.o.b. invoice price for shipments exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for in section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.84 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption 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 of the order.

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 in 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: November 2, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration

[FR Doc. 83-30350 Filed 11-6-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-005]

#### Forged Undercarriage Components From Italy; Postponement of Final Antidumping Determination and Postponement of Hearing

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

**SUMMARY:** This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for petitioners in this investigation that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2) (A) and (B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and, that the Department has determined to postpone its final determination as to whether sales of forged undercarriage components from Italy have occurred at less than fair value, until not later than February 20, 1984.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Richard Rimlinger, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-3962.

**SUPPLEMENTARY INFORMATION:** On May 24, 1983, the Department of Commerce published notice in the *Federal Register* (48 FR 23288) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether forged undercarriage components from Italy were being, or were likely to be, sold at less than fair value. On October 7, 1983, the Department published a preliminary determination of sales at not less than fair value with respect to this merchandise (48 FR 45816). The notice stated that if this investigation proceeded normally we would make our final determination by December 19, 1983.

On October 17, 1983, counsel for petitioners in this case requested that the Department extend the period for the final determination until no later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2)(B) of the Act. Section 735(a)(2)(B) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value if the petitioner requests an extension after a negative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than February 20, 1984.

The hearing originally scheduled for November 15, 1983 at 10:00 a.m.; in room 3708 has been postponed. The new hearing date is December 15, 1983 at 10:00 a.m., in room 3092, Department of



Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room 3099B, at the above address within 30 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by December 9, 1983. Oral presentation will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

This notice is published pursuant to section 735(d) of the Act.

Dated: November 2, 1983.

Alan F. Holmer

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-30749 Filed 11-8-83; 8:45 am]

BILLING CODE 3510-05-M

#### National Oceanic and Atmospheric Administration

#### National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 218).

##### 1. Applicant:

a. Name: Southwest Fisheries Center (P77#8), National Marine Fisheries Service, NOAA.

b. Address: P.O. Box 271, La Jolla, California 92038.

##### 2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor porpoise (*Phocoena phocoena*), unspecified.

4. Type of Take: Examination of animals taken incidental to commercial fishing operations.

5. Location of Activity: California coastal fisheries.

##### 6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 3, 1983.

John V. Byrne,

Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 83-30348 Filed 11-8-83; 8:45 am]

BILLING CODE 3510-22-M

#### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### Reestablishment of the Board of Visitors of the Defense Intelligence College

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors of the Defense Intelligence College has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law, and is being reestablished as a separate committee.

The Board of Visitors of the Defense Intelligence College was originally established in 1968 to provide advice to the school's Commandant, and the Director, Defense Intelligence Agency, on matters related to policy, curricula, research and administration. In 1978 this committee was merged with the Board of Visitors of the National Defense University into one committee. This

merger has proved to be impractical. Accordingly, the Board of Visitors of the Defense Intelligence College is being reestablished as a separate committee.

Dated: November 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83-30287 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-01-M

#### DoD Commission on Beirut International Airport (BIA) Terrorist Act, October 23, 1983; Advisory Committee Meeting

The DoD Commission on Beirut International Airport (BIA) Terrorist Act, October 23, 1983, will meet continuously in various places beginning November 7, 1983. The first session will be held at the Pentagon.

The Secretary of Defense has directed that this Commission make a thorough investigation into all the circumstances connected with the attack, and report to him its findings of fact and opinions, relating to the attack, the Rules of Engagement then in force, the adequacy of security measures in place at the time of the explosion, and the adequacy of security measures subsequently established.

Because of the large measure of public concern over the incident, and the Presidential and Congressional interest, the Secretary desires that the Commission begin its deliberations as soon as possible, in order that he may report its findings to the President and the Congress without delay. Accordingly, the 15-day timely notice requirement cannot be met.

Discussions during the meeting will involve classified matters of national security concern throughout. Such discussions cannot reasonably be segregated into separate classified and unclassified categories without defeating the effectiveness and purpose of the overall meetings.

Accordingly, consistent with Section 10(d) of Pub. L. 92-463, the "Federal Advisory Committee Act," and Section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

November 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83-30384 Filed 11-7-83; 12:43 pm]

BILLING CODE 3810-01-M



**Department of the Army****Public Information Collection  
Requirement Submitted to OMB for  
Review**

The Department of Defense has submitted to 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). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

**New**

Application to transit or visit the Kwajalein Missile Range.

Controlled access is essential to maintaining the security of Kwajalein Missile Range, and to ensuring the safety of personnel and vessels desiring to enter or transit the Kwajalein Atoll.

Individuals: 1,800 responses, 450 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room IC535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D887, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: November 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

**Department of the Navy****Intent To Prepare Draft Environmental  
Impact Statement and Implementation  
of the Scoping Process for the  
Development of a Prototype Guayule  
Rubber Production and Processing  
Operation; Phoenix, Arizona**

This notice serves to advise that the Naval Air Systems Command, PMA-277, intends to prepare an Environmental Impact Statement (EIS) for the Joint Guayule Rubber Program. This program

proposes to produce, extract, and refine guayule rubber in order to establish a prototype domestic rubber industry. Both the farming operation and the prototype processing facility will be located on the Gila River Indian Reservation near Phoenix, Arizona. A public meeting may be held regarding this project and the preparation of the EIS if public and agency response dictate. This notice is furnished pursuant to the provisions of the National Environmental Policy Act (NEPA) regulations (section 1501.7, Code of Federal Regulations) and the Navy Environmental and Natural Resources Protection Manual (OPNAVINST 5090.1, Chapter 4) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited. Written comments should be received no later than November 9, 1983. Written comments should be addressed to: Mrs. Judi K. Nelson, Naval Air Systems Command, PMA-277, Washington, D.C. 20351.

The Joint Guayule Rubber Program proposes to develop a prototype domestic guayule rubber industry. The program includes guayule crop establishment, maintenance, and harvesting; and facility construction and operation, with a capacity to process 1,000 long tons of guayule rubber per year. It is expected that successful testing and economic evaluations of guayule rubber will demonstrate the feasibility of a domestic guayule rubber industry.

The Joint Guayule Rubber Program has contracted with the Gila River Indian Community (GRIC) who have subcontracted with the Firestone Tire and Rubber Company (FTRC) involving (1) Agricultural production and harvesting of guayule shrub (*Parthenium argentatum*); (2) construction of a prototype processing facility; (3) chemical extraction of latex and resins from the shrub; (4) refinement of latex into a form suitable for the manufacture of rubber products; (5) transportation of shrub, rubber, and factory supplies; and (6) development of guayule by-products.

The United States is totally dependent on imported natural rubber. Natural rubber is a necessary element in the production of numerous critical military and civilian products. The Department of Defense uses 40 percent of the imported natural rubber. A projected shortfall in world supplies of natural rubber within this decade and inadequate stockpiles have created concern over the future availability of natural rubber. Successful development of a domestic guayule rubber industry

will enable the United States to become less dependent on an unreliable world natural rubber market.

The EIS will consider several alternatives in assessing any potential impacts to the natural and human environment. These alternatives involve modifications in agricultural practices and processing technology. Specifically, these include different (1) Methods of planting, cultivation, and harvesting; (2) processes for pretreatment of shrub, deresination, and latex extraction; (3) types and uses of solvents; and (4) uses and treatment of by-products. An additional alternative will be no action whatsoever.

The preferred activity involves planning up to 2,500 acres of guayule on fallow land and supervising 4 greenhouse operations. It further involves fine grinding then pulverizing the guayule shrub, followed by deresination and latex extraction through the use of solvents. Antioxidants are added to the latex which is then dried, collected, and blocked. Resins are collected for by-product development and bagasse used for boiler fuel in the cogeneration of electricity. The prototype guayule processing facility is scheduled to be under construction by early 1987.

The EIS will consider the impact of the proposed action on environmental factors including, but not limited to (1) Agricultural operations; (2) water supply and usage; (3) fugitive dust generated during construction; (4) hydrocarbon emissions; and (5) potential effluents. Mitigation measures will be examined for the reduction of any identified adverse impacts.

It is estimated that the Draft Environmental Impact Statement will be made available to the public by May 1984.

Questions concerning the proposed action and or details concerned with any further public involvement in the EIS should be directed to Mr. Donald M. Simon, PMA-277B2, Naval Air Systems Command at telephone (202) 692-4313.

Dated: November 4, 1983.

F. N. Otlie,

Lieutenant Commander, JAGC, U.S. Navy  
Alternate Federal Register Liaison Officer.

[FR Doc. 83-30297 Filed 11-8-83; 8:45 am]

BILLING CODE 3510-AE-M

**Navy Resale System Advisory  
Committee; Partially Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory



Committee will meet on November 28, 1983, in the Monticello Room, at the Jefferson Hotel, 16th and M Streets, NW., Washington, D.C. The meeting will consist of two sessions: the first from 8:00 to 8:50 a.m., and the second from 9:00 a.m. until 3:45 p.m. Topics to be discussed at the meeting will include organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in sections 552b (c)(2), (c)(4), and (c)(9)(B) of title 5, United States Code. The first session of the meeting, which will involve other nonprivileged matters relating to the Navy Exchange Resale System, will be open to the public.

For further information concerning this meeting contact: Captain J. R. Akers, SC, U.S. Navy, Naval Supply System Command, NAVSUP 09B, Arlington, Virginia 22202. Telephone: (202) 695-5457.

Dated: November 4, 1983.

F. N. Otlie,

*Lieutenant Commander, JAGC, U.S. Navy,  
Alternate Federal Register Liaison Officer.*

[FR Doc. 83-30296 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-AE-M

#### Naval Research Advisory Committee, Panel on Environmental Support; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Environmental Support will meet November 29-30, 1983, at the U.S. Naval Observatory, Washington, D.C. Sessions of the meeting will commence at 8:45 a.m. and terminate at 5:00 p.m. on November 29, and commence at 9:00 a.m. and terminate at 4:30 p.m. on November 30, 1983. All sessions of the meeting will be closed to the public.

The entire agenda for the meeting will consist of discussions relating to an assessment of the Navy's environmental support in the design, development, test, operational planning, and employment of naval systems. These matters constitute classified information that is specifically authorized under criteria

established by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, Virginia 22217. Telephone: (202) 696-4870.

Dated: November 4, 1983.

F. N. Otlie,

*Lieutenant Commander, JAGC, U.S. Navy  
Alternate Federal Register Liaison Officer.*

[FR Doc. 83-30296 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-AE-M

#### Naval Research Advisory Committee Panel on Hospital Care; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given the Naval Research Advisory Committee Panel on Hospital Care will meet November 30 and December 1, 1983, at the Office of Naval Research, Arlington, Virginia.

The first session of the meeting will commence at 8:30 a.m. and terminate at 11:30 a.m. on November 30, 1983. The second session will commence at 1:00 p.m. and terminate at 4:30 p.m. on November 30, 1983. The third session will commence at 8:30 a.m. and terminate at 11:30 a.m. on December 1, 1983. The fourth session will commence at 1:00 p.m. and terminate at 4:30 p.m. on December 1, 1983. All sessions of the meeting will be held in room 915, Office of Naval Research. The second session on the afternoon of November 30, 1983, and the third session on the morning of December 1, 1983, will be open to the public. The remaining two sessions will be closed to the public.

The purpose of the meeting is to identify critical medical issues in support in the Marine Corps amphibious operations and sustained operations ashore in a conventional warfare environment. The open sessions will generally cover presentations and discussions relating to medical planning and preparation in support of contingencies and medical contingency

execution. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the first and fourth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, Virginia 22217. Telephone: (202) 696-4870.

Dated: November 4, 1983.

F. N. Otlie,

*Lieutenant Commander, JAGC, U.S. Navy  
Alternate Federal Register Liaison Officer.*

[FR Doc. 83-30296 Filed 11-8-83; 8:45 am]

BILLING CODE 3810-AE-M

#### DEPARTMENT OF EDUCATION

##### Handicapped Children's Early Education Program; Grant Applications

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1984 New Grant Applications—Handicapped Children's Early Education Program.

**SUMMARY:** The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for new awards under certain programs administered by the Office of Special Education and Rehabilitative Services.

##### Organization of Notice

This notice contains two parts. Part I is a list of all application closing dates covered by this notice. Part II contains the individual application announcements for each program.

##### Amendment of Statutory Authority

Prospective applicants are advised that the Congress is considering legislation to amend the statutory authority for certain sections of the Education of Handicapped Act. If such legislation is enacted with respect to fiscal year 1984 appropriations which



requires a substantive change in any of the priorities or other requirements for new projects, applicants will be given the opportunity to amend or resubmit their applications.

#### Intergovernmental Review

On June 24, 1983, the Secretary published in the *Federal Register* final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

#### The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects which do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States which have established a process, designated a single point of contact, and have selected this program for review:

#### State

Arizona	Nevada
Arkansas	New Jersey
Delaware	Oklahoma
Florida	Oregon
Indiana	Puerto Rico
Kentucky	South Carolina
Louisiana	Tennessee
Michigan	Utah
Missouri	West Virginia
Montana	Wisconsin
Nebraska	Wyoming

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about and to comply with the

State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by March 20, 1984 for the Handicapped Children's Early Education Program—Demonstration Projects (84.024A); and April 9, 1984 for the Handicapped Children's Early Education Program—Outreach Projects (84.024B) to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA number 84.024A; 84.024B) 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone Number (202) 245-7913. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send application to the above address.*

#### Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

##### Transmittal of Applications:

Applications for new projects must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

##### Applications Delivered by Mail:

Applications must be addressed to the Department of Education, Application Control Center, Attention: (insert appropriate CFDA Number), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand:** Hand-delivered applications must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application for a new project that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

#### PART I—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE

CFDA No.	Program	Closing date
84.024A	Handicapped Children's Early Education Program—Demonstration Projects	Jan. 20, 1984
84.024B	Handicapped Children's Early Education Program—Outreach Projects	Feb. 9, 1984

#### Part II—Application Notices

##### 84.024A Handicapped Children's Early Education—Demonstration Projects

Applications are invited for new model demonstration projects under the Handicapped Children's Early Education program.

Authorization for this program is contained in Section 623 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1423)

Applications may be submitted by public agencies, private nonprofit organizations, or combinations of such parties.

The purpose of this program is to support eligible parties in developing and carrying out experimental preschool and early education programs for



handicapped children which incorporate the basic principles of child growth and development, psychology of learning, special education, and other disciplines that may be associated with the handicapped.

**Closing Date for Transmittal of Applications:** An application for a grant must be mailed or hand delivered by January 20, 1984.

**Available Funds:** It is estimated that approximately \$3,000,000 will be available for support of 30 new demonstration projects under this program in fiscal year 1984. This estimate of funding level does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations. Grant approval is for a three-year period subject to an annual review of progress and availability of funds.

**Priority for Funding:** Priority for assistance under this program will be given to applications which propose projects designed to: (a) Provide or develop models which can successfully group handicapped and nonhandicapped children on a full or part time basis and which are aimed at permitting the entry of handicapped children into the regular school system, (b) serve to further the objective of serving children to the greatest extent possible throughout the Nation both in urban and in rural areas, (c) serve children of special age level or functional level groups within the limits provided for in § 309.15 of the program regulations, (d) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (e) serve handicapped children who are also economically disadvantaged, or (f) serve children with specific handicapping conditions.

The Secretary especially urges the submission of applications for demonstrations (a) directed toward improving services, through parents and other caregivers for at-risk and handicapped infants who are critically ill, and (b) to educate minority or underserved populations. Applications that meet these invitational priorities, however, will not receive a competitive or absolute preference over other applications that describe other early education model demonstration projects.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by November 21, 1983. These materials may be obtained by writing to: Program Development Branch, Special Education

Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

**Applicable Regulations:** Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education program (34 CFR Part 309).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

**FOR FURTHER INFORMATION CONTACT:** For further information contact Jane DeWeerd, Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Ave, SW., Washington, D.C. 20202. Telephone: (202) 245-9405. (20 U.S.C. 1423)

#### 84.024B Handicapped Children's Early Education—Outreach Projects

Applications are invited for new outreach projects under the Handicapped Children's Early Education program.

Authorization for this program is contained in Sections 623 and 624 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1423, 1424)

Applications may be submitted by public agencies and private nonprofit organizations which have successfully completed a three-year demonstration project under the Handicapped Children's Early Education program, and obtained other funding to maintain the services initiated under the demonstration project.

The purpose of this program is to support successful demonstration projects to assist other agencies in meeting the early educational needs of handicapped children.

**Closing Date for Transmittal of Applications:** An application for a grant

must be mailed or hand delivered by February 9, 1984.

**Available Funds:** There is expected to be available \$5,000,000 in fiscal year 1984 for support of approximately 15 new outreach projects under this program. This estimate of funding level does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations. Grant approval is for up to a three-year period subject to an annual review and availability of funds. First time applicants, those who have never before been funded for outreach, should request only one year funding.

**Priority for Funding:** Priority for assistance under this program will be given to applications which propose projects designed to: (a) Provide or develop models which can successfully group handicapped and nonhandicapped children on a full or part time basis and which are aimed at permitting the entry of handicapped children into the regular school system, (b) serve to further the objective of serving children to the greatest extent possible throughout the Nation both in urban and in rural areas, (c) serve children from birth to the time a child would normally complete the third grade in accordance with § 309.15 of the program regulations, (d) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (e) (serve handicapped children who are also economically disadvantaged, or (f) serve children with specific handicapping conditions.

The Secretary especially urges the submission of applications to replicate demonstrations: (a) Directed toward improving services, through parents and other caregivers, for at-risk and handicapped infants who are critically ill, and (b) to educate minority or underserved populations. Applications that meet these invitational priorities, however, will not receive a competitive or absolute preference over other applications that describe projects for model demonstration programs.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by November 21, 1983. These materials may be obtained by writing to: Program Development Branch, Division of Innovation and Development, Special Education Programs, Donohoe Building, Room 4048, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.



Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

**Applicable Regulations:** Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education program (34 CFR Part 309).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

**For Further Information Contact:** For further information please contact Jane DeWeerd, Program Development Branch, Division of Innovation and Development, Special Education Programs, U.S. Department of Education, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-9405.

(20 U.S.C. 1423, 1424)

Dated: November 1, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-30232 Filed 11-8-83; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER84-48-000]

#### American Electric Power Service Corp.; Filing

November 3, 1983.

The filing Company submits the following:

Take notice that on October 24, 1983, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Appalachian Power Company (APCO), which is an AEP operating subsidiary, Modification No. 11 dated August 1, 1983 to the Interconnection Agreement dated February 7, 1957, between APCO and Carolina Power & Light Company. The Commission has previously designated

the 1957 Agreement as APCO's Rate Schedule FERC No. 24 and Carolina Company's Rate Schedule FERC No. 44.

Section 1 of Modification No. 11 provides for an increase in the transmission demand charge for Short-Term Power when APCO is the supplying party to \$0.35 per kilowatt per week and to \$0.07 per kilowatt per day. Section 2 increases the Limited Term Power transmission demand charge when APCO is the supplying party to \$1.50 per kilowatt per month. Sections 3 and 4 of this Modification revises the compensation sections of Short Term and Limited Term Power Service Schedules to comply with the Commission's Order in Docket No. ER82-515-000. These schedules have been proposed to become effective July 20, 1983.

AEP requests an effective date of July 20, 1983 and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Service Commission of West Virginia and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30238 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5005-001]

#### City of Ammon, Idaho; Surrender of Preliminary Permit

November 2, 1983.

Take notice that the City of Ammon, Utah, Permittee for the Ririe Dam Project No. 5005, has requested that its preliminary permit be terminated. The permit was issued on November 6, 1981, and would have expired on November 6, 1983. The project would have been located on Willow Creek in Bonneville County, Idaho.

The Permittee filed its request on September 19, 1983, and the surrender of the preliminary permit for Project No. 5005 is deemed accepted on issuance of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30251 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-25-000]

#### City of Palm Springs—City Hall; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

November 3, 1983.

On October 21, 1983, City of Palm Springs, (Applicant) of 3200 East Tahquitz-McCallum, P.O. Box 1786, Palm Springs, California 92263, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located adjacent to City Hall in Palm Springs, California. The facility will consist of two reciprocating engine generator units with waste heat recovery equipment. The useful thermal energy output will be used for space heating and air conditioning. The primary energy source for the facility will be natural gas. The net electric power production capacity of the facility will be 1205 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30239 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M



[Docket No. QF84-26-000]

**City of Palm Springs—Sunrise Plaza Recreational Center; Application for Commission Certification of Qualifying Status of a Cogeneration Facility**

November 3, 1983.

On October 21, 1983, City of Palm Springs, (Applicant) of 3200 East Tahquitz-McCallum, P.O. Box 1786, Palm Springs, California 92263, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at the Sunrise Plaza Recreational Center in Palm Springs, California. The facility will consist of a reciprocating engine generator unit with waste heat recovery equipment. The useful thermal energy output will be used for space heating and air conditioning and heating of the swimming pool. The primary energy source for the facility will be natural gas. The net electric power production capacity of the facility will be 590 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30240 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-18-000]

**Cogenic Energy Systems Inc.—Brooklyn Union Gas Co. Building; Application for Commission Certification of Qualifying Status of a Cogeneration Facility**

November 3, 1983.

On October 17, 1983, Cogenic Energy Systems Inc., (Applicant) of 127 East 64th Street, New York, New York 10021,

filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On October 24, 1983, supplemental information was filed to complete the application.

The topping-cycle cogeneration facility will be located at the Brooklyn Union Gas Company's Headquarters Building at 195 Montague Street, Brooklyn, New York. The facility will consist of an internal combustion engine-generator unit with waste heat recovery equipment. The useful thermal output will be utilized for cooling purposes. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 100 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30241 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA83-2-21-007 (PGA83-4b, IPR83-2, AP83-2)]

**Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff**

November 2, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on October 27, 1983, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective September 1, 1983:

Substitute Ninetieth Revised Sheet No. 16  
Second Substitute Second Revised Sheet Nos. 16B through 16D  
Second Substitute Thirtieth Revised Sheet No. 64.

Columbia states that the foregoing tariff sheets are being filed in

compliance with Ordering Paragraph B(4) of the Commission's Order issued August 31, 1983, as clarified by Commission Order issued October 19, 1983. Such order directed Columbia to file revised tariff sheets to eliminate any costs attributable to its company-owned production which have not qualified for NGPA pricing for the periods claimed in Columbia's filing.

In addition, Columbia states that the tariff sheets filed herein reflects a voluntary reduction to Columbia's Purchased Gas Adjustment to recognize, where applicable, the effect of the decision of the United States Court of Appeals for the District of Columbia Circuit in *INGAA v. FERC* (Nos. 81-1690, *et al.*, August 9, 1983), vacating Commission Order Nos. 93 and 93-A upon Columbia's purchase from Louisiana producer suppliers. Columbia further states that it has, by letter dated October 26, 1983, advised the Louisiana producers that effective with deliveries on and after November 1, 1983, Columbia would, where applicable, calculate the heat content on a saturated with water vapor basis.

The tariff sheets filed herewith reflect (1) a revised Purchased Gas Cost Adjustment Applicable to Sales Rate Schedules in the credit amount of \$11,948,566, which is \$14,993,424 less than that filed on September 27, 1983, (2) a revised Purchased Gas Surcharge Applicable to Rate Schedule SCES in the amount of \$1,337,023, which is \$22,486 less than that filed on September 27, 1983, and (3) a revised deferred amount in the applicable 191 subaccount as of June 30, 1983, of \$5,369,460, which is \$56,550,838 less than that filed on July 29, 1983.

Copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 835 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the



Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30252 Filed 11-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-45-000]

**Duke Power Co.; Filing**

November 2, 1983.

The filing Company submits the following:

Take notice that on October 24, 1983, Duke Power (Duke Power) tendered for filing a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated as Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following additional delivery: Delivery Point No. 27 with a designated demand of 2,400 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for the twelve months immediately succeeding the effective date.

Duke Power proposes an effective date of July 19, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Laurens Electric Cooperative, Inc. and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 384.211, 385.214). All such motions or protests should be filed on or before November 16, 1983. Protests should be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30242 Filed 11-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-388-001]

**Electrodyne Research Corporation—  
Claymont, Delaware; Application for  
Commission Certification of Qualifying  
Status of a Small Power Production  
Facility**

November 3, 1983.

On August 11, 1983, Electrodyne Research Corporation, (Applicant) of 1617 Sweetbriar Road, Gladwyne, Pennsylvania 19035, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. Supplemental information was filed to complete the application on August 18, 1983, August 22, 1983, and October 24, 1983.

The small power production facility will be located in Claymont, Delaware. The Applicant is requesting dual certification of the facility as a cogeneration facility (QF83-388-000). The primary energy source for the facility will be waste in the form of unsaleable anthracite coal culms. The waste fuel will consist of three types: 50 mesh high ash processed coal which is a reject from the beneficiation process used to recover clean coal from anthracite culm for use in residential heating, 50 mesh anthracite culm fines which are unsatisfactory for beneficiation, and  $\frac{3}{4}$ " x  $\frac{1}{2}$ " coarse culm which is unsatisfactory for beneficiation. The electric power production capacity of the facility will be 80 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30244 Filed 11-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-425-000]

**Electrodyne Research Corp.—  
Gilberton, Pa.; Application for  
Commission Certification of Qualifying  
Status of a Small Power Production  
Facility**

November 3, 1983.

On September 12, 1983, Electrodyne Research Corporation (Applicant) of 1617 Sweetbriar Road, Grandwyne, Pennsylvania 19035, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On October 24, 1983, supplemental information was filed to complete the application.

The small power production facility will be located in Gilberton, Pennsylvania. The primary energy source for the facility will be waste in the form of unsaleable anthracite coal culms. The waste fuel will consist of three types: 50 mesh high ash processed coal which is a reject from the beneficiation process used to recover clean coal from anthracite culm for use in residential heating, 50 mesh anthracite culm fines which are unsatisfactory for beneficiation, and  $\frac{3}{4}$ " x  $\frac{1}{2}$ " coarse culm which is unsatisfactory for beneficiation. The electric power production capacity of the facility will be 80 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30243 Filed 11-6-83; 8:45 am]

BILLING CODE 6717-01-M



[Docket No. GT84-5-000]

**El Paso Natural Gas Co.; Tariff Filing**

November 2, 1983.

Take notice that on October 26, 1983, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, First Revised Volume No. 1 to its FERC Gas Tariff which, when accepted by the Commission and permitted to become effective, will supersede currently effective Original Volume No. 1 of El Paso's FERC Gas Tariff.

El Paso states that its currently effective Original Volume No. 1 Tariff dates from October 1, 1949, and that since that date certain of the tariff sheets contained therein have not been changed while others have been revised (in some cases many times) and still others have been added as provisions were added or expanded. As a consequence, the original consecutive numbering system for tariff sheets has become increasingly complex and difficult to maintain. Further, as changes have been made, minor inconsistencies in format and punctuation usage have developed. These and other, similar "housekeeping" difficulties associated with the maintenance and use of the existing Original Volume No. 1 Tariff, coupled with the advent of sophisticated word processing capability which can be programmed to consistently implement standard formatting and punctuation conventions, make it appropriate in El Paso's view to now replace Original Volume No. 1 with a new tariff. The new First Revised Volume No. 1:

(1) Reflects consistent formatting and punctuation conventions;

(2) Includes place tabs for major sections, and tables of contents for the General Terms and Conditions and Indices to facilitate location of information;

(3) Provides for future expansions through appropriately located reserved sheets;

(4) Includes a revised Preliminary Statement and new system map which more accurately reflect El Paso's current pipeline facilities and service areas;

(5) Substitutes references to the Federal Energy Regulatory Commission for references to the Federal Power Commission; and

(6) Reflects a name change for one of El Paso's direct sale customers (formerly "Kennecott Corporation" and now "Kennecott, Ray Mines Division"). El Paso emphasizes that the changes being made are solely and exclusively

"housekeeping" in nature and that even these have been kept to minimum. There have been no changes in rates or, otherwise, of a substantive nature, nor has El Paso proposed to revise any provision for which a revision is otherwise pending before the Commission.

El Paso requests that tendered First Revised Volume No. 1 be permitted to become effective thirty (30) days following the date of filing.

El Paso states that copies of the instant filing have been served upon all of its interstate pipeline system customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before Nov. 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30252 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-16-000]

**Locust Ridge Gas Co., Notice of Proposed Changes in FERC Gas Tariff**

November 2, 1983

Take notice that on October 27, 1983, Locust Ridge Gas Company (Locust Ridge) tendered for filing changes in its following FERC Gas Tariffs:

Original Volume No. 1

Original Volume No. 3

The proposed changes would lower Locust Ridge's cost of service to all customers, excluding purchased gas costs, from a current \$4534 per MMBtu to a proposed \$3182 per MMBtu.

Locust Ridge states that the principal reason for this major reduction in cost of service is the addition of substantial volumes for transportation on its system without any significant increase in costs.

Copies of the filing were served upon all customers of Locust Ridge subject to these tariffs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30254 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-452-000]

**Mother Earth Industries Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

November 3, 1983

On September 22, 1983, Mother Earth Industries, Inc., (Applicant) of 5 Buckfield Lane, Greenwich, Connecticut 06830, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On October 20, 1983, supplemental information was filed to complete the application.

The small power production facility will be located in the Cove Fort-Sulphurdale area in Millard and Beaver Counties, Utah. The primary energy source for the facility will be geothermal resources. The electric power production capacity of the facility will be up to 10 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are with



the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30245 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-647-002, et al.]

#### New England Power Co.; Compliance Filing

November 2, 1983.

Take notice that on October 21, 1983, New England Power Company ("NEPCO") submitted for filing its revised tariff sheet, rate design, cost of service and billing comparison which assume the use of a gross-of-tax method for the period prior to March 1, 1983 and after December 31, 1983. This filing was made pursuant to Ordering Paragraph (A) of the Commission order in Docket Nos. ER83-647-000, et al.

NEPCO states that copies of this filing have been served on the parties.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30255 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-388-018]

#### Northwest Alaskan Pipeline Co.; Tariff Changes

November 2, 1983

Take notice that on October 31, 1983, Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing in Docket No. CP81-388-018 the following revisions to its FERC Gas Tariff, Original Volume No. 2.

#### Rate Schedule and Tariff Sheet Number

- All—Original Sheet No. 5A
- X-1—Original Sheet Nos. 108B-108W;  
Original Sheet Nos. 158B-158S; First Revised Sheet Nos. 151, 152, 185
- X-2—Original Sheet Nos. 208B-208V;  
Original Sheet Nos. 258B-258S; First Revised Sheet Nos. 251, 252, 285
- X-3—Original Sheet Nos. 308B-308W;  
Original Sheet Nos. 358B-358S; First Revised Sheet Nos. 351, 352, 385
- X-4—Original Sheet Nos. 406B-406V;  
Original Sheet Nos. 456B-456R;

Original Sheet Nos. 476A-476B;  
Original Sheet Nos. 451, 459, 460

Northwest Alaskan proposes that these revisions be effective April 11, 1983.

Northwest Alaskan states that the proposed tariff revisions implement a settlement reached with its Canadian supplier, Pan-Alberta Gas Ltd. (Pan-Alberta), wherein certain take and pay claims are waived and Northwest Alaskan's minimum daily and annual volumetric obligations to purchase Canadian gas have been substantially reduced for a two year period. The proposed tariff revisions reflect Northwest Alaskan's agreement with its U.S. Purchasers of this gas—Northern Natural Gas Company, Division of InterNorth Inc., Panhandle Eastern Pipe Line Company, United Gas Pipe Line Company, and Pacific Interstate Transmission Company—to effectuate a corresponding reduction in minimum daily and annual volumetric obligations by amending its gas purchase agreements with such U.S. purchasers and revising the applicable rate schedules contained in its FERC Gas Tariff, Original Vol. No. 2.

Northwest Alaskan states that in consideration for the agreement by Pan-Alberta to reduce minimum daily and annual volumetric obligations and in recognition of the fact that, by virtue of such reductions, Pan-Alberta will incur contractual volume deficiency obligations with its producers, Northwest Alaskan has agreed to make certain settlement payments to Pan-Alberta. Pan-Alberta will use such payments in settlement of deficiency volume obligations with its producers. Northwest Alaskan further states that, based on present estimates, the total settlement amounts payable by Northwest Alaskan to Pan-Alberta will be \$27.7 million for contract year 1983 and \$57.1 million for contract year 1984, in Canadian dollars (\$22.4 million and \$46.2 million in U.S. dollars for the 1983 and 1984 respective years).

The tendered tariff sheets provide for collection by Northwest Alaskan from the U.S. Purchasers of their respective shares of settlement amounts paid by Northwest Alaskan to Pan-Alberta. Cost incurred by Northwest Alaskan to finance the settlement amount paid to Pan-Alberta will also be recoverable from the U.S. Purchasers under the terms of the contract and tariff sheet revisions. A description of how these costs are to be allocated among the U.S. Purchasers is set forth in the amendments to the gas purchase agreements and tendered tariff sheets.

Northwest Alaskan further states that, because lenders of funds to make

settlement payments will rely solely on Northwest Alaskan's tariff for repayment of settlement costs, the filed tariff revisions must unconditionally provide for recovery of such costs, i.e., regardless of monthly volumes actually purchased and regardless of whether the importation and resale of this gas were to cease or be suspended for any reason.

In addition, Northwest Alaskan has requested that the Commission, in its order accepting the proposed tariff revisions, determine the revised tariff to be just and reasonable, find that incurrence of costs associated with the settlement is prudent and find that the settlement costs are costs of purchasing Canadian gas.

According to Northwest Alaskan, the various contract amendments executed to implement the reduced minimum volumetric obligations provide that all governmental and regulatory approvals must be obtained by February 15, 1984 or the agreements may be terminated at the election of any of the parties thereto.

If approved as just and reasonable, Northwest Alaskan's rates would be tracked in the rates of downstream pipeline purchases of this natural gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30256 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-55-000]

#### Northwest Central Pipeline Corp.; Complaint Under §§ 275.203 and 275.204 of the Commission's Regulations and Title I of the Natural Gas Policy Act

Issued: November 3, 1983.

On September 6, 1983, the Northwest Central Pipeline Corporation (Northwest Central) filed a complaint with the Federal Energy Regulatory Commission



(Commission) protesting the applications of Conoco Inc. (Conoco) for stripper well determination for the Burnett 32A well, the Burnett 52A well, the Burnett 83A well and the JJ Crutchfield No. 1 well. The subject wells are located in the West Panhandle field, Carson County, Texas. Northwest Central filed its protest pursuant to 18 CFR 275.203-204 of the Commission's regulations. Northwest Central alleges that Conoco is in violation of provisions under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981).

Conoco filed with the Texas Railroad Commission (Texas) an application for stripper well determination for the subject wells on June 6, 1983. Texas approved Conoco's application on June 10, 1983.<sup>1</sup> Northwest Central states that it did not participate in the jurisdictional agency proceedings because it did not have sufficient time in which to gather the information contained herein within the given time in which to file a protest with Texas.

In order for a natural gas well to be designated as a stripper natural gas well under section 108(b)(1)(A) and (B) of the NGPA, it must be shown that during the relevant 90-day production period, such well produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf per production day during such period; and . . . [that] such well produced at its maximum efficient rate of flow, determined in accordance with recognized conservation practices designed to maximize the ultimate recovery of natural gas.

Northwest Central states that it has certain information gathered from its field stations responsible for the area where the subject wells are located, which is contrary to that submitted by Conoco in its application for stripper well determination for the subject wells. Northwest Central alleges that for the period of February 1983 through April 1983, the Burnett 32A well had only 21 days of actual production. Northwest Central states that when the total volume of natural gas produced from the Burnett 32A well is divided by the actual production days for the above 1983 period, the average yield is 180 Mcf per day. According to Northwest Central, the Burnett 52A well had only 21 actual production days and that the average yield for that well was 111 Mcf per day for the above 1983 period. For the Burnett 83A well, Northwest Central states that there were only 24 actual production days for the above-mentioned 1983 period, and that the

average yield for this well was 158 Mcf per day for the above 1983 period. For the JJ Crutchfield No. 1 well, Northwest Central alleges there were only 31 actual production days and that the average yield was 144 Mcf per day.

The discrepancy results from a difference in opinion between Northwest Central and Conoco as to what constitutes a production day. Northwest Central states that there are several compressors which allows the well to produce at their maximum efficient rate. When said compressors are turned off, the wells in effect are shut-in even though they remain open to the line and unable to produce. Northwest Central alleges that the compressors affecting these four wells have been shut-in for various periods of time throughout the period of February 1983 through April 1983. Northwest Central contends that those certain days in which its compressor was shut-in cannot qualify as production days. Conoco apparently counted these days as production days in its applications before Texas.

Any person desiring to be heard or to make protest to this complaint should file within 30 days after notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30246 Filed 11-8-83; 8:45 am]  
BILLING CODE 9717-01-M

[Docket No. GP84-1-000]

**Northwest Central Pipeline Corp.,  
Complaint Under §§ 275.203 and  
275.204 of the Commission's  
Regulations and Title I of the Natural  
Gas Policy Act**

Issued: November 3, 1983.

On October 13, 1983, the Northwest Central Pipeline Corporation (Northwest Central) filed a complaint with the Federal Energy Regulatory Commission (Commission) protesting the application for stripper well determination by Conoco Inc. (Conoco) for the Burnett 5a well. The Burnett 5A well is located in the West Panhandle field, Carson County, Texas. Northwest Central filed its protest pursuant to 18 CFR 275.203-204 of the Commission's regulations.

Northwest Central alleges that Conoco is in violation of provisions under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981).

Conoco filed with the Texas Railroad Commission (Texas) an application for stripper well determination for the subject well, which was approved by Texas. The Commission received notice of Texas' approval on September 2, 1983.<sup>1</sup> Northwest Central states that it did participate in the jurisdictional agency proceedings because it did not have sufficient time in which to gather the information contained herein within the given time in which to file a protest before Texas.

In order for a natural gas well to be designated as a stripper natural gas well under section 108(b)(1)(A) and (B) of the NGPA, it must be shown that during the relevant 90-day production period, such well produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf per production day during such period; and . . . [that] such well produced at its maximum efficient rate of flow, determined in accordance with recognized conservation practices designed to maximize the ultimate recovery of natural gas.

Northwest Central states that it has certain information gathered from its field stations responsible for the area where the subject well is located, which is contrary to that submitted by Conoco in its application for stripper well determination for the subject well. Northwest Central alleges that for the period of February 1983 through April 1983, the Burnett 5A well had only 10 production days. Northwest Central states that when the total volume of natural gas produced from the Burnett 5A well is divided by the actual production days for the period February 1983 through April 1983, the average yield is 160 Mcf per production day.

The discrepancy results from a difference in opinion between Conoco and Northwest Central as to what constitutes a production day. Northwest Central states that in the field there is a compressor which allows the well to produce at its maximum efficient rate. When said compressor is turned off, the well in effect is shut-in even though it remains open to the line and unable to produce. According to Northwest Central, the compressor affecting this well has been shut-in for various periods of time throughout the period of February 1983 through April 1983. Northwest Central contends that those certain days in which its compressor

<sup>1</sup> The well determinations by Texas became final well determinations on September 12, 1983.

<sup>1</sup> The well determination by Texas became a final well determination on October 17, 1983.



was shut-in cannot qualify as production days. Conoco apparently counted these days as production days in its application before Texas.

Any person desiring to be heard or to make protest to this complaint should file within 30 days after notice is published in the T4 Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30247 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-46-000]

#### San Diego Gas & Electric Co.; Filing

November 2, 1983.

The filing Company submits the following:

Take notice that on October 24, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing a change in rates as set forth in an Agreement between itself and Escondido Mutual Water Company (EMWC) executed June 8, 1983. The 1983 Agreement provides for SDG&E to: (1) Purchase all excess energy produced and delivered to SDG&E by EMWC; (2) sell to EMWC at certain times the amount of electricity that EMWC needs to fulfill its obligations to the United States Indian Service pursuant to the contract between EMWC and the United States Indian Service, dated February 14, 1914; and (3) sell to EMWC the amount of electricity that EMWC needs to fulfill its requirements to serve the Dixon Dam Water Treatment Plant located in the City of Escondido. The 1983 Agreement decreases rates set forth in previously existing contracts between EMWC and SDG&E which have been also filed herewith as initial rates.

SDG&E requests an effective date of August 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30257 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-46-004 and RP83-54-002]

#### South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 2, 1983.

Take notice that South Georgia Natural Gas Company (South Georgia) on October 31, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1 to be effective on November 1, 1983.

South Georgia states that as required by a Stipulation and Agreement which was certified to the Commission on July 8, 1983 in the captioned proceedings, South Georgia reduced its rates in Docket No. RP82-46-000 effective September 1, 1983 to reflect the terms of that settlement. South Georgia states that since the Commission did not approve the Stipulation and Agreement by September 30, 1983, then it may file tariff sheets to restore its rates in Docket No. RP82-46-000 up to their originally filed levels or it may place into effect the rates in Docket No. RP83-54-000, as provided in the Stipulation. South Georgia states that under the terms of the Stipulation it may make either of these rate changes effective on September 1, 1983 or such later date as South Georgia may elect.

South Georgia advises that the proposed revised tariff sheets will restore its rates in Docket No. RP82-46-000 to the level in effect preceding the rate reduction on September 1, 1983.

If the Commission does not accept the revised tariff sheets for filing to be effective on November 1, 1983, then South Georgia proposes, in the alternative, to place alternate revised tariff sheets in effect on November 1, 1983. Such alternate revised tariff sheets reflect the rates in Docket No. RP83-54-000.

South Georgia states that on March 1, 1983 it filed a general rate increase in

Docket No. RP83-54-000 to be effective on April 1, 1983. By order issued March 1, 1983 the Commission accepted those tariff sheets for filing and suspended their effectiveness until September 1, 1983, subject to the condition that South Georgia reflect a cash working capital working allowance computed on the basis of thirteen days. Tariff sheets complying with such condition were filed by South Georgia on April 15, 1983 and the alternate revised tariff sheets reflect that condition. According to South Georgia, the alternate revised tariff sheets also reflect South Georgia's weighted average unit cost of gas as included in South Georgia's purchased gas adjustment filing of July 1, 1983.

South Georgia states that copies of said filing were served upon South Georgia's jurisdictional purchasers, interested state public service commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 285.214 or 285.211). All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30258 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-18-000]

#### South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 2, 1983.

Take notice that South Georgia Natural Gas Company (South Georgia) on October 31, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending June 30, 1983, as adjusted, and would increase jurisdictional revenues by \$1,024,805.

The Base Tariff Rates in this filing reflect South Georgia's total system weighted average unit cost of gas



reflected in its July 1, 1983, Purchased Gas Cost Adjustment. South Georgia states that it will file substitute tariff sheets reflecting any change in the cost of gas in South Georgia's PGA filing which becomes effective on or before the effective date of the tariff sheets in this filing.

South Georgia states that the principal reasons for the rate increase are increased operating costs, including the cost of labor, depreciation expense, supplies and other taxes and a reduction in the sales volumes for the test year.

Additionally, South Georgia respectfully requests the Commission to grant such waivers of its regulations as may be necessary to allow the proposed tariff sheets to become effective December 1, 1983.

Copies of this filing have been served upon South Georgia's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before November 16, 1983. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30259 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-47-000]

#### Southwestern Public Service Co.; Filing

November 3, 1983.

The filing Company submits the following:

Take notice that on October 24, 1983, Southwestern Public Service Company (Southwestern) tendered for filing an initial rate schedule consisting of the Interconnection Agreement between El Paso Electric Company (EPE) and Southwestern.

Southwestern states that the Interconnection Agreement provides for interconnection of Southwestern's electric power system with the electric

power system of EPE through a DC terminal (a back-to-back AC to DC to AC conversion station) located near Artesia, New Mexico.

Southwestern and EPE believe that substantial benefits can be realized by the interconnection and interchange of power between the two systems. Such benefits include reduction in aggregate generating capacity and transmission equipments by reason that installation of such facilities can be alternated or deferred with consequent savings in investment capital charges and operating expenses. This interconnection will also improve service reliability of both systems.

Southwestern requests an effective date of January 1, 1984.

A copy of this filing was served upon El Paso Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before November 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30248 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP84-17-000]

#### Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Filing of Changes in Rates

November 2, 1983.

Take notice that on October 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing changes in its FERC Gas Tariff to be effective December 1, 1983, consisting of the following revised tariff sheets:

##### Original Volume No. 1

Tenth Revised Sheet Nos. 20 and 22  
Eleventh Revised Sheet No. 21  
Fourth Revised Sheet Nos. 75, 79 and 83  
First Revised Sheet No. 225  
Original Sheet No. 226

A Sheet Reserving Original Sheet Nos. 227 through 325

##### Sixth Revised Volume No. 2

First Revised Sheet Nos. 2AA and 2BB  
Original Sheet No. 2CC

The changes would decrease revenues from jurisdictional sales and services by \$12,772,555 based on a test period consisting of the twelve months ended July 31, 1983, adjusted for known and measurable changes through April 30, 1984. The changes also incorporate a Transportation Cost Adjustment provision in the General Terms and Conditions of Volume No. 1 of Tennessee's FERC Gas Tariff.

Tennessee states that the level of rates filed is required to reflect an increase in rates caused by changes in test period plant and related expenses, and test period cost levels for materials, supplies, wages, taxes, prepayments to producers and the cost of transportation of gas by others and a decline in system sales volumes, as offset by a reduction in the cost of service resulting from reflecting the decreased onshore and offshore book depreciation rates determined by the Commission's Opinion No. 190, issued on October 5, 1983, in Docket No. RP77-62, *et al.*, subject to Tennessee's application to rehearing of that opinion.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-30260 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA82-2-58-002 (PGA83-2, IPR82-3)]

#### Texas Gas Pipe Line Corp.; Filing of Tariff Sheet

November 2, 1983.

Take notice that on October 31, 1983, Texas Gas Pipe Line Corporation (Texas



Gas), pursuant to § 154.38 of the Commission's Regulations under the Natural Gas Act, tendered for filing Tenth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 of the General Terms and Conditions of the Tariff. More specifically, Tenth Revised Sheet No. 4a reflects a net decrease under that currently being collected of 21.57¢ per Mcf (at 14.65 psia) to be effective December 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30261 Filed 11-8-83; 8:45 am]

BILLING CODE 5717-01-M

### Transcontinental Gas Pipe Line Corp.; Application

[Docket No. CP83-489-000]

November 3, 1983.

Take notice that on August 31, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-489-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline looping and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco proposed to construct and operate on its mainline system in Louisiana approximately 28.13 miles of 42-inch pipeline loop in Allen Parish between its Compressor Station Nos. 45 and 50 and approximately 22.46 miles of

42-inch pipeline loop in Pointe Coupee Parish between its Compressor Station Nos. 50 and 60.

Transco states that the proposed facilities are required in order to increase its capability to move additional gas supplies from its Southwest Louisiana Gathering System (which transports gas principally from the offshore Texas area, notably from the High Island Offshore System) and from other systems of Transco which transport gas from offshore Texas, to its Station No. 65. Station No. 65 is located at the junction of Transco's Southeast Louisiana Gathering System and its mainline in St. Helena Parish at the Louisiana-Mississippi state line, it is explained.

Transco states it anticipates that during the 1984-85 winter season, the peak day volumes which would be required to be moved to Station No. 65 through the mainline system from all upstream sources would be 2,348,286 Mcf of gas per day, compared to 2,174,247 Mcf per day presently able to reach such station. Further, Transco submits that the 2,348,286 Mcf per day volume represents the sum of anticipated maximum flowing supplies from presently attached sources as well as new sources to be attached, withdrawal volumes from the Washington Storage Field, volumes attributable to exchange transactions in this area of the system, and short-haul and long-haul transportation volumes. The volumes flowing east from Station No. 65 toward the market area would remain unchanged at 3,100,000 Mcf of gas per day, it is stated.

It is stated that the proposed facilities are estimated to cost \$48,780,000 which would be financed initially through revolving credit arrangements, short-term loans and funds on hand. Permanent financing would be undertaken as part of an overall long-term financing program at a later date, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30249 Filed 11-8-83; 8:45 am]

BILLING CODE 5717-01-M

[Docket No. RP83-93-001]

### Trunkline Gas Co.; Compliance Filing

November 2, 1983.

Take notice that Trunkline Gas Company (Trunkline) on October 31, 1983, tendered for filing the revised tariff sheets as listed on the attached Appendices (1) and (2).

These revised tariff sheets were filed in compliance with the Commission's Order dated June 30, 1983 in Docket No. RP83-93. The Commission's Order of June 30, 1983 conditionally accepted Trunkline's proposed revised tariff sheets as filed on May 31, 1983, subject to certain conditions. Trunkline states that the revised tariff sheets on the attached Appendices (1) and (2) are in compliance with the conditions.

Copies of this filing were served on Trunkline's jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 385.214 and 385.211 of this chapter. All such



petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-30262 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-000]

**Union Camp Corp.; Application For Commission Certification of Qualifying Status of a Cogeneration Facility**

November 3, 1983.

On October 24, 1983, Union Camp Corporation, (Applicant) of 1600 Valley Road, Wayne, New Jersey 07470, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at the Applicant's pulp and paper mill near Eastover, Richland County, South Carolina. The facility will consist of a recovery boiler, a power boiler, and a steam turbine generator. The useful thermal energy output will be in the form of process steam for use in pulp and paper making processes. The primary energy source for the facility will be biomass in the form of dry black liquor solids. The net electric power production capacity of the facility will be 48, 172 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-30250 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP72-41-012]

**Western Transmission Corp., Proposed Changes**

November 2, 1983.

Take notice that on October 28, 1983, Western Transmission Corporation (Western) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet:

Twenty-first Revised Sheet No. 3-A, superseding Substitute Twentieth Revised Sheet No. 3-A

The proposed changes would decrease the monthly charges for purchased gas to Colorado Interstate Gas Company, Western's sole jurisdictional customer, pursuant to the provisions of Section 18 of Western's FPC Gas Tariff, Original Volume No. 1.

The proposed effective date of the above tariff sheet is December 1, 1983.

Copies of the filing have been served upon Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-30263 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER78-414-008]

**Delmarva Power & Light Co.; Compliance Filing**

November 4, 1983.

Take notice that on October 28, 1983, Delmarva Power & Light Company ("DP&L") submitted for filing its Compliance Report pursuant to Opinion

Nos. 185 and 185-A in Docket No. ER78-414-000.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 14, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-30324 Filed 11-8-83; 8:45 am]  
BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**OPTS 41012 BH-FRL 2462-1**

**Chemicals to be Reviewed by the Toxic Substances Act Interagency Testing Committee; Public Meeting and Request for Information**

**AGENCY:** Toxic Substances Contstances Control Act Interagency Testing Committee.

**ACTION:** Notice of public meeting and request for information.

**SUMMARY:** The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) will hold a public meeting to receive comments and information on a new list of chemicals selected for review by the ITC. The method of scoring and selecting chemicals for inclusion on the list will be described. The public is also invited to submit to the ITC, after the meeting, written comments and technical data on the listed chemicals. The chemicals on the list are candidates for possible recommendation to the Administrator of the U.S. Environmental Protection Agency (EPA), to be given priority consideration for the promulgation of testing rules pursuant to section 4(a) of TSCA.

**DATES:** The meeting will be held on Thursday, December 8, 1983 at 9:00 a.m.

Oral comments may be presented at the meeting. Written comments, data, and information should be sent to the Executive Secretary, ITC, no later than January 14, 1984.

**ADDRESSES:** The meeting will be held at: Disabled American Veterans Building, Main Floor, 807 Maine Ave., SW., Washington, D.C. 20024.

Written comments and information to: Martin Greif, Executive Secretary, TSCA Interagency Testing Committee.



Environmental Protection Agency, (TS-792), 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**  
Martin Greif, (202-382-3810).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.* (TSCA), authorizes the Administrator of the Environmental Protection Agency to require testing of chemicals in commerce if the Administrator makes certain findings that are set forth in section 4(a) of TSCA. Section 4(e) established the TSCA Interagency Testing Committee. The ITC is charged with recommending to the EPA Administrator chemical substances or mixtures (chemicals) to which EPA should give priority consideration for promulgating health and environmental effects testing rules under section 4(a) of TSCA. The EPA Administrator must respond to the ITC recommendations by proposing testing rules for the recommended chemicals or issue for publication in the Federal Register the reasons for not doing so.

Eight Federal agencies are specified in section 4(e)(2)(A) of TSCA as statutory members of ITC. The agencies are: Council on Environmental Quality, Department of Commerce, Environmental Protection Agency, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Science Foundation, and Occupational Safety and Health Administration.

The ITC has invited five other Federal agencies and one national program, with activities related to the control of toxic substances, to participate in a liaison capacity. They are: Consumer Product Safety Commission, Department of Agriculture, Department of Defense, Department of the Interior, Food and Drug Administration, and National Toxicology Program. Staff support is provided by the Environmental Protection Agency and the National Library of Medicine.

In developing its recommendations the ITC is directed by section 4(e)(1)(A) of TSCA to consider, together with all other relevant information, the following priority factors with respect to chemicals under consideration:

1. Quantity manufactured.
2. Quantity which will enter the environment.
3. Occupational exposure.
4. Non-occupational human exposure.
5. Similarity in chemical structure to

other substances which are known to present an unreasonable risk of injury to health or the environment.

6. Existence of data concerning health and environmental effects.

7. The extent to which testing will develop useful data on the risk of injury to health or the environment.

8. The reasonably foreseeable availability of testing facilities and personnel.

The ITC is also directed by section 4(e)(1)(A) of TSCA to give priority attention, in establishing its list of recommended chemicals, to those chemicals which are known or suspected to cause cancer, gene mutations or birth defects.

Section 4(e) requires that the ITC revise its list of recommended chemicals as necessary at least once every six months. The initial report of the ITC to the EPA Administrator was published in the Federal Register of October 12, 1977 (42 FR 55026). This report contains a description of the Committee's scoring and review processes, together with the initial list of recommended chemicals. Eleven subsequent reports have been issued by the ITC.

The ITC completed its Fifth Scoring Exercise in September 1983. This exercise was designed to select additional chemicals which warrant detailed review to determine which should be recommended to the EPA Administrator for priority consideration. This scoring exercise produced a list of 82 chemicals to be reviewed by the ITC during the next 18-24 months. The chemicals are listed in Unit II of this notice.

**II. 1983 List of Chemicals Selected for Review by TSCA Interagency Testing Committee**

(Ascending CAS No. Sequence)

CAS No.	Chemical name
75-63-9	Bromotrifluoromethane.
78-67-1	2,2'-Azobisisobutyronitrile.
78-79-5	2-Methyl-1,3-butadiene.
78-88-6	2,3-Dichloropropene.
79-84-7	Tetrabromobisphenol A.
80-43-3	Cumene peroxide.
81-55-0	1,8-Dihydroxy-4,5-dinitroanthraquinone.
84-65-1	Anthraquinone.
85-22-3	Pentabromomethylbenzene.
87-59-2	2,3-Xylylene.
87-60-5	3-Chloro-o-toluidine.
87-83-2	Pentabromomethylbenzene.
87-24-4	2,2'-Methylenebis[5-tert-butyl-4-ethylphenol].
95-14-7	1H-Benzotriazole.
95-31-8	N-tert-Butyl-2-benzothiazolesulfenamide.
95-33-0	N-Cyclohexyl-2-benzothiazolesulfenamide.
95-89-2	4-Chloro-o-toluidine.
96-37-7	Methylcyclopentane.
97-80-3	2-(Methyl(1-oxo-9-(Z)-octadecenyl)amino)ethanesulfonic acid.
98-94-2	N,N-Dimethylcyclohexylamine.
98-95-0	m-Dinitrobenzene.
100-37-8	2-(Diethylamino) ethanol.
101-68-8	1,1'-Methylenebis(4-isocyanatobenzene).
102-08-9	Thiocarbamide.

CAS No.	Chemical name
102-36-3	1,2-Dichloro-4-isocyanatobenzene.
103-74-2	2-Pyridine ethanol.
107-18-6	Allyl alcohol.
107-22-2	Ethanedial.
108-89-4	4-Methylpyridine.
109-70-6	1-Bromo-3-chloropropane.
110-05-4	Di-tert-butyl peroxide.
112-41-4	1-Dodecene.
116-82-5	1-Amino-2-bromo-4-hydroxyanthraquinone.
117-62-4	2-Amino-1, 5-naphthalenedisulfonic acid.
119-61-9	Benzophenone.
119-64-2	1,2,3,4-Tetrahydronaphthalene.
120-78-5	2, 2'-Dithiobenzothiazole.
122-39-4	Diphenylamine.
126-33-0	Tetrahydrothiophene 1,1-dioxide.
126-73-8	Tributyl phosphate.
128-39-2	2,6-Di-tert-butylphenol.
129-80-3	1,4-Di-p-toluidinoanthraquinone.
135-88-6	N-Phenyl-2-naphthylamine.
142-59-6	1,2-Ethanedithiol[carbamodithioic acid]disodium salt.
145-49-3	1,5-Diamino-4,8-dihydroxyanthraquinone.
150-39-0	N-(2-hydroxyethyl)ethylenedinitrioltriacetic acid.
529-34-0	3,4-Dihydro-1(2H)-naphthalenone.
592-41-6	1-Hexane.
592-76-7	1-Heptene.
616-45-5	2-Pyrrolidinone.
872-05-9	1-Decene.
1072-52-2	1-Azidine ethanol.
1163-19-5	Decabromodiphenyl ether.
1634-04-4	tert-Butyl methyl ether.
1837-91-8	1,2,3,4,5,6-Hexabromocyclohexane.
2176-62-7	Pentachloropyridine.
3081-01-4	N-(1,4-Dimethylpentyl)-N-phenyl-1,4-benzenediamine.
3734-48-3	4,5,6,7,8,8-Hexachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene.
6419-19-8	Nitrotris(methylphosphonic acid).
8007-16-9	C.I. Pigment yellow 53.
15096-52-3	Cryolite.
19660-16-3	2,3-Dibromopropyl acrylate.
25339-56-4	Heptene, mixed isomers.
26006-22-4	Ethanaminium, N,N,N-trimethyl-2-[(2-methyl-1-oxo-2-propenyl)oxy]-methyl sulfate, polymer with 2-propenamide.
26447-40-5	1,1'-Methylenebis(isocyanatobenzene).
27215-95-8	Nonene.
27515-86-8	Bis(2-methylpropyl)phenol.
38051-01-4	2,2-Di(chloromethyl)-1,3-propanediol diphosphate tetrakis (2-chloroethyl)ester.
55867-43-1	1,1-Dichloro-4-methyl-1,3-pentadiene.
59898-78-5	Tetrachlorocyclopentane.
61791-36-4	4,5-Dihydro-1H-imidazole 2-noralkyl alkyl derivatives.
61931-82-6	N-(1,3-Dimethylbutyl)-N-phenyl-1,4-benzenediamine.
63451-40-1	4-(Phenylimino)-2,5-cyclohexadien-1-one oxime, sodium salt.
67700-99-6	Di-(C <sub>12</sub> -C <sub>13</sub> )-alkylmethylamines.
68122-86-1	Imidazolium compounds, 4,5-dihydro-1-methyl-2-noralkyl alkyl-1-(2-tallow amide)ethyl methyl sulfates.
68153-35-5	Ethanaminium, 2-amino-N-(2-aminoethyl)-N-(2-hydroxyethyl)-N-methyl-N-ditalow acyl derivatives, methyl sulfates (salts).
68187-41-7	Phosphorodithioic acid, O,O-di(C <sub>12</sub> -C <sub>13</sub> )-alkyl esters.
68258-91-3	Hexachlorocyclopentane.
68334-67-6	1,1,2,3,4-Pentachloro-4-(1-methylethoxy)-1,3-butadiene.
68457-79-4	Phosphorodithioic acid, o,o-bis(mixed iso-butyl and pentyl) esters, zinc salts.
68974-78-7	Thiobis(tetra propenyl phenol), magnesium salt.
69227-21-0	(C <sub>12</sub> -C <sub>13</sub> ) Alkyl alcohol ethoxylate propoxylate.

**III. Public Meeting and Request for Comments**

A public meeting of the ITC will be held in Washington, D.C. on December 8, 1983, at the time and place designated in the beginning of this notice. At this meeting a representative of the ITC will describe the chemical-scoring and selection process used by the



Committee. Interested persons are invited to present relevant oral comments on the process and on chemicals listed in Unit II of this notice. Additional comments and information may be submitted in writing to the Executive Secretary, TSCA Interagency Testing Committee, at the address shown at the beginning of this notice. The kinds of information that would be most helpful to the ITC in assessing the need for testing are those related to the eight priority factors listed in Unit I of this notice. Of particular value would be:

1. Technical bulletins.
2. Material safety data sheets.
3. Current annual production data and trends.
4. Number of workers exposed, concentrations, controls, use of open versus closed systems, etc.
5. Use data (types of uses, percent of production by use, etc.).
6. Environmental impact data (waste control procedures, pollution potential, fraction released to the environment, route of environmental entry, environmental reactions, degradation rates, and ecotoxicity).
7. Toxicological data (laboratory test protocols and results, occupational and non-occupational epidemiology, etc.).

The ITC would appreciate receiving notification if a listed chemical is no longer being manufactured or distributed.

The information submitted will become part of the public record of the ITC review process unless it is clearly designated as Confidential Business Information (CBI). Submitters should separate CBI from other information and mark such information clearly as "TSCA-CBI." It will be treated in accordance with procedures outlined in the "TSCA Confidential Business Information Security Manual."

Any persons wishing to make an oral presentation at the December 8, 1983 public meeting should notify the Executive Secretary, ITC not later than November 30, 1983, at the address or telephone number set forth in this notice. Respondents are requested to provide the CAS registry number and the name of any chemical they wish to comment on. Oral presentations will be limited to 10 minutes per person.

Written comments, data, and information on chemicals should be submitted to the Executive Secretary, ITC, not later than January 14, 1984, in order to be assured timely review by the ITC.

Dated: October 26, 1983.

Elizabeth K. Weisburger,  
Chairperson, TSCA Interagency Testing Committee.

[FR Doc. 83-28865 Filed 11-8-83; 8:45 am]  
BILLING CODE 6560-50-M

[OPP-30195B; PH-FRC 2463-4]

**Ciba-Geigy Corp.; Approval of Application To Register a Pesticide Product Containing a New Active Ingredient**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has approved the application by Ciba-Geigy Corp. to register the algaecide Belclene 322 containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** By mail: Richard Mountfort, Product Manager PM 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the *Federal Register* of January 12, 1981 (48 FR 2716) which announced that Ciba-Geigy Corp., Ardsley, NY 10502, had submitted an application to register the algaecide Belclene 310 containing 96 percent of the active ingredient 2-(methylthio)-4-(ethylamino)-6-(1,2-dimethylpropyl) amino-s-triazine, an active ingredient not included in any previously registered pesticide product.

On August 25, 1983 registration was issued for a product called "Belclene 322" containing 10 percent of the active ingredient described above. Belclene 322 is assigned EPA Registration No. 40810-4 and is approved for general use. The active ingredient is declared in the label ingredient statement as: *N*-(1,2-dimethylpropyl)-*N*-ethyl-6-(methylthio)-1,3,5-triazine-2,4-diamine.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M

St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: October 25, 1983.

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

[FR Doc. 83-28863 Filed 11-8-83; 8:45 am]  
BILLING CODE 6560-50-M

[OPP-30214A; PH-FRL 2463-7]

**ICI Americas, Inc.; Approval of Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has conditionally approved the application by the ICI Americas, Inc. to register the herbicide Fusilade 4E Herbicide containing an ingredient not included in any previously registered pesticide product, pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

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

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the *Federal Register* of March 10, 1982 (47 FR 10289) which announced that ICI Americas, Inc., Wilmington, DE 19897, had submitted an application to register the herbicide Fusilade 4E Herbicide containing 46.5 percent of the active ingredient butyl (R S)-2-[4-[[5-trifluoromethyl]-2-pyridinyl] oxy] phenoxy] propanoate, an ingredient not included in any previously registered product.

The application was approved on April 20, 1983 for general use in pesticide formulation. The product was assigned EPA Registration No. 10182-67.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. Requests for data must be made in accordance with the provisions of the Freedom of Information Act, and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, D.C. 20460. Such



requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: October 25 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-29864 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53054; BH-FRL 2463-3]

# **Premature Notices; Monthly Status Report for September 1983**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the Federal Register at the beginning of each month reporting the premature notices (PMNs) pending before the Agency and the PMNs for which the review period

has expired since publication of the last monthly summary. This is the report for September 1983.

**DATE:** Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**ADDRESS:** Written comments are to be identified with the document control number "[OPTS-53054]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of

Toxic Substances, Environmental Protection Agency, Rm. E-229, 401 M Street, SW., Washington, DC 20460 (202-382-3736).

**SUPPLEMENTARY INFORMATION:** The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September (b) PMNs received previously and still under review at the end of September (c) PMNs for which the notice review period has ended during September (d) chemical substances for which EPA has received a notice of commencement to manufacture during September and (e) PMNs for which the review period has been suspended. Therefore, the September 1983 PMN Status Report is being published.

Dated: October 27, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

## **PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983**

PMN No.	Identify/generic name	FR citation	Expiration date
<b>I. 231 Premature Notices Received During the Month</b>			
83-1094	Withdrawn		
83-1095	Generic name: Amine salt of alkylphenylthiophene sulfonic acid	48 FR 40783 (9/9/83)	Nov. 29, 1983
83-1096	Withdrawn		
83-1097	Generic name: (2-[a(3-(4-amino-6-chloro-1,3,5-triazin-2-ylimino)-2-hydroxy-5-sulfonylphenylazo) substituted methinohydrazono]-4-sulfonylbenzoate-(0,0)-(4-)) copper(II) acid, disodium	48 FR 41638 (9/16/83)	Nov. 30, 1983
83-1098	Generic name: $\mu$ -(2,2'-bis(a-(2-carboxy-5-sulfonylphenylhydrazono) substituted methinazo)-4,4'-disulfo-6,6'-(6-chloro-1,3,5-triazin-2,4-diylimino)-1-phenylazo-(0,0)-(0,0')) dicopper(II) acid, tetrasodium	48 FR 41638 (9/16/83)	Do.
83-1099	Polymer of: tall oil, pentacythritol, isophthalic acid, benzoic acid, styrene, methyl methacrylate	48 FR 41638 (9/16/83)	Do.
83-1100	Generic name: Heteromonocyclic substituted diester	48 FR 41638 (9/16/83)	Do.
83-1101	Generic name: Heteromonocyclic substituted diester	48 FR 41639 (9/16/83)	Do.
83-1102	Generic name: Aliphatic acid ester of n-alkyl perfluoro sulfonamido alkaloid	48 FR 41639 (9/16/83)	Dec. 4, 1983
83-1103	Generic name: Esterified copolymers of alpha olefins and maleic anhydride	48 FR 41639 (9/16/83)	Do.
83-1104	PEG-120 methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1105	Methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1106	Generic name: Polyester of phthalic anhydride and lower glycols	48 FR 41639 (9/16/83)	Nov. 30, 1983
83-1107	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	48 FR 41639 (9/16/83)	Dec. 4, 1983
83-1108	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41639 (9/16/83)	Do.
83-1109	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1110	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1111	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1112	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1113	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1114	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1115	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1116	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1117	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1118	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1119	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1120	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1121	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1122	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1123	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1124	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1125	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1126	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1127	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1128	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1129	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1130	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1131	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1132	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1133	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1134	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1135	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1136	Generic name: Salt of alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1137	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1138	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1139	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1140	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1141	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983—Continued

PIN No.	Identity/generic name	FR citation	Expiration date
83-1142	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1143	Generic name: Alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1144	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1145	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1146	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1147	Generic name: Styrene/alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1148	Generic name: Ammonia salt of styrene/alpha olefin/2,5 furandione copolymer	48 FR 41642 (9/16/83)	Do.
83-1149	Generic name: Styrene/alpha olefin/2,5 furandione copolymer	48 FR 41642 (9/16/83)	Do.
83-1150	Generic name: Ammonia salt of styrene/alpha olefin/2,5 furandione copolymer	48 FR 41642 (9/16/83)	Do.
83-1151	Generic name: Diethoxydiphenylketone	48 FR 41642 (9/16/83)	Do.
83-1152	Generic name: Substituted sulfonated naphthalene	48 FR 41642 (9/16/83)	Dec. 5, 1983.
83-1153	Generic name: Urethane compound	48 FR 41642 (9/16/83)	Do.
83-1154	Generic name: Urethane compound	48 FR 41642 (9/16/83)	Do.
83-1155	Generic name: Copolymer of mixed acrylate and methacrylate monomers	48 FR 41642 (9/16/83)	Do.
83-1156	Generic name: Substituted cyclopentadieneformaldehyde copolymer	48 FR 41642 (9/16/83)	Do.
83-1157	Generic name: Substituted oxirane	48 FR 41642 (9/16/83)	Do.
83-1158	Generic name: Polymer of styrene with mixed alkyl acrylates and methacrylates	48 FR 41642 (9/16/83)	Do.
83-1159	Generic name: Complex epoxy resin adduct	48 FR 41642 (9/16/83)	Do.
83-1160	Generic name: Substituted heterocycle	48 FR 41642 (9/16/83)	Do.
83-1161	Generic name: Combination of a metal phosphate and metal oxides	48 FR 41642 (9/16/83)	Do.
83-1162	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1163	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1164	Generic name: Trisubstituted pyrimidine	48 FR 41643 (9/16/83)	Do.
83-1165	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1166	Generic name: Monosubstitutedphenyl magnesium bromide	48 FR 41643 (9/16/83)	Do.
83-1167	Generic name: Trisubstitutedmethylsilane hydrochloride	48 FR 41643 (9/16/83)	Do.
83-1168	Generic name: Monosubstitutedbenzyl chloride	48 FR 41643 (9/16/83)	Do.
83-1169	Generic name: Monosubstitutedbenzylthiosulfate salt	48 FR 41643 (9/16/83)	Do.
83-1170	Generic name: Monosubstitutedbenzylsulfonichloride	48 FR 41643 (9/16/83)	Do.
83-1171	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1172	Generic name: Monosubstitutedbenzoic acid	48 FR 41643 (9/16/83)	Do.
83-1173	Generic name: Monosubstitutedbenzoic acid methyl ester	48 FR 41643 (9/16/83)	Do.
83-1174	Generic name: Monosubstitutedheterocycle-diazonium chloride	48 FR 41643 (9/16/83)	Do.
83-1175	Generic name: Monosubstitutedheterocycle-sulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1176	Generic name: Trisubstitutedbenzenesulfonyl chloride	48 FR 41644 (9/16/83)	Do.
83-1177	Generic name: Trisubstitutedphenol, ammonium salt	48 FR 41644 (9/16/83)	Do.
83-1178	Generic name: Monosubstitutedphenol, sodium salt	48 FR 41644 (9/16/83)	Do.
83-1179	Generic name: Monosubstitutedbenzenesulfonyl-isocyanate	48 FR 41644 (9/16/83)	Do.
83-1180	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1181	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1182	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1183	Generic name: Substituted polyalkylene polyamine	48 FR 41644 (9/16/83)	Do.
83-1184	Polymer of: styrene, butyl acrylate, 1-octyl acrylamide, acrylic acid, methacrylic acid	48 FR 41644 (9/16/83)	Do.
83-1185	Generic name: Substituted 1-sila-2-azacyclo-pentane	48 FR 41644 (9/16/83)	Do.
83-1186	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Dec. 6, 1983.
83-1187	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Do.
83-1188	Generic name: Organic acid salt of the succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1189	Succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1190	Generic name: Alpha olefin succinic anhydride	48 FR 41644 (9/16/83)	Do.
83-1191	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1192	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1193	Generic name: Organic acid salt of 3 heteropolycyclic alkyl succinimide of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1194	Generic name: 3 heteropolycyclic alkyl succinimide of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1195	Generic name: Succinic anhydride of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1196	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1197	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1198	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1199	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1200	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1201	Generic name: Dyne diurea	48 FR 43397 (9/23/83)	Dec. 7, 1983.
83-1202	Generic name: Dyne diurea	48 FR 43397 (9/23/83)	Do.
83-1203	Generic name: Dyne diurea	48 FR 43397 (9/23/83)	Do.
83-1204	Generic name: Dyne diurea	48 FR 43397 (9/23/83)	Do.
83-1205	Generic name: Dyne diurea	48 FR 43398 (9/23/83)	Do.
83-1206	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1207	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1208	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1209	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1210	Generic name: Trisubstitutedbenzenesulfonyl-chloride	48 FR 43398 (9/23/83)	Do.
83-1211	Generic name: Monosubstitutedheterocycle-sulfonamide	48 FR 43398 (9/23/83)	Do.
83-1212	Generic name: Monosubstitutedheterocycle-sulfonylchloride	48 FR 43398 (9/23/83)	Do.
83-1213	Generic name: Monosubstitutedaminohetero-cycle	48 FR 43398 (9/23/83)	Do.
83-1214	Generic name: Disubstitutedchloromethylmethyl silane	48 FR 43398 (9/23/83)	Do.
83-1215	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1216	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1217	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1218	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1219	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1220	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43399 (9/23/83)	Do.
83-1221	Generic name: Substituted dialkylphenol	48 FR 43399 (9/23/83)	Do.
83-1222	Generic name: Substituted alkyl halide	48 FR 43399 (9/23/83)	Do.
83-1223	Generic name: Bisphenol glycidyl ether polyglycol reaction product	48 FR 43399 (9/23/83)	Do.
83-1224	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1225	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1226	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1227	Generic name: Perhalo alkoxyl ether	48 FR 43399 (9/23/83)	Do.
83-1228	Generic name: Perhalo alkoxyl ether	48 FR 43399 (9/23/83)	Do.
83-1229	Generic name: Perhalo alkoxyl ether	48 FR 43399 (9/23/83)	Do.
83-1230	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1231	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1232	Generic name: Polymer of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, a metal salt of an alkanediol polyether, and aliphatic diisocyanates	48 FR 43399 (9/23/83)	Do.



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1233	Generic name: Phosphorothioic acid ester, amine salt	48 FR 43399 (9/23/83)	Do
83-1234	Generic name: Vinyl-epoxy ester	48 FR 43399 (9/23/83)	Dec. 10, 1983
83-1235	Generic name: Vinyl-epoxy ester	48 FR 43400 (9/23/83)	Do
83-1236	Generic name: Vinyl-epoxy ester	48 FR 43400 (9/23/83)	Do
83-1237	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 43400 (9/23/83)	Do
83-1238	Generic name: Substituted anthraquinone	48 FR 43400 (9/23/83)	Do
83-1239	Generic name: Modified acrylic polymer	48 FR 43400 (9/23/83)	Do
83-1240	Generic name: Copolymer of alkyl methacrylates and vinyl mono-heterocycle	48 FR 43400 (9/23/83)	Do
83-1241	Polymer of: adiprene 167, teracol 650 and 2-hydroxy ethyl acrylate	48 FR 43400 (9/23/83)	Do
83-1242	Generic name: Polyamic acid	48 FR 43400 (9/23/83)	Dec. 21, 1983
83-1243	Generic name: Polymer of formaldehyde and substituted phenols and hydrobromic acid	48 FR 43400 (9/23/83)	Dec. 10, 1983
83-1244	Generic name: Modified polyester	48 FR 43400 (9/23/83)	Do
83-1245	Generic name: Polyester	48 FR 43400 (9/23/83)	Do
83-1246	Generic name: Fatty alcohol	48 FR 43400 (9/23/83)	Dec. 11, 1983
83-1247	Generic name: Dialkyl maleate ester	48 FR 43400 (9/23/83)	Do
83-1248	Benzeneacetic acid $\alpha$ -(1,2-ethanedithiol) bis[2-hydroxy-5-sulfo] tetrasodium salt	48 FR 43401 (9/23/83)	Do
83-1249	Void		
83-1250	Void		
83-1251	Generic name: Linseed oil alkyl resin	48 FR 43401 (9/23/83)	Dec. 11, 1983
83-1252	Generic name: Potassium salt of a substituted propyl sulfonic acid	48 FR 43401 (9/23/83)	Do
83-1253	Generic name: Rare earth silicate	48 FR 43401 (9/23/83)	Do
83-1254	Void		
83-1255	Void		
83-1256	Void		
83-1257	Void		
83-1258	Void		
83-1259	Void		
83-1260	Generic name: Substituted heterocycle	48 FR 43401 (9/23/83)	Do
83-1261	Generic name: disubstituted aniline	48 FR 43401 (9/23/83)	Do
83-1262	Generic name: Polysubstituted heterocycle	48 FR 43401 (9/23/83)	Do
83-1263	Generic name: Substituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do
83-1264	Generic name: Polysubstituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do
83-1265	Generic name: Polyesteramide CR 1236	48 FR 43401 (9/23/83)	Dec. 13, 1983
83-1266	9H-thioxanthene-9-one, 2-chloro-	48 FR 43402 (9/23/83)	Do
83-1267	9H-thioxanthene-9-one, 2,4-diethyl-	48 FR 43402 (9/23/83)	Do
83-1268	9H-thioxanthene-9-one, 2,4-dimethyl-	48 FR 43402 (9/23/83)	Do
83-1269	Methanone, (4-methoxy-3-methylphenyl)	48 FR 43402 (9/23/83)	Do
83-1270	9H-thioxanthene-9-one, 4-chloro-	48 FR 43402 (9/23/83)	Do
83-1271	Generic name: Carboxylic acid derivatives of alkoxyated polyamines	48 FR 44900 (9/30/83)	Dec. 14, 1983
83-1272	Generic name: Epoxy modified acrylic polymer	48 FR 44900 (9/30/83)	Do
83-1273	Generic name: Chromophore substituted polyoxyalkylene	48 FR 44901 (9/30/83)	Do
83-1274	Acetamide, 2-chloro-N-chloromethyl-N-(2-ethyl-5-methylphenyl)	48 FR 44901 (9/30/83)	Do
83-1275	3-(5-carboxypentyl)-5-[1-ethyl(11), 4-dihydroquinolylidene-4-ethylidene]-4-oxo-2-thioxothiazolidine	48 FR 44901 (9/30/83)	Do
83-1276	Quinolinium, 4-[2-(acetylphenylamino) ethenyl]-1-ethyl-, iodide	48 FR 44901 (9/30/83)	Do
83-1277	3-thiazolidinehexanoic acid, 4-oxo-2-thio-	48 FR 44901 (9/30/83)	Do
83-1278	Generic name: Hydroxy functional acrylic copolymer	48 FR 44901 (9/30/83)	Dec. 17, 1983
83-1279	Generic name: Water dispersed oligourethane	48 FR 44901 (9/30/83)	Do
83-1280	Generic name: Polyurethane prepolymer resin	48 FR 44901 (9/30/83)	Do
83-1281	Generic name: Premetallized aromatic substituted disazo	48 FR 44901 (9/30/83)	Do
83-1282	Generic name: Reaction product of metal complex, diazotized aromatic compound and fustic extract	48 FR 44901 (9/30/83)	Do
83-1283	Generic name: Substituted aromatic disazo	48 FR 44901 (9/30/83)	Do
83-1284	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do
83-1285	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do
83-1286	Generic name: Aromatic substituted triazo	48 FR 44901 (9/30/83)	Do
83-1287	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do
83-1288	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44902 (9/30/83)	Do
83-1289	Polymer of: 1,4 cyclohexanedimethanol, neopentyl glycol, trimethylol propane, isophthalic acid, fumaric acid	48 FR 44901 (9/30/83)	Dec. 18, 1983
83-1290	Generic name: Substituted pyridine	48 FR 44902 (9/30/83)	Do
83-1291	Generic name: Polyfunctional mercaptan	48 FR 44902 (9/30/83)	Dec. 19, 1983
83-1292	Generic name: Urethane modified polyester	48 FR 44902 (9/30/83)	Do
83-1293	Generic name: 2-[2-chlorophenyl]-1-substituted-2-hydroxy-1-ethanone	48 FR 44902 (9/30/83)	Dec. 20, 1983
83-1294	Generic name: Dimer acids, monocarboxylic acid, dicarboxylic acids, diamines polyamide resin	48 FR 45842 (10/7/83)	Dec. 21, 1983
83-1295	Generic name: Alkyl (substituted-phenyl) alkylate	48 FR 45842 (10/7/83)	Do
83-1296	Generic name: Polyol acetate	48 FR 45842 (10/7/83)	Do
83-1297	Generic name: Polyurethanes	48 FR 45842 (10/7/83)	Do
83-1298	Generic name: Acrylic copolymer	48 FR 45842 (10/7/83)	Do
83-1299	Generic name: Styrene acrylic copolymer	48 FR 45842 (10/7/83)	Do
83-1300	Generic name: Fatty acid mercaptan acrylic copolymer	48 FR 45842 (10/7/83)	Do
83-1301	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids	48 FR 45843 (10/7/83)	Dec. 24, 1983
83-1302	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids	48 FR 45843 (10/7/83)	Do
83-1303	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do
83-1304	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do
83-1305	Generic name: Naphthalene, dialkylated	48 FR 45843 (10/7/83)	Do
83-1306	Generic name: Dialkylated naphthalenesulfonic acid	48 FR 45843 (10/7/83)	Do
83-1307	Generic name: Dialkylated naphthalene sulfonic acid barium salt	48 FR 45843 (10/7/83)	Do
83-1308	Generic name: Benzo-heterocyclic, 2-[[4-(alkyl (2-hydroxyalkyl) amino)phenyl]-azo]-6-methoxy-3-alkyl-, chloride	48 FR 45843 (10/7/83)	Do
83-1309	Generic name: Polymer with methyl methacrylate, butyl acrylate, and hydroxy functional acrylic monomers	48 FR 45843 (10/7/83)	Do
83-1310	y-mercaptopropyl methyl dimethoxy silane	48 FR 45843 (10/7/83)	Do
83-1311	Generic name: Phenolated rosin-modified alkyl	48 FR 45843 (10/7/83)	Do
83-1312	Generic name: Urethane acrylate	48 FR 45843 (10/7/83)	Do
83-1313	Generic name: Modified, maleated metal resinate	48 FR 45843 (10/7/83)	Do
83-1314	Generic name: Isocyanatoarylsilane	48 FR 45843 (10/7/83)	Do
83-1315	Generic name: Rosin modified alkyl	48 FR 45844 (10/7/83)	Do
83-1316	Generic name: Alkyl fatty ester	48 FR 45844 (10/7/83)	Do
83-1317	Generic name: Neopentylglycol alkyl ester	48 FR 45843 (10/7/83)	Do
83-1318	Generic name: Methyl fatty acid ester	48 FR 45844 (10/7/83)	Do
83-1319	Cesium bicarbonate	48 FR 45844 (10/7/83)	Do
83-1320	Generic name: Polymer of acrylic acid, acrylic acid esters, and methacrylic acid esters	48 FR 45844 (10/7/83)	Do
83-1321	Generic name: Benzophenonetetracarboxy imide amide prepolymer	48 FR 45844 (10/7/83)	Do
83-1322	Generic name: Modified, maleated metal resinate	48 FR 45844 (10/7/83)	Do
83-1323	Generic name: Acrylurethane	48 FR 45844 (10/7/83)	Dec. 27, 1983



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1324	Generic name: Polyesteramide	48 FR 45844 (10/7/83)45843 (10/7/83)	Dec. 26, 1983
83-1325	1-H-imidazole-1-carboxamide, N,N',-1,5 naphthalenediylbis	48 FR 45851 (10/7/83)	Do.
83-1326	Nickel dibenzylidenebisphosphonate	48 FR 45852 (10/7/83)	Dec. 28, 1983
83-1327	Generic name: Organic salt of quaternary aliphatic amine	48 FR 45852 (10/7/83)	Do.
83-1328	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1329	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1330	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1331	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1332	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1333	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1334	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1335	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 45852 (10/7/83)	Do.
83-1336	Withdrawn		
83-1337	Withdrawn		
83-1338	Withdrawn		
83-1339	Withdrawn		
83-1340	Withdrawn		
83-1341	Withdrawn		
83-1342	Withdrawn		
83-1343	Withdrawn		

## II. 85 Premanufacture Notice Received Previously and Still Under Review at the End of the Month

83-1009	1-propanaminium, 2,3, di-hydroxy-N,N,N-trimethyl-chloride	48 FR 36648 (8/12/83)	Oct. 29, 1983
83-1010	Generic name: Aromatic, tertiary amine containing polyether polyurethane prepolymer	48 FR 36648 (8/12/83)	Do.
83-1011	Generic name: Thioalkylamidomine	48 FR 36648 (8/12/83)	Do.
83-1012	Generic name: Bis[4-(p-phenylchlorobenzyl)-amino]sulfonaphthalene	48 FR 36648 (8/12/83)	Oct. 30, 1983
83-1013	Generic name: Substituted oxaphenyltetrazole oxylene	48 FR 36648 (8/12/83)	Do.
83-1014	Generic name: Hydroxy functional acrylic copolymer	48 FR 36648 (8/12/83)	Do.
83-1015	Generic name: Isocyanato functional poly-carbamoyl (polyalkylene oxide) oligomer	48 FR 36648 (8/12/83)	Oct. 31, 1983
83-1016	Generic name: Isocyanato functional poly-carbamoyl (polyalkylene oxide) oligomer	48 FR 36648 (8/12/83)	Do.
83-1017	Generic name: Isocyanato functional poly-carbamoyl (polyalkylene oxide) oligomer	48 FR 36648 (8/12/83)	Do.
83-1018	Generic name: Substituted-naphthalene tetradsulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative	48 FR 36648 (8/12/83)	Do.
83-1019	Generic name: Substituted polyhydroxy benzene derivative	48 FR 36648 (8/12/83)	Do.
83-1020	Generic name: Substituted polyhydroxy benzene derivative	48 FR 36648 (8/12/83)	Do.
83-1021	Generic name: Hydroxy functional acrylic copolymer	48 FR 36648 (8/12/83)	Nov. 1, 1983
83-1022	Generic name: Saturated polyester	48 FR 36648 (8/12/83)	Do.
83-1023	Generic name: Alkyl aryl phosphine	48 FR 36648 (8/12/83)	Do.
83-1024	Generic name: Polyether urethane-methacrylate blocked	48 FR 37699 (8/19/83)	Nov. 2, 1983
83-1025	Generic name: Amino disubstituted-sulfonamoyl carbomonocycle	48 FR 37699 (8/19/83)	Do.
83-1026	Generic name: Disubstituted-sulfonamoyl carbomonocycle azo substituted naphthalene sulfonic acid, sodium salt	48 FR 37699 (8/19/83)	Do.
83-1027	Halohalkyl dihydrophosphoric acid	48 FR 37699 (8/19/83)	Do.
83-1028	Generic name: Polyester resin	48 FR 37699 (8/19/83)	Nov. 6, 1983
83-1029	Generic name: Substituted heterocycle	48 FR 37699 (8/19/83)	Do.
83-1030	Generic name: Hydroxy functional acrylic copolymer	48 FR 37699 (8/19/83)	Do.
83-1031	Generic name: Oil modified polyester	48 FR 37699 (8/19/83)	Do.
83-1032	Generic name: Substituted alkyl cyclic amine	48 FR 37700 (8/19/83)	Nov. 7, 1983
83-1033	Generic name: C6* carboxylic acid	48 FR 37700 (8/19/83)	Nov. 8, 1983
83-1034	Generic name: Polyoxalkylene acetate ester	48 FR 37700 (8/19/83)	Do.
83-1035	Generic name: Substituted polyoxalkylene aniline	48 FR 37700 (8/19/83)	Do.
83-1036	Generic name: Chromophore substituted polyoxalkylene	48 FR 37700 (8/19/83)	Do.
83-1037	Generic name: Chromophore substituted polyoxalkylene	48 FR 37700 (8/19/83)	Do.
83-1038	Generic name: Acrylamide polymer	48 FR 37700 (8/19/83)	Do.
83-1039	Generic name: Cycloalkylamine salt	48 FR 37700 (8/19/83)	Do.
83-1040	Generic name: Thioalkyl substituted nitrogen heterocycle	48 FR 37700 (8/19/83)	Do.
83-1041	Generic name: Siloxanes and silicones, dimethyl, methyl (acetamido alkyl) trimethyl endblocked	48 FR 37700 (8/19/83)	Do.
83-1042	Acridone, 9-phenyl	48 FR 37700 (8/19/83)	Do.
83-1043	Generic name: Hydrogen <2-[2-[12-hydroxy-3, 5-substituted phenyl azo]arylyl-drazino]4-substitutedary]cuprate, sodium salt	48 FR 37700 (8/19/83)	Do.
83-1044	Generic name: Hydrogen <2-[2-[12-hydroxy-3, 5-substituted phenyl azo]arylyl-drazino]5-substitutedary]cuprate, sodium salt	48 FR 37700 (8/19/83)	Do.
83-1045	Generic name: 1,3-naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-aryloxy	48 FR 37700 (8/19/83)	Do.
83-1046	Generic name: 1,5-naphthalenedisulfonic acid, 3-[(3-aryloxy)aryloxy]	48 FR 37700 (8/19/83)	Do.
83-1047	Polymer of benzophenone tetracarboxylic dianhydride, methylene dianiline, bicyclo [2.2.1]-5-hapten-2,3 dicarboxylic anhydride	48 FR 38890 (8/26/83)	Nov. 9, 1983
83-1048	Generic name: Polyether Polyurethane	48 FR 38890 (8/26/83)	Do.
83-1049	Generic name: Alkoxy polyalkyleneoxy alkyl trialkoxy silane	48 FR 38890 (8/26/83)	Do.
83-1050	Generic name: Cationic acrylamide copolymer	48 FR 38890 (8/26/83)	Do.
83-1051	Thiomolybdic acid, diammonium salt	48 FR 38890 (8/26/83)	Do.
83-1052	Polymer of: tannin, formaldehyde, monoethanolamine, hydrochloric acid	48 FR 38890 (8/26/83)	Do.
83-1053	Generic name: Epoxy resin	48 FR 38890 (8/26/83)	Nov. 13, 1983
83-1054	Generic name: Substituted polyether polyurethane	48 FR 38890 (8/26/83)	Do.
83-1055	Generic name: Trisubstituted heteromonocycle	48 FR 38890 (8/26/83)	Do.
83-1056	Generic name: Trisubstituted heteromonocycle	48 FR 38890 (8/26/83)	Do.
83-1057	Generic name: 1,1-dialkylsubstituted hydrazine	48 FR 38890 (8/26/83)	Do.
83-1058	Generic name: Methylated alkene-yne	48 FR 38890 (8/26/83)	Do.
83-1059	Generic name: Amine salt of perfluoroalkylamide carboxylate	48 FR 38890 (8/26/83)	Nov. 14, 1983
83-1060	Generic name: Polyamide of tall oil, diethylene-triamine, and polybasic acid	48 FR 38890 (8/26/83)	Nov. 15, 1983
83-1061	Generic name: Tarcarboxylic compound	48 FR 38890 (8/26/83)	Do.
83-1062	Generic name: Polycarboxylic acid	48 FR 38890 (8/26/83)	Nov. 19, 1983
83-1063	Generic name: Reaction product of melamine, formaldehyde, and polyol	48 FR 38890 (8/26/83)	Do.
83-1064	Generic name: Cyanoacetate ester	48 FR 38890 (8/26/83)	Do.
83-1065	Generic name: Cyanoacrylate ester	48 FR 38890 (8/26/83)	Do.
83-1066	Magnesium aluminum hydroxy phosphate-monobasic form	48 FR 38890 (8/26/83)	Nov. 20, 1983
83-1067	Magnesium aluminum hydroxy phosphate-dibasic form	48 FR 38890 (8/26/83)	Do.
83-1068	Magnesium aluminum hydroxy phosphate-tribasic form	48 FR 38890 (8/26/83)	Do.
83-1069	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1070	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1071	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1072	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1073	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1074	Generic name: Ethylene, polymer with mixed alpha olefins	48 FR 38890 (8/26/83)	Do.
83-1075	Generic name: Reaction products of triglycerides and polyethylene glycol	48 FR 38890 (8/26/83)	Do.
83-1076	Generic name: Polyester urethane-isocyanate terminated	48 FR 38890 (8/26/83)	Do.
83-1077	Generic name: Polyester urethane-isocyanate terminated	48 FR 38890 (8/26/83)	Do.
83-1078	Generic name: Unsaturated polyester	48 FR 38890 (8/26/83)	Do.
83-1079	2-(3-heptyloxy) acetic acid	48 FR 38890 (8/26/83)	Do.
83-1080	Generic name: Silylated silica gel	48 FR 38890 (8/26/83)	Do.
83-1081	Generic name: Quaternary ammonium chloride	48 FR 38890 (8/26/83)	Do.
83-1082	Docosyle methacrylate	48 FR 38890 (8/26/83)	Nov. 21, 1983
83-1083	Generic name: Modified polyether polyurethane from substituted alkanepolyols and an aromatic diisocyanate	48 FR 38890 (8/26/83)	Do.
83-1084	Generic name: Hydrocarbon novolac	48 FR 38890 (8/26/83)	Nov. 22, 1983



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1085	Generic name: Substituted phenylacetamide	48 FR 39691 (9/1/83)	Do
83-1086	Generic name: Aliphatic unsaturated copolyester	48 FR 40782 (9/9/83)	Nov. 23, 1983
83-1087	Generic name: Sodium poly [1-oxoalkyl-1-amino-2-(tert-butyl-2-sulfonate)-1-oxoalkyl-1-amino (N, N-dimethane)]	48 FR 40782 (9/9/83)	Do
83-1088	Generic name: Polyester from an alkanediol, alkanic acid and a carbomono-cyclic anhydride	48 FR 40782 (9/9/83)	Do
83-1089	Generic name: Unsaturated polyester with halogenated polyol	48 FR 40782 (9/9/83)	Do
83-1090	Generic name: Mono and polycarbocyclic poly (ester-amide)	48 FR 40782 (9/9/83)	Do
83-1091	Generic name: Reaction product of mixed aliphatic and amino aliphatic alcohols and dimer diisocyanate and 1,1'-methylenebis[4-isocyanate]-cyclohexane	48 FR 40782 (9/9/83)	Nov. 26, 1983
83-1092	Generic name: Mixed castor amide with diethylene triamine	48 FR 40783 (9/9/83)	Nov. 28, 1983
83-1093	Generic name: Mixed castor amide with amino ethyl ethanol amine	48 FR 40783 (9/9/83)	Do
III. 85 Premanufacture Notices for Which the Notice Review Period has Ended During the Month. (Expiration of the Notice Review Period Does not Signify That the Chemical has Been Added to the Inventory.)			
81-561	Withdrawn		
81-661	Withdrawn		
82-678	Generic name: Chlorinated aromatic azo anthraquinone pigment	42 FR 43161 (9/30/82)	Aug. 11, 1983
83-679	Generic name: Chlorinated aromatic azo pigment	42 FR 43161 (9/30/82)	Do
83-370	8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione	48 FR 3045 (1/24/83)	Sept. 3, 1983
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinyl-amino-dimethylphenylazo-sulfo-naphthaleneazo	48 FR 5306 (2/4/83)	Sept. 14, 1983
83-523	1,1'-[isopropylidenebis(5-hydroxy-m-phenylene)]bis(tetrahydrothiophenium hydroxide) mixed salts	48 FR 10470 (3/11/83)	Sept. 4, 1983
83-525	Generic name: Substituted benzindolium, salt	48 FR 10470 (3/11/83)	Do
83-603	Generic name: Substituted nitrile	48 FR 15181 (4/7/83)	Sept. 10, 1983
83-676	Withdrawn		
83-709	Withdrawn		
83-813	Generic name: Cationic polymer	48 FR 29048 (6/24/83)	Sept. 3, 1983
83-814	Generic name: Styrene, mixed acrylate copolymer	48 FR 29048 (6/24/83)	Do
83-815	Generic name: Modified polyacrylate	48 FR 29048 (6/24/83)	Sept. 4, 1983
83-816	Generic name: Alkyl mercapto thiazole	48 FR 29049 (6/24/83)	Do
83-817	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Sept. 5, 1983
83-818	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Do
83-819	Generic name: Polymer of a long chain fatty acid, hydroxy functional alkane, phthalic acid, substituted and unsubstituted anhydrides and a hydroxy functional resin	48 FR 29049 (6/24/83)	Sept. 6, 1983
83-823	Generic name: Organofunctional polydimethylsiloxane	48 FR 29049 (6/24/83)	Do
83-824	Generic name: Organofunctional polydimethylsiloxane	48 FR 29049 (6/24/83)	Do
83-825	Generic name: Disubstituted pyridinium bromide	48 FR 29054 (6/24/83)	Sept. 7, 1983
83-826	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Do
83-827	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Do
83-828	Generic name: Aliphatic sulfonate salt	48 FR 29055 (6/24/83)	Sept. 11, 1983
83-829	Generic name: Bis(azo) substituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do
83-830	Generic name: Arylazo disubstituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do
83-832	Generic name: Prepolymerized halogenated magnesium, zirconium, aluminum oxo-titanate	48 FR 29055 (6/24/83)	Do
83-833	Generic name: Coconut oil epoxy polymer	48 FR 29055 (6/24/83)	Do
83-834	Generic name: Coconut oil alkyl	48 FR 29055 (6/24/83)	Do
83-835	Generic name: Substituted benzoate salt	48 FR 29055 (6/24/83)	Do
83-836	Generic name: Aliphatic esters	48 FR 29055 (6/24/83)	Sept. 12, 1983
83-837	Generic name: Barium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do
83-838	Generic name: Calcium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do
83-839	4-Nitrophenol-2-sulfonic acid, disodium salt	48 FR 29055 (6/24/83)	Sept. 13, 1983
83-840	Polymer of: methyl glucoside, propylene oxide, ethylene oxide, diethylene glycol, polyethylene terephthalate	48 FR 30434 (7/1/83)	Sept. 14, 1983
83-841	2,2-dimethyl-1,3-propanediol polymer with 1,4-cyclohexane-dimethanol, 1,6-hexanediol, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid	48 FR 30434 (7/1/83)	Do
83-842	2,2-dimethyl-1,3-propanediol polymer with 1,6-hexanediol, 1,6-hexanediol, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid	48 FR 30434 (7/1/83)	Do
83-843	2,2-(ethylenedioxy-bis-(2-phenylazo))-bis-(N-2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-butanamide	48 FR 30434 (7/1/83)	Do
83-844	Generic name: Disubstituted heteropolycyclic dye	48 FR 30434 (7/1/83)	Do
83-846	Generic name: C.I. basic blue 54	48 FR 30434 (7/1/83)	Sept. 17, 1983
83-847	Generic name: Spiro xanthene	48 FR 30434 (7/1/83)	Do
83-848	Generic name: Modified polyester polyurethane containing substituted alkanediol and diphenylmethane diisocyanate	48 FR 30434 (7/1/83)	Do
83-849	Generic name: Metal complex with substituted 4-phenylazo pyrazol-3-one and substituted benzenesulfonic acid	48 FR 30435 (7/1/83)	Sept. 18, 1983
83-850	Generic name: Substituted phenylazo naphthalenesulfonic acid	48 FR 30435 (7/1/83)	Do
83-851	Generic name: Substituted phosphonium borate	48 FR 30435 (7/1/83)	Do
83-852	Generic name: Addition polymerization product of: isobornyl methacrylate, isobutyl methacrylate and isocyanatoethylmethacrylate	48 FR 30435 (7/1/83)	Do
83-853	Generic name: Polymer of aliphatic diol, hydroxy functional resin, aromatic diacid, aliphatic diacid, and aromatic polyacid	48 FR 30435 (7/1/83)	Do
83-854	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do
83-855	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do
83-856	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do
83-857	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do
83-858	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do
83-859	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do
83-861	Generic name: Substituted vinyl polymer	48 FR 30435 (7/1/83)	Sept. 19, 1983
83-862	Generic name: Anhydro polyol monoalkanoate	48 FR 30435 (7/1/83)	Do
83-863	Generic name: Thiazolium salt, N-substituted, 3-substituted	48 FR 30435 (7/1/83)	Sept. 20, 1983
83-864	Generic name: Disazo pigment of a substituted benzidine and acetoacetanilide derivative	48 FR 30436 (7/1/83)	Do
83-865	Generic name: Disazo pigment of a substituted benzidine and p-aminoacetanilide derivative	48 FR 30436 (7/1/83)	Do
83-866	Generic name: Modified rosin zinc salt	48 FR 31461 (7/8/83)	Sept. 21, 1983
83-867	Generic name: Alkyl ethoxylated, sulfated salt	48 FR 31461 (7/8/83)	Sept. 24, 1983
83-868	Generic name: Tallow alkyl, substituted propylene diamine	48 FR 31461 (7/8/83)	Do
83-869	Generic name: Reaction product of a diamine, cycloaliphatic diepoxide and a hydroxyl functional acid	48 FR 31461 (7/8/83)	Do
83-870	Generic name: Modified polyurethane from aliphatic polyester alkanepolyols and aliphatic diisocyanate	48 FR 31461 (7/8/83)	Do
83-871	Generic name: [Alkoxyalkyloxidiazol-nitrophenazo]-[Bisalkylamino-methylpyridine nitril]	48 FR 31461 (7/8/83)	Do
83-872	Generic name: Epoxy modified alkyl polysiloxane	48 FR 31461 (7/8/83)	Sept. 25, 1983
83-873	Generic name: Substituted polyurethane	48 FR 31461 (7/8/83)	Do
83-874	Generic name: Copolymer of alkyl and substituted alkyl methacrylates	48 FR 31461 (7/8/83)	Do
83-877	Generic name: Polymer of aliphatic diamine and benzenedicarboxylic acid	48 FR 31462 (7/8/83)	Sept. 26, 1983
83-878	Generic name: 2-Propanesulfenamide, N,N', N"-phosphoryldiethyl[N-phenyl]	48 FR 31462 (7/8/83)	Do
83-879	Generic name: Epoxy modified acrylic copolymer	48 FR 31462 (7/8/83)	Sept. 27, 1983
83-880	Generic name: Substituted-oxo-N-(substituted) butanamide, dichloride	48 FR 31462 (7/8/83)	Do
83-881	Generic name: (Substituted) (substituted) anthraquinone	48 FR 31462 (7/8/83)	Do
83-882	Generic name: Ester of gluco-heptonic acid	48 FR 32381 (7/15/83)	Sept. 28, 1983
83-883	Generic name: Modified rosin calcium salt	48 FR 32381 (7/15/83)	Do



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT.—SEPTEMBER 1983—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-884	Generic name: Poly(ester amide)	48 FR 32381 (7/15/83)	Do
83-885	Generic name: Styrene containing copolymer	48 FR 32381 (7/15/83)	Do
83-886	Generic name: Carbocyclic diol	48 FR 32381 (7/15/83)	Do
83-887	Generic name: Carbocyclic isocyanate	48 FR 32381 (7/15/83)	Do
83-888	Generic name: Carbocyclic isocyanate	48 FR 32381 (7/15/83)	Do
83-889	Generic name: Carbocyclic urethane	48 FR 32381 (7/15/83)	Do
83-890	Generic name: Carbocyclic urethane	48 FR 32381 (7/15/83)	Do
83-891	Generic name: Carbocyclic urethane	48 FR 32381 (7/15/83)	Do
83-892	Generic name: Carbocyclic urethane	48 FR 32381 (7/15/83)	Do
83-893	Generic name: Substituted sulfobenzoic acid	48 FR 32381 (7/15/83)	Do
83-894	Generic name: Trisubstituted benzenesulfonic acid	48 FR 32381 (7/15/83)	Do
83-895	Generic name: Disubstituted benzenesulfonic acid	48 FR 32381 (7/15/83)	Do
83-896	Generic name: Trisubstituted benzenesulfonic acid, alkali metal salt	48 FR 32381 (7/15/83)	Do
83-897	Generic name: Polymer of ethylene oxide, maleic anhydride and alkanepolyol and polymer of ethylene oxide, maleic anhydride and alkanepolyol, ammonium salt	48 FR 32381 (7/15/83)	Do
83-898	Generic name: Polyether CR1226B	48 FR 32381 (7/15/83)	Do

## IV. 50 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
80-177	Oxirane, polymer with methyl oxirane, 1,3-disocyanatomethylbenzene, and (2-hydroxyethyl)2-propanone	45 FR 54423 (8/15/80)	Dec. 23, 1982
81-159	Generic name: Ethylene interpolymers	48 FR 24991 (5/4/81)	On or about Sept. 20, 1983
81-254	Generic name: Polymer product of a methacrylate ester and a polyhydroxy compound	48 FR 35343 (7/8/81)	Aug. 31, 1983
81-406	Benzenemethanamine, ar-ethynyl-N-methanophosphoric acid, polymer with diethyl benzene	48 FR 44496 (9/4/81)	Sept. 6, 1983
81-669	Benzene, ar-bromoethenyl-, polymer with diethylenbenzene	47 FR 1412 (1/13/82)	Do
82-227	2-propanamide, N-[3-(dimethylamino)propyl]-, polymer with diethylenbenzene and 2,2-bis[2-(propenyloxy)methyl]-1-butanol	47 FR 14219 (4/2/82)	Do
82-228	1-propanamine, N,N-trimethyl-3-[(1-oxo-2-propenylamino)-, chloride, polymer with diethylenbenzene and 2,2-bis[2-(propenyloxy)methyl]-1-butanol	47 FR 14219 (4/2/82)	Do
82-630	Generic name: Unsaturated alkyl fatty amine	47 FR 39585 (8/10/82)	Mar. 5, 1983
82-632	Generic name: Fatty secondary amide	47 FR 39585 (8/10/82)	Aug. 18, 1983
82-35	Generic name: Sulfophenylazaphthyl dye	47 FR 47067 (10/22/82)	Aug. 5, 1983
83-38	Generic name: Sulfophenylazaphthyl dye	47 FR 47068 (10/22/82)	Do
83-61	Generic name: Disubstituted benzothiazole	47 FR 49074 (10/29/82)	July 25, 1983
83-62	Generic name: Disubstituted benzothiazole salt	47 FR 49074 (10/29/82)	July 15, 1983
83-95	Generic name: Trisubstituted benzothiazole salt	47 FR 52222 (11/19/82)	Aug. 1, 1983
83-364	Polymer of 1,1'-methylene-bis(4-isocyanato-benzene); 1,3-nonanedioic acid, (azelaic) 1,4-butanediol	48 FR 1820 (1/14/83)	Sept. 20, 1983
83-416	Generic name: Disazo substituted aromatic compound	48 FR 5306 (2/4/83)	Oct. 15, 1983
83-464	Generic name: Sodium Sulfosuccinate of ethoxylated substituted phenol	48 FR 7300 (2/18/83)	Do
83-483	Generic name: Alkoxyfated alcohol compounds	48 FR 8344 (2/28/83)	Sept. 9, 1983
83-494	Generic name: Propylene glycol compounds	48 FR 8344 (2/28/83)	Do
83-508	Generic name: Substituted benzenesulfonic acid salt	48 FR 10469 (3/11/83)	Aug. 24, 1983
83-514	Generic name: Substituted indolium, salt	48 FR 10469 (3/11/83)	Aug. 16, 1983
83-519	Generic name: Functionalized acrylic polymer	48 FR 10469 (3/11/83)	Sept. 8, 1983
83-549	Generic name: Substituted acetamide	48 FR 11501 (3/18/83)	July 22, 1983
83-573	Generic name: Unsaturated polyester	48 FR 14035 (4/1/83)	Sept. 9, 1983
83-585	Generic name: Polymer of styrene, mixed acrylates and acrylic amide	48 FR 14036 (4/1/83)	Do
83-659	Generic name: Tetrasubstituted benzene	48 FR 20489 (5/6/83)	Aug. 4, 1983
83-689	Generic name: Water reducible alkyl resin	48 FR 21371 (5/6/83)	Sept. 1, 1983
83-698	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 22793 (5/20/83)	Aug. 25, 1983
83-699	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 22793 (5/20/83)	Do
83-706	Generic name: Resorcinol-fatty acid polymer	48 FR 22793 (5/20/83)	Aug. 15, 1983
83-726	Generic name: Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol, and aliphatic dicarboxylic acid	48 FR 22795 (5/20/83)	Sept. 2, 1983
83-727	Generic name: Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol and aliphatic dicarboxylic acid	48 FR 22795 (5/20/83)	Sept. 1, 1983
83-774	Generic name: Substituted phenolic derivative, alkyl ester	48 FR 24969 (6/3/83)	Aug. 23, 1983
83-776	Generic name: Hydrogenated diene copolymer	48 FR 24969 (6/3/83)	On or about Oct. 1, 1983
83-779	Generic name: Cyclohexylene citronella	48 FR 24969 (6/3/83)	Aug. 30, 1983
83-791	Generic name: Vegetable oil polyamide resin	48 FR 26884 (6/10/83)	Sept. 20, 1983
83-802	Generic name: Polymer of mixed fatty acids, unsubstituted aromatic and aliphatic dicarboxylic acids, an alkyl-substituted triol, and substituted alkyl diols	48 FR 26885 (6/10/83)	Sept. 8, 1983
83-807	Generic name: Substituted azo substituted benzenesulfonic acid	48 FR 26886 (6/10/83)	Aug. 31, 1983
83-813	Generic name: Cationic polymer	48 FR 29048 (6/24/83)	Sept. 7, 1983
83-814	Generic name: Styrene, mixed acrylate copolymer	48 FR 29048 (6/24/83)	Sept. 9, 1983
83-818	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Sept. 6, 1983
83-819	Generic name: Polymer or a long chain fatty acid, hydroxy functional alkane, phthalic acid, substituted and unsubstituted anhydrides and a hydroxy functional resin	48 FR 29049 (6/24/83)	Sept. 15, 1983
83-829	Generic name: Bis(azo) substituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Sept. 12, 1983
83-830	Generic name: Arylezo disubstituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do
83-844	Generic name: Disubstituted heteropolycyclic dye	48 FR 30434 (7/1/83)	On or about Sept. 15, 1983
83-849	Generic name: Metal complex with substituted 4-phenylazo pyrazol-3-one and substituted benzenesulfonic acid	48 FR 30435 (7/1/83)	Sept. 19, 1983
83-850	Generic name: Substituted phenylazo naphthalene-sulfonic acid	48 FR 30435 (7/1/83)	Do
83-862	Generic name: Anhydro polyol monoalkanoate	48 FR 30435 (7/1/83)	Sept. 20, 1983
83-898	Generic name: Polyether CR1226B	48 FR 32381 (7/15/83)	Oct. 3, 1983

## V. 41 Premanufacture Notices for Which the Review Period Has Been Suspended.

PMN No.	Identity/generic name	FR citation	Date suspended
80-146	Phosphorodithioic acid, O,O'-di (isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980
80-147	Phosphorodithioic acid, O,O'-di (isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do
82-60	Generic name: Zinc, O,O'-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 14, 1982
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982



## PREMANUFACTURE NOTICES MONTHLY STATUS REPORT—SEPTEMBER 1983—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 26, 1983
83-115	Generic Name: Naphthalenedisulfonic acid disodium salt, ((2-((Sodium sulfonyloxyethyl) sulfonyl) aryl)azo), and monochlorotriazinyl amino, substituted, copper complex.	47 FR 52224 (11/19/82)	Apr. 1, 1983
83-333	Generic Name: Reaction product of polycyclic-sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983
83-401	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo-	48 FR 5304 (2/4/83)	Aug. 18, 1983
83-434	Generic Name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Apr. 20, 1983
83-461	Generic Name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983
83-479	Generic Name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	May 2, 1983
83-486	Generic Name: Zirconium propionate, substituted.	48 FR 8343 (2/28/83)	May 6, 1983
83-532	Generic Name: Glyceryl propoxy diacrylate	48 FR 10470 (3/11/83)	May 30, 1983
83-622	1,3,6-Naphthalenetrisulfonic acid, 7-[[4-[[4-(4,6-disulfo-2-naphthalenyl)azo]-3-methyl-phenyl]amino]-6-[[4-sulfonyl]amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo], hexasodium salt.	48 FR 16332 (4/15/83)	July 14, 1983
83-634	Generic Name: Substituted mono azo aromatic	48 FR 17385 (4/22/83)	July 5, 1983
83-677	Generic Name: Chromium complex of substituted Alkylaminoformimidphenol with sulfonaphtholazo-sulfonylpyrazolone	48 FR 20491 (5/6/83)	Aug. 5, 1983
83-748	Generic Name: Alkyl amine salt of a substituted phenol	48 FR 22905 (5/27/83)	Do.
83-749	Generic Name: Alkyl amine salt of a substituted phenol	48 FR 22905 (5/27/83)	Do.
83-750	Generic Name: Alkyl amine salt of a substituted phenol	48 FR 22905 (5/27/83)	Do.
83-751	Generic Name: Alkyl amine salt of a substituted phenol	48 FR 22905 (5/27/83)	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Aug. 17, 1983
83-757	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Aug. 20, 1983
83-758	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Do.
83-759	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Do.
83-809	Generic Name: Disubstituted heterocycle	48 FR 24968 (6/3/83)	Aug. 22, 1983
83-770	Generic Name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24968 (6/3/83)	Aug. 15, 1983
83-771	Generic name: Chromium complex of substituted phenolazoalkylamino-formimidphenol with sulfonaphthylazosulfonaphthol	48 FR 24968 (6/3/83)	Do.
83-785	Generic name: Substituted heteromonocycle sulfonylphenyl azo substituted naphthalene sulfonic acid, salt	48 FR 26884 (6/10/83)	Aug. 24, 1983
83-820	Generic Name: Disubstituted heterocyclic azo disubstituted benzene	48 FR 29049 (6/24/83)	Sept. 28, 1983
83-821	Generic Name: Trisubstituted phenyl azo disubstituted heterocycle	48 FR 29049 (6/24/83)	Do.
83-822	Generic name: Trisubstituted aniline	48 FR 29049 (6/24/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Sept. 9, 1983
83-845	Generic Name: Tetrasodium salt of $\mu$ -(2-(2-hydroxy-3-nitro-5-sulfo-phenyl)azo)-2'-2'-hydroxy-5-substituted-3-sulphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphtholate-(0,0',0'',0''') (8-))dicopper(I)acid.	48 FR 30434 (7/1/83)	Sept. 18, 1983
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (6/1/83)	Sept. 21, 1983
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino]benzene	48 FR 31462 (7/8/83)	Do.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-906	Generic name: Ecominated aryl alkyl ether	48 FR 32383 (7/15/83)	Aug. 26, 1983
83-953	Generic name: Modified phenol-formaldehyde alkyl ether amine	48 FR 33534 (7/22/83)	Aug. 25, 1983
83-994	Generic name: Saturated natural fatty acid choline chloride	48 FR 35713 (8/5/83)	Sept. 15, 1983

[FR Doc. 83-29802 Filed 11-8-83; 8:45 am]

BILLING CODE 8560-50-M

[OPP-100007 PH-FRL #2461-8]

**Syracuse Research Corp.; Transfer of Data to Contractor****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA plans to transfer information submitted under sections 3 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to Syracuse Research Corporation, Merrill Lane, Syracuse, New York 13210, under Contract No. 68-03-3112. Some of the information that will be made available to the contractor has been claimed to be confidential business information (CBI). The contractor has met all the requirements of 40 CFR 2.301(h)(2) and consequently the data will be transferred for performance of the contract. The action will enable Syracuse Research Corporation to fulfill the obligations of the contract and this notice serves to notify affected persons.

**DATE:** Syracuse Research Corporation will be given access to these documents no sooner than November 14, 1983.

**FOR FURTHER INFORMATION CONTACT:** By mail: William C. Grosse, Program

Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703-557-2613).

**SUPPLEMENTARY INFORMATION:** The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 10(e) provides that confidential business information, or business information which is alleged to be confidential, may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA section 7. Contractors are authorized to receive such data if the EPA program office managing the contract makes the determinations specified in 40 CFR 2.301(h)(2) as referenced in § 2.307. Such determinations have been made concerning the contract with Syracuse Research Corporation, of Syracuse, New York. This contractor will provide technical support in development of hazard and risk assessment documentation for specific chemicals, and methodological approaches to such assessment.

Syracuse Research Corporation has been cleared in accordance with the procedures in the EPA FIFRA Confidential Business Information Security Manual to have access to confidential business information. FIFRA section 10(f) provides a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an EPA employee or an EPA contractor.

The contract with Syracuse Research Corporation specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and Syracuse Research Corporation's personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: October 21, 1983.

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

[FR Doc. 83-29807 Filed 11-8-83; 8:45 am]

BILLING CODE 8560-50-M

[OPP-180631 PH-FRL 2465-6]

**Emergency Exemptions**

**AGENCY:** Environmental Protection Agency (EPA).



**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are five crisis exemptions initiated by four States.

**DATES:** See each specific and crisis exemption for its effective dates.

**FOR FURTHER INFORMATION CONTACT:** See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office Location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1192).

**SUPPLEMENTARY INFORMATION:** EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of metalaxyl on sunflower seeds for export to control downy mildew; September 15, 1983 to September 15, 1984. (Jack E. Housenger)

2. California Department of Food and Agriculture for the use of carbaryl on dates to control carob moths; September 29, 1983 to November 30, 1983. California has initiated a crisis exemption for this use. (Libby Welch)

3. Florida Department of Agriculture and Consumer Services for the use of permethrin on watercress to control diamondback moths; September 30, 1983 to August 31, 1984. (Jim Tompkins)

4. Florida Department of Agriculture and Consumer Services for the use of thiobencarb on lettuce, endive, and escarole to control barnyardgrass and purslane; September 10, 1983 to August 31, 1984. (Libby Welch)

5. Florida Department of Agriculture and Consumer Services for the use of merpafos on sweet corn to control fall armyworms; September 14, 1983 to July 31, 1984. (Libby Welch)

6. Idaho Department of Agriculture for the use of benomyl on winter wheat to control *Cercospora* foot rot; November 1, 1983 to June 30, 1984. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the Federal Register of October 20, 1982 (47 FR 46747). (Gene Asbury)

7. Massachusetts Department of Food and Agriculture for the use of methiocarb on wine grapes to control bird depredation; September 30, 1983. (Jim Tompkins)

8. Missouri Department of Agriculture for the use of sodium chlorate on

southern peas as a desiccant; September 1, 1983 to October 15, 1983. (Jack E. Housenger)

9. New York Department of Environmental Conservation for the use of paraquat on dry beans as a harvest aid; September 30, 1983 to November 30, 1983. (Libby Welch)

10. Oregon Department of Agriculture for the use of carbofuran on caneberries (blackberries, raspberries, youngberries, boysenberries, marionberries, loganberries) to control root weevils in the Counties of Benton, Clackamas, Douglas, Lane, Linn, Marion, Multnomah, Polk, Yamhill, and Washington; September 22, 1983 to February 28, 1984. (Jack E. Housenger)

11. Oregon Department of Agriculture for the use of benomyl on winter wheat to control *Cercospora* foot rot; November 1, 1983 to June 30, 1984. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the Federal Register of October 20, 1982 (47 FR 46747). (Gene Asbury)

12. Pennsylvania Department of Agriculture for the use of iprodione on grapes to control *Botrytis* bunch rot; September 21, 1983 to October 31, 1983. (Libby Welch)

Crisis exemptions were initiated by the:

1. Arizona Commission of Agriculture and Horticulture on September 23, 1983, for the use of triadimefon on cantaloupes, honeydews, and pumpkins to control powdery mildew. Since it was anticipated that this program would be needed for more than 15 days, Arizona has requested a specific exemption to continue it. The need for this program is expected to last until September 1, 1984. (Jack E. Housenger)

2. Arizona Commission of Agriculture and Horticulture on September 23, 1983, for the use of triadimefon on cucurbits to control powdery mildew. Since it was anticipated that this program would be needed for more than 15 days, Arizona has requested a specific exemption to continue it. The need for this program is expected to last until September 1, 1984. (Gene Asbury)

3. Arkansas State Plant Board on August 19, 1983, for the use of methiocarb on wine grapes to repel birds. The program ended on September 3, 1983. (Jim Tompkins)

4. Minnesota Department of Agriculture on September 9, 1983, for the use of paraquat on dry beans as a harvest aid. Since it was anticipated that this program would be needed for more than 15 days, Minnesota has requested a specific exemption to continue it. The need for this program is

expected to last until October 15, 1983. (Jim Tompkins)

5. North Dakota Department of Agriculture on August 30, 1983, for the use of paraquat on dry beans as a harvest aid. Since it was anticipated that this program would be needed for more than 15 days, North Dakota requested a specific exemption to continue it. The need for this program is expected to last until October 1, 1983. (Jim Tompkins)

(Sec. 18, as amended, 92 Stat. 819 [7 U.S.C. 136])

Dated: 26, October 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-30066 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30232; PH-FRL 2467-2]

# **Monsanto Co.; Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application to conditionally register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATE:** Comment by November 9, 1983.

**ADDRESS:** Written comments, identified by the document control number [OPP-30232] and the file number [524-GUI] should be submitted by mail to:

Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 25, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

In person, bring comments to: Rm. 236, CM#2, Attn: (PM) 25, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Robert Taylor, PM 25, (703-557-1800).

**SUPPLEMENTARY INFORMATION:** Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036, has submitted an application to EPA to conditionally register the herbicide product Harness™ Herbicide, EPA File Symbol 524-GUI, containing the active ingredient acetochlor (2-chloro-N-(ethoxymethyl)-6-



ethyl-*O*-acetotoluidide at 85.5 percent, pursuant to the provisions of section 3(c)(4) of FIFRA. The application proposes that the product be classified for general use for weed control in corn, soybeans, and peanuts. Notice of receipt of this application does not imply a decision by the agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: October 27, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-30300 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-349; PH-FRL 2467-3]

### Rohm and Haas Company; Pesticide Petition

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received a pesticide petition relating to the establishment of tolerances for residues of the fungicide, a coordination product of zinc ion and maneb, in or on certain commodities.

**ADDRESS:** By mail submit written comments to:

Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 21, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 229, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-

349] and the petition number 3F2949. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Henry Jacoby, PM-21, telephone number 703-557-1900, CM#2, Rm. 229.

**SUPPLEMENTARY INFORMATION:** EPA gives notice that the Agency has received a pesticide petition relating to the establishment of tolerances for residues of the fungicide, a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylene bisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act.

PP 3F2949. Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.176 by establishing tolerances for residues of the fungicide in or on the following commodities:

Commodities	Parts per million (ppm)
Almonds	0.1
Apricots	10.0
Beans (dry form)	7.0
Beans (succulent form)	10.0
Brassica (cole) leafy vegetables group: (Based upon the raw agricultural commodities broccoli, cabbage, and mustard greens)	10.0
Cucurbit vegetables group (except pumpkins): (Based upon the raw agricultural commodities cucumbers, melons, and summer squash)	4.0
Fruiting vegetables (except cucurbits) group except tomatoes: (Based upon the raw agricultural commodities eggplants and peppers)	7.0
Leafy vegetables (except brassica vegetables) group: (Based upon the raw agricultural commodities lettuce, celery, and spinach)	10.0
Nectarines	10.0
Onions	7.0
Peaches	10.0
Potatoes	0.1
Pumpkins	7.0
Turnip roots	7.0
Turnip tops	10.0

The proposed analytical method for determining residues is gas chromatography using flame photometric detector.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: October 26, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-30299 Filed 11-8-83; 8:45 am]

BILLING CODE 6560-50-M

### FEDERAL COMMUNICATIONS COMMISSION

(MM Docket Nos. 83-1156 and 83-1157; File Nos. BPCT-830506LY and File No. BPCT-830506L3)

### Amos Communications, Inc. and Eagle Broadcasting, Inc.; Hearing Designation Order

Adopted: October 24, 1983.

Released: October 26, 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 Amos Communications, Inc. (Amos) Mansfield, Ohio, and Eagle Broadcasting, Inc. (Eagle) Mansfield, Ohio,<sup>1</sup> for authority to construct a new commercial television station on channel 68, Mansfield, Ohio.

2. No determination has been reached that the tower height and location proposed by Eagle<sup>2</sup> would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. 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.

4. 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:

<sup>1</sup> Although the deadline for filing pre-designation amendments as a matter of right was July 7, 1983, on July 13, 1983, Eagle amended its application to reflect the date on which its July 7, 1983 amendment was reviewed and executed by the president. Inasmuch as the information is required by § 1.65 of the Commission's Rules, the amendment is accepted for filing.

<sup>2</sup> The Commission is not in receipt of FAA's determination for the tower proposed by Eagle.



1. To determine whether there is a reasonable possibility that the tower height and location proposed by Eagle Broadcasting, Inc. would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

6. 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 to present evidence on the issues specified in this Order.

7. 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. 83-30231 Filed 11-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-1158 and 83-1159; File Nos. 1106-CM-P-80 and 4217-CM-P-80]

Charlotte Message Center Inc. and Palmer Communications Inc.;  
Memorandum Opinion and Order

Adopted: October 18, 1983.

Released: October 31, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referred applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Marco Island, Florida. The applications are therefore exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional

information. There are no petitions to deny or other objections under consideration.

2. Upon review of the applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:<sup>1</sup>

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Charlotte Message Center Inc., Palmer Communications Incorporated and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-30230 Filed 11-8-83; 8:46 am]

BILLING CODE 6712-9-M

<sup>1</sup> Consideration of these factors shall be in light of the Commission's decision in *Frank K. Spain*, 77 FCC 2d FCC 2d 20 (1980).

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-693-DR]

### Amendment to Notice of Major-Disaster Declaration;

AGENCY: Federal Emergency Management Agency.

ACTION: Notice

SUMMARY: This notice amends the Notice of a major disaster for the State of Oklahoma (FEMA-963-DR), dated October 26, 1983, and related determinations.

DATE: November 2, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The Notice of a major disaster for the State of Oklahoma dated October 26, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 26, 1983.

Cotton County for Individual Assistance Only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02.)

Joseph A. Moreland,

Acting Deputy Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 83-30281 Filed 11-8-83; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL MARITIME COMMISSION

### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests



are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. T-3342-2

Title: Seattle/Crescent Container Service and Matson Terminals, Inc. Amendment to the Maintenance and Repair Agreement.

Parties: Seattle/Crescent Container Service (SCCS) and Matson Terminals, Inc. (Matson).

Synopsis: Agreement No. T-3342 provides that SCCS will perform maintenance and repair services on containers and related equipment at Seattle for Matson. Agreement No. T-3342-2 provides that SCCS will not have to obtain approval of Matson when the cost of repairs does not exceed \$150, and SCCS will be required to obtain Matson's approval when performing annual maintenance on motor generator units or on trailers except when it is performed during a regular shift.

Filing Party: Peter P. Wilson, Senior Counsel, Matson Navigation Company, 333 Market Street, P.O. Box 7452, San Francisco, California 94120.

Agreement No. T-4054-1.

Title: Georgia Ports Authority and Zim American-Israeli Shipping Corporation, Amended Lease Agreement.

Parties: Georgia Ports Authority (Port) and Zim American-Israeli Shipping Corporation (Zim).

Synopsis: Agreement No. T-4054-1 amends the basic agreement by extending the effective date thereof from November 1, 1983, for a period of 90 days.

Filing Party: Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No. 93-32.

Title: North Europe-U.S. Pacific Freight Conference.

Parties:

Blue Star Line, Ltd.  
Compagnie Generale Maritime  
Hapag-Lloyd AG  
Intercontinental Transport (ICT) B.V.  
The East Asiatic Co. Ltd.  
Johnson Line AB

Synopsis: Agreement No. 93-32 would amend the basic agreement to provide that member lines are entitled to one vote except as may be otherwise required by the Commission, for

instance with respect to certain joint services.

Filing party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Third Floor, San Francisco, California 94111.

Agreement No. 5200-45.

Title: Pacific Coast European Conference.

Parties:

Blue Star Line, Ltd.  
Compagnie Generale Maritime  
D'Amico Societa de Navigazione Per Azioni  
The East Asiatic Co. Ltd.  
Hapag-Lloyd AG  
Intercontinental Transport (ICT) B.V.  
Italia Societa Per Azioni de Navigazione  
Johnson Line AB  
Scan-Pacific Line  
United Yugoslav Line  
Zim Israel Navigation Co., Ltd.

Synopsis: Agreement No. 5200-45 would amend the basic agreement (1) to provide that member lines are entitled to one vote except as may be otherwise required by the Commission, for instance with respect to certain joint services; and (2) to delete reference to a long-since expired 48-hour agreement but substitute generalized wording allowing the execution of similar agreements which will then be filed for Commission approval.

Filing party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Third Floor, San Francisco, California 94111.

Agreement No. 9502-14.

Title: United States South and East Africa Conference.

Parties:

Lykes Bros. Steamship Co., Inc.  
Moore McCormack Lines, Inc.  
South African Marine Corp. Ltd.  
The Bank Line, Ltd.

Synopsis: Agreement No. 9502-14 would amend the basic agreement to provide (1) intermodal service from origin ports and points in the United States to destination ports and points in South and East Africa; (2) independent action for intermodal rates on 30 days' notice; and (3) that the individual tariffs of the members may remain in effect until the Conference files an intermodal tariff or tariffs covering essentially the same origins, destinations, modes and commodity descriptions.

Filing party: John W. Angus, III, Esquire, Preston, Thorgrimson, Ellis & Holman, 1735 New York Avenue, NW., Washington, D.C. 20006-4759.

Agreement No. 10168-5.

Title: Puerto Rico/United States Virgin Islands—European Trade Cooperative Working Agreement.

Parties:

Thos. & Jas. Harrison Ltd.  
Compagnie Generale Maritime  
Hapag-Lloyd Aktiengesellschaft  
Nedlloyd B.V.

Synopsis: Agreement No. 10168-5 would amend the basic agreement to extend its duration for an additional three-year period until January 6, 1987.

Filing party: Richard G. Kirchner, Esquire, KURRUS & DYER, 1055 Thomas Jefferson Street, NW., Washington, D.C. 20007.

Dated: November 3, 1983.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-30237 Filed 11-8-83; 8:45 am]

BILLING CODE 6730-01-M

## Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on October 19, 1983, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent it constitutes an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916.

Agreement No. LM-83

Title: NYSA/ILA Master Agreement.

Synopsis: Agreement No. LM-83 extends until January 15, 1984, all other previously filed agreements, including the JSP Agreement and the NYSA-ILA Tonnage Agreement, between New York Shipping Association, Inc., Council of North Atlantic Shipping Associations, West Gulf Maritime Association, New Orleans Steamship Association, Inc., Mobile Steamship Association, Inc., Southeast Florida Employers Association, South Atlantic Employers Negotiating Committee and the International Longshoremen's Association.

Filing agent: Peter C. Lambos, Esquire, Lambos, Flynn, Nyland & Giardino, 29 Broadway, New York, New York 10006.

Dated: November 3, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-30235 Filed 11-8-83; 8:45 am]

BILLING CODE 6730-01-M



**Item Submitted for OMB Review**

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Ronald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, NW., Room 9305, Washington, D.C. 20573, telephone number (202) 523-5900. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the Federal Register in which this notice appears.

**Summary of Item Submitted for OMB Review**

46 CFR Part 531—Publishing and Filing of Tariffs in the Foreign Commerce of the United States (General Order 13) General Order 13 is the Commission's regulation to enforce the tariff filing provisions of Section 18 (b) and (c) of the Shipping Act, 1916. Every common carrier by water and conferences of such carriers engaged in the foreign commerce of the United States are required to file with the Commission and keep open to public inspection tariffs showing their rates and charges for transportation between U.S. and foreign ports and between U.S. ports and foreign points on any through route which is established.

The Commission estimates 1200 annual respondents and 256,452 annual manhours for General Order 13. Total estimated annual cost to the Government is \$1,292,460; annual cost to the public is estimated at \$2,844,927.

Francis C. Hurney,  
Secretary.

[FR Doc. 83-30236 Filed 11-8-83; 8:45 am]

BILLING CODE 6730-01-M

**GENERAL SERVICES ADMINISTRATION****Agency Information Collection Under Review by the Office of Management and Budget (OMB); Place of Performance**

**AGENCY:** Office of Policy and Management Systems, GSA.

**ACTION:** Notice of Existing Information Collection.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve an existing information collection in use without and OMB control number.

**DATES:** Comments on this information collection must be submitted on or before November 30, 1983.

**ADDRESSES:** Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John Gilmore, GSA Clearance Officer, General Services Administration (ORAI), Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Victoria Moss, Office of Acquisition Policy (703-696-5180).

**SUPPLEMENTARY INFORMATION:** The purpose of this information collection is to provide the place of performance and the owner of the plant or the facility to determine the bidder's responsibility, responsiveness and price reasonableness. The government must be apprised of this information prior to award. The annual reporting burden is: respondents 18,189; responses 90,945; hours 637. A copy of this proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3004, GS Building, Washington, DC 20405 (202)-566-0666.

Dated: November 2, 1983.

Michael G. Barbour,

Director, Information Management Division.

[FR Doc. 83-30275 Filed 11-8-83; 8:45 am]

BILLING CODE 6820-34-M

**National Archives and Records Service****Further Extension of Period of Filing an Objection to the Opening of the Nixon White House Special Files**

On August 12, 1983, notice was given, in accordance with Section 104 of Title 1 of the Presidential Recordings and Materials Preservation Act (88 Stat. 1695; 44 U.S.C. 2107 note) and § 105-63.401(b) of the General Services Administration implementing regulations (41 CFR Part 105-63), that an integral file segment, known as the White House Special Files, of the Nixon Presidential materials was available for review by interested parties prior to public access. A thirty day period, ending on September 12, 1983, was provided for the receipt of objections to public access (48 FR 36655). On September 8, 1983, notice was given that the period for filing objections was extended to November 10, 1983 (48 FR

40561). On October 20, 1983, twenty-nine former members of the Nixon White House staff or cabinet filed suit in the United States District Court for the District of Columbia challenging the validity of the Presidential Recordings and Materials Preservation Act and the General Services Administration implementing regulations (*Allen et al. v. Carmen et al.*, C.A. No. 83-3099). In order to provide the District Court sufficient time to resolve this case, the period for filing an objection is hereby extended further to January 3, 1984. Any person who wishes to claim a right, privilege, or defense concerning these materials should follow the procedures outlined in 48 FR 36655 (August 12, 1983). Any claims must be received by January 3, 1984.

Dated: November 4, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-30294 Filed 11-8-83; 8:45 am]

BILLING CODE 6820-26-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****Advisory Committees; Notice of Meetings**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

**Clinical Chemistry Device Section of the Chemistry and Hematology Devices Panel**

*Date, time, and place.* December 1, 2 p.m., Conference Rm. 1200E, 8757 Georgia Ave., Silver Spring, MD.

*Type of meeting and contact person.* This meeting will be held by a conference telephone call. A speaker phone will be provided in the conference room to allow public participation in the meeting. Open public hearing, December 1, 2 p.m. to



2:45 p.m.; open committee discussion, 2:45 p.m. to 5 p.m.; Dr. Kaiser Aziz, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7234.

**General function of the committee.** This committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 17, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss an in vitro assay for measuring oxalate in urine: Reclassification Petition "The Quantitative Determination of Oxalate in Urine at 590 nm," Sigma Chemical Co., for reclassification from class III to class II or class I.

#### Microbiology Device Section of the Immunology and Microbiology Devices Panel

**Date, time, and place.** December 8 and 9, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

**Type of meeting and contact person.** Open public hearing, December 8, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, December 9, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Thomas M. Tsakeris, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 25, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss premarket approval applications for in vitro diagnostic products for hepatitis A virus and in vitro diagnostic products for the determination of the minimum inhibitory concentration of antimicrobial agents.

#### Circulatory System Devices Panel

**Date, time, and place.** December 12, 8:30 a.m., Rm. 503-529A, 200 Independence Ave. SW., Washington, DC.

**Type of meeting and contact person.** Open public hearing, December 12, 8:30 a.m. to 11:30 p.m.; open committee discussion, 11:30 a.m. to 4 p.m.; Glenn A. Rahmoeller, National Center for Devices and Radiological Health (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 1, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss applications for several premarket approval applications for new pacing systems.

#### Gastrointestinal Drugs Advisory Committee

**Date, time, and place.** December 12 and 13, 9 a.m., Auditorium, Lister Hill Center, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

**Type of meeting and contact person.** Open public hearing, December 12, 9 a.m. to 10 a.m.; open committee discussion, December 12, 10 a.m. to 5 p.m.; December 13, 9 a.m. to 5 p.m.; Joan C. Standaert, National Center for Drugs and Biologics (HFN-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal disorders.

**Agenda—Open public hearing.** Any interested person may present data,

information or views, orally or in writing, on issues pending before the committee.

**Open committee discussion.** The committee will discuss Tagamet (cimetidine), NDA 17-920, for use in stress ulcer, gastroesophageal reflux disease, and in twice daily (b.i.d.) dose for treatment of duodenal ulcer; Zantac (ranitidine), NDA 18-703, Glaxo, Inc., injectable for use in duodenal ulcer and tablet for use in gastric ulcer; Golytely (polyethylene glycol electrolyte solution), NDA 19-011, Braintree Laboratories, for colon lavage.

#### Fertility and Maternal Health Drugs Advisory Committee

**Date, time, and place.** December 15 and 16, 9 a.m., Conference Rm. 6, Bldg. 31C, National Institutes of Health Campus, 9000 Rockville Pike, Bethesda, MD.

**Type of meeting and contact person.** Open public hearing, December 15, 9 a.m. to 10 a.m.; open committee discussion, December 15, 10 a.m. to 5 p.m.; December 16, 9 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

**General function of the committee.** The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in obstetrics, gynecology, and contraception.

**Agenda—Open public hearing.** Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee executive secretary.

**Open committee discussion.** On December 15, the committee will discuss "The Safety of Vaginal Spermicides." On December 16, the committee will review estrogen product labeling.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour



long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: November 4, 1983.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 83-30308 Filed 11-4-83; 3:17 pm]

BILLING CODE 4160-01-M

[Docket No. 83M-0236]

**CTL, Inc.; Premarket Approval of CustomEyes™-38 C, CustomEyes™-38 L, CustomEyes™-38 S, and CRL-M (Polymacon) Tinted Hydrophilic Contact Lenses**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of CustomEyes™-38 C, CustomEyes™-38 L, CustomEyes™-38 S, and CRL-M

(polymacon) Tinted Hydrophilic Contact Lenses, sponsored by CTL, Inc. (formerly Custom Tint Laboratories, Inc.), Raleigh, NC. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and after listing, by regulations, the color additives for use in coloring the devices, FDA notified the sponsor that the application was approved because the devices had been shown to be safe and effective for use as recommended in the submitted labeling.

**DATE:** Petitions for administrative review by December 9, 1983.

**ADDRESS:** Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

**SUPPLEMENTARY INFORMATION:** On January 21, 1983, CTL, Inc., Raleigh, NC, submitted to FDA an application for premarket approval of CustomEyes™-38 C, CustomEyes™-38 L, CustomEyes™-38 S, and CRL-M (polymacon) Tinted Hydrophilic Contact Lenses tinted with one or more of four color additives (Permatint® lens colors) that are used to tint the contact lens blue, green, aquagreen, and brown. The tinted lens is indicated for emmetropic daily wear and the daily wear correction of myopia and hyperopia in aphakic and not-aphakic patients, for color enhancement of the eye, and for ocular masking. The lens may be worn by persons with nondiseased eyes who have no more than 1.50 diopters of astigmatism, is available in powers from -9.00 to +15.00 diopters, and is to be disinfected using either a chemical or thermal (heat) disinfection system. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. In the Federal Register of July 8, 1983 (48 FR 31374), FDA published final regulations listing the color additives 16,23-dihydrodinaphtho[2,3a:2',3'-i]naphth[2',3':6,7]indolo[2,3-c]carbazole-5,10,15,17,22,24-hexone (21 CFR 73.3117); N,N'-(9,10-dihydro-9,10-dioxo-1,5-anthracenediyl)bisbenzamide (21 CFR 73.3118); 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone (21 CFR

73.3119); and 16,17-dimethoxydinaphtho[1,2,3-cd:3',2',1'-lm]perylene-5,10-dione (21 CFR 73.3120) for use in coloring contact lenses. The regulations became effective August 9, 1983. The use of these four color additives in coloring the CustomEyes™-38-C, CustomEyes™-38 L, and CustomEyes™-38 S, and CRL-M (polymacon) Tinted Hydrophilic Contact Lenses conforms to the color additive listing requirements specified in the regulation listing each color additive. On September 8, 1983, FDA approve the application for premarket approval of the devices by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices-contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The approved labeling for a contact lens states that the lens is to be used with either a chemical or thermal (heat) disinfecting system. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard



contact lenses. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that FDA approves for use with approved contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

#### Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details. Petitioners may, at any time on or before December 9, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this

document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-30287 Filed 11-8-83; 8:45 am]

BILLING CODE 4160-01-M

#### [Docket No. 83N-0230]

#### E. R. Squibb & Sons, Inc. et al.; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.  
ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of 84 new drug applications (NDA's) based on the written request of the applicants.

**EFFECTIVE DATE:** December 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ron Lyles, National Center for Drugs and Biologics (HFN-105), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4320.

**SUPPLEMENTARY INFORMATION:** The holders of the NDA's listed below have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for hearing.

NDA No. and drug name	Applicant's name and address
00-075 Intracaine HCL	E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.
101-032 Sterile Intracaine HCL Ampule.	Do.
02-604 Novocaine and Pontocaine HCL with Neo-Cobelin.	Sterling Drug Co., Inc., 90 Park Ave., New York, NY 10016.
02-694 Hyaluron Solution and Tablets.	Abbott Laboratories, Abbott Park, North Chicago, IL 60064.
02-818 Syntamin Ampoules.	Parke-Davis, 201 Tabor Rd., Morris Plains, NJ 07950.
03-088 Pyridoxine HCL Solution.	Abbott Laboratories.
04-049 Stiron in Oil	Do.
04-116 Tois Gargle	O'Neal, Jones & Feldman, 2510 Metro Blvd., Maryland Heights, MO 63043.
04-273 Ceepryn Aqueous Solution.	Merrell-Dow Pharmaceuticals, Inc., 2110 East Galbraith Rd., Cincinnati, OH 45215.
04-623 Estrone Aqueous Suspension.	Abbott Laboratories.
05-045 Necarsphenamine Solvent Modified.	DO.
05-295 Penicillin	Do.
05-339 Intracaine	E. R. Squibb & Sons, Inc., Parke-Davis.
05-458 Syntamin Capsules.	Do.
05-570 Penicillin	Abbott Laboratories.
05-739 Penicillin Calcium	Do.
05-742 Tyrothricin Solution.	Do.
05-774 Koramex Cream	Holland-Rantos Co., Inc., P.O. Box 5147, Trenton, NJ 08638.

NDA No. and drug name	Applicant's name and address
05-857 Streptomycin Sulfate Solution.	Abbott Laboratories.
06-258 Sulfedexan	Do.
06-444 Forthane Inhaler	El Lilly & Co., Box 618, Indianapolis, IN 46206.
06-531 Mercuhydrin	Merrell-Dow Pharmaceuticals, Inc.
06-958 MASSE Breast Cream	Ortho Pharmaceutical Corp., Route 202, Raritan, NJ 08869.
07-048 Douzine Suspension	Abbott Laboratories.
07-933 Hyazyme Powder for Injection.	Do.
08-250 Nitrantol PV	Merrell-Dow Pharmaceuticals, Inc.
08-709-A Veraiba Tablets	Dow Chemical, P.O. Box 68511, Indianapolis, IN 46268.
08-709-B Veraiba Injection.	Dow Chemical.
08-733 Fumidi Tablets and Capsules.	Abbott Laboratories.
09-462 Rauwolfia Serpentina Tablets.	Roxane Laboratories, Inc., P.O. Box 16532, Columbus, OH 43216.
09-463 Reserpine Tablets.	Parke-Davis.
09-587 Provera A and B Maleate tablets.	USV Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707.
09-639 Raurine Tablets	O'Neal, Jones & Feldman Pharmaceuticals.
09-800 Redona Tablets	Lemmon Co., Sellersville, PA 18960.
09-879 Sertina Tablets	O'Neal, Jones & Feldman Pharmaceuticals.
09-882 Restan Tablets	Do.
10-045 Vio-Serpine Tablets.	Rowell Laboratories, Inc., 210 Main St. West, Baudette, MN 55623.
10-050 Rauwolfia Serpentina Tablets.	O'Neal, Jones & Feldman Pharmaceuticals.
10-427 Rautina Tablets	Do.
10-726 Magoyl Capsules	Elder Pharmaceuticals, Inc., P.O. Box 31, Bryan, OH 43506.
10-764 DIAGNEX BLUE	E. R. Squibb & Sons, Inc.
10-948 Protalbe Tablets	Dow Chemical.
11-024 Cinatabs Tablets	Bell Pharmaceutical Corp., Box 1968, Greenville, SC 29602.
11-026 Panheprin in Saline.	Abbott Laboratories.
11-137 Spontin Powder for Solution.	Do.
11-170 Aero Meter Nasal Spray.	Riker Laboratories, Inc., 19901 Nordhoff St., Northridge, Ca 91324.
11-201 Aero Meter Asthma Spray.	Reckitt Drug Co., 3901 North Kingshighway, St. Louis, MO 63115.
11-469 Cayline Tablets and Injection.	Merrell-Dow Pharmaceuticals, Inc.
11-487 POLYKOL Capsules.	The Upjohn Co., Kalamazoo, MI 49001.
11-510 Racobalamin-60 Pernicious Anemia Diagnostic Kit.	Abbott Laboratories.
11-541 REZIFILM	E. R. Squibb & Sons, Inc.
11-621 CASAKOL Capsules.	The Upjohn Co.
11-859 UREVERT	Travenol Laboratories, Inc., Deerfield, IL 60015.
11-916 Quimotrase Ophthalmic Injection.	Cooper Vision, Inc., 455 E. Middlefield Rd., Mountain View, CA 94043.
12-234 Joquin Suspension.	Abbott Laboratories.
13-616 Guide Injection	Dow Chemical.
14-085 Racobalamin-57 Capsules.	Abbott Laboratories.
14-086 Racobalamin-57 Injection.	Do.
16-449 Pentaserythritol Tetrastate Tablets	Invenex Laboratories, P.O. Box 122, Grand Island, NY 14072.
16-460 PETN w/Phenobarbital.	Kirkman Laboratories, Inc., Portland, OR 97208.
16-502 Nitro Tablets	The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102.
16-559 Pentaserythritol Tetrastate w/Phenobarbital.	West-Ward, Inc., 465 Industrial Way West, Easton, NJ 07724.



NDA No. and drug name	Applicant's name and address
15-567 P.E.T.N. Tablets	Cord Laboratories, 2555 West Midway Blvd., Broomfield, CO 80020.
15-698 Strontium Nitrate Sy 85 Injection	Mallinckrodt, Inc., P.O. Box 5840, St. Louis, MO 63134.
15-706 Oxidant-Fe-28 (AID) Tablets	Searle Research and Development, Box 5110, Chicago, IL 60680.
15-789 Meproamate Tablets	Purepac Pharmaceutical Co., 200 Elmors Ave., Elizabeth, NJ 07207.
17-003 Urogate Sorbital 3% Solution	Abbott Laboratories.
17-686 Heparin Sodium Injection	The University of Iowa, Iowa City, IA 52242.
17-733 Azene	Abbott Laboratories.
17-843 Aggregated Radiiodinated (I-131) Albumin (Human)	Mallinckrodt, Inc.
17-845 Radiiodinated (I-131) Serum Albumin (Human)	Do.
17-891 Heparin Sodium Injection	American Can Co., American Lane, Greenwich, CT 06830.
17-896 Heparin Sodium Injection	A. H. Robins Co., 1211 Sherwood Ave., Richmond, VA 23220.
80-126 Potassium Penicillin G Tablets	Dow Chemical.
80-335 Neo-Polycin HC Ointment	Do.
80-336 Polycin Ointment	Do.
80-441 Potassium Penicillin G Tablets	Do.
80-790 Neo-Polycin HC Ophthalmic Ointment	Do.
81-404 Tetracycline HC1 Capsules	Do.
81-456 Tetracycline HC1 Capsules	Do.
81-486 Potassium Phenoxyethyl Penicillin Tablets	Do.
81-567 Potassium Phenoxyethyl Penicillin Tablets	Do.
81-590 Potassium Penicillin G Tablets	Do.
81-592 Potassium Phenoxyethyl Penicillin Tablets	Do.

Several NDA's listed above provide for products that contain pentaerythritol tetranitrate, a drug for which FDA's effectiveness review under the Drug Efficacy Study Implementation (DESI) program has not been completed. There is no need, however, to defer this withdrawal action and maintain active NDA files for products that are not marketed. In accord with agency policy, future DESI notices that announced effectiveness conclusions about products containing the drug will be applicable also to these products.

The agency has determined pursuant to 21 CFR 25.24(d)(2) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 76 Stat. 782 as amended (21 U.S.C. 355(e))) and under authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.82),

approval of the new drug applications listed above, and all supplements thereto, is hereby withdrawn.

This order becomes effective on December 9, 1983.

Dated: November 11, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-30309 Filed 11-8-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0369]

### Revised Guideline for Drug Combinations for Use in Animals; Notice of Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of revised "Guideline for Drug Combinations for Use in Animals" prepared by FDA's Bureau of Veterinary Medicine (BVM). The revised guideline describes the type of data required to establish effectiveness of drug combinations. The revision provides for deletion of the requirements for titrating the optimum levels and establishing effective ranges for drugs intended to improve animal productivity. The agency is issuing the revised guideline following review of comments on a draft revised guideline.

**ADDRESS:** The draft and final revised guideline and comments are available for public examination at, further written comments may be submitted to, and requests for single copies may be sent to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Lehmann, Bureau of Veterinary Medicine (HFV-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3134.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 29, 1983 (48 FR 19472), FDA published a Notice of availability of a Draft Revised Guideline for Drug Combinations for Use in Animals (Docket No. 82D-0369). The guideline had originally been adopted in 1978. The notice solicited comments by May 31, 1983. Seven organizations submitted comments. Three concurred with the revised guideline and did not suggest changes, while four supported the revised guideline but suggested changes.

The draft revised guideline provided for deletion of the previously existing requirement of establishing, in studies conducted with the combinations, the optimum levels or the effective ranges of active drug ingredients that are indicated for improving animal productivity (e.g., increased rate of weight gain, improved feed efficiency, and increased production of milk or eggs). This provision was to apply where the optimum levels or effective ranges of the individual drugs have been established separately in approved applications or by the National Academy of Sciences/National Research Council (NAS/NRC) Drug Effectiveness Study Implementation (DESI) review.

Several comments recommended that combinations of production drugs be approved if the individual drugs are approved separately at a given dosage or at a range of dosages. This recommendation would eliminate any need to examine the data supporting the separate approvals, or to determine if the dosage or range had been established as part of the DESI review.

FDA has reexamined its position and agrees with the comments. The agency has revised the document accordingly.

Other comments suggested that the policy change reflected in the draft revised guideline be applied to therapeutic as well as production drugs.

FDA disagrees with the comments. Its experience leads to the conclusion that for some therapeutic drug combinations, dosage titration and/or range establishment must be based on studies conducted using the combination. Therefore, FDA will continue to decide, on an application-by-application basis, whether titration/range studies must be done with combinations containing therapeutic drugs.

Several comments concerned provisions of the combination policy guidelines other than those that were changed in the draft guidelines. The purpose of the notice of availability was to provide opportunity for comment on the revisions in the guidelines. FDA will address the comments on the unchanged portions of the guidelines but will do so in separate letters written to the commentators. Copies of the letters will be placed in the administrative record under Docket No. 82D-0369.

This notice of availability is issued under 21 CFR 10.90(b), which provides for use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. Sponsors may rely upon a guideline with the assurance that it represents procedures acceptable



to the agency (see 21 CFR 10.90). Of course, if a sponsor believes that alternative procedures are also applicable, a guideline does not preclude a sponsor from pursuing the alternative procedures. Under such circumstances, however, the agency encourages sponsors to discuss the propriety of the alternative procedures in advance with FDA to prevent the expenditure of money and effort for work that may later be found to be unacceptable.

Interested persons may, at any time, submit additional written comments on the guideline to the Dockets Management Branch. Such comments will be considered in determining if further revisions of the guideline are required. Respondents should submit two copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: November 3, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-30310 Filed 11-8-83; 8:45 am]

BILLING CODE 4160-01-M

## Health Care Financing Administration

### Health Financing Research and Demonstration Grants; Availability of Funds for Grants

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** General notice.

**SUMMARY:** This notice announces the availability of HCFA funds for certain priority research and demonstration grants for the Federal fiscal year 1984. It contains information about the subject areas for grants that will be given priority, project requirements, application procedures, amounts and duration of grants, and waiver of State plan requirements for demonstration projects. HCFA makes funds available for activities that will help to resolve major health financing program issues or to develop innovative methods for the administration of Medicare and Medicaid.

**DATES:** Closing dates for submission of grant applications are presented in section VI of this Notice.

**FOR FURTHER INFORMATION CONTACT:** Frances Lariviere, 301-594-7474.

If you choose, you may write for information to the following address: Health Care Financing Administration, Office of Research and Demonstrations,

Program Support Office, Area 2-D-6, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

**SUPPLEMENTARY INFORMATION:** This notice solicits grant applications for HCFA research and demonstration grants in priority areas and announces the amount of funds available for grants in the priority areas during the Federal fiscal year (FY) 1984. In addition, the notice also describes the application procedures, general policy considerations, and selection criteria for HCFA grants that replace those previously published in the *Federal Register* on September 16, 1982 (47 FR 41090) and April 6, 1983 (48 FR 15006).

This notice does not change the quarterly review of waiver-only applications, as established in the April 6, 1983 *Federal Register* notice (48 FR 15006). These are applications that do not include a request for discretionary grant funds, but rather include requests only for waivers of statutory provisions necessary to conduct a project. Waiver-only projects also include projects that involve only requests to consider as reimbursable or matchable those expenditures that are normally not reimbursable or matchable under the statute but which, by virtue of an authority such as section 1115(a)(2) of the Social Security Act (42 U.S.C. 1315(a)(2)), may be so considered. While these latter types of requests do not involve waivers, we have classified them together with waiver requests because they do not involve requests for the use of discretionary research and demonstration grant funds.

The closing dates for waiver-only applications are the first Mondays of the second months of each quarter (that is, February, May, August, and November of each year).

#### I. Availability of Funds for Grants

##### A. General

A review of the requirements for existing projects and our expected FY 84 budget indicates that up to \$3 million may be available to HCFA's Office of Research and Demonstrations (ORD) to fund new grants for research and demonstration projects in the priority areas listed below.

Applications for grants may be submitted to HCFA by non-profit, private, or public agencies or organizations, including State agencies that administer the Medicaid program. Private-for-profit organizations may apply for grants only under section 222(a) of the Social Security Amendments of 1972 (Pub. L. 92-603).

#### B. Authorities

Our authority for making these grants is based on—

1. The Social Security Act, title XI—sections 1110, Cooperative Research or Demonstration Projects (42 U.S.C. 1310) and 1115(a), Demonstration Projects (42 U.S.C. 1315(a));

2. The Social Security Act, title XVIII—section 1881(f), End Stage Renal Disease Experiment and Pilot Projects (42 U.S.C. 1395rr(f));

3. Section 222(a) of the Social Security Amendments of 1972, Experiments and Demonstration Projects (42 U.S.C. 1395b-1(note)); and

4. Section 402(a) of the Social Security Amendments of 1967, Experiments and Demonstration Projects (42 U.S.C. 1395b-1).

In the discussion below, we refer to the Social Security Act simply as "the Act."

#### C. Regulations

General policies and procedures that govern the administration of all Department of Health and Human Services' (HHS) grants are located in Title 45 of the Code of Federal Regulations (CFR), Part 74. All applicants are urged to review the uniform grants requirements established in those regulations.

#### D. Number and Size of Grants

Most grants range from \$35,000 to \$275,000 per year. The number, size and type of grant depends on the—

1. Availability of funds;
2. Needs of projects that are continuing from prior years;
3. Priority interest areas established by HCFA; and
4. Technical quality of applications.

#### E. Duration of Funding

We fund projects for a period of one year at a time and may continue funding on a non-competing basis, generally for up to three years, if we awarded the original grant as a multiple year project. Continuation funding is contingent on the availability of future year funds, the applicant's ability to meet prior year project objectives, and the continued relevance of the project to HCFA programs.

We treat applications that seek to continue a project for a longer period of time than that stated in the original grant award as new projects. Thus, they must compete for available funds, and we will review these applications competitively along with all other new grant applications.



### F. Special Solicitations

As the need arises for special projects, we will announce special solicitations in the *Federal Register*.

### II. Grants Subject Matter

#### A. General Policy Considerations

The grants we make are intended to assist in the resolution of major health financing program issues or in developing new methods for the administration of HCFA programs.

The HCFA grants program focuses primarily on analyses, experiments, and pilot projects that provide information useful for the administration of the Medicare and Medicaid programs. For FY 84, we have identified a number of areas where specific information or operational experience is necessary to improve program effectiveness or guide decisions anticipated in the near future.

A detailed description of these priority areas is set forth below. Applications for priority area grants must be limited to one priority. Applications that fit one of the priority areas will be considered as solicited. Applications that do not fit one of the priority areas will be considered unsolicited grant applications and will be reviewed by a special panel, as discussed below in section V.

#### B. Waivers

Generally, researchers who wish to conduct studies that would require Medicaid rules to be waived must coordinate their applications with the appropriate State Medicaid agency. State or private agencies that wish to ask for Medicaid or Medicare waivers are highly encouraged to coordinate with researchers or research firms in order to ensure that the experimental design and evaluation protocol are of the highest quality.

1. *Section 1115(a) Projects.* Under section 1115(a)(1) of the Act, compliance with statutory Medicaid State plan requirements (sections 1902 of the Act) may be waived to enable a State Medicaid agency to carry out a significant demonstration project that will further the general objectives of the Medicaid program.

Under section 1115(a)(2) of the Act, we may consider costs of an 1115(a) project that otherwise would not be included properly as expenditures under section 1903 of the Act, as proper expenditures under the State plan and thus subject to Federal financial participation.

All requirements of the Act, the Code of Federal Regulations, and other issuances that pertain to the Title XIX program apply to a project approved

under section 1115(a), unless they are specifically waived.

If a State Medicaid agency applies for a section 1115(a) project, special attention should be given to the preparation of the budget. The agency must provide estimates of the cost or savings attributable to the demonstration project, as opposed to the normal Federal program costs. That is, the agency must furnish the estimated yearly cost before waivers, and after waivers, for both operational and administrative costs. These budgets are substantially more extensive than the budget for other grant applications (see HCFA-PG-11A, Instructions for Completion of Federal Assistance Application, form HCFA-PH-11).

2. *Other Waivers.* Waivers of the requirements of titles XVIII and XIX of the Act, and of corresponding HCFA regulations, may be requested for projects conducted under section 222(a) of the Social Security Amendments of 1972 and section 402(a) of the Social Security Amendments of 1967. The waivers requested must relate to an experimental or demonstration project that involves changes in the method of payment or benefit package. Further, the project cannot involve additional grants for administration or research costs, in applying for these waivers or changes in reimbursement or Federal financial participation, the applicant must provide sufficient budgeting information to permit estimates of the likely cost or savings of the project compared to the normal Federal program costs. That is, the application must furnish the estimated yearly cost, before waivers and after waivers, for both program and administrative costs.

#### C. Current Priorities

A description of our current priorities for this general solicitation follows. As a special note, public use files from the National Medical Care Utilization and Expenditure Survey (NMCUES) became available in September 1983. This survey is a HCFA co-sponsored project with the National Center of Health Statistics and contains a wealth of information concerning many of the current priority areas. The NMCUES collected detailed and extensive data concerning health care utilization and expenditures. Data concerning employment, income, health status, health insurance, access to care, and sociodemographics were also collected. Public use data files will shortly be available from the National Technical Information Service (NTIS) for \$425. Further information concerning NMCUES is available in "Procedures and Questionnaires of the National

Medical Care Utilization and Expenditure Survey," Series A, Methodology Report No. 1, DHHS Publication No. 83-20001. Mr. Robert Wright of NCHS is available at 301-436-7100 for further information concerning the public use files. We welcome applications that plan to utilize this resource.

As noted above, if the need for a special project arises in addition to these priorities, we will publish a special solicitation in the *Federal Register*. The priority areas may be modified at any time prior to 60 days before the closing dates presented in section VI below.

1. *End Stage Renal Disease (ESRD) Treatment, a. Experiments and Demonstration Projects.* We are soliciting experiments and demonstration projects that would test the cost-effectiveness of alternative reimbursement approaches used in the payment of ESRD treatment. These approaches might include the design and implementation of voucher systems and competitive bidding to encourage the delivery of ESRD services at a lower cost than is now possible under existing reimbursement systems. The reimbursement system proposed should address what services are covered (that is, all medical care, ESRD related medical care, or maintenance dialysis only), how the level of payment is established (home or center dialysis), and the quality assurance safeguards that will be established.

b. *Research projects.* HCFA is interested in studying kidney transplantation as an alternative to lifetime dialysis, as well as in information on the variations in dialysis costs that are attributable to case-mix, organizational characteristics, and other variables. The following are areas of particular interest:

(1) An analysis of the differences in outcomes and related factors in kidney transplants (for example: Patient survival rates analyzed by such factors as geography, demography, and patient selection factors; graft rejection rates; and cost variations).

(2) Development and testing of systems that include incentives to promote availability of kidneys.

(3) Applications to study the direct and indirect costs of providing renal dialysis care. The direct costs to institutional providers would include such items as personnel, machines, supplies, overhead, and any special services needed such as the provision of dialysis care for hard to treat patients. Indirect costs that might be considered in the analysis would include patient



travel time, out of pocket expenses, loss of work time, etc. The analysis should relate the cost of care to such determinants as case-mix differences, type of therapy offered, and type of facility as well as any other factors that could explain the variations in costs.

2. *Long-Term Care.* a. The development and testing of prospective payment systems and other means of reducing the cost and maintaining the quality of long-term care services, including the Medicare skilled nursing facility (SNF) benefit, is a priority area. Various researchers have conducted initial descriptive studies concerning the design of alternative payment systems, case-mix methodologies, and other approaches that affect cost and quality of long-term care (for example, Birnbaum, et al., Abt Associates, Inc. (1981), Grimaldi American Enterprise Institute (AEI) (1981), Spitz and Urban Institute (1981); and Shaughnessy, et al., Center for Health Services Research, University of Colorado (1980, 1982)). Additional information is sought on the practical application and performance of the systems and methodologies already designed, as they relate to projects that—

(1) Analyze and compare the experience of the various States in implementing Medicaid prospective payment for long-term care services (for example, how the payment systems are designed and operate, the design and efficiency of the administrative systems necessary to support the payment system, and the impact of the method used to pay capital-related costs). The analysis of State prospective payment systems should concentrate on evaluating reimbursement systems that include a case-mix measure (for example, Illinois, West Virginia, Maryland, and Ohio), with special emphasis on access, quality of care, and allocation of resources to more disabled patients. The research on case-mix measures should determine the extent to which such measures can be used for Medicare SNF prospective payment;

(2) Develop case-mix systems that can be incorporated into payment methods to account for differences among cases (for example, degree of impairment and resource consumption) regardless of settings (for example, skilled nursing homes, intermediate care facilities, home health systems, and freestanding versus hospital-based facilities);

(3) Determine the effects of innovative State or local programs to promote home care by the family (for example, State or local respite care programs, tax incentives, or housing and transportation support); and

(4) Assess the competitive effects (especially substitutive effects) of expanding the role of nurses and geriatric nurse practitioners in long-term care programs.

b. Another area of interest is in life care centers and the potential that these alternative residential centers offer the elderly in terms of quality of life and access to medical care. Many Medicare beneficiaries are becoming affiliated with the life care movement and HCFA is interested in the degree to which quality of life is enhanced by this movement. Further, we are also interested in the differences in the utilization of health services between beneficiaries in life care centers and a like population living in the community and receiving the services in the fee-for-service sector. That is, we would like information on the cost and volume of services utilized by Medicare life care residents versus the Medicare population at large.

c. Other items of interest are:

(1) The effect of hospital prospective payment on nursing homes; especially (but not exclusively) how it affects utilization of the Medicare SNF benefit.

(2) The spend-down population in nursing homes (for example, the percent of patients, the length of time that they are private pay, etc.).

(3) The acute care utilization (physician, hospital, and other services) of nursing home patients.

(4) Measures that can be used to target individuals at risk of institutionalization.

(5) Quality assurance methods for home health and other home and community-based services.

3. *Outpatient Reimbursement Systems.* HCFA is interested in developing additional information about the payment for, and delivery of, services in hospital outpatient departments, other hospital-based ambulatory care units, and freestanding ambulatory care units. Significant research and demonstration activity in the area of alternative payment methodologies for hospital inpatient care services has been supported or performed by HCFA. (For example, Abt Associates, "National Hospital Rate-Setting Study," DHEW/HCFA Contract No. 500-78-0036 and Yale University, "Development of Diagnosis-Related Groups Using ICD-9-CM Codes," DHHS/HCFA Grant No. 95-P-97499.) Equivalent studies do not exist for outpatient reimbursement systems. Accordingly, our present interest includes research and demonstrations that would develop or test payment systems for hospital outpatient services

other than those currently in use and currently being studied (that is, the Yale Ambulatory Visit Group (AVG) approach). We are seeking information on issues related to the design of such systems from projects that—

a. Provide comparative data concerning—

- (1) Services being delivered;
- (2) Cost of these services;
- (3) Utilization of services;
- (4) Quality of services;
- (5) Case-mix differences;
- (6) Administrative arrangements (for example, provision of physician services);
- (7) Provider characteristics; and
- (8) Patient characteristics in both hospital-based and freestanding units.

b. Analyze and compare the experience of other payers that utilize alternative payment systems for services provided in hospital outpatient departments and other hospital-based ambulatory care units or on the cost and use of physician office services.

c. Test the effects of alternative payment systems on the cost, utilization and access to services delivered in hospital outpatient departments and other ambulatory care sources (for example, prospective payment, methods of comparing costs in hospitals in order to establish prospective limits, and payment based on comparable fee for service levels).

d. Determine the incentives for Medicare patients to use hospital outpatient departments versus other ambulatory care, including the reasons for choosing hospital outpatient departments and the source of referral.

4. *Hospital Prospective Payment System (PPS) Extension and Impact.* HCFA is also interested in studies aimed at the practical refinement and extension of systems for prospective payment of hospitals and the impact of such systems upon the health care industry and its patients. At this time there is special interest in the following types of projects:

a. Prospective payment for pediatric hospitals.

b. Prospective payment for long-term care hospitals, including psychiatric and rehabilitation hospitals.

c. Feasibility of hospital provision of cost of care information to patients.

d. Uncompensated hospital care costs.

e. Impact of occupancy variation on sole community hospital solvency.

f. The impact of the Medicare prospective payment system on—

- (1) Hospital capital investment;
- (2) Hospitals' access to capital markets and methods of financing;



(3) Hospital mergers, joint ventures, affiliated activities, etc.;

(4) Other payers for hospital inpatient services;

(5) Provision and use of hospital outpatient department services;

(6) Provision and use of physician office services;

(7) Provision and use of post-hospital skilled nursing facility and home health care; and

(8) Organization and delivery of inpatient hospital services.

5. *Competition.* HCFA is interested in supporting research and demonstration projects that involve systems that provide incentives to beneficiaries to be informed purchasers of health care services. HCFA is also interested in alternative health plans, alternative payment plans for health maintenance organizations (HMOs), and factors explaining HMO performance.

a. *Consumer Information Needs.* Current information systems have been developed to support cost-based payment systems. For a more market-oriented health care system to work efficiently, a different set of information is needed than is now generally available, especially for the consumer. Therefore, we are soliciting projects that—

(1) Explore the use of information by the consumer as well as by the provider in a variety of settings;

(2) Explore the availability of information and its actual use by consumers under conditions of competition; and especially

(3) Develop and test information sets in terms of acceptability and ability to affect consumer and provider behavior.

b. *Reimbursement barriers.* We are soliciting research and demonstration projects that encourage financial risk-sharing by consumers, providers, insurers, and local governments. Vouchers, capitated rate systems, and the broker concept are of continuing interest. Also of interest are demonstrations of alternative payment methods that can improve the cost-efficiency of health care services.

c. *Other barriers.* We are seeking projects to explore the extent to which other barriers reduce competition by preventing additional or innovative providers and systems of health care delivery to enter the market. We also want to test the success, or potential success, of changes that allow or promote competition.

d. *Alternatives.* HCFA is seeking reimbursement and delivery systems that are alternatives to the current system. Alternatives should enhance competition and incorporate cost-saving features. Preferred provider models

incorporating fee discounts and consumer choice are encouraged.

Applicants should present reimbursement and administrative options necessary to implement this alternative.

Organizations that are interested in capitated risk-based financing will not be considered if they qualify for risk contracting with HCFA under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA); that is, health maintenance organizations and competitive medical plans. However, we will consider applications from organizations that qualify under TEFRA if the application is for one of the following competitive areas and the organization is willing to accept 85 percent or less of the Adjusted Average Per Capita Cost (AAPCC) with permission to retain any savings:

#### Competitive Areas

Arizona  
Phoenix  
California  
Los Angeles  
San Francisco/Oakland  
Colorado  
Denver  
District of Columbia  
Florida  
Miami  
Hawaii  
Honolulu  
Illinois  
Chicago  
Maryland  
Baltimore  
Massachusetts  
Boston/Cambridge  
Michigan  
Detroit  
Minnesota  
Minneapolis/St. Paul  
Missouri  
St. Louis  
New Jersey  
Newark/East Orange  
New York  
New York  
Ohio  
Cleveland  
Oregon  
Portland  
Pennsylvania  
Philadelphia  
Rhode Island  
Providence  
Washington  
Seattle  
Wisconsin  
Milwaukee

Organizations that cannot satisfy all TEFRA requirements will be considered only if they present innovative health delivery concepts that have not previously been tested.

e. *Payment formulas for Health Maintenance Organizations (HMOs).* Medicare reimbursement to HMOs is based on the AAPCC formula. HCFA is

interested in improvements to the present AAPCC and in alternatives to an AAPCC-type approach to HMO rate setting.

f. *Factors explaining HMO performance.* Recent studies have suggested that part of the reason for lower utilization rates in HMOs may be favorable selection of low users of health care. HCFA is interested in studies presenting additional evidence on the question of biased selection for Medicare, Medicaid or other populations and in studies explaining the utilization performance of HMOs.

6. *Physician Reimbursement.* HCFA is interested in improving the payment systems for physician services through the development and testing of prospective payment systems or other approaches to reduce the cost of physician services while maintaining the quality of services provided to beneficiaries. We are particularly interested in—

a. Projects that will test alternatives to the fee-for-service reimbursement systems currently used by carriers and by private and public organizations in order to reform physician reimbursement. Possible methods include the use of negotiated fee schedules, competitive bidding for a designated list of services, participating physician agreements, and payment by type of case and by capitation;

b. Projects to increase the rate of acceptance of assignment of Medicare supplementary medical insurance benefits. Possible methods include participating physician agreement concept, the use of administrative incentives, and beneficiary education on the advantages of seeking a provider who accept assignment;

c. Projects to design prospective payment methods for physician services that complement the Medicare prospective payment system for hospitals;

d. Projects to identify significant relative reimbursement imbalances among different physician services and procedures; and

e. Projects that will design and demonstrate methods to foster primary care, encourage establishment or maintenance of practices in underserved areas, reduce or eliminate geographic and specialty differences in reimbursement levels for comparable services, minimize differences between Medicare and Medicaid reimbursement levels, and simplify administration.

7. *Prevention.* HCFA is interested in studying the extent to which preventive services reduce the overall cost of health care, particularly for children.



Research and demonstration projects are solicited that will analyze the cost effectiveness of Medicaid coverage of preventive health care for children and adults.

8. *Quality.* The purpose of the new Medicare hospital prospective payment system is to change hospital and, indirectly, physician financial incentives. The purpose of changing incentives is to raise the management of health and medical care to a more efficient operating level. The previous quality of care assurance system, especially as developed by Professional Standards Review Organizations (PSROs), tended to establish local "norms" of practice patterns and thus, through medical audit, to monitor medical management to ensure against deviations from such "norms." There is, consequently, potential conflict between the purpose of the new prospective payment system and the purpose of the old peer review system.

Ideally, initial review should use sentinel indicators, be non-intrusive, and provide early warnings of quality problems that require improvement. The more intensive process medical review, such as that presently used, would normally be indicated when outcome criteria are not met.

There is a small body of literature on quality/outcome measures that provides a foundation for outcome development.<sup>1</sup> Various studies have used inpatient fatality rates, post-discharge fatality rates, and readmission rates as gross quality indicators. These studies suggest that such measures are useful, although they may have limitations.

Other outcome criteria that could be used are nosocomial infections or iatrogenic events that may indicate problems in the quality of care being provided. In addition, measures that can be tracked over time are important to detect whether quality of care is being maintained or eroding.

It is envisioned that the now more traditional "process" measures of

quality would mainly be appropriate to use only when aberrant outcome patterns indicated that quality of care problems exist. Thus, concurrent utilization review activities would generally not be appropriate unless there were reasons to believe that a particular quality of care problem existed.

Accordingly, HCFA wishes to fund studies that will develop valid outcome measures (indicators) useful in monitoring the quality of care in hospitals, hospices, and long-term care settings (for example, nursing home and home health care). Grantees might consider the following issues:

- What are new ways to measure the effect on patients when needed ancillary services or days of care are not provided? What are the measures? Can they be tracked in a claims-based data system?

- In addressing this issue, and the issue of non-intrusive monitoring generally, what are appropriate data systems and measures that avoid using special studies, process measures, and patient charts to determine "outcome-oriented" quality of care?

- If one assumes that non-intrusive monitoring means using ongoing data systems:

- What specifically is there in ongoing systems that can be used for valid and reliable quality indicators?

- What new indicators can be placed in existing systems? What data systems do they go in? Are they valid and reliable indicators of quality care?

a. *Indicators for hospitals and nursing home care.* We are interested in the development of indicators of quality of care for inpatient hospital and nursing home services. Desirable characteristics of indicators are that they be potentially available nationally, as well as for geographic areas. Ideally they would be available as a byproduct of an ongoing recordkeeping or administrative system, and would be useful for tracking changes in quality of services. We would not consider primary surveys or one time data collection efforts useful for this purpose. We will consider modifications to ongoing data collection and reporting systems that are incrementally cost efficient.

b. *Indicators for hospice care.* Finally, we would be interested in additional research on quality of care issues for terminally ill Medicare patients in hospices. We would be interested in supporting studies of variation in quality of care according to type of hospice setting, type of services provided and other relevant variables.

9. *Medicaid.* HCFA is interested in receiving section 1115 applications from State Medicaid agencies to analyze the effects of recent Federal laws on Medicaid recipients. These laws, the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499), the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), and the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), contain numerous provisions that permit increased flexibility to the States in operating their Medicaid programs. New options include waiver of freedom of choice of provider and statewideness of benefits, the introduction of a home and community-based services waiver to provide alternatives to institutionalization, and provision for a variety of reimbursement methods. Many States have responded to these provisions by altering Medicaid program eligibility, benefits, and reimbursement. Applications should relate specific changes (describing the nature and extent of implementation as well as the intent of such changes) with specific types of effects. Possible topics include the impact of case management and other innovative programs on integration of services, access to care, and patterns of care, the impact and cost-effectiveness of home and community-based services, and the results of changes in eligibility requirements or procedures on the affected population and the State program. This research is intended to give HCFA a preliminary idea of the impact of these changes. For this subject area only, grants will be limited to 12 months and not more than \$60,000, subject to the cost sharing requirement described in section IV. C. HCFA particularly encourages State agencies to coordinate their proposals with master and doctoral level students for thesis and dissertation research.

10. *Severity of Illness in Diagnosis Related Groups.* HCFA is also soliciting research to refine further the Diagnosis Related Groups (DRGs) for Medicare hospital payment. While the Medicare prospective payment system contains several features that take severity of illness into account, we are also interested in further research in this area. Therefore, we are requesting projects that would develop, refine, test and evaluate modifications in the existing DRGs with respect to severity of illness. We are most interested in studies to establish the relationship between severity of illness measurements and treatment cost measurements to identify possible alternative methods for incorporating severity of illness measurements into

<sup>1</sup> McAuliffe, William E., "Studies of Process-Outcome Correlations in Medical Care Evaluations: A Critique" *Medical Care* November 1978, XVI No. 11.

Brook, R. H., "Quality of Care Assessment: A Comparison of Five Methods of Peer Review," U.S. Dept. HEW Publication No. HRA 74-3100, 1973.

Brook, et al., "Assessing the Quality of Medical Care Using Outcome Measures: An Overview of the Method," *Medical Care* 15 Supplement 1977.

Williamson, John W., *Improving Medical Practice and Health Care: A Bibliographic Guide to Information Management in Quality Assurance and Continuing Education*, Ballinger Publishing Co., Cambridge, Massachusetts 1977.

Cromwell, J. and G. Gaumer—"Patient Care Impacts of Prospective Reimbursement Programs," Abt Associates and Health Economics Research, Inc., January 25, 1983.



prospective payment determination processes.

### III. Selection Criteria

#### A. General Criteria for Funding New Projects

The Director of ORD, HCFA determines which projects will be funded based on the recommendations of technical review panels and the comments of other Department components. More specifically, the criteria employed in arriving at the award decision include—

1. The availability of HCFA staff and fiscal resources combined with the relative importance of the proposed project;
2. Whether the project addresses an area of declared interest, and the relevance of the anticipated results to HCFA programs;
3. The adequacy and creativity of the research or demonstration design and hypotheses, the validity and appropriateness of the methods and data base(s) proposed, and the experience and competence of the proposed staff;
4. Whether there is a realistic expectation that the project can be carried out within the times specified;
5. Whether the proposed project methodology is precise and consistent with what is generally agreed to be the state of the art, project design and analytical methods;
6. Whether the overall budget, the personnel resources to be used, and the facilities and equipment are appropriate for the proposed project;
7. The documentation of a commitment of the parties necessary to the success of the planned project, if the project requires the cooperation of multiple parties; and
8. Whether results are of general applicability and would be of value in other settings, or are of national importance.

#### B. Specific Project Requirements

In addition to meeting the general criteria described above, we require grants applicants to include specific information about the project in the application, as follows:

1. The project goals and objectives must be clearly stated and must be measurable.
2. The research design, including the questions to be addressed, and the methods and the data to be used must be explicitly described. The methodology must be well defined and scientifically valid.
3. Demonstrations will be categorized by the applicant into one of three types.

Each type will have different evaluation requirements and different emphases for review purposes. The applicants for types II and III must provide justification for not employing a strict experimental design, such as randomization. The validity of the justification will be assessed in the project review.

a. *Type I.* These are experiments similar to clinical trials, characterized by a strict experimental design usually employing randomization. For these experiments, the research design and evaluation design are one and the same and will no longer be addressed separately in the application. The design is of paramount importance and will receive more emphasis in review than for other demonstrations.

Project evaluation may be conducted by the grantee. If not, the grantee must have designated the evaluator in the application. HCFA would still reserve the right to do an independent evaluation.

HCFA is interested in encouraging Type I applications. Examples of past demonstrations of this type include "The National Long Term Care Channeling Projects" and "AFDC/Homemaker Home Health Aides Projects."

b. *Type II.* These are demonstrations with quasi-experimental designs where randomization is not feasible. These projects usually are multiple site projects smaller than statewide, identify a comparison group, and employ a site selection technique that recognizes national differences. Examples of past demonstrations of this type include hospice and Medicare mental health. For Type II demonstrations, the research design and evaluation design are separate and distinct parts of the application. The applicant is responsible for procuring an independent evaluator, subject to HCFA approval, prior to project implementation. HCFA would still reserve the right to do an independent evaluation.

c. *Type III.* These demonstrations are similar to feasibility studies where programmatic questions are paramount and experimental design is of less importance. The State rate-setting demonstrations and Medicare HMO demonstrations are examples. The research design of the application will receive more weight than the evaluation portion. The research design section should include a detailed description of the reimbursement methodology and other programmatic changes. The evaluation section will provide an indication of the applicant's understanding of the evaluation issues and the various approaches to them. Through terms and conditions, the

successful application may be required to collect data in a standardized manner to facilitate evaluation efforts. HCFA will have the option of determining whether the applicant or HCFA will be responsible for the evaluation.

4. The tasks and milestones must be clearly described and scheduled and must include a schedule of reports to be submitted to HCFA.

5. The application must contain information specifying the availability of the data to be used. If data are to be collected, the discussion must be described the nature of the data sought, the sample design and size, controls and comparisons (if any), and the problems that might be encountered. Data that are collected under a HCFA grant must be available to HCFA or its agents. However, the applicant must ensure the confidentiality of any personally identifiable information collected under the auspices of any HCFA grant. (See item 11 below for more information about confidentiality.)

6. The application must include a description of the qualifications and experience of the personnel and demonstrate how their qualifications make the individuals capable of performing the tasks in the project. Specific information must also be provided concerning how the personnel are to be organized in the project, to whom they report and how they will be used to accomplish specific objectives or portions of the project.

7. The application must include information specifying the availability of adequate facilities and equipment for the project or clearly state how these are to be obtained.

8. The budget must be developed in detail with justifications and explanations for the amounts requested. The estimated costs must be reasonable considering the anticipated results. Applicants must directly share in the costs of the projects (see Procedures to Apply, section IV.C., Grant Policies below). The budget may not include costs for construction or remodeling, or for project activities that take place before the applicant has received official notification of HCFA approval of the project.

9. Projects that require waivers (for example, those under section 1115(a) of the Act, section 222(a) of the Social Security Amendments of 1972, and section 402(a) of the Social Security Amendments of 1967) must define the services, list the waivers, discuss the implications of such waivers are granted, state the effect on Federal, State, and local laws as well as the



effect (beneficial or adverse) on individuals enrolled in the project.

In addition, these types of applications must contain estimates of the amount of program and administrative expenditures that will occur under the waivers and a comparison of these expenditures to those that currently occur in the programs.

If the project involves both Medicare and Medicaid waivers, a request for Medicaid waivers from the State agency administering the Medicaid program must be included with the application. Applicants should contact HCFA for further information if questions arise in these cases.

10. Plans for utilization of the project's results must be discussed.

11. The application must contain detailed plans to protect the confidentiality of all information tending to identify individuals under the project. The plan must specify that such information is confidential, that it may not be disclosed directly or indirectly except for purposes directly connected with the conduct of the project, and that informed written consent of the individual must be obtained for any disclosure.

12. Additional specific project requirements may be included in additional special grant solicitations.

#### C. Other Requirements

1. When a project is completed, the grantee must submit a final report in camera-ready format. As a minimum, the report must contain the following:

a. Identification of the project director, principal investigator, grant number, grantee, and title of the project.

b. Acknowledgment of the support received from HCFA, and a disclaimer to the effect that the findings do not necessarily reflect policies of HCFA.

c. An executive summary (one or two pages) that provides an overview of the project and highlights significant findings.

d. A description of the initial hypotheses, objectives, and scope of the project.

e. An explanation of the study methodology.

f. A discussion of significant findings and demonstration or research results (and implications, if any).

2. On a semi-annual basis during the course of the project, the grantee must provide a list of and copies of all papers presented and articles, reports, and other types of publications that result from the project for inclusion in a subject bibliography system maintained by the Office of Research and Demonstrations, HCFA. It is further requested that the grantee continue to

provide the same information for 2 years after the project's completion.

#### IV. Procedures to Apply

A. A standard application form is available for the HCFA research and demonstration grants program. The application form has been approved under OMB #0938-0078 for use through July 1984. Application kits and guidance for the completion of the forms are available from: Health Care Financing Administration, Division of Procurement Services, Projects Grants Branch, Room 389 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; 301-594-3333.

Priority grant applications must be limited to one priority area. The application must include, in the project title block, the priority area title and number to which the applicant is responding. The priority area designation must also be clearly marked on the outside of the package or envelope.

B. *Multiple Applications.* The applicant must indicate when the same or a similar application is submitted to another HHS agency; for example, the Social Security Administration, the Office of Human Development Services, or Public Health Service.

C. *Grant Policies.* Projects are funded through a competitive process based on a choice of applications submitted in response to this notice. All grantees are expected to share directly in the costs of the projects. This sharing must be at least five percent of the total project cost or must be institutional cost sharing when the applicant has such cost sharing established with HHS.

For section 1115(a) projects, the amount the single State agency will be expected to provide generally must be at least five percent of special Federal project funds. This amount may not be met by in-kind contributions.

If, following review of proposed research activity, HCFA determines that a research or demonstration project presents a danger to the physical, mental or emotional well-being of a participant of the project, then Federal funds will not be made available for that project without the written, informed consent of each participant.

Other policies including responsibilities, awarding and payment procedures, special provisions, and assurances may be found in 45 CFR Part 74, Administration of Grants that is included in the application kit.

#### V. Review of Applications

An independent review will be conducted by a panel of not less than three experts (who are not staff

members of ORD). The panel will include experts from both DHHS and the private sector.

In most cases, there will be at least one independent review panel for each priority, including one designated to review unsolicited applications. An ORD chairperson will coordinate the panel's review but will not vote. This individual will also prepare the panel's recommendation to the Director, ORD. The panel's recommendations will contain numerical ratings, ranking of all applications, and a written assessment of each application.

#### VI. Closing Dates and Times

We process grant applications twice a year and make award announcements approximately five to six months after the closing date. The following closing dates apply for grant applications with or without requests for waivers:

##### FY 84

Monday, January 9, 1984

Monday, May 7, 1984

##### FY 85

Monday, November 5, 1984

Monday, May 4, 1985

Any applications received for the previous closing date of November 7, 1983 (as announced in 47 FR 41090, September 16, 1982) will be held for the new January 9, 1984 closing date and will be considered with all other timely applications.

As previously noted, closing dates for quarterly reviews of waiver-only applications are the first Mondays of the second months of each quarter (that is, February, May, August, and November of each year). For all dates, the closing time is not later than close of business, local Baltimore, Maryland time.

Applications mailed through the U.S. Postal Service or a commercial delivery service will be "on time" if they are received on or before the deadline date, or sent on or before the deadline date and received in time for submission to the independent review group (see section V., Review of Applications). Applicants are cautioned to request a legible U.S. Postal Service postmark or to obtain a legibly dated receipt from the commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.

Applications that do not meet the above criteria will be considered late applications. Those submitting late applications will be notified that the applications were not considered in the current competition.

(Secs. 1110, 1115, 1875, and 1881(f) of the Social Security Act (42 U.S.C. 1310, 1315, 1395, 1395r(f)); sec. 222(a) of the Social



Security Amendments of 1972 (42 U.S.C. 1395b-1 (note)); section 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1)

(Catalog of Federal Domestic Assistance Program No. 13, 766, Health Financing Research, Demonstrations and Experiments)

Dated: November 7, 1983.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-30444 Filed 11-8-83; 8:45 am]

BILLING CODE 4120-03-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A-18904]

#### Arizona; Application for Issuance of Disclaimer of Interest to Lands in Arizona

Notice is hereby given that the United States of America, pursuant to the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), Section 315, 43 U.S.C. 1745 (1976), does hereby give notice of its intention to disclaim all interest in the following described property, to wit:

#### Gila and Salt River Meridian, Arizona

T. 8 S., R. 23 W.,

Accretion to Sections 12, 13 and 14.

An area of land on what is called Yuma Island and is shown as accretion on the Bureau of Land Management survey plat of Township 8 South, Range 23 West, Gila and Salt River Meridian, Arizona, accepted February 4, 1982, and is bounded by the west boundary of Township 8 South, Range 22 West, and by the left bank of the abandoned channel of the Colorado River in 1920, and by the reestablished 1874 meander line through sections 12, 13 and 14, Township 8 South, Range 23 West.

Beginning at the meander corner of sections 7 and 12, Township 8 South, Ranges 22 and 23 West, Gila and Salt River Meridian, Arizona.

Thence N. 0°01' W., 20.99 chs. along the west boundary of Township 8 South, Range 22 West, to the west quarter section corner of section 7.

Thence N. 0°01' W., 40.04 chs. along the west boundary of Township 8 South, Range 22 West, to the common corner of sections 6 and 7.

Thence N. 0°01' E., 40.02 chs. along the west boundary of Township 8 South, Range 22 West, to the west quarter section corner of section 8.

Thence North, 29.32 chs. along the west boundary of Township 8 South, Range 22 West, to the meander corner of section 6, identical with Angle Point No. 27, on the left bank of the abandoned channel of the Colorado River in 1920.

Thence along the traverse of the left bank of the abandoned channel of the Colorado River in 1920.

S. 84°30' W., 20.00 chs. to Angle Point No. 28, N. 89°30' W., 10.60 chs. to Angle Point No. 29, N. 78°50' W., 5.06 chs. to Angle Point No. 30, N. 55°18' W., 6.88 chs. to Angle Point No. 31, N. 23°16' W., 1.90 chs. to Angle Point No. 32, N. 61°12' W., 12.34 chs. to Angle Point No. 33, N. 58°14' W., 7.46 chs. to Angle Point No. 34, N. 40°56' W., 5.53 chs. to Angle Point No. 35, N. 60°02' W., 6.34 chs. to Angle Point No. 36, N. 67°48' W., 6.57 chs. to Angle Point No. 37, N. 85°11' W., 5.89 chs. to Angle Point No. 38, S. 60°52' W., 3.38 chs. to Angle Point No. 39, S. 26°18' W., 14.07 chs. to Angle Point No. 40, S. 20°55' W., 15.20 chs. to Angle Point No. 41, S. 7°57' W., 13.14 chs. to Angle Point No. 42, S. 12°51' W., 8.44 chs. to Angle Point No. 43, S. 34°04' W., 2.26 chs. to Angle Point No. 44, S. 7°42' W., 14.74 chs. to Angle Point No. 45, S. 6°17' W., 13.63 chs. to Angle Point No. 46, S. 3°23' W., 16.64 chs. to Angle Point No. 47, S. 3°54' W., 20.38 chs. to Angle Point No. 48, S. 7°56' W., 19.85 chs. to Angle Point No. 49, S. 1°06' E., 22.79 chs. to Angle Point No. 50, S. 9°12' E., 17.50 chs. to Angle Point No. 51, S. 19°08' E., 19.62 chs. to Angle Point No. 52, S. 27°45' E., 9.40 chs. to the point of

intersection with the reestablished 1874 meander line of the left bank of the Colorado River.

Thence along the reestablished 1874 meander line of the left bank of the Colorado River in section 14, Township 8 South, Range 23 West.

N. 69°00' E., 1.62 chs. to Angle Point No. 2, N. 43°00' E., 11.20 chs. to Angle Point No. 1, N. 60°00' E., 5.20 chs. to the meander corner of sections 13 and 14.

Thence along the reestablished 1874 meander line of the left bank of the Colorado River in section 13, Township 8 South, Range 23 West.

N. 66°00' E., 24.00 chs. to Angle Point No. 2, N. 84°00' E., 30.00 chs. to Angle Point No. 1, N. 60°00' E., 5.20 chs. to the meander corner of sections 12 and 13.

Thence along the reestablished 1874 meander line of the left bank of the Colorado River in section 12, Township 8 South, Range 23 West.

N. 58°17' E., 2.59 chs. to Angle Point No. 1, N. 50°43' E., 27.86 chs. to the meander corner of sections 7 and 12, Township 8 South, Ranges 22 and 23 West, and the point of beginning.

Containing 1,679.06 acres.

After review of the official records, it is the position of the Bureau of Land Management that all of the land described above was accretion to sections 12, 13 and 14 which were granted in 1894 to the Territory of Arizona. There were no specific reservations in said grant; therefore, there exists no valid United States claim to land which might have been formed by accretion to sections 12, 13 and 14, Township 8 South, Range 23 West, since the date of the original survey in 1874.

Any person wishing to submit a protest or comments on the above

disclaimer should do so in writing before the expiration of 90 days from the date of publication on this notice. If no protest(s) is received, the disclaimer will become effective on or after February 14, 1984.

Information concerning this land and the proposed disclaimer may be obtained from and the protest filed with State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals.

[FR Doc. 83-30306 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### Arizona; Filing of Plats of Survey

1. Plats of survey of land described below, accepted on September 26, 1983, were officially filed in the Arizona State Office, Phoenix, Arizona, on September 28, 1983:

#### Gila and Salt River Meridian, Arizona

T. 2N., R. 6 E.,

A dependent resurvey of Sections 22, 23, 27 and 28, and was executed to define portions of the South boundary of the Salt River Indian Reservation, Pub. L. 95-399.

T. 26 S., R. 10 E.,

A dependent resurvey of Section 4, and was executed for the Arizona Indemnity Lieu Selection Program A-17000-F.

2. These plats will immediately become the basic record for describing the land for all authorized purposes. The plats have been placed in the open files and are available to the public for information only.

3. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-30305 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### Grand Junction District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grand Junction District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting on the Grand Junction District Advisory Council will be held on Friday, December 9, 1983. The meeting will take place at the District Office, 3rd floor



conference room, 764 Horizon Drive, Grand Junction, Colorado and will begin at 9:30 a.m.

The agenda will include:

1. Introduction and opening remarks by District Manager and Grand Junction Resource Area Manager.
2. Resource Management Plan schedule and future public participation.
3. Review of field season inventories.
4. Management Situation Analysis.
5. Alternative formulation process.
6. Public statement period.
7. Arrangements for next meeting.

The meeting is open to the public. Summary minutes of the meeting will be available for public inspection and reproduction during regular business hours at the District office 30 days following the meeting.

**FOR FURTHER INFORMATION CONTACT:**  
Cindy McKee, Public Affairs Specialist,  
(303) 243-6552.

Richard D. Freely,  
Associate District Manager.

[FR Doc. 83-30307 Filed 11-8-83; 8:45 am]  
BILLING CODE 4310-84-M

#### [OR 33200]

#### Realty Action—Exchange of Public Land in Lane County, Oregon

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716):

##### Willamette Meridian, Oregon

Township 19 South, Range 11 West,  
Sec. 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Containing 80.00 acres in Lane County.

In exchange for these lands the United States will acquire the following described land from Davidson Industries, Inc.:

##### Willamette Meridian, Oregon

Township 16 South, Range 8 West,  
Sec. 30: NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Containing 40.00 acres in Lane County.

The purpose of the exchange is to facilitate the resource management program of the Bureau of Land Management and to improve the timber management program of the corporation. The public lands that will be exchanged are relatively small, isolated parcels located in the vicinity of Florence, Oregon. The corporation intends to manage the acquired lands with its existing timber lands for timber production. The corporation lands that will be exchanged will provide legal access to an isolated tract of public

timberland and will be managed for multiple use along with the surrounding public lands.

The exchange has been discussed with State of Oregon and Lane County officials and no objections were raised. The exchange is consistent with the Bureau of Land Management land use plans and the public interest will be well served by making the exchange.

The lands described above will be exchanged in conjunction with a larger exchange between the U.S. Department of Agriculture, Forest Service and Davidson Industries, Inc. The fair market value of the lands involved in the combined exchange are approximately equal. Full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25 percent of the total value of the combined public lands to be transferred out of Federal ownership. All mineral rights will be transferred with the surface estate.

The public lands to be transferred from the United States will be subject to the following terms and conditions:

1. The public lands will be subject to valid, existing rights including any right-of-way, easement, and leases of record.

2. The patent will include a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1980.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effective of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Eugene District Office, P.O. Box 10226 (1255 Pearl Street), Eugene, Oregon 97440.

For a period of 45 days, interested parties may submit comments to the Eugene District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: November 1, 1983.

Frank P. Schiller,  
Associate District Manager.

[FR Doc. 83-30304 Filed 11-8-83; 8:45 am]  
BILLING CODE 4310-84-M

#### Arizona; Filing of Plats of Survey

October 31, 1983.

1. Plats of survey of land described below, accepted on September 15, 1983, were officially filed in the Arizona State Office, Phoenix, Arizona, on September 28, 1983:

##### Gila and Salt River Meridian, Arizona

T. 19 N., R. 20 W.,

A dependent resurvey of Sections 14, 15, 22, 23, and 27, and was executed to meet certain administrative needs of this Bureau.

T. 23 N., R. 2 W.,

A dependent resurvey of portions of the subdivisional lines and was executed to meet certain administrative needs of the Kaibab National Forest.

T. 16 N., R. 21 W.,

A dependent resurvey of Section 14, and was executed to facilitate a land exchange.

2. These plats will immediately become the basic record for describing the land for all authorized purposes. The plats have been placed in the open files are available to the public for information only.

3. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-30279 Filed 11-8-83; 8:45 am]  
BILLING CODE 4310-84-M

#### [OR 36068 WA]

#### Realty Action—Exchange; Public Lands in Benton County, Washington

The following federal lands are suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 5 N., R. 30 E., Willamette Meridian  
Section 6: Lots 2-4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$  (159.90 Acres)

State administered lands to be acquired in exchange are:

T. 9 N., R. 26 E., Willamette Meridian  
Section 30: Lots 1 and 2, N $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  (203.63 Acres).

This notice segregates the federal lands from appropriation under the



public land laws, including the mining and mineral leasing laws.

The exchange is consistent with the Bureau's planning for the lands, and will benefit grazing administration, wildlife management, and public recreation.

The conveyances will be made subject to all rights-of-way, easements and encumbrances of record, including Sec. 24 of the Federal Power Act, as appropriate.

The mineral estates will also be conveyed.

Details of the exchange are available at the Bureau of Land Management, East 4217 Main Avenue, Spokane, WA 99202.

For 45 days, interested parties may submit comments to the District Manager at the address above. Adverse comments will be reviewed by the State Director who may vacate or modify this action. With no action by the State Director, this notice becomes the final decision of the Department of the Interior.

Roger W. Burwell,  
District Manager.

[FR Doc. 83-30277 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### Wyoming; Modification of Coal Land Use Planning Decision for the Pioneer Trails Management Framework Plan, Kemmerer, Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following planning decision modification is the result of BLM's recent consideration of potential coal development on approximately 80 acres of previously unstudied Federal lands in the Kemmerer Resource Area. The legal description of the area involved is T. 21 N., R. 116 W., 6th P.M., Section 17, Tracts 98A and 98D. Since the original coal planning decisions were completed and published in the Federal Register on March 16, 1982, the BLM tract delineating process resulted in including these 80 acres in the proposed "Tract 98" coal lease tract. While the area contains no recoverable coal, it was necessary to include it in the proposed lease tract to provide an area for mine spoil piles and access, thus avoiding by passing and loss of the Federal coal resource in the remainder of the tract.

The BLM has conducted the necessary coal unsuitability review and multiple use conflict evaluation (43 CFR 3420.2-3 and 3461) on the 80 acres involved. They were determined to be acceptable for

surface coal mining operations and for future leasing consideration.

Accordingly, decision number 1(a), on page two of the public brochure, Coal-Amendment to Wyoming Land Use Decisions, Pioneer Trails Area, published on March 4, 1982, is modified as follows:

a. About 5,780 acres (formerly 5,700) containing approximately 24.2 million tons of coal are acceptable for coal development by surface mining methods.

**DATE:** This planning decision modification is effective upon publication of this notice.

This modification does not result in expanding the scope of any resource use or the scope of consideration covered by the Pioneer Trails Management Framework Plan (MFP). Therefore, this action is determined to be refinement of the existing MFP decisions (43 CFR 1601.6-3a) and not subject to the requirements for plan amendments (43 CFR 1601.6-3b).

**ADDRESSES:** Inquiries on this notice should be made to: Ron Wenker, Area Manager, BLM, Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101, (phone 307-877-3933).

**FOR FURTHER INFORMATION CONTACT:** The Kemmerer Area Manager at the address and phone number above.

Gene C. Herrin,

Associate District Manager.

[FR Doc. 83-30278 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### [4-19952-I-CA-LM]

#### Conveyance of Public Land—CA 13892; Riverside County, California

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), Helen E. Messenger, Post Office Box 175, Anza, California 92306 has purchased by noncompetitive sale public land in Riverside County, California described as:

San Bernardino Meridian, California

T. 7 S., R. 3 E.,  
Sec. 6, Lot 18

Containing 5.83 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to Mrs. Messenger.

Dated: October 31, 1983.

Viola Andrade,

Acting Chief, Lands & Locatable Minerals Section, Branch of Lands & Minerals Operations.

[FR Doc. 83-30274 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### [4-19952-I-CA-LM]

#### Conveyance of Public Land—CA 13251 Nevada County, California

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), Loma Rica, Inc., P.O. Box 1427, Grass Valley, California 95945 has purchased by noncompetitive sale public land in Nevada County, California, described as:

Mount Diablo Meridian, California

T. 16 N., R. 9 E.,  
Sec. 19, Lot 6.

Containing 3.86 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to Loma Rica, Inc.

Dated: October 31, 1983.

Viola Andrade,

Acting Chief, Lands & Locatable Minerals Section, Branch of Lands & Minerals Operations.

[FR Doc. 83-30288 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### [ES 31062]

#### Proposed Reinstatement of a Terminated Oil and Gas Lease; Mississippi

1. Federal oil and gas lease ES 31062 terminated automatically by operation of Law on August 1, 1983. [30 U.S.C. 188].

2. A petition for reinstatement of ES 31062 was filed by Ensorce Incorporated (Lessee) under Section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements for reinstatement:

- (a) \$500: Reimbursement of Department Administrative cost
- (b) \$310: Back rental payments
- (c) \$136: Publication cost

4. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5



per acre per year, and royalty increased to 16% percent beginning August 1, 1983.

David R. Stewart,  
Deputy State Director for Mineral Resources.

[FR Doc. 83-30164 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### **Intent To Prepare a Resource Management Plan/Environmental Impact Statement for the Elko Resource Area, Elko District, BLM, Elko, Nevada**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent to prepare a resource management plan/environmental impact statement (RMP/EIS) for the Elko Resource Area in Nevada.

**SUMMARY:** A Resource Management Plan (RMP) is a comprehensive land use planning document prescribed by the Federal Land Policy and Management Act of 1976. It establishes, for a specific area, the management objectives and goals for resource condition and use levels and the actions needed to attain them, program constraints, and measures to be implemented accordingly, the interval and standards for monitoring and evaluating the plans effectiveness, the need for any more detailed management plan(s) and support actions. An environmental impact statement is also part of the plan.

The Elko RMP/EIS will apply to the Elko Resource Area of the Elko District. The total area contains approximately 3,262,000 acres of public lands administered by the Bureau of Land Management. It covers portions of Elko, Eureka and Lander counties in northeastern Nevada.

The general issues anticipated include range management, land disposal and other realty actions, and wilderness designations. Public participation is now being sought to identify these or any other issues pertinent to this planning document.

The disciplines to be represented on the interdisciplinary team include range management, wildlife management, realty, wilderness management, recreation management, economics, land use planning and geology. These disciplines may be changed as needed.

Public comment is hereby solicited for the present identification of issues process. Public comment will also be solicited following publication of draft planning criteria, during formulation of alternatives and after publication of the draft RMP/EIS.

**DATE:** Any persons with an interest in land use planning for the Elko Resource Area are requested to submit comments on the identification of issues by December 12, 1983. Comments received or postmarked after that date may not be considered in the decision-making process.

**ADDRESS:** Comments should be sent to: District Manager, Bureau of Land Management, P.O. Box 831, Elko, NV 89801.

Planning documents or other pertinent materials may be examined at the Elko District Office between 8:00 a.m. and 4:00 p.m. weekdays.

**FOR FURTHER INFORMATION CONTACT:** Tim Hartzell (702) 738-4071.

Date signed October 31, 1983.

Sgd. Edward F. Spang,  
State Director, Nevada.

[FR Doc. 83-30314 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### **Oregon; Filing of Plats of Survey**

The plats of survey of the following described lands were officially filed in the Oregon State Office, Bureau of Land Management, Portland, Oregon on the dates hereinafter stated:

##### **Willamette Meridian**

T. 8 S., R. 9 W., Dependent resurvey & Subdivision, Group 1047

T. 22 S., R. 6 W., Dependent resurvey, Group 1073

T. 1 S., R. 5 E., Dependent resurvey & Subdivision, Group 1012

The above three plats were accepted September 23, 1983, and officially filed October 6, 1983.

T. 39 S., R. 5 E., Dependent resurvey & Subdivision, Group 1006, accepted October 6, 1983

T. 24 S., R. 7 E., Supplemental plat section 13, accepted October 7, 1983

The above two plats were officially filed October 7, 1983.

T. 5 N., R. 30 E., Dependent resurvey & Subdivision, Group 1015

T. 6 N., R. 31 E., Dependent resurvey & Subdivision, Group 1015

T. 5 N., R. 31 E., Dependent resurvey & Subdivision, Group 1015

The above three plats were accepted October 14, 1983, and officially filed October 18, 1983.

All inquiries about these lands should be sent to the Oregon State Office, Bureau of Land Management, P. O. Box 2965, Portland, Oregon 97208.

Dated: October 31, 1983.  
[FR Doc. 83-30313 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### **Nevada; Filing of Plats of Survey**

1. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on October 27, 1983.

##### **Mount Diablo Meridian, Nevada**

T. 37 N., R. 46 E., Group No. 597

T. 38 N., R. 47 E., Group No. 597

T. 39 N., R. 47 E., Group No. 597

T. 35 N., R. 38 E., Supplemental Plat

The above surveys were accepted October 21, 1983.

The purpose of this notice is to inform the public and interested State and local government officials of the filing of plats of survey. Inquiries concerning these surveys shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Dated: November 1, 1983.

Richard G. Morrison,

Acting Deputy State Director, Operations.

[FR Doc. 83-30316 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

#### **New Mexico and Colorado San Juan River Regional Coal Team Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Regional Coal Team Meeting.

**SUMMARY:** In accordance with the responsibilities outlined in the Federal Coal Management Regulations (43 CFR Part 3400), the Regional Coal Team for the San Juan River Federal Coal Production Region will hold a meeting to hear: (1) Summary of Second Draft Coal EIS Comments; (2) Preference Right Lease Application/Fair Market Value Subgroup and Ah-shi-sle-pah Preference Right Lease Application Exchange Subgroup Progress Reports; and (3) Updates on Bisti Coal Lease Exchange, Santa Fe Pacific Coal Exchange, Navajo Selection (Paragon Ranch), Coal Transportation, Surface Owner Consent, Land Use Planning (Second Round), other EIS's in the San Juan River Region, public comments and other related matters if any.

**DATE:** The Regional Coal Team meeting will be held on December 13, 1983 at 9 a.m.

**ADDRESS:** The Regional Coal Team will meet at the Albuquerque Convention Center, Ballroom C, 2nd Street and Marquette, Albuquerque, NM 87103.

**FOR FURTHER INFORMATION CONTACT:** Bob Armstrong, Bureau of Land



Management, New Mexico State Office, commercial (505) 988-6460, FTS 476-6460.

Charles W. Luscher,  
State Director.

[FR Doc. 83-30339 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-84-M

## Fish and Wildlife Service

### Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: San Diego Zoo, San Diego, CA; PRT 2-11229.

The applicant requests a permit to import 2 male captive-born Persian leopards (*Panthera pardus saxicolor*) from the Bristol Zoo, Great Britain, for enhancement of propagation.

Applicant: East Bay Regional Park District, Oakland, CA; PRT 2-11241.

The applicant requests a permit to take (live-trap, toe-nail clip, release) salt marsh harvest mice (*Reithrodontomys raviventris*) for enhancement of propagation or survival.

Applicant: Ft. Wayne Children's Zoo, Ft. Wayne, IN; PRT 2-11259.

The applicant requests a permit to import 1 male and 1 female captive-born cheetah (*Acinonyx jubatus*) from Whipsnade Park, England, for enhancement of propagation or survival.

Applicant: Greater Baton Rouge Zoo, Baker, LA; PRT 2-11291.

The applicant requests a permit to import 1 male and 2 female captive-born cheetah (*Acinonyx jubatus*) from Whipsnade Park, England, for enhancement of propagation or survival.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: November 4, 1983.

R. K. Robinson,  
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-30340 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-55-M

## Minerals Management Service

### Monthly Meeting of the Advisory Committee on Minerals Accountability

AGENCY: Mineral Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expanded policy of cooperation with States and Indian Tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis.

The purpose of the Advisory Committee meeting will be to discuss several matters of business that the Committee members wish to review. The Advisory Committee will meet in Executive Session to review its final report which will be submitted to the Secretary of the Interior in accordance with its Charter. There will be no public participation in that this is the final meeting of the Committee and a review of the past year's activities will be undertaken in closed session by the Committee members.

DATE: Wednesday, November 30, and Thursday, December 1, 8:30 a.m.

ADDRESS: Holiday Inn Union Square, 480 Sutter Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, NW., Room 4216, Washington, D.C. 20240, telephone: (202) 343-3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

Dated: November 4, 1983

John T. Sullivan, Jr.,  
Assistant to the Director, Minerals Management Service.

[FR Doc. 83-30288 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mark Producing, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 5188 and

5348, Blocks 570 and 566, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Galveston, Texas.

Purpose: 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. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the Code of Federal Regulations, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the Plan for consistency with the Louisiana Coastal Resources Program.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations. Accordingly, a copy of the Plan is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

A copy of the Consistency Certification and the Plan are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70804. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the Plan from the Minerals Management Service.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.



Dated: November 2, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-30272 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Samedan Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0576, Block 208, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 2, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-30271 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2645, 2646, and 2647, Blocks 158, 159, and 160, East Breaks 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 Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 2, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-30273 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Aminoil USA

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Aminoil USA has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3286, Block 613, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Chenier, Louisiana.

**PURPOSE:** 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. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the Code of Federal Regulations, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the Plan for consistency with the Louisiana Coastal Resources Program.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations. Accordingly, a copy of the Plan is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

A copy of the Consistency Certification and the Plan are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70804. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the Plan from the Minerals Management Service.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

Dated: November 2, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-30012 Filed 11-8-83; 8:45 am]

BILLING CODE 4310-MR-M



# Office of Surface Mining Reclamation and Enforcement

## Availability of Draft Petition Evaluation Document and Notice of Public Hearing for the Board of County Commissioners, Adams County, Colorado/Front Range Airport Authority's Petition to Designate Certain Lands in Adams County, Colorado, Unsuitable for Surface Coal Mining Operations

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of availability of a draft petition evaluation document that evaluates whether certain lands that are being developed into that Front Range Airport should be designated as unsuitable for surface coal mining operations, and notice of public hearing to receive comments on the petition and draft document.

**SUMMARY:** The Office of Surface Mining (OSM) prepared an evaluation of the Board of County Commissioners, Adams County, Colorado/Front Range Airport Authority's petition to designate certain lands in Adams County, Colorado, unsuitable for all or certain types of surface coal mining operations. The petition alleges that the mining of lands on the area would be incompatible with Adams County's land use plans or programs to construct, operate, and maintain a public airport.

Copies of the draft petition evaluation document are being made available today. A public hearing to receive comments on the petition and draft document will be held starting at 9 a.m. on December 5, 1983. The location of the public hearing and the mailing address for comments is given below.

**DATES:** A public hearing will be held starting at 9 a.m. on December 5, 1983. Written comments on the draft document must be received by 4 p.m. (m.s.t.), December 19, 1983.

**ADDRESS:** Copies of the draft document are available from OSM at the address listed below. The public hearing will be held in the OSM Conference Room at the same address.

Written comments on the draft document may be mailed or hand-carried to Mr. Allen Klein, Administrator, Attn.: FRAP, Western Technical Center, OSM, Brooks Towers, 2d floor, 1020 15th Street, Denver, Colorado 80202.

**FOR FURTHER INFORMATION CONTACT:** Charles Albrecht, OSM, Western Technical Center, 1020 15th Street, Denver, Colorado 80202, (telephone 303-837-5421).

**SUPPLEMENTARY INFORMATION:** The draft petition evaluation document prepared by OSM presents analyses of the potential coal resources of the petition area, of the demand for coal resources, and of the impact of an unsuitability designation on the environment, the economy, and the supply of coal.

Anyone who wishes to comment at the public hearing will be given the opportunity to do so. Persons wishing to present testimony should contact Charles Albrecht at the address given above and should register to speak at the hearing. All persons giving oral testimony at the hearing are strongly encouraged to bring three copies of written statements for presentation to the hearing panel. Submission of written statements to OSM, in advance of the hearing date, would be helpful by giving OSM officials an opportunity to consider appropriate questions, which could be asked to clarify or to elicit more specific information from the person commenting.

Until December 1, 1983, at 4 p.m. (m.s.t.), any person may file an application for intervention in the proceedings with OSM at the above address. Such application must contain allegations of facts, supporting evidence, a short statement identifying the petition to which the allegations pertain, and the intervenor's name, address, and telephone number.

For further information on the petition allegations, petition events, and location of the petition area, see the notice of complete petition in the *Federal Register* on February 24, 1983 (48 FR 7820-7821).

Dated: November 3, 1983.

Lewis M. McNay,

Assistant Director, Technical Services and Research.

[FR Doc. 83-30342 Filed 11-8-83; 8:45 am]  
BILLING CODE 4310-05-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-170]

### Certain Bag Closure Clips; Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 5, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Chip Clip Corporation,

Parklane Towers, Suite 1415 West, One Parklane Boulevard, Dearborn, Michigan 48126. The complaint alleges unfair methods of competition and unfair acts in the importation of certain bag closure clips into the United States, or in their sale, by reason of alleged (1) infringement of the claim of U.S. Letters Patent 4,356,600 and (2) infringement of the claims of U.S. Letters Patent 4,394,791. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

### Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on October 28, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain bag closure clips into the United States, or in their sale, by reason of alleged (1) infringement of the claim of U.S. Letters Patent 4,356,600 and (2) infringement of the claims of U.S. Letters Patent 4,394,791, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Chip Clip Corporation, Parklane Towers, Suite 1415 West, One Parklane Boulevard, Dearborn, Michigan 48126.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Starplast Industries, Ltd., P.O. Box 1499, Haifa, Israel

Starplast, P.O. Box 60, Short Hills, New Jersey 07078

Aluminum Housewares Co., Inc., 11700 Fairgrove Industrial Blvd., Hazelwood, Missouri 63043



Hoan Products Ltd., 615 East Cresent Ave., Ramsey, New Jersey 07446  
 Wall-Collins Ltd., 1150 Motor Parkway, Central Islip, New York 11722  
 Westwood Imports Company, 2274 Davis Ave., Hayward, California 94945

(c) Deborah S. Strauss, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E. Street NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Room 156, Washington, D.C. 20436, telephone (202) 523-0471.

**FOR FURTHER INFORMATION CONTACT:** Deborah S. Strauss, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone (202) 523-1233.

By order of the Commission.

Issued: November 4, 1983.

Kenneth R. Mason,  
 Secretary.

[FR Doc. 83-30055 Filed 11-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

**Certain Coin-Operated Audiovisual Games and Components Thereof (Viz, Rally-X and Pac-man); Request for Written Comments From the Parties, Interested Federal Agencies, and the Public**

**AGENCY:** International Trade Commission.

**ACTION:** Determination of violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with respect to the Rally-X game, pursuant to a mandate of the U.S. Court of Appeals for the Federal Circuit, and request for comments on the remedy, public-interest, and bonding aspects of the investigation.

**Authority:** 19 U.S.C. 1337.

**SUMMARY:** On June 22, 1982, the Commission determined in the above-captioned investigation that there was no violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain coin-operated audiovisual games and components thereof which infringe the trademark and copyright of the Rally-X game, which was manufactured by Bally/Midway Manufacturing Co. (Bally). See USITC Pub. 1267 (July 1982) (47 F.R. 29732).

Bally subsequently appealed the Commission's determination of no violation to the U.S. Court of Appeals for the Federal Circuit (CAFC). On August 2, 1983, the CAFC rendered a judgment which reversed the Commission's determination and remanded the case for further proceedings on the remedy issue.

Upon review of the CAFC's decision, the Commission on November 1, 1983, determined that there is a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain coin-operated audiovisual games which infringe complainant Bally/Midway Manufacturing Co.'s Rally-X trademark and copyright, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States.

**Request for Written Comments**

The Commission requests written comments from the parties, interested Federal agencies, and the public on the issues of remedy, public interest, and bonding. Specifically, it invites comments regarding the following issues: (1) Whether sales or solicitations for sales of the infringing imports are continuing and, if not, when they ceased; (2) assuming that domestic production, sales, and distribution of the Rally-X game have ceased, and that

importation, sales, and solicitation of the infringing games have also ceased, whether any salutary effect would result from the issuance of an exclusion order or cease and desist orders; and (3) whether there are any public-interest factors that weigh against issuance of an exclusion order or cease and desist orders.

Comments must be filed within 21 days of the publication of this notice in the Federal Register. Any party may request a public hearing; the Commission, after reviewing the written comments, will decide whether a public hearing is necessary.

Copies of the CAFC's decision and any other documents on the public record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Sheila Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

By order of the Commission.

Issued: November 4, 1983.

Kenneth R. Mason,  
 Secretary.

[FR Doc. 83-30054 Filed 11-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-125]

**Certain Grooved Wooden Handle Kitchen Utensils and Gadgets; Procedure To Be Followed in Enforcement Proceeding**

**AGENCY:** International Trade Commission.

**ACTION:** Establishment of formal enforcement proceeding procedure whereby parties are given the opportunity to file exceptions to the recommended determination and alternative findings of fact and conclusions of law, and to request oral argument before the Commission.

**Authority:** 19 U.S.C. 1335. This procedure is being established to supplement the requirements of 19 CFR 211.56(c) (2) and (3).

**SUPPLEMENTARY INFORMATION:** On March 23, 1983, the Commission issued a consent order and terminated the above-captioned investigation on the basis of a consent order agreement which incorporated a settlement agreement. The agreement and the order require respondents to cease importing, selling,



and distributing in the United States any kitchen utensils and gadgets with wooden handles reasonably resembling the grooved and tapered handle sold by complainant Bonny Products, Inc.

Subsequent to the issuance of the consent order, complainant received information that respondent Four Star International Trading Co. (Four Star) was soliciting sales and selling in the United States grooved wooden handle kitchen utensils and gadgets that might be violating the consent order. Certain procedures set forth in the consent order were followed to determine that the handles "reasonably resemble" those of complainant, thus making their sale improper under the consent order.

Upon discovering evidence of further solicitations of sales for these products, complainant Bonny Products filed, on May 31, 1983, a request for temporary emergency enforcement of the consent order and for institution of a formal enforcement proceeding to determine what, if any, permanent relief should be granted.

On July 12, 1983, the Commission determined to revoke its March 23, 1983, consent order with regard to respondent Four Star, to issue a temporary exclusion order, and to institute a formal enforcement proceeding pursuant to 19 CFR 211.56(c). The temporary exclusion order prohibits importation into the United States, except under bond, of wooden handle kitchen utensils and gadgets with grooved wooden handles which reasonably resemble those of complainant and which are manufactured, exported to, imported into, sold, or distributed in the United States by Four Star, either directly or through others.

When instituting this enforcement proceeding the Commission delegated the responsibility for conducting an evidentiary hearing to an administrative law judge. The hearing was held on August 25 and 26, 1983. Pursuant to the requirements of 19 CFR 211.56(c)(2), the administrative law judge certified a recommended determination to the Commission on October 17, 1983. The Commission must now review that determination and decide whether the respondents in this investigation have violated the consent order issued on March 23, 1983, and, if so, what remedy, if any, should be ordered.

#### Filing of Exceptions

The parties to this enforcement proceeding shall be permitted ten (10) days from the date of publication of this notice in the *Federal Register* to file exceptions to the recommended determination and alternative findings of fact and conclusions of law. All

exceptions and alternative findings of fact and conclusions of law shall be concisely supported by references to the record and the law relied upon.

#### Opportunity To Request Oral Argument

The parties to this enforcement proceeding shall be permitted ten (10) days from the date of publication of this notice in the *Federal Register* to request, in writing, oral argument on the issues in this proceeding. The request shall be addressed to the Secretary, whose address is provided below, and shall discuss in detail the reasons why oral argument is required.

#### Public Information

Copies of the public versions of the consent order and the administrative law judge's recommended determination, the temporary exclusion order, and all other public documents on the record of this investigation and enforcement proceeding are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0079.

By order of the Commission.

Issued: November 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-33353 Filed 11-8-83; 8:45 am]

BILLING CODE 7020-02-M

[332-171]

#### Probable Economic Effect on U.S. Producers of the Expansion of the Duty-Free Coverage of the Agreement on Trade in Civil Aircraft

**AGENCY:** International Trade Commission.

**ACTION:** At the request of the President, the Commission has instituted investigation No. 332-171 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of gathering information in order that it might report to the U.S. Trade Representative on the probable economic effect on U.S. producers of certain articles used in civil aircraft of the granting of duty-free treatment to such articles under the Agreement on Trade in Civil Aircraft.

**EFFECTIVE DATE:** October 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Ladomirak or Mr. Aaron Chesser, Machinery and Equipment Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (telephone 202-523-0131 or 202-523-0353, respectively).

**SUPPLEMENTARY INFORMATION:** On October 18, 1983, the Commission received a letter from the U.S. Trade Representative (USTR) requesting such an investigation at the direction of the President. As a result of discussions with signatories to the Agreement, USTR is considering adding certain products to the list of items from the Tariff Schedules of the United States (TSUS) contained in the Annex to the Agreement, provided certain conditions are met by the other signatories. USTR requests our report by February 18, 1984.

For each article being considered for addition to the list of eligible articles, the Commission will advise the USTR as to the probable economic effect of the addition on U.S. industries producing like or directly competitive articles.

A copy of the letter of request from USTR and a list of the TSUS items and description of the articles being considered for addition to the list of U.S. imports eligible for duty-free treatment under the Agreement when certified for use in civil aircraft is available upon request from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-5178).

#### Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436 beginning at 10:00 a.m., on January 5, 1984, to be continued on January 6, 1984, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon December 29, 1983.

#### Written Submission

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on December 30, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly



marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submission, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: November 1, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-30356 Filed 11-6-83; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30285]

### The Denver and Rio Grande Western Railroad Company Lease and Operation in Moffat County, 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. 10901 the lease and operation by The Denver and Rio Grande Western Railroad Company of 6.48 miles of railroad near Craig, in Moffat County, CO.

**DATES:** This exemption will be effective on December 9, 1983. Petitions to stay this decision must be filed by November 21, 1983, and petitions for reconsideration must be filed by November 29, 1983.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 30285 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423
- (2) Petitioners' representative: John S. Walker, P.O. Box 5482, Denver, CO 80217

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitmore, (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, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: November 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-30293 Filed 11-6-83; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Controlled Substances; Proposed Aggregate Production Quotas for 1984

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of Proposed Aggregate Production Quotas for 1984.

**SUMMARY:** This notice proposes initial 1984 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act.

**DATE:** Comments or objections should be received on or before December 9, 1983.

**ADDRESS:** Send comments or objections in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537 Attention: DEA Federal Register Representative.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537. Telephone: (202) 633-1366.

**SUPPLEMENTARY INFORMATION:** Section 306 of the Controlled Substances Act (21 U.S.C. Section 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Acting Administrator of the Drug Enforcement Administration by Section 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each substance for: (1) The estimated medical, scientific, research, and industrial needs of the United States; (2) lawful export requirements; and (3) the establishment and maintenance of reserve stocks.

In determining the below listed proposed 1984 aggregate production quotas, the Acting Administrator considered the following factors: (1) Total actual 1982 and estimated 1983 and 1984 net disposals of each substance by all manufacturers; (2) projected trends in the national rate of net disposals of each substance; (3) estimates of inventories of each substance and of any substance manufactured from it and trends in accumulation of such inventories; (4)

projected demand as indicated by procurement quota applications which were filed pursuant to § 1303.12 of Title 21 of the Code of Federal Regulations; and (5) estimates of change in legitimate medical needs.

Pursuant to § 1303.23(c) of Title 21 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration will in early 1984 adjust individual manufacturing quotas allocated for the year based upon 1983 year-end inventory and actual 1983 disposition data supplied by quota applicants for each basic class of Schedule I or II controlled substance.

Based upon consideration of the above factors, the Acting Administrator of the Drug Enforcement Administration hereby proposes that aggregate production quotas for 1984 for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Proposed 1984 quotas
<b>SCHEDULE I</b>	
2,5-Dimethoxyamphetamine	7,840,000
Tetrahydrocannabinols	30,000
Sufentanil	400
<b>SCHEDULE II</b>	
Alphaprodine	32,000
Amobarbital	2,950,000
Amphetamine	590,000
Cocaine	1,000,000
Codine (for sale)	52,474,000
Codine (for conversion)	2,850,000
Desoxyephedrine	1,516,000
1,316,000 grams for the production of levodroxyephedrine for use in a non-controlled, nonprescription product, and 200,000 grams for the production of methamphetamine)	
Dextropropoxyphene	81,535,000
Dihydrocodeine	1,209,000
Diphenoxylate	864,000
Ecgonine (for conversion)	900,000
Fentanyl	3,000
Hydrocodone	1,247,000
Hydroxycodone	140,000
Levorphanol	15,000
Meprobamate	10,889,000
Methadone	805,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	1,006,000
Methamphetamine (for conversion)	1,836,000
Methaqualone	0
Methyphenidate	1,181,000
Mixed alkaloids of Opium	14,000
Morphine (for sale)	1,050,000
Morphine (for conversion)	55,490,000
Opium (tinctures, extracts, etc. expressed in terms of powdered opium)	1,790,000
Oxycodone (for sale)	1,830,000
Oxycodone (for conversion)	6,400
Oxymorphone	6,000
Pentobarbital	8,900,000
Pethidine Intermediate A	5,269,000
Phenmetrazine	0
Phenylacetone	761,000
Secobarbital	3,250,000
Thebaine (for sale)	2,200,000
Thebaine (for conversion)	2,765,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A



person may object to or comment on the proposals relating to any one or more of the above-mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by December 9, 1983.

If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds warrant a hearing, the Acting Administrator shall cause such hearing to be convened pursuant to the provisions of Title 21 of the Code of Federal Regulations § 1303.31(a).

Pursuant to Sections (3)(c)(3) and 3(e)(3)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominately upon major manufacturers of the affected controlled substances.

Dated: October 12, 1983.

Frank V. Monastero,  
Acting Administrator, Drug Enforcement  
Administration.

[FR Doc. 83-30196 Filed 11-9-83; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL CAPITAL PLANNING COMMISSION

### Intergovernmental Cooperation in Federal Planning in the National Capital Region

**AGENCY:** National Capital Planning Commission (NCPCC).

**ACTION:** Notice of Adopted Procedures.

**SUMMARY:** These procedures implement applicable provisions of the National Capital Planning Act of 1952, as amended, and the Intergovernmental Cooperation Act.

**EFFECTIVE DATE:** November 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Donald F. Bozarth, Associate Executive

Director for Regional Affairs, (202) 724-0185.

**SUPPLEMENTARY INFORMATION:** The proposed procedures were published in the Federal Register on June 10, 1983 (48 FR 26924) with a deadline for comments on August 9, 1983. No changes to the procedures were proposed.

### Background

The Commission is the central planning agency for the Federal government in the National Capital Region. It reviews and comments upon or approves development policies, plans and programs submitted by Federal agencies and the District of Columbia government. It also reviews and comments on policies, plans and programs prepared by local, state, sub-regional and regional agencies (hereinafter called non-federal agencies) in the Washington metropolitan area. It also acts on policies, plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

### Rescission of Existing Procedures

In connection with these procedures, the Commission is rescinding its existing procedures implementing Part I and Part II of the former OMB Circular A-95. Executive Order 12372 directed OMB to revoke the Circular itself, and directed Federal agencies to leave their A-95 regulations in place only until September 30, 1983.

### Consistency With Acts, Executive Orders, Agreements or Understandings

The procedures are in accord with the National Capital Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act, and the Intergovernmental Cooperation Act of 1968, including the policy in Title V of that Act that Federal plans for the Region, to the maximum extent practicable, should be consistent with official local, state and regional plans.

The procedures are also consistent with the "Principles and Process for Identifying Federal Interests in the National Capital Region" adopted by the Board of Directors of the Metropolitan Washington Council of Governments and the Commission on September 8 and 16, 1982, respectively.

The Commission has been advised by the Office of Management and Budget that the Commission need not issue implementing regulations under Executive Order 12372, Intergovernmental Review of Federal Programs, since its provisions apply to

Federal agencies which provide financial assistance programs or undertake direct development activities.

### Intergovernmental Cooperation in Federal Planning in the National Capital Region

Sec.

1. Purpose of these procedures
2. Definitions that apply to these procedures
3. Referrals by the Commission
4. The Consultation process
5. Steps in the Consultation Process

#### Section 1. Purpose of these procedures

The purpose of these procedures is to implement the National Capital Planning Act and the Intergovernmental Cooperation Act and to foster intergovernmental cooperation in the National Capital Region by identifying the types of plans reviewed by the Commission, the Federal and non-Federal agencies to whom plans will be circulated, and the process by which the Commission consults with these agencies.

#### Sec. 2. Definitions that apply to these procedures

The following terms are used frequently in these procedures: "Commission" means the National Capital Planning Commission. "National Capital Region" or "Region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties. "National Capital" means the District of Columbia and territory owned by the United States within the National Capital Region outside the District of Columbia. "COG" means the Metropolitan Washington Council of Governments. "Non-Federal Agencies" means COG, state and local governments, and sub-regional and regional agencies that prepare or review plans for all or a portion of the National Capital Region. "Comprehensive Plan" means the Comprehensive Plan for the National Capital. "Plans" means proposed policies, plans and programs initiated by the Commission and other Federal agencies and departments and non-Federal agencies for the Region as a whole or for portions of the Region. "Coordinating Committee" means the committee of representatives of agencies of the Federal and District of Columbia Governments and of planning and developmental agencies of the environs



established by the Commission pursuant to Section 2(d) of the National Capital Planning Act.

### *Sec. 3. Referrals by the Commission*

The Commission will refer for *intergovernmental review and comment*, Federal elements of the Comprehensive Plan for the National Capital and modifications thereto; the Proposed Federal Capital Improvements Program for the National Capital Region; Proposed agency regional (or system) Plans and major modifications thereto; installation master plans and major modifications thereto; U.S. Postal Service projects in the Region; and other projects/plans proposed on sites outside of major installations in the Region.

#### *(a) Plans of the Commission*

(1) *Federal elements of the Comprehensive Plan for the National Capital.* The Comprehensive Plan for the National Capital consists of "Federal elements" prepared and adopted by the Commission, and "District elements" prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

Federal elements deal with Federal activities and interests in the planning and development of the National Capital Region. The process of preparing a Federal element, or an amendment to an adopted Federal element, begins with the preparation of preliminary staff reports and background staff studies for the Commission.

When a draft of a proposed element or a proposed amendment to an adopted element is completed, the Commission authorizes its circulation to Federal, District of Columbia and other non-Federal agencies and interested organizations and citizens for review and comment. Depending on the scope and content of a particular element and its potential impact, if any, on the National Capital Region, the Commission may circulate a draft prior to circulating the proposed element.

(2) *Federal Capital Improvements Program for the National Capital Region.* Each year the Commission prepares and adopts a Federal Capital Improvements Program (FCIP) which contains the Commission's recommended capital program for the National Capital Region for the next five years. The FCIP includes proposed land acquisitions, planning and design activities and construction projects.

The Commission circulates the proposed FCIP to affected Federal and non-Federal agencies for review and comment prior to its adoption and transmittal to the Office of Management

and Budget and the affected implementing Federal agencies.

#### *(b) Plans of Other Federal Agencies*

Federal agencies and departments prepare long-range regional plans for their facilities in the Region, master plans for their major installations, five-year capital improvement programs, and site and building plans for individual construction projects on Federal land in the Region.

These proposed plans are submitted by the sponsoring Federal agency to the Commission pursuant to the National Capital Planning Act and, where appropriate, are referred to the affected non-Federal agencies for review and comment prior to Commission action thereon.

#### *(c) Plans of the District of Columbia.*

(1) *District Elements of the Comprehensive Plan and Amendments Thereto.* District elements of the Comprehensive Plan deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. District elements, and amendments thereto, are prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission to determine their effect on the Federal activities and interests in the National Capital Region. The Commission circulates District elements and amendments thereto to affected Federal agencies for comments only on the impact on Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

(2) *Other Plans.* Various plans, including site and building plans for individual construction projects, are submitted by the District to the Commission for either recommendation or approval. The Commission refers such plans to affected Federal agencies and to the Coordinating Committee. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule" Act), the Commission limits its review of most District plans to a "Federal interest" review.

(3) *Zoning.* The Commission reviews proposed actions of the Zoning Commission of the District of Columbia. Prior to this review, the Commission may participate in the public hearing before the Zoning Commission. The Commission may also participate in cases before the Board of Zoning Adjustment. Commission review of District zoning matters is limited to the

effect of the proposed zoning on the Federal activities and interests in the National Capital and the consistency of the proposed zoning with the Comprehensive Plan.

#### *(d) Plans of Other Non-Federal Agencies in the National Capital Region*

The Commission reviews proposed plans and rezonings in the Region initiated or under consideration by non-Federal agencies. These include plans initiated by local governments or by the states of Maryland or Virginia, plans initiated by the Metropolitan Council of Governments (COG), and plans for rapid rail transit facilities prepared by the Washington Metropolitan Area Transit Authority (WMATA) submitted for Commission review and comment in accord with Article VI, Section 15 at the interstate compact that established the authority. The Commission's role is to make recommendations to the sponsoring agency on the impact, if any, on Federal activities or interests in the National Capital Region. The Commission circulates such plans to affected Federal agencies for review and comment.

#### *(e) Capper-Cramton Lands*

The Commission administers a grant-in-aid program under sections 1(b) and 1(c) of the Capper-Cramton Act (Act of May 29, 1930, 46 stat. 482, as amended) for the acquisition as parkland of lands in stream valleys in Maryland and Virginia tributary to the Potomac and Anacostia Rivers. The taking lines and general development plans for such stream valley parks proposed by local park authorities are subject to approval by the Commission. The Commission circulates such plans to affected Federal agencies for review and comment.

### *Sec. 4. The Consultation Process*

#### *(a) Consultation With COG*

The National Capital Region includes the District of Columbia, two counties and six cities in the State of Maryland and four counties and three cities in the Commonwealth of Virginia. It is an interstate metropolitan region. Sixteen local governments formed COG in 1957 as the metropolitan-wide governmental organization concerned with all aspects of metropolitan development. The Commission, on September 18, 1982, and the COG Board of Directors, on September 8, 1982, adopted "Principles and Process for Identifying Federal Interests in the National Capital Region." Pursuant to this agreement, the Commission consults with COG on the potential impact, if any, of proposed Federal plans on the Region and on



COG's official policies, plans and programs.

**(b) Consultation With Local Jurisdictions**

The Commission refers proposed Federal plans for review of potential local impact to the local planning agencies of affected jurisdictions and sends a copy of the transmittal letter to the chief administrative officers and heads of the local elected governing bodies of those jurisdictions. The Commission also refers Federal plans through COG to the intergovernmental review officers of affected jurisdictions.

**(c) Consultation With State Agencies in Maryland and Virginia**

Proposed Federal plans are sent to the Maryland Department of State Planning and to the Virginia Department of Planning and Budget by the Commission for review and comment by affected state agencies and departments prior to Commission action thereon. Such proposed Federal plans in the Virginia portion of the Region are also sent to the Northern Virginia Planning District Commission, which, as the sub-regional planning agency, is recognized by the State as a sub-state clearinghouse.

**(d) Consultation With WMATA**

The Commission refers proposed Federal elements of the Comprehensive Plan and proposed Federal Capital Improvement Programs to WMATA for review and comment on their impact on the region's metrorail and metro bus systems.

**Sec. 5. Steps in the Consultation Process**

There are two major steps in the Commission's consultation process. The first step is called "early consultation" and refers to consultation by Federal agencies and the Commission with affected non-Federal agencies prior to any formal submission by the initiating Federal agency to the Commission. The second step starts after the formal submission to the Commission with the referral of applicable submissions for review and comment by the affected non-Federal agencies.

**(a) Early Consultation**

The Commission conducts an "early consultation" process as part of its regional referral activities. The purpose of this process is to give non-Federal agencies an opportunity to learn as early as practicable about proposed Federal plans being developed in the Region by Federal agencies and departments. This also permits an early identification of possible questions and

issues of concern to non-Federal agencies.

The Commission requests all affected Federal agencies and departments to contact it as early as possible in their initiation of planning in the Region. The Commission, in turn, contacts the affected local planning agency, and the designated intergovernmental review official, the chief administrative officer, and the responsible elected official in the affected local government and the area and state clearinghouses about the work involved and the anticipated schedule for completion of the planning work and submission to the Commission. Where appropriate, the Commission will also arrange a joint meeting of all concerned with the sponsoring Federal agency or department for a briefing and an opportunity to discuss the planning work underway prior to any submission to the Commission.

**(b) Formal Referral and Consultation**

**(1) Timing of Referral.** Proposed Commission policies, plans and programs are circulated for intergovernmental review as soon as they are completed and prior to any action thereon by the Commission.

Proposed policies, plans and programs initiated by other Federal agencies and departments are circulated to affected non-Federal agencies as soon as they have been submitted to the Commission pursuant to the National Capital Planning Act.

**(2) Time Period for Review.** Federal elements of the Comprehensive Plan are circulated to the District of Columbia Government for a period of 60 days for review and comment. Other Federal plans affecting the District of Columbia and District properties in the Maryland and Virginia portions of the Region are circulated to the District of Columbia Government for a period of 30 days for review and comment. All such proposals are scheduled for review by the Commission's Coordinating Committee.

Proposed Federal plans affecting the Maryland and Virginia portion of the Region and/or the Region as a whole are circulated to affected non-Federal agencies for a period of 60 days whenever possible for review and comment. However, no referral will be made of other Federal agency plans if as a result of the early consultation process, the affected non-Federal agencies advise the Commission in writing that no additional referral is required.

**(3) Response to Formal Referral. (A) Written Responses.**—The formal referral letter contains a date by which a written response from the non-Federal

agencies should be received by the Commission. Approximately two weeks prior to a Commission meeting the Executive Director's Recommendation (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written responses received by the date in the referral letter are considered in the preparation of the EDR. Copies of the written responses are attached to the EDR. Copies of the EDR may be obtained from the Commission's Public Affairs Officer on the Monday before the Commission meeting.

**(B) Oral Presentations At A Commission Meeting.**—**(i) Registration for A Commission Meeting.** If in addition to submitting a written response, representatives of non-Federal agencies wish to express their views at a Commission meeting, they should notify the Public Affairs Officer by the date indicated for such notice in the formal referral letter. Ordinarily, registering to speak prior to the deadline in the referral letter ensures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

**(ii) Written Statements.** If a representative of a non-Federal agency wishes to present a written copy of the oral presentation, a copy should be submitted to the Secretary of the Commission by noon of the day preceding the meeting. Copies will be reproduced by the Secretary and distributed to each member of the Commission prior to the meeting. Otherwise, materials should be delivered in twenty-five copies to the Public Affairs Officer prior to the beginning of the meeting.

**(iii) Audio Visual Materials.** Speakers who wish to make slide or film presentations or other audio-visual presentations must make arrangements with the Public Affairs Officer prior to the Commission meeting.

**Daniel H. Shear,**  
Secretary.

[FR Doc. 83-30260 Filed 11-6-83; 8:45 am]

BILLING CODE 7520-01-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: Revision.
  2. The title of the information collection: Confidential Statement of Employment and Financial Interests.
  3. The form number: Form 443.
  4. How often the collection is required: Prior to commencement of employment and annually thereafter.
  5. Who will be required or asked to report: NRC consultants, advisors or experts.
  6. An estimate of the number of responses: 220.
  7. An estimate of the total number of hours needed to complete the requirement or request: 440.
  8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Section 3504(h) Pub. L. 96-511 does not apply.
  9. Abstract: The information is needed to determine whether the employment and financial interests of NRC consultants, advisors, or experts create possible conflict of interests. It also provides hiring officials with a basis for determining the qualifications of the individual for setting the appropriate rate of compensation.
- Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill (202) 395-7340. NRC Clearance Officer is R. Stephen Scott (301) 492-8585.

Dated at Bethesda, Maryland, this 3rd day of November 1983.

For the Nuclear Regulatory Commission,  
**Patricia G. Norry,**  
*Director, Office of Administration.*  
[FR Doc. 83-30321 Filed 11-6-83; 8:45 am]  
**BILLING CODE 7590-01-M**

#### 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: 10 CFR Part 33—Specific Domestic Licenses of Broad Scope for Byproduct Material
3. The form number if applicable: Not applicable.
4. How often the collection is required: Applications for new licenses or amendments may be submitted at any time. Applications for renewal of licenses are submitted every five years.
5. Who will be required or asked to report: Persons holding or applying for a license for the broad scope use of byproduct material.
6. An estimate of the number of responses: 0
7. An estimate of the total number of hours needed to complete the requirement or request: 0
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: 10 CFR Part 33 establishes rules governing the domestic licensing of broad scope use of byproduct material. Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 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 November 1983.

For the Nuclear Regulatory Commission,  
**Patricia G. Norry,**  
*Director, Office of Administration.*  
[FR Doc. 83-30322 Filed 11-6-83; 8:45 am]  
**BILLING CODE 7590-01-M**

[Docket Nos. 50-352 OL, 50-353 OL]

#### Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Rescheduling Oral Argument

November 3, 1983.

Notice is hereby given that, in accordance with the Appeal Board's order of November 3, 1983, oral argument previously calendared for December 15, 1983 has been rescheduled for 2:00 p.m., Monday, December 5, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: November 3, 1983.

For the Appeal Board.

**C. Jean Shoemaker,**

*Secretary to the Appeal Board.*

[FR Doc. 83-30320 Filed 11-6-83; 8:45 am]

**BILLING CODE 7590-01-M**

#### Regulatory Guide; Issuance, Availability; Nondestructive Assay of High-Enrichment Uranium Fuel Plates By Gamma Ray Spectrometry

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.38, Revision 1, "Nondestructive Assay of High-Enrichment Uranium Fuel Plates By Gamma Ray Spectrometry," describes features of a gamma ray spectrometry system acceptable to the NRC staff for nondestructive assay of high-enrichment uranium fuel plates or fuel plate core compacts for use in the inventory of special nuclear materials required by the Commission's regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 1st day of November 1983.



For the Nuclear Regulatory Commission.  
Robert B. Minogue,  
Director, Office of Nuclear Regulatory  
Research.

[FR Doc. 83-30323 Filed 11-8-83; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 20357; File No. 57-433]

### Receipt of an Amendment to the Consolidated Transaction Association Plan

November 3, 1983.

On November 1, 1983, the participants in the Consolidated Tape Association ("CTA") submitted to the Commission, pursuant to Rules 11Aa3-1 and 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to the Restated and Amended Plan ("CTA Plan").<sup>1</sup>

#### I. Description of the Amendment

The amendment increases the information charges for interrogation units receiving consolidated last sale data from the CTA. These charges are contained in schedules A-1 through A-4, attached to the CTA Plan as Exhibit D. The CTA participants indicate that the increased charges are necessary to offset the increased costs of making available last sale information. The new rates will become effective on January 1, 1984.

#### II. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. Accordingly, in order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington,

D.C. 20549, within 21 days from the date of publication of this notice in the Federal Register. The amendment to the CTA Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7-433.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.\*

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-30336 Filed 11-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20341; SR-PSE-83-14]

### Pacific Stock Exchange, Inc.; Filing and Order Granting Accelerated, Partial and Temporary Approval of Proposed Rule Change

November 2, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 30, 1983, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange"), 618 South Spring Street, Los Angeles, CA 90014, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE has submitted a proposed rule change to amend PSE Rule II, Section 8(c) and Rule III, Section 12 of the PSE Rules. PSE proposes to amend Rule II, Section 8(c) to provide that, notwithstanding the provisions of Rule II, Section 8(b) PSE specialists may execute an odd-lot order by mutual agreement with the member placing the order at the existing round-lot bid or offering price.<sup>2</sup> The proposed rule

\* 17 CFR 200.30-3(a)(27).

<sup>1</sup> Rule II, Section 8(b) describes the procedures by which specialists are required to execute all odd lot orders. In general, Section 8(b) provides that odd-lot orders be executed at a price based on the first round lot transaction which takes place on the primary market, plus, if a buy order, or minus, if a sell order, an odd-lot differential, if any.

<sup>2</sup> The PSE has stated that "existing round-lot bid or offering price" in Rule II, Section 8(c) means:

(a) the best bid/ask quote among the ITS participant exchanges in those stocks that are traded on ITS;

(b) the best bid/ask quote between the New York Stock Exchange, American Stock Exchange and the Pacific Stock Exchange for those stocks which are not ITS eligible.

(c) the best bid/ask quote on the PSE for all remaining stocks which are neither ITS eligible nor traded on either the NYSE or the Amex.

See letter from Jerry M. Gluck, General Counsel, PSE, to Michael Cavalier, Division of Market Regulations, SEC, dated October 20, 1983.

change would permit PSE members to execute odd-lot market orders at the existing round-lot bid or offering price if they elect to do so for all odd-lot market orders routed through the PSE securities communication, order routing, and execution system ("SCOREX"). In addition, the proposed rule change would eliminate any odd-lot differential under Section 8(c).

PSE's proposed Rule III, Section 12 sets forth the operation and basic characteristics of SCOREX. As described in proposed Rule III, Section 12(a), the SCOREX system is available to all PSE member organizations and provides automatic executions of market orders up to 599 shares at the best available price represented by all Intermarket Trading System ("ITS") participants. SCOREX orders may be entered through direct connections between member firms and the Exchange or through a floor broker located on either of the two PSE equity trading floors. Securities eligible for SCOREX odd-lot execution include all securities listed for trading on the New York Stock Exchange ("NYSE") or American Stock Exchange ("Amex") which are dually traded on the PSE. Only those dually traded NYSE and Amex securities eligible to be traded on ITS or not-ITS securities selected by a PSE specialist are eligible for round-lot automatic execution through SCOREX. Section 12(b) of the rule ("General Conditions") provides that only agency orders may be executed in the SCOREX system. In addition, specialists are required to accept all odd-lot market and limit orders received by SCOREX in their assigned securities. The same requirement is imposed on all round lot market orders in securities which are ITS eligible or which specialists have accepted as SCOREX eligible.

Rule III, Section 12(c) ("Execution Parameters of SCOREX Orders") sets forth the conditions under which orders are accepted and executed under the rule, including pre- and post-opening pricing policies for both market and limit orders.<sup>3</sup> Round lot market orders entered after the opening in the primary market will be executed at a price equal to or better than the SCOREX quote. Currently, all odd-lot orders are

<sup>3</sup> Market orders entered by a participating broker-dealer on an agency basis are displayed for thirty seconds before being executed for the specialist's account, in order to permit the specialist to improve on the automatic execution price if he so desires. If the price is not improved within thirty seconds or if the specialist accelerates the execution, the order will be executed at the quotation prevailing at the time of receipt and an execution report will be sent to the entering firm and the consolidation transaction reporting system.

<sup>1</sup> See Securities Exchange Act Release No. 16983 (July 16, 1980), 45 FR 49414.



executed at a price based on the next price of a regular round-lot transaction which takes place on the primary market on which the stock is traded (plus or minus an odd-lot differential). \*

In addition to market orders, SCOREX can be used for limit orders accepted for up to 300 shares. These orders are routed by SCOREX to the specialist in the security, who must decide whether to accept each order. Once accepted, an order is guaranteed an execution at the limit price when a transaction takes place at or through the price in the primary market. Section 12(d) ("SCOREX Eligible Orders") details the types of orders which are accepted into the SCOREX system. Section 12(e) describes the limited circumstances under which a specialist may execute SCOREX orders at prices that are inferior to the SCOREX quote, including where the SCOREX quote is based upon a market center that has declared an unusual trading condition, has disseminated an erroneous quote, or is disseminating quotations in a non-firm mode. The PSE has noted in its filing other uses for the order-routing capabilities of SCOREX. Member firms who have received authorization from particular specialists may utilize SCOREX to transmit orders of any size or qualification directly to the specialist. The PSE states in its filing that the proposed rule changes are consistent with Section 6(b)(5) of the Act in that they will facilitate transactions in securities traded on the PSE.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSE-83-14.<sup>2</sup>

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the

Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that temporary approval of the portion of the proposed rule change amending Rule II, Section 8(c) until the Commission takes action on the entire proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the portion of the proposed rule change amending Rule II, Section 8(c) prior to the thirtieth day after the date of publication of notice of filing. The amendment does not impose any requirements on PSE members; rather, it merely permits use of an alternative basis for pricing executions of odd-lot orders by Exchange specialists, but only in the event that alternative pricing mode is mutually agreeable to the member firm submitting the order. Thus, the PSE has stated that the proposed amendment to Rule II, Section 8(c) would permit members to elect to execute odd-lot orders on a more timely basis, by permitting PSE members to execute odd-lot orders by mutual agreement at the existing round-lot bid or offering price. The PSE has indicated further that certain of its members are currently prepared to have odd-lot market orders executed on this basis. Odd-lot market orders may currently be executed by Exchange members off an exchange floor at the best consolidated quote. Thus, such a pricing mechanism merely permits Exchange specialists to include in SCOREX an alternative execution formula already in use in upstairs execution of odd-lots. Moreover, the proposed amendment would permit odd-lot market orders to be executed at the same price round-lot market orders are presently executed through SCOREX—at the best available price represented by all ITS participants. Finally, the proposed amendment would eliminate the

imposition of any odd-lot differential in pricing odd-lot orders.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the portion of the above-mentioned proposed rule change relating to PSE Rule II, section 8(c) be and hereby is, approved on a temporary basis until final Commission action is taken on the entire proposed rule change.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-30331 Filed 11-8-83; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### [Delegation of Authority No. 21]

#### Delegation of Authority to the Comptroller

The authority for financial management previously delegated to the Assistant Administrator for Policy, Planning and Budgeting (46 FR 52267) and as redelegated (46 FR 58239) is hereby revoked and the financial authority therein is transferred to the Comptroller.

I, Pursuant to the authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, I hereby delegate authority to the Comptroller as follows:

#### A. Financial Management

To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Comptroller.

Effective Date: November 9, 1983.

Dated: November 3, 1983.

James C. Sanders,  
Administrator.

[FR Doc. 83-30319 Filed 11-8-83; 8:45 am]

BILLING CODE 8025-01-M

\* However, as described above, the proposed amendment to Rule II, Section 8(c) would permit PSE members to execute odd-lot orders through SCOREX by mutual agreement at the existing round lot bid or offering price.

<sup>2</sup> In this release the Commission approves on a temporary and accelerated basis the effectiveness of the amendment to Rule II, Section 8(c), until the Commission takes final action on SR-PSE-83-14. This release, therefore, provides notice of changes to both Rule II, section 8(c) and Rule III, Section 12. Comments are invited on the amendments to both rules.



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## Radio Technical Commission for Aeronautics (RTCA); Special Committee 150—Minimum System Performance Standards for Vertical Separation Above Flight Level 290; Meeting

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 150 on Minimum System Performance Standards for Vertical Separation Above Flight Level 290 to be held on November 29-30, 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 Fourth Meeting Held on September 21-22, 1983; (3) Review and Discussion of Working Group Activities on System Performance Requirements, Altimetry System Errors, and Flight Technical Errors; and (4) 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 October 31, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-30227 Filed 11-9-83; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

## Environmental Impact Statement; Los Angeles, Orange and San Diego Counties, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed high speed rail project connecting Los Angeles, Orange and San Diego Counties in Southern California that may utilize portions of

Interstate 5 right of way and cross other Federal aid routes.

**FOR FURTHER INFORMATION CONTACT:** D. Wayne Branch, Environmental Coordinator, Federal Highway Administration, P.O. Box 1915, 801 "T" Street, Sacramento, CA 95809, Telephone (916) 440-3318.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) on a privately funded proposal to build, operate and maintain a high speed passenger train between downtown Los Angeles and San Diego and from the Los Angeles Central Business District to Los Angeles International Airport (LAX). The project is being proposed by American High Speed Rail Corporation (AHSRC). If constructed, the proposed high speed rail would provide a transportation alternative to travelers in the Los Angeles to San Diego corridor. The proposed high speed train would require new track. The proposed route lies within existing transportation corridors (I-5 and existing railroad right of way) for approximately 85% of its length through Los Angeles, Orange and San Diego Counties. Virtually all the remaining route miles are in tunnels. AHSRC proposes to build tunnels for the following sections of track: Los Angeles County—the approach to LAX west of I-405; Orange County—south from Mission Viejo about four miles into Camp Pendleton (USMC); and San Diego County—from Del Mar south to near the intersection of State Route 52 and I-5.

The proposed system would be electrically powered by an overhead catenary system. The electric power would be purchased from the existing capacity of Southern California utility companies.

AHSRC estimates that, depending on the station stops, up to approximately 100,000 people would use the high speed service daily in the first year of operation. In order to meet the projected travel demand and generate adequate revenues, AHSRC projects that frequent service at half-hourly intervals or less would be required. Maximum cruising speeds would be 160 mph. AHSRC estimates that fifteen train sets of eight cars each will be needed to provide service.

AHSRC proposes stations at LAX, Los Angeles Union Passenger Terminal, Santa Ana Multimodal Center, and Santa Fe Depot in San Diego. Although AHSRC has not given a specific location, it also plans a station in Anaheim. Others are being considered in the general market areas of South Los

Angeles County/North Orange County, Irvine/Mission Viejo, Oceanside/Carlsbad, and North City San Diego.

The length of the proposed route is 130.4 miles. The 112-mile downtown Los Angeles to downtown San Diego non-stop run would take approximately 59 minutes. Approximately six minutes would be added to the running time for each intermediate station stop. A combination of local and non-stop service would be offered from downtown Los Angeles to downtown San Diego. Non-stop service would be offered from downtown Los Angeles to LAX at one-half hour intervals throughout the day, and at twenty minute intervals during rush hours. The trip between downtown Los Angeles and Los Angeles International Airport would be made in about 15 minutes.

Reasonable alternatives to the proposed action will be included in the environmental analysis as well as the "do-nothing" alternative. These alternatives will include, but are not limited to alternatives in the areas of route alignments and profiles, tunnel locations, station locations, vehicle designs and operating scenarios.

This Notice of Intent invites comments regarding study issues and alternatives from affected agencies. The complexity of this project and the high level of public interest that has been expressed will require the active involvement of local, State and Federal agencies. Formal scoping meetings will be held from early to mid-December, 1983, in each of the three counties affected (Orange, Los Angeles and San Diego). Specific information regarding the time and location of scoping meetings will be announced through local press and news media. Affected agencies are encouraged to prepare responses in time for the scoping meetings.

To ensure that the full range of issues related to this project are addressed and all significant issues identified, comments and suggestions are invited from all interested persons. Comments or questions concerning this proposed action and the EIS preparation should be directed to the FHWA at the address provided above.

Issued on: November 2, 1983.

D. Wayne Branch,

Environmental Coordinator, Federal Highway Administration, Sacramento, California.

[FR Doc. 83-30226 Filed 11-9-83; 8:45 am]

BILLING CODE 4910-22-M



## Research and Special Programs Administration

### Applications for Exemptions

**AGENCY:** Research and Special Programs Administration, Materials Transportation Bureau, DOT.

**ACTION:** List of applicants for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's

Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

**DATES:** Comment period closes December 13, 1983.

**ADDRESS:** Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

### NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9154-N	Bennett Industries, Pectone, IL	49 CFR 178.116	To manufacture, mark and sell non-DOT specification 55-gallon capacity steel drums comparable to DOT Specification 17E except for decrease in overall thickness to 19 gauge, for shipment of those commodities presently authorized in DOT Specification 17E. (Modes 1, 2, 3.)
9156-N	Johnson Controls, Inc., Milwaukee, WI	49 CFR 173.256(a)(3)	To authorize shipment of electrolyte (acid) battery fluid (sulfuric acid) packaged in one container of 80 ounce capacity overpacked in a DOT Specification 12B fiberboard box. (Modes 1, 2.)
9157-N	Matheson Gas Products, Inc., Secaucus, NJ	49 CFR 173.314	To authorize shipment of hydrogen sulfide in DOT Specification 110A100W tanks. (Mode 1.)
9160-N	Carus Chemical Company, LaSalle, IL	49 CFR 175.85(a)	To authorize monitor devices, each containing no more than 40 ml of dilute sulfuric acid to be carried in the cabin of a passenger-carrying aircraft. (Mode 5.)
9161-N	Henderson's Welding and Manufacturing Corporation, Seminole, TX	49 CFR 173.119, 173.253	To manufacture, mark and sell non-DOT specification compartmented portable tanks complying with DOT Specification 57 exempt for capacity and sight glass gauge, for shipment of flammable liquids or corrosive materials (oil well treating compounds). (Mode 1.)
9162-N	Sun Pipe Line Company, Longview, TX	49 CFR 173.119, 173.304, 173.315	To authorize shipment of liquid hydrocarbon products, classed as flammable liquids or flammable gas, contained in a displacement meter proving unit affixed to a truck or trailer. (Mode 1.)
9163-N	The Garrett Corporation, Tempe, AZ	49 CFR 173.302, 175.3, 176.65	To manufacture, mark and sell non-DOT specification nonrefillable steel spherical pressure vessels, for shipment of nitrogen with traces of helium, classed as nonflammable gas. (Modes 1, 2, 3, 4.)
9164-N	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.119	To manufacture, mark and sell non-DOT specification 345 gallon steel portable tanks with removable heads, for shipment of waste paint and waste paint sludge, classed as flammable liquids. (Mode 1, 2.)
9165-N	Union Carbide Corporation, Danbury, CT	49 CFR 173.301(b), 173.302, 173.304(a), 173.305, 173.34(a)(1), 175.3, 178.37	To manufacture, mark and sell non-DOT specification light weight seamless steel cylinders comparable to DOT Specification 3AA cylinders, for shipment of those gases authorized in DOT 3AA cylinders. (Modes 2, 3, 4.)
9166-N	The Composite Engineering Company, Westminster, CA	49 CFR 173.245	To manufacture, mark and sell cargo tanks comparable to DOT Specification MC-312 except they will be constructed of fiberglass reinforced plastic, for shipment of various corrosive liquids. (Mode 1.)
9167-N	Disposal Systems, Inc., Houston, TX	49 CFR 173.272(i)(25), (28)	To authorize shipment of sulfuric acid, corrosive liquid, in cargo tanks similar to DOT Specification MC-312 cargo tank lined with materials other than rubber or phenolic lining. (Mode 1.)
9168-N	Air-Pak, Inc., Pittsburgh, PA	49 CFR 172.400, 172.504, 173.118, 173.244, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33	To manufacture, mark and sell specifically designed composite type packaging, for shipment of small quantities of various flammable, corrosive, and poison B liquids and solids shipped without labels. (Modes 1, 2, 4.)
9169-N	Pacific Smelting Company, Torrance, CA	49 CFR 173.154	To authorize shipment of zinc skimmings, flammable solid, in non-DOT Specification freight containers. (Modes 1, 3.)
9170-N	Davison Transport Co., Inc., Ruston, LA	49 CFR 173.245	To authorize transportation of a corrosive liquid, n.o.s. in non-DOT specification cargo tanks comparable to DOT Specification MC-312 except for emergency flow control requirements, and method of testing. (Mode 1.)
9171-N	Starstruck, Inc., Redwood City, CA	49 CFR 173.86, 173.86(j), 173.95	To ship a novel rocket engine, classed as explosive B, containing a pyrolytic liquid, helium, and various explosive components. (Modes 1, 3.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 2, 1983.

**J. R. Grothe,**  
Chief, Exemptions Branch, Office of  
Hazardous Materials Regulation, Materials  
Transportation Bureau.

[FR Doc. 83-30352 Filed 11-8-83; 8:45 am]

BILLING CODE 4910-60-M

### Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

**AGENCY:** Materials Transportation Bureau, DOT.

**ACTION:** List of applications for renewal or modification of exemptions or application to become a party to an exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions

from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise



noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

**DATES:** Comment period closes November 29, 1983.

**ADDRESS COMMENTS TO:** Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3992-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	3992
3992-X	Stauffer Chemical Co., Westport, CT	3992
4291-X	Kerr-McGee Chemical Corp., Oklahoma City, OK	4291
4453-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	4453
5243-X	Hercules Inc., Wilmington, DE	5243
5243-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	5243
5322-X	San Diego Gas & Electric, San Diego, CA	5322
5736-X	Northern Petrochemical Co., Morris, IL	5736
6113-X	Philadelphia Gas Works, Philadelphia, PA	6113
6464-X	Philadelphia Gas Works, Philadelphia, PA	6464
6700-X	Container Corporation of America, Wilmington, DE	6700
6800-X	Plasti-Drum Corp., Lockport, IL	6800
6800-X	Petro-Chem Corp., Houston, TX	6800
7023-X	J. T. Baker Chemical Co., Phillipsburg, NJ	7023
7071-X	Philip A. Hunt Chemical Corp., Palisades Park, NJ	7071
7072-X	Container Corp. of America, Wilmington, DE	7072
7476-X	Thompson Tank & Manufacturing Co., Inc., Long Beach, CA (see footnote 1)	7476
7541-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	7541
7835-X	Liquid Air Corp., San Francisco, CA	7835

Application No.	Applicant	Renewal of exemption
7835-X	Liquid Carbonic Corp., Chicago, IL	7835
7835-X	Air Products and Chemicals, Inc., Allentown, PA	7835
7835-X	Scientific Gas Products, Inc., South Plainfield, NJ	7835
7835-X	Matheson Gas Products, Inc., Secaucus, NJ	7835
7835-X	Arco Industrial Gases, Riverton, NJ	7835
7887-X	Flight Systems, Inc., Burns Flat, OK	7887
7887-X	Flight Systems, Inc., Raytown, MO	7887
7887-X	Estes Industries, Inc., Penrose, CO	7887
7887-X	Centuri Engineering Co., Inc., Penrose, CO	7887
8129-X	Earth Industrial Waste Management Inc., Millington, TN	8129
8131-X	National Aeronautics and Space Administration, Washington, DC	8131
8178-X	National Aeronautics and Space Administration, Washington, DC	8178
8206-X	Remond Inc., Milwaukee, WI	8206
8207-X	Remond Inc., Milwaukee, WI	8207
8301-X	Container Corp. of America, Wilmington, DE	8301
8386-X	J. J. Maugel Co., Burbank, CA	8386
8489-X	FMC Corp., Philadelphia, PA (see footnote 2)	8489
8644-X	Richmond Lox Equipment Co., Livermore, CA (see footnote 3)	8644
8720-X	Applied Environmental Corp., Woodland Hills, CA	8720
8722-X	Northrop Corp., Hawthorne, CA (see footnote 4)	8722
8732-X	ICI Americas, Inc., Wilmington, DE	8732
8767-X	Hydraulic Research-Texton, Palmdale, CA	8767
8871-X	Chase Bag Co., Oak Brook, IL (see footnote 5)	8871
9052-X	Chemical Handling Equipment Co., Inc., Detroit, MI (see footnote 6)	9052
9140-X	Crown Rotational Molded Products, Inc., Marked Tree, AR (see footnote 7)	9140
9158-X	National Beryllia Corp., Haskell, NJ	9158

\* To modify cargo tank overturn protection, to authorize an 8 inch diameter inlet and outlet valve configuration and to authorize compartmented tanks.

\* To authorize shipment of trichloro-s-triazinetrione, dry, classed as an oxidizer as an additional commodity.

\* To modify paragraph 8(b) by eliminating the restriction against aluminum pressure building coils in oxygen service.

\* To renew, to authorize use of 304L stainless steel for container construction and redesignate assembly name from F-5G to F-30.

\* To authorize trichloro-s-triazinetrione, dry, oxidizer as an additional commodity.

\* To authorize an alternate steel frame to surround the polyethylene portable tank for shipment of various corrosives, flammable and oxidizers.

\* To authorize water as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
3630-P	Ashland Services Co., Dublin, OH	3630
6536-P	Optimus, Inc., Bridgeport, CT	6536
6762-P	Capitol Scientific, Inc., Austin, TX	6762
7052-P	California Microwave, Inc., Sunnyvale, CA	7052

Application No.	Applicant	Parties to exemption
7052-P	Massachusetts Institute of Technology, Lexington, MA (see footnote 1)	7052
7876-P	J. T. Baker Chemical Co., Phillipsburg, NJ	7876
8129-P	Enviro-Chem Waste Management Services, Raleigh, NC	8129
8129-P	Hewlett Packard, San Jose, CA	8129
8307-P	U.S. Department of Defense, Dover, NJ	8307
8526-P	North Star Transport Inc., Thief River Falls, MN	8526
8554-P	W. S. Hatch Co., Woods Cross, UT	8554
8689-P	Schlumberger Offshore Services, Houston, TX	8689
8691-P	Welland Chemical Ltd., Sarnia, Ontario, Canada	8691
8988-P	The Die-Log Co., Houston, TX	8988
9034-P	Union Carbide Corp., Danbury, CT	9034

\* Request party status and to authorize an alternate outside steel packaging for the lithium batteries.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on November 3, 1983.

J. R. Grothe,

Chief Exemptions Branch, Office of Hazardous Material Regulation Materials Transportation Bureau.

[FR Doc. 83-30251 Filed 11-8-83; 8:45 am]

BILLING CODE 4910-60-M

## UNITED STATES INFORMATION AGENCY

### United States Advisory Commission on Public Diplomacy

The United States Advisory Commission on Public Diplomacy will meet on November 16, 1983 from 10:15 a.m. to 1 p.m. in Room 800, 301 Fourth Street, S.W., Washington, D.C. The Commission will discuss the following topics: U.S. international telecommunications policies, USIA's management review procedures, and the Agency's FY-84 budget. Please call Elizabeth Fahl, (202) 485-2468, if you plan to attend the meeting because entrance to the building is controlled.

Dated: November 4, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83-30251 Filed 11-8-83; 8:45 am]

BILLING CODE 5030-01-M



# Sunshine Act Meetings

Federal Register

Vol. 48, No. 218

Wednesday, November 9, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Commodity Futures Trading Commission .....	1
Council on Environmental Quality .....	2
Federal Election Commission .....	3
Federal Mine Safety and Health Review Commission .....	4
Parole Commission .....	5
Securities and Exchange Commission .....	6, 7
Synthetic Fuels Corporation .....	8

### 1

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 11 a.m., Tuesday, November 15, 1983.

**PLACE:** 2033 K Street NW., Washington, D.C., Eighth Floor Conference Room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Enforcement Budget Briefing

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

[S-1569-83 Filed 11-7-83; 12:40 pm]

**BILLING CODE** 6351-01-M

### 2

#### COUNCIL ON ENVIRONMENTAL QUALITY

November 7, 1983.

**TIME AND DATE:** 3 p.m., Wednesday, November 16, 1983.

**PLACE:** Conference Room, 722 Jackson Place NW., Washington, D.C.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Briefing on Status of Chemical Substances Information Network

#### CONTACT PERSON FOR MORE

**INFORMATION:** Dinah Bear, 395-5754.

[S-1570-83 Filed 11-7-83; 12:41 pm]

**BILLING CODE** 3125-01-M

### 3

#### FEDERAL ELECTION COMMISSION

#### PREVIOUSLY ANNOUNCED DATE AND TIME:

Thursday, November 10, 1983, 10 a.m.

**MATTERS TO BE CONSIDERED:** The

following items have been added to the agenda:

1. Letter to Close File on AOR 1983-33, Howard J. Berman on behalf of Metro Travel, San Francisco
2. Technical Amendment to Honoraria Regulations 11 CFR 110.12

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,  
*Secretary of the Commission.*

[S-1573-83 Filed 11-7-83; 2:47 pm]

**BILLING CODE** 6715-01-M

### 4

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 14, 1983.

**TIME AND DATE:** 10 a.m., Wednesday, October 19, 1983.

**PLACE:** Room 600, 1730 K Street NW., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. U.S. Steel Mining Co., Inc., Docket No. PENN 82-321; Petition for Discretionary Review (Issues include whether the judge properly concluded that violations of mandatory safety standards were significant and substantial).
2. U.S. Steel Mining Co., Inc., Docket No. PENN 82-336; Petition for Discretionary Review (Issues include whether the judge properly concluded that a violation of a mandatory safety standard was significant and substantial).
3. Secretary of Labor, MSHA on behalf of Chester (Sam) Jenkins v. Hecla-Day Mines Corporation, Docket No. WEST 81-323-DM. (Issues include whether the judge erred in dismissing the discrimination complaint.)
4. Schulte V. Lizza Industries, Inc., Docket No. YORK 81-53-DM. (Issues include whether the judge erred in dismissing the discrimination complaint.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible. 5 U.S.C. 552b(e)(1).

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen, (202) 653-5632.

[S-1575-83 Filed 11-7-83; 3:35 pm]

**BILLING CODE** 6735-01-M

### 5

#### PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining office at Chevy Chase, Maryland Headquarters)

[4P0401]

**TIME AND DATE:** 10 a.m., Wednesday, November 16, 1983.

**PLACE:** Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-1574-83 Filed 11-7-83; 2:29 pm]

**BILLING CODE** 4410-01-M

### 6

#### SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 14, 1983, at 450 5th Street NW., Washington, D.C.

A closed meeting will be held on Tuesday, November 15, 1983, at 9:30 a.m. An open meeting will be held on Thursday, November 17, 1983, at 2:30 p.m. in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).



Chairman Shad and Commissioners Evans and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 15, 1983, at 9:30 a.m., will be:

Formal orders of investigation  
Institution of injunctive actions  
Litigation matter  
Opinion  
Regulatory matter bearing enforcement implications

The subject matter of the open meeting scheduled for Thursday, November 17, 1983, at 2:30 p.m., will be:

1. Consideration of whether to permit Willis K. Bramwell to become an associated person in a proprietary capacity with SCI Financial Group, Inc. For further information, please contact Mary A. Binno at (202) 272-2318.

2. Consideration of whether to publish for comment a new rule of practice, with accompanying release, concerning applications by individuals, barred by Commission order, who seek the consent of the Commission to associate with a registered broker dealer, municipal securities dealer, investment adviser or investment company. For further information, please contact Mary A. Binno at (202) 272-2318 or Philip L. Sbarbaro at (202) 272-2240.

3. Consideration of whether to adopt a phase-in program for the introduction of narrow-based index options under which each self-regulatory organization would be limited to a maximum of two narrow-based index options contracts until January 31, 1984. For further information, please contact Alden Adkins at (202) 272-2418.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further

information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272-2014.  
November 4, 1983.

[S-1571-83 Filed 11-7-83; 12:43 pm]  
BILLING CODE 8010-01-M

## 7

**SECURITIES AND EXCHANGE COMMISSION**  
"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: 48 FR 49572,  
October 26, 1983.

**STATUS:** Closed meeting.

**PLACE:** 450 5th Street NW., Washington, D.C.

**DATES PREVIOUSLY ANNOUNCED:** Friday, October 21, 1983.

**CHANGE IN THE MEETING:** Additional meeting. The following additional items will be considered at a closed meeting scheduled for Thursday, November 3, 1983, at 2:30 p.m.:

Settlement of administrative proceeding of an enforcement nature.  
Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Evans and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272-2468.

November 4, 1983.

[S-1572-83 Filed 11-7-83; 12:43 pm]  
BILLING CODE 8010-01-M

## 8

**SYNTHETIC FUELS CORPORATION**

Meeting of the Board of Directors

**STATUS:** Notice of meeting.

**DATE AND TIME:** November 15, 1983, 11 a.m. (e.s.t.)

**PLACE:** Room 503, 2121 K Street NW., Washington, D.C. 20586.

**SUMMARY:** Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on public access to Board meetings.

### MATTERS TO BE CONSIDERED:

Remarks of Chairman  
Consideration of Coal-Liquids Mixtures Solicitation  
Consideration of Prequalification Statement Submitted Pursuant to Solicitation for Eastern Province and Eastern Region of the Interior Province Bituminous Coal Gasification Projects (Agrico Project)

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

### PERSON TO CONTACT FOR MORE

**INFORMATION:** If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822-6336.

November 7, 1983.

United States Synthetic Fuels Corporation.

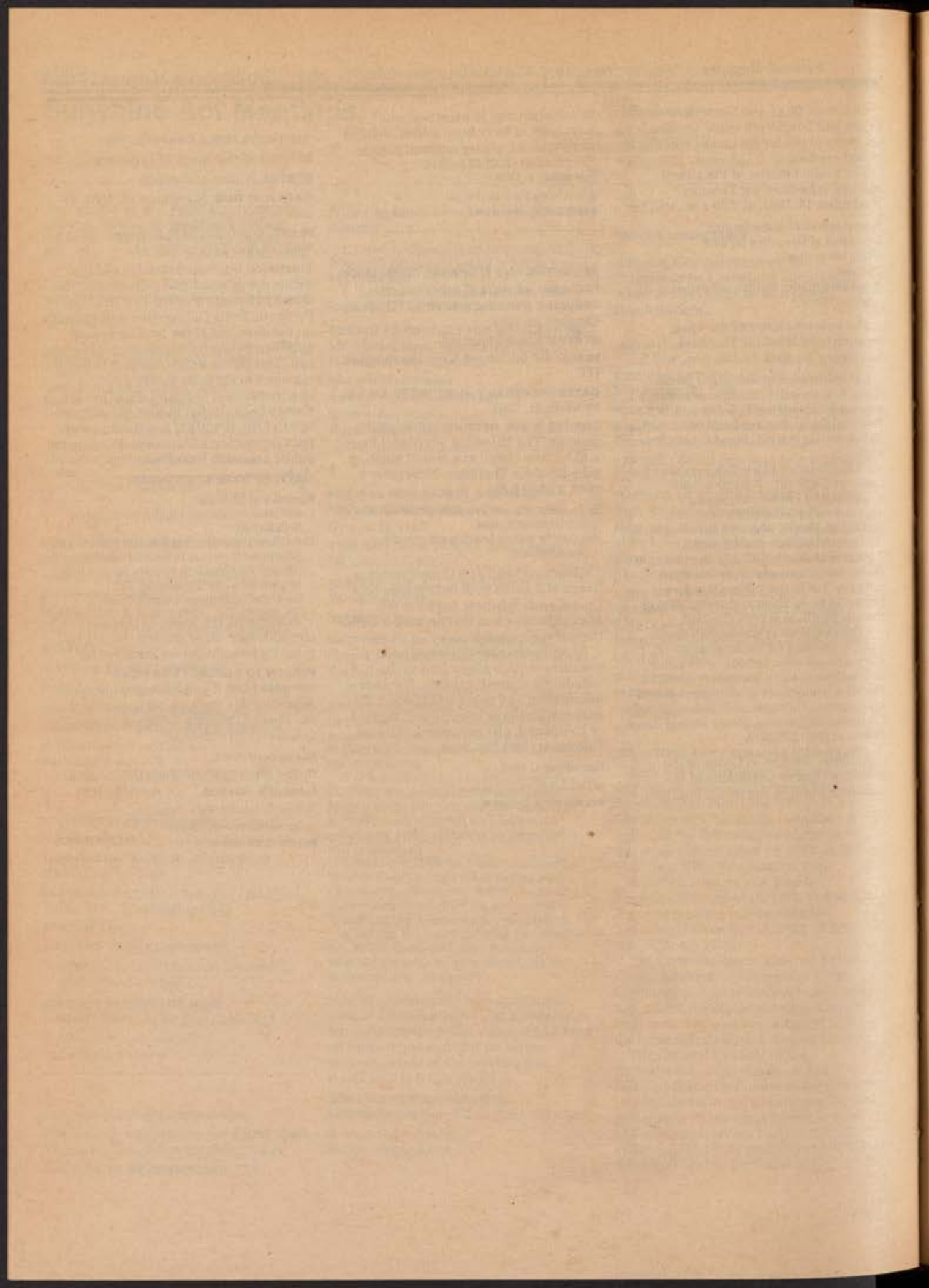
Leonard C. Axelrod,

Acting Executive Vice President.

[S-1576-83 Filed 11-7-83; 3:40 pm]

BILLING CODE 0000-00-M







# **federal register**

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**Wednesday  
November 9, 1983**

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## **Part II**

### **Department of Energy**

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**Federal Energy Regulatory Commission**

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**Determinations by Jurisdictional Agencies  
Under the Natural Gas Policy Act of 1978**



## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Volume 991]

Determinations by Jurisdictional  
Agencies Under the Natural Gas Policy  
Act of 1978

Issued: November 2, 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-CB: 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 NOVEMBER 2, 1983

VOLUME 991

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*****								
LOUISIANA OFFICE OF CONSERVATION								
-1	C MORROW OIL CO	1798520788	102-4	RECEIVED: 10/05/83	JA: LA	SAN MIGUEL CREEK	365.0	TENNESSEE GAS PIP
8400659	83-707				GODFREY #1			
*****								
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
*****								
-AMERICAN PENN ENERGY INC			RECEIVED: 10/03/83	JA: NY				
8400541	864	3101314879	102-2	STATE REFORESTATION AREA #11	#1258	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8400542	865	3101314880	102-2	STATE REFORESTATION AREA #2	#1289	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8400557	5048	3101317910	102-2	STATE REFORESTATION AREA #2	#1596	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION			RECEIVED: 10/03/83	JA: NY				
8400545	4986	3101318125	102-2	107-TF BISSELL UNIT #1		WILDCAT	15.0	COLUMBIA GAS TRAN
8400559	4930	3101316820	102-2	CHAUTAUQUA COUNTY #3		WILDCAT	14.0	COLUMBIA GAS TRAN
8400555	4953	3101317962	102-2	COUNTY OF CHAUTAUQUA #4		WILDCAT	14.0	COLUMBIA GAS TRAN
8400556	4956	3101317720	102-2	H DAG #5		GERRY	15.0	COLUMBIA GAS TRAN
-CONSOLIDATED EXPLORATION & GATHERIN			RECEIVED: 10/03/83	JA: NY				
8400573	4965	3102917929	102-2	107-TF BLAKELY #2		EDEN-EVANS	18.3	SCG GAS QUEST INC
8400551	4967	3102917858	102-2	107-TF JOY-CAIN UNIT #1		EDEN-EVANS	18.3	SCG GAS QUEST INC
8400549	4971	3102918020	102-2	107-TF SPAULDING #1		EDEN-EVANS	18.3	SCG GAS QUEST INC
8400550	4969	3102918021	102-2	107-TF SPAULDING #2		EDEN-EVANS	18.3	SCG GAS QUEST INC
8400547	4973	3102918019	102-2	107-TF WINTER #1		EDEN-EVANS	18.3	SCG GAS QUEST INC
-DORAN & ASSOCIATES INC			RECEIVED: 10/03/83	JA: NY				
8400567	3468	3101318365	102-2	107-TF J RALPH HOLTHOUSE #1	KV-51	CLYMER	25.0	COLUMBIA GAS TRAN
-ENVIROGAS INC			RECEIVED: 10/03/83	JA: NY				
8400544	3382	3100917185	102-2	107-TF D BEAVER #2		WILDCAT	18.0	COLUMBIA GAS TRAN
8400553	5019	3101318041	102-2	107-TF E ANDERSON #1		WILDCAT	18.0	
8400552	5020	3101318042	102-2	107-TF E ANDERSON #2		WILDCAT	18.0	
8400577	5015	3101318121	102-2	107-TF M BUNCE #1		WILDCAT	18.0	COLUMBIA GAS TRAN
8400578	5017	3101318122	102-2	107-TF H WARD #1		WILDCAT	18.0	
8400543	6047	3101317942	102-2	107-TF K COBB #1		WILDCAT	18.0	
8400576	5016	3101318110	102-2	107-TF R LOCKBAUGH #1		WILDCAT	18.0	
8400579	5018	3101318086	102-2	107-TF X STEARNS #1		WILDCAT	18.0	
-KEYSTONE ENERGY OIL & GAS PRODUCTION			RECEIVED: 10/03/83	JA: NY				
8400571	5479	3100918094	103	107-TF D & D HEBNER #1		SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8400570	5477	3100918074	103	107-TF E HEBNER #1		SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8400568	5473	3100918090	103	107-TF H BOOTH #1		SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8400569	5475	3100918095	103	107-TF P BUSEKIST #1		SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8400566	5471	3100918092	103	107-TF R BUSEKIST #1		SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-IRAHAN PETROLEUM INC			RECEIVED: 10/03/83	JA: NY				
8400564	4893	3101317878	102-2	107-TF COWEN #2	31-013-17878	ELLINGTON	36.0	COLUMBIA GAS TRAN
8400563	4894	3101317821	102-2	107-TF GLEASON #2	31-013-17821	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8400546	4977	3101317891	102-2	107-TF RICE #3	31-013-17891	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC			RECEIVED: 10/03/83	JA: NY				
8400554	4937	3101318106	102-2	A KIRBE #2		GERRY	20.0	COLUMBIA GAS TRAN
8400548	4946	3101318011	102-2	B WILLSON UNIT #3		GERRY	20.0	COLUMBIA GAS TRAN
8400575	4935	3101317895	102-2	107-TF GIERLINGER #6		CHARLOTTE	20.0	COLUMBIA GAS TRAN
8400540	4995	3101316840	102-2	107-TF H GILBERT #1		CHARLOTTE	20.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M



JO NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400560	4924	3101316832	102-2	107-TF	NEWTON BROS #4	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8400574	4957	3101318055	102-2	107-TF	SAXTON UNIT #3	GERRY	20.0	COLUMBIA GAS TRAN
8400565	5083	3101318127	102-2	107-TF	SPAULDING UNIT #3	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8400561	43756	3101317747	102-2	107-TF	TABER #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP								
8400562	5044	3101317980	102-2	107-TF	D LAWSON #1	ELLERY	20.0	COLUMBIA GAS TRAN
8400558	5042	3101317981	102-2	107-TF	D LAWSON #2	ELLERY	20.0	COLUMBIA GAS TRAN
-WEIL RESOURCES								
8400572	5451	3102917759	103	107-TF	WARNING #1	HAMBURG	0.0	NATIONAL FUEL GAS
*****								
OKLAHOMA CORPORATION COMMISSION								
*****								
-AMERICAN NAT GAS PROD CO								
8400601	19504	3504321510	102-4		DROKE #1-10	SQUAN CREEK	0.5	
-AN-SON TEXAS CORP								
8400660	23916	3508720822	103		LILLIAN #1	N FREENEY	0.0	
-APACHE CORPORATION								
8400624	22115	3503920823	102-2		KENNER-HALL #1-19		156.0	
8400625	22116	3503920833	102-2		WELLS #1-8		151.0	
-ARCO OIL AND GAS COMPANY								
8400586	23788	3507122670	103		FRED M JONES #1	BLACKWELL	7.3	
8400639	24012	3505920588	108		FREDA A YAUK UNIT #2	NORTHWEST LOVEDALE	7.3	NORTHWEST CENTRAL
8400607	23759	3504723207	103		LESTER DIERKSEN #3	SOONER TREND	73.0	UNION TEXAS PETRO
8400608	23758	3504723208	103		LESTER DIERKSEN #4	SOONER TREND	36.5	UNION TEXAS PETRO
-ARCO OIL AND GAS COMPANY								
8400680	24009	3504938694	108		W K DONNELL #14	GOLDEN TREND	10.0	WARREN PETROLEUM
-ARKOMA GAS CO								
8400637	24030	3512120483	108		HILSEWICK 1-15	NW CABANISS	8.0	ARKANSAS LOUISIAN
8400636	24031	3512120496	108		MULL 1-19	NW CABANISS	23.0	ARKANSAS LOUISIAN
-ARROWHEAD ENERGY INC								
8400669	23873	3511721402	103		CHARITY #2	SKED	33.0	COLORADO GAS COMP
8400668	23874	3501702235	103		OWEN #1	MUSTANG	262.0	PHILLIPS PETROLEU
-BLUE QUAIL ENERGY INC								
8400628	23719	3510722401	103		MASOPUST #1	S MUSTANG	237.2	PHILLIPS PETROLEU
-BLUE QUAIL ENERGY INC								
8400683	24126	3502720693	103		HOLLAND #1	WHEATLAND	54.0	MOBIL OIL CORP
-BOBBY J DARNELL								
8400677	23918	3508322237	103		J DYAL #1	SOUTHEAST LOVELL	43.0	EASON OIL CO
8400676	23917	3508322214	103		TERHUNE #1	SOUTHEAST LOVELL	100.0	EASON OIL CO
-ROBERT OIL CO								
8400596	23892	3507379655	103		LUISE #1-30	SOONER TREND	165.0	PHILLIPS PETROLEU
-ROBERT OIL CO								
8400682	24088	3507323693	103		LEWIS BONNER #1-6	SOONER TREND	400.0	PHILLIPS PETROLEU
-BRACKEN EXPLORATION CO								
8400648	22255	3504321565	102-4		WILLIS #3-4	NORTHWEST HUCMAC	116.0	PHILLIPS PETROLEU
-BUNKER EXPLORATION CO								
8400652	22149	3504921822	102-4		W E OWENS #1-5	EOLA	565.0	SONIQ PETROLEUM C
-CITIES SERVICE COMPANY								
8400583	23792	3505121052	103		RAYBURN A-1	BRADLEY	174.0	
-CLARK OPERATING SERVICES INC								
8400664	23898	3510721377	103		GARRETT #1-19		72.0	PHILLIPS PETROLEU
-COBRA OIL AND GAS CORPORATION								
8400655	23685	3505121161	103		BRAY 13-1		220.0	TRANSWESTERN PIPE
8400656	23684	3505921172	103		BUD 14-1		150.0	TRANSWESTERN PIPE
-COTTON PETROLEUM CORPORATION								
8400585	23823	3512920918	103		BESSIE #1	W GRAND	0.0	
-D & J OIL COMPANY								
8400589	23864	3505321093	103		MARY SMITH 1-29	NORTHEAST POWD CREEK	273.8	FARMLAND INDUSTRI
-DAVIS OIL COMPANY								
8400644	23832	3501121716	103		BUCKMASTER #1	HYDRO II	0.0	TRANSOK PIPE LINE
8400594	23887	3501700000	103		MILLER #1	FT REND	0.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION								
8400584	23809	3509322641	103		MERLE BOWLES #1	MAUKOMIS	0.0	PETRO LEWIS CORP
-EARLSBORO OIL AND GAS CO INC								
8400681	24087	3509322682	103		FRANZ #1-25	CHEYENNE VALLEY	100.0	PHILLIPS PETROLEU
-ENSERCH EXPLORATION INC								
8400597	22973	3508700000	103		J G HATTER #1-6	BLANCHARD	0.0	LONE STAR GAS CO
8400654	22905	3508720853	103		JOHN F SHARP #1	BLANCHARD	0.0	LONE STAR GAS CO
-GULF OIL CORPORATION								
8400588	23859	3501721210	103		T A DORR #1-23	YUKON (OSWEGO)	70.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY								
8400610	22112	3503920794	102-2		DORIS FLYNT #1	N E HAMMON	274.0	NATURAL GAS PIPEL
-INEXCO OIL COMPANY								
8400603	22184	3512920828	102-4		BRADSHAW #1-15	N W CHEYENNE	146.0	DELHI GAS PIPE LI
-J M HUBER CORPORATION								
8400590	23885	3504723074	103		LOVELL #6	N WAUKOMIS	221.0	UNION TEXAS PETRO
-JET OIL COMPANY								
8400582	23781	3507323719	103		MARTIN #1	SOONER TREND	5.0	CONOCO INC
-KIMBARK OIL & GAS CO								
8400666	23877	3513921625	103		ADDINGTON #1-36	WILDCAT	4.5	PHILLIPS PETROLEU
-KINDER OIL PROPERTIES								
8400651	10451	3508120841	103		G KINDER 1-28		0.0	SUN PRODUCTION CO
-L O WILLIAMS OIL COMPANY INC								
8400641	23862	3503920557	103		BALDWIN #1-4	S FAY	135.0	
-MCL CO LTD								
8400685	24128	3500722378	103		MILES #1-4	MOCANE	250.0	COLORADO INTERSTA
8400684	24127	3500722378	103		MILES #1-4	MOCANE	250.0	COLORADO INTERSTA
-MOBIL OIL CORP								
8400599	17817	3504900000	108-PB		C LAMBERT #3	GOLDEN TREND	13.9	WARREN PETROLEUM
-NOMDORF OIL & GAS INC								
8400580	23762	3510321907	103		PEARSON #2-31	N W LONE ELM	1.0	AMINOIL USA INC
-OFS-TULSA CORP								
8400662	23907	3507323638	103		JUDY #3-30	SOONER TREND	10.0	PHILLIPS PETROLEU
8400663	23902	3507300000	103		KATHY #1-34	SOONER TREND	30.0	PHILLIPS PETROLEU
8400661	23911	3507323511	103		LUCY # 45-31	SOONER TREND	6.0	PHILLIPS PETROLEU
-PAN WESTERN ENERGY CORP								
8400640	23868	3508121912	103		MINNIE & MARTIN #1	WEST PARKLAND	180.0	SUN EXPLORATION &
-PENNZOIL COMPANY								
8400621	22095	3503920775	102-2		LIBBY #1	MOOREWOOD	450.0	TRANSOK PIPELINE
-PETRO-ENERGY EXPLORATION INC								
8400634	23731	3504723188	103		CASSIDY-WARD #1-19	SOONER TREND	100.0	EXXON CO U S A
-PETRO-ENERGY EXPLORATION INC								
8400675	23770	3504723189	103		GOMPF #2-30	SOONER TREND	100.0	CHAMPLIN PETROLEU
-PHILLIPS PETROLEUM COMPANY								
			RECEIVED:	10/03/83	JA: OK			



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400650	21965	3503920759	102-4	COIT A #1	NORTH CUSTER CITY	0.0	PANHANDLE EASTERN
8400638	24029	3501721878	108	GRELLNER B #1	WEST OKARCHE	8.0	ONG WESTERN INC
8400604	14807	3501721458	108-PB	HOEBING B #1	NORTH CONCHO	19.0	PANHANDLE EASTERN
-QUASIUS DAVID			RECEIVED:	10/03/83	JA: OK		
8400581	23777	3510100000	103	REDO #10-2		0.0	PHILLIPS PETROLEUM
-RAMBLER OIL CO			RECEIVED:	10/03/83	JA: OK		
8400606	21182	3504921976	102-4	WATSON #1-7		0.0	BUCKEYE NATURAL G
8400645	22359	3504922067	102-4	WATSON #2-7		0.0	BUCKEYE NATURAL G
-RBM OIL CO INC			RECEIVED:	10/03/83	JA: OK		
8400632	23725	3503723898	103	BROWNS CREEK #1	BROWNS CREEK	0.0	COLORADO GAS COMP
8400651	23724	3503724255	103	BROWNS CREEK #2	BROWNS CREEK	0.0	COLORADO GAS COMP
8400629	23722	3503724370	103	BROWNS CREEK #4	BROWNS CREEK	0.0	COLORADO GAS COMP
8400630	23723	3503724550	103	BROWNS CREEK #5	BROWNS CREEK	0.0	COLORADO GAS COMP
-RED EAGLE OIL CO			RECEIVED:	10/03/83	JA: OK		
8400613	22104	3500320930	102-4	AVIS #1	EAST LODER	15.0	RAW ENERGY INC
8400617	22100	3500320812	102-4	BUTLER #3	EAST LODER	15.0	RAW ENERGY INC
8400618	22099	3500320978	102-4	CECIL #1	EAST LODER	15.0	RAW ENERGY INC
8400619	22098	3500320885	102-4	CIT #1	EAST LODER	15.0	RAW ENERGY INC
8400614	22103	3500320922	102-4	DALE #1	EAST LODER	15.0	RAW ENERGY INC
8400620	22097	3500320977	102-4	GOOD #1	EAST LODER	15.0	RAW ENERGY INC
8400643	23840	3509322664	103	HENSON #1	EAST LODER	15.0	RAW ENERGY INC
8400598	23839	3501121810	103	JOHNSON #1	NW OKEENE	0.0	PIONEER GAS PRODU
8400616	22101	3500320943	102-4	JR #1-A	NW OKEENE	0.0	PIONEER GAS PRODU
8400612	22106	3500320979	102-4	KAREN #1	EAST LODER	15.0	RAW ENERGY INC
8400615	22102	3500320851	102-4	LEAVENGOOD #2	EAST LODER	15.0	RAW ENERGY INC
8400611	22107	3500320813	102-4	TUCKER #1	EAST LODER	15.0	RAW ENERGY INC
-RICKS EXPLORATION CO			RECEIVED:	10/03/83	JA: OK		
8400677	23858	3500320741	103	STERBA #28-A	N W CARMEN	24.0	UNION TEXAS PETRO
-RICKS EXPLORATION CO			RECEIVED:	10/04/83	JA: OK		
8400679	23927	3501722384	103	HUFF #7-A	GEARY	472.0	OKLAHOMA GAS & EL
-SANTA FE-ANDOVER OIL CO			RECEIVED:	10/03/83	JA: OK		
8400591	23886	3501121846	103	OTT #24-3		160.0	OKLAHOMA GAS PIPE
8400635	23737	3501121599	103	RICHARDSON #6-1		108.0	OKLAHOMA GAS PIPE
8400657	23738	3510721567	103	RUBY JOHNSON #10-4		7.0	TRANSOK PIPE LINE
-SENECA OIL COMPANY			RECEIVED:	10/03/83	JA: OK		
8400646	22255	3501722338	102-4	SIMPSON #6-4		1895.0	PHILLIPS PETROLEUM
8400647	22254	3501722339	102-4	SIMPSON #8-4		738.0	PHILLIPS PETROLEUM
-SOUTHLAND ROYALTY CO			RECEIVED:	10/03/83	JA: OK		
8400600	19495	3513900377	108-PB	ELMORE #1	EAST HOOKER	21.5	NORTHERN NATURAL
8400622	18913	3515120977	108-PB	MARIE #1-11	S W FREEDOM	18.0	PANHANDLE EASTERN
-STATEK PETROLEUM INC			RECEIVED:	10/03/83	JA: OK		
8400602	22067	3510920655	102-4	BROSS #4-17		282.0	PHILLIPS PETROLEUM
-STENERGY INC			RECEIVED:	10/03/83	JA: OK		
8400627	23706	3504321569	103	SHIFFLETT 3-2	NORTH OAKWOOD FIELD	190.0	OKLAHOMA GAS & EL
-STRIKER DRILLING CO			RECEIVED:	10/03/83	JA: OK		
8400653	22151	3508171861	103	CARLA MANN #1-A	SOUTH SIRDOD	100.0	MERIDIAN ENERGY I
-SUNRISE EXPLORATION INC			RECEIVED:	10/03/83	JA: OK		
8400623	22239	3512920929	102-2	WILLIAMS #1	S W LEEDY	550.0	
-TARGA OIL & GAS INC			RECEIVED:	10/03/83	JA: OK		
8400642	23850	3508121931	103	MCDANIELS 1-3	DAVENPORT	36.0	KERR-MCGEE CORP
-TEXACO INC			RECEIVED:	10/03/83	JA: OK		
8400649	22093	3513921623	102-4	C M TREECE #2	S W RICE POOL	763.0	TRANSWESTERN PIPE
-TEXAS AMERICAN OIL CORP			RECEIVED:	10/03/83	JA: OK		
8400658	23751	3507322450	103	DOROTHY LEITNER #1	SODNER TREND	127.8	PHILLIPS PETROLEUM
8400592	23742	3507322747	103	L F POPE #1	SODNER TREND	102.2	PHILLIPS PETROLEUM
-TEXCO PETROLEUM INC			RECEIVED:	10/04/83	JA: OK		
8400665	23895	3511124193	103	JAMES CROWELL #3	HECTOR	175.2	PHILLIPS PETROLEUM
-TIMOTHY OIL CO INC			RECEIVED:	10/03/83	JA: OK		
8400633	23730	3505321039	103	LACY-HEIRS #4-33	EAST LAMONT	100.0	FARMLAND INDUSTRI
-TXO PRODUCTION CORP			RECEIVED:	10/03/83	JA: OK		
8400609	22114	3512920848	102-2	ADERHOLT #1	N E ROLL	92.0	DELHI GAS PIPELIN
8400605	20947	3512100000	102-4	BRANSON #1	S BREWER	238.0	DELHI GAS PIPE LI
-UTC ENERGY RESOURCES INC			RECEIVED:	10/04/83	JA: OK		
8400673	23852	3511124004	103	HOBBS #2		100.0	PHILLIPS PETROLEUM
8400672	23853	3514322364	103	KAYS #5		250.0	PHILLIPS PETROLEUM
8400671	23854	3514500000	103	MERRIWEATHER #1		75.0	PHILLIPS PETROLE
8400670	23855	3511100000	103	RUSSELL #1		60.0	PHILLIPS PETROLE
-WARD PETROLEUM CORP			RECEIVED:	10/03/83	JA: OK		
8400626	23697	3503920775	103	MCCLELLAND #2	N W WEATHERFORD	1400.0	ARKANSAS LOUISIAN
-WARD PETROLEUM CORP			RECEIVED:	10/04/83	JA: OK		
8400678	23922	3502720743	103	LAREESE #1	EAST MOORE	465.0	SUN GAS CO
8400674	23849	3502720747	103	PAYNE #2	SOUTH MOORE	465.0	SUN PRODUCTION CO
-WARREN DRILLING CO INC			RECEIVED:	10/04/83	JA: OK		
8400667	23875	3509322672	103	CHAMBERLAIN #1	DAHE	75.0	PHILLIPS PETROLEUM
-WESTERN PACIFIC PETROLEUM INC			RECEIVED:	10/03/83	JA: OK		
8400593	23745	3505320876	103	ROGER EDIGER #1-22	NORTHWEST MEDFORD	42.7	
-WILLIFORD ENERGY CO			RECEIVED:	10/03/83	JA: OK		
8400595	23888	3507920485	103	MOORMAN #1-13		313.2	

[PR Doc. 83-30232 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-C



# **Federal Register**

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**Wednesday  
November 9, 1983**

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## **Part III**

### **Department of Energy**

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**Federal Energy Regulatory Commission**

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**Determinations by Jurisdictional Agencies  
Under the Natural Gas Policy Act of  
1978**



## DEPARTMENT OF ENERGY

(Vol. 992)

**Determinations by Jurisdictional  
Agencies Under the Natural Gas Policy  
Act of 1978**

Issued: November 4, 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 with 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 OSC 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 NOVEMBER 4, 1983

VOLUME 992

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED:	10/04/83	JA: WV			
8400760		4708505492	103	A-1085	MITCHELL DISTRICT	0.0	CONSOLIDATED GAS	
8400776		4708505565	103	A-1089	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8400756		4708300541	103	A-1094	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400762		4708300585	103	A-1117	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400778		4701703140	103	A-1203	MCLELLAN DISTRICT	0.0	CONSOLIDATED GAS	
8400770		4708300722	103	A-1206	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400768		4708300680	103	A-1208	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400769		4708300681	103	A-1209	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400771		4708300723	103	A-1210	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400767		4708300675	103	A-1211	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400766		4708300660	103	A-1212	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400772		4708300724	103	A-1214	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400764		4708300676	103	A-1215	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400773		4708300726	103	A-1218	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400761		4708300657	103	A-1219	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
8400763		4701502170	103	A-1232	UNION DISTRICT	0.0	COLUMBIA GAS TRAN	
8400754		4701502170	107-DV	A-1232	UNION DISTRICT	0.0	COLUMBIA GAS TRAN	
8400765		4701502065	103	A-1234	UNION DISTRICT	0.0	COLUMBIA GAS TRAN	
8400775		4708505788	103	A-1268	UNION DISTRICT	0.0	CONSOLIDATED GAS	
8400777		4704103264	103	A-1269	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS	
8400774		4708300732	103	A-1277	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	
-ARMSTRONG HELEN JO			RECEIVED:	10/04/83	JA: WV			
8400845		4707900141	103	J F VANCE #1	CURRY	1.4	PENN201L CO	
-SEREA OIL AND GAS CORPORATION			RECEIVED:	10/04/83	JA: WV			
8400851		4700121847	103	C TROENDLE #1	GLADE	43.0	CONSOLIDATED GAS	
8400880		4700121847	102-4	C TROENDLE #1	GLADE	43.0	CONSOLIDATED GAS	
8400890		4700121829	107-DV	I FINDLEY #1	BARKER	48.0	CONSOLIDATED GAS	
8400878		4700121829	102-4	I FINDLEY #1	BARKER	48.0	CONSOLIDATED GAS	
8400870		4700121829	103	I FINDLEY #1	BARKER	48.0	CONSOLIDATED GAS	
8400850		4700121844	103	K KELLEY #1	COVE DISTRICT	36.0	CONSOLIDATED GAS	
8400881		4700121844	102-4	K KELLEY #1	COVE DISTRICT	36.0	CONSOLIDATED GAS	
8400889		4700121842	107-DV	M RIFFLE #1	BARKER	34.0	CONSOLIDATED GAS	
8400879		4700121842	102-4	M RIFFLE #1	BARKER	34.0	CONSOLIDATED GAS	
8400871		4700121842	103	M RIFFLE #1	BARKER	34.0	CONSOLIDATED GAS	
-BLUE CREEK GAS COMPANY			RECEIVED:	10/04/83	JA: WV			
8400899		4703903872	107-DV	KAS #1	ELK DISTRICT	20.0	COLUMBIA GAS TRAN	
8400898		4703903873	107-DV	KAS #2	ELK DISTRICT	20.0	COLUMBIA GAS TRAN	
8400897		4703903874	107-DV	KAS #3	ELK	20.0	COLUMBIA GAS TRAN	
8400896		4703903877	107-DV	KAS #6	ELK	20.0	COLUMBIA GAS TRAN	
-BORE INC			RECEIVED:	10/04/83	JA: WV			
8400841		4708505033	103	RALPH WILSON H-1118	CISCO AREA	15.0	CONSOLIDATED GAS	
-BOW VALLEY PETROLEUM INC			RECEIVED:	10/04/83	JA: WV			
8400847		4710500970	107-DV	MCCEE #990	CLAY	0.0	COLUMBIA GAS TRAN	
-CAROT OIL & GAS CORP			RECEIVED:	10/04/83	JA: WV			
8400698		4701900390	108	A B CONLEY #2	MT COVE	22.0	EQUITABLE GAS CO	

BILLING CODE 6717-01-M



JO NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400697		4706700458	108		A B KOONTZ #2	GRANT	19.5	EQUITABLE GAS CO
8400699		4701900355	108		HOFMIER GAS UNIT #3-5	MT COVE	19.9	EQUITABLE GAS CO
8400700		4701900350	108		W W CHAMPE #1	MT COVE	23.0	EQUITABLE GAS CO
-CHESTERFIELD ENERGY CORP		4703302827	103	RECEIVED:	10/04/83 JA: WV			
8400827		4703302827	103	RECEIVED:	10/04/83 JA: WV	OLIVIERO MELL #1 47-033-2827		
-CONVEST ENERGY CORP		4703302285	108	RECEIVED:	10/04/83 JA: WV			
8400884		4703302285	108		A D MORRIS #1 5-298	COAL	0.0	CONSOLIDATED GAS
8400883		4703302285	108		A D MORRIS #2 5-299	UNION DISTRICT	16.0	CONSOLIDATED GAS
8400885		4704102885	108		BETH EDWINSTON 5-297	UNION DISTRICT	16.0	CONSOLIDATED GAS
8400882		4703302374	108		C L KING S-306	HALKERS CREEK DISTRICT	7.4	CONSOLIDATED GAS
8400886		4703302222	108		LOMA ROBINSON S-287	EAGLE DISTRICT	17.9	CONSOLIDATED GAS
8400888		4704102893	108		ROSEMARY SANFORD S-300	EAGLE DISTRICT	12.5	CONSOLIDATED GAS
8400887		4701702729	108		RUTH RODGERS S-304	HALKERS CREEK DISTRICT	12.5	CONSOLIDATED GAS
-DOMESTIC O & G CO/GREENHOUSE ENERGY		4708505536	103	RECEIVED:	10/04/83 JA: WV	GREENBRIER DISTRICT	11.9	CONSOLIDATED GAS
8400837		4708505536	103	RECEIVED:	10/04/83 JA: WV			
-EASTERN AMERICAN ENERGY CORPORATION		4702103539	103	RECEIVED:	10/04/83 JA: WV	ELLENBORD	1.0	CONSOLIDATED GAS
8400784		4702103539	103		B MOORE #8			
8400745		4702103539	107-DV		B MOORE #8	GLENNVILLE NORTH	23.0	COLUMBIA GAS TRAN
8400753		4702102222	107-DV		C P SNIDER #2A-5	GLENNVILLE NORTH	23.0	COLUMBIA GAS TRAN
8400744		4702103037	107-DV		E D FULTON #5	GLENNVILLE	15.0	COLUMBIA GAS TRAN
8400782		4702103900	103		J FITZPATRICK #2	GLENNVILLE NORTH	14.8	COLUMBIA GAS TRAN
8400747		4702103900	107-DV		J FITZPATRICK #2	GLENNVILLE NORTH	19.0	COLUMBIA GAS TRAN
8400779		4700701828	103		J S BARKER #1	GLENNVILLE NORTH	19.0	COLUMBIA GAS TRAN
8400750		4700701828	107-DV		J S BARKER #1	GLENNVILLE	8.0	CONSOLIDATED GAS
8400751		4702102872	107-DV		J W WOLFE #6	GLENNVILLE	8.0	CONSOLIDATED GAS
8400931		4707700237	102-2		KNOTTS #1	GLENNVILLE	15.0	COLUMBIA GAS TRAN
8400900		4707700237	103		KNOTTS #1	GLENNVILLE	14.0	CONSOLIDATED GAS
8400783		4702103899	103		M L FITZPATRICK #2	GLENNVILLE	14.0	CONSOLIDATED GAS
8400746		4702103899	107-DV		M L FITZPATRICK #3	GLENNVILLE NORTH	28.0	COLUMBIA GAS TRAN
8400743		4702103853	107-DV		M L FITZPATRICK #3	GLENNVILLE NORTH	28.0	COLUMBIA GAS TRAN
8400780		4704103278	103		MCGINNIS #1	GLENNVILLE	10.0	
8400749		4704103278	107-DV		PENNZOIL #1	GLENNVILLE	23.0	COLUMBIA GAS TRAN
8400781		4702103902	103		PENNZOIL #1	GLENNVILLE	23.0	COLUMBIA GAS TRAN
8400748		4702103902	107-DV		POWELL #1	GLENNVILLE	10.0	COLUMBIA GAS TRAN
8400752		4702102784	107-DV		POWELL #1	GLENNVILLE	10.0	COLUMBIA GAS TRAN
-ELDER OIL CO		4708502504	108	RECEIVED:	10/04/83 JA: WV	GLENNVILLE	17.7	COLUMBIA GAS TRAN
8400925		4708502504	108		W E FRASHURE #1			
8400918		4708502751	108		TIBBS #1	TIBBS	1.8	CONSOLIDATED GAS
8400927		4708502755	108		TIBBS #10	TIBBS	1.8	CONSOLIDATED GAS
8400923		4708502742	108		TIBBS #11	TIBBS	1.8	CONSOLIDATED GAS
8400926		4708502756	108		TIBBS #5	TIBBS	1.8	CONSOLIDATED GAS
8400928		4708502753	108		TIBBS #7	TIBBS	1.8	CONSOLIDATED GAS
8400920		4708502752	108		TIBBS #8	TIBBS	1.8	CONSOLIDATED GAS
8400919		4708501901	108		TIBBS #9	TIBBS	1.8	CONSOLIDATED GAS
8400924		4708502640	108		WASS #1	TIBBS	1.8	CONSOLIDATED GAS
-EMPIRE OIL CO		4701700185	108	RECEIVED:	10/04/83 JA: WV	WASS	3.7	CONSOLIDATED GAS
8400940		4701700185	108		WASS #2	WASS	5.5	CONSOLIDATED GAS
8400938		4701700206	108		JOHN MCKINNEY #1	GRANT	0.0	CONSOLIDATED GAS
8400991		4701700868	108		MALISSA DAVIS #1	WEST UNION	0.0	CONSOLIDATED GAS
8400942		4701700023	108		PS COW MAN ET UX #1	WEST UNION	0.0	CONSOLIDATED GAS
8400939		4701700073	108		M H S WHITE #3	GRANT	0.0	CONSOLIDATED GAS
8400936		4701703207	108		M S STUART #1	WEST UNION	0.0	CONSOLIDATED GAS
8400937		4701703207	108		WHITE HRS #1	WEST UNION	0.0	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES		4701703208	108	RECEIVED:	10/04/83 JA: WV	WEST UNION	0.0	CONSOLIDATED GAS
8400932		4708300573	102-4		WHITE HRS #2			
8400707		4708300431	103		ENIGH #1A 81-B	ROARING CREEK DISTRICT	40.0	COLUMBIA GAS TRAN
8400933		4708300431	102-4		FLANAGAN #1	ROARING CREEK DISTRICT	36.8	COLUMBIA GAS TRAN
8400705		4708300520	103		FLANAGAN #1 81-A	ROARING CREEK DISTRICT	36.8	COLUMBIA GAS TRAN
8400714		4708300516	103		LOC-3 #1	ROARING CREEK DISTRICT	26.3	COLUMBIA GAS TRAN
8400934		4708300516	102-4		LOC-3 #2	ROARING CREEK DISTRICT	26.3	COLUMBIA GAS TRAN
8400706		4708300474	103		LOC-3 #2 81-B	ROARING CREEK DISTRICT	26.3	COLUMBIA GAS TRAN
8400930		4708300474	102-4		PANTHER/LAMB #1	ROARING CREEK DISTRICT	45.0	COLUMBIA GAS TRAN
8400929		4708300485	102-4		PANTHER/LAMB #1 81-A	ROARING CREEK DISTRICT	15.8	COLUMBIA GAS TRAN
8400708		4700101552	103		RICOTTILLI #81-22 81-B	ROARING CREEK DISTRICT	15.8	COLUMBIA GAS TRAN
8400935		4700101552	102-4		THACKER/LUFF #1	ROARING CREEK DISTRICT	53.0	COLUMBIA GAS TRAN
-G & S OIL CO		4708506022	107-DV	RECEIVED:	10/04/83 JA: WV	VALLEY DISTRICT	42.0	COLUMBIA GAS TRAN
8400868		4708506022	107-DV	RECEIVED:	10/04/83 JA: WV	VALLEY DISTRICT	42.0	COLUMBIA GAS TRAN
-GARRETT GAS CO		4704302572	108	RECEIVED:	10/04/83 JA: WV	GRANT	28.0	
8400849		4704302572	108		LIGHT #1			
-HOOD O K & HARPER HAROLD		4708506030	103	RECEIVED:	10/04/83 JA: WV	CARROLL	0.9	PENNZOIL CO
8400836		4708506030	103	RECEIVED:	10/04/83 JA: WV	CARROLL	0.9	PENNZOIL CO
-HYDROCARBON ENERGIES INC		4709702469	103	RECEIVED:	10/04/83 JA: WV	UNION DISTRICT	0.8	CARNEGIE NATURAL
8400689		4709702469	103	RECEIVED:	10/04/83 JA: WV			
-J & J ENTERPRISES INC		4704103259	103	RECEIVED:	10/04/83 JA: WV	BUCKHANNON DISTRICT	0.0	COLUMBIA GAS TRAN
8400709		4704103259	103	RECEIVED:	10/04/83 JA: WV			
-JAMES F SCOTT		4703302575	108	RECEIVED:	10/04/83 JA: WV	FREEMANS CREEK	0.0	CONSOLIDATED GAS
8400957		4703302575	108		B-492			
8400713		4703302324	108		ARTHUR HARDMAN S-348	COAL	0.0	CONSOLIDATED GAS
8400711		4701703166	107-DV		CUTLIP-LAYFIELD S-301	SARDIS	0.3	CONSOLIDATED GAS
8400715		4703302857	103		HOMER FREEMAN S-446	MCCLELLAN	0.6	
8400712		4701703152	107-DV		IVAN WILLIAMS S-395	SARDIS	0.4	CONSOLIDATED GAS
8400710		4701703152	103		JOHN MOTT S-440	GRANT	0.3	
-KAISER EXPLORATION & MINING CO		4703501732	107-DV	RECEIVED:	10/04/83 JA: WV	GRANT	0.3	
8400692		4703501732	107-DV	RECEIVED:	10/04/83 JA: WV			
-KEPLINGER OPERATING CO		4708504384	108	RECEIVED:	10/04/83 JA: WV	ELK/POCA	23.0	KAISER ALUMINUM &
8400953		4708504384	108		CLARENCE PRICE KEM #256	ELK/POCA	26.0	KAISER ALUMINUM &
8400916		4708504248	108		CLARENCE PRICE KEM #255			
8400944		4708504261	108		BARGELOH H-846	MURPHY DISTRICT	1.8	COLUMBIA GAS TRAN
8400947		4708504267	108		BETTY SEMMELMAN H-728	MURPHY DISTRICT	0.4	COLUMBIA GAS TRAN
8400943		4708504260	108		BLAINE MILLER H-739	MURPHY DISTRICT	1.7	COLUMBIA GAS TRAN
8400949		4708504262	108		BLAINE MILLER H-740	MURPHY DISTRICT	1.7	COLUMBIA GAS TRAN
8400955		4708504359	108		G P RYAN HEIRS H-736	MURPHY DISTRICT	0.6	COLUMBIA GAS TRAN
8400954		4708504360	108		G P RYAN HEIRS H-737	MURPHY DISTRICT	0.6	COLUMBIA GAS TRAN
8400912		4708504252	108		GOLDIE KESTER H-797	MURPHY DISTRICT	2.3	COLUMBIA GAS TRAN
8400917		4708504251	108		GOLDIE KESTER H-798	MURPHY DISTRICT	0.3	COLUMBIA GAS TRAN
8400946		4708504268	108		MARTIN BROS H-650	MURPHY DISTRICT	2.7	COLUMBIA GAS TRAN
8400952		4708504269	108		MARTIN BROS H-731	MURPHY DISTRICT	0.7	COLUMBIA GAS TRAN
8400951		4708504270	108		MARY GARDNER H-741	MURPHY DISTRICT	1.8	COLUMBIA GAS TRAN
8400948		4708504266	108		MARY GARDNER H-742	MURPHY DISTRICT	1.8	COLUMBIA GAS TRAN
8400950		4708504317	108		MARY GARDNER H-743	MURPHY DISTRICT	1.8	COLUMBIA GAS TRAN
8400956		4708504318	108		MARY GARDNER H-744	MURPHY DISTRICT	1.8	COLUMBIA GAS TRAN
8400913		4708504254	108		MARY WELCH H-756	MURPHY DISTRICT	0.7	COLUMBIA GAS TRAN
					MARY WELCH H-757	MURPHY DISTRICT	0.7	COLUMBIA GAS TRAN
					T R FRASHURE H-732	MURPHY DISTRICT	0.7	COLUMBIA GAS TRAN



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400945		4708504255	108		T R FRASHURE M-733	MURPHY DISTRICT	0.7	COLUMBIA GAS TRAN
-1 & M PETROLEUM INC			RECEIVED:	10/04/83	JAI WV			
8400961		4707320997	103		BILLY ELDER #2	UNION	10.0	COLUMBIA GAS TRAN
8400962		4707320806	108		L C WAGNER #6	UNION	10.0	COLUMBIA GAS TRAN
8400963		4707320836	108		L C WAGNER #7	UNION	10.0	COLUMBIA GAS TRAN
8400964		4709520813	108		RALPH WESTFALL #1	UNION	11.0	COLUMBIA GAS TRAN
8400959		4709520888	108		RALPH WESTFALL #2	UNION	11.0	COLUMBIA GAS TRAN
8400958		4709520899	108		RALPH WESTFALL #3	UNION	11.0	COLUMBIA GAS TRAN
-IAYWELL GAS CO			RECEIVED:	10/04/83	JAI WV			
8400856		4707900058	108		ELLA JOHNSON #1	CURRY	2.7	PENNZOIL CO
-NRM PETROLEUM CORPORATION			RECEIVED:	10/04/83	JAI WV			
8400872		4708101366	107-DV		BILLER #2	BELINGTON	0.0	COLUMBIA GAS TRAN
8400876		4708300335	107-DV		KOON-HUBER #3	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRAN
8400873		4709701978	107-DV		OSBURN #1	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8400877		4709701977	107-DV		OSBURN #2	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8400875		4708300277	107-DV		ROESSING #2	ELLMORE	0.0	COLUMBIA GAS TRAN
-OHIO-WEST VIRGINIA HYDRO CARBON CO			RECEIVED:	10/04/83	JAI WV			
8400903		4708505378	103		ABE ECHARD #2	MELLON RIDGE MURPHY D	18.0	CONSOLIDATED GAS
8400902		4708506007	103		R L SWEENEY #1-A	DEVIL HOLE CREEK WATE	25.0	CONSOLIDATED GAS
-P & M PETROLEUM MANAGEMENT			RECEIVED:	10/04/83	JAI WV			
8400847		4710500830	108		ROY MCVEY #2	REEDY DISTRICT	3.6	CABOT CORP
-PANTHER CREEK LTD PARTNERSHIP #4			RECEIVED:	10/04/83	JAI WV			
8400866		4710501033	107-DV		C E VANDEVERDER W-2	BURNING SPRINGS NORTH	0.0	COLUMBIA GAS TRAN
8400865		4710501016	107-DV		W-1 (ROWE ESTATE)	BURNING SPRINGS NORTH	0.0	COLUMBIA GAS TRAN
-PEAKE OPERATING CO			RECEIVED:	10/04/83	JAI WV			
8400833		4710900677	103		BOND #1-A	(OCEANA DISTRICT)	5.0	
8400830		4708100574	103		CRAB ORCHARD #1-AC	(TRAP HILL DISTRICT)	5.0	COLUMBIA GAS TRAN
8400831		4708501383	103		EUNICE #2-A	(CROOK DISTRICT)	5.0	
8400835		4710900855	103		GEOGRIA-PACIFIC #3-AGP	(OCEANA DISTRICT)	5.0	CONSOLIDATED GAS
8400834		4710900894	103		RUNDLE #1-A	(OCEANA DISTRICT)	5.0	
8400842		4710900894	102-2		RUNDLE #1-A	(OCEANA DISTRICT)	5.0	
8400843		4705901032	107-DV		SIGNIAGO #1-A	(STAFFORD DISTRICT)	5.0	
8400832		4705901032	103		SIGNIAGO #1-A	(STAFFORD DISTRICT)	5.0	
-PETRO-LEWIS CORPORATION			RECEIVED:	10/04/83	JAI WV			
8400731		4709700911	108		B G KINCAID #1	UNION	8.3	PARTNERSHIP PROPE
8400728		4709701187	108		DAISY #1	NEBO	6.8	PARTNERSHIP PROPE
8400730		4700100202	108		MC VICKER 1-19	UNION	6.6	PARTNERSHIP PROPE
8400729		4700100201	108		MCVICKER 1-17	UNION	2.2	PARTNERSHIP PROPE
-PETROLEUM DEVELOPMENT CORP			RECEIVED:	10/04/83	JAI WV			
8400789		4708505143	107-DV		ALBERT KEHRER #2	WHITE OAK CREEK	81.0	CONSOLIDATED GAS
8400796		4700101191	108		BADGER COAL COMPANY #1	CLEMTOWN	40.0	CONSOLIDATED GAS
8400797		4700101195	108		BADGER COAL COMPANY #2	CLEMTOWN	41.0	CONSOLIDATED GAS
8400798		4700101314	108		BADGER COAL COMPANY #4	CLEMTOWN	36.0	CONSOLIDATED GAS
8400800		4701702589	108		CLYDE FRASHURE #1	WOLFPEN RUN	48.0	CONSOLIDATED GAS
8400801		4703300498	108		DAVISSON #3	CLEMTOWN	438.0	CONSOLIDATED GAS
8400821		4708505537	103		ELLIOTT HEIRS #1	CISCO	27.0	CONSOLIDATED GAS
8400824		4703302613	103		GREATHOUSE #1	GRIFFIN	678.0	CONSOLIDATED GAS
8400817		4708505878	107-DV		GRIFFIN PRODUCING 5613-2 #H-1	GRIFFIN	0.0	CONSOLIDATED GAS
8400820		4708505878	103		GRIFFIN PRODUCING 5613-2 #H-1	GRIFFIN	0.0	CONSOLIDATED GAS
8400816		4701701900	102-3		H J SHAHAN #1	CLEMTOWN	21.6	CONSOLIDATED GAS
8400799		4701701900	108		H J SHAHAN #1	CLEMTOWN	21.6	CONSOLIDATED GAS
8400791		4701701900	107-DV		H J SHAHAN #2	CLEMTOWN	21.6	CONSOLIDATED GAS
8400813		4701702295	102-3		H J SHAHAN #2	CLEMTOWN	34.0	CONSOLIDATED GAS
8400790		4701702295	107-DV		H J SHAHAN #2	CLEMTOWN	34.0	CONSOLIDATED GAS
8400822		4708505498	103		H R WILLIAMS #1	CISCO	0.0	CONSOLIDATED GAS
8400792		4704102918	108		J B WORKMAN #2-A	CLEMTOWN	266.5	CONSOLIDATED GAS
8400823		4708505282	103		JUANITA PARKER #1	CISCO	274.0	CONSOLIDATED GAS
8400788		4708505282	107-DV		JUANITA PARKER #1	CISCO	274.0	CONSOLIDATED GAS
8400818		4708506024	107-DV		M & F SMITH #2	GRIFFIN	14.0	CONSOLIDATED GAS
8400819		4708506024	103		M & F SMITH #2	GRIFFIN	14.0	CONSOLIDATED GAS
8400795		4700101040	108		ROSA HADDIX #1	CLEMTOWN	44.0	CONSOLIDATED GAS
8400793		4701702678	108		ROY FERREBEE #2	CLEMTOWN	0.7	CARNEGIE NATURAL
8400794		4701702679	108		ROY FERREBEE #3	CLEMTOWN	0.9	CARNEGIE NATURAL
-PETROLEUM RESOURCES INC			RECEIVED:	10/04/83	JAI WV			
8400719		4704103237	103		S B MULLINAX #3B	COLLINS	40.0	CONSOLIDATED GAS
8400718		4704103235	103		Z HEFLIN #2A	COLLINS	40.0	CONSOLIDATED GAS
8400720		4704103236	103		Z HEFLIN #3A	COLLINS	40.0	CONSOLIDATED GAS
-RENDOVA OIL CO			RECEIVED:	10/04/83	JAI WV			
8400901		4708505168	103		FORENCE VALENTINE #1	GOOSE CREEK	20.0	CONSOLIDATED GAS
8400910		4708505169	103		SHARON SMITH #1	BEAR RUN	15.0	CONSOLIDATED GAS
-ROCKWELL PETROLEUM CO			RECEIVED:	10/04/83	JAI WV			
8400696		4702101078	108		ARBUCKLE #1	TARKIN RUN	3.0	CONSOLIDATED GAS
8400726		4708501695	108		GOFF #1	GRASS RUN	0.8	CONSOLIDATED GAS
8400727		4708501717	108		MCCARTNEY #1	GRASS RUN	0.8	CONSOLIDATED GAS
8400691		4702103957	103		MILLER #2A	TANNER	20.0	CONSOLIDATED GAS
8400695		4702101081	108		WRIGHT #1	TARKIN RUN	3.7	CONSOLIDATED GAS
8400694		4702101087	108		YOUNG #1	TARKIN RUN	1.5	CONSOLIDATED GAS
-SENECA-UPSHOR PETROLEUM CO			RECEIVED:	10/04/83	JAI WV			
8400690		4709702440	103		SAMPSON #4-B	WASHINGTON	35.0	TENNESSEE GAS PIP
-SHELDON & SHELDON INC			RECEIVED:	10/04/83	JAI WV			
8400838		4703302141	103		JEFFERSON ASHCRAFT #1 #1	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNS
-SOUTHEASTERN GAS COMPANY			RECEIVED:	10/04/83	JAI WV			
8400911		4701100715	108		A F BLACK #748	GRANT	1.1	PENNZOIL CO
8400914		4701100717	108		A R KEATON #751	GRANT	1.0	PENNZOIL CO
8400915		4701100716	108		CHARLEY CHAPMAN #747	GRANT	1.2	PENNZOIL CO
8400921		4704302571	108		DAVID DAVIS #195	DUVAL DISTRICT	3.5	PENNZOIL CO
8400922		4701100718	108		TOM KEATON #749	GRANT	1.0	PENNZOIL CO
-SPARTAN GAS COMPANY			RECEIVED:	10/04/83	JAI WV			
8400742		4710900907	103		ANNE W COOKE ET AL 94-5-296	OCEANA	0.0	COLUMBIA GAS TRAN
8400786		4709901792	103		WAYNE COUNTY LAND & MINERAL 8-5-291	LINCOLN	7.0	COLUMBIA GAS TRAN
8400787		4709901793	103		WAYNE COUNTY LAND & MINERAL 9-5-292	LINCOLN	7.0	COLUMBIA GAS TRAN
8400740		4710900862	103		Y & O COAL CO 84-5-275	OCEANA	10.0	COLUMBIA GAS TRAN
8400741		4710900905	103		Y & O COAL 91-5-293	CENTER	36.0	COLUMBIA GAS TRAN
8400785		4708100697	103		Y & O COAL 96-5-298	SLAB FORK	10.0	COLUMBIA GAS TRAN
-STONECREET LANDS CO			RECEIVED:	10/04/83	JAI WV			
8400857		4701303449	103		BARNETT #1-5-347	ELMIRA	38.0	COLUMBIA GAS TRAN
8400856		4701303450	103		BARNETT #2-5-348	ELMIRA	32.0	COLUMBIA GAS TRAN
8400858		4701303451	103		BARNETT #3-5-349	ELMIRA	34.0	COLUMBIA GAS TRAN
8400861		4701502005	103		CORA MARTIN #1-5-193	ELMIRA	26.0	COLUMBIA GAS TRAN
8400859		4701303458	103		J N JUSTICE #1-5-351	ELMIRA	18.0	COLUMBIA GAS TRAN
8400863		4701303463	103		JACOBS #16-5-353	ELMIRA	11.0	CONSOLIDATED GAS
8400864		4701303504	103		JACOBS #26-5-375	ELMIRA	5.0	CONSOLIDATED GAS
8400865		4701303433	103		LLOYD GAINER #2-5-333	ELMIRA	14.0	COLUMBIA GAS TRAN
8400855		4701303434	103		LLOYD GAINER #3-5-334	ELMIRA	21.0	COLUMBIA GAS TRAN



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400860		4701303491	107-DV	SEARS BAILEY #5-0-1	ELMIRA	34.0	COLUMBIA GAS TRAN
8400862		4701502172	103	TIMOTHY MARTIN #2-5-261	ELMIRA	26.0	COLUMBIA GAS TRAN
-SWIFT ENERGY CO			RECEIVED:	10/04/83 JA: WV			
8400803		4709100250	102-2	BROWN #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400812		4709100293	102-2	DADISMAN #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400874		4709701808	103	FRIEND #3	OTTER DISTRICT	50.0	TENNESSEE GAS PIP
8400810		4709100287	102-2	GRAGO #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400853		4702103912	103	KERSHALL JONES #2	DEKALB DISTRICT	150.0	TENNESSEE GAS PIP
8400852		4700701837	103	KNICELEY #1	HOLLY DISTRICT	50.0	TENNESSEE GAS PIP
8400807		4709100280	102-2	KNOTTS "B" #2	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400804		4709100254	102-2	MOATS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8400805		4709100256	102-2	MOATS #2	FETTERMAN	50.0	TENNESSEE GAS PIP
8400802		4709100269	102-2	R KNOTTS "B" #1	FETTERMAN	25.0	TENNESSEE GAS PIP
8400811		4709100290	102-2	ROY #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400815		4709100298	102-2	SATTERFIELD #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8400807		4709100263	102-2	SHAFER #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8400806		4709100260	102-2	TURNER #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8400816		4709100264	102-2	UMAKA-ITTA #1	FETTERMAN	25.0	TENNESSEE GAS PIP
-TIMES MICHAEL Z			RECEIVED:	10/04/83 JA: WV			
8400892		4708505882	107-DV	CRAIG ROSS (BICKERSTAFF #1)	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8400869		4708505883	107-DV	JENNINGS ROSS (BICKERSTAFF #2)	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8400891		4708505894	107-DV	JENNINGS ROSS (BICKERSTAFF #3)	GRANT DISTRICT	0.0	CONSOLIDATED GAS
-TERMO CO OF TEXAS			RECEIVED:	10/04/83 JA: WV			
8400717		4707300114	103	HAMMETT #1	JEFFERSON DISTRICT	0.0	CONSOLIDATED GAS
8400716		4707301143	107-DV	HAMMETT #1	JEFFERSON DISTRICT	0.0	CONSOLIDATED GAS
-TIARA INC			RECEIVED:	10/04/83 JA: WV			
8400829		4708506032	103	SARNARD #4	UNION DISTRICT	0.0	CARNEGIE NATURAL
-TOM F MARSH INC			RECEIVED:	10/04/83 JA: WV			
8400908		4707901095	103	BAYS #1	EGGLETON	25.0	
8400904		4707901095	107-DV	BAYS #1	EGGLETON	25.0	
8400907		4707901094	103	LEWIS #1	EGGLETON	25.0	
8400905		4707901094	107-DV	LEWIS #1	EGGLETON	25.0	
8400909		4707901099	103	PAINTER ET AL #1	EGGLETON	25.0	
8400906		4707901099	107-DV	PAINTER ET AL #1	EGGLETON	25.0	
-TRIDENT MARKETING GROUP CORP			RECEIVED:	10/04/83 JA: WV			
8400734		4700101324	107-DV	BARBOUR CO PARK & REC COMM #8-48-3	BARKER	25.0	COLUMBIA GAS TRAN
8400733		4700101323	107-DV	BARBOUR CO PARK REC COMM #8-47-2	BARKER	10.0	COLUMBIA GAS TRAN
8400703		4700101414	107-DV	BARTLETT #8-53-1	BARKER	25.0	COLUMBIA GAS TRAN
8400732		4700101169	107-DV	DIGMAN #8-32-1	BARKER	25.0	COLUMBIA GAS TRAN
8400704		4701702457	107-DV	MAXSON #8-33-1	BARKER	30.0	COLUMBIA GAS TRAN
8400739		4701702468	107-DV	MCCLOY #8-34-1	BARKER	30.0	COLUMBIA GAS TRAN
8400735		4700101325	107-DV	PAYNE B-49-1	BARKER	25.0	COLUMBIA GAS TRAN
8400755		4701702523	107-DV	SMITH #8-37-1	BARKER	21.5	COLUMBIA GAS TRAN
-UNION DRILLING INC			RECEIVED:	10/04/83 JA: WV			
8400721		4708300561	102-2	ELKINS & KELLY #1 1781	MINCO DISTRICT	0.0	COLUMBIA GAS TRAN
8400702		4708300562	102-2	ELKINS & KELLY #1 1787	MINCO DISTRICT	0.0	COLUMBIA GAS TRAN
8400686		4702103593	103	LINN VENTURE #1 1458	TROY DISTRICT	0.0	COLUMBIA GAS TRAN
8400687		4708100565	103	MCCREERY COAL LAND CO #3 1820	SLAB FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8400725		4708300545	102-2	MOWER LUMBER CO #1 1769	HUTTONSVILLE DISTRICT	0.0	COLUMBIA GAS TRAN
8400701		4708300672	102-2	MOWER LUMBER CO #5 1808	VALLEY BEND DISTRICT	0.0	COLUMBIA GAS TRAN
8400722		4708300711	102-2	MOWER LUMBER CO #6 1817	HUTTONSVILLE DISTRICT	0.0	COLUMBIA GAS TRAN
8400723		4701010073	102-2	MOWER LUMBER COMPANY #1 1768	FORK LICK DISTRICT	0.0	COLUMBIA GAS TRAN
8400718		4709702506	103	PATRICIA PIETRO #1 1832	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8400688		4709702519	103	PAY E BRYANT #1 1614	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8400736		4709701842	103	TRESSIE ALLMAN #1 1453	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8400724		4708300540	102-2	WESTERN MARYLAND #1 (1788)	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8400737		4709702500	103	WOODY LUMBER CO #1 1667	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
-UNION OIL COMPANY OF CALIF			RECEIVED:	10/04/83 JA: WV			
8400839		4703903858	103	WILLIAMS COAL CO #381	CHARLESTON	40.0	CONSOLIDATED GAS
-UNITED OPERATING COMPANY			RECEIVED:	10/04/83 JA: WV			
8400828		4708505284	103	DENZIL ROBINSON 2-A	NORTH FORK OF HUGHES	0.0	CONSOLIDATED GAS
8400826		4708505964	103	GEORGE COKELEY 2-A	NORTH FORK HUGHES RIV	0.0	CONSOLIDATED GAS
8400825		4708505977	103	PIERCE 1-A	NORTH FORK OF HUGHES	0.0	CONSOLIDATED GAS
-VISTA OIL & GAS CORP			RECEIVED:	10/04/83 JA: WV			
8400840		4707301579	103	KESTER #1	JEFFERSON	20.0	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC			RECEIVED:	10/04/83 JA: WV			
8400895		4702103954	107-DV	BURKE #1B	BIG BULL RUN	20.0	
8400893		4700701852	107-DV	GOFF #1B	GATE FORK	30.0	
8400894		4702103953	107-DV	PAUL #1A	ROAD RUN	50.0	
8400844		4702103966	107-DV	SIMMONS #1A	ROAD RUN	27.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN			RECEIVED:	10/04/83 JA: WV			
8400759		4708505347	102-3	AYERS #1	GRANT	0.0	
8400757		4708505290	102-3	BOSTON #1	GRANT	0.0	
8400758		4708505770	102-3	WILLINGHAM #2	GRANT	0.0	

[FR Doc. 83-30325 Filed 11-9-83; 8:45 am]

BILLING CODE 6717-01-C



[Vol. 993]

# Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 4, 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 NOVEMBER 4, 1983

VOLUME 993

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES							
-AMAC INC			RECEIVED:	10/05/83 JA: OH			
8400965		3416727499	103	GERALD DYAR #1	WARREN	5.0	RIVER GAS CO
8400964		3416727497	103	WILLIAM WEISS #1	WARREN	5.0	RIVER GAS CO
-APPALACHIAN EXPLORATION INC			RECEIVED:	10/05/83 JA: OH			
8400967		3415321261	107-TF	SPRINGER UNIT #1	COPLEY	18.3	YANKEE RESOURCES
8400966		3410323379	107-TF	WINLAND UNIT #1	SHARON	18.3	
-ATWOOD RESOURCES INC			RECEIVED:	10/05/83 JA: OH			
8400968		3403124223	103	107-TF RAY BICKEL #1	KEENE	15.0	
-BELDEN & BLAKE & CO #2			RECEIVED:	10/05/83 JA: OH			
8400972		3401921618	103	107-TF L & M WEYANDT #2-341284	BROWN	36.5	
8400971		3401921600	103	107-TF M & M SCHOLLES 5-341331	BROWN	36.5	
8400973		3401921649	103	107-TF M MOWLS ET AL #3-341324	BROWN	36.5	
8400970		3401921568	103	107-TF W & T EBNER COMM #2 - 341208	BROWN	36.5	
8400969		3401921567	103	107-TF WHITTAKER GREER #36 - 341214	BROWN	36.5	
-BERMAN J SHAFER			RECEIVED:	10/05/83 JA: OH			
8400974		3415321410	107-TF	BERNARD CONSTRUCTION #1	RICHFIELD	90.0	EAST OHIO GAS CO
8400975		3415321411	107-TF	BERNARD CONSTRUCTION #2	RICHFIELD	100.0	EAST OHIO GAS CO
8400976		3415321433	107-TF	KEREK #1	RICHFIELD	125.0	EAST OHIO GAS CO
-CANECO RESOURCES CORP			RECEIVED:	10/05/83 JA: OH			
8400977		3416923437	107-TF	MAST #2	WILDCAT	0.0	COLUMBIA GAS TRAN
-CAVENDISH PETROLEUM OF OHIO INC			RECEIVED:	10/05/83 JA: OH			
8400978		3412121585	108	HUPP 1C		15.6	EAST OHIO GAS CO
-CLARENCE K TUSSEL JR			RECEIVED:	10/05/83 JA: OH			
8400979		3400722075	103	107-TF J PIXLEY #1	MONROE	0.0	
-CLARENCE SHERMAN			RECEIVED:	10/05/83 JA: OH			
8400980		3407523761	102-4	D & E YODER #1	CLARK	18.0	EAST OHIO GAS CO
-CUYAHOGA EXPLORATION & DEVELOPMENT			RECEIVED:	10/05/83 JA: OH			
8400981		3411122586	103	CURTIS BENNETT #1	WASHINGTON	13.0	
8400982		3411122964	103	CURTIS BENNETT #3	WASHINGTON	15.1	
-DART OIL COMPANY			RECEIVED:	10/05/83 JA: OH			
8400984		3409921554	103	107-TF SNYDER #4	WEST	30.0	EAST OHIO GAS CO
8400985		3409921555	103	107-TF SNYDER #5	SMITH	30.0	EAST OHIO GAS CO
8400986		3409921556	103	107-TF SNYDER #6	SMITH	0.0	EAST OHIO GAS CO
8400983		3402920894	103	107-TF SUMMERS #2	WEST	20.0	JDS ENERGY CORP
-ENTERPRISE ENERGY CORP			RECEIVED:	10/05/83 JA: OH			
8400990		3416727495	103	DOAK #1	WATERFORD	27.3	
8400989		3415723694	103	107-TF MORELAND #2	UNION	36.5	
8400988		3411926643	103	107-TF OHIO POWER #17	MANCHESTER	18.2	TEXAS EASTERN TRA
8400987		3411523100	103	107-TF ST CLAIR #2	MANCHESTER	18.2	
-ENVIROGAS INC			RECEIVED:	10/05/83 JA: OH			
8400992		3400922703	103	107-TF DRYDOCK COAL #371R	TRIMBLE	18.2	
8400991		3400922696	103	107-TF DRYDOCK COAL #391R	TRIMBLE	18.2	
8400993		3400922724	103	107-TF DRYDOCK COAL #451R	TRIMBLE	18.2	
8400994		3400922818	103	107-TF SUNDAY CREEK COAL #5E	DOVER	18.2	
-FRANKLIN GAS & OIL CO INC			RECEIVED:	10/05/83 JA: OH			
8400995		3415123881	103	107-TF G M INDORE #1	BETHLEHEM	0.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PRDD	PURCHASER
8400996		3415123890	103	107-TF R & M REGULA #1				
-GENERAL ELECTRIC CO				RECEIVED: 10/05/83	JA: OH	BETHLEHEM	0.0	COLUMBIA GAS TRAN
8400997		3405520509	103	107-TF GAUGA ROAD UNIT #1		MIDDLEFIELD	20.0	EAST OHIO GAS CO
-J O B INC				RECEIVED: 10/05/83	JA: OH			
8400998		3416727500	103	KRIS - MAR #9		WARREN	4.0	RIVER GAS CO
-J. V. ALTIER GAS & OIL CO INC.				RECEIVED: 10/05/83	JA: OH			
8400999		3411523109	103	RICHARD BELL #3		PORTERVILLE	4.0	NATIONAL GAS & OI
-JAMES DRILLING CORP				RECEIVED: 10/05/83	JA: OH			
8401000		3400721940	103	107-TF MARGARET E DEWESE #1		ANDOVER	30.0	
-JOHN C MASON				RECEIVED: 10/05/83	JA: OH			
8401002		3407524068	107-TF	BLANCH BARBE		SOMERSET	25.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED: 10/05/83	JA: OH			
8401003		3407540570	103	107-TF EVA BRENNY #1		CLARK	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 10/05/83	JA: OH			
8401004		3405520472	107-TF	L MUNSON #2		CLARIDON	24.0	EAST OHIO GAS CO
-M H BAUMAN & SONS				RECEIVED: 10/05/83	JA: OH			
8401005		3412725988	103	MINNIE CURRY B-1		CLAYTON	36.0	
-MARK RESOURCES CORP				RECEIVED: 10/05/83	JA: OH			
8401007		3400722229	103	KIDNER UNIT #1		SHEFFIELD	30.0	EAST OHIO GAS CO
8401006		3400722182	103	KISTER #3		KINGSVILLE	30.0	EAST OHIO GAS CO
-MID-CON OIL COMPANY				RECEIVED: 10/05/83	JA: OH			
8401008		3400924700	103	VELMA COOPER RIDER #3		BOWLING GREEN	12.0	NATIONAL GAS & OI
-MOUNTAIN GAS VIRGINIA LTD				RECEIVED: 10/05/83	JA: OH			
8401009		3415321188	103	107-TF PARKER UNIT #1		BOSTON	0.0	POI ENERGY INC
-NEIL R. WYNN				RECEIVED: 10/05/83	JA: OH			
8401012		3416727261	108	BOGARD #1			1.0	RIVER GAS CO
8401010		3416727170	108	J LAMP #1			1.0	RIVER GAS CO
8401011		3416727171	108	MIRACLE #1			1.0	RIVER GAS CO
-HUCORP ENERGY INC				RECEIVED: 10/05/83	JA: OH			
8401013		3400721563	103	107-TF CORKREAN BLOXON UNIT		DENMARK	91.0	OHIO GAS CO
-OBERLE JAMES				RECEIVED: 10/05/83	JA: OH			
8401001		3401320350	107-DV	A M DOUDNA #2			10.0	NATIONAL GAS & OI
-ONEAL PETROLEUM INC				RECEIVED: 10/05/83	JA: OH			
8401015		3411523203	107-TF	CLAIR PHILLIS #1		CENTER	273.0	EAST OHIO GAS CO
8401014		3411523098	107-TF	ROGERS #3		PENN	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 10/05/83	JA: OH			
8401040		3411926715	103	A R MERRY #6		PERRY	10.0	
8401139		3411924390	108	CARL SMITH #1			5.0	NATIONAL GAS & OI
8401141		3412725916	103	LULU ST CLAIR #4		MONDAY CREEK	8.0	
8401138		3411924247	108	MAX TOTH #1			5.0	NATIONAL GAS & OI
8401143		3412725972	103	107-TF THEODORE WILLIAMS #4		CLAYTON	10.0	NATIONAL GAS & OI
8401142		3412725918	103	RECEIVED: 10/05/83	JA: OH	HARRISON	10.0	
-PINE TOP ESTATES PARTNERSHIP				RECEIVED: 10/05/83	JA: OH			
8401017		3415321253	103	107-TF HEMPHILL #1		BATH	3.0	EAST OHIO GAS CO
8401016		3415321252	103	107-TF LEO UNIT #2		NORTH HAMPTON	6.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED: 10/05/83	JA: OH			
8401019		3400722291	103	107-TF BOYD #5		ROME	40.0	
8401018		3400721678	103	107-TF H DILLON #1		WAYNE	30.0	
8401020		3405520538	103	107-TF STEINMETZ #1		BAINBRIDGE	45.0	
8401021		3407524107	103	STROUSE #1		RICHLAND	12.0	COLUMBIA GAS TRAN
-POMINEX INC				RECEIVED: 10/05/83	JA: OH			
8401022		3409921608	103	107-TF SWANSTON CHILDREN'S HOME #4		CANFIELD	18.0	
-PROFESSIONAL PETROLEUM INC				RECEIVED: 10/05/83	JA: OH			
8401023		3416727459	103	USA/TAYLOR #4		INDEPENDENCE	8.0	
-BRASEL & BRASEL				RECEIVED: 10/05/83	JA: OH			
8401025		3405320839	107-TF	HAROLD R NOTTER #2		ADDISON	1.0	COLUMBIA GAS TRAN
8401024		3405320688	107-TF	HOBART M DARST #7		CHESHIRE	1.0	COLUMBIA GAS TRAN
-RSC ENERGY CORP				RECEIVED: 10/05/83	JA: OH			
8401026		3411925909	103	107-TF CONSOLIDATION COAL - CR #18		MADISON	27.0	REPUBLIC STEEL CO
8401027		3411925911	103	107-TF CONSOLIDATION COAL - CR #20		MADISON	26.0	REPUBLIC STEEL CO
8401029		3411926355	103	107-TF CONSOLIDATION COAL - CR #42		MADISON	18.5	REPUBLIC STEEL CO
8401028		3411926354	103	107-TF CONSOLIDATION COAL - CR #43		MADISON	18.0	REPUBLIC STEEL CO
8401030		3411926356	103	107-TF CONSOLIDATION COAL - CR #44		MADISON	20.0	REPUBLIC STEEL CO
8401031		3411926370	103	107-TF CONSOLIDATION COAL - CR #45		MADISON	21.0	REPUBLIC STEEL CO
-STOCKER&SITLER INC				RECEIVED: 10/05/83	JA: OH			
8401055		3415722643	108	#4 STOUT UNIT			9.0	THE EAST OHIO GAS
8401049		3415722705	108	ALLISON UNIT #1			4.5	EAST OHIO GAS CO
8401073		3415722813	108	ALLISON UNIT #2			1.5	EAST OHIO GAS CO
8401074		3415722814	108	ALLISON UNIT #3			1.5	EAST OHIO GAS CO
8401075		3415722815	108	ALLISON UNIT #4			6.0	EAST OHIO GAS CO
8401118		3415723319	108	AUTMAN UNIT #1			5.0	EAST OHIO GAS CO
8401111		3415723314	108	BAHLER UNIT #1			4.0	EAST OHIO GAS CO
8401120		3415723518	103	107-TF BAHLE UNIT #2		AUBURN	16.0	REPUBLIC STEEL CO
8401093		3415722929	108	BARTHOLOW LEASE #1			1.5	EAST OHIO GAS CO
8401090		3415722698	108	BEAN UNIT #			8.0	EAST OHIO GAS CO
8401091		3415722899	108	BEAN UNIT #2			8.0	EAST OHIO GAS CO
8401092		3415722904	108	BEAN UNIT #3			8.0	EAST OHIO GAS CO
8401052		3405922422	108	BERTINE LEASE #1			13.5	EAST OHIO GAS CO
8401062		3415722659	108	BOURNE UNIT #1			11.0	EAST OHIO GAS CO
8401079		3415722864	108	BOURNE UNIT #2			0.0	EAST OHIO GAS CO
8401077		3415722859	108	BOURNE UNIT #3			14.0	EAST OHIO GAS CO
8401046		3415722625	108	BRUCE SACKETT UNIT #1			3.0	EAST OHIO GAS CO
8401110		3415723127	108	CARPENTER UNIT #1			1.0	EAST OHIO GAS CO
8401108		3415723117	108	CARPENTER UNIT #2			2.0	EAST OHIO GAS CO
8401109		3415723118	108	CARPENTER UNIT #3			2.5	EAST OHIO GAS CO
8401087		3415722714	108	CHANDLER UNIT #			18.0	EAST OHIO GAS CO
8401089		3415722880	108	CHANDLER UNIT #2			8.0	EAST OHIO GAS CO
8401088		3415722882	108	CHANDLER UNIT #3			14.0	EAST OHIO GAS CO
8401052		3415722640	108	CHANDLER UNIT #4			14.0	EAST OHIO GAS CO
8401122		3415723903	103	CLUM UNIT #1			6.0	EAST OHIO GAS CO
8401125		3416921962	108	107-TF D SPECHT UNIT #3A		AUBURN	17.0	REPUBLIC STEEL CO
8401129		3416922027	108	DAN YODER UNIT #1			5.0	EAST OHIO GAS CO
8401033		3405922542	108	DAN YODER UNIT #2			4.0	EAST OHIO GAS CO
8401061		3415722658	108	DELI LEASE #1			16.0	EAST OHIO GAS CO
8401112		3415723144	108	DICHLER UNIT #1			3.0	EAST OHIO GAS CO
8401123		3416921953	108	DIETZ UNIT #1			3.0	EAST OHIO GAS CO
8401113		3415723147	108	DOROTHY MASTERS LEASE #1			3.0	EAST OHIO GAS CO
8401097		3415723074	108	DUMMERMUTH LEASE #1			5.0	EAST OHIO GAS CO
8401096		3415723075	108	DUNLAP LEASE #1			2.0	EAST OHIO GAS CO
8401098		3415723077	108	DUNLAP LEASE #2			5.0	EAST OHIO GAS CO
8401121		3415723523	103	107-TF EMERSON SPECHT UNIT #2		AUBURN	17.5	REPUBLIC STEEL CO
8401036		3405922584	108	EMERY UNIT #2			6.0	EAST OHIO GAS CO
8401051		3415722636	108	G FILLMAN LEASE #1			10.0	EAST OHIO GAS CO



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401094		3415722969	108		D FILLMAN LEASE #2		9.0	EAST OHIO GAS CO
8401095		3415723073	108		GERDER UNIT #1		7.5	EAST OHIO GAS CO
8401096		3415722657	108		GLASS LEASE #1		16.0	EAST OHIO GAS CO
8401132		3416922031	108		HERSHBERGER UNIT #2		0.5	EAST OHIO GAS CO
8401133		3416922042	108		HERSHBERGER UNIT #3		1.5	EAST OHIO GAS CO
8401124		3416921963	108		J MINER UNIT #1		5.0	EAST OHIO GAS CO
8401104		3415723108	108		JONES UNIT #2		1.0	EAST OHIO GAS CO
8401107		3415723109	108		JONES UNIT #3		1.0	EAST OHIO GAS CO
8401130		3416922028	108		KEIM UNIT #2		3.0	EAST OHIO GAS CO
8401078		3415722863	108		KIDD UNIT #3		6.0	EAST OHIO GAS CO
8401074		3415722857	108		KIDD UNIT #4		5.0	EAST OHIO GAS CO
8401104		3415723106	108		KISCO UNIT #1		1.0	EAST OHIO GAS CO
8401105		3415723107	108		KISCO UNIT #2		5.0	EAST OHIO GAS CO
8401116		3415723395	108		LOWELL SPECHT #1		9.5	EAST OHIO GAS CO
8401128		3416921967	108		MARTIN YODER UNIT #1		3.0	EAST OHIO GAS CO
8401124		3416921961	108		MULLET UNIT #1		3.0	EAST OHIO GAS CO
8401101		3415723088	108		MUNRO UNIT #2		1.0	EAST OHIO GAS CO
8401100		3415723087	108		MUNRO UNIT #3		2.0	EAST OHIO GAS CO
8401099		3415723086	108		MUNRO UNIT #4		7.0	EAST OHIO GAS CO
8401044		3415722622	108		MURRAY UNIT #1		5.0	EAST OHIO GAS CO
8401063		3415722622	108		MURRAY UNIT #2		8.5	EAST OHIO GAS CO
8401064		3415722621	108		MURRAY UNIT #3		5.0	EAST OHIO GAS CO
8401065		3415722642	108		MURRAY UNIT #4		11.0	EAST OHIO GAS CO
8401034		3405922584	108		PADEN UNIT #1		13.0	EAST OHIO GAS CO
8401035		3405922585	108		PERDUE UNIT #2		3.0	EAST OHIO GAS CO
8401038		3415722521	108		PRYSI LEASE #1		12.0	EAST OHIO GAS CO
8401080		3415722865	108		RAY PARKER UNIT #1		10.0	EAST OHIO GAS CO
8401081		3415722866	108		RAY PARKER UNIT #2		6.5	EAST OHIO GAS CO
8401119		3415723362	108		RENNER UNIT #1		8.0	EAST OHIO GAS CO
8401117		3415723310	108		ROBESON UNIT #1		7.0	EAST OHIO GAS CO
8401099		3415722651	108		ROGERS UNIT #1		7.0	EAST OHIO GAS CO
8401058		3415722650	108		ROGERS UNIT #2		7.0	EAST OHIO GAS CO
8401057		3415722649	108		ROGERS UNIT #3		4.0	EAST OHIO GAS CO
8401045		3415722624	108		SACKETT UNIT #1		6.0	EAST OHIO GAS CO
8401040		3415722541	108		SARAH WOLFE UNIT #1		1.0	EAST OHIO GAS CO
8401127		3416921964	108		SHETLER UNIT #1		1.0	EAST OHIO GAS CO
8401134		3416922043	108		SHETLER UNIT #2		4.0	EAST OHIO GAS CO
8401039		3415722540	108		SPENCER UNIT #1		3.0	EAST OHIO GAS CO
8401114		3415723152	108		SPROUL UNIT #1		11.0	EAST OHIO GAS CO
8401115		3415723153	108		SPROUL UNIT #2		8.0	EAST OHIO GAS CO
8401096		3415722642	108		STOUT UNIT #1		10.0	EAST OHIO GAS CO
8401053		3415722641	108		STOUT UNIT #2		6.0	EAST OHIO GAS CO
8401056		3415722644	108		STOUT UNIT #3		3.0	EAST OHIO GAS CO
8401041		3415722544	108		TEOROW UNIT #1		3.0	EAST OHIO GAS CO
8401050		3415722635	108		TEOROW UNIT #2		3.0	EAST OHIO GAS CO
8401049		3415722628	108		TEOROW UNIT #3		3.0	EAST OHIO GAS CO
8401048		3415722627	108		TEOROW UNIT #4		9.5	EAST OHIO GAS CO
8401071		3415722757	108		VOGEL UNIT #1		4.0	EAST OHIO GAS CO
8401085		3415722878	108		W STOCKER LEASE #1		4.0	EAST OHIO GAS CO
8401083		3415722869	108		W STOCKER LEASE #2		6.5	EAST OHIO GAS CO
8401072		3415722768	108		W STOCKER LEASE #3		5.0	EAST OHIO GAS CO
8401086		3415722879	108		W STOCKER LEASE #4		15.0	EAST OHIO GAS CO
8401082		3415722867	108		W STOCKER LEASE #5		4.0	EAST OHIO GAS CO
8401084		3415722870	108		W STOCKER LEASE #6		7.0	EAST OHIO GAS CO
8401103		3415723094	108		WATSON UNIT #1		6.0	EAST OHIO GAS CO
8401102		3415723093	108		WATSON UNIT #2		4.0	EAST OHIO GAS CO
8401037		3406720358	108		WELLS UNIT #1		9.0	EAST OHIO GAS CO
8401042		3415722568	108		WIDDER UNIT #1		5.5	EAST OHIO GAS CO
8401131		3416922029	108		YODER-MILLER UNIT #2		4.5	EAST OHIO GAS CO
8401047		3415722626	108		YOUNG UNIT #1		7.5	EAST OHIO GAS CO
8401066		3415722694	108		ZUMBACH UNIT #1		8.0	EAST OHIO GAS CO
8401043		3415722612	108		ZUMBACH UNIT #2		3.5	EAST OHIO GAS CO
8401067		3415722695	108		ZUMBACH UNIT #3		7.5	EAST OHIO GAS CO
8401068		3415722696	108		ZUMBACH UNIT #4			
-THE DEWATTY CORPORATION				RECEIVED: 10/05/83	JA: OH			
8401135		3411925450	103	107-TF	HUDDLESTON COX UNIT #1	BLUE ROCK	30.0	TEXAS EASTERN PIP
8401137		3411926651	103	107-TF	M WOOD #2	MEIOS	30.0	EAST OHIO GAS CO
8401136		3411522544	103	107-TF	REX/NICHOLS #1	MANCHESTER	30.0	CLINTON AMERICAN
-ZENITH OIL & GAS INC				RECEIVED: 10/05/83	JA: OH			
8401144		3408924616	103		JOHN PARKINSON #1	HENPECK-SOUTH	2.5	COLUMBIA GAS TRAN
8401148		3408924616	D	107-TF	JOHN PARKINSON #1	HENPECK-SOUTH	2.5	COLUMBIA GAS TRAN
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-CITIES SERVICE COMPANY				RECEIVED: 10/05/83	JA: WV			
8401167		4710500953	107-DV		HAMRIC "A" #1	FLAT FORK	23.8	
8401169		4703501631	107-DV		HARMON "A" #1	FLAT FORK	21.0	
8401168		4710500918	107-DV		MCCLUNG "B" #1	FLAT FORK	14.0	
-FRAME & LEANY RESOURCES				RECEIVED: 10/05/83	JA: WV			
8401159		4703900538	108		DINAH J MILAM FARM #5	DINAH J MILAM FARM #5	105.8	COLUMBIA GAS TRAN
8401160		4703900514	108		ROSELLA SHAMBLIN #1	ROSELLA SHAMBLIN FARM	18.0	COLUMBIA GAS TRAN
8401158		4703500450	108		W H BOGESS #1	W H BOGESS FARM #162	0.0	COLUMBIA GAS TRAN
-INLAND EXPLORATION INC				RECEIVED: 10/05/83	JA: WV			
8401182		4708505872	107-DV		M SIMMONS #1	UNION	18.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED: 10/05/83	JA: WV			
8401171		4700101680	103	B-464		GLADE	0.0	CONSOLIDATED GAS
8401170		4704103158	103	B-469		HACKERS CREEK	0.0	CONSOLIDATED GAS
8401178		4709724620	103	J-699		BUCKHANNON	0.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED: 10/05/83	JA: WV			
8401177		4701900486	107-TF		CHARLES COLEMAN SW-420	VALLEY	27.0	ROARING FORK GAS
8401175		4701900489	107-TF		EDITH COOKRD SW-409	VALLEY	12.0	ROARING FORK GAS
8401179		4701900484	107-TF		PRATHER-HUMPHREYS	VALLEY	127.0	ROARING FORK GAS
8401176		4701900487	107-TF		ROSCOE SIMMONS SW-412	VALLEY	26.0	ROARING FORK GAS
8401174		4701900488	107-TF		SIMMS #1 SW-428	VALLEY	0.3	ROARING FORK GAS
-PENNZOIL COMPANY				RECEIVED: 10/05/83	JA: WV			
8401185		4704301473	108		E T SPURLOCK #5	GRIFFITHSVILLE NE	1.5	CONSOLIDATED GAS
-RESERVE EXPLORATION CO				RECEIVED: 10/05/83	JA: WV			
8401181		4708505427	103		HECK #16	UNION	30.0	CONSOLIDATED GAS
-STONEWALL GAS CO				RECEIVED: 10/05/83	JA: WV			
8401173		4704102699	108		Z CURRY #1A 265H	FREEMAN'S CREEK	0.0	CONSOLIDATED GAS
8401172		4704102955	108		ZELIA CURRY #1 - 25-5	FREEMAN'S CREEK	6.0	CONSOLIDATED GAS
-SWIFT ENERGY CO				RECEIVED: 10/05/83	JA: WV			
8401157		4702103814	107-DV		BAILEY "A" #1-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401156		4702103821	107-DV		CLARK "A" #2-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP



JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401161		4701703136	107-DV			COX #2	NEW MILTON DISTRICT	25.0	
8401164		470910030	107-DV			DEANGELIS #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401163		4709100287	107-DV			GRAGG #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401162		4709100280	107-DV			KNOTT'S "B" #2	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401151		4709100297	102-2			LUCAS #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401150		4709100305	102-2			MERRIFIELD #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401154		4702103837	107-DV			MICK "C" #1-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401153		4702103838	107-DV			MICK "C" #2-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401155		4702103829	107-DV			MICK "C" #3-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401166		4702103845	107-DV			MICK "C" #4-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401165		4702103846	107-DV			MICK "C" #5-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401184		4700701799	107-DV			MICK "D" #8	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401185		4700701797	107-DV			MICK "D" #6	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401145		4709100269	107-DV			R KNOTT'S "B" #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8401146		4702103867	107-DV			REESE #1	GLENVILLE NORTH	30.0	TENNESSEE GAS PIP
8401147		4702103871	107-DV			REESE #2	GLENVILLE NORTH	30.0	TENNESSEE GAS PIP
8401148		4702103872	107-DV			REESE #3	GLENVILLE NORTH	30.0	TENNESSEE GAS PIP
8401189		4709100248	107-DV			ROY #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8401190		4709100258	107-DV			SHAFER #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8401188		4700701781	107-DV			SHREVE #2	GLENVILLE-NORTH	30.0	TENNESSEE GAS PIP
8401187		4700701782	107-DV			SHREVE #3	GLENVILLE-NORTH	30.0	TENNESSEE GAS PIP
8401186		4700701783	107-DV			SHREVE #4	GLENVILLE-NORTH	30.0	TENNESSEE GAS PIP
8401149		4709100299	102-2			THORN #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8401152		4702103844	107-DV			TOMBLIN #1-A	GLENVILLE NORTH	50.0	TENNESSEE GAS PIP
8401191		4709100263	107-DV			TURNER #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8401192		4709100264	107-DV			WILLIAMS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8401180	UNITED OPERATING COMPANY	4702103968	103	RECEIVED:	10/05/83	JA: WV CUNNINGHAM #1	TURKEY LICK RUN	0.0	CONSOLIDATED GAS

[FR Doc. 83-30326 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-C



[Vol. 994]

# Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 4, 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-CB: 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 NOVEMBER 4, 1983

VOLUME 994

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** CALIFORNIA DEPARTMENT OF CONSERVATION *****							
***** ARKOMA PRODUCTION CO *****							
8401223	83-6-0062	0410120220	102-4	NEWELL 11-1	GRIMES	700.0	
8401224	83-6-0060	0410120214	103	TARKE 16-1	GRIMES	150.0	
***** CAPITOL OIL CORP *****							
8401221	83-6-0058	0409520592	102-4	DERNER #1	MAINE PRAIRIE	0.5	PACIFIC GAS & ELE
8401220	83-6-0059	0409520597	102-4	DERNER #2	MAINE PRAIRIE	0.5	PACIFIC GAS & ELE
***** CITIES SERVICE COMPANY *****							
8401222	83-6-0057	0409520574	102-4	PERSIC "A" #2	LINDSEY SLOUGH GAS	376.0	PACIFIC GAS & ELE
***** CONOCO INC *****							
8401224	83-6-0049	0401320198	103	MARSH CREEK UNIT #2	OAKLEY	21.9	DOW CHEMICAL CO.
***** G-W RESOURCES CORP *****							
8401218	83-6-0051	0402120248	102-4	STONE CREEK #1 API 021-20248	MALTON-BLACK BUTTE	182.0	PACIFIC GAS & ELE
***** HART EXPLORATION & PRODUCTION CO *****							
8401231	83-2-0020	0403700000	102-4	NEWMALL LAND & FARMING #1-20	DEL VALLE	0.0	UNION OIL CO OF C
8401237	83-2-0026	0403700000	102-4	NEWMALL LAND & FARMING #11-20	DEL VALLE	0.0	UNION OIL CO OF C
8401232	83-2-0021	0403700000	102-4	NEWMALL LAND & FARMING #2-20	DEL VALLE	0.0	UNION OIL CO OF C
8401233	83-2-0022	0403700000	102-4	NEWMALL LAND & FARMING #3-20	DEL VALLE	0.0	UNION OIL CO OF C
8401234	83-2-0023	0403700000	102-4	NEWMALL LAND & FARMING #5-20	DEL VALLE	0.0	UNION OIL CO OF C
8401235	83-2-0024	0403700000	102-4	NEWMALL LAND & FARMING #7-20	DEL VALLE	0.0	UNION OIL CO OF C
8401236	83-2-0025	0403700000	102-4	NEWMALL LAND & FARMING #8-20	DEL VALLE	0.0	UNION OIL CO OF C
***** NATURAL GAS CORPORATION OF CALIF *****							
8401238	83-6-0056	0401120259	102-4	ANDREOTTI #5	GRIMES	1080.0	PACIFIC GAS & ELE
8401219	83-6-0050	0401320202	102-4	WESTERN DELL ANTICO I-25	RIVER BREAK	648.0	PACIFIC GAS & ELE
***** NORTHERN MICHIGAN EXPLORATION CO *****							
8401225	83-6-0063	0401120238	102-4	ZUMWALT #1	NORTH ARBUCKLE	600.0	PACIFIC GAS & ELE
***** STOCKDALE ENERGY CO *****							
8401229	83-6-0053	0411320742	102-4	"FARLIN" 1-1	PLAINFIELD	100.0	TOSCO CORP
8401230	83-6-0052	0411320710	102-4	"HEIDRICK" 6-1	PLAINFIELD	100.0	TOSCO CORP
8401228	83-6-0054	0411320675	102-4	"TDSIE" 8-1	PLAINFIELD	100.0	
***** SUN EXPL. & PROD. CO. - HOUSTON *****							
8401215	83-4-0266	0402967959	103	FEE #58	CYMRIC	3.0	
***** SUN EXPLORATION & PRODUCTION CO *****							
8401204	83-4-0253	0402967401	103	FEE #42	CYMRIC	3.0	
8401203	83-4-0254	0402967407	103	FEE #43	CYMRIC	3.0	
8401202	83-4-0255	0402967929	103	FEE #46	CYMRIC	3.0	
8401205	83-4-0256	0402967930	103	FEE #47	CYMRIC	3.0	
8401206	83-4-0257	0402967931	103	FEE #48	CYMRIC	3.0	
8401207	83-4-0258	0402967932	103	FEE #49	CYMRIC	3.0	
8401208	83-4-0259	0402967933	103	FEE #50	CYMRIC	3.0	
8401209	83-4-0260	0402967934	103	FEE #51	CYMRIC	3.0	
8401210	83-4-0261	0402967935	103	FEE #52	CYMRIC	3.0	
8401211	83-4-0262	0402967956	103	FEE #53	CYMRIC	3.0	
8401212	83-4-0263	0402967957	103	FEE #54	CYMRIC	3.0	
8401213	83-4-0264	0402967937	103	FEE #56	CYMRIC	3.0	
8401214	83-4-0265	0402967958	103	FEE #57	CYMRIC	3.0	
8401216	83-4-0267	0402967960	103	FEE #59	CYMRIC	3.0	

BILLING CODE 5717-01-M



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401217	83-4-0268	0402967961	103	FEE #60	CYMRIC	3.0	
-TXO PRODUCTION CORP			RECEIVED:	10/06/83 JA: CA			
8401227	83-6-0055	0411320744	103	WALLACE 12-1	WINTERS GAS	150.0	PACIFIC GAS & ELE
KANSAS CORPORATION COMMISSION							
*****							
-ANADARKO PRODUCTION COMPANY			RECEIVED:	10/07/83 JA: KS			
8401417	K-79-0335	1511920014	108-ER	FOX C #1	NOVINGER	0.0	CIMARRON-QUINQUE
8401419	K-82-0481	1517520410	108-ER	MIX D #1	SHUCK	0.0	CIMARRON QUINQUE
-GETTY OIL COMPANY			RECEIVED:	10/07/83 JA: KS			
8401415	K-82-0718	1500730054	108-PB	SUTTON A #1	AETHA	0.0	NORTHWEST CENTRAL
-ROBINSON OIL CO			RECEIVED:	10/07/83 JA: KS			
8401418	K-82-0466	1509580000	108-ER	KREBIEL A #1	SPIVEY GRASS	0.0	KANSAS GAS SUPPLY
-SOUTHLAND ROYALTY CO			RECEIVED:	10/07/83 JA: KS			
8401416	K-82-0844	1511920378	108-PB	ADAMS #6-11	CIMMARON BEND	0.0	COLORADO INTERSTA
-TEXACO INC			RECEIVED:	10/07/83 JA: KS			
8401414	K-790608	1511910213	108-PB	A D SANDERS B #1	SINGLEY-SANDERS	0.0	PANHANDLE EASTERN
*****							
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
*****							
-TRAVERSE OIL CO			RECEIVED:	10/06/83 JA: MI			
8401193		2110135479	102-4	GILLISPIE A-36	MANISTEE	164.0	CONSUMERS POWER C
8401194		2105535483	102-4	RICHARDS 1-22B	MAYFIELD 33B	1350.0	CONSUMERS POWER C
*****							
OKLAHOMA CORPORATION COMMISSION							
*****							
-AMOCO PRODUCTION CO			RECEIVED:	10/06/83 JA: OK			
8401398	24103	3500735706	108	ANGLETON GAS UNIT "B" #1	MOCANE LAVERNE	15.6	PANHANDLE EASTERN
8401367	23912	3513990000	108	BURROWS GAS UNIT "A" NO 1	GUYMON-HUGOTON	14.9	PHILLIPS PETROLEU
8401352	23826	3500736468	108	OSBORNE GAS UNIT "C" #1	MOCANE LAVERNE	13.2	NORTHERN NATURAL
8401397	24105	3505935300	108	ZOLLENGER UNIT #1	MOCANE LAVERNE	12.2	MICHIGAN WISCONS
-ANADARKO PRODUCTION COMPANY			RECEIVED:	10/06/83 JA: OK			
8401345	23884	3500321039	103	BLEN 2-23	LAMBERT S E	32.0	PIONEER GAS PRODU
-ARKOMA GAS CO			RECEIVED:	10/06/83 JA: OK			
8401364	23282	3512120530	108	G G MYERS #1-28-T	WEST SCIPIO	3.0	ARKLA INC
-BLAIR OIL COMPANY			RECEIVED:	10/06/83 JA: OK			
8401407	3235	3500320251	108-ER	OUTHIER-SPRINGER #1	SOONER TREND	22.0	PIONEER GAS PRODU
-BLUE QUAIL ENERGY INC			RECEIVED:	10/06/83 JA: OK			
8401348	23798	3501722448	103	HAAZ #1	MUSTANG	162.0	PHILLIPS PETROLEU
-BOB L LOFTIS			RECEIVED:	10/06/83 JA: OK			
8401331	23810	3506321391	103	GERTIE B LOFTIS #3	GREASY CREEK	18.3	WELLHEAD ENTERPRI
-C J CASSELMAN			RECEIVED:	10/06/83 JA: OK			
8401379	24113	3511123992	108	KING-B #1	MORRIS	18.3	PHILLIPS PETROLEU
8401334	24112	3511124010	108	KING-B #2	MORRIS	18.3	PHILLIPS PETROLEU
8401393	24024	3511124324	103	MC CARTY #1-A	MORRIS	18.3	PHILLIPS PETROLEU
-CHAMPLIN EXPLORATION INC			RECEIVED:	10/06/83 JA: OK			
8401362	23583	3509322680	103	NICHOLSON #2-19	WEST ORIENTA	375.0	AMINOIL U S A INC
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	10/06/83 JA: OK			
8401389	23589	3509300000	103	JACOB J JANTZEN #3	EAST CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CITIES SERVICE COMPANY			RECEIVED:	10/06/83 JA: OK			
8401347	23790	3513920577	108	GIBSON A #2	MOUSER	7.1	PANHANDLE EASTERN
-CLARK RESOURCES INC			RECEIVED:	10/06/83 JA: OK			
8401390	23960	3507323786	103	OMEGA 19-1	SOONER TREND	140.0	WARREN PETROLEUM
-CONTINENTAL RESOURCES CORP			RECEIVED:	10/06/83 JA: OK			
8401411	21152	3504321527	102-4	HERRING #22-2		0.0	HYDROCARBON SERVI
-DAN DARLING OIL			RECEIVED:	10/06/83 JA: OK			
8401320	23817	3505300000	103	SCHMITZ #2	EAST LAMONT	100.0	FARMLAND INDUSTRI
-DAN E DARLING			RECEIVED:	10/06/83 JA: OK			
8401318	23818	3505300000	103	CORY #1	EAST LAMONT	150.0	FARMLAND INDUSTRI
-DAVON DRILLING CO			RECEIVED:	10/06/83 JA: OK			
8401396	24140	3500300000	108	POWELL #1	N E VINING	20.0	NORTHWEST CENTRAL
-DILCO			RECEIVED:	10/06/83 JA: OK			
8401338	24042	3511124141	103	DILCO #1-4	N E OKMULGEE	100.0	PHILLIPS PETROLEU
-DLB ENERGY CORP			RECEIVED:	10/06/83 JA: OK			
8401321	21770	3507323711	102-4	CLIFFORD 30-13	SOONER TREND	250.0	PHILLIPS PETROLEU
-EAGLE MINERALS INC.			RECEIVED:	10/06/83 JA: OK			
8401325	21570	3503723993	102-2	ADAMS #1		0.0	PARKS ENERGY INVE
-EL PASO NATURAL GAS COMPANY			RECEIVED:	10/06/83 JA: OK			
8401413	22141	3514920140	108-PB	PARKS-MELVIN #1	ELK CITY GRANITE WASH	0.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED:	10/06/83 JA: OK			
8401369	21598	3514900000	103	WALLIS - GRETEMAN #1	BURNS FLAT	124.0	NATURAL GAS PIPEL
-EXXON CORPORATION			RECEIVED:	10/06/83 JA: OK			
8401406	25515	3512920771	107-DP	DURWOOD M YORK GAS UNIT #1	WEST REYDON	344.0	EL PASO NATURAL G
-FUNK EXPLORATION INC			RECEIVED:	10/06/83 JA: OK			
8401312	22154	3500722380	102-4	BEAVER #1-14	CAMRICK GAS AREA	350.0	PANHANDLE EASTERN
8401382	22155	3500722392	102-4	KERNIT #1-15	CAMRICK GAS AREA	500.0	PANHANDLE EASTERN
-G R PIERCE OIL PROPERTIES INC			RECEIVED:	10/06/83 JA: OK			
8401381	20482	3508321045	103	BENNET #4	LAWRIE	0.0	EASON OIL CO
-GETTY OIL COMPANY			RECEIVED:	10/06/83 JA: OK			
8401400	24014	3513900000	108	BERGNER "A" #1	GUYMON HUGOTON	9.1	NORTHWEST CENTRAL
8401342	23891	3572277500	108	DOMA SPEARS #15	SHO-VEL-TUM	1.7	GETTY OIL CO
8401343	23890	3513722808	108	DOMA SPEARS #16	SHO-VEL-TUM	1.7	GETTY OIL CO
-GRACE PETROLEUM CORPORATION			RECEIVED:	10/06/83 JA: OK			
8401356	23851	3515135278	108	GASKILL 1-15	TEAGARDEN	0.0	PANHANDLE EASTERN
-GULF OIL CORPORATION			RECEIVED:	10/06/83 JA: OK			
8401341	23896	3508730016	108	ROBERT JAMESON #1	WEST GOLDSBY FIELD	0.0	SUN EXPLORATION &
8401385	23239	3500700000	108	SPEYERS STATE #1	FORGAN SOUTH MISSISSI	17.0	PANHANDLE EASTERN
-HARPER OIL COMPANY			RECEIVED:	10/06/83 JA: OK			
8401337	24045	3500722442	103	HAUTH #1	CLEARLAKE	109.0	EL PASO NATURAL G
8401346	23739	3504723298	103	HEDGES #2	N DRUMMOND	170.0	ARKANSAS LOUISIAN
8401401	23987	3507300000	108	MARY #1	S W LYONS	0.0	PHILLIPS PETROLEU
8401405	23920	3501720541	108	RIVERS A-1		15.0	OKLAHOMA GAS & EL
-HELMERICH & PAYNE INC			RECEIVED:	10/06/83 JA: OK			
8401324	22065	3504321661	102-4	BOILEAU #1-21		0.0	HYDROCARBON SERVI
-INEXCO OIL COMPANY			RECEIVED:	10/06/83 JA: OK			
8401326	22085	3512920941	102-2	BAKER #1-9	EAST STRONG CITY	820.0	
-JAY PETROLEUM INC			RECEIVED:	10/06/83 JA: OK			
8401340	23897	3508121944	103	COX #1	NE MIDLOTHIAN	36.5	TRIOK INC
-JOHN P DOWNEY INC			RECEIVED:	10/06/83 JA: OK			
8401327	22272	3508322165	102-2	INSKEEP #1		444.0	BUCKEYE NATURAL G
-K M ENERGY INC			RECEIVED:	10/06/83 JA: OK			
8401339	23900	3513900000	108	GODLEY 2	CAMRICK	1.0	
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	10/06/83 JA: OK			
8401399	73277	3506120218	108	EPFLER #1	KINTA	15.2	ARKANSAS LOUISIAN



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KANOKLA ENERGY CORP			RECEIVED:	10/06/83	JA: OK			
8401323	21995	3513321955	102-2		BARTER #1	SASAKAWA	208.0	KANOKLA ENERGY CO
8401322	21994	3513322101	102-2		CLAYTON #2	CLAYTON	20.0	KANOKLA ENERGY CO
8401357	23863	3513322230	103		HARJO #1		30.0	KANOKLA ENERGY CO
-KUB OIL PROPERTY MANAGEMENT INC			RECEIVED:	10/06/83	JA: OK			
8401387	23947	3512120947	103		RODD #2-16	SOUTH PINE HOLLOW	73.0	ARKANSAS-LOUISIAN
-LANDERS & MUSGROVE			RECEIVED:	10/06/83	JA: OK			
8401392	24015	3508121936	103		ARTHUR #1	E CHANDLER	0.0	MERIDIAN ENERGY I
-LEAR PETROLEUM EXPLORATION INC			RECEIVED:	10/06/83	JA: OK			
8401363	22318	3501521492	102-2		TUCKER #1-25	NE SICKLES	1.0	EL PASO NATURAL G
-LEC LTD			RECEIVED:	10/06/83	JA: OK			
8401388	21835	3503723814	102-4		MOSE 2-A	WEST SAPULPA	150.0	
-M M RESOURCES INC			RECEIVED:	10/06/83	JA: OK			
8401329	23746	3504723356	103		ARLO #1		54.8	ARCO OIL & GAS CO
-MACK OIL CO			RECEIVED:	10/06/83	JA: OK			
8401335	24095	3508120872	103		DANKER #1 (40)	WILDCAT	0.0	SUN GAS CO
-MESA PETROLEUM CO			RECEIVED:	10/06/83	JA: OK			
8401372	25693	3500920424	107-DP		COX #2-34	UNDESIGNATED HUNTON	360.0	
8401373	25691	3500920489	107-DP		KEATHLEY #1-31	UNDESIGNATED MORROW	500.0	
-MOBIL OIL CORP			RECEIVED:	10/06/83	JA: OK			
8401368	23914	3501900000	108		GRAHAM DEESE #56-9 D & SPARKS #9	SHO VEL TUM	0.1	LONE STAR GAS CO
8401394	24159	3504900000	108		GRIMMETT #1	GOLDEN TREND	0.9	WARREN PETROLEUM
8401395	24158	3513700000	108		WILDHORSE #23-3A FRANKLIN FEE 3A	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-MORAN EXPLORATION INC			RECEIVED:	10/06/83	JA: OK			
8401370	19822	3501722041	102-2		SMRCKA #2	YUKON	0.0	PHILLIPS PETROLEU
-NORTH CENTRAL DRILLING CO INC			RECEIVED:	10/06/83	JA: OK			
8401316	24017	3508121981	103		WARD/WALKER #2 081-76024-2	EAST DAVENPORT	150.0	NATURAL GAS ENTER
-OFS-TULSA CORP			RECEIVED:	10/06/83	JA: OK			
8401328	23618	3507323641	103		HELEN #1-16	SOONER TREND	98.0	CONOCO INC
-PETROL ENERGY INC			RECEIVED:	10/06/83	JA: OK			
8401334	24046	3510720910	103		FORRESTER 2-A (OTC) 107-65747	SOUTH BEARDEN	25.0	WELLHEAD ENTERPRI
-PETROLEUM RESERVE CORP			RECEIVED:	10/06/83	JA: OK			
8401385	23935	3508121999	103		JOHNSON "C" 34-1	NORTH TRYON	90.0	SUN EXPLORATION &
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	10/06/83	JA: OK			
8401384	23119	3504721421	108		CRIDER A #1	SOONER TREND	13.7	TRANSOK PIPELINE
8401310	23123	3504721569	108		LEAVENGOOD B #2	SOONER TREND	16.1	TRANSOK PIPELINE
8401409	23354	3501720727	108-PB		PETTIGREW A #1	UNION CITY	10.0	TRANSOK PIPELINE
-QUASIOUS DAVID			RECEIVED:	10/06/83	JA: OK			
8401361	23876	3511100000	103		COLLINS #1		0.0	PHILLIPS PETROLEU
-RACHALK PRODUCTION INC			RECEIVED:	10/06/83	JA: OK			
8401353	23833	3500321014	103		STARKS #1	WAKITA TREND	25.0	SUN EXPLORATION &
-RAMEY OIL CORP			RECEIVED:	10/06/83	JA: OK			
8401358	23866	3503722831	103		SEWELL LEASE #7 037-22831	GLENPOOL	0.0	PHILLIPS PETROLEU
-RICK BUCK OIL & GAS CORP			RECEIVED:	10/06/83	JA: OK			
8401344	23889	3501722363	103		BESSIE #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-RONOY HOWARD E			RECEIVED:	10/06/83	JA: OK			
8401410	21147	3511100000	108		PATTON #3 REF 857-7779	SCHULTER	5.0	PHILLIPS PETROLEU
-S K TUTHILL & B J BARBEE			RECEIVED:	10/06/83	JA: OK			
8401402	23925	3515120792	108		KURZ #1-19	NORTH EDITH	0.0	NORTHERN NATURAL
8401404	23923	3515321188	108		SIMPSON WALKER #1-12	SOUTH FREEDOM	0.0	PANHANDLE EASTERN
8401351	23824	3515300000	108		WALKER #1-31	SW FAIRVALLEY	0.0	PANHANDLE EASTERN
8401403	23924	3515321155	108		MELTY 1-9	SOUTHWEST FREEDOM	0.0	PANHANDLE EASTERN
-SARINE CORP			RECEIVED:	10/06/83	JA: OK			
8401412	23747	3504300000	108		ROSS "A" #2-18		14.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION			RECEIVED:	10/06/83	JA: OK			
8401376	25495	3501521545	107-DP		MASSEY FARMS #1-34	S HYDRO	900.0	OKLAHOMA GAS & EL
8401375	25535	3501521505	107-DP		SHANKLIN #1-28		0.0	OKLAHOMA GAS & EL
-SAND ROCK PETROLEUM INC			RECEIVED:	10/06/83	JA: OK			
8401333	24118	3513100000	103		ALICE JONES #2		24.2	DIAMOND 'S' GAS S
-SANTA FE ENERGY PRODUCTS CO			RECEIVED:	10/06/83	JA: OK			
8401315	25646	3514920378	102-3		DICKERSON #1	S W LIBBIE	2700.0	OKLAHOMA GAS & EL
8401314	24087	3503920844	107-DP		LARRY #1	S WEATHERFORD	2037.0	OKLAHOMA GAS & EL
-SANTA FE-ANDOVER OIL CO			RECEIVED:	10/06/83	JA: OK			
8401389	23949	3501121815	103		GRABOW #19-3		110.0	OKLAHOMA GAS PIPE
-SENECA OIL CO			RECEIVED:	10/06/83	JA: OK			
8401317	19251	3501722135	102-4		GENZER #1-1		54.8	PHILLIPS PETROLEU
8401371	19115	3501722164	102-4		SHAFENBERG #1-17		36.5	PHILLIPS PETROLEU
-SHAWVER & SON INC			RECEIVED:	10/06/83	JA: OK			
8401313	21513	3508300000	103		MEYERS #1		75.6	BUCKEYE NATURAL G
-SHELL OIL CO			RECEIVED:	10/06/83	JA: OK			
8401408	09420	3504500000	108-ER		OTHERN #1-32	CATESBY	73.0	TRANSWESTERN PIPE
8401354	23842	3500722460	103		SCHWAB #5-34	BALDWIN	726.4	
-SOUTHLAND ROYALTY CO			RECEIVED:	10/06/83	JA: OK			
8401359	23878	3509321895	108		CAMPBELL #1-35	ORION	6.5	PANHANDLE EASTERN
-SOUTHWEST EXPLORATION INC			RECEIVED:	10/06/83	JA: OK			
8401378	24132	3510900000	103		PORTER #1		0.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	10/06/83	JA: OK			
8401350	23879	3505300000	108		S W WAKITA UNIT #6-2	S W WAKITA	0.4	NORTHWEST CENTRAL
-SUNDANCE ENERGY CORP			RECEIVED:	10/06/83	JA: OK			
8401386	23867	3504722724	103		WINCHESTER #1	SOONER TREND	22.0	ONG WESTERN INC
-TENNECO OIL COMPANY			RECEIVED:	10/06/83	JA: OK			
8401365	23899	3507321076	108		YOST UNIT #1-29	ALPHA SOUTHEAST	5.0	PUBLIC SERVICE CO
-TEXACO INC			RECEIVED:	10/06/83	JA: OK			
8401355	23848	3504900000	108		COLA ROSS #1 ROSS GIBSON #1	GOLDEN TREND	8.5	WARREN PETROLEUM
8401383	22092	3513900000	102-4		C N TREECE "B" #2	RICE S W	134.0	TRANSWESTERN PIPE
8401366	23901	3513700000	108		W G BARNARD #1	MARLOW	10.3	ARKANSAS-LOUISIAN
-TEXAS AMERICAN OIL CORP			RECEIVED:	10/06/83	JA: OK			
8401330	23748	3502720385	103		JENNETTA #1	MOORE WEST	17.5	SUN GAS CO
-TXO PRODUCTION CORP			RECEIVED:	10/06/83	JA: OK			
8401349	23799	3507920323	108		COGGINS "A" #1		16.3	COLUMBIA GAS TRAN
8401391	23972	3504321658	103		NOSMER #1	N OAKWOOD	0.0	DELHI GAS PIPELIN
8401350	23800	3507920323	108		JONES "M" #1	CEDARS	11.3	DELHI GAS PIPELIN
8401374	25537	3503920878	107-DP		PEYATT #2	N CUSTER CITY	0.0	TRANSWESTERN PIPE
-UNION OIL COMPANY OF CALIF			RECEIVED:	10/06/83	JA: OK			
8401352	25445	3500920402	107-DP		BROWN #1-5	NE MAYFIELD	0.0	
-UNIT DRILLING & EXPLORATION CO			RECEIVED:	10/06/83	JA: OK			
8401311	22182	3505120971	102-4		GRAY #1	N W CHITWOOD	15.0	TRANSOK PIPELINE
-WARD PETROLEUM CORP			RECEIVED:	10/06/83	JA: OK			
8401377	24139	3505100000	103		CARL #1	S W CHICKASHA	234.0	PHILLIPS PETROLEU
8401319	23928	3502720745	103		LILAC #1		465.0	SUN GAS CO

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 PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES  
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-ADDOE OIL & GAS CORPORATION RECEIVED: 10/06/83 JA: PA



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401262	20789	3706327437	103	TIMOTHY KALUS #2	BURNSIDE	26.0	T W PHILLIPS
-ALCOVE INVESTMENTS			RECEIVED:	10/06/83 JA: PA			
8401288	21069	3700522733	103	WILLIAM R & MARY E LINKO #2	COWANSHANNOCK	10.0	PEOPLES NATURAL G
-ARMCLAR GAS CO			RECEIVED:	10/06/83 JA: PA			
8401275	20967	3700522737	103	JOHN CULBERTSON #2 - 92A	HOGBACK	18.3	COLUMBIA GAS TRAN
-B & B OIL & GAS PRODUCTIONS CO			RECEIVED:	10/06/83 JA: PA			
8401273	20963	3706327528	103	FLORENCE B & ROBERT K DICKEY #1	WEST MAHONING	20.0	
8401274	20965	3700529840	103	R E & D E BARRETT CHILDRENS TR #1	WAYNE	15.0	PEOPLES NATURAL G
-DELTA DRILLING CO			RECEIVED:	10/06/83 JA: PA			
8401289	21071	3706327554	103	BENNETT #1 IND 27554	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC			RECEIVED:	10/06/83 JA: PA			
8401305	21108	3706324030	103	C HENDERSON #1 KL-37	UPPER DEVONIAN SANDS	20.0	PEOPLES NATURAL G
8401301	21101	3706324031	103	C HENDERSON #2 KL-38	UPPER DEVONIAN SANDS	20.0	PEOPLES NATURAL G
8401306	21106	3706323926	103	CRAWFORD (EHENGER) #1 KL-13	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8401307	21107	3706323927	103	CRAWFORD (EHENGER) #2 KL-14	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8401302	21102	3706324036	103	KARL REARIC #1 KL-39	UPPER DEVONIAN SANDS	20.0	PEOPLES NATURAL G
8401305	21105	3706323718	103	WADE HELMAN #1 KL-5	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
8401303	21103	3706323719	103	WAYNE HELMAN #1 KL-3	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
8401304	21104	3706323720	103	WAYNE HELMAN #2 KL-4	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
-EASTERN STATES EXPLORATION CO			RECEIVED:	10/06/83 JA: PA			
8401250	20411	3706522417	108	HARRY KATZEN CO #1	RATHMEL	15.0	NATIONAL FUEL GAS
8401249	20410	3706522496	108	HARRY KATZEN CO #2	RATHMEL	15.0	NATIONAL FUEL GAS
8401248	20409	3706522433	108	JAMES E PIERCE #1	RATHMEL	18.0	NATIONAL FUEL GAS
8401247	20407	3706522395	108	JOHN MC CONNEL #1	MARSAW	15.0	NATIONAL FUEL GAS
-ENVIROGAS INC			RECEIVED:	10/06/83 JA: PA			
8401240	18964	3704921896	107-TF	F STARVAGGI #2	NORTH EAST DEEP	18.0	NATURAL FUEL GAS
8401239	17548	3704921455	107-TF	G POST #2	LAKESHORE DEEP	18.0	NATURAL FUEL GAS
8401241	19300	3704922260	107-TF	W GARTNER #1	NORTH EAST DEEP	18.0	NATURAL FUEL GAS
-G & G GAS INC			RECEIVED:	10/06/83 JA: PA			
8401286	21067	3703121015	108	H LOURAIN SMITH #CLA-21015	REDBANK	10.0	COLUMBIA GAS TRAN
8401290	21081	3703121031	108	HOLLOBAUGH #1	SHANNONDALE	8.0	COLUMBIA GAS TRAN
8401287	21068	3706522498	108	K SMITH #1	BEAVER	10.0	COLUMBIA GAS TRAN
8401291	21082	3703120977	108	LLOYD MILLER #1	SHANNONDALE	8.0	COLUMBIA GAS TRAN
-H D HUGH AGENY			RECEIVED:	10/06/83 JA: PA			
8401251	20789	3700522790	103	J FRANK SCHRENGGOST #2	SHELTZER	35.0	PEOPLES NATURAL G
-HAMILTON-RICHARDS			RECEIVED:	10/06/83 JA: PA			
8401277	20972	3712900000	108	JAMES F O'HARA #1	BLAIRSVILLE	2.6	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED:	10/06/83 JA: PA			
8401293	21085	3700522411	108	C SCHRENGGOST #3	PLUMCREEK	6.0	PEOPLES NATURAL G
8401292	21084	3706324652	108	JOHN SEMON SR #1 (16A)	CENTER	0.0	PEOPLES NATURAL G
8401299	21098	3706325101	108	MARY WAGNER #2 (62A)	WASHINGTON	0.0	PEOPLES NATURAL G
8401294	21086	3700522432	108	MELVIN PETTIGREW #2	COWANSHANNOCK	17.6	PEOPLES NATURAL G
8401295	21087	3706522148	108	P BEATTY #1	PUNKSUTAMNEY BORO	0.0	CONSOLIDATED GAS
8401296	21092	3703320710	108	ROBERT KESTER #6	BELL	0.0	T W PHILLIPS GAS
8401297	21095	3703327702	108	ROBERT KESTER #7	BELL	0.0	T W PHILLIPS GAS
8401300	21099	3706522410	108	ROY REARICK #3	PLUMCREEK	10.0	PEOPLES NATURAL G
8401298	21096	3703320666	108	ROYAL OIL & GAS CO #9	BELL	5.0	T W PHILLIPS GAS
-LEBOEUF ENERGY INC			RECEIVED:	10/06/83 JA: PA			
8401258	20747	3704922595	107-TF	GATES #1 ERI-22595	WATERFORD	0.0	NATIONAL FUEL GAS
8401257	20746	3704922595	102-2	GATES #1 ERI-22595	WATERFORD	0.0	NATIONAL FUEL GAS
8401260	20749	3704922596	102-2	MCGAHAN #1 ERI-22596	WATERFORD	0.0	NATIONAL FUEL GAS
8401259	20748	3704922596	107-TF	MCGAHAN #1 ERI-22596	WATERFORD	0.0	NATIONAL FUEL GAS
-NEA CROSS CO			RECEIVED:	10/06/83 JA: PA			
8401268	20861	3704922939	102-2	CLYDE H PETERS #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8401267	20860	3704922939	107-TF	CLYDE H PETERS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8401266	20859	3704922880	102-2	GEORGE & GORDON PETERS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8401265	20858	3704922880	107-TF	GEORGE & GORDON PETERS #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8401270	20863	3704922964	102-2	LAIRD ORTON #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8401269	20862	3704922964	107-TF	LAIRD ORTON #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8401264	20857	3704922914	102-2	SAMUEL SCHWEITZER #1	MILL VILLAGE BORE	10.0	COLUMBIA GAS TRAN
8401263	20856	3704922916	107-TF	SAMUEL SCHWEITZER #1	MILL VILLAGE BORE	10.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION			RECEIVED:	10/06/83 JA: PA			
8401271	20889	3704922612	107-TF	STUBENHOFFER #1	NORTHEAST	0.0	COLUMBIA GAS TRAN
8401272	20890	3704922612	102-2	STUBENHOFFER #1	NORTHEAST	0.0	COLUMBIA GAS TRAN
-PEOPLES NATURAL GAS CO			RECEIVED:	10/06/83 JA: PA			
8401261	20768	3700522830	103	DALE S LIAI #1 - ARM-22830	W PENNA-UPPER DEVONIA	14.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO			RECEIVED:	10/06/83 JA: PA			
8401252	20730	3706327402	103	PAUL E CARLSON #1	BLACKLICK	25.0	
-PCCOLOMINI JOHN R JR			RECEIVED:	10/06/83 JA: PA			
8401242	18876	3705120052	108	C R MANSELL #1 OUTSIDE WELL 3 3798	FRANKLIN	5.5	PEOPLES NATURAL G
-RINDFUSS ROBERT P & BARBARA J			RECEIVED:	10/06/83 JA: PA			
8401278	21022	3704922126	107-TF	RINDFUSS #2 ERI-22126	WATERFORD	0.0	COLUMBIA GAS TRAN
8401276	21021	3704922126	102-2	RINDFUSS #2 ERI-22126	WATERFORD	0.0	COLUMBIA GAS TRAN
-S T JOINT VENTURE - 81-8			RECEIVED:	10/06/83 JA: PA			
8401243	20182	3706522440	108	BUHITE #1	MCCALMONT	25.0	NATIONAL FUEL GAS
8401244	20185	3706522378	108	KNES5 #1	WINSLOW	25.0	NATIONAL FUEL GAS
8401245	20186	3706522441	108	KNES5 #1	WINSLOW	25.0	NATIONAL FUEL GAS
8401246	20187	3706522442	108	KNES5 #2	WINSLOW	25.0	NATIONAL FUEL GAS
-TETRA ENERGY GROUP LTD			RECEIVED:	10/06/83 JA: PA			
8401279	21036	3704923045	107-TF	FRANK JONES #1	UNION CITY FIELD EMMO	30.0	COLUMBIA GAS TRAN
8401282	21039	3704923042	107-TF	LYLE LOZIER #1	UNION CITY FIELD EMMO	7.2	COLUMBIA GAS TRAN
8401284	21041	3704923006	107-TF	PERRY DAVIDS #1	UNION CITY FIELD EMMO	14.4	COLUMBIA GAS TRAN
8401283	21040	3704923002	107-TF	RICHARD BLORE #1	UNION CITY FIELD EMMO	8.0	COLUMBIA GAS TRAN
8401280	21037	3704923041	107-TF	STANLEY KROL #1	UNION CITY FIELD EMMO	50.0	COLUMBIA GAS TRAN
8401281	21038	3704923003	107-TF	STANLEY KROL #2	UNION CITY FIELD EMMO	8.1	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP			RECEIVED:	10/06/83 JA: PA			
8401254	20743	3704922520	107-TF	D BENSINK #2	CARTER HILL	10.0	NATIONAL FUEL GAS
8401253	20742	3704922520	102-2	D BENSINK #2	CARTER HILL	10.0	NATIONAL FUEL GAS
8401256	20745	3704922556	107-TF	VIOLET MORE #1	CARTER HILL	10.0	NATIONAL FUEL GAS
8401255	20744	3704922556	102-2	VIOLET MORE #1	CARTER HILL	10.0	NATIONAL FUEL GAS
-VINCENT KUTCH			RECEIVED:	10/06/83 JA: PA			
8401285	21061	3706328976	107-PE	L H RHEA WELL #1	CRETE CHURCH AREA	2.0	PEOPLES NATURAL G
***** VIRGINIA DEPARTMENT OF LABOR & INDUSTRY *****							
-PHILADELPHIA OIL COMPANY			RECEIVED:	10/06/83 JA: VA			
8401200	4505120576	103		ISAAC COCHRAN - #P-166C	NORA	27.6	KENTUCKY WEST VIR
8401201	4505120588	103		JAMES H SUTHERLAND - #P-167C	NORA	67.5	KENTUCKY WEST VIR
8401199	4505120486	103		JESSE WAMPLER - #P-143	NORA	26.7	KENTUCKY WEST VIR
8401197	4505120461	103		MELL PHIPPS - #P-134	NORA	12.3	KENTUCKY WEST VIR
8401198	4505120475	103		STEINMAN DEVELOPMENT CO - #P-140	NORA	67.5	KENTUCKY WEST VIR
8401195	4505120162	103		T J BALL - #P-23	NORA	51.5	KENTUCKY WEST VIR
8401196	4505120466	103		WILMA C HELTON #P-133	NORA	145.7	KENTUCKY WEST VIR

[PR Doc. 83-30327 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-C



(Vol. 995)

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

Issued: November 4, 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 NOVEMBER 4, 1983

VOLUME 995

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*****								
WEST VIRGINIA DEPARTMENT OF MINES								
*****								
-ALLEGHENY LAND & MINERAL COMPANY RECEIVED: 10/07/83 JA: WV								
8401639		4703302557	108	A-1001	CLAY DISTRICT	0.0	CONSOLIDATED GAS	
8401658		4708505189	108	A-1042	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401654		4710300619	108	A-663	GRANT DISTRICT	0.0	CONSOLIDATED GAS	
8401644		4703301095	108	A-674	UNION DISTRICT	0.0	CONSOLIDATED GAS	
8401584		4703301182	108	A-697	SARDIS DISTRICT	0.0	CONSOLIDATED GAS	
8401581		4704102936	108	A-805	HACKERS CREEK DISTRICT	0.0	EQUITABLE GAS CO	
8401653		4704102935	108	A-811	HACKERS CREEK DISTRICT	0.0	EQUITABLE GAS CO	
8401650		4700701423	108	A-836	SALT LICK DISTRICT	0.0	CONSOLIDATED GAS	
8401648		4701702792	108	A-889	MCCLELLAN DISTRICT	0.0	CONSOLIDATED GAS	
8401656		4709702107	108	A-890	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS	
8401640		4704102929	108	A-909	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401583		4708505018	108	A-937	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401582		4708505019	108	A-938	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401660		4708505020	108	A-940	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401657		4708505214	108	A-942	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401637		4703302543	108	A-944	SARDIS DISTRICT	0.0	CONSOLIDATED GAS	
8401649		4700701676	108	A-951	SALT LICK DISTRICT	0.0	CONSOLIDATED GAS	
8401638		4703302556	108	A-953	CLAY DISTRICT	0.0	CONSOLIDATED GAS	
8401646		4702103739	108	A-972	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS	
8401645		4702103756	108	A-978	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS	
8401659		4708505140	108	A-979	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401655		4709702217	108	A-989	UNION DISTRICT	0.0	CONSOLIDATED GAS	
8401642		4704103028	108	A-991	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS	
8401643		4708505007	108	A-997	MURPHY DISTRICT	0.0	CONSOLIDATED GAS	
8401641		4704103025	108	A-998	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS	
8401647		4701703005	108	A-999	MCCLELLAN DISTRICT	0.0	CONSOLIDATED GAS	
-APPCO OIL & GAS CORP RECEIVED: 10/07/83 JA: WV								
8401575		4708505941	103	H G GIBONEY #3	GRANT DIST	1750.0	CONSOLIDATED GAS	
8401570		4708505941	107-DV	H G GIBONEY #3	GRANT DIST	1750.0	CONSOLIDATED GAS	
-BEREA OIL AND GAS CORPORATION RECEIVED: 10/07/83 JA: WV								
8401545		4700121621	108	D P HANEY #1	VALLEY	20.3	CONSOLIDATED GAS	
8401511		4700121348	108	E GAINER #1	BARKER	9.4	CONSOLIDATED GAS	
8401510		4700121061	108	W HARPER #2	VALLEY	20.0	CONSOLIDATED GAS	
8401512		4700121426	108	W T GEORGE #2	VALLEY	19.1	CONSOLIDATED GAS	
-BOW VALLEY PETROLEUM INC RECEIVED: 10/07/83 JA: WV								
8401447		4710501003	107-DV	GODWIN #987	CLAY	0.0	COLUMBIA GAS TRAN	
8401441		4710500938	103	REX #950	CLAY	0.0	COLUMBIA GAS TRAN	
8401448		4710500938	107-DV	REX TRACT 950	CLAY	0.0	COLUMBIA GAS TRAN	
8401446		4710501017	107-DV	ROBINSON #42	CLAY	0.0	COLUMBIA GAS TRAN	
8401442		4710501017	103	ROBINSON #42	CLAY	0.0	COLUMBIA GAS TRAN	
-BRAXTON OIL AND GAS CORP RECEIVED: 10/07/83 JA: WV								
8401571		4708300727	107-DV	BENNETT #1	ELLAMORE	60.0	COLUMBIA GAS TRAN	
8401577		4700701679	108	FRANK #1	BURNSVILLE 7.5	10.0	CONSOLIDATED GAS	
8401579		4700701680	108	FREDA WELL #1	BURNSVILLE 7.5	10.0	CONSOLIDATED GAS	
8401572		4708300596	107-DV	MADDER #3	JIM TOWN	60.0	COLUMBIA GAS TRAN	

BILLING CODE 6717-01-M



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BUFFALO RESOURCES CORP							
8401630		4707901102	RECEIVED: 10/07/83	JA: WV	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401631		4707901100	107-DV	KEIFFER #1	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401632		4707901100	105	LOUGHNER #1	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401633		4707901014	105	LOUGHNER #1	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401634		4707901014	107-DV	WESTERN LAND	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401635		4707901015	105	WESTERN LAND #1	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
8401636		4707901015	107-DV	WESTERN LAND #2	TEAYS VALLEY	0.0	COLUMBIA GAS TRAN
-CENTRAL PACIFIC GROUP							
8401443		4708703708	RECEIVED: 10/07/83	JA: WV	GROUP	0.0	COLUMBIA GAS TRAN
8401444		4708703715	107-DV	GRIFITH #1	LOONEYVILLE	0.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM							
8401564		4708504434	RECEIVED: 10/07/83	JA: WV	CLAY DISTRICT	17.0	CONSOLIDATED GAS
8401489		4708504435	108	BEN MCCULLOUGH #1	CLAY DISTRICT	22.0	CONSOLIDATED GAS
8401500		4701702788	108	BEN MCCULLOUGH #2	CENTRAL DISTRICT	5.0	CONSOLIDATED GAS
8401493		4708504476	108	BRITTON-LEGGETT #2	CLAY DISTRICT	8.0	CONSOLIDATED GAS
8401490		4704102887	108	BRITTON-LEGGETT #3	SKIN CREEK DISTRICT	15.0	CONSOLIDATED GAS
8401499		4704100000	108	BRUFFEY #3	SKIN CREEK DISTRICT	14.4	CONSOLIDATED GAS
8401494		4704102897	108	HARDMAN #1	SKIN CREEK DISTRICT	18.0	CONSOLIDATED GAS
8401492		4704102870	108	HARDMAN #2	COURT HOUSE & SKIN CR	2.0	CONSOLIDATED GAS
8401491		4704102871	108	STALNAKER #1	COURT HOUSE DISTRICT	13.0	CONSOLIDATED GAS
8401501		4704102878	108	STALNAKER #2	COURT HOUSE DISTRICT	8.0	CONSOLIDATED GAS
8401498		4704102883	108	STALNAKER #3	COURT HOUSE & SKIN CR	10.0	CONSOLIDATED GAS
8401497		4704102889	108	STALNAKER #4	COURT HOUSE & SKIN CR	21.0	CONSOLIDATED GAS
8401496		4704102890	108	STALNAKER #5	COURT HOUSE & SKIN CR	14.0	CONSOLIDATED GAS
8401495		4704102891	108	STALNAKER #6	SKIN CREEK DISTRICT	11.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY							
8401450		4703901997	RECEIVED: 10/07/83	JA: WV	DAVIS CREEK	5.5	COLUMBIA GAS TRAN
8401449		4703902030	108	HARDY A NEWBURG #14	DAVIS CREEK	10.2	COLUMBIA GAS TRAN
8401477		4703902030	108	HARDY A NEWBURG #15	DAVIS CREEK	2.5	COLUMBIA GAS TRAN
8401455		4701702794	108	HARDY A NEWBURG #18	SMITHBURG	11.4	CONSOLIDATED GAS
8401458		4701702691	108	LONGACRE "A" #4	SMITHBURG	9.2	CONSOLIDATED GAS
8401457		4701702758	108	MAXWELL "B" #29	SMITHBURG	12.3	CONSOLIDATED GAS
8401456		4701702759	108	MAXWELL "D" #25	SMITHBURG	12.3	CONSOLIDATED GAS
8401463		4704700203	108	MAXWELL "D" #26	SMITHBURG	20.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION							
8401482		4708504302	RECEIVED: 10/07/83	JA: WV	JOLO	0.2	GENERAL SYSTEM PU
8401481		4701502485	108	MCCORMICK "A" #2	MURPHY	16.0	GENERAL SYSTEM PU
8401576		4703302823	103	A M EDGELL 6047	CENTER	0.6	GENERAL SYSTEM PU
8401586		4704700143	108	C A JARVIS 11376	CLAY	8.0	GENERAL SYSTEM PU
8401560		4703301133	108	CONSOLIDATION COAL CO 12777	BROOKS CREEK	20.0	GENERAL SYSTEM PU
8401565		4704101567	108	CROZER LAND ASSOCIATION 9890	EAGLE	15.0	GENERAL SYSTEM PU
8401564		4700101248	108	E L COFFMAN 12436	HACKERS CREEK	17.0	GENERAL SYSTEM PU
8401479		4703300543	108	ELIZABETH LAWSON 10940	PLEASANT	21.0	GENERAL SYSTEM PU
8401558		4700101776	102-4	GILLESPIE MAYLE #2 12639	UNION	3.0	GENERAL SYSTEM PU
8401480		4703300517	108	H E DAWSON 5216	BARKER	11.0	GENERAL SYSTEM PU
8401574		4700100967	108	HERMAN POLING #1 12786	UNION	18.0	GENERAL SYSTEM PU
8401484		4703300649	108	J S LAW 11159	PLEASANT	0.4	GENERAL SYSTEM PU
8401487		4704101968	108	JAMES E SAYERS 12500	CENTER	19.0	GENERAL SYSTEM PU
8401580		4700101775	103	JOHN D THOMPSON 529	COURT HOUSE	11.0	GENERAL SYSTEM PU
8401485		4702100889	108	JOHN GILLOOLY 11747	GLADE	20.0	GENERAL SYSTEM PU
8401562		4703300832	108	JOHN GILLOOLY 12788	CENTER	16.0	GENERAL SYSTEM PU
8401561		4703300952	108	LOUIS BENNETT 9687	GRANT	19.0	GENERAL SYSTEM PU
8401488		4704101742	108	MAE GASTON 11826	GRANT	17.0	GENERAL SYSTEM PU
8401483		4706100311	108	MAE GASTON 12196	FREEMANS CREEK	16.0	GENERAL SYSTEM PU
8401634		4701703117	102-4	PRUDENCE M O'HARA 11217	MORGAN	8.0	GENERAL SYSTEM PU
8401557		4700101767	103	ROY HASKWORTH A - #1 10961	WEST UNION	5.0	GENERAL SYSTEM PU
8401563		4700100664	108	RUBY FARR MAXWELL #3 12789	PHILIPPI	21.0	GENERAL SYSTEM PU
8401478		4703300565	108	SCOTT WAGNER #1 12781	UNION	13.0	GENERAL SYSTEM PU
8401573		4709702500	102-4	THELMA WEAVER #1 11763	WASHINGTON	20.7	CONSOLIDATED GAS
-DEVON ENERGY CORP							
8401652		4704102957	RECEIVED: 10/07/83	JA: WV	ST CLAIR	10.0	TENNESSEE GAS TRA
-FOX DRILLING CO INC							
8401432		4700101677	RECEIVED: 10/07/83	JA: WV	COVE	10.0	TENNESSEE GAS TRA
8401445		4700101513	103	DUMIRE #2	PHILIPPI	10.0	TENNESSEE GAS TRA
8401440		4700101513	107-DV	FREEMAN #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8401435		4700101657	103	FREEMAN #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8401472		4700101657	107-DV	MOSS #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8401437		4700101625	103	MOSS #1	GLADE	10.0	TENNESSEE GAS TRA
8401475		4700101625	107-DV	MURPHY #1	GLADE	10.0	TENNESSEE GAS TRA
8401439		4700101603	103	MURPHY #1	GLADE	10.0	TENNESSEE GAS TRA
8401434		4700101637	103	OWENS #1	COVE	10.0	TENNESSEE GAS TRA
8401473		4700101637	107-DV	PLEVICH #1	GLADE	10.0	TENNESSEE GAS TRA
8401471		4700101637	107-DV	PLEVICH #1	GLADE	10.0	TENNESSEE GAS TRA
8401431		4700101695	103	QUEEN #1	PHILLIPI	10.0	TENNESSEE GAS TRA
8401433		4700101696	103	QUEEN #2	PHILLIPI	10.0	TENNESSEE GAS TRA
8401470		4700101696	107-DV	QUEEN #2	PHILLIPI	10.0	TENNESSEE GAS TRA
8401476		4700101617	107-DV	SMARR #1	GLADE	10.0	TENNESSEE GAS TRA
8401438		4700101617	103	SMARR #1	GLADE	10.0	TENNESSEE GAS TRA
8401436		4700101633	103	WILT #4	GLADE	10.0	TENNESSEE GAS TRA
8401474		4700101633	107-DV	WILT #4	GLADE	10.0	TENNESSEE GAS TRA
-GUERNSEY PETROLEUM CORPORATION							
8401421		4708703684	RECEIVED: 10/07/83	JA: WV	SPENCER	0.0	COLUMBIA GAS TRAN
8401454		4708703684	107-DV	R D HERSMAN HEIRS #2	SPENCER	0.0	COLUMBIA GAS TRAN
-J C BAKER & SONS INC							
8401578		4700701749	RECEIVED: 10/07/83	JA: WV	SALT LICK	11.0	CONSOLIDATED GAS
-JAMES F SCOTT							
8401651		4701701605	RECEIVED: 10/07/83	JA: WV	MCCLELLAN	0.0	CONSOLIDATED GAS
8401633		4704900739	103	J A SCHUTTE 5-147	UNION	0.7	CONSOLIDATED GAS
-KAISER ENERGY INC							
8401634		4703500575	RECEIVED: 10/07/83	JA: WV	SILVERTON	1.0	GAS TRANSPORT INC
8401635		4703500574	108	BLANCHE ASHCRAFT SIV #3	SILVERTON	0.5	GAS TRANSPORT INC
8401636		4703500645	108	BLANCHE ASHCRAFT SIV #5	SILVERTON	1.0	GAS TRANSPORT INC
8401637		4703500645	108	BLANCHE ASHCRAFT SIV #6	SILVERTON	0.5	GAS TRANSPORT INC
8401638		4703500809	108	BOSO & RITCHIE INC #1 SIV #51	SILVERTON	0.5	GAS TRANSPORT INC
8401639		4703500809	108	BOSO & RITCHIE INC #4 SIV #53	SILVERTON	0.5	GAS TRANSPORT INC
8401640		4703500809	108	BOSO & RITCHIE INC #6 SIV #55	SILVERTON	0.5	GAS TRANSPORT INC
8401641		4703500809	108	BOSO & RITCHIE SIV #36	SILVERTON	0.5	GAS TRANSPORT INC
8401642		4703500809	108	BOSO & RITCHIE SIV #40	SILVERTON	0.5	GAS TRANSPORT INC
8401643		4703500809	108	C E NICHOLSON SIV-17	SILVERTON	0.5	GAS TRANSPORT INC
8401644		4703500812	108	CARSON #2 SIV #37	SILVERTON	0.5	GAS TRANSPORT INC
8401645		4703500843	108	CARSON #4 SIV #38	SILVERTON	0.5	GAS TRANSPORT INC
8401646		4703500822	108	D D FOSTER SIV #38	SILVERTON	0.5	GAS TRANSPORT INC
8401647		4703500830	108	E F SUCK #1-F SIV #16	SILVERTON	0.5	GAS TRANSPORT INC
8401648		4703500845	108	E F SUCK #2-F SIV #15	SILVERTON	0.5	GAS TRANSPORT INC



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401517		4703500650	108		E F SUCK #3 SIV #14	SILVERTON	0.5 GAS	TRANSPORT INC
8401515		4703500644	108		E F SUCK SIV #12	SILVERTON	1.0 GAS	TRANSPORT INC
8401520		4703500637	108		E F SUCK SIV #13	SILVERTON	0.5 GAS	TRANSPORT INC
8401538		4703501067	108		FLORIDA HAFER #1 SIV #44	SILVERTON	1.0 GAS	TRANSPORT INC
8401544		4703501372	108		FLORIDA HAFER #2 SIV #43	SILVERTON	1.0 GAS	TRANSPORT INC
8401536		4703500820	108		HOLLEY H BENNETT #1 SIV #25	SILVERTON	0.5 GAS	TRANSPORT INC
8401513		4703500661	108		HOLLEY H BENNETT CC #1 SIV #24	SILVERTON	0.5 GAS	TRANSPORT INC
8401523		4703500849	108		HOLLEY H BENNETT SIV #23	SILVERTON	0.5 GAS	TRANSPORT INC
8401514		4703500633	108		JAMES A SUCK SIV #6	SILVERTON	0.5 GAS	TRANSPORT INC
8401537		4703500714	108		JOHN C ELDER #1 SIV #29	SILVERTON	0.5 GAS	TRANSPORT INC
8401526		4703500841	108		JOHN C ELDER #4 SIV #28	SILVERTON	0.5 GAS	TRANSPORT INC
8401543		4703501242	108		LUTHER BALIS SIV #7	SILVERTON	7.0 GAS	TRANSPORT INC
8401525		4703500837	108		MABEL HUTCHINSON #3 SIV #18	SILVERTON	0.5 GAS	TRANSPORT INC
8401541		4703501112	108		RARDIN #1 SIV #47	SILVERTON	1.0 GAS	TRANSPORT INC
8401542		4703501204	108		RARDIN #2 SIV #46	SILVERTON	1.0 GAS	TRANSPORT INC
8401529		4703500826	108		RAY E RITCHIE SIV #34	SILVERTON	0.5 GAS	TRANSPORT INC
8401518		4703500920	108		RICHLAND FARMS SIV #41	SILVERTON	0.5 GAS	TRANSPORT INC
8401540		4703501069	108		VIRGIL HAFER #2 SIV #42	SILVERTON	1.0 GAS	TRANSPORT INC
-KAISER EXPLORATION & MINING CO			RECEIVED:	10/07/83	JA: WV			
8401586		4703501777	107-DV		CARROL HAWKINS KEM #281	ELK/POCA	31.0 KAISER ALUMINUM	1
8401588		4703501731	107-DV		CLARA L STAATS KEM #235	ELK/POCA	23.0 KAISER ALUMINUM	1
8401587		4703501546	107-DV		FLOYD SAYRE KEM #59	ELK/POCA	19.8 KAISER ALUMINUM	1
-L & M PETROLEUM INC			RECEIVED:	10/07/83	JA: WV			
8401451		4707301588	103		CARPENTER/HART #6	JEFFERSON	10.0 CONSOLIDATED GAS	
8401462		4707300860	108		LC WAGNER #1	UNION	10.0 COLUMBIA GAS TRAN	
-MAGNUM OIL CORP			RECEIVED:	10/07/83	JA: WV			
8401469		4708505024	108		BROWNIE AMICK #001	GRANT DISTRICT	24.0 CONSOLIDATED GAS	
8401468		4701702628	108		JACKSON #1 DDDO-2628	DUCKWORTH	23.0 CONSOLIDATED GAS	
-NRM PETROLEUM CORPORATION			RECEIVED:	10/07/83	JA: WV			
8401551		4709701918	108		KDON #1	MIDDLE FORK RIVER	7.0 COLUMBIA GAS TRAN	
8401553		4709701895	108		LEIGHT #1	MIDDLE FORK RIVER	10.0 COLUMBIA GAS TRAN	
8401552		4709701895	108		SWICK #2	MIDDLE FORK RIVER	10.0 COLUMBIA GAS TRAN	
8401554		4709701925	108		SWICK 3	MIDDLE FORK RIVER	3.0 COLUMBIA GAS TRAN	
-PENNZOIL COMPANY			RECEIVED:	10/07/83	JA: WV			
8401444		4700501222	108		A B CHAMBERS #2	YAWKEY-FREEMAN	0.1 CONSOLIDATED GAS	
8401467		4700501223	108		A B CHAMBERS #3	YAWKEY-FREEMAN	0.3 CONSOLIDATED GAS	
8401466		4701302184	108		A M BENNETT #2	HENRIETTA	1.7 CONSOLIDATED GAS	
8401460		4703301949	108		BEESON H BROWN #14	TEN MILE	13.7 CONSOLIDATED GAS	
8401465		4700501220	108		J M BILLUPS #2	YAWKEY-FREEMAN	1.9 CONSOLIDATED GAS	
8401461		4702103473	108		KATY WILT #1	REVERE	0.4 CONSOLIDATED GAS	
8401502		4700501066	108		YAWKEY-FREEMAN #110	YAWKEY-FREEMAN	16.5 CONSOLIDATED GAS	
8401503		4700501091	108		YAWKEY-FREEMAN #113	YAWKEY-FREEMAN	2.1 CONSOLIDATED GAS	
8401459		4704301844	108		YAWKEY-FREEMAN #117	YAWKEY-FREEMAN	17.3 CONSOLIDATED GAS	
-PRENCO			RECEIVED:	10/07/83	JA: WV			
8401430		4707301548	103		POWELL HRS - P-10	BRUSHY FORK	18.0 CONSOLIDATED GAS	
8401429		4707301498	103		POWELL HRS - P-5	BRUSHY FORK	15.0 CONSOLIDATED GAS	
-RAMCO OIL & GAS CORP			RECEIVED:	10/07/83	JA: WV			
8401589		4708549450	108		BURL DODD #1	BURL DODD	7.3 CARNEGIE NATURAL	
8401631		4705901015	103		U S STEEL #32	U S STEEL	0.0 CONSOLIDATED GAS	
8401632		4705901014	103		U S STEEL WELL NO 31	U S STEEL	0.0 CONSOLIDATED GAS	
-RIMROCK PRODUCTION CORP			RECEIVED:	10/07/83	JA: WV			
8401549		4703903909	103		WANNER #2	JOHNSON FORK OF FALLI	37.0	
8401509		4703903909	107-DV		WANNER #2	JOHNSON FORK OR FALLI	37.0	
-STERLING DRILLING AND PROD CO INC			RECEIVED:	10/07/83	JA: WV			
8401559		4701501863	108		BUGGS #382	OTTER DISTRICT	4.0 COLUMBIA GAS TRAN	
8401550		4701502016	103		HYER #565	OTTER DISTRICT	5.0 BROOKLYN UNION GA	
8401555		4701501699	103		STAHLMAN #205	BUFFALO DISTRICT	0.3	
-STONESTREET LANDS CO			RECEIVED:	10/07/83	JA: WV			
8401427		4701303497	103		HELMICK #1-S-368	ELMIRA	11.6 COLUMBIA GAS TRAN	
8401428		4701303481	103		JACOBS #19-S-363	ELMIRA	1.0 CONSOLIDATED GAS	
8401422		4701303498	103		JACOBS #20-S-371	ELMIRA	2.4 CONSOLIDATED GAS	
8401425		4701303499	103		JACOBS #24-S-373	ELMIRA	2.9 CONSOLIDATED GAS	
8401426		4701303503	103		JACOBS #25-S-374	ELMIRA	0.0 CONSOLIDATED GAS	
8401424		4701303524	103		JACOBS #38-S-390	ELMIRA	7.2 CONSOLIDATED GAS	
8401423		4701303528	103		JACOBS #42-S-393	ELMIRA	1.7 CONSOLIDATED GAS	
-SWIFT ENERGY CO			RECEIVED:	10/07/83	JA: WV			
8401624		4700701825	103		A FRIEND #4	OTTER DISTRICT	50.0 TENNESSEE GAS PIP	
8401605		4701703169	103		B COX "B" #1	NEW MILTON DISTRICT	100.0	
8401593		4701703169	107-DV		B COX "B" #1	NEW MILTON DISTRICT	100.0	
8401604		4701703174	103		B COX "B" #2	NEW MILTON DISTRICT	100.0	
8401592		4701703174	107-DV		B COX "B" #2	NEW MILTON DISTRICT	100.0	
8401619		4702103814	103		BAILEY "A" #1-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401590		4709702475	107-DV		BRAKE #1	BUCKHANNON	50.0	
8401602		4709702475	103		BRAKE #1	BUCKHANNON	50.0	
8401618		4702103821	103		CLARK "A" #2-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401607		4701703136	103		COX #2	NEW MILTON DISTRICT	25.0	
8401625		4709100293	107-DV		DADISMAN #1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401599		4709100302	102-2		DEANGELIS #1	FETTERMAN	50.0 TENNESSEE GAS PIP	
8401595		4709100298	102-2		LUCAS #A-1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401595		4709100298	107-DV		LUCAS #A-1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401596		4709100297	107-DV		LUCAS #1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401626		4701703112	107-DV		MAXWELL #1	NEW MILTON	25.0	
8401608		4701703112	103		MAXWELL #1	NEW MILTON	25.0	
8401617		4702103837	103		MICK "C" #1-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401615		4702103838	103		MICK "C" #2-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401616		4702103829	103		MICK "C" #3-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401613		4702103845	103		MICK "C" #4-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401612		4702103846	103		MICK "C" #5-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401620		4700701797	103		MICK "D" #6	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401600		4709100254	107-DV		MOATS #1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401611		4702103867	103		REESE #1	GLENVILLE NORTH	30.0 TENNESSEE GAS PIP	
8401610		4702103871	103		REESE #2	GLENVILLE NORTH	30.0 TENNESSEE GAS PIP	
8401609		4702103872	103		REESE #3	GLENVILLE NORTH	30.0 TENNESSEE GAS PIP	
8401606		4701703141	103		S ESTACK #2	MCCLELLAN DISTRICT	5.0	
8401594		4701703141	107-DV		S ESTACK #2	MCCLELLAN DISTRICT	25.0	
8401598		4709100290	107-DV		SATTERFIELD #1	FETTERMAN DISTRICT	50.0 TENNESSEE GAS PIP	
8401623		4700701781	103		SHREVE #2	GLENVILLE - NORTH	30.0 TENNESSEE GAS PIP	
8401622		4700701782	103		SHREVE #3	GLENVILLE - NORTH	30.0 TENNESSEE GAS PIP	
8401621		4700701783	103		SHREVE #4	GLENVILLE - NORTH	30.0 TENNESSEE GAS PIP	
8401614		4702103844	103		TOMBLIN #1-A	GLENVILLE NORTH	50.0 TENNESSEE GAS PIP	
8401603		4701703178	103		WOLFE #1	MCCLELLAN	50.0	
8401591		4701703178	107-DV		WOLFE #1	MCCLELLAN	50.0	
8401601		4709702493	103		ZICKEFOOSE #1	WASHINGTON DISTRICT	100.0	
8401627		4709702493	107-DV		ZICKEFOOSE #1	WASHINGTON DISTRICT	100.0	



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNION DRILLING INC					RECEIVED: 10/07/83 JA: WV			
8401420		470550087	103		BLUE JAY LUMBER CO #1 1852	JUMPING BRANCH DISTRI	0.0	COLUMBIA GAS TRAN
8401453		4708100423	103		MCCREERY COAL & LAND #5 1827	SLAB FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8401452		4708100424	103		MCCREERY COAL & LAND CO #6 1828	SLAB FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-WATMAN W BUCHANAN					RECEIVED: 10/07/83 JA: WV			
8401506		4708505870	102-3		BECKETT #1	UNKNOWN	0.0	
8401532		4708505337	102-3		CHANCELLOR #1	UNKNOWN	0.0	
8401531		4708505400	102-3		HALL/TETTRICK #1	UNKNOWN	0.0	
8401505		4708505325	102-3		MORTON #1	UNKNOWN	0.0	
8401508		4708505799	102-3		SWADLEY #1	UNKNOWN	0.0	
8401507		4708505800	102-3		SWADLEY #2	UNKNOWN	0.0	
8401530		4708505762	102-3		T SMITH #1	UNKNOWN	0.0	
8401504		4708505298	102-3		WHITE #1	UNKNOWN	0.0	
-WILLIAMS M T					RECEIVED: 10/07/83 JA: WV			
8401567		4701700365	108		JESSE WILLIAMS #1	COVE DISTRICT	15.0	EQUITABLE GAS CO
8401568		4701700766	108		JESSE WILLIAMS #2	COVE DISTRICT	15.0	EQUITABLE GAS CO
8401569		4701701074	108		JESSE WILLIAMS #3	COVE DISTRICT	15.0	EQUITABLE GAS CO

[FR Doc. 83-30328 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-C



[Vol. 996]

# Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 4, 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-CB: 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 NOVEMBER 4, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME
***** TEXAS RAILROAD COMMISSION *****					
-AMERADA HESS CORPORATION		RECEIVED: 10/07/83	JA: TX		
8401818	F-08-073109	4232900000	108		TEX-HARVEY SPRABERRY UNIT #306
-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 10/07/83	JA: TX		
8401712	F-04-070300	4221531274	103		D V GUERRA #1
-AMOCO PRODUCTION CO		RECEIVED: 10/07/83	JA: TX		
8401862	F-8A-073289	4221933824	103		LEVELLAND UNIT #783
8401691	F-8A-067655	4221933694	103		MAY MONTGOMERY UNIT #64
8401861	F-8A-073288	4221933778	103		MAY MONTGOMERY UNIT #78
8401863	F-08-073290	4200333553	103		MIDLAND FARMS "BC" #2
-ANDERSON PRODUCING INC		RECEIVED: 10/07/83	JA: TX		
8401704	F-04-069030	4221500000	102-4		CNG PRODUCING #1
-ARCO OIL AND GAS COMPANY		RECEIVED: 10/07/83	JA: TX		
8401711	F-02-069755	4239130580	103		J N D'BRIEN D #5
8401754	F-08-072337	4200333300	103		UNIVERSITY 11 SEC 13 B-5
-ARKLA EXPLORATION COMPANY		RECEIVED: 10/07/83	JA: TX		
8401687	F-06-066978	4236531511	102-2	107-TF	THOMAS #1
-BAY ROCK CORPORATION		RECEIVED: 10/07/83	JA: TX		
8401801	F-02-073032	4202531949	102-4		G H WALLEK #1
-BEN J TAYLOR		RECEIVED: 10/07/83	JA: TX		
8401851	F-7B-073253	4236732390	103		WRIGHT "A" 2 106496
-BRIGHT & COMPANY		RECEIVED: 10/07/83	JA: TX		
8401769	F-04-072673	4221531326	102-4	107-TF	HANMAN "A" -5
-BRITTON JERALD C		RECEIVED: 10/07/83	JA: TX		
8401731	F-09-071299	4223735223	102-4		MCCRACKEN-RHODES #1
-BRITTON OPERATING INC		RECEIVED: 10/07/83	JA: TX		
8401774	F-09-072753	4223735260	102-4		SHOUN #1 #106658
-CANYON RESOURCES INC		RECEIVED: 10/07/83	JA: TX		
8401858	F-10-073277	4208730216	103		TAYLOR WELL #1
8401859	F-10-073278	4208730213	103		TAYLOR WELL #2
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 10/07/83	JA: TX		
8401678	F-03-062403	4205100000	102-2		MARTIN KNESEK "A" #2
8401667	F-7C-057472	4210533885	103	107-TF	P C PERNER "B" #1
8401683	F-08-064779	4243131251	103	107-TF	R L COPE #7
-CHARLES E HANNOH		RECEIVED: 10/07/83	JA: TX		
8401829	F-08-073131	4232900000	108		FASKEN A-3
-CHESTER R UPHAM JR		RECEIVED: 10/07/83	JA: TX		
8401768	F-7B-072666	4236700000	102-4		JONES ESTATE #2
-CORRA OIL AND GAS CORPORATION		RECEIVED: 10/07/83	JA: TX		
8401701	F-03-068735	4208931356	102-4	103	BROYLES "B" #1
-CONOCO INC		RECEIVED: 10/07/83	JA: TX		
8401757	F-04-072401	4250531668	103	107-TF	BELIA R BENAVIDES "B" #6
8401797	F-08-072945	4200350000	108		UNIVERSITY -5- #1 ID 01652
-COTTON PETROLEUM CORPORATION		RECEIVED: 10/07/83	JA: TX		
8401679	F-06-062507	4200530145	102-4		MCLEAN ESTATE #1
8401682	F-10-064250	4235731285	103		MORRIS ESTATE "D" #1
-DCB OIL & GAS INC		RECEIVED: 10/07/83	JA: TX		

BILLING CODE 6717-01-M

VOLUME 996

FIELD NAME	PROD	PURCHASER
SPRABERRY TREND	0.1	
SHARE B PARCEL 2 TRAC	0.0	ESPERANZA TRANSMI
LEVELLAND	84.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	44.0	AMOCO PRODUCTION
FASKEN (PENN)	137.0	AMOCO PRODUCTION
CHIHUAHUA (8,000')	43.0	TEXAS EASTERN TRA
GRETA (4400) ASSOCIAT	68.0	TRANSCONTINENTAL
MARTIN (CLEARFORK)	255.0	PHILLIPS PETROLEU
CARTHAGE	650.0	ARKANSAS LOUISIAN
HOLZMARK SOUTH (HOCKL	0.0	HOUSTON PIPE LINE
CAL-TEX (CADD0)	6.0	LONE STAR GAS CO
MONTE CHRISTO (VK58G-	1000.0	TECO PIPELINE CO
PEAVY (CONGLOMERATE 4	500.0	TEXAS UTILITIES F
BLACK BOX (CONGL)	766.5	TEXAS UTILITIES F
PANHANDLE EAST	73.0	HIGH PLAINS NATUR
PANHANDLE EAST	36.5	HIGH PLAINS NATUR
BIG A (TAYLOR)	0.0	FERGUSON CROSSING
PERNER RANCH (DEVONIA	2117.0	PRODUCER'S GAS CO
CONGER SW (PENN)	108.0	NORTHERN NATURAL
SPRABERRY	20.0	PHILLIPS PETROLEU
LAZY BEND (STRAWN 195	0.0	LIQUID ENERGY COR
RAMSEY (9,250') WILCO	185.0	TEJAS-SOUTHWESTER
HUNDIDO (LOBO)	0.0	UNITED TEXAS TRAN
FUHRMAN-MASCHO	0.1	PHILLIPS PETROLEU
RED LAND NORTH	0.0	UNITED GAS PIPELI
ELLIS RANCH (CLEVELAN	167.0	



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401760	F-08-072512	4231732663	103		NANCE #2	SPRABERRY (TREND AREA	16.4	PHILLIPS PETROLEU
-DIAMOND	SHAMROCK CORPORATION		RECEIVED:	10/07/83	JA: TX			
8401722	F-10-070798	4239330848	102-4		FRANK CHAMBERS "A" #3	MIAMI N	0.0	PANHANDLE EASTERN
8401720	F-10-070796	4239330636	102-4		FRANK CHAMBERS "B" #2	MIAMI N	0.0	WESTAR TRANSMISSI
8401719	F-10-070795	4239330791	102-4		FRANK CHAMBERS "B" #4	MIAMI N	0.0	WESTAR TRANSMISSI
8401725	F-10-070800	4239330790	102-4		SUSAN B KAUFMAN #4-81UT	MIAMI N	0.0	
8401724	F-10-070800	4239330790	102-4		SUSAN B KAUFMAN #5-81UT	MIAMI N	0.0	
8401723	F-10-070799	4239330803	102-4		VERNON FLOWERS #6	MIAMI N	0.0	WESTAR TRANSMISSI
8401721	F-10-070797	4239330635	102-4		VERNON FLOWERS ESTATE #3	MIAMI N	0.0	PANHANDLE EASTERN
8401726	F-10-070802	4239330767	102-4		VERNON M FLOWERS ESTATE #4	MIAMI N	0.0	
8401727	F-10-070803	4239330804	102-4		VERNON M FLOWERS ESTATE #5-UT	MIAMI N	0.0	WESTAR TRANSMISSI
-DISCOVERY OPERATING INC			RECEIVED:	10/07/83	JA: TX			
8401762	F-08-068889	4232931139	103		SYNATSCHK "A" #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-EL PASO EXPLORATION CO			RECEIVED:	10/07/83	JA: TX			
8401849	F-7C-073247	4238300000	103		JALONICK 39 #3	SPRABERRY TREND AREA	10.0	EL PASO NATURAL G
-ENRICH OIL CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401805	F-7C-073078	4239932739	102-4		E L EUBANKS #1 (10107)	W F M (GOEN LIME)	50.0	UNION TEXAS PETRO
8401806	F-7C-073079	4239932770	102-4		J F PRIDDY #1 (10204)	W F M (GOEN LIME)	58.0	UNION TEXAS PETRO
-ENSERCH EXPLORATION INC			RECEIVED:	10/07/83	JA: TX			
8401764	F-8A-072594	4203330883	103		MILLER #2	HOOD N	79.0	SUN EXPLORATION &
-ESENJAY PETROLEUM CORP			RECEIVED:	10/07/83	JA: TX			
8401698	F-04-068321	4224931657	103		THERESA MUELLER #1	WILDCAT	0.0	PENDING
-EXCHANGE OIL & GAS CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401784	F-06-072898	4242303050	102-2		ERIC MALLORY #1	WILDCAT RODESSA	550.0	WESTERN GAS CORP
-EXXCEL PRODUCTION CO			RECEIVED:	10/07/83	JA: TX			
8401845	F-10-073214	4217931346	103		PRICE #1 (ID# 05446)	PANHANDLE GRAY	40.0	CITIES SERVICE OI
-EXXON CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401865	F-03-075293	4233930587	103		CONROE FIELD UNIT #1118	CONROE	150.0	MORAN UTILITIES C
8401735	F-10-071420	4235930918	107-TF		DUDE WILSON GAS UNIT #6 #2	ELLIS RANCH (CLEVELAN	143.0	TRANSWESTERN PIPE
8401733	F-08-071336	4200333474	103		FULLERTON CLEARFORK UNIT #339	FULLERTON	15.0	PHILLIPS PETROLEU
8401695	F-06-068070	4218330561	102-4	107-TF	JOHN BEN SHEPPERD GAS UNIT C-1 #1	GLADEWATER 5 (HAYNESV	250.0	TEJAS GAS CORP
8401811	F-04-073087	4226130566	102-4		K R SAN JOSE DE LA PARRA 29-D106403	CALANDRIA (G-49)	322.0	ARMCO STEEL CORP
8401808	F-04-073081	4226130815	103		K R SAN JOSE DE LA PARRA 53 106402	CALANDRIA (E-02)	750.0	ARMCO STEEL CORP
8401809	F-04-073085	4227331353	102-4		KING RANCH ALAZAN 328-D (106450)	HINOJOSA (F-07)	272.0	ARMCO STEEL CORP
8401810	F-04-073086	4227331723	102-4		KING RANCH ALAZAN 390 (106481)	MADERO E (J-69)	160.0	ARMCO STEEL CORP
8401807	F-04-073080	4227331746	102-4		KING RANCH ALAZAN 395 (106530)	HINOJOSA (E-54)	376.0	ARMCO STEEL CORP
8401785	F-03-072901	4215731439	103		LOCKWOOD & SHARP A TR 1 #97	THOMPSON (MIOCENE 12-	17.0	ARMCO STEEL CORP
8401807	F-03-073243	4215731432	103		M C CAMP #18	SUGARLAND	500.0	UNITED TEXAS TRAN
8401781	F-04-072840	4204730949	102-4		MCGILL BROS 474 (ID PENDING)	KELSEY DEEP (7200)	500.0	TRUNKLINE GAS CO
8401828	F-04-073127	4204731237	102-4		R J KLEBERG JR TR VIBORAS112F.10300	VIBORAS (G-08 E)	196.0	ARMCO STEEL CORP
8401848	F-03-073244	4220131336	103		WEBSTER FIELD UNIT #161	WEBSTER	438.0	ARMCO STEEL CORP
-EZEKIEL ENERGY INC			RECEIVED:	10/07/83	JA: TX			
8401765	F-10-072600	4206531411	103		LUTHER #2-8 (ID# )	PANHANDLE CARSON	40.0	KERR-MCGEE CORP
-FARGO ENERGY CORP			RECEIVED:	10/07/83	JA: TX			
8401707	F-03-069420	4214900000	102-2		JANECKA #1	GIDDINGS (AUSTIN CHAL	183.0	PHILLIPS PETROLEU
-FRED G BROWN INC			RECEIVED:	10/07/83	JA: TX			
8401740	F-7C-071782	4232730102	102-4		SPECK EST #1	BAR-F (CROSS CUT)	504.0	CIBOLO GAS INC
-GENESIS PETROLEUM CORP			RECEIVED:	10/07/83	JA: TX			
8401745	F-03-071930	4207131422	102-4		STATE TRACT 205 #1 (UNASSIGNED)	RED FISH REEF M (FRID	17.0	
-GEODYNE RESOURCES INC			RECEIVED:	10/07/83	JA: TX			
8401747	F-10-071990	4235731307	102-4		PEARSON #1	ALPAR (ST LOUIS)	57.3	ENDEVO OIL & GAS
8401746	F-10-071963	4235731390	102-4		PEARSON #2	ALPAR (HUNTON)	40.2	PHILLIPS PETROLEU
-GETTY OIL COMPANY			RECEIVED:	10/07/83	JA: TX			
8401743	F-08-071839	4249531591	103		S M HALLEY #266	WEINER (COLBY SAND)	43.4	
8401742	F-08-071838	4249531592	103		S M HALLEY #267	WEINER (COLBY SAND)	16.4	
-GO OIL CORP			RECEIVED:	10/07/83	JA: TX			
8401776	F-09-072773	4223734850	102-4		JOHNSON #1	MIGL (5150)	0.0	SOUTHWESTERN GAS
-GORDON OIL CO INC			RECEIVED:	10/07/83	JA: TX			
8401749	F-09-072185	4216100000	103		W N GARR #21625	SHERMAN SOUTHEAST (OI	5.5	LONE STAR GAS CO
-GULF OIL CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401840	F-08-073193	4247532838	103		HUTCHINGS STOCK ASSN #1252	WARD-ESTES NORTH	36.0	CABOT CORP
8401839	F-08-073192	4247532841	103		HUTCHINGS STOCK ASSN #1256	WARD-ESTES NORTH	14.0	CABOT CORP
8401730	F-08-071296	4249531540	103		KEYSTONE CATTLE CO TR D NCT-B 361	KEYSTONE (SAN ANDRES)	5.0	CABOT CORP
8401838	F-7B-073191	4236330886	108		M H MCMURREY D-4	JVT (CONGL 4250)	8.4	BRZOS FUEL CO IN
8401836	F-08-073178	4210333115	103		W M WADDELL TR H #1251	LEA SOUTH (TUBB)	0.2	GULF OIL CORPORAT
-HANSON MINERALS CO			RECEIVED:	10/07/83	JA: TX			
8401777	F-02-072790	4225530893	102-4		KOEHLER GAS UNIT #2	MALO DOMINGO (10,300'	547.5	PANHANDLE GAS CO
8401681	F-02-064090	4225531039	102-4		SAMSEL GAS UNIT #1	MALO DOMINGO (10,800'	730.0	UNITED TEXAS TRAN
-HARRISON INTERESTS LTD			RECEIVED:	10/07/83	JA: TX			
8401676	F-7C-060435	4210531980	107-TF		JOE T DAVIDSON JR #10	DAVIDSON RANCH (PENN	35.0	INTRATEX GAS CO
8401675	F-7C-060434	4210530923	107-TF		JOE T DAVIDSON JR #4	DAVIDSON RANCH (PENN	40.0	INTRATEX GAS CO
8401782	F-7C-072842	4210533631	107-TF		UNIVERSITY LAND 8-33 #26	PERNER RANCH (STRAWN)	80.0	INTRATEX GAS CO
-HEARTLAND RESOURCES INC			RECEIVED:	10/07/83	JA: TX			
8401798	F-7B-072948	4242933725	102-4		COOK HEIRS-HEARTLAND "B" #3	FRANKEL S (STRAWN)	48.0	BENGAL GAS TRANSM
-HENRY ENERGY CORP			RECEIVED:	10/07/83	JA: TX			
8401759	F-09-072476	4200936817	103		COWAN-MCKINNEY B #1 (22870)	HULL-SILK-SIKES (3800	5.0	LONE STAR GAS CO
-HILL INTERNATIONAL PRODUCTION CO			RECEIVED:	10/07/83	JA: TX			
8401697	F-03-068194	4204130821	102-2		LANCE LESTER #1	KURTEN (BUDA)	0.0	FERGUSON CROSSING
-HILLIARD OIL & GAS INC			RECEIVED:	10/07/83	JA: TX			
8401846	F-02-073231	4217531685	102-4		BONNIE HOLT #1	WEESATCHE WEST (HOLT	720.0	HOUSTON PIPE LINE
-HINTON PRODUCTION COMPANY			RECEIVED:	10/07/83	JA: TX			
8401696	F-05-068113	4216130786	102-4		MAYNARD #1	RISCHERS STORE (MAYNA	500.0	LONE STAR GAS CO
-HNO OIL COMPANY			RECEIVED:	10/07/83	JA: TX			
8401753	F-04-072336	4247933632	102-2 103		W P LINCOLN 2345 #1	BIG COWBOY (WILCOX 60	150.0	HOUSTON PIPE LINE
-HRUBETZ OIL CO			RECEIVED:	10/07/83	JA: TX			
8401729	F-7B-071249	4208333304	102-4		GORMAN #2	HRUBETZ (ELLEN)	2.0	LONE STAR GAS CO
-HURLEY PETROLEUM CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401718	F-06-070755	4236531540	102-4		ROBERT WALTON GAS UNIT WELL #3	BETHANY (WALTON SD)	150.0	TENNESSEE GAS PIP
-JACKSON EXPLORATION INC			RECEIVED:	10/07/83	JA: TX			
8401672	F-7C-058386	4210532998	107-TF		P C PERNER #1	DUDLEY EAST (DEVONIAN	140.0	LINK SYSTEMS INC
8401673	F-7C-058387	4210533997	107-TF		P C PERNER #4	DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
8401669	F-7C-058242	4210533243	107-TF		P C PERNER "A" #1	DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
8401670	F-7C-058243	4210533454	107-TF		P C PERNER "A" #2	DUDLEY EAST (DEVONIAN	35.0	LINK SYSTEMS INC
8401671	F-7C-058244	4210533697	107-TF		PERNER #2-X	DUDLEY EAST (DEVONIAN	175.0	LINK SYSTEMS INC
8401668	F-7C-058240	4244330273	107-TF		RUTH WHITE "A" #1	MESA-GRANDE (DEVONIAN	100.0	LINK SYSTEMS INC
-JOHN L COX			RECEIVED:	10/07/83	JA: TX			
8401835	F-7C-073177	4238332565	103		ALDWELL E #2 RRC#10073	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8401709	F-7C-069661	4238332534	103		ROCKER B "117" #2	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8401834	F-7C-073176	4246131857	103		UNIVERSITY "EM" #1 RRC #10274	SPRABERRY (TA)	10.0	PHILLIPS PETROLEU
-JOHNSON F T JR			RECEIVED:	10/07/83	JA: TX			
8401802	F-09-073055	4248731666	103		DOCKERY #4	WILBARGER COUNTY REGU	3.7	KIBO COMPRESSOR C
-JUNIPER OPERATING CO			RECEIVED:	10/07/83	JA: TX			
8401728	F-7B-071129	4236300000	102-4		BAUM #1	MINERAL WELLS S (STRA	197.0	SOUTHWESTERN GAS
-KELLOIL INC			RECEIVED:	10/07/83	JA: TX			



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401759	F-7C-071715	4213730855	103	107-TF BAKER 1-43	JA: TX	SAWYER (CANYON)	73.0	INTRATEX GAS CO
-KEN PETROLEUM CORP			RECEIVED:	10/07/83	JA: TX			
8401770	F-02-069750	4223931858	102-4	CALLAWAY #2	JA: TX	TEXANA NORTH (FRIO 60	90.0	VICTORIA GAS CORP
-KESSLER CARL			RECEIVED:	10/07/83	JA: TX			
8401786	F-7B-072907	4236333051	102-4	KESSLER "AM" #1	JA: TX	MINERAL WELLS 3 (STRA	100.0	TEXAS UTILITIES F
-LADD PETROLEUM CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401815	F-7C-073091	4210534460	103	107-TF MILLSAUGH #12-5	JA: TX	OZONA (CANYON SANDS)	431.2	AMERICAN PIPELINE
8401814	F-7C-073090	4210534470	103	107-TF MILLSAUGH #12-6	JA: TX	OZONA (CANYON SANDS)	725.4	AMERICAN PIPELINE
8401816	F-7C-073092	4210534467	103	107-TF MILLSAUGH #2-5	JA: TX	OZONA (CANYON SANDS)	785.2	AMERICAN PIPELINE
8401813	F-7C-073089	4210534469	103	107-TF MONTGOMERY #5-6	JA: TX	OZONA (CANYON SANDS)	271.0	AMERICAN PIPELINE
8401812	F-7C-073088	4210534438	103	107-TF PIERCE #15-5	JA: TX	OZONA (CANYON SANDS)	739.1	AMERICAN PIPELINE
-LEAR PETROLEUM EXPLORATION INC			RECEIVED:	10/07/83	JA: TX			
8401680	F-10-063774	4248300000	107-TF	DAVIS #1-56	JA: TX	STILES RANCH (MOKROW)	0.0	EL PASO NATURAL G
-MALOUF ABRAHAM CO INC.			RECEIVED:	10/07/83	JA: TX			
8401706	F-10-069346	4221131557	102-4	SANTE FE #1	JA: TX	CAST (MORROW UPPER)	0.0	WESTAR TRANSMISSI
-MCMURREY PETROLEUM INC			RECEIVED:	10/07/83	JA: TX			
8401734	F-03-071362	4204130925	102-4	SUBER #1 RRC PERMIT #191611	JA: TX	BRYAN	259.0	VANGUARD PIPELINE
-MEADCO PROPERTIES			RECEIVED:	10/07/83	JA: TX			
8401778	F-02-072804	4223532116	102-2	UT-38 A #1 RRC - 10264	JA: TX	ANDREW (CANYON)	0.0	FARMLAND INDUSTRI
-MITCHELL ENERGY CORPORATION			RECEIVED:	10/07/83	JA: TX			
8401662	F-09-034523	4249700000	108-ER	BONNER REEVES #1	JA: TX	BOONSVILLE BEND CONGL	0.0	SOUTHWESTERN GAS
8401677	F-09-061107	4249700000	108-ER	D W WILEY #1	JA: TX	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8401674	F-09-059641	4249700000	108-ER	S F PEEKS #1	JA: TX	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8401664	F-09-050692	4249700000	108-ER	S L WILLIAMS #1	JA: TX	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8401665	F-09-052202	4249700000	108-ER	W H PORTWOOD #1	JA: TX	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
-MOBIL PRO TEXAS & NEW MEXICO INC			RECEIVED:	10/07/83	JA: TX			
8401763	F-10-072584	4234130932	103	COON RANCH #1	JA: TX	PANHANDLE (RED CAVE)	28.0	
8401744	F-04-071903	4224931052	103	LA GLORIA GAS UNIT #96	JA: TX	LA GLORIA (BROOKS)	299.0	NATURAL GAS PIPEL
8401852	F-08-073254	4200333449	103	SHAFTER LAKE SAN ANDRES UNIT #321	JA: TX	SHAFTER LAKE (SAN AND	0.0	PHILLIPS PETROLEU
8401853	F-08-073255	4200333452	103	SHAFTER LAKE SAN ANDRES UNIT #324	JA: TX	SHAFTER LAKE (SAN AND	0.0	PHILLIPS PETROLEU
8401684	F-04-065246	4270030049	102-4	STATE TRACT 1065-L #1	JA: TX	HARENA (B PRIME)	1059.0	MOBIL OIL CORP
-MONSANTO COMPANY			RECEIVED:	10/07/83	JA: TX			
8401775	F-08-072771	4217331405	103	BRUNSON #2	JA: TX	POWELL (8309)	191.0	PHILLIPS PETROLEU
8401819	F-08-073110	4241532438	103	GERTIE "AM" #10	JA: TX	DIAMOND M (SAN ANDRES	12.0	DIAMOND M-SHARON
8401820	F-08-073112	4241532277	103	GERTIE "AM" #9	JA: TX	DIAMOND M (SAN ANDRES	26.0	DIAMOND M-SHARON
-MORRIS STEPHENS			RECEIVED:	10/07/83	JA: TX			
8401844	F-09-073199	4223734752	103	JOHN RIDER C&C RRC#106187	JA: TX	JACK COUNTY REGULAR (	40.0	LONE STAR GAS CO
-NEUMIN PRODUCTION CO			RECEIVED:	10/07/83	JA: TX			
8401748	F-02-072106	4205700000	103	STATE TRACT 175-3F	JA: TX	STEAMBOAT PASS	230.0	ALUMINUM CO OF AM
-NORTHWEST CENTRAL PIPELINE CORP			RECEIVED:	10/07/83	JA: TX			
8401864	F-03-073291	4238931376	103	MATTHEWS CAMP A #7	JA: TX	COLLIE (DELAWARE)	17.0	INTRATEX GAS CO
-PANSTAR OIL & GAS INC			RECEIVED:	10/07/83	JA: TX			
8401837	F-10-073186	4206531439	103	DENNIS SHAUN #1 (ID# 05444)	JA: TX	PANHANDLE CARSON	55.0	GETTY OIL CO
-PEHNN OIL PRODUCING COMPANY			RECEIVED:	10/07/83	JA: TX			
8401827	F-02-073124	4225500000	103	B U SPIELHAGEN #2	JA: TX	BURNELL (SLICK UPPER)	18.0	UNITED GAS PIPEL
-PERCO			RECEIVED:	10/07/83	JA: TX			
8401700	F-09-068353	4223734920	102-4	MCDOWELL #1	JA: TX	TJN (STRAWN)	108.0	LONE STAR GAS CO
-PETROLEUM CORP OF DELAWARE			RECEIVED:	10/07/83	JA: TX			
8401771	F-08-072726	4230130414	103	BASS 46 #4	JA: TX	WHEAT	20.0	
-PETROLEUM CORPORATION OF TEXAS			RECEIVED:	10/07/83	JA: TX			
8401799	F-7C-072973	4210534434	103	BAGGETT "20" #4	JA: TX	OZONA NW (CANYON)	36.5	EL PASO NATURAL G
8401779	F-09-072831	4250336733	103	MARY DYSINGER #1	JA: TX	JAMES	75.0	EAGLE PETROLEUM C
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	10/07/83	JA: TX			
8401826	F-10-073121	4234100000	108	FRENCH #2	JA: TX	PANHANDLE WEST	0.0	EL PASO NATURAL G
8401825	F-10-073120	4223300000	108	MARNI #1	JA: TX	PANHANDLE WEST	0.0	EL PASO NATURAL G
8401824	F-10-073119	4242100000	108	SAGEN #1	JA: TX	TEXAS HUGGTON - DOLM	0.0	MICHIGAN WISCONSI
-Q E D EXPLORATION INC			RECEIVED:	10/07/83	JA: TX			
8401705	F-7C-069090	4223532072	102-2	FARMAR-SUGG #7	JA: TX	LUCKY-MAG (CLEAR FORK	0.0	FARMLAND INDUSTRI
-QUINTANA PETROLEUM CORP			RECEIVED:	10/07/83	JA: TX			
8401767	F-01-072621	4228330953	103	SOUTH TEXAS SYNDICATE II #6	JA: TX	WASHBURN (EDWARDS) SA	1100.0	TRANSCONTINENTAL
-R L FOREE			RECEIVED:	10/07/83	JA: TX			
8401817	F-7B-073108	4235331134	102-4	SUNNY GRAY #2	JA: TX	J & J (CADD0)	0.0	PALO DURO PIPELIN
-RAILHEAD ENERGY CO			RECEIVED:	10/07/83	JA: TX			
8401694	F-09-067909	4223734774	103	EDWIN BRIGHT #1	JA: TX	ALCO (MISS LIMB)	50.0	LONE STAR GAS CO
8401833	F-09-073173	4223734792	103	VERA HENDERSON #1	JA: TX	LUCKY RIDGE SW	43.0	SOUTHWEST GAS PIP
-RAINBOW RESOURCES INC			RECEIVED:	10/07/83	JA: TX			
8401692	F-06-067805	4240100000	102-3	CORA LARY GAS UNIT #1 WELL #1	JA: TX	HENDERSON NORTH (COTT	345.0	LONE STAR GAS CO
8401692	F-06-067805	4240100000	107-TF	CORA LARY GAS UNIT #1 WELL #1	JA: TX	HENDERSON NORTH (COTT	345.0	LONE STAR GAS CO
-RANKIN OIL CO			RECEIVED:	10/07/83	JA: TX			
8401804	F-7C-073076	4208130354	103	CARGILE #3	JA: TX	ARLEDGE	7.0	SUN GAS CO
-RENOVA OIL CO			RECEIVED:	10/07/83	JA: TX			
8401860	F-08-073282	4216500000	103	NORMAN #2	JA: TX	MEANS N (QUEEN SAND)	73.0	PHILLIPS PETROLEU
-RICHEY & CO INC			RECEIVED:	10/07/83	JA: TX			
8401861	F-09-073194	4249732565	103	OWEN TUMELY #1	JA: TX	BOONSVILLE (BEND CONG	165.0	LONE STAR GAS CO
-RIDGEWAY OIL EXPL & DEVELOPMENT INC			RECEIVED:	10/07/83	JA: TX			
8401803	F-7B-073074	4213331971	102-4	TARVER "AM" #16 (19061)	JA: TX	HANK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
-RIDLEY OIL CORP			RECEIVED:	10/07/83	JA: TX			
8401783	F-06-072893	4242330658	102-4	SUNSHINE OIL UNIT #2 WELL #1	JA: TX	SUNSHINE (RODESSA)	180.0	SEMCO GAS INC
-ROPAR OPERATING CO			RECEIVED:	10/07/83	JA: TX			
8401663	F-09-047921	4223734145	103	J B LESTER #2	JA: TX	LESTER	250.0	SOUTHWEST GAS PIP
-S & D OIL CO			RECEIVED:	10/07/83	JA: TX			
8401800	F-08-072986	4249500000	108	WALTON #6	JA: TX	KERMIT SOUTH (DEVONIA	6.0	CHEVRON U S A INC
-SHELL OIL CO			RECEIVED:	10/07/83	JA: TX			
8401708	F-01-069438	4231131808	102-4	BRACKEN #14	JA: TX	A W P (OLMO5)	250.0	
-STAHL PETROLEUM CO			RECEIVED:	10/07/83	JA: TX			
8401773	F-10-072734	4248330746	103	WALKER #1	JA: TX	PANHANDLE WHEELER	0.0	PHILLIPS PETROLEU
8401792	F-10-072733	4248330786	103	WALKER #2	JA: TX	PANHANDLE WHEELER	0.0	PHILLIPS PETROLEU
-SUN EXPL & PROD. CO. - HOUSTON			RECEIVED:	10/07/83	JA: TX			
8401689	F-7B-067489	4243130937	103	EAST FRANKIRK (CANYON SAND) #25	JA: TX	FRANKIRK EAST (CANYON	2.0	CITIES SERVICE OI
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	10/07/83	JA: TX			
8401686	F-04-066717	4242700000	108-ER	AUGUSTIN OLIVARES #8	JA: TX	SUN	0.0	TRANSCONTINENTAL
8401832	F-08-073149	4250132361	103	BENNETT RANCH UNIT #354	JA: TX	WASSON	5.0	SHELL OIL CO
8401685	F-04-066694	4242700000	108-ER	C L DEGARZA #28	JA: TX	SUN NORTH	0.0	FLORIDA GAS TRANS
8401830	F-08-073133	4221933847	103	CENTRAL LEVELLAND UNIT #276	JA: TX	LEVELLAND	9.0	AMOCO PRODUCTION
8401699	F-04-068335	4242700000	108-ER	GEORGE M SPEER STATE B #21	JA: TX	SUN	0.0	TRANSCONTINENTAL
8401857	F-08-073274	4213500000	108	GRAYBURG GAS UNIT III #2	JA: TX	GOLDSMITH EAST/GRAYBU	11.0	WESTAR TRANSMISSI
8401856	F-08-073273	4213500000	108	GRAYBURG GAS UNIT XIV #1	JA: TX	GOLDSMITH EAST/GRAYBU	9.0	WESTAR TRANSMISSI
8401732	F-03-071303	4207131392	103	JANET MACCARTHY #3	JA: TX	FIG RIDGE (FRIO FIRST	103.0	UNITED TEXAS TRAN
8401855	F-03-073271	4213900000	108	KEYSTONE MILLS #27-L	JA: TX	CONROE S	1.0	UNITED TEXAS TRAN
8401854	F-08-073269	4221900000	108	RAINS COUNTY SCHOOL LAND A/C-7 #31	JA: TX	LEVELLAND (SAN ANDRES	0.1	CASOT CORP
8401688	F-7B-067483	4242931702	103	VEALE PARKS (CADD0) UNIT #5	JA: TX	STEPHENS COUNTY REGUL	2.0	WARREN PETROLEUM
-SUNDANCE OIL CO			RECEIVED:	10/07/83	JA: TX			
8401661	F-05-015363	4216130488	102-3	F E HILL III #1 - RRC #83719	JA: TX	REED M (COTTON VALLEY	400.0	UNITED TEXAS TRAN
-SUNNYBROOK OIL & GAS INC			RECEIVED:	10/07/83	JA: TX			



JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401741	F-06-071793	4240131680	102-4	D K GOODE #1	BRANCHFIELD (TRAVIS PE	456.3	TEXAS UTILITIES F
-T M ALLEN			RECEIVED:	10/07/83 JA: TX			
8401666	F-06-054580	4224900000	102-4 103	C MULL #1	CAPTAIN LUCEY (4940')	0.0	NUE WELLS PIPELIN
-T SQUARE PETROLEUM			RECEIVED:	10/07/83 JA: TX			
8401713	F-78-070489	4213300000	103	TAFF #4	EASTLAND COUNTY REGUL	47.4	SOUTHWESTERN GAS
-TEXACO INC			RECEIVED:	10/07/83 JA: TX			
8401755	F-09-07234	4200936016	103	J H TURBEVILLE "C" #20	LAKE KICKAPOO E (CADD	27.7	
8401761	F-08-072538	4243131344	103	R E GLASS #4	CONGER (PENN)	127.4	VALERO TRANSMISSI
8401756	F-8A-072347	4216532596	103	WHARTON UNIT #130	HARRIS	12.4	PHILLIPS PETROLEU
-TEXAS CRUDE EXPLORATION INC			RECEIVED:	10/07/83 JA: TX			
8401750	F-06-072252	4231500000	102-2	C W GRAY #1	NEW FIELD DESIGNATION	189.8	
8401714	F-02-070497	4229700000	102-4	J W MCCLELLAND WELL #2	OAKVILLE	700.0	HOUSTON PIPELINE
-THOMAS OPERATING CO INC			RECEIVED:	10/07/83 JA: TX			
8401766	F-7C-072619	4239932772	102-4	CASEY #1	GERLACH (ELLENBURGER)	2200.0	UNION TEXAS PETRO
-THOMSON-MONTEITH			RECEIVED:	10/07/83 JA: TX			
8401780	F-08-072837	4232931119	103	WINDHAM 38 WELL #1	PARKS (SPRABERRY)	20.7	MOBIL PROD TEXAS
-TRI-SERVICE DRILLING CO			RECEIVED:	10/07/83 JA: TX			
8401787	F-7C-072619	4238330086	108	ROCKER "B" #105 #04794	SPRABERRY TREND (SPRA	9.9	PHILLIPS PETROLEU
8401794	F-7C-072928	4238330000	108	ROCKER "B" #56 #04794	SPRABERRY TREND (SPRA	13.2	PHILLIPS PETROLEU
8401795	F-7C-072927	4238330000	108	ROCKER "B" #38 #04794	SPRABERRY TREND (SPRA	3.6	PHILLIPS PETROLEU
8401794	F-7C-072926	4238330000	108	ROCKER "B" #39 #04794	SPRABERRY TREND (SPRA	8.1	PHILLIPS PETROLEU
8401793	F-7C-072925	4238330000	108	ROCKER "B" #45 #04794	SPRABERRY TREND (SPRA	8.1	PHILLIPS PETROLEU
8401792	F-7C-072924	4238330000	108	ROCKER "B" #49 #04794	SPRABERRY TREND (SPRA	4.8	PHILLIPS PETROLEU
8401791	F-7C-072923	4238330000	108	ROCKER "B" #54 #04794	SPRABERRY TREND (SPRA	8.1	PHILLIPS PETROLEU
8401790	F-7C-072922	4238330000	108	ROCKER "B" #66 #04794	SPRABERRY TREND (SPRA	8.7	PHILLIPS PETROLEU
8401789	F-7C-072921	4238330000	108	ROCKER "B" #69 #04794	SPRABERRY TREND (SPRA	5.4	PHILLIPS PETROLEU
8401788	F-7C-072920	4238330066	108	ROCKER "B" #90 #04794	SPRABERRY TREND (SPRA	11.7	PHILLIPS PETROLEU
-TXO PRODUCTION CORP			RECEIVED:	10/07/83 JA: TX			
8401693	F-04-067904	4221531270	103	SADLER GAS UNIT A-1	TABASCO N (P)	0.0	DELHI GAS PIPELIN
8401737	F-10-071514	4229531291	102-4	STABEL #6	DUKE-MAY (TONKAWA)	100.0	DELHI GAS PIPELIN
8401736	F-06-071447	4245930571	103	107-TF WILCO #1-3	GILMER (BOSSIER SAND)	0.0	DELHI GAS PIPELIN
-USEMCO INC			RECEIVED:	10/07/83 JA: TX			
8401762	F-78-072559	4236732496	103	PHILLIPS #1	BETHESDA (CADD0)	15.0	LONE STAR GAS CO
-VORIT EXPLORATION CO INC			RECEIVED:	10/07/83 JA: TX			
8401783	F-05-069012	4250336862	102-2	GRAHAM "E" WELL #3	YOUNG COUNTY REGULAR	0.0	LONE STAR GAS CO
-WCS PETROLEUM CO			RECEIVED:	10/07/83 JA: TX			
8401738	F-03-071571	4205132409	102-2	DUCKWORTH #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-WESTDALE INC			RECEIVED:	10/07/83 JA: TX			
8401770	F-09-072720	4249700000	108	LUTHER WILLIAMS 086186	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-WESTERN CHIEF OIL & GAS CO			RECEIVED:	10/07/83 JA: TX			
8401715	F-09-070609	4223735057	102-4 103	CLAYTON #1	TJN STRAWN	0.0	SOUTHWESTERN GAS
8401751	F-09-072331	4223735003	102-4 103	DUNLAP BLACKJACK THICKET	TJN STRAWN	0.0	SOUTHWESTERN GAS
8401690	F-09-067625	4223734534	102-4	GOODSON #1	TJN STRAWN	650.0	SOUTHWESTERN GAS
8401717	F-78-070721	4236732506	102-4 103	HOBSON #3	BRA STRAWN	0.0	SOUTHWESTERN GAS
8401716	F-78-070720	4236732510	102-4 103	HOBSON #4	BRA STRAWN	0.0	SOUTHWESTERN GAS
8401752	F-09-072334	4223735088	102-4 103	MARTIN #1	TJN STRAWN	0.0	SOUTHWESTERN GAS
8401758	F-09-072421	4223735098	102-4 103	MURPHY-GIBBS #1	DICKBIRD (CONGLOMERAT	0.0	SOUTHWESTERN GAS
-WILLIAMS EXPLORATION COMPANY			RECEIVED:	10/07/83 JA: TX			
8401842	F-03-073197	4219931920	103	CHOATE BLOCK 2 LOT 7 #10	NEW BATSON	0.0	MATADOR PIPELINE
8401843	F-03-073198	4219931924	103	CHOATE BLOCK 4 LOT 3 #10	NEW BATSON	0.0	MATADOR PIPELINE
-WILSON ENERGY INC			RECEIVED:	10/07/83 JA: TX			
8401850	F-08-073250	4231732659	103	MAIL "F" #1	SPRABERRY (TREND AREA	12.0	NORTHERN GAS PROD
-WOOD MCSHANE & THAMS			RECEIVED:	10/07/83 JA: TX			
8401831	F-08-073142	4249531603	103	KEYSTONE CATTLE #9-C RRC # 27106	KEYSTONE (COLBY)	120.4	WESTAR TRANSMISSI
-WOODHAM OIL CORP			RECEIVED:	10/07/83 JA: TX			
8401822	F-01-073116	4250731958	102-4	SEARCY 1-T	MARY AKNA (SAN MIGUEL	343.1	HOUSTON PIPELINE
8401821	F-01-073115	4250731973	102-4	SEARCY 2-C	MARY AKNA	127.7	HOUSTON PIPELINE
8401823	F-01-073118	4250731973	102-4	SEARCY 2-T	MARY ANNA (SAN MIGUEL	284.7	HOUSTON PIPELINE

[PR Doc. 83-30329 Filed 11-8-83; 8:45 am]

BILLING CODE 6717-01-C



[Vol. 997]

# Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 4, 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: Recombination 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 NOVEMBER 4, 1983

VOLUME 997

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** MONTANA BOARD OF OIL & GAS CONSERVATION *****								
***** MONTANA PACIFIC OIL & GAS CO *****								
8401868	7-83-103	2510100000	102-4		RECEIVED: 10/07/83 JA: MT MORTON #2-C	KEVIN SUNBURST	20.0	OIL INTERNATIONAL
***** TOPAZ OIL & GAS INC *****								
8401870	1-83-10	2507121798	103		RECEIVED: 10/07/83 JA: MT SCHEELE #4	BOWDOIN	30.0	MONTANA DAKOTA UT
8401869	1-83-11	2507121797	103		SCHEELE #5	BOWDOIN	30.0	MONTANA DAKOTA UT
***** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION *****								
***** CHAUTAUQUE ENERGY INC *****								
8401882	5509	3101318118	103		RECEIVED: 10/11/83 JA: NY 107-TF MACIUKIEWICZ #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8401890	5508	3101318361	103		107-TF MACIUKIEWICZ #2	LAKESHORE	6.0	NATIONAL FUEL GAS
***** CONSOLIDATED GAS SUPPLY CORPORATION *****								
8401889	5565	3109901618	103		RECEIVED: 10/11/83 JA: NY BRUCE W STAHL N-1444	FAYETTE	12.0	GENERAL SYSTEM PU
***** KEYSTONE ENERGY OIL & GAS PRODUCTION *****								
8401877	5523	3100918070	103		RECEIVED: 10/11/83 JA: NY 107-TF A WEBER #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401888	5504	3100918071	103		107-TF ADAMS LUMBER #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401886	5485	3100918045	103		107-TF D & D HEBNER #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401879	5519	3100918046	103		107-TF D & D HEBNER #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401880	5517	3100918073	103		107-TF E HEBNER #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401884	5489	3100918072	103		107-TF E HEBNER #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401887	5502	3100918089	103		107-TF H BOOTH #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401872	5506	3100918088	103		107-TF H BOOTH #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401876	5525	3100918044	103		107-TF H STRICKLAND #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401881	5515	3100918043	103		107-TF J SALISBURY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401878	5521	3100918087	103		107-TF L STUDLEY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8401885	5487	3100918091	103		107-TF R BUSEKIST #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
***** MAYNARD OIL COMPANY *****								
8401883	5483	3102918270	103		RECEIVED: 10/11/83 JA: NY 107-TF KISSING BRIDGE #1	CONCORD	27.0	
***** NATIONAL FUEL GAS SUPPLY CORP *****								
8401874	5531	3101317927	103		RECEIVED: 10/11/83 JA: NY 107-TF BOARDMAN-PRATT #6252 (JO)	WILDCAT	23.0	COLUMBIA GAS TRAN
8401875	5528	3101317928	103		107-TF GREEN BROS #6253 (JO)	WILDCAT	23.0	COLUMBIA GAS TRAN
8401873	5530	3100918187	103		107-TF SZYMANSKI #6270 (JO)	WILDCAT	10.0	COLUMBIA GAS TRAN
8401871	5537	3101318316	103		107-TF YOUNGBERG #1 6280 (JO)	WILDCAT	30.0	COLUMBIA GAS TRAN
***** TRAHAN PETROLEUM INC *****								
8401892	5496	3101318391	107-TF		RECEIVED: 10/11/83 JA: NY CARPENTER #1 #31-013-18391	ELLINGTON	36.0	COLUMBIA GAS TRAN
8401893	5494	3101318378	107-TF		CARPENTER #4 #31-013-18378	ELLINGTON	36.0	COLUMBIA GAS TRAN
8401891	5498	3101318384	107-TF		HAYES #1 #31-013-18384	ELLINGTON	36.0	COLUMBIA GAS TRAN
8401894	5492	3101318427	107-TF		SHELDON NY #3 #31-013-18427	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
***** ASHLAND EXPLORATION INC *****								
8401953		4708100626	103		RECEIVED: 10/12/83 JA: WV BEDFORD LAND CO #20 - 096471	PAINT CREEK	14.0	COLUMBIA GAS TRAN
8401982		4701900468	107-TF		CHRISTIAN COLLIERY CO #3 - 093041	PAINT CREEK	23.0	COLUMBIA GAS TRAN
8401983		4701900447	107-TF		EASTERN GAS & FUEL #71 - 090371	PAINT CREEK	13.0	COLUMBIA GAS TRAN
8401952		4705901035	103		ELK CREEK COAL CO #23 - 096331	LOGAN-WYOMING	14.0	CONSOLIDATED GAS

BILLING CODE 6717-01-M



JD. NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401980		4701900448	107-TF		J F B PEYTON #3 - 090502	PAINT CREEK	1.0	COLUMBIA GAS TRAN
8401981		4710900852	107-TF		W M RITTER #221 - 091671	LOGAN-WYOMING	8.0	CONSOLIDATED GAS
8401982			RECEIVED:	10/11/83	JA: WV			
8401983		4708506031	103		BARNARD #3	UNION DISTRICT	0.0	CARNEGIE NATURAL
8401984			RECEIVED:	10/11/83	JA: WV			
8401985		4708506205	103		PARKS #82	MURPHY DISTRICT	30.0	CONSOLIDATED GAS
8401986			RECEIVED:	10/11/83	JA: WV			
8401987		4710501032	107-DV		GILLISPIE WI-026	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8401988		4710501011	107-DV		LITTLE KANAWHA CO WI-008	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8401989		4710500947	107-DV		LOCKHART #28	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8401990		4710501013	107-DV		STEED WI-014	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8401991			RECEIVED:	10/11/83	JA: WV			
8401992		4709901772	107-DV		Y V STEELE #20922	WEST VIRGINIA FIELD A	24.3	
8401993			RECEIVED:	10/11/83	JA: WV			
8401994		4708737550	107-DV		SMITH #1	AMMA-LOONEYVILLE	30.0	COLUMBIA GAS TRAN
8401995			RECEIVED:	10/12/83	JA: WV			
8401996		4700101655	103		AUSTIN #1		10.0	TENNESSEE GAS TRA
8401997		4700101700	103		D C KINES #1		10.0	TENNESSEE GAS TRA
8401998		4700101675	103		DUMIRE #1		10.0	TENNESSEE GAS TRA
8401999		4700101686	103		G P ROWE #1		10.0	TENNESSEE GAS TRA
8402000		4700101746	103		H D POLING #1		10.0	TENNESSEE GAS TRA
8402001		4700101784	103		HOWDERSHOLT #1		10.0	TENNESSEE GAS TRA
8402002		4700101792	103		HULL #1		10.0	TENNESSEE GAS TRA
8402003		4700101771	103		J KINES #1		10.0	TENNESSEE GAS TRA
8402004		4700101772	103		J KINES #2		10.0	TENNESSEE GAS TRA
8402005		4700101750	103		M POLING #1		10.0	TENNESSEE GAS TRA
8402006		4700101656	103		POE #1		10.0	TENNESSEE GAS TRA
8402007		4700101605	103		SHAFER #1		10.0	TENNESSEE GAS TRA
8402008		4700101606	103		SHAFER #2		10.0	TENNESSEE GAS TRA
8402009		4700101711	103		SHAW #1		10.0	TENNESSEE GAS TRA
8402010			RECEIVED:	10/11/83	JA: WV			
8402011		4707700223	103		J-646	RENO	0.0	CONSOLIDATED GAS
8402012			RECEIVED:	10/07/83	JA: WV			
8402013		4709702332	103		JUNE POST #1	UNION	50.0	CONSOLIDATED GAS
8402014		4700101649	103		MOCKUS #1	UNION	50.0	CONSOLIDATED GAS
8402015			RECEIVED:	10/11/83	JA: WV			
8402016		4702103978	107-DV		IRENE BUSH #1	LEADING CREEK	12.5	COLUMBIA GAS TRAN
8402017			RECEIVED:	10/11/83	JA: WV			
8402018		4708505996	103		WELCOME/JOY KEM #296	PETROLEUM	23.6	CONSOLIDATED GAS
8402019			RECEIVED:	10/11/83	JA: WV			
8402020		4708505635	103		WESTVACO #3	GRANT	20.0	CONSOLIDATED GAS
8402021			RECEIVED:	10/11/83	JA: WV			
8402022		4703302860	103		R MURSEY #1	CLAY DISTRICT	0.0	LUMBERPORT SHINNS
8402023			RECEIVED:	10/11/83	JA: WV			
8402024		4704708670	103		C O DAVIS #1	SANDY RIVER DIST	0.0	COLUMBIA GAS TRAN
8402025			RECEIVED:	10/11/83	JA: WV			
8402026		4700101852	103		CS & JG POLING #1	PHILIPPI	10.0	CONSOLIDATED GAS
8402027			RECEIVED:	10/11/83	JA: WV			
8402028		4708703538	107-DV		J COX #2	HARPER DISTRICT	26.0	ROARING FORK GAS
8402029			RECEIVED:	10/11/83	JA: WV			
8402030		4708506242	103		LANGFORD 8-89-1	UNION DISTRICT	0.0	CONSOLIDATED GAS
8402031			RECEIVED:	10/11/83	JA: WV			
8402032		4700501415	107-DV		J T PRICE - Q-66	SCOTT DISTRICT	55.0	COLUMBIA GAS TRAN
8402033			RECEIVED:	10/11/83	JA: WV			
8402034		4707301536	107-DV		SPINDLETOP-WETZ E #102	MCKIM	18.0	COLUMBIA GAS TRAN
8402035			RECEIVED:	10/11/83	JA: WV			
8402036		4709100294	107-DV		ARMSTRONG #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8402037		4709100294	102-2		ARMSTRONG #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8402038		4701703125	103		B ESTLACK #1	MCCLELLAND DISTRICT	25.0	
8402039		4701703109	103		BARTON #1	NEW MILTON	50.0	
8402040		4700101818	103		BOLYARD #1	COVE DISTRICT	50.0	
8402041		4700101836	103		BOLYARD #2	COVE DISTRICT	25.0	
8402042		4709100304	102-2		ELSEY #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8402043		4709100289	107-DV		GOFF #1	FETTERMAN	25.0	TENNESSEE GAS PIP
8402044		4709100289	102-2		GOFF #1	FETTERMAN	25.0	TENNESSEE GAS PIP
8402045		4709100295	102-2		HENDERSON #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8402046		4709100295	107-DV		HENDERSON #1	FETTERMAN	25.0	TENNESSEE GAS PIP
8402047		4701703103	103		JENNINGS CAMP #1	MCCLELLAND DISTRICT	50.0	
8402048		4709100292	102-2		KNOTTS "C" #2	FETTERMAN	25.0	TENNESSEE GAS PIP
8402049		4700701799	103		MICK "D" #8	GLENVILLE - NORTH	30.0	TENNESSEE GAS PIP
8402050		4709100256	107-DV		MOATS #2	FETTERMAN	50.0	TENNESSEE GAS PIP
8402051		4700101819	103		RIGHMAN #1	COVE DISTRICT	50.0	
8402052		4700701780	107-DV		SHREVE #1	GLENVILLE NORTH	30.0	TENNESSEE GAS PIP
8402053		4700701780	103		SHREVE #1	GLENVILLE NORTH	30.0	TENNESSEE GAS PIP
8402054		4709100301	102-2		WALKINS #A-1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8402055		4709100301	107-DV		WALKINS #A-1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8402056			RECEIVED:	10/12/83	JA: WV			
8402057		4703302292	107-DV		ADAMS #1	TENMILE DISTRICT	50.0	
8402058		4703302292	103		ADAMS #1	TENMILE	50.0	
8402059		4701703125	107-DV		B ESTLACK #1	MCCLELLAND DISTRICT	25.0	
8402060		4701703147	103		B ESTLACK #2	MCCLELLAND DISTRICT	25.0	
8402061		4701703147	107-DV		B ESTLACK #2	MCCLELLAND DISTRICT	25.0	
8402062		4701703109	107-DV		BARTON #1	NEW MILTON	50.0	
8402063		4700101818	107-DV		BOLYARD #1	COVE DISTRICT	50.0	
8402064		4700101836	107-DV		BOLYARD #2	COVE DISTRICT	25.0	
8402065		4701703131	107-DV		COX #1	GREENBRIAR DISTRICT	25.0	
8402066		4701703131	103		COX #1	GREENBRIAR DISTRICT	25.0	
8402067		4703302854	103		JARVIS #3	NEW MILTON DISTRICT	50.0	
8402068		4701703103	107-DV		JENNINGS CAMP #1	MCCLELLAND	50.0	
8402069		4701703127	107-DV		R DAVIS "A" #3	NEW MILTON DISTRICT	100.0	
8402070		4701703127	103		R DAVIS "A" #3	NEW MILTON DISTRICT	100.0	
8402071		4701703126	103		S ESTLACK #1	MCCLELLAND	25.0	
8402072		4701703126	107-DV		S ESTLACK #1	MCCLELLAND DISTRICT	25.0	
8402073		4701703156	107-DV		S ESTLACK #3	MCCLELLAND DISTRICT	25.0	
8402074		4701703156	103		S ESTLACK #3	MCCLELLAND DISTRICT	25.0	
8402075		4709702681	107-DV		SIMON #2	BUCKHANNON DISTRICT	25.0	
8402076		4709702681	103		SIMON #2	BUCKHANNON	25.0	
8402077		4709702694	103		ZICKEFOOSE #2	WASHINGTON DISTRICT	50.0	
8402078		4709702694	107-DV		ZICKEFOOSE #2	WASHINGTON DISTRICT	50.0	
8402079			RECEIVED:	10/11/83	JA: WV			
8402080		4708703732	107-DV		LENNA FIELDS #1	GANDEEVILLE	40.0	COLUMBIA GAS TRAN
8402081			RECEIVED:	10/11/83	JA: NM			
8402082			RECEIVED:	10/11/83	JA: NM			
8402083			RECEIVED:	10/11/83	JA: NM			
8402084			RECEIVED:	10/11/83	JA: NM			
8402085			RECEIVED:	10/11/83	JA: NM			
8402086			RECEIVED:	10/11/83	JA: NM			
8402087			RECEIVED:	10/11/83	JA: NM			
8402088			RECEIVED:	10/11/83	JA: NM			
8402089			RECEIVED:	10/11/83	JA: NM			
8402090			RECEIVED:	10/11/83	JA: NM			
8402091			RECEIVED:	10/11/83	JA: NM			
8402092			RECEIVED:	10/11/83	JA: NM			
8402093			RECEIVED:	10/11/83	JA: NM			
8402094			RECEIVED:	10/11/83	JA: NM			
8402095			RECEIVED:	10/11/83	JA: NM			
8402096			RECEIVED:	10/11/83	JA: NM			
8402097			RECEIVED:	10/11/83	JA: NM			
8402098			RECEIVED:	10/11/83	JA: NM			
8402099			RECEIVED:	10/11/83	JA: NM			
8402100			RECEIVED:	10/11/83	JA: NM			
8402101			RECEIVED:	10/11/83	JA: NM			
8402102			RECEIVED:	10/11/83	JA: NM			
8402103			RECEIVED:	10/11/83	JA: NM			
8402104			RECEIVED:	10/11/83	JA: NM			
8402105			RECEIVED:	10/11/83	JA: NM			
8402106			RECEIVED:	10/11/83	JA: NM			
8402107			RECEIVED:	10/11/83	JA: NM			
8402108			RECEIVED:	10/11/83	JA: NM			
8402109			RECEIVED:	10/11/83	JA: NM			
8402110			RECEIVED:	10/11/83	JA: NM			
8402111			RECEIVED:	10/11/83	JA: NM			
8402112			RECEIVED:	10/11/83	JA: NM			
8402113			RECEIVED:	10/11/83	JA: NM			
8402114			RECEIVED:	10/11/83	JA: NM			
8402115			RECEIVED:	10/11/83	JA: NM			
8402116			RECEIVED:	10/11/83	JA: NM			
8402117			RECEIVED:	10/11/83	JA: NM			
8402118			RECEIVED:	10/11/83	JA: NM			
8402119			RECEIVED:	10/11/83	JA: NM			
8402120			RECEIVED:	10/11/83	JA: NM			
8402121			RECEIVED:	10/11/83	JA: NM			
8402122			RECEIVED:	10/11/83	JA: NM			
8402123			RECEIVED:	10/11/83	JA: NM			
8402124			RECEIVED:	10/11/83	JA: NM			
8402125			RECEIVED:	10/11/83	JA: NM			
8402126			RECEIVED:	10/11/83	JA: NM			
8402127			RECEIVED:	10/11/83	JA: NM			
8402128			RECEIVED:	10/11/83	JA: NM			
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8402130			RECEIVED:	10/11/83	JA: NM			
8402131			RECEIVED:	10/11/83	JA: NM			
8402132			RECEIVED:	10/11/83	JA: NM			
8402133			RECEIVED:	10/11/83	JA: NM			
8402134			RECEIVED:	10/11/83	JA: NM			
8402135			RECEIVED:	10/11/83	JA: NM			
8402136			RECEIVED:	10/11/83	JA: NM			
8402137			RECEIVED:	10/11/83	JA: NM			
8402138			RECEIVED:	10/11/83	JA: NM			
8402139			RECEIVED:					



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8401909	NM-079882103	3002527671	103		FEDERAL "30" #2	GEM MORROW	500.0	EL PASO NATURAL G
-CONOCO INC			RECEIVED:	10/11/83	JA: NM 4			
8401910	NM0489-83PB	3002506796	108-PB		LOCKHART A-27 #12	NORTH MASON	19.0	EL PASO NATURAL G
8401911	NM 0205-83	3002506796	108-PB		LOCKHART A-27 #12	NMFU-TUBB GAS	7.0	EL PASO NATURAL G
8401903	NM 0086-83	3002506806	108		LOCKHART A-27 #7	NMFU-DRINKARD	15.9	GETTY OIL CO
8401904	NM-87-83	3002508725	108		LOCKHART B-1 #2	NMFU-ARROWHEAD	7.5	GETTY OIL CO
-EL PASO NATURAL GAS COMPANY			RECEIVED:	10/11/83	JA: NM 4			
8401907	NM-0054-83	3003500000	108		CAGLE A #2	RHODES	0.0	EL PASO NATURAL G
8401898	NM-037983PB	3002500000	108-PB		CARLSON FEDERAL #1	JUSTIS	0.0	EL PASO NATURAL G
8401899	NM-332-83PB	3002511458	108-PB		E J WELL #13	JALMAT	0.0	EL PASO NATURAL G
8401906	NM-0022-83	3002500000	108		R 5 U #9 WDR	RHODES - YATES 7 RIVE	20.0	EL PASO NATURAL G
-GETTY OIL COMPANY			RECEIVED:	10/11/83	JA: NM 4			
8401896	NM-0026-83	3002527620	103		BILBREY 5 FEDERAL #1	UNDESIGNATED BONE SPR	40.2	TRANSWESTERN PIPE
-GULF OIL CORPORATION			RECEIVED:	10/11/83	JA: NM 4			
8401895	NM-0545-83	3002510832	108		LAPUNYON FEDERAL "A" #1	LANGLIE MATTIX	6.5	EL PASO NATURAL G
-PREMIER PRODUCTION CO			RECEIVED:	10/11/83	JA: NM 4			
8401908	NM-0027-83	3001524363	103		YATES PREMIER FEDERAL #4	TURKEY TRACK SR QUEEN	50.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO			RECEIVED:	10/11/83	JA: NM 4			
8401905	NM-010683102	3002526844	102-3	103	TRISTE DRAM FED GULF #1	WILDCAT	0.0	
-TEXACO INC			RECEIVED:	10/11/83	JA: NM 4			
8401902	NM 1784-82	3002527873	103		COTTON DRAM UNIT #75	PADUCA DELAWARE	4.4	
-YATES PETROLEUM CORPORATION			RECEIVED:	10/11/83	JA: NM 4			
8401900	NM-032183107	3000561922	102-3	107-TF DUMCAN "LN" FED #3	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE	
8401901	NM-046883107	3000561853	102-2	107-TF FEDERAL "HY" #6	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE	
8401897	NM-032083107	3000561858	102-3	107-TF THORPE "MI" FED #9	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE	
***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER, WY *****								
-AXEM RESOURCES INC			RECEIVED:	10/13/83	JA: ND 5			
8402024	ND701-2	3300700700	102-3		GRAHAM 1-12	BUCKHORN	1.0	KOCH HYDROCARBONS
-BASS ENTERPRISES PRODUCTION CO			RECEIVED:	10/13/83	JA: MT 5			
8402013	M685-2	2508321382	103		BASS SMART-FEDERAL #22-44	EAGLE	5.0	MONTANA-DAKOTA UT
8402012	M684-2	2508321382	102-2		BASS SMART-FEDERAL #22-44	EAGLE	5.0	MONTANA-DAKOTA UT
-FALCON-COLORADO EXPLORATION INC			RECEIVED:	10/13/83	JA: MT 5			
8401995	M620-2	2507121826	102-2		FEDERAL 27-1	SWANSON CREEK	16.2	MONTANA-DAKOTA UT
8401996	M621-2	2507121833	102-2		FEDERAL 28-1	SWANSON CREEK	16.2	MONTANA-DAKOTA UT
8401994	M619-2	2507121821	103		FEDERAL 34-1	SWANSON CREEK	21.6	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION			RECEIVED:	10/13/83	JA: MT 5			
8401999	M647-2	2507121191	108		FEDERAL 1 0111		3.0	KN ENERGY INC
8402016	M688-2	2507121577	108		FEDERAL 1 0571	WILDCAT	21.0	KN ENERGY INC
8402006	M656-2	2507100000	108		FEDERAL 1 0832	WILDCAT	22.0	KN ENERGY INC
8402005	M92-1	2507121531	108		FEDERAL 1 0871	WILDCAT	20.0	KN ENERGY INC
8401998	M638-2	2507121641	108		FEDERAL 1 1279	UNNAMED	7.0	KN ENERGY INC
8402017	M689-2	2507121710	108		FEDERAL 1 2579	BOWDOIN	15.0	KN ENERGY INC
8401997	M637-2	2507121138	108		FEDERAL 1 2842	BOWDOIN	19.0	KN ENERGY INC
8402046	M788-2	2507121854	102-2		FEDERAL 2 0160	BOWDOIN	77.0	KN ENERGY INC
8402008	M663-2	2507121822	102-2		FEDERAL 2 0261	BOWDOIN - EAST LORING	45.0	KN ENERGY INC
8402057	M809-2	2507121869	102-2		FEDERAL 2 0451	BOWDOIN	77.0	KN ENERGY INC
8402055	M807-2	2507121857	102-2		FEDERAL 2 0461	BOWDOIN	77.0	KN ENERGY INC
8402044	M786-2	2507121832	102-2		FEDERAL 2 0642	BOWDOIN	96.0	KN ENERGY INC
8402009	M666-2	2507121829	102-2		FEDERAL 2 1161	BOWDOIN AREA - EAST L	69.0	KN ENERGY INC
8402050	M797-2	2507121858	102-2		FEDERAL 2 1460	BOWDOIN	77.0	KN ENERGY INC
8402058	M810-2	2507121864	102-2		FEDERAL 2 1761	BOWDOIN	77.0	KN ENERGY INC
8402048	M792-2	2507121707	102-2		FEDERAL 2 2060	BOWDOIN	77.0	KN ENERGY INC
8402054	M806-2	2507121862	102-2		FEDERAL 2 2061	BOWDOIN	77.0	KN ENERGY INC
8402056	M808-2	2507121866	102-2		FEDERAL 2 2163	BOWDOIN	77.0	KN ENERGY INC
8402051	M798-2	2507121868	102-2		FEDERAL 2 2570	BOWDOIN	77.0	KN ENERGY INC
8402021	M698-2	2507121841	102-2		FEDERAL 2 2651	BOWDOIN	77.0	KN ENERGY INC
8402045	M787-2	2507121827	103		FEDERAL 2 3033-2	BOWDOIN	72.0	KN ENERGY INC
8402023	M700-2	2507121851	102-2		FEDERAL 2 3152	BOWDOIN	41.0	KN ENERGY INC
8402052	M799-2	2507121867	102-2		FEDERAL 2 3570	BOWDOIN	77.0	KN ENERGY INC
8402019	M691-2	2507121442	108		FEDERAL 223631 2261	BOWDOIN	21.0	KN ENERGY INC
8402022	M699-2	2507121816	102-2		PECORA 2 3541	BOWDOIN	83.0	KN ENERGY INC
8402018	M690-2	2507121550	108		USA WOLF & MIAMI 1-10 1061	WILDCAT	21.0	KN ENERGY INC
8402007	M644-2	2507121835	102-2		0562 FEDERAL 2 0562	BOWDOIN AREA - EAST L	50.0	KN ENERGY INC
-PETROLEUM CORP OF AMERICA			RECEIVED:	10/13/83	JA: MT 5			
8402025	M702-2	2507121850	102-2		MIAMI OIL & GAS 2-0361	EAST LORING	35.0	KN ENERGY INC
8402029	M704-2	2507121817	102-2		MONTANA POWER CO 2-0662	EAST LORING	35.0	KN ENERGY INC
8402027	M705-2	2507121842	102-2		MONTANA POWER CO 2-0762	EAST LORING	35.0	KN ENERGY INC
8402026	M703-2	2507121843	102-2		MONTANA POWER 2-1862	EAST LORING	35.0	KN ENERGY INC
-SHELL OIL CO			RECEIVED:	10/13/83	JA: MT 5			
8402010	M669-2	2502521237	103		USA 33X-8R	LITTLE BEAVER EAST	15.0	
-SOUTHLAND ROYALTY CO			RECEIVED:	10/13/83	JA: MT 5			
8402015	M607-2	2507121836	102-2		FEDERAL #2 2461	BOWDOIN DOME	85.0	KN ENERGY INC
8402002	M651-2	2507121836	103		FEDERAL #2 2461	BOWDOIN DOME	85.0	KN ENERGY INC
8402000	M648-2	2507121838	103		FEDERAL #2 2733	BOWDOIN DOME (WHITEA)	90.0	KN ENERGY INC
8402001	M649-2	2507121837	103		FEDERAL #2 2833	BOWDOIN DOME (WHITEA)	75.0	KN ENERGY INC
8402011	M683-2	2507121617	108		FEDERAL 1-8-6ONE	BOWDOIN LORING	20.0	KN ENERGY INC
-TRICENTRAL UNITED STATES INC			RECEIVED:	10/13/83	JA: MT 5			
8402030	M715-2	2500522263	102-4		US 26-1-T25N-R17E	HUEBSCHWERLEN UNIT	13.0	NORTHERN NATURAL
-AMOCO PRODUCTION CO			RECEIVED:	10/13/83	JA: ND 5			
8402033	ND761-2	3300700737	102-2		NORTHROP FEDERAL "D" #1	ANDERSON COULEE	89.0	KOCH-HYDROCARBON
-DAVIS OIL COMPANY			RECEIVED:	10/13/83	JA: ND 5			
8402032	ND718-2	3300700811	102-2		JACKRABBIT FEDERAL #1	WILDCAT	76.8	WILLISTON GAS CO
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED:	10/13/83	JA: ND 5			
8402043	ND781-2	3300700843	102-2		FEDERAL 19-144-101 #1	DEVILS PASS	0.0	KOCH HYDROCARBON
8402038	ND776-2	3300700570	102-2		FEDERAL 35-142-100 #2	TREETOP	0.0	WESTERN GAS PROCE
8402037	ND775-2	3300700571	102-2		FEDERAL 35-142-100 #3	TREETOP	0.0	WESTERN GAS PROCE
8402039	ND777-2	3300700731	102-2		FEDERAL 6-144-101 #1	DEVILS PASS	0.0	KOCH HYDROCARBON
8402040	ND778-2	3300700781	102-2		FEDERAL 6-144-101 #4	DEVILS PASS	0.0	KOCH HYDROCARBON
8402041	ND779-2	3300700704	102-2		FEDERAL 7-144-101 #1	DEVILS PASS	0.0	KOCH HYDROCARBON
8402042	ND780-2	3300700717	102-2		FEDERAL 7-144-101 #2	DEVILS PASS	0.0	KOCH HYDROCARBON
-GRACE PETROLEUM CORPORATION			RECEIVED:	10/13/83	JA: ND 5			
8402014	ND686-2	3303300000	102-2		AMERADA FEDERAL #32-22	BEAVER CREEK	0.0	KOCH HYDROCARBON
-GULF OIL CORPORATION			RECEIVED:	10/13/83	JA: ND 5			
8402031	ND717-2	3305301331	102-2		BOB CREEK FEDERAL 3-24-2A	LONE BUTTE	35.0	KOCH HYDROCARBON
8402049	ND793-2	3305301532	102-2		FOLEY STEWART FEDERAL 4-24-3C	LONE BUTTE (MISSION C	52.0	KOCH HYDROCARBONS
-KERR-MCGEE CORPORATION			RECEIVED:	10/13/83	JA: ND 5			
8402004	ND654-2	3305301038	102-2		FEDERAL #1	FLAT TOP BUTTE	355.0	KOCH HYDROCARBON
-KOCH INDUSTRIES INC			RECEIVED:	10/13/83	JA: ND 5			
8402034	ND762-2	3300700881	102-2		FEDERAL #14-21	ANDERSON COULEE	72.0	MONTANA DAKOTA UT
8402020	ND693-2	3300700885	102-2		FEDERAL #4-21	ANDERSON-COULEE	380.0	MONTANA-DAKOTA UT
8402053	ND802-2	3300700882	102-2		FEDERAL #8-21	ANDERSON COULEE	55.0	MONTANA-DAKOTA UT
-NUCORP ENERGY INC			RECEIVED:	10/13/83	JA: ND 5			
8402036	ND764-2	3300700865	102-2		FEDERAL #34-1	ELKHORN RANCH	72.0	KOCH HYDROCARBON
8402035	ND763-2	3300700779	102-2		FEDERAL #6-1	ELKHORN RANCH	9.0	KOCH HYDROCARBON
-PUMA PETROLEUM CO			RECEIVED:	10/13/83	JA: ND 5			
8402028	ND707-2	3300700873	102-2		DUNCAN FEDERAL #15-43	WILDCAT	0.0	
-SHELL OIL CO			RECEIVED:	10/13/83	JA: ND 5			
8402047	ND790-2	3305301259	102-4		USA 34-5-113	MONDAK	65.7	MONTANA DAKOTA UT
-TENNECO OIL COMPANY			RECEIVED:	10/13/83	JA: ND 5			
8402003	ND652-2	3300700808	102-2		CHILDS USA 4-20	ELKHORN RANCH	456.0	MONTANA DAKOTA UT



[Vol. 998]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

Issued: November 4, 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 998

ISSUED NOVEMBER 4, 1983

FIELD NAME	PROD	PURCHASER
CLEON 14 (T24N R13W)	180.0	CONSUMERS POWER CO
WILDCAT	10.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
RANDOLPH	0.0	COLUMBIA GAS TRAN
CHERRY CREEK	36.0	COLUMBIA GAS TRAN
WILDCAT	36.0	COLUMBIA GAS TRAN
PLEASANT	6.0	COLUMBIA GAS TRAN
PERRY	52.0	
HOWLAND	0.0	COLUMBIA GAS TRAN
RICHLAND	3.0	COLUMBIA GAS TRAN
INDEPENDENCE	125.0	EAST OHIO GAS CO
SHEFFIELD	50.0	EAST OHIO GAS CO
GRANDVIEW	50.0	RIVER GAS CO
BENTON	50.0	RIVER GAS CO
IRISH RIDGE	10.0	NATIONAL GAS & OI
SALT LICK	350.0	COLUMBIA GAS TRAN
CHESTER	0.0	COLUMBIA GAS TRAN
CHESTER	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME
<b>MICHIGAN DEPARTMENT OF NATURAL RESOURCES</b>					
8402156	2110100000	103	107-TF	STATE-CLEON 1-15	
<b>NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION</b>					
8402163	5573	3100918186	103	107-TF	ABBEY #6271 (JO)
8402173	4918	3100917019	102-2	107-TF	BLOOD UNIT #2
8402164	4775	3100917113	102-2	107-TF	BUCK #1
8402167	4771	3100917016	102-2	107-TF	FENTON #1
8402166	4769	3100917018	102-2	107-TF	FISHER UNIT #1
8402169	4763	3100917024	102-2	107-TF	H BLOOD UNIT #1
8402172	4920	3100917990	102-2	107-TF	LOOMIS UNIT #1
8402170	4765	3100917017	102-2	107-TF	R FIORELLE UNIT #1
8402165	4773	3100917015	102-2	107-TF	RALPH BROWN UNIT #1
8402168	4767	3100917020	102-2	107-TF	SAPP #1
8402171	4941	3100917021	102-2	107-TF	UHL UNIT #1
8402161	5578	3101317886	107-TF	MANSFIELD #1	#31-013-17886
8402162	5576	3101318433	107-TF	WAAO #1	#31-013-18433
<b>OHIO DEPARTMENT OF NATURAL RESOURCES</b>					
8402174	3412725987	103	107-TF	LUCAS #1	
8402175	3408520443	107-TF	ADVEY JONES #1		
8402176	3415522265	102-2	107-TF	ANDERSON UNIT #1	
8402177	3407524103	103	HAWKINS #1		
8402178	3403521205	107-TF	BOYAS EXCAVATING INC #1		
8402179	3400721422	107-TF	JAMES CUSANO #1		
8402180	3416722457	107-DV	PEAT #4		
8402181	3416722984	107-DV	PEAT #7		
8402182	3411926493	107-TF	HINDEL #2		
8402183	3412725002	107-TF	IMLER-LEWIS #4		
8402184	3416923514	107-TF	STUTZ #1		
8402185	3416923514	103	STUTZ #1		

BILLING CODE 8717-01-M



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CLARENCE-SHERMAN					RECEIVED: 10/14/83 JA: OH			
8402186		3415723842	103	107-TF	OTT #2	BUCKS	511.0	EAST OHIO GAS CO
8402185		3407524043	102-4		POPE #1	CLARK	347.5	EAST OHIO GAS CO
-CNG DEVELOPMENT CO					RECEIVED: 10/14/83 JA: OH			
8402187		3413323055	103	107-TF	A HARVILLE #3 CNGD #151	ROOTSTOWN	13.0	
8402188		3413323056	103	107-TF	CARTER JONES LUMBER #1 CNGD #150	BRIMFIELD	46.0	
8402189		3415238440	107-TF		D & L NATALE #3 CNGD #149	PIKE	37.0	
8402189A		3415123844	103		D & L NATALE #3 CNGD #149	PIKE	37.0	
-COSHOCTON PIPE COMPANY					RECEIVED: 10/14/83 JA: OH			
8402190		3403124610	108		HARRY JOHNSON #1		7.3	COSHOCTON PIPE CO
-CUYAHOGA EXPLORATION & DEVELOPMENT					RECEIVED: 10/14/83 JA: OH			
8402191		3411122964	107-DV		CURTIS BENNETT #3	WASHINGTON	15.1	
-DISCOVERY OIL LTD					RECEIVED: 10/14/83 JA: OH			
8402192		3407523331	107-TF		LEVI MILLER #2	HARDY	0.0	
-DORFMAN PRODUCTION CO					RECEIVED: 10/14/83 JA: OH			
8402194		3409921613	103	107-TF	GREENAWALT UNIT #2	DAMASCUS	15.0	
8402195		3409921611	103	107-TF	GREENAWALT UNIT #3	DAMASCUS	15.0	
-DUCK CREEK PETROLEUM					RECEIVED: 10/14/83 JA: OH			
8402195		3407524075	103		HARVEY #1	PRAIRIE	10.0	COLUMBIA GAS TRAN
8402196		3415522381	107-TF		OBERLE-WILKES #2	NEWTOWN	30.0	COLUMBIA GAS TRAN
8402197		3415522364	107-TF		OBERLE-WILKES #3	NEWTOWN	30.0	COLUMBIA GAS TRAN
8402198		3415522381	107-TF		OBERLE-WILKES #4	NEWTOWN	30.0	COLUMBIA GAS TRAN
8402199		3415522385	107-TF		OBERLE-WILKES #5	NEWTOWN	39.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP					RECEIVED: 10/14/83 JA: OH			
8402200		3400722271	103	107-TF	HATCHER #1	NEW LYME	29.0	
-FLOYD J LAUBER					RECEIVED: 10/14/83 JA: OH			
8402202		3414920090	102-4		CLARENCE KMOUFF #1	CYNTHIAN	30.0	
8402201		3414920089	102-4		JOAN HILGERT #1	CYNTHIAN	60.0	
-FREDERICK PETROLEUM CORP					RECEIVED: 10/14/83 JA: OH			
8402203		3411123016	103		B TILTON #5	FRANKLIN	1.0	
-GASSEARCH INC					RECEIVED: 10/14/83 JA: OH			
8402204		3409921617	103	107-TF	MALONE #1	AUSTINTOWN	20.0	GAS TRANSPORT INC
-GENERAL ELECTRIC CO					RECEIVED: 10/14/83 JA: OH			
8402206		3405520533	103	107-TF	AIRPORT INDUSTRIAL PARK UNIT #1	MIDDLEFIELD	20.0	EAST OHIO GAS CO
8402205		3400722242	103	107-TF	CAMPBELL #1	CHERRY VALLEY	20.0	EAST OHIO GAS CO
-HILLTOP DEVELOPMENT CORP					RECEIVED: 10/14/83 JA: OH			
8402207		3411926686	103		DAVID MCCANN #1W	JACKSON	7.0	NATIONAL GAS & OI
-JOHN C MASON					RECEIVED: 10/14/83 JA: OH			
8402208		3407524008	107-TF		MOSES RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-KEM OHIO CORP					RECEIVED: 10/14/83 JA: OH			
8402211		3408720175	108		HERREL #1	KEN OHIO HERREL #1	2.7	COLUMBIA GAS TRAN
8402213		3408720178	108		KEN OHIO JETT #1	WATER LOO FIELD	1.9	COLUMBIA GAS TRAN
8402209		3405320103	108		KEN OHIO MILLER #1	WATER LOO FIELD	3.8	COLUMBIA GAS TRAN
8402212		3408720176	108		KEN OHIO RILEY #1	WATER LOO FIELD	1.4	COLUMBIA GAS TRAN
8402210		3408720172	108		KEN OHIO TAYLOR #1	WATER LOO FIELD	3.6	COLUMBIA GAS TRAN
-KEN-TRAK VI					RECEIVED: 10/14/83 JA: OH			
8402214		3410522748	107-TF		LOFTUS/HOLY/HARMON	RUTLAND	0.0	
-KINGSLEY ENTERPRISES INC					RECEIVED: 10/14/83 JA: OH			
8402215		3415521616	103	107-TF	MORVAT #3	BLOOMFIELD	30.0	
-LAKE REGION OIL INC					RECEIVED: 10/14/83 JA: OH			
8402216		3407524070	103	107-TF	CHRIST J A YODER #1	CLARK	10.0	YANKEE RESOURCES
8402217		3415723904	103	107-TF	ROBERT HODKINSON #1	UNION	10.0	EAST OHIO GAS CO
-MARK RESOURCES CORP					RECEIVED: 10/14/83 JA: OH			
8402219		3400722229	107-TF		KIDNER UNIT #1	SHEFFIELD	30.0	EAST OHIO GAS CO
8402218		3400722182	107-TF		KISTER #3	KINGSVILLE	30.0	EAST OHIO GAS CO
-MERIDIAN OIL & GAS ENT INC					RECEIVED: 10/14/83 JA: OH			
8402222		3400722293	103	107-TF	C T HOFFMAN #1	ANDOVER	37.0	
8402220		3400722142	103	107-TF	MAYNARD G SHEFFIELD #2	DORSET	18.0	
8402221		3400722280	103	107-TF	R A KRIEGER #1	DORSET	11.0	
-MITCHELL ENERGY CORPORATION					RECEIVED: 10/14/83 JA: OH			
8402230		3406720427	102-3		ARBAUGH #1	NEW RUMLEY (CLINTON S	20.0	EAST OHIO GAS CO
8402229		3406720426	102-3		ARBAUGH #1-91	NEW RUMLEY (CLINTON S	20.0	EAST OHIO GAS CO
8402224		3406720382	102-3		BIRNEY FARMS #1-41	NEW RUMLEY (CLINTON S	30.0	EAST OHIO GAS CO
8402224		3406720376	102-3		ECKLEY #1-40	NEW RUMLEY (CLINTON S	25.0	EAST OHIO GAS CO
8402227		3406720410	102-3		HAUBER #1-90	NEW RUMLEY (CLINTON S	20.0	EAST OHIO GAS CO
8402225		3406720377	102-3		HENARY "B" #1-39	NEW RUMLEY (CLINTON S	25.0	EAST OHIO GAS CO
8402228		3406720414	102-3		MORRIS #1-89	NEW RUMLEY (CLINTON S	20.0	EAST OHIO GAS CO
8402223		3406720373	102-3		MYERS-BIRNEY #1-26	NEW RUMLEY (CLINTON S	100.0	EAST OHIO GAS CO
8402231		3406720450	102-3		RYDER #1	NEW RUMLEY (CLINTON S	20.0	EAST OHIO GAS CO
-MORAWK OIL & GAS CORP					RECEIVED: 10/14/83 JA: OH			
8402232		3412122306	107-DV		RUTH WEBER #4-21	HARRIETSVILLE	0.6	COLUMBIA GAS TRAN
-OXFORD OIL CO					RECEIVED: 10/14/83 JA: OH			
8402266		3411926662	103	107-TF	BEDNARCZUK UNIT #1	SALT CREEK	12.0	
8402267		3411926689	103	107-TF	FRAME UNIT #1	PERRY	10.0	
8402264		3411924705	103		MICHAEL SHECK #5	HOPEWELL	8.0	
8402263		3408924765	103		ROBERT HAMILTON #1	WASHINGTON	10.0	
8402268		3412725971	103	107-TF	THEODORE WILLIAMS #3	CLAYTON	10.0	NATIONAL GAS & OI
8402265		3411926640	103	107-TF	TOM - RILEY #1	HOPEWELL	11.0	
-POI ENERGY INC					RECEIVED: 10/14/83 JA: OH			
8402236		3400722292	103	107-TF	BOYD #4	ROME	41.0	
8402235		3400722192	103	107-TF	HARTSTOCK #CG-3	ROME	36.0	
8402237		3405520539	103	107-TF	RAGAN-CROPP #1	BAINBRIDGE	48.0	
8402233		3407524108	103		SCHOFFER #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8402234		3407524109	103		WATTS #5	RICHLAND	10.0	COLUMBIA GAS TRAN
-PRIME TIME ENERGY INVESTMENT INC					RECEIVED: 10/14/83 JA: OH			
8402238		3408323328	103		WILLIAM & NAHAMA HORN #1	BLADENSBURG	6.0	NATIONAL GAS & OI
8402239		3408323345	103		WILLIAM & NAHAMA HORN #2	BLADENSBURG	6.0	NATIONAL GAS & OI
-PROFESSIONAL PETROLEUM INC					RECEIVED: 10/14/83 JA: OH			
8402240		3416727439	103		USA/MILDREN #5	INDEPENDENCE	20.0	
-RED ROSE INC					RECEIVED: 10/14/83 JA: OH			
8402241		3411521214	108		FULLER #1		4.0	COSHOCTON PIPE CO
8402246		3411521304	108		FULLER #1A		4.0	COSHOCTON PIPE CO
8402242		3411521221	108		J O MILLER #1		4.0	COSHOCTON PIPE CO
8402244		3411521277	108		KALB #1		4.0	COSHOCTON PIPE CO
8402243		3411521266	108		ROBERTS #1		4.0	COSHOCTON PIPE CO
8402245		3411521279	108		RUSSEL-RAY #1		4.0	COSHOCTON PIPE CO
-RSC ENERGY CORP					RECEIVED: 10/14/83 JA: OH			
8402249		3411925864	103	107-TF	CONSOLIDATION COAL - CR #17	WASHINGTON	10.0	REPUBLIC STEEL CO
8402250		3411926357	103	107-TF	CONSOLIDATION COAL - CR #46	WASHINGTON	3.5	REPUBLIC STEEL CO
8402252		3411926432	103	107-TF	CONSOLIDATION COAL - CR #57	SALEM	11.0	REPUBLIC STEEL CO
8402251		3411926431	103	107-TF	CONSOLIDATION COAL - CR #58	SALEM	11.0	REPUBLIC STEEL CO
8402247		3411925820	103	107-TF	CONSOLIDATION COAL - CR #6	WASHINGTON	5.4	REPUBLIC STEEL CO
8402248		3411925859	103	107-TF	CONSOLIDATION COAL CO - CR #15	WASHINGTON	9.0	REPUBLIC STEEL CO
-SHONGUM OIL & GAS INC					RECEIVED: 10/14/83 JA: OH			



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8402253		3416923458	107-TF		HUSTED UNIT #1	SUGAR CREEK	0.0	
-SMITH DRILLING INC			RECEIVED:	10/14/83	JA: OH			
8402254		3412726024	103	107-TF	CONWAY UNIT #1	HARRISON	8.0	
-THE BENATTY CORPORATION			RECEIVED:	10/14/83	JA: OH			
8402258		3411925830	103	107-TF	FUNK PARSONS #1	HARRISON	25.0	TEXAS EASTERN TRA
8402260		3411926025	103	107-TF	FUNK PARSONS #2	HARRISON	28.0	TEXAS EASTERN TRA
8402261		3411926026	103	107-TF	FUNK-PARSONS #3	HARRISON	15.0	TEXAS EASTERN TRA
8402266		3411925462	103	107-TF	H ANDERS #1	HARRISON	25.0	TEXAS EASTERN TRA
8402259		3411925874	103	107-TF	LACY ACRES FARMS #2	HARRISON	20.0	TEXAS EASTERN TRA
8402262		3411926045	103	107-TF	LACY ACRES FARMS #4	HARRISON	25.0	TEXAS EASTERN TRA
8402255		3411925149	103	107-TF	R BENNETT #2	HARRISON	25.0	TEXAS EASTERN TRA
8402257		3411925529	103	107-TF	R BENNETT #3	HARRISON	30.0	TEXAS EASTERN TRA
-TOWENT OIL & GAS CO			RECEIVED:	10/14/83	JA: OH			
8402269		3416923557	107-TF		AMSTUTZ - STEVENS #1	WAYNE	10.0	EAST OHIO GAS CO
-TWINOAKS OIL & GAS			RECEIVED:	10/14/83	JA: OH			
8402272		3416923576	103	107-TF	ROBERT WALSH #3	CHIPPewa	11.0	YANKEE RESOURCES
8402271		3416923574	103	107-TF	SAYRE-RASCHE #1	CHIPPewa	50.0	YANKEE RESOURCES
8402270		3410323420	103	107-TF	SHYAM PATHAK #1	HINCKLEY	12.0	COLUMBIA GAS TRAN
-Viking Resources Corporation			RECEIVED:	10/14/83	JA: OH			
8402275		3415321449	103	107-TF	CITY OF BARBERTON-LAMONICA UNIT #2	COPLEY	30.0	
8402276		3415321450	103	107-TF	CITY OF BARBERTON-LAMONICA UNIT #3	COPLEY	30.0	
8402273		3408520455	103	107-TF	JANEZIC #1	MADISON	30.0	
8402274		3408520468	103	107-TF	LOSELY UNIT #6	PERRY	30.0	
-W E SHRIDER CO			RECEIVED:	10/14/83	JA: OH			
8402277		3412724293	103		HEMLOCK #13	COAL	3.0	OHIO OIL GATHERIN
8402278		3412724319	103		HEMLOCK CO #14	COAL	3.0	OHIO OIL GATHERIN
8402279		3412725948	103		HEMLOCK CO #15	COAL	3.0	OHIO OIL GATHERIN
-WILLIAM M TIPKA			RECEIVED:	10/14/83	JA: OH			
8402280		3405923496	107-TF		CUDDY #1	WASHINGTON	15.0	
8402281		3415722604	D 108		JOE YOUNG #1		25.0	EAST OHIO GAS CO
-WORTHINGTON OIL COMPANY INC			RECEIVED:	10/14/83	JA: OH			
8402282		3403122552	108		TRI-MAC #1		0.0	COSHOCTON PIPE CO
***** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES *****								
-CASTLE GAS CO INC			RECEIVED:	10/14/83	JA: PA			
8402147	21145	3706326012	108		J C STONEBRAKER #1 (C-641)	GREEN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8402148	21144	3706326013	108		J C STONEBRAKER #2 (C-642)	GREEN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8402149	21145	3706326014	108		J C STONEBRAKER #3 (C-643)	GREEN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8402150	21146	3706326015	108		J C STONEBRAKER #4 (C-644)	GREEN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8402146	21142	3706325724	108		J E HILL #2 (C-491) IND-25724	WHITE TOWNSHIP	25.0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED:	10/14/83	JA: PA			
8402151	21148	3706521103	108		ROCHESTER PITTSBURGH COAL #1 W1372	MCCALMONT	20.0	GENERAL SYSTEM PU
-ENVIROGAS INC			RECEIVED:	10/14/83	JA: PA			
8402125	20066	3704922531	107-TF		H MIKOVCH #7	ELK CREEK	18.0	PURCHASER
-FORTUNE OIL & GAS INC			RECEIVED:	10/14/83	JA: PA			
8402153	21180	3708339919	103		PF-10	WARRANT 5570	3.8	NATIONAL FUEL GAS
8402154	21181	3708339920	103		PF-11	WARRANT 5570	3.8	NATIONAL FUEL GAS
8402152	21179	3708334921	103		PS-7	WARRANT 4915	3.8	NATIONAL FUEL GAS
8402155	21182	3708339922	103		PS-8	WARRANT 4915	3.8	NATIONAL FUEL GAS
-J & J ENTERPRISES INC			RECEIVED:	10/14/83	JA: PA			
8402135		3706522577	103		R & P COAL CO #40 (143A)	WINSLOW	0.0	COLUMBIA GAS TRAN
8402126	20292	3706522640	103		R & P COAL CO #61 (222A)	WINSLOW	0.0	COLUMBIA GAS TRAN
8402127	20294	3706522641	103		R & P COAL CO #62 (222A)	WINSLOW	0.0	COLUMBIA GAS TRAN
-MARK RESOURCES CORP			RECEIVED:	10/14/83	JA: PA			
8402138	20733	3708520515	107-TF		ZAHNWEISER UNIT #1	SOUTH PYMATUNING	30.0	NATIONAL FUEL GAS
8402136	20731	3708520515	102-2		ZAHNWEISER UNIT #1	SOUTH PYMATUNING	30.0	NATIONAL FUEL GAS
8402137	20732	3708520515	103		ZAHNWEISER UNIT #1	SOUTH PYMATUNING	30.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP			RECEIVED:	10/14/83	JA: PA			
8402133	20490	3703921733	107-TF		BUNTING #630-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8402132	20489	3703921733	102-2		BUNTING #630-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8402131	20488	3703921443	107-TF		DEIBEL #597-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8402130	20487	3703921443	102-2		DEIBEL PARTNERSHIP #597-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8402129	20486	3703921442	102-2		DEIBEL #596-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8402128	20485	3703921442	107-TF		DEIBEL #596-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED:	10/14/83	JA: PA			
8402140	2104	3708520529	107-TF		R TREVITT UNIT #1	SANDY LAKE (MEDINA)WH	41.1	COLUMBIA GAS TRAN
8402139	21013	3708520529	103		R TREVITT UNIT #1 MER-20529	SANDY LAKE (MEDINA)WH	41.1	COLUMBIA GAS TRAN
-PEOPLES NATURAL GAS CO			RECEIVED:	10/14/83	JA: PA			
8402145	21141	3712922172	103		LUCY A MCCULLOUGH #4 - WES-22172	W PENNA - UPPER DEVON	64.0	PEOPLES NATURAL G
8402141	21060	3712922173	103		PAUL E RUFFNER #2 - WES-22173	W PENNA - UPPER DEVON	35.0	PEOPLES NATURAL G
-R D WERNER CO INC			RECEIVED:	10/14/83	JA: PA			
8402124	19933	3708520475	107-TF		F STEVENSON UNIT #1	SUGAR GROVE	31.0	
-RENNIE KELLY ENTERPRISES			RECEIVED:	10/14/83	JA: PA			
8402144	21136	3706323938	108		BIG L FARM #1	CANOE	0.0	T W PHILLIPS GAS
-S T JOINT VENTURE 82-C			RECEIVED:	10/14/83	JA: PA			
8402142	21066	3706522806	103		REYNOLW PARK AUTHORITY #4	WINSLOW	25.0	NATIONAL FUEL GAS
-VICTORY DEVELOPMENT CO			RECEIVED:	10/14/83	JA: PA			
8402143	21070	3703327319	103		SOMERVILLE #1 - IND-27319	GREEN	36.0	CONSOLIDATED GAS
-WILLIAM C WOOD			RECEIVED:	10/14/83	JA: PA			
8402134	20537	3700522803	107-FE		M R ANKEY #3	PLUMCREEK	16.5	PEOPLE NATURAL GA
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED:	10/13/83	JA: WV			
8402060		4709701368	108		A - 374	UNION DISTRICT	0.0	CONSOLIDATED GAS
8402064		4704101947	108		A - 511	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8402051		4703300926	108		A - 546	UNION DISTRICT	0.0	CONSOLIDATED GAS
8402055		4704102034	108		A - 552	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8402062		4703300951	108		A - 574	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8402063		4703300982	108		A - 593	UNION DISTRICT	0.0	CONSOLIDATED GAS
8402059		4700100852	108		A - 620	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8402066		4709701706	108		A - 628	BANKS DISTRICT	0.0	CONSOLIDATED GAS
8402088		4704103272	103		A-1082	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8402085		4704103241	103		A-1121	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8402081		4708300611	103		A-1133	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8402082		4708300651	103		A-1153	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8402086		4704103246	103		A-1177	FREEMAN'S CREEK DISTR	0.0	CONSOLIDATED GAS
8402087		4704103267	103		A-1258	FREEMAN'S CREEK DISTR	0.0	CONSOLIDATED GAS
8402084		4704103211	103		A-1266	FREEMAN'S CREEK DISTR	0.0	CONSOLIDATED GAS
8402083		4701703135	103		A-1271	GREENBRIER DISTRICT	0.0	CONSOLIDATED GAS
-ALPHA DRILLING FUND 1979 LTD			RECEIVED:	10/13/83	JA: WV			
8402104		4708504793	108		LAYTON B LAW H-630	UNION DISTRICT	15.0	CONSOLIDATED GAS
-DEVON ENERGY CORP			RECEIVED:	10/13/83	JA: WV			



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8402112		4704103275	103		HALL #1 #2332	CONINGS	7.0	CONSOLIDATED GAS
8402113		4704103274	103		PERTZ #1 #2331	CONINGS	40.0	CONSOLIDATED GAS
8402121		4701703164	103		STAARMAN #2 #2321	LEOPOLD	7.0	CONSOLIDATED GAS
-FOX DRILLING CO INC								
8402115		4700101795	103		RECEIVED: 10/13/83 JA: WV			
8402119		4700101875	103		840 POLING	PHILIPPI	10.0	TENNESSEE GAS TRA
8402096		4700101875	107-DV		DON KINES #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402120		4700101876	103		DON KINES #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402095		4700101876	107-DV		DON KINES #2	PHILIPPI	10.0	TENNESSEE GAS TRA
8402123		4700101876	107-DV		DON KINES #2	PHILIPPI	10.0	TENNESSEE GAS TRA
8402098		4700101784	107-DV		G O ROWE #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402097		4700101792	107-DV		HOWDERSHOLT #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402122		4700101772	107-DV		HULL #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402117		4700101802	103		J KINES #2	PHILIPPI	10.0	TENNESSEE GAS TRA
8402118		4700101803	103		L & J BOLDYARD #2	PHILIPPI	10.0	TENNESSEE GAS TRA
8402116		4700101801	103		L & J BOLDYARD #3	PHILIPPI	10.0	TENNESSEE GAS TRA
8402114		4700101793	103		L&J BOLDYARD #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402108		4700101605	107-DV		O'NEAL #1	PHILIPPI	10.0	TENNESSEE GAS TRA
8402107		4700101606	107-DV		SHAFER #1	PHILIPPI	10.0	TENNESSEE GAS TRA
-HAUGHT INC								
8402110		4708506034	107-DV		RECEIVED: 10/13/83 JA: WV			
8402091		4708504969	107-DV		A M DOUGLASS H-1363	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8402092		4707301443	107-DV		C ROBINSON H-938	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8402106		4708505078	108		CUNNINGHAM H-1209	MCKIM DISTRICT	20.0	COLUMBIA GAS TRAN
8402093		4707301389	107-DV		EDWIN DEEM H-1217	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
8402094		4708505489	107-DV		HAMLIN-DAWSON H-1297	MCKIM DISTRICT	18.0	COLUMBIA GAS TRAN
8402109		4708505789	107-DV		JOHN SIMS H-1304	MURPHY DISTRICT	18.0	CONSOLIDATED GAS
8402105		4708504959	108		M MOATS H-1343	GRANT DISTRICT	16.0	CONSOLIDATED GAS
8402111		4708506089	107-DV		RALPH WILSON H-1070	GRANT DISTRICT	15.0	CONSOLIDATED GAS
-STERLING DRILLING AND PROD CO INC								
8402102		4708703224	108		RECEIVED: 10/13/83 JA: WV			
8402099		4704103119	108		HAROLD #169	GEARY DISTRICT	12.6	COLUMBIA GAS TRAN
8402100		4701501673	108		MCWHORTER #548	SKIN CREEK DISTRICT	7.6	BROOKLYN UNION GA
8402103		4701501843	108		STAHLMAN #198	BUFFALO DISTRICT	28.8	EQUITABLE GAS CO
8402101		4708703343	108		WHITE #338	OTTER DISTRICT	4.5	COLUMBIA GAS TRAN
-TIARA INC								
8402068		4707301526	107-DV		RECEIVED: 10/13/83 JA: WV			
8402069		4701701746	108		CUNNINGHAM #1	MCKIM DISTRICT	0.0	CONSOLIDATED GAS
-WAYMAN W BUCHANAN								
8402076		4708505976	102-3		RUBY DAVIS #1	GREENBRIER DISTRICT	0.0	CONSOLIDATED GAS
8402080		4708505726	102-3		RECEIVED: 10/13/83 JA: WV			
8402067		4708505801	102-3		DAVISSON #1	MURPHY	0.0	CONSOLIDATED GAS
8402078		4710501005	102-3		DILLY #1	GRANT	0.0	CONSOLIDATED GAS
8402090		4710501004	103		DILLY #2	GRANT	0.0	CONSOLIDATED GAS
8402089		4708505847	103		GROW #34	CISCO	0.0	CONSOLIDATED GAS
8402075		4708505701	102-3		GROW #42	CISCO	0.0	CONSOLIDATED GAS
8402079		4708505715	102-3		LIGHT #2	GRANT	0.0	CONSOLIDATED GAS
8402073		4708505688	102-3		METZ #1	GRANT	0.0	CONSOLIDATED GAS
8402070		4708505893	102-3		METZ #3	GRANT	0.0	CONSOLIDATED GAS
8402071		4708505895	102-3		MOATS #1	GRANT	0.0	CONSOLIDATED GAS
8402072		4708505896	102-3		PETROLEUM SERVICES #1	GRANT	0.0	CONSOLIDATED GAS
8402077		4708505982	102-3		SAVAGE #1	GRANT	0.0	CONSOLIDATED GAS
8402074		4708505434	102-3		SAVAGE #2	MURPHY	0.0	CONSOLIDATED GAS
*****								
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER, CO								
*****								
-COSEKA RESOURCES (USA) LIMITED								
8402157	CD-0160-83	0510308195	108		RECEIVED: 10/14/83 JA: CO 1			
-MITCHELL ENERGY CORPORATION								
8402159	CD 0543-82	0507700000	108		TAIGA FEDERAL 4-RX-16	THUNDER	5.1	NORTHWEST PIPELIN
8402160	CD 0542-82	0507700000	108		FEDERAL #9-1	PERSIGO WASH	7.5	NORTHWEST PIPELIN
-MORRIS OIL CO								
8402158	CD 0163-83	0507708535	103		RECEIVED: 10/14/83 JA: CO 1	PERSIGO WASH	5.3	NORTHWEST PIPELIN
*****								
107-TF FEDERAL 26-2								
*****								
SHIRE GULCH								
*****								
3.6 ROCKY MOUNTAIN NA								

[PR Doc. 83-30031 Filed 11-8-83; 8:45 am]

BILLING CODE 8717-01-C



[Vol. 999]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

Issued: November 4, 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 999

ISSUED NOVEMBER 4, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
<b>KANSAS CORPORATION COMMISSION</b>								
-BARNETT OIL INC			RECEIVED:	10/14/83	JA: KS			
8402395	K-79-1143	1514500000	108-PB	SCHARTZ #1		SHADY NO	7.3	KANSAS-NEBRASKA M
-F. G. HOLL			RECEIVED:	10/14/83	JA: KS			
8402596	K 81-0729	1514520643	108-PB	HOAR -D- #1-31		GARFIELD SW	16.5	KANSAS-NEBRASKA M
8402597	K 81-0726	1504720365	108-PB	HOAR NO 2-6		GARFIELD SW	13.5	KANSAS-NEBRASKA M
-GETTY OIL COMPANY			RECEIVED:	10/14/83	JA: KS			
8402598	K-82-0718	1500730054	108-PB	SUTTON "A" #1		AETNA	14.0	CITIES SERVICE GA
-GULF OIL CORPORATION			RECEIVED:	10/14/83	JA: KS			
8402600	K-79-1259	1500700000	108-PB	FORSYTH B #1		MEDICINE LODGE	0.0	NORTHWEST CENTRAL
8402599	K-80-0334	1500700000	108-PB	VERNON G COLEMAN #1		RHODES NE	17.0	CITIES SERVICE GA
<b>MONTANA BOARD OF OIL &amp; GAS CONSERVATION</b>								
-NATURAL GAS PROCESSING CO			RECEIVED:	10/17/83	JA: MT			
8402492	1-83-16	2501521587	102-2	KILLION #1-20		WILDCAT (BUFFALO FLAT	100.0	NATURAL GAS PROCE
8402487	1-83-15	2501521591	102-2	KILLION #1-21		WILDCAT	100.0	NATURAL GAS PROCE
-SUNBURST EXPLORATION INC			RECEIVED:	10/17/83	JA: MT			
8402479	2-83-28	2510121504	102-2	ADASKAVICH #2		DUNKIRK	0.0	MONTANA POWER CO
8402482	2-83-26	2510122256	102-2	BENJAMIN #1		DUNKIRK	0.0	MONTANA POWER CO
8402481	2-83-30	2510122292	102-2	HASQUET #1		DUNKIRK	0.0	MONTANA POWER CO
8402489	2-83-20	2510122157	102-2	HAWKINS #1		DUNKIRK	0.0	MONTANA POWER CO
8402488	2-83-18	2510122291	102-2	HAWKINS #14-33		DUNKIRK	0.0	MONTANA POWER CO
8402490	2-83-24	2510122110	102-2	KALBFLEISCH #2		DUNKIRK	0.0	MONTANA POWER CO
8402486	2-83-22	2510122249	102-2	KALBFLEISCH #3		DUNKIRK	0.0	MONTANA POWER CO
8402483	2-83-19	2510122290	102-2	KALBFLEISCH #4		DUNKIRK	0.0	MONTANA POWER CO
8402478	2-83-27	2510122035	102-2	MCKECHNIE #1		DUNKIRK	0.0	MONTANA POWER CO
8402484	2-83-25	2510122081	102-2	MCKECHNIE #2		DUNKIRK	0.0	MONTANA POWER CO
8402491	2-83-23	2510122250	102-2	MCKECHNIE #3		DUNKIRK	0.0	MONTANA POWER CO
8402480	2-83-29	2510122402	102-2	RESERVOIR STATE #1		DUNKIRK	0.0	MONTANA POWER CO
8402485	2-83-21	2510122158	102-2	SKESLIEN #1		DUNKIRK	0.0	MONTANA POWER CO
<b>NEW MEXICO DEPARTMENT OF ENERGY &amp; MINERALS</b>								
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	10/17/83	JA: NM			
8402494		3002500000	108	EMERY KING NW #3		LANGLIE MATTIX	8.0	EL PASO NATURAL G
<b>TEXAS RAILROAD COMMISSION</b>								
-ADOBE OIL & GAS CORPORATION			RECEIVED:	10/14/83	JA: TX			
8402412	F-8A-073354	4244531134	103	MULDROW "A" #8		PRENTICE NW (SAN ANDR	9.0	AMOCO PRODUCTION
8402411	F-8A-073353	4244531133	103	MULDROW "B" #4		PRENTICE NW (SAN ANDR	9.0	AMOCO PRODUCTION
-AMOCO PRODUCTION CO			RECEIVED:	10/14/83	JA: TX			
8402383	F-04-073102	4248930715	103	107-TF GAS UNIT A ZONE 8 #3		LA SAL VIEJA (B 9680-	339.0	TENNESSEE GAS PIP
8402392	F-8A-073286	4221933825	103	LEVELLAND UNIT #784		LEVELLAND	65.0	AMOCO PRODUCTION
8402393	F-8A-073287	4221933853	103	LEVELLAND UNIT #785		LEVELLAND	58.0	AMOCO PRODUCTION
8402382	F-02-073070	4239131252	103	MARY ELLEN O'CONNOR #53		MARY ELLEN O'CONNOR (	14.6	LA ROSA CORP

BILLING CODE 6717-01-M



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8402391	F-8A-073285	4221933875	103		M G FRAZIER #125	SLAUGHTER	1.1	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY			RECEIVED:	10/14/83	JA: TX			
8402392	F-8A-070530	4213135734	107-DP		HAZELWOOD GAS UNIT #2	SEVEN SISTERS E (HOWE)	53.0	TEXAS EASTERN TRA
-ARGEE OIL COMPANY			RECEIVED:	10/14/83	JA: TX			
8402384	F-7H-073107	4235331886	103		CM-1 COOPER UNIT #1	ROMAN AND HOPE (PENN)	492.8	LTX INC
-ASAMERA OIL U S INC			RECEIVED:	10/14/83	JA: TX			
8402368	F-7H-072764	4244132027	102-4		R MCNIECE #2	MCNIECE (GRAY 4100)	40.0	LOME STAR GAS CO
-BAY ROCK CORPORATION			RECEIVED:	10/14/83	JA: TX			
8402380	F-02-073035	4202531891	103		COMBLETON UNIT #1	HOLZMARK	0.0	HOUSTON PIPE LINE
-BELL O M			RECEIVED:	10/14/83	JA: TX			
8402426	F-7H-073409	4236730890	102-4		CLYDE W YEARY #2	DENNIS SW (4600)	10.0	NORTHERN GAS PROD
8402425	F-7H-073408	4236731401	102-4		CLYDE W YEARY #4	DENNIS SW (4600)	0.0	NORTHERN GAS PROD
-BENTLEY OIL & GAS CO			RECEIVED:	10/14/83	JA: TX			
8402396	F-7H-073509	4244733533	102-2		DAVIS "AC" #1	BOX SPRINGS SE (CONGL)	18.0	HST GATHERING CO
-BEST PETROLEUM EXPLORATION INC			RECEIVED:	10/14/83	JA: TX			
8402300	F-7H-064681	4236732305	103		ROY MARTIN #1	SPRINGTOWN (5500)	60.0	SOUTHWESTERN GAS
-C. J. WOFFORD			RECEIVED:	10/14/83	JA: TX			
8402338	F-02-072004	4205531959	RECEIVED:	10/14/83	JA: TX			
-CENTURY ENERGY INC			RECEIVED:	10/14/83	JA: TX			
8402314	F-01-069219	4250731936	103		LYLES #1	MINERAL WEST (11000)	9.0	TEXAS EASTERN TRA
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	10/14/83	JA: TX			
8402298	F-08-064728	4243100000	103	107-TF	I W TERRY #16	ESCONDIDO	197.1	ESPERANZA TRANSMI
8402295	F-04-064192	4235531804	102-4	103	J S ELIFF "CM" #21	CONGER SW (PENN)	0.0	NORTHERN NATURAL
-CIRCLE SEVEN PRODUCTION CO			RECEIVED:	10/14/83	JA: TX			
8402442	F-09-073462	4223735228	102-4		LEACH #2	STRATTON (H-29)	0.0	TENNESSEE GAS PIP
-CRYSTAL OIL AND LAND COMPANY			RECEIVED:	10/14/83	JA: TX			
8402359	S-04-072611	4204730424	102-4		WALKER "AM" #1	HELMS (CADDO CONGL)	0.0	SOUTHWESTERN GAS
-D & A PETROLEUM INC			RECEIVED:	10/14/83	JA: TX			
8402265	F-10-049216	4208730184	103		CERYLL #1	WALKER (TRAVIS PEAK)	8.4	BRECKENRIDGE GASO
-DELTA OIL & GAS CO			RECEIVED:	10/14/83	JA: TX			
8402437	F-7H-073452	4242900000	108		ATKINS - ARCO RRC #18907	PANHANDLE EAST	0.0	WARREN PETROLEUM
8402435	F-7H-073447	4242900000	108		DICK ATKINS "AM" #1 RRC 89186	STEPHENS COUNTY REGUL	0.0	SUN GAS TRANSMISS
8402434	F-7H-073451	4242900000	108		DICK ATKINS RRC 880504	CRYSTAL FALLS EAST (C	0.0	SUN GAS TRANSMISS
-DIAMOND SHAMROCK CORPORATION			RECEIVED:	10/14/83	JA: TX			
8402373	F-10-072876	4234130524	108		ROBERTSON #2	CRYSTAL FALLS EAST (C	0.0	SUN GAS TRANSMISS
8402353	F-10-072468	4234100000	108		ROBERTSON "B" #4	PANHANDLE WEST	15.0	NORTHERN NATURAL
-DIXON W D			RECEIVED:	10/14/83	JA: TX			
8402302	F-08-067791	4237100000	RECEIVED:	10/14/83	JA: TX			
-EASERCH EXPLORATION INC			RECEIVED:	10/14/83	JA: TX			
8402358	F-8A-072593	4203330836	103		MILLER #1	PANHANDLE W	15.0	NORTHERN NATURAL
8402357	F-8A-072592	4203330908	103		MILLER "AM" #1	WHITE & BAKER	0.0	DBH GAS INC
-ESENJAY PETROLEUM CORP			RECEIVED:	10/14/83	JA: TX			
8402381	F-04-073038	4235500000	103		B LISK #2-C	HOOD M	88.0	SUN EXPLORATION &
8402311	F-04-060320	4224931658	102-4	103	SCHACHERL #1	HOOD M	74.0	SUN EXPLORATION &
-EXXON CORPORATION			RECEIVED:	10/14/83	JA: TX			
8402434	F-03-073447	4207131317	103		GALVESTON BAY STATE A #109	AGUA DULCE NORTH (490	844.0	ESPERANZA TRANSMI
8402444	F-08-073467	4210332212	108		J B TUBB "CM" #22	WILDCAT	0.0	
8402395	F-08-073302	4210333188	103		J B TUBB A/C 1 #287	RED FISHREEF (MIOCENE	175.0	ENTEX INC
8402330	F-7C-071126	4243131304	103		LOU E JOHNSON ESTATE A/C 1 #47	SAND HILLS (MCKNIGHT)	9.0	EL PASO NATURAL G
8402305	F-08-067865	4247532734	103		LOUIS RICHTER #77	SAND HILLS (JUDKINS)	55.0	EL PASO NATURAL G
8402441	F-04-073457	4211100000	108		PAUL E WHITE "B" 37 (01700)	JAMESON (STRAWN)	27.0	KOCH HYDROCARBON
8402439	F-05-073454	4246730552	103		R S BLAKE #24	ESTES BLOCK 34 (PENN)	21.0	DELHI GAS PIPELIN
8402355	F-7C-072519	4238332535	102-4		ZULETTE HUGHES #6	LUNDELL (PETTUS)	1.0	TENNESSEE GAS PIP
8402403	F-7C-073331	4238330000	108		ZULETTE HUGHES #2	VAN	60.0	UNITED GAS PIPELI
-FAGADAU ENERGY CORP			RECEIVED:	10/14/83	JA: TX			
8402440	F-09-073455	4207732534	103		SCALING RANCH "C" #4 RRC #22058	RED HOUSE (FUSSELMAN)	52.0	EL PASO NATURAL G
-FOREE CO			RECEIVED:	10/14/83	JA: TX			
8402410	F-7H-073351	4204932241	103		MURJO #1 (86666)	SPRABERRY TREND AREA	7.0	EL PASO NATURAL G
-GENE POWELL INVESTMENTS INC			RECEIVED:	10/14/83	JA: TX			
8402362	F-7H-072639	4245930552	103	107-TF	MCCLELLAND GAS UNIT #1	CASS (CADDO)	36.0	BLUEGROVE GASOLIN
-GENESIS PETROLEUM CORP			RECEIVED:	10/14/83	JA: TX			
8402342	F-03-072188	4207131442	RECEIVED:	10/14/83	JA: TX			
-GRACE PETROLEUM CORPORATION			RECEIVED:	10/14/83	JA: TX			
8402333	F-06-071745	4241930454	102-4		FRANCIS GAS UNIT #1	BROWN COUNTY REGULAR	69.0	EL PASO HYDROCARB
-H & R OILS INC			RECEIVED:	10/14/83	JA: TX			
8402320	F-7C-069491	4239931590	103		BARR JONNIE H #2 06760	GLENWOOD (COTTON VALL	54.0	TEJAS GAS CORP
8402319	F-7C-069490	4239932236	103		BRYAN #1 09234	RED FISH REEF NORTH (	50.0	
-HARDWICK OIL CO			RECEIVED:	10/14/83	JA: TX			
8402308	F-02-068102	4246931986	102-4		JOHN H GILLEY JR #1	GARRISON SOUTH (PETTI	0.0	UNITED GAS PIPELI
-HARRY E NELSON			RECEIVED:	10/14/83	JA: TX			
8402301	F-03-066988	4233900000	108		J W WOODS UNIT #2	BALLINGER SOUTH (CAPP	19.0	LOME STAR GAS CO
-HENDERSON CLAY PRODUCTS INC			RECEIVED:	10/14/83	JA: TX			
8402317	F-06-069321	4240131634	102-3	107-TF	ALFORD "CM" GAS UNIT WELL #1	WINGATE WEST (GARDNER	38.0	UNION TEXAS PETRO
-HILLIARD OIL & GAS INC			RECEIVED:	10/14/83	JA: TX			
8402341	F-04-072171	4204731228	102-4		DE LUNA #1	PRIDHAM LAKE SOUTH (F	300.0	TEXAS CITY REFINI
8402340	F-04-072170	4204730962	102-4		HUERTA #1	WILLIS WEST	0.0	MORGAS CO
8402334	F-02-073292	4217531708	102-4		JACK SMITH #1	HENDERSON NORTH (COTT	600.0	B&A PIPE LINE CO
-HRUBETZ OIL CO			RECEIVED:	10/14/83	JA: TX			
8402334	F-7H-071871	4208333528	102-4		BRISTOW #1	RUCIAS N (FB E V-17)	550.0	ESPERANZA TRANSMI
8402345	F-7H-072327	4208333476	103		MCCAIN #1	RUCIAS N (FB E V-17)	90.0	ESPERANZA TRANSMI
-HUGHES & HUGHES OIL AND GAS			RECEIVED:	10/14/83	JA: TX			
8402335	F-04-071957	4240931748	102-4		FRANK DELSCHLEGEEL JR #1	WEESATCHE WEST (MOLT	810.0	HOUSTON PIPE LINE
8402329	F-04-071005	4235531364	102-4		HERBERT K SCHULZE #5	HRUBETZ (ELLEN)	9.0	UNION TEXAS PETRO
8402336	F-04-071958	4240931735	102-4		SAM HORNISH "AM" #1	COLEMAN COUNTY REGULA	11.0	UNION TEXAS PETRO
-J A LEONARD			RECEIVED:	10/14/83	JA: TX			
8402407	F-03-073344	4205100000	102-4		PILLOW #1	TAFT SOUTH (8500)	110.0	HOUSTON PIPE LINE
8402409	F-03-073346	4205100000	102-4		PILLOW #2	AGUA DULCE (8550)	110.0	HOUSTON PIPE LINE
8402408	F-03-073345	4205100000	102-4		PILLOW #3	TAFT SOUTH (9500)	45.0	HOUSTON PIPE LINE
8402387	F-03-073132	4205100000	102-4		PILLOW #6	WILLARD (NAVARRO)	41.0	FERGUSON CROSSING
-JACKSON EXPLORATION INC			RECEIVED:	10/14/83	JA: TX			
8402287	F-7C-058239	4246330268	107-TF		INGHAM "AM" #1	WILLARD (NAVARRO)	44.0	FERGUSON CROSSING
8402288	F-7C-058388	4210533685	107-TF		P C PERMER #3	WILLARD (NAVARRO)	43.0	FERGUSON CROSSING
-JOHN Q MCCABE			RECEIVED:	10/14/83	JA: TX			
8402376	F-7C-072931	4241331326	103		THORNHURST #4	WILLARD (NAVARRO)	91.0	FERGUSON CROSSING
-JOSEPH T DAWSON			RECEIVED:	10/14/83	JA: TX			
8402354	F-04-072518	4240931673	103		BLASCHKE-MAYO #3	MESA-GRANDE (DEVONIAN	140.0	LINK SYSTEMS INC
-KASPAR A G			RECEIVED:	10/14/83	JA: TX			
8402388	F-7C-073139	4246132031	103		HOLLY #5 809978	DUDLEY EAST (DEVONIAN	140.0	LINK SYSTEMS INC
8402389	F-7C-073140	4246132017	103		HOLLY 4-U 809978	FORT MCKAYITT (4270 L	0.0	ARCO OIL & GAS CO
-LEO ENERGY INC			RECEIVED:	10/14/83	JA: TX			
8402343	F-06-072245	4240100000	102-4		A P PIRTLE GAS UNIT #1-C	MIDWAY	0.0	HOUSTON PIPE LINE
-LESAGE INDUSTRIES			RECEIVED:	10/14/83	JA: TX			
8402291	F-09-061351	4250300000	102-4		FARMER #3	AMACKER-TIPPETT SW (W	3.6	PHILLIPS PETROLEU
8402292	F-09-061353	4250300000	102-4		KUNKLE #2	AMACKER-TIPPETT SW (W	7.3	PHILLIPS PETROLEU



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LIVEDAK PRODUCTION CO					RECEIVED: 10/14/83 JA: TX			
8402289	F-78-060945	4208332518	103		O C BERTRAND #1	GLEN COVE 5 (PALO PIN	0.0	LONE STAR GAS CO
-M BRAD BENNETT INC					RECEIVED: 10/14/83 JA: TX			
8402404	F-08-073358	4238951356	102-4		LEE #1	COLLIE (DELAWARE)	36.5	INTRATEX GAS CO
-M J PHILLIPS					RECEIVED: 10/14/83 JA: TX			
8402299	F-09-066523	4250336454	102-4		SLOAN "A" #5	WILDCAT (SLOAN (BRY50	19.0	M W SUB INC
-MAGNATEX PETROLEUM CO					RECEIVED: 10/14/83 JA: TX			
8402433	F-08-073430	4237134400	103		SULLIVAN #4 #18210	MESA VISTA (SULLIVAN)	54.7	
-MARALO INC					RECEIVED: 10/14/83 JA: TX			
8402399	F-08-073312	4200333507	103		SOUTHLAND ROYALTY "C" #4	DEEP ROCK (PENN)	36.5	PHILLIPS PETROLEU
-MARTIN OIL & GAS CO					RECEIVED: 10/14/83 JA: TX			
8402379	F-03-073034	4214931528	102-2		FREYTAG "A" #1	GIDDINGS AUSTIN CHALK	0.0	PHILLIPS PETROLEU
-MITCHELL ENERGY CORPORATION					RECEIVED: 10/14/83 JA: TX			
8402283	F-09-030539	4249700000	108-ER		T P BROWN #1	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
-MONSANTO COMPANY					RECEIVED: 10/14/83 JA: TX			
8402390	F-10-073281	4235700000	108		CLEM #1	PARSELL (MORROW LOWER	7.0	TRANSWESTERN PIPE
-N O STOVALL & SON					RECEIVED: 10/14/83 JA: TX			
8402424	F-09-073407	4250336485	103		KING WILLIAMS #1 RRC 22995 #179442	SENKEL ( CADD0 4600)	21.0	MID-STATE GAS CO
-NORTH AMERICAN EXPLORATION CO					RECEIVED: 10/14/83 JA: TX			
8402367	F-78-072754	4213300000	103		MCMINN #1	EASTLAND COUNTY REGUL	54.0	LONE STAR GAS CO
-NUGGET OIL CORP					RECEIVED: 10/14/83 JA: TX			
8402365	F-02-072672	4217531749	103		PEREIRA #5 (ID # NOT ASSIGNED)	HORDES CREEK	73.0	UNITED GAS PIPE L
-OAL PETROLEUM CO					RECEIVED: 10/14/83 JA: TX			
8402332	F-03-071708	4248132495	102-4		RASMUSSEN UNIT #1	BLACK OUL	900.0	HOUSTON PIPE LINE
-PALO PETROLEUM INC					RECEIVED: 10/14/83 JA: TX			
8402286	F-08-054029	4217331262	103		MCDANIEL BROTHERS #1	SPRABERRY (TREMOR AREA	0.0	EL PASO NATURAL G
-PARKER & PARLEY INC					RECEIVED: 10/14/83 JA: TX			
8402378	F-7C-072993	4238332537	103		UNIVERSITY "A" #2	PRICE (GRAYBURG)	15.0	J L DAVIS
-PEERLESS DRILLING CO					RECEIVED: 10/14/83 JA: TX			
8402372	F-78-072867	4236732473	102-4		GILL #4 ID NUMBER APPLIED FOR	M & R (BEND CONGL)	402.0	SOUTHWESTERN GAS
-PETRO-LEWIS CORPORATION					RECEIVED: 10/14/83 JA: TX			
8402350	F-08-072391	4249500000	108		BROWN ALTMAN E #10	EMPEROR DEEP	1.4	PHILLIPS PETROLEU
8402351	F-08-072392	4249500000	108		BROWN ALTMAN E #20	EMPEROR DEEP	1.2	PHILLIPS PETROLEU
8402349	F-08-072398	4249500000	108		BROWN ALTMAN E #60	EMPEROR DEEP	2.4	PHILLIPS PETROLEU
-PETRUS OPERATING CO INC					RECEIVED: 10/14/83 JA: TX			
8402364	F-09-072667	4229330663	102-4		BARNETT-WHITE #1	OLETHA EAST FIELD	0.0	TEXAS UTILITIES F
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 10/14/83 JA: TX			
8402402	F-10-073322	4220500000	108		BISSELL #2	PANHANDLE WEST	0.0	EL PASO NATURAL G
8402371	F-10-072859	4242100000	108		CARTERITE A #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONS
8402370	F-10-072858	4242100000	108		MURKES A #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONS
8402418	F-10-073308	4242100000	108		WITTER A #2	TEXAS HUGOTON-DOLOMIT	0.0	PANHANDLE EASTERN
8402419	F-10-073309	4242100000	108		WITTER A #3	TEXAS HUGOTON-DOLOMIT	0.0	PANHANDLE EASTERN
-PRECISION DRILLING CO INC					RECEIVED: 10/14/83 JA: TX			
8402386	F-78-073130	4208333377	103		HARDY BLUE #2 08473	COLEMAN COUNTY REGULA	28.0	LONE STAR GAS CO
8402413	F-78-073363	4208333422	103		MRS EULA P WEAVER "A" 15445 RRC #	COLEMAN COUNTY REGULA	15.0	LONE STAR GAS CO
-QUINTANA PETROLEUM CORP					RECEIVED: 10/14/83 JA: TX			
8402348	F-04-072377	4240931733	102-4		THOMAS DIX #2	THOMAS DIX (4600'S) 5	145.0	HOUSTON PIPELINE
-RANKIN OIL CO					RECEIVED: 10/14/83 JA: TX			
8402443	F-7C-073466	4208130736	103		CALLA MAE "E" #1	ARLEDGE (PENN SAND)	21.0	SUN GAS CO
-REA EXPLORATION CO					RECEIVED: 10/14/83 JA: TX			
8402312	F-02-068394	4239131500	102-4		WOOD #1	S E BLANCONIA 2700 PE	55.0	
-RIDGE OIL CO					RECEIVED: 10/14/83 JA: TX			
8402375	F-78-072912	4213335037	102-4	103	TANKERSLY "A" #2	REB (MARBLE FALLS)	36.5	COMPRESSOR RENTAL
-SANTA FE ENERGY PRODUCTS CO					RECEIVED: 10/14/83 JA: TX			
8402344	F-03-072324	4214900000	102-2		ZWERNEMANN #1	GIDDINGS (AUSTIN-CHAL	0.0	CLAJON GAS CO
-SANTA FE MINERALS INC					RECEIVED: 10/14/83 JA: TX			
8402303	F-78-067738	4235331332	102-4		D S RIGOS #1	VOGAN (STRAWN REEF)	56.0	WEST TEXAS PROCES
-SMITH PETROLEUM CO					RECEIVED: 10/14/83 JA: TX			
8402356	F-03-072542	4215700000	102-4		ANDREW WALZEL #1	TAVENER (JACKSON 6580	380.0	LONE STAR GAS CO
8402321	F-03-069713	4218530336	102-4		SELECTED LANDS 18 UNIT 5 #2	IOLA SOUTH (SUBCLARKS	100.0	WELLHEAD VENTURES
-SOCORRO ENERGY					RECEIVED: 10/14/83 JA: TX			
8402304	F-02-067739	4225331045	102-4		B P GREEN #4	BIRDIE (7100 CARRIZO	120.0	INTRASTATE GATHER
-SOUTHERN ROYALTY INC					RECEIVED: 10/14/83 JA: TX			
8402322	F-04-069802	4240900000	102-4		DINN #1	EAST MATHIS (BALME)	220.0	HOUSTON PIPE LINE
8402328	F-04-070984	4240900000	102-4		HANSEN #2	MATHIS EAST BALME)	255.0	HOUSTON PIPE LINE
-SOUTHLAND ROYALTY CO					RECEIVED: 10/14/83 JA: TX			
8402417	F-7C-073387	4238331434	108		O N LANE #2	CALVIN DEAN	9.0	UNION TEXAS PETRO
-SUBURBAN PROPANE EXPLORATION CO INC					RECEIVED: 10/14/83 JA: TX			
8402290	F-7C-061141	4210534028	103	107-TF	MCULLAN P-2 #1	DAVIDSON RANCH/PENN 7	0.0	INTRATEX GAS CO
8402324	F-7C-070558	4210534428	103	107-TF	MCULLAN 6 #1	DAVIDSON RANCH/CANYON	0.0	NORTHERN NATURAL
-SUGARBERRY OIL & GAS CORP					RECEIVED: 10/14/83 JA: TX			
8402294	F-7C-063915	4213331266	103	107-TF	HARPER #3	VELREX (ENDERSON UPP	42.0	FARMLAND INDUSTRI
-SUN EXPL. & PROD. CO. - HOUSTON					RECEIVED: 10/14/83 JA: TX			
8402423	F-04-073398	4235500000	108		RICHARD KING #3-17	RICHARD KING	11.0	DELHI GAS PIPELIN
-SUN EXPLORATION & PRODUCTION CO					RECEIVED: 10/14/83 JA: TX			
8402363	F-08-072655	4213534134	103		EAST GOLDSMITH HOLT UNIT #1609	GOLDSMITH EAST (HOLT)	3.0	PHILLIPS PETROLEU
8402405	F-02-073342	4239100000	108		J M OBRIEN "A" #3	GRETA	13.0	UNITED TEXAS TRAN
8402296	F-03-064646	4246900000	108-ER		MCFADDIN #1-300	MCFADDIN	0.0	TENNESSEE GAS PIP
8402422	F-08-073397	4213534119	103		O B HOLT A/C-2 #25	COWDEN NORTH	6.0	AMARILLO NATURAL
8402420	F-08-073396	4213534110	103		O B HOLT ACCT 1 #25	COWDEN NORTH	6.0	AMARILLO NATURAL
8402421	F-08-073396	4200300000	108		O B HOLT PENN-#2-17	TRIPLE-M (PENN UPPER)	1.0	AMOCO PRODUCTION
8402406	F-04-073343	4224900000	108		SEELIGSON UNIT #14 35C	SEELIGSON	15.0	TENNESSEE GAS PIP
-SUPERIOR OIL CO					RECEIVED: 10/14/83 JA: TX			
8402327	F-02-070654	4228531712	103	107-TF	GERLICH GAS UNIT #2	WORD N (EDWARDS)	657.0	UNITED TEXAS TRAN
-TAYLOR OPERATING COMPANY					RECEIVED: 10/14/83 JA: TX			
8402446	F-09-073472	4233700000	103		COVEY #1 (22294)	QUEENS PEAK W (CADD0	0.0	J L DAVIS
8402445	F-09-073471	4233700000	103		DANIEL #1 (22240)	SUNSET (CONGL)	0.0	J L DAVIS
8402397	F-09-073310	4223700000	103		S P COLLINS #1 (23169)	JACK COUNTY REGULAR	23.4	NATURAL GAS PIPE
8402284	F-78-040479	4222100000	103		SQUAW CREEK #1 (098173)	MCINTOSH (STRAWN)	15.3	SOUTHWESTERN GAS
-TENNECO OIL COMPANY					RECEIVED: 10/14/83 JA: TX			
8402331	F-04-071583	4250331652	102-4	107-TF	SLATOR RANCH #6	LAS OVEJAS	525.0	TENNESSEE GAS PIP
-TEXACO INC					RECEIVED: 10/14/83 JA: TX			
8402293	F-04-061399	4218330553	102-4	107-TF	M T FLANAGAN "C" #2	DANVILLE	547.5	
8402346	F-08-072344	4238931403	102-4		REEVES "AD" #2	JESS BURNER	62.1	
8402337	F-08-071969	4250132269	103		ROBERTS UNIT #3601	WASSON	0.7	SHELL OIL CO
8402415	F-08-073367	4213500000	108		W E CONNELL NCT-2 #137	METZ (WICHITA-ALBANY)	1.4	PHILLIPS PETROLEU
8402414	F-08-073366	4213500000	108		W E CONNELL NCT-2 #142	METZ (WICHITA-ALBANY)	0.9	PHILLIPS PETROLEU
8402416	F-08-073368	4213500000	108		W E CONNELL NCT-2 #149	METZ (GLORIETA)	0.6	PHILLIPS PETROLEU
8402347	F-04-072345	4216532597	103		WHARTON UNIT #131	HARRIS	11.3	PHILLIPS PETROLEU
-TOM BROWN INC					RECEIVED: 10/14/83 JA: TX			
8402361	F-7C-072618	4243532933	103	107-TF	HILL-RANDEE FAWCETT TRUST "D" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8402377	F-7C-072985	4243532964	103	107-TF	HILL-RANDEE FAWCETT TRUST "F" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8402368	F-7C-072617	4243532965	103	107-TF	HILL-RANDEE FAWCETT TRUST "I" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TXO PRODUCTION CORP					RECEIVED: 10/14/83 JA: TX			



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8402310	F-02-068273	4228531703	102-4		BARNES B-1	RUSSEK (7730*)	0.0	REATA INDUSTRIAL
8402306	F-01-067982	4231131804	102-4		MCLAUGHERTY 1	A W F (OLMO5)	0.0	DELMT GAS PIPELIN
8402366	F-10-072715	4219530833	103		STALVO #1	SHAPLEY (MORROW)	220.0	PHILLIPS PETROLEU
8402309	F-7C-065233	4223532841	103		WINTERBOTHAM "CM" #3	DOVE CREEK (CANYON D)	150.0	COLUMBIA GAS TRAN
-U S OPERATING INC								
8402297	F-03-064720	4205132362	102-2		MINDY #2 RRC ID #N/A	BIG -A- TAYLOR	0.0	PHILLIPS PETROLEU
8402374	F-03-072909	4228731371	103		MOLLIE C DAVIS #3 RRC ID# 11649	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNICOM PRODUCING CO								
8402318	F-08-069337	4231732617	103		DEATHERAGE #2	SULPHUR DRAW (DEAN #7	4.0	GETTY OIL CO
-UNION OIL COMPANY OF CALIF								
8402438	F-10-073453	4221131597	103		MARGARET HODGSON #1-34	FELDMAN (TONKAWA)	55.0	
-WAGNER & BROWN								
8402398	F-08-073311	4243131313	103		GLASS "E" #7-36	CONGER (PENN)	50.4	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL CO								
8402401	F-08-073314	4210333170	103		W N MADDELL (TR A) #1275	SAND HILLS (JUDKINS)	10.9	EL PASO NATURAL G
8402400	F-08-073313	4210333169	103		W N MADDELL (TR A) #1276	SAND HILLS (JUDKINS)	11.5	EL PASO NATURAL G
-WESTERN CHIEF OIL & GAS CO								
8402325	F-09-070644	4223735061	102-4	103	DOSS #1	WILDCAT	0.0	SOUTHWESTERN GAS
8402326	F-09-070645	4223735093	102-4	103	PEARL MOSLEY "A"	PEARL BASAL CONGLIMER	0.0	
-WILLIAM INVESTMENTS INC								
8402432	F-10-073423	4206531267	103		RED RAIDER (05211) #1	PANHANDLE CARSON COUN	165.0	GETTY OIL CO
8402431	F-10-073422	4206531338	103		RED RAIDER "A" (05334) #2	PANHANDLE CARSON COUN	68.0	GETTY OIL CO
8402430	F-10-073421	4206531362	103		RED RAIDER "A" (05334) #3	PANHANDLE CARSON COUN	6.0	GETTY OIL CO
8402429	F-10-073420	4206531402	103		RED RAIDER "A" (05334) #4	PANHANDLE CARSON COUN	65.0	GETTY OIL CO
8402428	F-10-073419	4206531414	103		RED RAIDER "B" (05453) #1	PANHANDLE CARSON COUN	42.0	GETTY OIL CO
8402427	F-10-073418	4206531429	103		RED RAIDER "B" (05454) #2	PANHANDLE CARSON COUN	11.0	GETTY OIL CO
-WILLIAM MOSS PROPERTIES INC								
8402339	F-7C-072025	4238300000	103		ROCKER "B" #3	SPRABERRY/TREND AREA	32.5	
8402352	F-7C-072450	4238532595	103		ROCKER "B" #4	SPRABERRY/TREND AREA	25.0	
-WILLIAMS EXPLORATION COMPANY								
8402369	F-04-072792	4224931292	102-4		SMITH #5	BEN BOLT (5550*)	91.0	SEAGULL PIPELINE
-WINN EXPLORATION/DULCE CO								
8402307	F-01-068096	4250731781	102-4		PRYOR RANCH #104	WINN-DULCE	0.0	VALERO TRANSMISSI
8402314	F-01-068832	4250731802	102-4		PRYOR RANCH #127	WINN-DULCE	0.0	NORTHERN NATURAL
8402313	F-01-068830	4250731913	102-4		PRYOR RANCH #169	WINN-DULCE	0.0	NORTHERN NATURAL
8402315	F-01-069053	4250700000	102-4		PRYOR RANCH #17	WINN-DULCE	0.0	NORTHERN NATURAL
-WOODHAM OIL CORP								
8402385	F-01-073117	4250731958	102-4		SEARCY 1-C	MARY ANNA (SAN MIGUEL	328.5	HOUSTON PIPELINE
***** VIRGINIA DEPARTMENT OF LABOR & INDUSTRY *****								
***** PEAKE OPERATING CO *****								
8402493	4502720540	103			BREEDING 1-B	ROCK LICK DISTRICT	5.0	
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
***** ASHLAND EXPLORATION INC *****								
8402464	4700500980	103			F W PRICHARD - 941040	COAL RIVER	16.0	CONSOLIDATED GAS
-HAUGHT INC								
8402453	4708506034	103			A M DOUGLASS H-1363	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8402448	4708506239	103			A M DOUGLASS H-1372	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8402447	4708506295	103			A M DOUGLASS H-1374	GRANT DISTRICT	45.0	CONSOLIDATED GAS
8402459	4708504969	103			C ROBINSON H-938	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8402470	4708505477	103			C SWADLEY H-1315	MURPHY DISTRICT	12.0	ROARING FORK GAS
8402462	4707301443	103			CUNNINGHAM H-1209	MCKIM DISTRICT	20.0	CONSOLIDATED GAS
8402460	4708504805	103			GRIMM HEIRS H-964	MURPHY DISTRICT	25.0	CONSOLIDATED GAS
8402452	4708506060	103			H H SMITH H-1359	MURPHY DISTRICT	14.0	CONSOLIDATED GAS
8402451	4708506067	103			H S MORRIS H-1360	MURPHY DISTRICT	2.3	CONSOLIDATED GAS
8402455	4708506005	103			H S MORRIS H-1361	MURPHY DISTRICT	4.5	CONSOLIDATED GAS
8402454	4708506006	103			H S MORRIS H-1362	MURPHY DISTRICT	4.2	CONSOLIDATED GAS
8402458	4708505429	103			HACKWORTH H-1305	MURPHY DISTRICT	18.0	CONSOLIDATED GAS
8402463	4707301389	103			HANLIN-DAWSON H-1297	MCKIM DISTRICT	18.0	CONSOLIDATED GAS
8402466	4708502632	103			INDIANA PRINCE HEIRS H-1351	MURPHY DISTRICT	29.0	CONSOLIDATED GAS
8402457	4708505489	103			JOHN SIMS H-1304	MURPHY DISTRICT	18.0	CONSOLIDATED GAS
8402456	4708505789	103			M MOATS H-1343	GRANT DISTRICT	16.0	CONSOLIDATED GAS
8402469	4708505615	103			M STANLEY H-1323	GRANT DISTRICT	35.0	CONSOLIDATED GAS
8402468	4708505731	103			MOATS H-1335	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8402449	4708506089	103			REXROAD H-1357	GRANT DISTRICT	14.0	CONSOLIDATED GAS
8402450	4708506087	103			REXROAD H-695	MURPHY DISTRICT	11.2	CONSOLIDATED GAS
8402461	4708504739	103			SIMMONS H-787	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8402465	4708504058	103			T DAVIS H-640	MURPHY DISTRICT	12.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC								
8402476	4703302544	103			B-377	EAGLE	0.0	CONSOLIDATED GAS
8402475	4703302573	103			B-396	SARDIS	0.0	CONSOLIDATED GAS
8402477	4703302474	103			B-415	SIMPSON	0.0	CONSOLIDATED GAS
8402467	4709702302	103			B-442	UNION	0.0	COLUMBIA GAS TRAN
8402474	4703302654	103			B-446	SARDIS	0.0	CONSOLIDATED GAS
8402473	4703302680	103			B-459	SARDIS	0.0	CONSOLIDATED GAS
8402472	4703302696	103			B-472	EAGLE	0.0	CONSOLIDATED GAS
8402471	4703302776	103			B-495	CLAY	0.0	CONSOLIDATED GAS
***** NM DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE, NM *****								
***** AMOCO PRODUCTION CO *****								
8402590	NM-0820-83PB	3004507567	108-PB		DAY GAS COM #1 NM 4	BASIN	0.0	SOUTHERN UNION GA
8402582	NM-0910-83PB	3004509188	108-PB		E E ELLIOTT B #6	BLANCO	0.0	EL PASO NATURAL G
8402589	NM-0917-83PB	3004507137	108-PB		E E ELLIOTT C #2	BLANCO	0.0	EL PASO NATURAL G
8402588	NM-0916-83PB	3004520297	108-PB		ELLIOTT GAS COM T #1	BLANCO	0.0	EL PASO NATURAL G
8402583	NM-0911-83PB	3004511687	108-PB		GALLEGOES CANYON UNIT #241	BASIN	0.0	EL PASO NATURAL G
8402586	NM-0914-83PB	3003906153	108-PB		JICARILLA CONTRACT 146 #12	OTERO	0.0	EL PASO NATURAL G
8402584	NM-0912-83PB	3003905975	108-PB		JICARILLA CONTRACT 148 #16	OTERO	0.0	EL PASO NATURAL G
8402585	NM-0913-83PB	3004520715	108-PB		SHAW GAS COM B #1	BLANCO	0.0	EL PASO NATURAL G
8402587	NM-0915-83PB	3004521012	108-PB		W D HEARTH A #12	BLANCO	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY								
8402498	NM-0895-83PB	3004523285	108-PB		ATLANTIC #13	BLANCO	0.0	EL PASO NATURAL G
8402528	NM-0875-83PB	3004520760	108-PB		ATLANTIC A #4	BLANCO	0.0	EL PASO NATURAL G
8402529	NM-0874-83PB	3004520589	108-PB		ATLANTIC B #10	BLANCO	0.0	EL PASO NATURAL G
8402569	NM-0671-83PB	3004521305	108-PB		ATLANTIC B #14	BLANCO	0.0	EL PASO NATURAL G
8402516	NM-0889-83PB	3004521162	108-PB		ATLANTIC C #7	BLANCO	0.0	EL PASO NATURAL G
8402513	NM-856-83-PB	3004506857	108-PB		BLANCO #13	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402540	NM-865-83-PB	3004506600	108-PB		BOLACK B #4	BLANCO	0.0	EL PASO NATURAL G
8402527	NM-0878-83PB	3004509866	108-PB		BRUINGTON #3 PC & MV	AZTEC & BLANCO	0.0	EL PASO NATURAL G
8402508	NM-0722-83PB	3003982340	108-PB		CANYON LARGE UNIT #107	OTERO	0.0	EL PASO NATURAL G
8402503	NM-0719-83PB	3003905563	108-PB		CANYON LARGE UNIT #116	BASIN	0.0	EL PASO NATURAL G

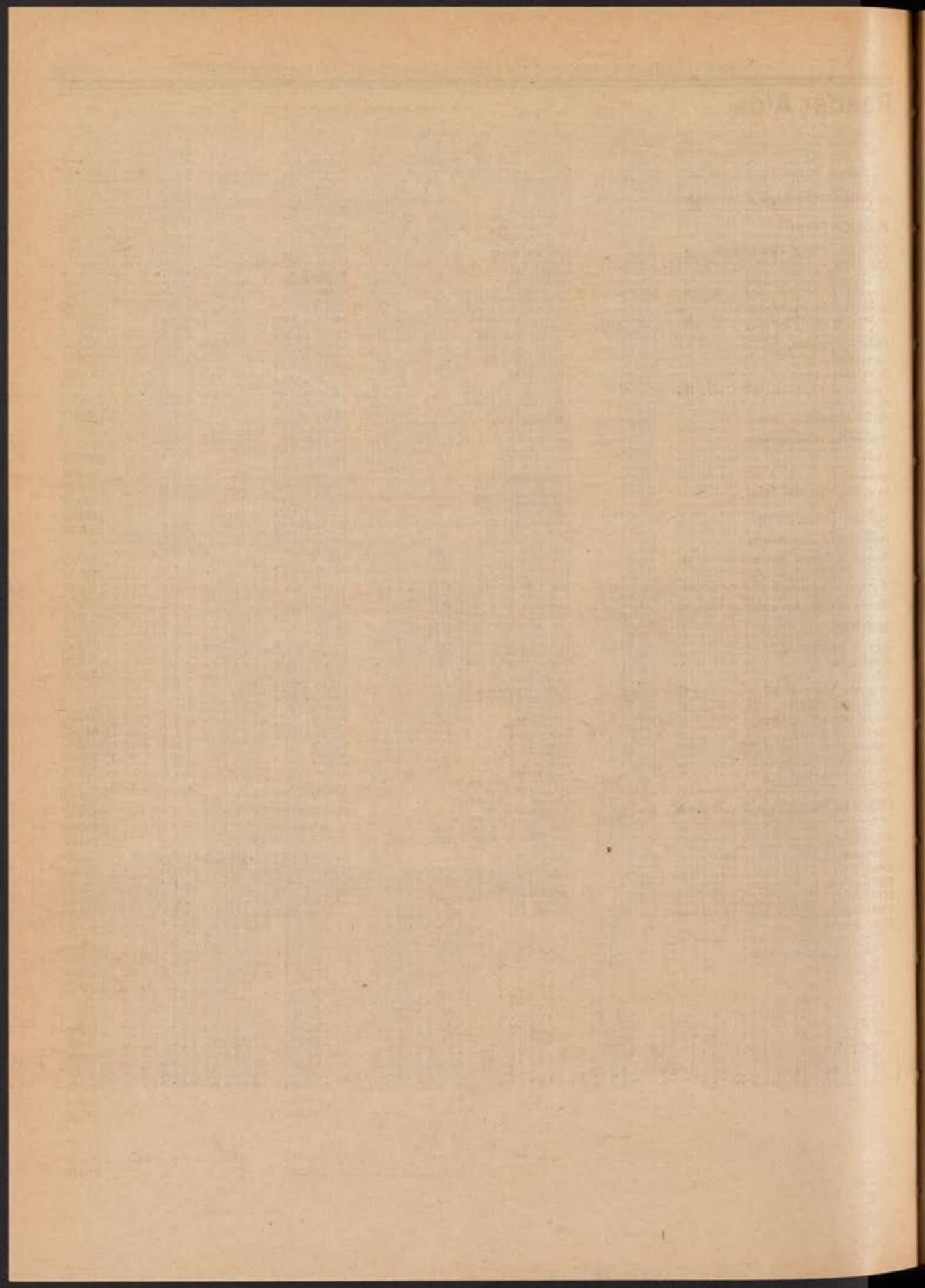


JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8402504	NM-0674-83PB	3003920262	108-PB		CANYON LARGO UNIT #149	OTERO	0.0	EL PASO NATURAL G
8402545	NM-0904-83PB	3003920758	108-PB		CANYON LARGO UNIT #208	BALLARD	0.0	EL PASO NATURAL G
8402553	NM-0902-83PB	3003920952	108-PB		CANYON LARGO UNIT #268	BALLARD	0.0	EL PASO NATURAL G
8402515	NM-0890-83PB	3003921172	108-PB		CANYON LARGO UNIT #288DK	BASIN	0.0	EL PASO NATURAL G
8402558	NM-850-83-PB	3003905867	108-PB		CANYON LARGO UNIT #56	BALLARD	0.0	EL PASO NATURAL G
8402534	NM-867-83-PB	3004513037	108-PB		DAY B #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402571	NM-0673-83PB	3004520444	108-PB		DRYDEN #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402538	NM-0921-83PB	3004522824	108-PB		FIELDS #11	BLANCO	0.0	EL PASO NATURAL G
8402570	NM-0670-83PB	3004506523	108-PB		FLORANCE D #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402522	NM-0876-83PB	3004506523	108-PB		FLORANCE D #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402557	NM-855-83-PB	3004513085	108-PB		GRAMBLING #6	BLANCO	0.0	EL PASO NATURAL G
8402524	NM-0879-83PB	3004520460	108-PB		GRAMBLING #6	BLANCO	0.0	EL PASO NATURAL G
8402573	NM-843-83-PB	3004521150	108-PB		HARDIE #12	BLANCO	0.0	EL PASO NATURAL G
8402539	NM-860-83-PB	3003906851	108-PB		HARRINGTON #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402512	NM-0858-83PB	3004521522	108-PB		HOWELL F #2 CH & PC	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8402517	NM-0888-83PB	3004521458	108-PB		HUBBELL #13	AZTEC	0.0	EL PASO NATURAL G
8402518	NM-0892-83PB	3004520883	108-PB		HUBBELL #9	BLOOMFIELD	0.0	EL PASO NATURAL G
8402507	NM-0717-83PB	3004505916	108-PB		HUERFANO UNIT #92	BASIN	0.0	EL PASO NATURAL G
8402564	NM-844-83-PB	3004520531	108-PB		HUERFANO UNIT #186	BASIN	0.0	EL PASO NATURAL G
8402565	NM-0845-83PB	3004505701	108-PB		HUERFANO UNIT #58	BALLARD	0.0	EL PASO NATURAL G
8402508	NM-862-83-PB	3003921157	108-PB		JICARILLA C #11	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402495	NM-0901-83PB	3003906001	108-PB		JICARILLA E #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402560	NM-0847-83PB	3003906448	108-PB		JICARILLA F #10	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402514	NM-863-83-PB	3003906504	108-PB		JICARILLA F #13	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402567	NM-849-83-PB	3003906528	108-PB		JICARILLA J #16	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402564	NM-846-83-PB	3003906416	108-PB		JICARILLA J #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402561	NM-852-83-PB	3004520793	108-PB		KELLY B #2	BLANCO	0.0	EL PASO NATURAL G
8402552	NM-0903-83PB	3003922381	108-PB		LINDRITH UNIT #100	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402499	NM-0725-83PB	3003905308	108-PB		LINDRITH UNIT #34	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402509	NM-861-83-PB	3003921107	108-PB		LINDRITH UNIT #85	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402568	NM-0666-83PB	3004509232	108-PB		LUDWICK #10 PC	AZTEC	0.0	EL PASO NATURAL G
8402533	NM-0871-83PB	3004507017	108-PB		MICHENER B #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402563	NM-841-83PB	3004521024	108-PB		MUDGE #59PC	BLANCO	0.0	EL PASO NATURAL G
8402496	NM-0893-83PB	3004505693	108-PB		NAM-DE-WOOD #1	BALLARD	0.0	EL PASO NATURAL G
8402530	NM-0873-83PB	3004507016	108-PB		PHILLIPS #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402505	NM-0721-83PB	3004507016	108-PB		PHILLIPS #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402572	NM-0672-83PB	3004521150	108-PB		RIDDLE G #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402535	NM-864-83-PB	3003907046	108-PB		RINCON UNIT #105	BLANCO SOUTH	0.0	EL PASO NATURAL G
8402541	NM-864-83-PB	3003907009	108-PB		RINCON UNIT #116	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402544	NM-0905-83PB	3003920497	108-PB		RINCON UNIT #192	BASIN	0.0	EL PASO NATURAL G
8402550	NM-0897-83PB	3003922223	108-PB		RINCON UNIT #232	OTERO	0.0	EL PASO NATURAL G
8402537	NM-0922-83PB	3003906909	108-PB		RINCON UNIT #39	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402534	NM-0872-83PB	3003906893	108-PB		RINCON UNIT #69	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402555	NM-853-83-PB	3003907061	108-PB		RINCON UNIT #87	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402542	NM-0868-83PB	3003906537	108-PB		RINCON UNIT #94	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402523	NM-0880-83PB	3003920646	108-PB		SAN JUAN 27-5 UNIT #160	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402510	NM-0718-83PB	3003907191	108-PB		SAN JUAN 27-5 UNIT #61	BLANCO	0.0	EL PASO NATURAL G
8402502	NM-0724-83PB	3003906774	108-PB		SAN JUAN 27-5 UNIT #93	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402559	NM-0848-83PB	3004506514	108-PB		SAN JUAN 27-8 A #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402546	NM-0909-83PB	3003920577	108-PB		SAN JUAN 28-6 UNIT #135	BASIN	0.0	EL PASO NATURAL G
8402543	NM-0906-83PB	3003921732	108-PB		SAN JUAN 28-7 UNIT #110	BASIN	0.0	EL PASO NATURAL G
8402549	NM-0900-83PB	3003906698	108-PB		SAN JUAN 28-7 UNIT #17	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402525	NM-0882-83PB	3003921184	108-PB		SAN JUAN 28-7 UNIT #205	LARGO	0.0	EL PASO NATURAL G
8402547	NM-0908-83PB	3003920993	108-PB		SAN JUAN 28-7 UNIT #232	BASIN	0.0	EL PASO NATURAL G
8402548	NM-0907-83PB	3003921083	108-PB		SAN JUAN 28-7 UNIT #244	BASIN	0.0	EL PASO NATURAL G
8402542	NM-851-83-PB	3003906901	108-PB		SAN JUAN 28-7 UNIT #65	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402511	NM-0871-83PB	3003907124	108-PB		SAN JUAN 28-7 UNIT #86 PC-MV	BLANCO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8402526	NM-0821-83PB	3003906982	108-PB		SAN JUAN 28-7 UNIT #92	BLANCO SOUTH	0.0	EL PASO NATURAL G
8402551	NM-0896-83PB	3004506406	108-PB		SCHWERTFEGGER A #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402532	NM-0869-83PB	3004511705	108-PB		SCHWERTFEGGER A #23	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402497	NM-0894-83PB	3004506766	108-PB		SCHWERTFEGGER A #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402521	NM-0877-83PB	3004507025	108-PB		SCHWERTFEGGER A #8	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402504	NM-0720-83PB	3004520762	108-PB		STICKLE #1	BLANCO	0.0	EL PASO NATURAL G
8402554	NM-0859-83PB	3004507183	108-PB		STOREY #1	BLANCO	0.0	EL PASO NATURAL G
8402531	NM-0870-83PB	3004506953	108-PB		STOREY C #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402556	NM-854-83-PB	3004507018	108-PB		STOREY C #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8402574	NM-842-83-PB	3004520853	108-PB		SUNRAY E #4	BLANCO	0.0	EL PASO NATURAL G
8402519	NM-0887-83PB	3004521134	108-PB		SUNRAY H #4	BLANCO	0.0	EL PASO NATURAL G
8402501	NM-0725-83PB	3003920258	108-PB		VAUGHN #10	OTERO	0.0	EL PASO NATURAL G
8402520	NM-0886-83PB	3003920371	108-PB		VAUGHN #13	BASIN	0.0	EL PASO NATURAL G
GETTY OIL COMPANY					RECEIVED: 10/14/83	JA: NM 4		
8402592	NM-0884-83PB	3003905845	108-PB		JICARILLA C #8	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
MOBIL PRD TEXAS & NEW MEXICO INC					RECEIVED: 10/14/83	JA: NM 4		
8402591	NM-0883-83PB	3003906438	108-PB		JICARILLA D #7	BLANCO MESAVERDE & GA	0.0	NORTHWEST PIPELIN
NORTHWEST PIPELINE CORPORATION					RECEIVED: 10/16/83	JA: NM 4		
8402594	NM-0885-83PB	3004510700	108-PB		SAN JUAN 32-8 UNIT #16	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8402593	NM-0822-83PB	3004510675	108-PB		SAN JUAN 32-8 UNIT #23	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
SOUTHERN UNION EXPLORATION COMPANY					RECEIVED: 10/14/83	JA: NM 4		
8402577	NM-0805-83SA	3004505767	108-SA		FOSTER #2	BALLARD PICTURE CLIFF	14.0	GAS CO OF NEW MEX
8402578	NM-0813-83SA	3004524024	108-SA		FOSTER #6	BALLARD PICTURE CLIFF	8.5	GAS CO OF NEW MEX
8402580	NM-0814-83SA	3003900000	108-SA		JICARILLA "A" #2	TAPACITO PICTURE CLIFF	12.0	GAS CO OF NEW MEX
8402579	NM-0810-83SA	3003921776	108-SA		JICARILLA "A" #20	TAPACITO PICTURE CLIFF	8.7	GAS CO OF NEW MEX
8402575	NM-0803-83SA	3003900000	108-SA		JICARILLA "K" #2	SOUTH BLANCO PICTURE	9.7	GAS CO OF NEW MEX
8402576	NM-0806-83SA	3004505873	108-SA		NEWSOM #11	BALLARD PICTURE CLIFF	7.6	GAS CO OF NEW MEX
8402581	NM-0804-83SA	3004524326	108-SA		NEWSOM #23	BALLARD PICTURE CLIFF	9.5	GAS CO OF NEW MEX

[FR Doc. 83-30332 Filed 11-9-83; 8:45 am]

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Federal Register

Vol. 48, No. 218

Wednesday, November 9, 1983

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### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

#### Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

#### Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
	275-3030
Slip law orders (GPO)	

#### Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

#### SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

## FEDERAL REGISTER PAGES AND DATES, NOVEMBER

50295-50500	1
50501-50698	2
50699-50874	3
50875-51140	4
51141-51274	7
51275-51424	8
51425-51604	9

## CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 3 CFR

#### Administrative Orders:

Notices:	
November 4, 1983	51277

#### Executive Orders:

April 15, 1910	
(Revoked in part by PLO 6487)	50894
July 2, 1910	

(See PLO 6487)	
December 28, 1910	
(Revoked in part by PLO 6487)	50894

January 24, 1914	
(Revoked in part by PLO 6487)	50894

7594 (Revoked in part by PLO 6489)	50895
12170 (Continued by Notice of November 4, 1983)	51277

12448	51281
Proclamations:	
2417 (See PLO 6489)	50895

5123	50699
5124	51275
5125	51279
5126	51425

7 CFR	
2	50875, 51141
29	50501

371	50295
906	50501
910	50701, 50877
1290	51427

Proposed Rules:	
225	50743
1036	50549
1488	51490

1910	51312
1924	51312
1930	51312
1941	51312
1945	51312

8 CFR	
103	51142, 51430
109	51142
214	51283
238	51431

9 CFR	
81	51422
92	50701
327	50296

10 CFR	
50	50878
761	50296

### Proposed Rules:

2	50550
50	50746
51	50746
211	50824
440	51068

### 11 CFR

114	50502
-----	-------

### 12 CFR

26	50296
30	51283
212	50296
348	50296
563f	50296
711	50296

### Proposed Rules:

Ch. III	50746
304	51155
330	50339
336	51317
337	50339
349	51155
563	51270
564	50339
571	51270

### 14 CFR

39	50508, 50879-50886, 51287, 51431, 51432
71	50510, 50887, 51433-51436
75	50510
91	50510
97	50512
159	51416
211	51288
385	51144

Proposed Rules:	
Ch. I	50553
39	50341, 50899
380	50900
399	50900

16 CFR	
13	50702-50704
1017	50514
1406	50705

17 CFR	
33	51288
145	50887
275	50526

Proposed Rules:	
3	50554
10	50554
230	51155, 51328

18 CFR	
157	51436
271	51446



## 19 CFR

111	51288
Proposed Rules:	
10	50342
19	50342
24	50342
113	50342
125	50342
141	50342
142	50342
143	50342
144	50342
146	50342

## 20 CFR

200	51447
202	51447
250	51447
259	51447
260	51447
262	51447
350	51447
362	51447
363	51447
396	50308
602	50662
603	50662
604	50662
621	50527
651	50662
652	50662
653	50527, 50662
654	50527
655	50527
656	50527

## 21 CFR

5	50527
74	50311, 51145
81	50311, 51145
82	50311, 51145
136	51448
182	51146-51151
184	51146-51151
193	50528, 51453
430	51290
436	51290, 51292
440	51292, 51294
442	51292
446	51290, 51292
448	51292
449	51292
452	51292
548	51292
520	50528
522	50887
558	50707
561	50528, 51453

## Proposed Rules:

207	50358
210	50358
225	50358
226	50358
501	50358
510	50358
514	50358
558	50358
1304	51329

## 22 CFR

514	50707
-----	-------

## 23 CFR

Proposed Rules:	
Ch. 1	51330

## 24 CFR

26	51295
200	51295
203	51295, 51455
205	51295
207	51295, 51455
213	51295, 51455
220	51455
221	51295, 51455
232	51295, 51455
234	51455
236	51455
241	51295, 51455
242	51295, 51455
244	51295, 51455
570	51295
883	51296
885	50888

## 26 CFR

1	50711
Proposed Rules:	
1	50751, 51330, 51331
6a	50751
31	50567
52	50775

## 27 CFR

Proposed Rules:	
4	51333

## 28 CFR

0	50712, 50713
3	50713
8	50713
9	50713
9a	50713
547	50478
548	50478

## 29 CFR

1	50312
4	50529
5	50312
1910	51086

## Proposed Rules:

1908	50902
------	-------

## 30 CFR

Proposed Rules:	
915	51457
920	51158
926	51334
934	51458, 51459
942	51335, 51461
950	51465

## 32 CFR

150	51467
-----	-------

## Proposed Rules:

1-39	50872
95	51490
505	50775

## 33 CFR

165	50714
-----	-------

## Proposed Rules:

110	50359, 50360
-----	--------------

## 35 CFR

133	51472
-----	-------

## 36 CFR

223	50889
-----	-------

## 38 CFR

3	50313
21	50529
36	51152

## Proposed Rules:

21	50568, 50569
----	--------------

## 39 CFR

601	50889
3001	50715, 51337

## 40 CFR

35	51400
51	50686
52	50530, 50568, 51153, 51472, 51480
80	50482
81	50316
120	51400
123	51298
131	51400
180	50317, 50532, 50533, 51485-51487
228	50317
271	50889
434	50321
439	50322
468	50717

## Proposed Rules:

52	51159, 51338, 51339
81	51160
61	51064
81	50361
85	50902
180	50363, 00000
271	50776
421	50906
761	50486

## Proposed Rules:

60	50670
----	-------

## 41 CFR

Ch. 7	51488
5-2	51299
5-3	51299
5-18	51299
101-36	50890
101-47	50892

## Proposed Rules:

1-15	50873
------	-------

## 42 CFR

Proposed Rules:	
55a	50363
71	50777

## 43 CFR

Public Land Orders:	
422	51153

## 2249 (Revised in part

by PLO 6489)	50895
6439	50719
6440	50893
6477	50322
6485	50893
6486	50894
6487	50894
6488	50895
6489	50895
6490	50896

## 44 CFR

67	50719
205	51056

## Proposed Rules:

67	50366, 50777, 50778
151	50778

## 45 CFR

801	50721
-----	-------

## 46 CFR

2	50996
31	50996
32	50996
35	50996
37	50996
42	50996
46	50996
56	50996
71	50996
72	50996
73	50996
74	50996
75	50996
78	50996
79	50996
91	50996
93	50996
97	50996
99	50996
106	50996
107	50996
108	50996
109	50996
111	50996
151	50996
153	50996
154	50996
163	50996
167	50996
168	50996
170	50996
171	50996
172	50996
173	50996
174	50996
177	50996
178	50996
179	50996
185	50996
189	50996
190	50996
191	50996
196	50996

## Proposed Rules:

50	50781
52	50781
53	50781
54	50781
63	50781
162	50781

## 47 CFR

2	50322, 50722, 50897, 51302
18	51302
21	50322, 50722, 50897
22	50722
23	50722
31	50534, 51154
73	51304
74	50322, 50722, 50897
78	50722
81	50548, 50722
83	50548, 50739
87	50548, 50722
90	50722
94	50322, 50722, 50897



**Proposed Rules:**

1.....	51493
22.....	51493
Ch. I.....	51340
73.....	50571-50585, 50907
	51161

**48 CFR****Proposed Rules:**

5.....	50907
--------	-------

**49 CFR**

171.....	50440, 50444
172.....	50440, 50444
173.....	50440, 50444
174.....	50440, 50444
175.....	50444
176.....	50440
177.....	50440
178.....	50440
179.....	50440
509.....	51310
567.....	51308
1039.....	50897, 51311

**Proposed Rules:**

192.....	50908
----------	-------

**50 CFR****Proposed Rules:**

17.....	50909
611.....	50379, 50586, 50782
672.....	50379
675.....	50586

**LIST OF PUBLIC LAWS**

Last Listing November 8, 1983.

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

**H.R. 3363/Pub. L. 98-146**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes. (Nov. 4, 1983; 97 Stat. 919)

Price: \$3.50

**S.J. Res. 45/Pub. L. 98-147**

Designating the week of November 20, 1983, through November 26, 1983, as "National Family Week". (Nov. 4, 1983; 97 Stat. 956) Price: \$1.50



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# Register

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1891

1892

1893

1894

1895

1896

1897

1898

1899

1900

1901

1902

1903

1904



100-100  
100-100  
100-100