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Tuesday
December 20, 1983

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Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Conduct Standards
Peace Corps

Crime
Postal Service

Employment Taxes
Internal Revenue Service

Food Additives
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Housing
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Marketing Agreements
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Radio
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 583, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 9–15, 1983. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: The amendment is effective for the period December 9–15, 1983.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This amendment is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1983–84. The committee met by telephone on December 9, 1983 to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

1. Section 907.883 (48 FR 54584) paragraphs (a) through (d) are hereby revised to read as follows:

§ 907.883 Navel Orange Regulation 583.

(a) District 1: 1,702,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 148,000 cartons;
(d) District 4: Unlimited cartons.

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

Dated: December 14, 1983.

Russell L. Hawes,

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

[FR Doc. 83-33650 Filed 12-19-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Wardair Canada, Inc.

Correction

In FR Doc. 83–33196, appearing on page 55553 in the issue of Wednesday, December 14, 1983, make the following correction:

On page 55553, first column, the tenth line of the **SUMMARY** paragraph, "facilities" should have read "facilitates".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-84-AD; Amdt. 39-4746]

Airworthiness Directives: Gates Learjet Models 23, 24, 24A, 24B, 24B-A, 24C, 24D-A, 24E, 24F, 24F-A, 25D, 25F, 28, 29, 35, 36, 35A, 36A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to certain Learjet model airplanes. This amendment extends the inspection interval for unmodified Stall Warning Accelerometers from 150 to 165 hours time in service. This will permit the inspection to be done in conjunction with other airplane maintenance.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Robert R. Jackson, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Central Region, Room 238, Terminal Building 2299, Mid-Continent

Airport, Wichita, Kansas 67209; telephone (316) 269-7008.

SUPPLEMENTARY INFORMATION: Airworthiness Directive AD 82-01-05, Amendment 39-4297 (47 FR 014; January 4, 1982), required initial and repetitive inspections of the unmodified stall warning system on all applicable Learjet models. The specified repetitive inspection interval is 150 hours time in service. This amendment extends the 150 hours time in service by 15 hours so that the interval is now 165 hours time in service, which coincides with Gates Learjet airplane maintenance schedule and FAA Approved Aircraft Inspection Programs. The FAA has determined that this inspection interval can be extended without compromising safety.

This AD involves only a minor extension of an inspection interval, has no adverse economic impact, and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

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 Regulation (14 CFR 39.13) is amended by further amending AD 82-01-05, Amendment 39-4297 (47 FR 014; January 4, 1982), by revising paragraph A. to read as follows:

A. To assure proper operation of the Stall Warning Accelerometer Unit, unless previously inspected in the last 100 hours time in service before the effective date of this AD, perform within the next 50 hours time in service, and thereafter at intervals not to exceed 165 hours time in service, inspection of the Stall Warning Accelerometer in accordance with appropriate Gates Learjet Service Bulletins SB 23, 24, 25-301B; SB 28, 29, 29-27-3B, or SB 35, 36-27-12B.

This amendment becomes effective December 20, 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 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89).

Note. The Federal Aviation Administration has determined that this document involves an amendment that does not impose any additional burden on any person. Therefore, (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Washington on October 31, 1983.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-33626 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No., 83-NM-107-AD; Amdt. 39-4783]

Airworthiness Directives; Short Brothers Limited SD 3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Short Brothers Limited Model 3-30 airplanes which supercedes an existing AD that required modifications to the fuel vapor exhaust ducting system. Subsequent to the issue of AD 83-17-07, it was learned that fuel vapors would not be evacuated if certain areas of the ducting system were completely sealed. Therefore, it is necessary to supercede AD 83-17-07 with a new AD which partially deletes the sealing.

DATES: Effective January 8, 1984.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 83-17-07 (48 FR 31631, July 11, 1983) requires modifications to the fuel vapor exhaust ducting system in accordance with Shorts Service Bulletins No. SD3-53-47 R2 dated February 4, 1983; SD3-28-17 dated October 6, 1982; and SD3-28-16 RI dated September 30, 1982. After modifications per the foregoing service bulletins were made, fuel vapor leaks into the passenger cabin persisted. To prevent these leaks, the service bulletins were revised to delete portions of the sealing requirements so that the ducting system could evacuate any spillage.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement. The United Kingdom Civil Aviation Authority (UKCAA) has mandated that the latest revisions of the previously mentioned service bulletins be accomplished on Short Brothers Model SD 3-30 airplanes of United Kingdom registry.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that AD 83-17-07 must be superceded by a new AD which requires compliance with the latest revisions to the service bulletins.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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:

Short Brothers Limited: Applies to all models of the SD3-30 airplane, certificated in all categories, with the serial numbers specified below. To prevent a potential fuel fire hazard, accomplish the following within the next 60 days after the effective date of this AD, unless already accomplished.

A. For aircraft serial numbers SH3002 to SH3091 inclusive, modify the fuel vapor exhaust ducting in accordance with paragraph 2, Accomplishment Instructions, of Shorts Service Bulletin No. SD3-53-47, Revision 3, dated June 23, 1983.

B. For aircraft serial numbers SH3002 to SH3089 inclusive, replace the existing flexible vapor proof shrouds covering fuel lines in the passenger compartment in accordance with paragraph 2, Accomplishment Instructions of Shorts Service Bulletin No. SD3-28-17, Revision 2, dated June 23, 1983. Note: The actions of paragraph A., above, must be accomplished before performing the requirements of paragraph B.

C. For aircraft with serial numbers specified in paragraph 1, Planning Information, of Shorts Service Bulletin No. SD3-28-16, Revision 3, dated June 23, 1983, inspect, replace components if necessary, and pressure check the fuel lines as required in accordance with paragraph 2, Accomplishment Instructions, of the service bulletin. Note: The actions of paragraphs A. and B., above, must be accomplished before performing the requirements of paragraph C.

D. 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.

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

F. This AD supercedes Amendment 39-4677 (48 FR 31631, July 11, 1983), AD 83-13-07.

This amendment becomes effective January 8, 1984.

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

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

Issued in Seattle, Washington on December 8, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-33624 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ANE-27; Amdt. 39-4768]

McCauley Accessory Division 2A34C66 and E2A34C73 Constant Speed Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: In Docket No. 83-ANE-27, Amendment No. 39-4768, appearing on page 54588, Volume 48, No. 235, in the **Federal Register** of December 6, 1983, the effective date of the amendment was erroneously stated as December 6, 1983. The correct effective date of the amendment is December 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Alpiser, Chicago Aircraft Certification Branch, ANE-140C, FAA, East Devon Avenue, Des Plaines, Illinois 60018; Telephone: (312) 694-7130.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, Amendment 39-4768 published in the **Federal Register** on page 54588, Volume 48, No. 235, December 6, 1983, is hereby amended by correcting the effective date of the amendment shown on page 54588 from December 6, 1983, to December 23, 1983.

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

Issued in Burlington, Massachusetts, on December 9, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-33623 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 177 and 178

[Docket No. 83F-0244]

Indirect Food Additives: Polymers; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the food additive regulations to provide for the safe use of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant and stabilizer for polyoxymethylene copolymer intended for repeated use in contact with food. This action is in response to a petition filed by the Ciba-Geigy Corp.

DATES: Effective December 20, 1983. Objections by January 19, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 19, 1983 (48 FR 37712), FDA announced that a petition (FAP 3B3712) had been filed by the Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10352, proposing that the food additive regulations be amended to provide for the safe use of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant and stabilizer for polyoxymethylene copolymers intended for use in contact with food and alcoholic beverages.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that the action is of a type that does not individually or cumulatively have a significant impact on the human environment and that neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 177

Food additives, Polymeric food packaging.

21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Parts 177 and 178 are amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. Part 177 is amended in § 177.2470(b)(1) by alphabetically inserting a new item in the list of stabilizers to read as follows:

§ 177.2470 Polyoxymethylene copolymer.

* * * * *

(b) * * *

(1) * * *

* * * * *

Hexamethylene bis (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) (CAS Reg. No. 35074-77-2) (for use in contact with foods containing no more than 8 percent alcohol).

* * * * *

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

2. Part 178 is amended in § 178.2010(b) by revising the limitation for "Hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)" in the list of limitations to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) (CAS Reg. No. 35074-77-2).	As provided in §§ 177.2470(b)(1) and 177.2480(b)(1) of this chapter.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 19, 1984 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective December 20, 1983.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C.), 321(s), 348))

Dated: December 5, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-33832 Filed 12-19-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Starch, Pregelatinized

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Shulcon Industries, Inc., providing for use of pregelatinized starch, as a soluble powder, for oral use for the symptomatic treatment of nonspecific diarrhea in newborn calves. The agency is also adding Shulcon Industries, Inc., to the list of sponsors of approved NADA's.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Shulcon Industries, Inc., 221 East Camelback Rd., Suite 21, Phoenix, AZ 85012, has submitted NADA 111-068 for Scourx® (Diamylex,® pregelatinized starch) for oral use in nonmedicated liquid feed or water for the symptomatic treatment (i.e., increasing fecal consistency) of nonspecific diarrhea in newborn calves. The application is approved and the regulations amended accordingly. Additionally, the list of sponsors of approved NADA's in 21 CFR 510.600(c) is amended to add this sponsor. The basis for approval is discussed in the freedom of information summary referred to below.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR Part 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1 (f)(1)(iv) and (g)) may be seen in the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* * *
Shulcon Industires, Inc., 221 East Camelback Rd., Suite 21, Phoenix, AZ 85012	052292
* * *	* * *

(2) * * *

Drug labeler code	Firm name and address
* * *	* * *
052292	Shulcon Industries, Inc., 221 East Camelback Rd., Suite 21, Phoenix, AZ 85012.
* * *	* * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, by adding new § 520.2155 to read as follows:

§ 520.2155 Starch, pregelatinized.

(a) *Specifications.* Pregelatinized starch conforms to National Formulary XV requirements.

(b) *Sponsor.* See No. 052292 in § 510.600(c) of this chapter.

(c) *Conditions of use.* It is used in nonmedicated liquid feed or water of newborn calves as follows:

(1) *Amount.* 30 grams, twice daily.

(2) *Indications for use.* For the symptomatic treatment (i.e., increasing fecal consistency) of nonspecific diarrhea.

(3) *Limitations.* If septicemia or respiratory disease are suspected or scours persist for more than 2 days, consult your veterinarian.

Effective date. December 20, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 8, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-33630 Filed 12-19-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Dimethyl Sulfoxide Gel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for safe and effective topical use on dogs of a dimethyl sulfoxide gel to reduce acute swelling due to trauma.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed supplemental NADA 47-925 providing for topical use on dogs of Domoso® Gel (90 percent dimethyl sulfoxide) to reduce acute swelling due to trauma. The supplemental NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 524

Animal drugs, Topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 524.660b is amended by revising paragraph (c) to read as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 524.660b Dimethyl sulfoxide gel.

* * * * *

(c) *Conditions of use*—(1) *Indications for use.* For use on horses and dogs as a topical application to reduce acute swelling due to trauma.

(2) *Amount*—(i) *Horses.* Administer 2 or 3 times daily in an amount not to exceed 100 grams per day. Total duration of therapy should not exceed 30 days.

(ii) *Dogs.* Administer 3 or 4 times daily in an amount not to exceed 20 grams per day. Total duration of therapy should not exceed 14 days.

(3) *Limitations.* Do not use in horses and dogs intended for breeding purposes or in horses slaughtered for food. Restricted to topical use on horses and dogs only. Due to rapid penetrating ability of dimethyl sulfoxide, rubber gloves should be worn when applying the drug. No other medications should be present on the skin prior to application of the drug. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. December 20, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 7, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-33631 Filed 12-19-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin, Roxarsone, and Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins Co., providing for safe and effective use of a complete broiler feed manufactured with separately approved salinomycin, roxarsone, and bambermycins premixes. The feed is used for prevention of coccidiosis and for improved feed efficiency.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., 1211 Sherwood Ave., P.O. Box 26609, Richmond, VA 23261, filed NADA 134-185 providing for use of salinomycin at 40 to 60 grams per ton in combination with roxarsone at 45.4 grams per ton and bambermycins at 1 to 2 grams per ton in complete broiler feeds. The feeds are used for prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* that are more susceptible to roxarsone combined with salinomycin than salinomycin alone; and for improved feed efficiency. The NADA is approved and the regulations are amended accordingly. In addition, the regulation for salinomycin (21 CFR 558.550) is revised editorially. The basis of

approval is discussed in the freedom of information (FOI) summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11 (e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(ii) (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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.95 by adding new paragraph (e)(1)(xi) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(e) * * *

(1) * * *

(xi) *Amount per ton.* Bambermycins 1 to 2 grams, plus roxarsone 45.4 grams, and salinomycin 40 to 60 grams.

(*a*) *Indications for use.* For prevention of coccidiosis caused by *Eimeria necatrix, E. acervulina, E. maxima, E. brunetti, E. tenella,* and *E. mivati,* including some field strains of *E. tenella* that are more susceptible to roxarsone combined with salinomycin than salinomycin alone; and for improved feed efficiency.

(*b*) *Limitations.* For broiler chickens only; do not feed to laying chickens; feed continuously as sole ration; as sole source or organic arsenic; withdraw 5 days before slaughter; not approved for use with pellet binders; may be fatal if accidentally fed to adult turkeys or horses; as roxarsone provided by No. 011801 or 017210 in § 510.600(c) of this chapter; as salinomycin sodium biomass provided by No. 000031 in § 510.600(c) of this chapter.

2. In § 558.550 by revising paragraph (c) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(c) *Conditions of use.*—(1) Broilers: It is used as follows:

(i)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

(*c*) *Limitations.* Feed continuously as sole ration. Do not feed to layers. Not approved for use with pellet binders. May be fatal if accidentally fed to adult turkeys or horses.

(ii)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams and roxarsone 45 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* which are more susceptible to roxarsone combined with salinomycin than to salinomycin alone.

(*c*) *Limitations.* Feed continuously as sole ration. Use as sole source of organic arsenic. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or horses. Withdraw 5 days before slaughter. Roxarsone as provided by No. 011801 or 017210 in § 510.600(c) of this chapter.

(2) Salinomycin may be used in accordance with this section in combination as follows:

(i) Bambermycins and roxarsone as in § 558.95.

(ii) [Reserved]

Effective date: December 20, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 12, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-33626 Filed 12-19-83; 8:45 am]

BILLING CODE 4160-01-M

PEACE CORPS

22 CFR Part 307

Standards of Conduct

AGENCY: Peace Corps.

ACTION: Final rule.

SUMMARY: The International Security and Development Cooperation Act of 1981 established the Peace Corps as an independent agency within the executive branch. When the Peace Corps was part of ACTION, it was subject to ACTION's Standards of Conduct, 45 CFR Part 1201. Peace Corps is adopting many of ACTION's regulations with changes as noted in the supplementary information below.

EFFECTIVE DATE: January 19, 1984.

FOR FURTHER INFORMATION CONTACT: Alexander B. Cook, General Counsel and Legislative Liaison, Peace Corps, 806 Connecticut Avenue, NW., Room M-1207, Washington, D.C. 20526. Telephone 202–254–3114.

SUPPLEMENTARY INFORMATION: The following regulations, setting forth the Peace Corps Standards of Conduct, are adopted from ACTION's Standards of Conduct without substantial changes. Therefore, a notice of proposed rulemaking was not published for these final regulations.

These regulations are not subject to the review requirements of Executive Order 12291 because they relate to agency personnel.

List of Subjects in 22 CFR Part 307

Political activities, (Government employees), Conduct standards, Ethical conduct, Financial disclosure, Government employees, Conflicts of interest.

Title 22, Chapter III, is amended by adding a new Part 307 as follows:

PART 307—PEACE CORPS STANDARDS OF CONDUCT

Subpart A—General

Sec.
307.735–101 Introduction.
307.735–102 Definitions.

Subpart B—General Conduct and Responsibilities of Employees

307.735–201 Proscribed actions—Executive Order 11222.
307.735–202 General conduct prejudicial to the Government.
307.735–203 Criminal statutory prohibitions—Conflict of interest.

Subpart C—Outside Employment, Activities, and Associations.

307.735–301 In general.
307.735–302 Association with potential contractor prior to employment.
307.735–303 Association with Peace Corps contractor or potential contractor while an employee.
307.735–304 Employment after leaving Peace Corps.
307.735–305 Employment with Peace Corps contractor.
307.735–306 Association with Non-Peace Corps contractor while a Peace Corps employee.
307.735–307 Gifts, entertainment, and favors.
307.735–308 Economic and financial activities of employees abroad.

Sec.
307.735–309 Information.
307.735–310 Speeches and participation in conferences.
307.735–311 Partisan political activity.
307.735–312 Use of government property.
307.735–313 Indebtedness.
307.735–314 Gambling, betting, and lotteries.
307.735–315 Discrimination.
307.735–316 Related statutes and regulations.

Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests

307.735–401 Submission of statements.
307.735–402 Review of statements.

Authority: E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964–1965, Supp. 306; 5 CFR 735.

Subpart A—General

§ 307.735–101 Introduction.

(a) Section 735.101 of Title 5 of the Code of Federal Regulations requires each agency head to issue his or her agency regulations regarding the ethical conduct and other responsibilities of all of its employees. One of the main purposes of the regulations in this part is to encourage individuals faced with questions involving subjective judgment to seek counsel and guidance. The Designated Agency Ethics Official (DAEO) and Deputy and Alternate DAEO in the Office of General Counsel and Legislative Liaison are designated to be the counselors for Peace Corps with respect to these matters. They will provide authoritative advice and guidance to any Peace Corps employee, former employee, or potential employee who seeks it.

(b) The Peace Corps Committee on Conflict of Interest will review and monitor the Agency's policies and procedures on conflict of interest. The committee shall consist of the General Counsel, the Associate Director for Management, the Director for Compliance, the Director of Contracts, the Associate Director for International Operations, and the Director's designee, who shall be a nonvoting member. The Designated Agency Ethics Official shall act as advisor to the Committee and shall record the Committee's decisions. The Committee shall have the authority to:

(1) Adopt the procedures necessary to insure the implementation of and compliance with the conflict of interest regulations found at §§ 307.735–301 through 307.735–305.

(2) Issue interpretive opinions or clarifying statements on actual or hypothetical situations involving the provisions of §§ 307.735–301 through 307.735–305.

(3) Accept and review reports filed under § 307.735–302(b).

(4) Grant specific relief from the provisions of §§ 307.735–303 through 307.735–305 by a majority vote of the committee, if after due consideration the committee finds that:

(i) No actual conflict of interest exists, and

(ii) The purpose of the rule would not be served by its strict application, and

(iii) A substantial inequity would otherwise occur. In each such case the committee shall issue a written decision setting forth its findings as required above. The committee may make any exception subject to such conditions and restrictions as it deems appropriate.

(c) Any violation of the regulations in this part may be cause for disciplinary action. Violation of those provisions of the regulations in this part which reflect legal prohibitions may also entail penalties provided by law.

(d) This part applies to all employees of Peace Corps. "Employee" as used in this part includes regular employees, Presidential appointees, "special Government employees," experts and consultants whether employed on a full-time, part-time, or intermittent basis, and Foreign Service National employees (FSNs).

§ 307.735–102 Definitions.

(a) "Special Government employee" as used herein means a person appointed or employed to perform temporary duties for Peace Corps with or without compensation, on a full-time, part-time, or intermittent basis, for not to exceed 130 days during any period of 365 days.

(b) "Regular Government employee" as used herein means any officer or employee other than a Special Government employee.

(c) "Organization" as used herein includes profit and nonprofit corporations, associations, partnerships, trusts, sole proprietorships, foundations, individuals and foreign, State and local government units.

(d) "Potential Contractor" means any organization or individual that has submitted a proposal, application, or otherwise indicated in writing its intent to apply for or seek a specific contract or other agreement.

(e) "Associated with" means:

(1) That the person is a director of the organization or is a member of a board or committee which exercises a recommending or supervisory function in connection with a Peace Corps project;

(2) That the person serves as an employee, officer, owner, trustee, partner, consultant, or paid advisor (general membership in an organization is not included within the definition of "associated with");

(3) That the person, his or her spouse, minor child, or other member of his or her immediate household, owns, individually or collectively, 1 percent or more of the voting shares of an organization;

(4) That the person, his or her spouse, minor child, or other member of his or her immediate household, owns, individually or collectively, either beneficially or as trustee, a financial interest in an organization through stock, stock options, bonds, or other securities, or obligations, valued at $50,000 or more; or

(5) That a person has a continuing financial interest in an organization, such as a bona fide pension plan, valued at $5,000 or more, through an arrangement resulting from prior employment or business or professional association.

The term "associated with" does not include an indirect interest, such as ownership of shares in a mutual fund, bank or insurance company, which in turn owns an interest in an organization which has, or is seeking or is under consideration for a contract or other agreement. Such an "indirect" interest is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of the employee's services.

Subpart B—Conduct and Responsibilities of Employees

§ 307.735–201 Proscribed actions—Executive Order 11222.

As provided by the President in Executive Order No. 11222, whether specifically prohibited by law or in the regulations in this part, no U.S. regular or special Government employees shall take any action which might result in, or create the appearance of:

(a) Using public office or employment for private gain, whether for themselves or for another person, particularly one with whom they have family, business, or financial ties.

(b) Giving preferential treatment to any person.

(c) Impeding Government efficiency or economy.

(d) Losing complete independence or impartiality.

(e) Making a Government decision outside official channels.

(f) Affecting adversely the confidence of the public in the integrity of the Government.

(g) Using Government office or employment to coerce a person to provide financial benefit to themselves or to other persons, particularly anyone

with whom they have family, business or financial ties.

§ 307.735–202 General conduct prejudicial to the Government.

An employee may not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the Government (5 CFR 735.209).

§ 307.735–203 Criminal statutory prohibitions: Conflict of interest.

(a) *Regular Government employees.* Regular employees of the Government are subject to the following major criminal prohibitions:

(1) They may not, except in the discharge of their official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies to both paid and unpaid representation of another (18 U.S.C. 205).

(2) They may not participate in their governmental capacity in any matter in which they, their spouse, minor child, outside business associate, or persons with whom they are negotiating for employment have a financial interest (18 U.S.C. 208).

(3) They may not, after Government employment has ended, represent anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and in which they participated personally and substantially for the Government (18 U.S.C. 207).

(4) They may not for 2 years after their Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of their official responsibility during their last year of Government service. This temporary restraint gives way to the permanent restraint described in subparagraph (2) of this paragraph if the matter is one in which the employee participated personally and substantially (18 U.S.C. 207).

(5) They may not receive any salary, or supplementation of their Government salary, from a private source as compensation for services to the Government (18 U.S.C. 209).

(b) *Special Government Employees.* Special Government employees are subject to the following major criminal prohibitions:

(1) They may not, except in the discharge of official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which they have at any time participated personally and substantially for the Government (18 U.S.C. 205).

(2) They may not, except in the discharge of official duties, represent anyone else in a matter pending before the agency they serve unless they have served there no more than 60 days during the past 365. They are bound by this restraint despite the fact that the matter is not one in which they have ever participated personally and substantially (18 U.S.C. 205). (See § 307.735–303(b) for additional nonstatutory Agency restrictions on a special employee representing any other person or organization in a matter pending before the Agency.) The restrictions described in subparagraphs (1) and (2) of this paragraph apply to both paid and unpaid representation of another.

(3) They may not participate in their governmental capacity in any matter in which they, their spouse, minor child, outside business associate, or persons with whom they are negotiating for employment have a financial interest (18 U.S.C. 208).

(4) They may not, after their Government employment has ended, represent anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and in which they participated personally and substantially for the Government (18 U.S.C. 207).

(5) They may not, for 2 years after their Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of their official responsibility during their last year of Government service. This temporary restraint gives way to the permanent restriction described in subparagraph (4) of this paragraph if the matter is one in which they participated personally and substantially (18 U.S.C. 207).

(c) *Senior Employees.* Employees in positions for which the basic rate of pay is specified in subchapter II of Chapter 53 of title 5, United States Code, (Executive Schedule Pay Rates), or a comparable or greater rate of pay under other authority; and employees in positions which involve significant decision-making or supervisory responsibility for which the basic rate of pay is equal to or greater than the basic rate of pay for GS–17, are Senior Employees.

(1) Within 2 years after his or her employment has ceased, no Senior Employee may knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before:

(i) Any department, agency, or court, or any officer or employee thereof,

(ii) In connection with any judicial or other preceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(iii) In which he or she participated personally and substantially as an officer or employee.

(2) No Senior Employee, other than a special Government employee who serves for less than 60 days in a calendar year, who, within one year after his or her employment has ceased, knowingly acts as an agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to

(i) The Peace Corps, or any of its officers or employees,

(ii) In connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, or other particular matter, and

(iii) Which is pending before the Peace Corps or in which the Peace Corps has a direct and substantial interest shall be fined not more than $10,000, or imprisoned for not more than 2 years, or both.

Subpart C—Outside Employment, Activities, and Associations

§ 307.735–301 In general.

(a) There is no general prohibition against Peace Corps employees holding outside employment, including teaching, lecturing, or writing, but no employee may engage in outside employment or associations if they might result in a conflict or an appearance of conflict between the private interests of the employee and his or her official responsibility.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation

for his or her services to the Government (18 U.S.C 209).

(c) An employee shall not have a direct or indirect financial interest that conflicts substantially with his or her Government duties and responsibilities. Nor may an employee engage in, directly or indirectly, a financial transaction as a result of or primarily relying on information obtained through his or her Government employment.

§ 307.735-302 Association with potential contractor prior to employment.

(a) No employee, or any person subject to his or her supervision, may participate in the decision to award a contract to an organization with which that employee has been associated in the past 2 years. When an employee becomes aware that such an organization is under consideration for or has applied for a contract with the Agency, the employee shall notify his or her immediate supervisor in writing. The supervisor shall take whatever steps are necessary to exclude the employee from all aspects of the decision processes regarding the contract or agreement.

(b) When the Director, Deputy Director, or an Associate Director becomes aware that an organization with which he or she has been associated in the past 2 years is under consideration for or has applied for a contract with the Agency, he or she shall refrain from participating in the decision process and immediately notify the Director of the Office of Compliance, who shall select an independent third party, not in any way connected or associated with the concerned official. The third party shall participate in and review the decision process to the extent he or she deems necessary to insure objectivity and the absence of favoritism. Said third party shall preferably be a person experienced in the area of government contracts. The third party shall file a report in writing with the Committee on Conflict of Interest stating his or her conclusions, observations, or objections, if any, to the decision process concerning the contract or agreement, which document shall be attached to and become a part of the official file.

§ 307.735-303 Association with Peace Corps contractor or potential contractor while an employee.

(a) No regular employee may be associated with any Peace Corps contractor or potential contractor. Any organization that is associated with a regular employee shall be suspended from consideration as a contractor.

(b) No regular or special employee, except in his or her official capacity as a Peace Corps employee, shall either participate in any way on behalf of any organization in the preparation or development of a contract proposal involving Peace Corps or represent any other organization proposal involving Peace Corps or represent any other organization in a matter pending before Peace Corps. In the event that a regular or special employee participates while an employee of Peace Corps in any aspect of the development of a contract or agreement proposal on behalf of an organization, or represents another organization in a matter pending before Peace Corps, that organization shall be suspended from consideration for the contract or other agreement. If the employee's prohibited participation is discovered after award of the contract, appropriate disciplinary action shall be taken, including, but not limited to, the placement of a letter describing the violation in the employee's official personnel file.

(c) No regular or special employee who, prior to his or her employment at Peace Corps, participated in the development of a contract or other agreement proposal on behalf of another organization, shall participate as a Peace Corps employee in any aspect of the decision process regarding that contract or other agreement, or, if the contract or other agreement is awarded, in any oversight or management capacity in relation to that contract or other agreement. In addition, any such contract or other agreement shall only be awarded through a competitive process. In the event a regular or special employee who participated in the development of the contract or other agreement proposal prior to being employed at Peace Corps does participate as a Peace Corps employee in the decision process for such contract or other agreement, the organization shall be suspended from consideration.

(d) If a special employee participates as an employee of Peace Corps in any aspect of the development of a proposal, whether or not such participation is minimal or substantial, any organization with which he or she is associated shall be suspended from consideration for the contract or other agreement.

(e) If an organization with which a special employee is associated submits a proposal for a contract or other agreement, and the special employee did not participate either as an employee of Peace Corps or an associate of the organization in any aspect of the proposal or the application therefor, the matter shall be referred to the Committee on Conflict of Interest for determination. The Committee shall consider the following factors and any others it deems relevant:

(1) The nature, length, and origin of the special employee's relationship with the Agency, the nature and scope of the employee's duties and responsibilities, the division or office to which the employee is assigned, and whether the employee's duties are in any way related to the proposed contract or other agreement.

(2) The nature, length, and type of the employee's relationship with the organization, whether the employee's position involves policy making or supervision of other employees and the relationship of the position with the organization to the work to be performed under the proposed contract or other agreement.

(3) Whether awarding the contract or other agreement to the organization would result in the appearance of or the potential for a conflict of interest.

(4) The process to be used in awarding the contract or other agreement.

(f) If a special employee wishes to become or remain associated with a Peace Corps contractor while he or she is an employee of Peace Corps, subject to the restrictions (b) through (e) of § 307.735-303, the matter shall be referred to the Committee on Conflict of Interest for determination. The Committee shall consider the following factors and any others it deems relevant:

(1) The nature, length, and origin of the special employee's relationship with the Agency, the nature and scope of the employee's duties and responsibilities, the division or office to which the employee is assigned, and whether the employee's duties are in any way related to the contract or other agreement.

(2) The nature, length, and type of the employee's relationship with the organization, whether the employee's position involves policymaking or supervision of other employees and the relationship of the position with the organization to the work to be performed under the proposed contract or other agreement.

(3) Whether such a relationship would result in the appearance of or the potential for a conflict of interest.

(g) Any suspension involving proposed contracts under this rule shall be in accordance with procedures set forth in the applicable Federal Procurement Regulations, 41 CFR 1-1.600 *et seq.*

§ 307.735–304 Employment after leaving Peace Corps.

(a) Employees may negotiate for prospective employment with non-Federal Government organizations only when they have no duties as Peace Corps employees which could affect the organization's interest, or after they have disqualified themselves, on the written permission of their supervisor, from such duties.

(b) For 1 year after leaving Peace Corps, no regular or special employee may serve pursuant to a personal or nonpersonal services contract or other agreement or accept employment with a Peace Corps contractor for a position in which he or she would be working in any activity supported in whole or in part by Peace Corps funds received under the Peace Corps program which was within the boundaries of the employee's official responsibility or in which he or she participated personally while employed at Peace Corps.

(c) If, within 1 year after leaving Peace Corps, an individual accepts employment in violation of this rule, Peace Corps will disallow the costs allocated under the contract or other agreement for that position. In addition, a letter describing the violation will be placed in the personnel files of the former employee and the requiring office current or former staff member(s) responsible for issuing an individual personal or nonpersonal services contract.

§ 307.735–305 Employment with Peace Corps contractor.

An employee of a Peace Corps contractor who is compensated directly or indirectly from Peace Corps funds will be ineligible to be compensated under any personal or nonpersonal services contract with this Agency which will result in the employee being paid twice for the same time or product.

§ 307.735–306 Association with non-Peace Corps contractor while a Peace Corps employee.

(a) An employee shall not engage in outside employment which tends to impair the employee's mental or physical capacity to perform his or her official responsibility in an acceptable manner.

(b) *Teaching, lecturing, and writing*—(1) *Use of information.* An employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his or her Government employment, except when that information has been or on request will be made available to the general public or when the agency head gives advance written authorization for the use of nonpublic information on the basis that the proposed use is in the public interest.

(2) *Compensation.* No employee may accept compensation or anything of value for any lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the Peace Corps programs or which draws substantially on official data or ideas which have not become part of the body of public information.

(3) *Clearance of publications.* No employee may submit for publication any writing, other than recruiting information, the contents of which are devoted to the Peace Corps programs or to any other matter which might be of official concern to the U.S. Government without in advance clearing the writing with the Director of Public Affairs. Before clearing any such writing, the Director of Public Affairs will consult with the appropriate Peace Corps office.

(c) *State and local government employment.* Regular employees may not hold office or engage in outside employment under a State or local government except with prior approval of the General Counsel, Peace Corps.

(d) All employees not required by § 307.735–401 to report their outside employment and financial interests shall inform their supervisors of all outside paid and unpaid employment they hold or accept.

(e) As authorized by Section 202 of Executive Order 11222, employees in positions classified at the FP–1, GS–15, and above levels may not earn outside income in excess of 15% of their salary in any calendar year.

§ 307.735–307 Gifts, entertainment, and favors.

(a) *From donors dealing with Peace Corps.* (1) No regular or special employees may solicit or accept, directly or indirectly, for themselves, for any member of their family, or for any person with whom they have business or financial ties, any gift, gratuity, favor, entertainment, or loan or any other thing of value, from any individual or organization which:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with Peace Corps;

(ii) Has interests that may be substantially affected by the performance or nonperformance of the employee's official responsibility;

(iii) Is in any way attempting to affect the employee's exercise of his or her official responsibility; or

(iv) Conducts operations or activities that are regulated by Peace Corps.

(2) Subparagraph (1) of this paragraph does not prohibit, even if the donor has dealings with Peace Corps:

(i) Acceptance of things of value from parents, children, or spouse if those relationships rather than the business of the donor is the motivating factor for the gift;

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of breakfast, luncheon, or dinner meetings or other meetings;

(iii) Solicitation and acceptance of loans from banks or other financial institutions to finance proper and usual activities of employees, such as home mortgage loans, solicited and accepted on customary terms;

(iv) Acceptance on behalf of minor dependents of fellowships, scholarships, or educational loans awarded on the basis of merit and/or need;

(v) Acceptance of awards for meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(3) Regular or special employees need not return unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other things of nominal intrinsic value.

(b) *From other Peace Corps employees.* No employees in superior official positions may accept any gifts presented as contributions from employees in lower grades. No employees shall solicit contributions from other employees for a gift to an employee in a superior official position, nor shall any employees make a donation as a gift to an employee in a superior official position. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(c) *From foreign governments.* No regular employee may solicit or, without the consent of the Congress, receive any present, decoration, emolument, pecuniary favor, office, title, or any other gift from any foreign government. See 5 U.S.C. 7342; Executive Order 11320; and 22 CFR Part 3.

(d) *Gifts to Peace Corps.* Gifts to the United States or to Peace Corps may be accepted in accordance with Peace Corps guidelines.

(e) *Reimbursement for expenses.* Neither this section nor § 307.735–310(a) precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as

is compatible with this part and for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his or her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. Nor does it allow an employee to receive non-Government reimbursement of travel expenses for travel on official business under Peace Corps orders; but rather, such reimbursement, if any, should be made to Peace Corps and amounts received should be credited to its appropriation. If an employee receives accommodations, goods, or services in kind from a non-Government source, this item or items will be treated as a donation to Peace Corps and an appropriate reduction will be made in per diem or other travel expenses payable.

§ 307.735–308 Economic and financial activities of employees abroad.

(a) Prohibitions in any foreign country. A U.S. citizen employee abroad is specifically prohibited from engaging in the activities listed below in any foreign country:

(1) Speculation in currency exchange;

(2) Transactions at exchange rates differing from local legally available rates, unless such transactions are duly authorized in advance by the agency;

(3) Sales to unauthorized persons whether at cost or for a profit of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use, without official sanction, of the diplomatic pouch;

(5) Transfers of funds on behalf of blocked nationals, or otherwise in violation of U.S. foreign funds and assets control;

(6) Independent and unsanctioned private transactions which involve an employee as an individual in violation of applicable control regulations of foreign governments;

(7) Acting as an intermediary in the transfer of private funds for persons in one country to persons in another country, including the United States;

(8) Permitting use of one's official title in any private business transactions or in advertisements for business purposes.

(b) Prohibitions in country of assignment. (1) A U.S. citizen employee shall not transact or be interested in any business or engage for profit in any profession or undertake other gainful employment in any country or countries to which he or she is assigned or detailed in his or her own name or through the agency of any other person.

(2) A U.S. citizen employee shall not invest in real estate or mortgages on properties located in his or her country of assignment. The purchase of a house and land for personal occupancy is not considered a violation of this subparagraph.

(3) A U.S. citizen employee shall not invest money in bonds, shares, or stocks of commercial concerns headquartered in his or her country of assignment or conducting a substantial portion of business in such country. Such investments, if made prior to knowledge of assignment or detail to such country or countries, may be retained during such assignment or detail.

(4) A U.S. citizen employee shall not sell or dispose of personal property, including automobiles, at prices producing profits which result primarily from import privileges derived from his or her official status as an employee for the U.S. Government.

§ 307.735–309 Information.

(a) Release of information to the press.

(1) Regular or special employees shall not withhold information from the press or public unless that information is classified or administratively controlled (limited official use). All responses to requests for information from the press should be referred to the Director of Public Affairs who will be responsible for all releases. Regular and special employees should be certain that information given to the press and public is accurate and complete.

(2) Any questions as to the classification or administrative control of information should be referred to the DAEO.

(3) No regular or special employee may record by electronic or other device any telephone or other conversation, or listen in on any telephone conversation without the consent of all parties thereto.

(b) Disclosure and misuse of inside information. No employee may, directly or indirectly, disclose or use for his or her own benefit, or for the private benefit of another, inside information as described in paragraph (c) of this section. The use of such information by an employee is restricted to the proper performance of his or her official duties. The disclosure of such information is restricted to official Peace Corps channels unless disclosure is authorized by the Director, the Deputy Director, the General Counsel, or an Associate Director of Peace Corps. In particular, no employee may:

(1) Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on such information; or

(2) Publish any book or article, or deliver any speech or lecture, based on or using such information.

(c) *Definition.* The term "inside information" as used in this section means, generally, information obtained under Government authority which is not known by the general public and which could affect the rights or interests of the Government or of a non-Government organization or person. Such information includes information about Peace Corps operations or administration, and personnel which could influence someone's dealing with Peace Corps.

(d) This section is not intended to discourage the disclosure through proper channels of information which has been or should be made public, or which is by law to be made available to the public. Also, employees are encouraged to teach, lecture, and write, provided they do so in accordance with the provisions of this section and §§ 307.735–310 and 307.735–306.

§ 307.735–310 Speeches and participation in conferences.

(a) *Fees and expenses.* (1) Although an employee may not accept a fee for his or her own use or benefit for making a speech, delivering a lecture, or participating in a discussion if the subject is Peace Corps or Peace Corps programs or if such services are part of the employee's official Peace Corps duties, the employee may suggest that the amount otherwise payable as a fee or honorarium be contributed to Peace Corps.

(2) When a meeting, discussion, etc., to which subparagraph (1) of this paragraph refers takes place at a substantial distance from the employee's home, he or she may accept reimbursement for the actual cost of transportation and necessary subsistence, or expenses, but in no case shall he or she receive any amount for personal benefit. Such reimbursements shall be reported by the employee to his or her immediate supervisors.

(3) An employee may accept fees for speeches, etc. dealing with subjects other than Peace Corps or Peace Corps programs when no official funds have been used in connection with his or her appearance and such activities do not interfere with the efficient performance of his or her duties.

(b) *Racial segregation.* No employee may participate for Peace Corps in conferences or speak for Peace Corps before audiences where any racial group

has been segregated or excluded from the meeting, from any of the facilities or conferences, or from membership in the organization sponsoring the conference or meeting.

(1) When a request for Peace Corps speakers or participation is received under circumstances where segregation may be practiced, the Director of Communications shall make specific inquiry as to the practices of the organization before the request is filled.

(2) If the inviting organization shows a willingness to modify its practices, Peace Corps will cooperate in such efforts.

(3) Exceptions to this paragraph may be made only by the Director, Peace Corps and in his or her discretion.

§ 307.735–311 Partisan political activity.

(a) *Prohibited activities.* No employee may:

(1) Use his or her official authority or influence for the purpose of interfering with an election or affecting the result thereof; or

(2) Take any active part in partisan political management or in political campaigns, except as may be provided by or pursuant to statute, 5 U.S.C. 7324.

(b) *Intermittent employees.* Persons employed on an irregular or occasional basis are subject to paragraph (a) of this section only while in active duty status and for the 24 hours of any day of actual employment.

(c) *Excepted activities.* Paragraph (a) of this section does not apply to:

(1) Nonpartisan campaigns and elections in which none of the candidates is to be nominated by or elected as representing a national or State political party, such as most school board elections; or

(2) Political activities connected with questions of public interest which are not specifically identified with national or State political parties, such as constitutional amendments, referenda, and the like (5 U.S.C. 7326).

(d) *Excepted communities.* Paragraph (a) of this section does not apply to employees who are residents of certain communities. These communities, which have been designated by the Office of Personnel Management (5 CFR 733.301), consist of a number of communities in suburban Washington, D.C., and a few communities elsewhere in which a majority of the voters are Government employees. Employees who are residents of the designated communities may be candidates for, or campaign for others who are candidates for, local office if they or the candidates for whom they are campaigning are running as independent candidates. An employee may hold local office only in accordance with §§ 307.735–301 through 307.735–306 relating to outside employment and associations.

(e) Special Government employees are subject to the statute for the 24 hours of each day on which they do any work for the Government.

(f) While regular employees may explain and support governmental programs that have been enacted into law, in exercising their official responsibilities they should not publicly support or oppose pending legislation, except in testimony required by the Congress.

§ 307.735–312 Use of Government property.

A regular or special employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government for other than officially approved activities. All employees have a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to them. By law, penalty envelopes may be used only for official U.S. Government mail.

§ 307.735–313 Indebtedness.

Peace Corps considers the indebtedness of its employees to be a matter of their own concern and will not function as a collection agency. Nevertheless, a regular or special employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his or her employer. In the event of a dispute between an employee and an alleged creditor, this section does not require Peace Corps to determine the validity or amount of the disputed debt.

§ 307.735–314 Gambling, betting, and lotteries.

A regular or special employee shall not participate, while on Government owned or leased property or while on duty for the Government in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 307.735–315 Discrimination.

No regular or special employee may make inquiry concerning the race, political affiliation, or religious beliefs of any employee or applicant in connection with any personnel action and may not practice, threaten, or promise any action against or in favor of an employee or applicant for employment because of race, color, religion, sex, age, or national origin and in the competitive service on the basis of politics, marital status, or physical handicap.

§ 307.735–316 Related statutes and regulations.

Each employee should be aware of the following related statutes and regulations:

(a) House Concurrent Resolution 175, 85th Congress, second session, 72A Stat. B12, the "Code of Ethics for Government Service."

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(c) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) The prohibition against accepting honoraria of more than $2,000 per speech, appearance or article or aggregating more than $25,000 in any calendar year (2 U.S.C. 441i).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783), and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provisions relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuses of a Government vehicle (31 U.S.C. 638a(c)).

(h) The prohibition against the misuses of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(j) The prohibitions against fraud or false statements in a Government matter and filing false claims (18 U.S.C. 1001 and 287).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against: (1) Embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the

possession of an employee by reason of his or her employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, and 607.

(p) The prohibition against gifts to employee's superiors and the acceptance thereof (5 U.S.C. 7351).

(q) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, which is specifically applicable to special Government employees as well as to regular employees.

(r) The prohibition against accepting gifts from foreign governments (50 U.S.C. 7342).

(s) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(t) The prohibition against appointing or advocating the appointment of a relative to a position within the Agency (5 U.S.C. 3110).

(u) The prohibition against postemployment conflicts of interest (18 U.S.C. 207).

Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests

§ 307.735-401 Submission of statements.

(a)(1) Regulations of the Office of Personnel Management (5 CFR Part 735) require Peace Corps to adopt regulations providing for the submission of statements of employment and financial interests from certain regular employees and all special employees.

(2) All special employees and those regular employees designated in paragraph (b) of this section shall complete statements of employment and financial interests and submit them to the DAEO not later than 5 days after their entrance on duty. The Director of Personnel Management shall be responsible for supplying all new employees with the necessary forms either prior to or on the first day of their initial employment, extentions, or reappointments.

(3) The initial statement of employment and financial interests shall include information on organizations with which the employee was associated during the 2 years prior to his or her employment by Peace Corps, as well as information about current associations. Special employees shall also indicate to the best of their knowledge which organizations listed currently on their forms have contracts with or are applying for contracts with the Peace Corps. If any information required to be included on the statement, including holdings placed in trust, is not known to an employee but is known to another person, he or she is required to request that other person to submit information on his or her behalf.

(4) Current employees shall file a statement within 30 days of the effective date of these regulations. Thereafter, changes in or additions to the information contained in a regular or special employee's statement must be reported in a supplementary statement as of June 30 each year. The Director of Personnel Management shall be responsible for insuring that such supplementary statements are submitted by June 30. Notwithstanding the filing of the annual report required by this paragraph each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a conflict of interest and a violation of the conflict-of-interest provisions of section 208 of Title 18, United States Code, or the conflict-of-interest provisions of this part.

(5) In the case of temporary summer employees hired at FP-7 or equivalent and below to perform duties other than those of an expert or consultant, the reporting requirement will be waived. It may also be waived by the Director of Personnel Management with respect to other appointments, except as experts or consultants, upon a finding that the duties of the position held by the special Government employee are of a nature and at such a level of responsibility that the reporting of employment and financial interests is not necessary to protect the integrity of the Government.

(6) Regular or special employees are not required to submit in a statement of employment and financial interests or supplementary statements any information about their connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization not conducted as a business enterprise. For this purpose, any organizations doing work involving or potentially involving contracts with the Government are considered business enterprises and are required to be included in a regular or special employee's statement of employment and financial interests.

(7) The statements of employment and financial interests and supplementary statements required are in addition, and not in substitution for or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or her or any other person to participate in a matter in which his or her or other persons' participation is prohibited by law, order, or regulations.

(8) A regular employee who believes that his or her position has been improperly included under Peace Corps regulations as one requiring the submission of a statement of employment and financial interests shall be given an opportunity for review through Peace Corps' grievance procedures to determine whether the position has been improperly included.

(b) Statements shall be submitted by employees who occupy the following positions which influence or are perceived to influence the planning, design, award, monitoring, and evaluation of Peace Corps procurements of goods and services.

Office of the Director

Director of the Peace Corps
Deputy Director of the Peace Corps
Executive Assistant
Confidential Assistant

Office of Private Sector Development

Director of Private Sector Development
Peace Corps Partnership Specialist

Office of Executive Talent Search

Director, Talent Search

General Counsel

General Counsel
Associate General Counsel
Assistant General Counsel
Legislative Liaison Officer

Office of Public Affairs

Director of Public Affairs
Press Officer

Office of Associate Director Recruitment, Placement, and Staging

Associate Director
Special Assistant
Administrative Officer

Office of Placement

Director of Volunteer Placement

Office of Staging

Supervisory Staging and Orientation Specialist
Cast Coordinator
Program Management Officer

Office of Recruitment

Director of Recruitment
Special Assistant
Supervisory Communications Operations Specialist

Service Centers

Regional Service Center Director
Administrative Officer

Area Volunteer Recruitment Officer

Office of Marketing Research

Director
Visual Information Officer
Public Information Specialist
Communications Specialist
Audio-Visual Advertising Specialist

Office of Associate Director, International Operations

Associate Director, International Operations
Administrative Officer
Contracts Control Analyst
Supervisory Budget Analyst

Multilateral Programs Section

Program Specialist

Office of Training and Program Support

Director
Chief of Operations
Associate Staff Training Specialist
Water Sanitation Planning Specialist
Agriculture Program Specialist
Associate Agriculture Program Specialist
Fisheries Program Specialist
Health Program Specialist
Associate Health Program Specialist
Coordinator, ICE
Competitive Enterprises Development Specialist
Forestry Resource Management Specialist
Supervisory Energy Program Specialist
Energy Program Specialist
Energy Survey Coordinator
Program Specialist
Training Specialist
Training Management Coordinator
Planning Policy Development Officer
Staff Training Specialist
Employee Development Specialist

Africa Operations

Regional Director
Assistant to Director
Chief of Operations
Country Desk Officer
Training Specialist
Peace Corps Country Director
Deputy Peace Corps Country Director
Special Assistant

Inter-American Operations

Regional Director
Chief of Operations
Program Specialist
Peace Corps Country Director
Deputy Peace Corps Country Director
Country Desk Officer
Administrative Liaison
Special Assistant
Training Specialist

NANEAP Operations

Regional Director
Special Assistant
Chief of Operations
Administrative Liaison
Program Specialist
Training Specialist
Peace Corps Country Director
Peace Corps Deputy Country Director
Country Desk Officer

Office of Associate Director Management

Associate Director for Management
Labor Relations Specialist
Director of Planning Evaluation
Administrative Services Specialist
Administrative Officer

Office of Special Services

Special Services Director
Deputy Director of Special Services

Office of Compliance

Compliance Office Director
Investigator
Supervisory Inspector
Auditor
Equal Employment Manager

Office of Planning, Assessment and Management Information

Planning Policy Development Officer
Program Analysis Officer
Supervisory Management Analyst
Management Analyst
Computer Programmer Analyst
Evaluation Specialist

Office of Personnel

Director of Personnel

Personnel Operations Division

Supervisory Personnel Staffing Specialist
Personnel Security Officer
Personnel Security Specialist
Employee Relations Specialist
Employee Development Specialist

Office of Financial Management

Financial Manager
Director of Budget Division
Supervisory Budget Analyst
Accounting Officer
Supervisory Operating Accountant
Systems Accountant
Certifying Officer
Contracts Director
Contracts Negotiator
Contracts Administrator
Purchasing Agent

Administrative Services Office

Administrative Services Officer
Administrative Assistant
Supervisory Computer Specialist
Director of General Services
Supervisory Management Analyst
Management Analyst
Supervisory Communications Specialist
Planning Evaluation Specialist
Traffic Manager
Chief Librarian

Office of Medical Services

Health Services Officer
Medical Officer
Supervisory Occupational Health Nurse
Supervisory Health Benefits Analyst

§ 307.735–402 Review of statements.

(a) The DAEO shall review all statements and forward the names of all listed organizations to the Director of Contracts. In addition, if the information provided in the statement indicates on its face a real, apparent, or potential conflict of interest under §§ 307.735.301 through 307.735–305 of these standards, the DAEO will review the situation with the particular employee. If the DAEO and the employee are unable to resolve the conflict to the DAEO's satisfaction, or if the employee wishes to request an exception to any of the above enumerated rules, the case will be referred to the Committee on Conflict of Interest. The Committee is authorized to recommend appropriate remedial action to the Director, who is authorized to take such action as may include, but is not limited to, changing assigned duties, requiring the employee or special employee to divest himself of a conflicting interest, taking disciplinary action, or disqualifying or accepting the self-disqualification of the employee or special employee for a particular assignment.

(b) The Contracts Division shall maintain a list of all the organizations with which employees are or have been associated, as well as a list of all current contractors with the Agency. The list of organizations shall include the names of all employees associated with the identified organizations. When names of organizations with which new employees are or have been associated are submitted to the Contracts Office, they shall be checked against the list of current contractors. Similarly, before any new contracts are awarded, the names of the potential contractors will be checked against the master list of organizations with which employees are or have been associated. Any real, apparent, or potential conflicts which come to light as a result of these cross checks will be referred to the DAEO for review. The DAEO will proceed as in paragraph (a) of this section, referring the matter to the Committee on Conflict of Interest if necessary.

(c) Whenever an organization submits a proposal or application or otherwise indicates in writing its intent to apply for or seek a specific contract, the Peace Corps Contracts Division shall immediately forward a copy of the relevant sections of the Agency standards of conduct to that organization.

(d) Whenever a regular or special employee terminates his or her employment with Peace Corps, the Office of Personnel Management shall provide that employee with a copy of the rule which restricts a person's employment for a period of 1 year after leaving Peace Corps. Personnel shall also notify the DAEO when an employee terminates. One year after the date of termination the DAEO will instruct the Contracts Office to remove from the master list any organizations with which the terminated employee was associated unless other current employees are

associated with those organizations. Three years after the date of termination the DAEO will destroy the statement of employment and financial interests. (E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964–1965, Supp. 306; 5 CFR Part 735.)

Signed at Washington, D.C. on December 13, 1983.

Loret Miller Ruppe,

Director, Peace Corps.

[FR Doc. 83-33498 Filed 12-19-83; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

[FHWA Docket No. 83-21]

Advance Construction of Federal-Aid Projects; Revision

Correction

In FR Doc. 83–32635 beginning on page 54972 in the issue of Thursday, December 8, 1983, make the following correction:

In § 630.706, on page 54975, first column, at the bottom of the page, in the footnote, "23 CFR Part 30" should have read "23 CFR Part 630".

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 233

Inspection Service Authority; Mail Covers

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service adopts its proposal to permit postal inspectors to make the decision to record, and to use in criminal investigations and prosecutions, the information found on the covers of the mail matter reasonably believed to be the evidence of a postal crime such as mail theft, embezzlement, or depredation. The amendment eliminates the regulatory requirement in such cases to apply for and obtain a mail cover order to record such information for investigatory purposes without the consent of the sender or addressee of each stolen, rifled, embezzled, or damaged mail article. Experience has shown that the issuance of a mail cover order in these cases is clearly justified and virtually automatic.

EFFECTIVE DATE: January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun at (202) 245–4620.

SUPPLEMENTARY INFORMATION: The proposal was published for comment in the **Federal Register** on Monday, September 12, 1983, accompanied by an explanation of the reasons proposed for adopting the proposal (48 FR 40910). The Postal Service received no written comments concerning the proposal, and hereby adopts, without substantive change, the following amendment of 39 CFR. The amendment differs from the proposal only in that it embodies the following three nonsubstantive corrections: (1) The unnecessary hypen in § 233.3(f)(2) between the word "post" and the word "office" has been deleted; (2) the unnecessary close parenthesis following the second use of the word "such" in § 233.3(f)(2) has been deleted; and, (3) the word "shall" in the amendment of § 233.3(g)(3) has been changed to the word "may" so that the provision begins: "Under no circumstances may a postmaster or postal employee* * *."

List of Subjects in 39 CFR Part 233

Crime.

Accordingly, 39 CFR Part 233 is hereby amended as follows:

PART 233—INSPECTION SERVICE AUTHORITY

In § 233.3, redesignate paragraphs (f), (g), (h), and (i) as paragraphs (g), (h), (i), and (j), respectively, add a new paragraph (f), and revise the second sentence of paragraph (g)(3) as redesignated as follows:

§ 233.3 Mail covers.

* * * * *

(f) A postal inspector, or a postal employee acting at the direction of a postal inspector, may record or copy the information appearing on the envelope or outer wrapping of mail, without obtaining a mail cover order, only under the following circumstances:

(1) The purpose must be to obtain evidence of a mail theft or embezzlement, or a depredation against the postal system or mail matter, constituting the commission or attempted commission of a postal crime; and,

(2) The mail must be either (i) undelivered mail found in the possession of a person reasonably believed to have stolen or embezzled such mail; or, (ii) damaged or rifled undelivered mail reasonably believed to be evidence of a postal crime against the security of the postal system (such as a post office break-in) or evidence of a postal crime against the security of mail matter (such as mail theft).

(g) *Limitations.* * * *

(3) * * * Under no circumstances may a postmaster or postal employee furnish information as defined in § 233.3(c)(1) to any person, except as authorized by a mail cover order issued by the Chief Postal Inspector or a Postal Inspector in Charge or their designees, or as directed by a postal inspector only under the circumstances described in § 233.3(f).

* * * * *

(39 U.S.C. 401, 403, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, Office of General Law & Administration.

[FR Doc. 83-33667 Filed 12-19-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2492-3]

Air Programs; Approval and Promulgation of Implementation Plans; California 1982 Ozone and CO Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This notice approves California's 1982 ozone (O_3) and carbon monoxide (CO) State Implementation Plan (SIP) revisions for the following areas: North Central Coast Air Basin (O_3); San Joaquin County (O_3 and CO); Santa Barbara County (O_3); and Stanislaus County (O_3). This action incorporates these revisions into the SIP, thereby revising the control strategy for attaining the O_3 and CO standards in these areas by December 31, 1987. This notice also takes final action removing conditions of approval of the 1979 O_3 and CO SIP revisions for San Joaquin County (O_3 and CO), Santa Barbara County (O_3) and Stanislaus County (O_3).

EFFECTIVE DATE: January 19, 1984

ADDRESS: A copy of today's revision to the California SIP is located at: The Office of Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Wallace Woo (415) 974–7634.

SUPPLEMENTARY INFORMATION: This protion of the notice is divided into five sections. The **Background** section briefly summarizes the proposed actions on these plan revisions and discusses EPA's parallel processing rulemaking procedure. The **Supplementary Revisions** section discusses EPA's evaluation of any pertinent SIP revisions submitted to EPA after the proposed rulemaking notice. The **Public Comments** section describes public comment on the proposed rulemaking notice and contains EPA's response on substantive issues. The section on "EPA ACTIONS" details EPA's final actions on the plans. The **Regulatory Process** section contains procedures for judicial review of this action.

Background

On February 3, 1983 [48 FR 5074] EPA proposed to approve or disapprove the 1982 O_3 and CO SIP revisions for the State of California. The proposal notice identified eleven areas of the State for which draft SIP plan revisions had been received by EPA. This notice addresses four of those eleven areas, namely: the North Central Coast Air Basin, San Joaquin County, Santa Barbara County, and Stanislaus County. Final actions on the remaining seven areas will be addressed in separate **Federal Register** actions.

A correction notice which noted an error in the "Proposed Actions" section of the February 3, 1983 proposal notice was published on April 18, 1983 [48 FR 16506].

For each of the four areas addressed in this notice, EPA proposed to approve the 1982 SIP revisions. For two of the areas, the proposed approval was conditioned upon correction of the following deficiencies prior to final rulemaking:

Santa Barbara County—The attainment demonstration was not based on an adequate modeling analysis, since the tidelands portion of the inventory was excluded.

Stanislaus County—The emission inventory may not have been adequate to support the attainment demonstration, and the plan lacked documentation for the stationary source emission reduction estimates.

These deficiencies along with other minor deficiencies in each of the five plans were discussed in detail in Chapters V, VIII, IX, and XI of the Technical Support Document (TSD) for the 1982 California O_3 and CO SIP revisions.

The TSD also noted outstanding conditions to correct deficiencies in the 1979 O_3 and CO SIP revisions for these four areas. All four areas were required to revise their New Source Review (NSR) rules to satisfy the requirements of Section 172(b)(6) of the Clean Air Act (CAA). The Santa Barbara O_3 plan did not adequately address the required stationary source control regulations for two Volatile Organic Compound (VOC) source categories addressed by a Control Techniques Guideline document. Since satisfaction of these outstanding conditions is a requirement for overall plan approval they are discussed in the **Supplementary Revisions** and **Public Comments** sections of this notice.

The February 3, 1983 notice also proposed to remove outstanding conditions on the 1979 SIP revisions including: (1) The condition related to a VOC rule deficiency in the Stanislaus County plan; and (2) the condition requiring schedules and commitments for the transportation control measures (TCM) in the San Joaquin County plan. EPA did not receive any adverse comments regarding these proposed actions.

EPA's February 3, 1983 proposed rulemaking for California's 1982 O_3 and CO plan revisions was based on the review of plans which had not been formally submitted as SIP revisions and which are termed here as draft plans. By processing the draft 1982 SIP revisions concurrently with State and local level action to adopt and submit the final SIPs, EPA intended to expedite the rulemaking process. Final action on the final 1982 SIPs submitted to EPA after the proposed rulemaking was made contingent upon the final plans being substantively the same as the draft plans, except where remedies to deficiencies noted in the proposal notice were included in the final plan.

The February 3, 1983 notice of proposed rulemaking provided for a 45 day comment period ending on March 21, 1983. On March 21, 1983 EPA extended the public comment period an additional 45 days to May 5, 1983 for plans proposed to be disapproved [see 48 FR 11725]. On April 8, 1983 [48 FR 15273] EPA also extended the comment period to May 5, 1983 for the 1982 California SIP revisions proposed for approval, which included the four plans which are the subject of this notice.

Supplementary Revisions

The final 1982 O_3 and CO nonattainment area plans for these four areas were submitted to EPA by the California Air Resources Board (ARB) on the following dates: (1) The North Central Coast Air Basin plan was submitted on December 31, 1982 and minor corrections were submitted on January 14, 1983; (2) the San Joaquin County plan was submitted on December 1, 1982; (3) the Santa Barbara County plan was submitted on December 31, 1982; and (4) the Stanislaus County plan was submitted on December 1, 1982. The final plans were substantively identical to the draft plans which were reviewed for the February 3, 1983 proposal notice, except for certain changes to correct deficiencies noted in the TSD. The TSD noted both major and minor deficiencies in the 1982 SIP revisions, and the major deficiencies were noted in the proposal notice. In support of this final rulemaking action, EPA has prepared an addendum to the TSD for these four areas which notes changes between the draft and final plans and evaluates these changes relative to the requirements for 1982 O_3 and CO SIP revisions. EPA's evaluation of the final plans is summarized below.

North Central Coast Air Basin—The draft plan reviewed by EPA had no major deficiencies. The final plan was substantively the same as the draft plan, except for a few minor revisions, some of which involve minor deficiencies cited by EPA in the TSD. EPA finds the minor revisions to be acceptable; a more detailed discussion is contained in the TSD addendum.

San Joaquin County—The draft plan reviewed by EPA had no major deficiencies, but did have minor deficiencies in the VOC emission inventory and conformity procedures elements of the plan. The final plan was substantively the same as the draft plan. While the two minor deficiencies were not corrected in the final plan, they were addressed in the public comments on the plan as discussed in the next section of this notice.

Santa Barbara County—The final plan was substantively the same as the draft plan except for one change which was made to address a minor deficiency in the emission inventory which was cited by EPA in the TSD. EPA's evaluation of this change is contained in the TSD addendum. EPA finds that this revised portion of the plan is approvable and adequately addresses the minor deficiency in the emission inventory.

Stanislaus County—The final plan was substantively the same except for changes which address deficiencies cited by EPA in the TSD. The final plan addresses the two major deficiencies identified by EPA which required (1) a discussion of, and documentation for, the relationship between different inventories in the plan and (2) documentation for the stationary source emission reduction estimates. The additional documentation included in

the final plan is approvable and adequately addresses the two major deficiencies. A detailed evaluation of these changes is contained in the TSD addendum.

NSR Rules—EPA has received a revised NSR rule for the North Central Coast Air Basin (Rule 207 submitted on December 29, 1982). In addition, a revised NSR rule has been adopted by Stanislaus County, but the rule has not as yet been submitted to EPA by the State. EPA believes these rules will fully satisfy the requirements for NSR regulations, and EPA will propose action on these rules in separate **Federal Register** actions. Upon final approval of these rules, EPA will remove the outstanding conditions of approval for the 1979 O_3 SIP revisions related to New Source Review. Revised NSR rules have not been adopted for San Joaquin County or Santa Barbara County. While Santa Barbara and San Joaquin County are making progress toward the adoption of NSR rules, they have not as yet fulfilled the outstanding condition of approval. EPA will take action to address these remaining deficiencies in the San Joaquin and Santa Barbara SIPs in separate **Federal Register** actions.

Public Comments

EPA received fourteen comments which address one or more of these four 1982 SIP revisions. EPA has prepared responses to these comments as part of the support document for this rulemaking. The detailed Response to Comments for each of the four areas is incorporated by reference as part of this final rulemaking notice. The following is a summary of the comments and EPA's response to substantive issues which relate to EPA's proposed actions on these four plans.

North Central Coast Air Basin—Comments were received from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the ARB. The MBUAPCD noted a clerical error in the Proposed Actions section of the February 3, 1983 notice, which EPA corrected in the April 18, 1983 **Federal Register** (48 FR 16508). The MBUAPCD and ARB also provided comments addressing the minor deficiencies noted in the TSD regarding (1) the VOC emission inventory, (2) selection of a design day, (3) the emission reduction monitoring program and (4) conformity procedures. As discussed in detail in the Response to Comments portion of the support document, EPA agrees that the comments adequately address the minor deficiencies noted in the TSD on the draft plan.

San Joaquin County—Comments were received from the San Joaquin County Board of Supervisors, the ARB and the Western Oil and Gas Association (WOGA). The comments addressed minor deficiencies in the emission inventory, the procedures to ensure conformity with the SIP, and concern over the CO nonattainment area boundaries. EPA's response, as detailed in the Response to Comments document, concluded that: (1) The minor deficiencies in the emission inventory were adequately addressed by the ARB, (2) there is still a need to further describe the administrative and technical procedures for ensuring conformity with the SIP, and (3) any redesignation of the CO nonattainment area boundary will be addressed in a separate **Federal Register** action.

Santa Barbara County—Comments were received from the ARB, WOGA, the County of Santa Barbara Department of Regional Programs (the County), the City of Santa Barbara and the County Board of Supervisors.

The one major deficiency noted in the TSD was the fact that the tidelands portion of the inventory was not included in the modeling analysis. The County addressed this deficiency by submitting a revised modeling analysis which did include emissions from the tidelands area. EPA agrees with the County and ARB that the demonstration of attainment included in the final plan would not have been significantly different had the tidelands area been included. EPA no longer considers this to be a major deficiency. However, future ozone plan updates should include tidelands emissions as well as outer continental shelf emissions, where appropriate.

The County commented on the outstanding conditions of approval regarding VOC regulations for petroleum refinery valves and flanges and cutback asphalt. The County certified that there are no petroleum refineries which are major sources for VOC in the nonattainment area. Based on the County's certification, the condition of plan approval related to petroleum refinery valves and flanges will be removed as part of today's rulemaking action. The County also submitted a draft cutback asphalt regulation which would satisfy the other outstanding condition related to VOC regulations. EPA will take action to remove the outstanding condition once an approvable cutback asphalt regulation is adopted, submitted and approved for inclusion in the SIP.

The County commented that the local Air Pollution Control District was working to revise their NSR rule. As stated earlier, EPA will take action to address this remaining deficiency in a separate **Federal Register** action.

WOGA expressed concern over the O_3 nonattainment area boundary designation. EPA will address any redesignation of the boundary in a separate **Federal Register** action.

Comments were also received which addressed minor deficiencies in the plan regarding (1) the lack of a perchloroethylene drycleaning rule, (2) the lack of a discussion of the TCMs, (3) the emissions growth allowance, and (4) the VOC emission inventory. Based on the comments received, EPA no longer considers the 1982 nonattainment area plan to be deficient in these areas. A detailed discussion of these issues is included in the Response to Comments portion of the support document.

Stanislaus County—Comments were received from the ARB and the Stanislaus Area Association of Governments. The commentors pointed out that the final plan had been amended to address the two major deficiencies as discussed in the **Supplementary Revisions** section of this notice. In addition, the comments addressed EPA's claim that the plan contained minor deficiencies in its evaluation and monitoring of TCM effectiveness. As discussed in detail in the Response to Comments portion of the support document, EPA agrees that the plan adequately addresses these requirements.

EPA Actions

Based on EPA's review of the draft and final 1982 O_3 and CO SIP revisions and consideration of public comments, EPA takes final action approving the following plans under Part D of the CAA and incorporating them into the California SIP under Section 110 of the CAA:

1. North Central Coast Air Basin O_3 Plan submitted on December 31, 1982 and January 14, 1983.

2. San Joaquin County O_3 and CO Plans submitted on December 1, 1982.

3. Santa Barbara County O_3 Plan submitted on December 31, 1982.

4. Stanislaus County O_3 Plan submitted on December 1, 1982.

EPA also takes final action to rescind the following conditions of approval for the 1979 O_3 and CO plans as set forth in 40 CFR 52.232:

Stanislaus County

—VOC rule for floating roof tanks

San Joaquin County

—TCM commitments

Santa Barbara County

—VOC rule for refinery valves and flanges

This notice also amends 40 CFR 52.238 to reflect the revised attainment date of Decemer 31, 1987 for the ozone standard in the North Central Coast Intrastate Air Quality Control Region. While EPA had granted an extension of the attainment date to December 31, 1987 for ozone, this revised date was not reflected in 40 CFR 52.238, "Attainment dates for national standards."

Regulatory Process

This action is effective (January 19, 1984.). Under the CAA, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (February 21, 1984.). This action may not be challenged later in procedures to enforce its requirements.

The Administrator has certified that SIP actions do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709). The Office of Management and Budget has exempted this rulemaking from the requirements of Section 3 of Executive Order 12291.

Authority: Sections 120, 129, 171–178 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410, 7429, 7501 to 7508 and 7601(a)].

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter Ozone, Sulfur oxide, Nitrogen oxides, Hydrocarbons, Carbon monoxide, Incorporation by reference.

Dated: December 12, 1983.

Note.—Incorporation by reference for the State of California was approved by the Director of The Federal Register in July 1, 1982.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(128), (129), and (130) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(128) The 1982 Ozone Air Quality Plan for the Monterey Bay Region was submitted on December 31, 1982 and January 14, 1983 by the Governor's designee.

(129) The 1982 Ozone Air Quality Plan for Stanislaus County and the 1982 Ozone and CO plan for San Joaquin County were submitted on December 1, 1982 by the Governor's designee.

(130) The 1982 Ozone Air Quality Plan for Santa Barbara County was submitted on December 31, 1982 by the Governor's designee.

* * * * *

2. Section 52.232 is amended by removing and reserving paragraphs (a)(9)(iii) and (a)(10)(iii), and revising paragraph (a)(10)(ii)(A) as follows:

§ 52.232 Part D Conditional Approvals.

(a) * * *

(9) * * *

(iii) [Reserved]

(10) * * *

(ii) * * *

(A) For the APCDs indicated below, by September 7, 1982, the State must either (1) provide an adequate demonstration that the following regulations represent RACT, (2) amend the regulations so that they are consistent with the CTG, or (3) demonstrate that the regulations will result in VOC emission reductions which are within 5% of the reductions which would be achieved through the implementation of the CTG recommendations.

Modera County APCD

Rule 411, "Storage of Petroleum Distillates and Light Crude Oil."

Merced County APCD

Rule 409.3, "Organic Solvent Degreasing Operations."

Tulare County APCD

Rule 410.3, "Organic Solvent Degreasing Operations."

(iii) [Reserved]

* * * * *

3. In § 52.238 the "North Central Coast Intrastate" line in the table is revised to read as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO	CO	O_3 (Hydro Carbon)
	Primary	Secondary	Primary	Secondary			
* *	*	*	*	*	*	*	*
North Central Coast Intrastate	(e)	(e)	(e)	(e)	(e)	May 31, 1977.	(i)
* *	*	*	*	*	*	*	*

[FR Doc.83-33592 Filed 12-19-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-2-FRL 2492-5]

Air Programs; Connecticut Revision—Sulfur-in-Fuel Regulations Loomis Institute

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut under its Sulfur Energy Trade (SET) program. The intended effect of the rulemaking is to promulgate a change in the sulfur-in-oil SIP limit for Loomis Institute, in Windsor, Connecticut, so Loomis may burn 2.0% sulfur oil under restricted operating conditions.

EFFECTIVE DATE: December 20, 1983.

ADDRESSES: Copies of the Connecticut submittal and the EPA evaluation memorandum are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L ST., NW., Room 9401, Washington, D.C.; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06106.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Management Division, Room 2312, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-0437.

SUPPLEMENTARY INFORMATION: The Connecticut Department of Environmental Protection (DEP) has requested approval of a sulfur-in-oil relaxation for Loomis Institute in Windsor, Connecticut. The State's revision is based on an approval under its Sulfur Energy Trade (SET) Program. The revision will allow Loomis to burn oil containing 2.0% sulfur under specified operating conditions, which include hourly and daily oil use limits. This SET revision will result in a net decrease in allowable emissions of 71 tons of sulfur dioxide (SO_2) per year.

As detailed in the SIP, the SET program provides a method for calculating a new, allowable sulfur limit each year based on oil conservation at the facility (premise) and establishes a well-defined procedure to ensure that these limits comply with Clean Air Act requirements. EPA proposed approval of the generic SET program procedures on May 1, 1981 (46 FR 24597). At that time, we also proposed to approve revised sulfur-in-oil limitations for all Connecticut sources under 250 million British Thermal Units per hour (MBTU/hr.) that would later be approved by the DEP Commissioner under the SET program. EPA approved the SET program on August 28, 1981 (46 FR 43418), and set up an expedited procedure for final federal approval of the individual revisions for these smaller sources. EPA also approved a regulation directly governing the SET program (Connecticut Regulation 19-508-19(a)(3)(i)) on November 18, 1981 (46 FR 56612). Under the approved procedures referenced above, EPA's action today is the Final Rulemaking for the Loomis revision.

The DEP reviewed the impacts of this Loomis revision by using the conservative, screening analysis methodology detailed in the Connecticut Ambient Impact Analysis Guideline (approved at 46 FR 43418, August 28, 1981). This modeling analysis indicated that the revision will not cause any violation of the sulfur dioxide or total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS). In addition, the source is at least 22 kilometers (km.) from any state border or Prevention of Significant Deterioration (PSD) baseline area and has minimal impact beyond 6 km. Thus, the revision will not violate or prevent maintenance of the NAAQS in any neighboring states. EPA has determined that the revision will not violate any PSD increments.

The DEP has complied with all procedures required by the state SIP and has determined what sulfur limit is allowable under the SET program. The public has had full opportunity to review the DEP action for this source because the DEP has notified the public of the Loomis application and DEP's proposed decision. No comments were received by the DEP on this SET action. DEP has submitted the documents and determinations required by the SET program and federal SIP approval. EPA concurs in the State's assessment that this revision is an enforceable SIP revision that will not violate NAAQS or other federal requirements.

Final action: EPA is approving the Loomis revision, which raises the Loomis sulfur-in-oil limit to 2.0 percent and restricts operating conditions, submitted on March 30 and July 13, 1983.

EPA finds goods cause for making this action effective immediately, because the new sulfur limit is already in effect under state law and imposes no additional regulatory burden.

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 for the appropriate circuit by February 21, 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, hydrocarbons, inter-governmental relations, Incorporation by reference.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 12, 1983.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart H—Connecticut

1. Section 52.370 is amended by adding paragraph (c)(30) as follows:

Section 52.370	Identification of Plan

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) Revision for Loomis Institute in Windsor, submitted by the Commissioner of the Connecticut Department of Environmental Protection on March 30 and July 13, 1983, allowing the facility to burn 2.0 percent sulfur oil under the Sulfur Energy Trade Program.

(Secs. 110 and 319 of the Clean Air Act, as amended (42 U.S.C. 7410, 7619))

[FR Doc. 83-33658 Filed 12-19-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-FRL 2320-4]

Air Programs; Designation of Areas for Air Quality Planning Purposes; Maine TSP Redesignations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is redesignating the Town of Lincoln, Maine, non-attainment for the primary and secondary total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS). This action, requested by the State of Maine, is required because the primary and secondary 24 hours TSP standards have been consistently exceeded. The state of Maine will take various actions to require that emissions in the area be reduced so that it will be brought into attainment.

EFFECTIVE DATE: December 20, 1983.

ADDRESSES: Copies of the submittal, comments and other relevant materials are available for public inspection in Room 2312, JFK Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Peter Hagerty, Air Management Division, EPA Region I, Room 2312, JFK Federal Building, Boston, Massachusetts, 02203. (617) 223-5625.

SUPPLEMENTARY INFORMATION: On September 3, 1982 EPA published a Notice of Proposed Rulemaking (NPR) for Redesignation of Lincoln, Maine to nonattainment for primary and secondary TSP standards (47 FR 38922). EPA's proposed action was based on a State submittal dated September 22, 1981, which was included as part of the publicly available rulemaking record. The basis for this redesignation is State collected data showing seventy-six violations of the 24-hour secondary TSP standard at five monitoring locations and ten violations of the primary 24-hour standard at three locations.

One letter of comment was received on the NPR. The commenter stated that: (1) The Katahdin Avenue Field and Yost property sites, which show the majority of the violations of the primary standard, are on Lincoln Pulp and Paper Company property and, therefore, do not represent "ambient air"; (2) The Katahdin Avenue Field and Yost monitors were improperly sited so that they were unduly influenced by reentrained road dust; (3) Maine recently updated its quality assurance procedures pertaining to air quality data and the redesignation data, which were collected before the new procedures

were instituted, should be disregarded; (4) The Lincoln Pulp and Paper Company is in the process of completing an emission reduction plan and the data do not reflect current air quality; and (5) The State's action is procedurally deficient because it did not make a report on health, environmental, economic, social and energy impacts of the proposed redesignation available prior to the public hearing.

As to the first comment whether the monitors at the Katahdin Avenue Field and Yost property sites are representative of "ambient air", EPA has defined "ambient air" as "that portion of the atmosphere, external to buildings, to which the general public has access." 40 CFR 50.1(e)(1982). As a matter of EPA policy, the only exemption is for air immediately above land owned and controlled by a source *and* to which public access is precluded. Both the Katahdin Avenue Field and Yost monitoring sites were on land that is not used for normal plant operations and to which the public has access. Thus, the monitoring data from both these sites is representative of "ambient air". In any event, at the time the data presented were monitored the Yost property was not owned by the Lincoln Pulp and Paper Company. In addition, data from a third site, the Lincoln Post Office, show a violation of the primary 24-hour standard as well as numerous violations of the secondary 24-hour standard.

As to the second comment whether the Katahdin Avenue Field and Yost property site monitors were improperly sited so that they were unduly influenced by reentrained road dust, the two sites were evaluated by the State of Maine and found to meet EPA siting criteria (40 CFR Part 58, App. E). As was made clear by State personnel responsible for the ambient air monitoring program in Lincoln, all data included in the DEP's report "Air Quality Analysis for Lincoln, Maine" (undated) were from sampling sites that met State and federal siting requirements. *See* Transcript of Public Hearing, *In Re; Designation of Lincoln As Non-Attainment for Total Suspended Particulates*, pps. 17–19 (Dec. 3, 1980).

The third comment concerns the fact that the State has recently updated its quality assurance procedures pertaining to air quality data, and the assertion that the data collected before the new procedures were instituted should be disregarded. It is EPA's position that so long as the data were collected in accordance with the quality assurance procedures applicable at the time of the air monitoring program, it is acceptable.

The fourth comment concerns the fact that the Lincoln Pulp and Paper Company is in the process of completing an emission reduction plan and the commentor's view that, therefore, the data do not reflect current air quality. It is EPA's position that air quality designations are based on data reflective of air quality levels not on whether emission reduction efforts have been undertaken since the data were collected. The emission reduction efforts started by the company may be helpful in reducing particulate levels in the area and can be included in the State's SIP revisions. But the fact that such efforts have been started does not bar redesignation of the area based on available air quality data.

The final comment concerns alleged procedural deficiencies in the State's redesignation action. Unlike Sections 110 and 172 of the Act, which require states to hold hearings and to follow certain other procedures before adopting state implementation plans, Section 107(d) of the Act does not specify procedural requirements for the states. Nor is EPA required to consider questions concerning state regulatory procedures in reviewing designation actions under the Act. *See Western Oil & Gas Association* v. *EPA*, 633 F.2d 803, 813–14 (9th Cir. 1980).

Action

EPA is redesignating Lincoln, Maine as nonattainment for primary and secondary TSP standards.

In a recent letter to EPA, the Maine Department of Environmental Protection indicated that in its opinion Lincoln should not be redesignated nonattainment for the primary TSP standard, but only the secondary TSP standard, and withdrew the State's request for redesignation. (Letter from Henry E. Warren, Commissioner of the Maine DEP, to Lee Verstandig, Acting Administrator of EPA, dated April 7, 1983.) It is EPA's view that the data support redesignation of Lincoln, Maine to nonattainment for both the primary and secondary TSP standards. This position is also supported by recent monitoring data analyzed by EPA that show continuing exceedences of both the primary and secondary TSP standards in Lincoln.

EPA has the authority pursuant to Section 107 of the Act to redesignate an area even if a state, as in this case, has withdrawn its request for redesignation. *See* 40 CFR 81.300 (1982).

The State of Maine has one year from the date of this final action to develop a Part D plan pursuant to Sections 171–77 of the Clean Air Act, 42 U.S.C. 171–77. To obtain EPA approval, the plan must provide for attainment as expeditiously as practicable, but no later than five years after the date of this final action. Under 40 CFR 52.24(k), a ban on construction under Section 110(a)(2)(I) of the Clean Air Act will automatically apply eighteen months after the date of this final action unless an approved or conditionally approved Part D plan is in effect. In the interim, the Emission Offset Interpretative Ruling, 40 CFR Part 51, App. S, will govern permits to construct and operate applied for after the date of this final action and before the date the Part D plan is approved or the date the construction ban applies, whichever is earlier. *See* EPA's November 2, 1983 notice on "Compliance With the Statutory Provisions of Part D of the Clean Air Act, Final Rule", 48 FR 50686, 50691, 50695–96 and 50697 (Nov. 2, 1983).

In the event that this action is deemed a new action under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, EPA hereby finds that further notice and public procedure would be unnecessary and contrary to the public interest. 5 U.S.C. 553(b)(3)(B). The fundamental substantive issue in this rulemaking action, whether the area has experienced exceedences of the primary and secondary standards based on the data provided by the State of Maine, has been properly presented in the previous rulemaking notices and the public has had an adequate opportunity to comment on the issue. Another round of comment would be pointless. Moreover, further delay of this action would be contrary to the public interest, since it would also delay application of relevant Clean Air Act remedies to Lincoln's nonattainment problem.

Under Section 307(b) 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* Section 307(b)(2) of the Clean Air Act. 42 U.S.C. 7607(b)(2).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: Secs. 107(d), 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7410(a) and 7601(a)).

Dated: November 28, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 32436 Filed 12-16-83; 11:58 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 429

Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use

AGENCY: Bureau or Reclamation, Interior.

ACTION: Final rule.

SUMMARY: This document contains the final rules implementing uniform procedures for the use of the Bureau of Reclamation (Reclamation) field offices in granting special use rights on lands under Reclamation jurisdiction, to collect a fair market value for the rights granted and to recover administrative costs incurred in processing and granting the requests for such rights. These rules have been designed to be as consistent as possible within Reclamation's legislative mandates and with similar rules of other Federal land managing agencies.

EFFECTIVE DATE: These rules will be effective on January 19, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Terence Cooper, Staff Assistant for Land Resources Management, Division of O&M, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-5204.

SUPPLEMENTARY INFORMATION: In the October 1, 1982, Federal Register (FR) (Volume 47, No. 191, page 43406 ff), Reclamation published proposed rules to establish the procedure to process and recover the value of rights-of-use and administrative costs incurred in permitting such use, proposed to be codified as 43 CFR Part 429. Comments on the proposed rules were solicited, with the final date to receive such comments being November 15, 1982. However, due to distribution problems experienced with the October 1, 1982, FR, particularly in certain Western States served by Reclamation, all comments received were accepted and considered. A section-by-section analysis of comments and the adopted changes follow:

Section 429.1 Purpose.

The original purpose of this rule was to provide bureau-wide uniformity in "boilerplate" provisions of right-of-way documents and in the recovery of the value of the right-of-way and the administrative costs incurred in issuing the right-of-way. Subsequent comments pointed out a need to recover the value of other land uses authorized by easements, leases, licenses, permits and contracts. The comments also pointed out a need to specify that these rules were in specific compliance with requirements of the Independent Offices Appropriation Act (31 U.S.C. 483a) and Departmental Manual Part 346, Chapters 1-4. This provision has been modified to cover all of these needs.

Section 429.2 Definitions.

(a), (b), and (c) No comments.

(d) During the earliest (1979) review of this proposed rule, the comments addressed the need for a clear, concise, understandable definition of rights-of-way. Lawyers generally have felt that the definition in *Black's Law Dictionary* is adequate; realty specialists who deal with this issue daily, do not. Black's decribes a right-of-way as the right of a party to pass over the land of another, or an easement; but, it also describes it as the land occupied by a railroad (or highway), or in the case of agencies such as Reclamation, the lands acquired for project purposes such as a reservoir. This makes the precise definition completely fuzzy, and in no way addresses why an easement, lease, license or contract cannot be a right-of-way since they too may "confer a right to cross over the land of another or to use the land of another." In order to avoid contributing to the confusion, we have modified our rules to cover "right-of-use" including rights-of-way, easements, leases, licenses, permits and contracts. This is appropriate since the provisions of these rules are applicable to all of these land use authorizing instruments.

(e) and (f) No comments.

(g) The Department of the Interior Solicitor's office suggested that the word "estate" be removed from this section and that is should comport with section 429.3. has been done by inserting a phrase on appraisal at the end of (g). The heading was also changed by changing the word "-way" to use.

(h) *Administrative Costs.* Several of the public utility commenters felt this section failed to take into account public benefits resulting from the use in calculating the administrative costs. The definition of administrative costs used fits the requirements of the Departmental Manual Part 346, Chapter 1, which requires Department of the Interior agencies to recover administrative costs for permitting uses from the beneficiary of the use, and the Office of Management and Budget Circular A-25, which requires Federal agencies to charge a fair market value and to recover administrative costs from beneficiaries of a special use of Federal property. Some leeway is permitted the Regional Directors to waive some administrative costs when to do so is in the best public interest. Since the current definition meets the major intent of the rule and the controlling directives, no revision was made.

(i) and (j) No comments.

(k) *Documentation of Administrative Costs.* Comments were received pointing out that the cited Departmental Manual release had been updated to release No. 2411 of May 14, 1982, from the previous release No. 2218 of December 17, 1979. This correction is made in the final rule. The other comment on this section suggested that the documentation of administrative costs procedure, defined in the Departmental Manual release, be developed in the rules for the public's information. The section has been explained to outline the documentation procedure.

(l) No comments.

Section 429.3 Establishment of the Value of Right-of-use.

One comment suggested that appraisals of fair market value of the right to be granted be made in accordance with the statutory and regulatory appraisal provisions of the State in which the use is located. Each of Reclamation's field offices operates in several States, and the adoption of this could result in confusion over conflicting State appraisal provisions, especially when the value of similar portions of the same interstate use could be evaluated differently, as mandated by the specific State laws. We feel that the uniformity offered by utilizing Federal and departmental appraisal procedures is justified. Another comment pointed out that the language used in subsection (a) specifying that the appraisal would be of the right requested, might preclude the use of the uniform appraisal standards calling for a before and after appraisal. This is one method of determining the value, but requires an appraisal of the value of the parcel of land through or on which the use is requested without the use and another appraisal following the granting (or assuming the granting) of the use. This appraisal depends on the diminished value of the greater parcel to achieve the value of the use. Another method usable, particulary where the use is nonlineal in nature, would be a direct appraisal of the value of the highest and best use of the land desired for the use, as compared to the use

permitted after granting the use. This broader concept of appraisal procedures nearly fits the broader definition of use now used; therefore, we have modified our phraseology to include whatever appraisal method best fits the specific situation.

No comments were made on subsection (b), but one comment was directed to the portion of subsection (c) which states that "* * * the value of such previous use shall become part of the right-of-way value * * *." The commenter felt that this value of previous use should be separate value not included in the use value. We agree and have modified the subsection to provide for the accounting of this value separate from the appraisal.

Sections 429.4 and 429.5 Request by Other Governmental Agencies and Nonprofit Organizations for Rights-of-use and Request by Others for Assistance.

There was only one comment on these sections and that was from one of Reclamation's regional offices. This comment inquired how "administrative costs in excess of normal costs" could be identified. All regional offices have been issuing leases, licenses, permits, and other use instruments for many years, and have been able to establish what average effort and costs are needed to issue these instruments. Costs, which due to the complex nature of the use requested, run higher than normal costs, would be in excess to normal.

Section 429.6 Applications for Rights-of-use.

In general, several comments were received on this section, as well as on its particular subsections. This section generally deals with non-Federal entity requests for a use.

A frequent comment suggested that the provisions of the Bureau of Land Management (BLM) rules on uses be adopted to eliminate what the commenters considered to be excessively burdensome requirements. In reviewing the suggested BLM rules, we found that, in most cases, the BLM requirements are more numerous, lengthy, and detailed than 43 CFR 429.6. In the isolated instances where this was not true, such as in § 429.6(d) (1) and (2), these sections have been revised to clarify our intent and reduce the burden—§ 429.6(d)(4) has been eliminated as it is already covered in (3). The language in (3) has been amended to clarify its intent. Another comment suggested the adoption of a standard form for use applications similar to BLM's 299 form. We rejected this in support of the Administration's effort to reduce and eliminate the proliferation of Federal forms. Several suggestions were made to permit the Regional Directors' waiver of fees in cases where the use is the result of a federally requested service, such as power service to a Federal facility. Even though authority and custom already encourage the donation of uses in such instances, this provision was added to this section.

It was further suggested that Reclamation delegate its use granting authority to other land managing agencies such as BLM or the Forest Service. Since Reclamation is the agency legally mandated to "plan, develop, protect, and manage" Federal water resource projects, and Congress has specifically provided use permitting authority to Reclamation, we rejected this. The exception is in cases mandated by law to have a "single window" agency, such as the Alaska Natural Gas Transportation System Pipeline. In those cases, Reclamation involves itself to the degree necessary to ensure all project lands and features are adequately protected.

Another suggestion was to eliminate most of the information gathering requirements of the proposed rules. Another careful examination of the information in the proposed rules, as compared to those contained in the BLM rules contained in 43 CFR 2802.3, disclosed that, in general, our requirements were less numerous, detailed, and stringent than those in 43 CFR 2802.3. One possible exception was in § 429.6(a)(2) and § 429.6(d)(3). These sections have been modified to allow more flexibility and leeway. The other requirement, § 429.6(d)(2), which is not included per se in BLM's rules, is for construction details. The nature of uses on Reclamation's lands mandates our foreknowledge of construction plans to ensure that the structural integrity of our canals, pumping plants, dams, or other structures potentially affected by the use is maintained.

Concern was expressed over the deposit to be submitted with the use application. We have modified this section to require a deposit of $200 with each application. If the administrative costs are less than the $200, the unused portion up to $150 will be returned, or if we are unable to process the application, $150 will be returned, and $50 will be retained to cover administrative costs of handling the use request and to discourage nuisance application. The requirement of deposit of a $2 per mile or fraction thereof, has been eliminated. This may seem somewhat inconsistent with BLM and Forest Service rules; however, when the nature of the lands held under Reclamation's jurisdiction is examined, the inconsistencies fade. Our lands are generally in small parcels (as compared to the miles of unbroken land administered by BLM and Forest Service) and are frequently occupied or planned to be occupied by constructed features, or are to be broken up into irrigated farmlands. The administrative costs of granting uses on several individual parcels utilized for a variety of features or purposes can be quite high as compared to uses occupying large unbroken tracts of virtually unoccupied lands.

One comment indicated that Reclamation lands were not under multiple use management. This is not the case. Most project lands are managed for wildlife, recreation, forage and grazing, water production, water quality protection, watershed management, minerals, and other uses compatible with the primary project use. The multiple use management of any land is predicated on a mixture of compatible uses over a given unit of land with one or more of the uses being the primary use of any particular parcel or unit of land. Not all uses occur on all acres simultaneously, nor may they ever occur on a particular parcel. This is the managment policy of Reclamation, and to this extent, we practice multiple use management.

Several similar comments were made that fair market value and administrative costs should not be charged to use applicants who are serving Reclamation or occupying the land at Reclamation's request. We agree and have clarified section 43 CFR 429.6(c) to reflect this by adding a new subsection 5 to read:

"(c) All fees and costs may be waived or reduced at the discretion of the Regional Director when * * *."

"(5) The right-of-use is the result of a service requested by the Federal Government or where the Federal Government is a recipient of the service along with other private citizens."

Other comments suggested that in lieu of an applicant being required to file proof of financial and technical resources sufficient to construct, complete, and terminate the project, that use applicants be permitted to file the proof in a central repository and to update it annually. We have completely eliminated this subsection as unnecessary and beyond our legal authority as determined in a recent court decision.

Another comment suggested that the information required under subsection (a) was too vague. A further

examination did not bear out this concern. Subsection (a) 2 was modified to clarify that the material requested was not intended to require the applicant to conduct a survey.

A question was also raised regarding subsection (d). The commenter felt that this subsection was too vague and wondered what relation it had to subsection (a). Subsection (d) provides for optional additional information to be required of the applicant when, in the opinion of the Regional Director, such information is needed in making a decision whether or not to permit the requested use.

A recommendation that all rights-of-way be granted in perpetuity was considered. We felt that requiring a perpetual right-of-way would destroy the flexibility necessary to meet the circumstances of the individual case openly and objectively. The time length of the grant should be at the discretion of the granting office and vary according to circumstance and needs of the applicant.

Section 429.7 Terms and Conditions of and for the Right-of-use.

(a) One commenter felt this section was too vague and would lead to disputes and debate. We changed the wording somewhat to clarify who had the final discretion in determining the need. This section will permit the inclusion of clauses necessary in the particular instance to meet local conditions. Without this section applicants could argue that local covenants were not permitted; therefore, the suggestion to eliminate it was rejected.

(b) No comments were received.

(c) The prohibition of granting a use to any corporation or entity while a debt was owed to the United States was challenged and questioned. We agree that this requirement was vague and due to a recent court decision had no legal backing. Therefore, it has been eliminated and subsections (c) and (d) have been designated.

(e) A question was raised as to what was a temporary right-of-way grant. Since a grant could not easily be terminated as could a license, due to a vested interest being granted, this phrase seemed out of place. We have changed this in line with the overall rule to cover temporary right-of-use, which could be provided by any number of instruments, including a right-of-way or easement with a terminating date.

(f) This subsection has been redesignated.

(h) The requirement for Secretary of the Interior approval to construct powerlines in excess of 100 kilovolt (KV) and the wheeling requirement for all lines over 66KV was challenged.

The requirement for Secretarial approval to construct lines over 100KV is a hold over from the time when the marketing of all power produced from Federal facilities was under the Secretary of the Interior. This is no longer the situation. We have modified this section to now require the applicant for a power transmission line in excess of 100KV to only state that any power marketing agencies' approval required for the construction of the power transmission line has been obtained. The wheeling requirement for lines in excess of 66KV has been eliminated.

Section 429.8 Reclamation Land-use Stipulation.

Some concern was expressed by Reclamation field offices that this section did not allow Reclamation enough flexibility on lands associated with a use grant.

We have reexamined this section. It only seems fair and reasonable that in granting a use, if Reclamation cannot identify a potential use that would interfere with the use requested and permitted, and if that potential use is not implemented within a reasonable period, the user cannot logically be expected to absorb the cost of modifying his use to accommodate Reclamation. (We did feel that with the vagaries of congressional appropriations, the 5-year limit was too short and we have extended it to 10 years—

Section 429.9 Hold Harmless Clause.

Some comments were received that indicated the readers had interpreted this clause to assign responsibility for any misoccurrence happening on the use area to be the responsibility of the user. We do not believe this is the case since the clause states that the personal injury or death for which the *user is responsible must "arise" out of the user's activities under this agreement."* Our Solicitor's office advised that all following the first sentence should be deleted. This we have done.

No other comments were received. The revised rules will become effective January 19, 1984.

The primary author of this document is Mr. Terence G. Cooper, Staff Assistant for Land Resources Management, Division of O&M, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–5204.

An assessment of environmental and economic impacts prepared by and on file with Reclamation has determined that this document does not contain a major proposal requiring the preparation of an environmental impact statement under the National Environmental Policy Act of 1969, or a regulatory impact analysis under Executive Order 12291.

Paperwork Reduction Act

The information collection requirements contained in § 429.6 of these rules have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1006–0003.

Statement of Effects

The Department of the Interior has determined that this document is not a major rule under EO 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 *et seq.*).

List of Subjects in 43 CFR Part 429

Rights-of-way, Land.

Title 43 of the CFR is amended by adding the new Part 429 to read as follows:

Dated: September 5, 1983.

Garrey E. Carruthers,

Assistant Secretary—Land and Water Resources.

PART 429—PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Sec.

429.1 Purpose.
429.2 Definitions.
429.3 Establishment of the value of rights-of-use.
429.4 Request by other governmental agencies and nonprofit organizations for rights-of-use.
429.5 Request by others for assistance.
429.6 Applications for rights-of-use.
429.7 Terms and conditions of and for the rights-of-use.
429.8 Reclamation land-use stipulation.
429.9 Hold harmless clause.
429.10 Decisions and appeals.
429.11 Addresses.

Authority: Title 43 United States Code (U.S.C.) section 387 (53 Stat. 1196), as amended by 64 Stat. 463, c. 752 (1950); Department of the Interior Manual Part 346, Chapters 1, 2, 3, and 4; 43 U.S.C. 501; Independent Offices Appropriation Act (31 U.S.C. 483a); and Budget Circular A–25, as amended by transmittal memorandums 1 and 2 of October 22, 1963, and April 16, 1974.

§ 429.1 Purpose.

The purpose of this part is to meet the requirements of the Independent Offices Appropriation Act (31 U.S.C. 483a) and Departmental Manual Part 346, Chapters

1.6 and 4.10, to set forth procedures for the Bureau of Reclamation (Reclamation) to recover the value of rights-of-use interests granted to applicants, and for the collection of administrative costs associated with the issuing of rights-of-use over lands administered by Reclamation. This part also refers to costs incurred by Reclamation when, at the request of other agencies and parties, Reclamation gives aid and assistance in rights-of-use matters.

These regulations apply to uses of lands and interests in land under the jurisdiction of Reclamation granted to others by the Commissioner of the Bureau of Reclamation. Those interests issued or granted for the replacement or relocation of facilities belonging to others under section 14 of the Reclamation Project Act of August 4, 1939, 43 U.S.C. subsection 389 are excepted.

§ 429.2 Definitions.

As used in this part:

(a) *Commissioner* means the Commissioner of the Bureau of Reclamation or his designated representative.

(b) *Reclamation* means the Bureau of Reclamation.

(c) *Regional Director* means any one of the seven representatives of the Commissioner designated to act for the Commissioner in specified rights-of-use of actions. The Regional Directors may redelegate certain of their authorities for granting rights-of-use to the supervising heads of field offices.

(d) *Rghts-of-use* includes rights-of-way, easements, leases, permits, licenses, or agreements issued or granted by the Regional Directors to permit the occupying, using, or traversing of lands under the jurisdiction, administration or management of the Bureau of Reclamation, and issued under the authority granted to him for the purpose. The term "rights-of-use" does not include the leasing of land in the custody or under the control of Reclamation for grazing, agriculture, or any other purpose where a greater return will be realized by the United States through a competitive bidding process.

(e) *Other agencies or others* means all Federal, State, private individuals, partnerships, firms or corporations, and local governments agencies not connected in any way with Reclamation, that request rights-of-use either directly or indirectly from Reclamation.

(f) *Rights-of-use assistance* means any assistance to obtain a use authorization given upon request to another party. Such assistance includes, but is not limited to, work in the processing of environmental requirements and the preparing, checking, and inspecting of engineering data and standards.

(g) *Value of rights-of-use* means the value of the rights, privileges, and interests granted by Reclamation for the use of land under its custody and control, as determined by an appraisal by a qualified appraiser using approved methods, in accordance with § 429.3 herein.

(h) *Administrative costs* means all direct or indirect costs including appraisal costs if required, incurred by Reclamation in reviewing, issuing, and processing of rights-of-use requests or the assisting of others in their rights-of-use matters, calculated in accordance with the procedures established by Departmental Manual 346, "Cost Recovery," Chapters 1, 2, 3, and 4.

(i) *Grantor or Permitter* means the Bureau of Reclamation, U.S. Department of the Interior.

(j) *Grantee or User* means the agency, firm, partnership, or individual who requested and to whom is granted the right-of-use.

(k) *Documentation of administrative costs.* This documentation shall mean documentation in accordance with the provisions of Part 346, Chapters 1, 2, 3, and 4 of the Departmental Manual. Administrative costs will be documented through the accurate recording and accounting of costs associated with a right-of-use. This documentation shall include both direct and indirect costs, such as:

(1) Personnel costs.

(i) Direct labor.

(ii) Fringe benefits.

(iii) Additional benefits.

(2) Material costs, printing costs, and other costs related directly with a specific right-of-use.

(3) Exclusions.

(i) Management overhead.

(ii) Normal costs not directly associated with the specific right-of-use.

(l) *Secretary* shall mean the Secretary of the Interior.

§ 429.3 Establishment of the value of rights-of-use.

(a) The value of a right-of-use shall be determined by Reclamation. The appraised value of a right-of-use shall be established by a Reclamation staff or contract appraiser in accordance with Reclamation Instructions for *Land Appraisal.* The appraisal shall be for the fair market value for the requested right or privilege, and result from the diminution of value of the remainder using the before and after appraisal approach, or any other method generally approved within the real estate appraising profession for such valuation.

(b) If the applicant has been or is currently using the right-of-use area without authorization, and if it can be determined that the unauthorized use of Federal Lands was unintentional and not due to carelessness or neglect on the part of the applicant, then the value of a right-of-use shall not include the value of any prior unauthorized use by the applicant of the Reclamation land.

(c) If the applicant's prior unauthorized use can be determined to be intentional on his part or to be a result of his carelessness or neglect, then the value of such previous use shall be determined as assessed to the user in addition to the apprised value of the right-of-use.

§ 429.4 Request by other governmental agencies and nonprofit organizations for rights-of-use.

Rights-of-use requested by nonprofit organizations or nonprofit corporations may be provided with no charge being made for the value of these rights-of-use when it is determined that the use will not interfere with the authorized current or planned use of the land by Reclamation. Rights-of-use requested by other Federal or other governmental agencies will be granted with fair market value reimbursement unless, a reasonable opportunity exists for the exchange of rights-of-use privileges, and there exists an interagency agreement providing for such exchange. Other agencies and nonprofit organizations will be required to reimburse Reclamation for all administrative costs which are deemed to be excessive to normal costs for granting similar rights-of-use request. All billings for administrative costs will be well documented (§ 429.2(k)). All requests will provide the information required in § 429.6(a), and (b).

§ 429.5 Request by others for assistance.

The agency requesting assistance from Reclamation in acquiring a right-of-use shall be required to reimburse Reclamation for any administrative costs deemed to be in excess of the average normal for the specific service or assistance (§ 429.2(h)) and would not normally be foreseen and covered in the Reclamation regular appropriation requests. Any billing for these excessive costs shall be well documented (§ 429.2(k)).

§ 429.6 Applications for rights-of-use.

The applicant for a right-of-use over land or estate in land, in the custody and control of Reclamation, must make application to the Regional Director of

the region in which the land is located or to the affected field office. The addresses for the seven Regional Directors are located in § 429.11. A right-of-use will not be granted when it is determined that the proposed right-of-use will interfere with the functions of Reclamation or its ability to maintain its facilities.

(a) The application does not have to be in any particular form but must be in writing. The application must contain at least the following items:

(1) A detailed description of the proposed use of Reclamation's lands.

(2) A legal description of either aliquot parts or metes and bounds, or as an absolute minimum, a description of the route or area of use desired on Reclamation's lands, and as accurate delineation of the use area on a map as it is possible to provide without making a survey.

(3) A map or drawing showing the approximate location of the requested right-of-use.

(b) An initial deposit fee of $200 must accompany the initial application. If, after a preliminary review of the application Reclamation determines the granting of a right-of-use is incompatible with present or future uses of the land and the right-of-use cannot be granted, $150 of the $200 fee will be returned. The remaining $50 of the $200 fee will be retained by Reclamation regardless of its disposition of the right-of-use request. No refund will be made for any deposits if the applicant refuses to accept the right-of-use after it is prepared and offered. Applicants will be required to pay any administrative costs which are in excess of the $200 deposit for the preparation of right-of-use as well as the value to the right granted. Any administrative costs less than $150 will result in an appropriate refund to the applicant or may be applied to the value of the right-of-use at the discretion of the applicant. This shall apply equally to requested rights-of-use which are offered by Reclamation and are rejected by the applicant, as to those which the applicant accepts. Any billing for administrative costs shall be well documented. (§ 429.2(k).) At the discretion of the Regional Director, applications made by other Federal agencies need not be accompanied by either of the above deposits or fees.

(c) All fees and costs may be waived or reduced at the discretion of the Regional Director, when:

(1) It is determined that the applicant for the right-of-use will soon be, or is in the position of granting a right-of-use to the United States, and an opportunity for a reciprocal agreement exists, providing an agreement between Reclamation and the applicant is on file permitting such an exchange of uses.

(2) The initial deposit and the administrative costs would exceed the value of the interests and rights to be granted. The $50 minimum fee will usually be retained.

(3) The holder provides without charges, or at a reduced charge, a valuable service to the general public or to the programs of the Department of the Interior; or

(4) The right-of-use is a result of a service requested by the Federal Government or a governmental agency.

(d) The applicant also may, at the discretion of the Regional Director, be required to furnish, or agree to furnish, the following additional material before Reclamation grants a right-of-use:

(1) A legal land description and/or a map or plat of the requested right-of-use. The description map or plat should relate to Reclamation's land boundaries.

(2) Detailed construction details, construction specifications, engineering drawings, power flow diagrams, one-line diagrams, and any other plans and specifications which may be applicable.

(3) Statements, reports, or other documents already prepared or which normally will be prepared by the applicant which may be used by Reclamation to satisfy the requirements of the National Environmental Policy Act (42 U.S.C. 4321–4347) or other legal requirements of Reclamation in granting the applications right-of-use request.

(4) An agreement to complete or assist in completing Reclamation's requirements towards compliance with cultural resource policies.

(e) The applicant shall pay any excess administrative costs which Reclamation incurs which are in excess to the initial deposit of $200 required by § 429.6(b) prior to the issuance of the right-of-use. All billing for administrative costs shall be well documented by Reclamation.

(f) Prior to the issuance of the right-of-use instrument the applicant shall also pay Reclamation a fair market value of the right and privilege requested for the use of Reclamation's lands.
This value shall be determined by an appraisal made, as prescribed in § 429.3 of this regulation. Those applicants meeting the provisions of § 429.4 may be excepted from this provision. The decision to grant an exemption under § 429.4 will have the justification well documented.

(g) Information Collection: The information collection requirements contained in § 429.6 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq., OMB 1006–003. The information is being collected to assist in the determination for the granting of a right-of-use. The information will be used to assure the appropriateness of such a grant and that the technical and financial resources of the applicant are sufficient to complete the project. Response is required to obtain the right-of-use.

§ 429.7 Terms and conditions of and for the rights-of-use.

(a) The right-of-use granting document shall contain all special conditions or requirements which are determined by the Regional Director to be necessary to protect the interest of the United States.

(b) Any grant of a right-of-use for a term of 25 years or longer must have the consent of any involved water user organization pursuant to the legal requirements of 43 U.S.C. 387. Concurrence in and approval of uses for less than a 25-year period may be requested of the water users organization at the discretion of the responsible Regional Director. As a minimum, the water user's organization shall be notified of the right-of-use application prior to its being granted.

(c) Reclamation's land-use stipulation appearing in § 429.8 shall be included in all perpetual right-of-way easements granted, excepting grants to other Federal agencies.

(d) Temporary rights-of-use instruments shall contain a termination clause in the event the applicants use becomes, or may become, an interference with the Reclamation's use of the land.

(e) Except for grants of rights-of-use to Federal agencies, the use instruments shall contain a hold harmless clause found in § 429.9.

(f) The applicant must show that any legally required permits to construct power transmission lines in excess of 100 kilovolt have been secured by the applicant from the appropriate power marketing authority prior to Reclamation's granting a right-of-way for such line.

§ 429.8 Reclamation land-use stipulation.

There is reserved from the rights herein granted, the prior rights of the United States acting through the Bureau of Reclamation, Department of the Interior, to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for severance or other damage to the grantee's work; provided, however, that if such reserved rights are not identified in at least general terms in this grant and exercised for works authorized by the Congress within 10 years following the date of this grant, they will not be exercised unless the

grantee, or grantee's successor in interest is notified of the need, and grants an extension or waiver. If no extension or waiver is granted, the Government will compensate, or institute mitigation measures for any resultant damages to works placed on said lands pursuant to the rights herein granted. Compensation shall be in the amount of the cost of reconstruction of grantee's works to accommodate the exercise of the Government's reserved rights. As alternatives to such compensation, the United States, at its option and at its own expense, may mitigate the damages by reconstructing the grantee's works to accommodate the Government facilities, or may provide other adequate mitigation measures for any damage to the grantee's property or right. The decision to compensate or mitigate is that of the appropriate Regional Director.

§ 429.9 Hold harmless clause.

(a) The following clause shall be a part of every land-use document issued by Reclamation:

The grantee hereby agrees to indemnify and hold harmless the United States, its employees, agents, and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of the grantee's activities under this agreement.

(b) To meet local and special conditions, the Regional Director, upon advice of the Solicitor, may modify this or any other provision of these rules with respect to the contents of the right-of-use instrument.

§ 429.10 Decisions and appeals.

(a) The Regional Director, acting as designee of the Commissioner, shall make the determinations required under these rules and regulations. A party directly affected by such determinations may appeal in writing to the Commissioner, Bureau of Reclamation, within 30 days of receipt of the Regional Director's determinations. The affected party shall have an additional 30 days thereafter within which to submit a supporting brief memorandum to the Commissioner. The Regional Director's determinations will be held in abeyance until the Commissioner has reviewed the matter and rendered a decision.

(b) Any party to a case adversely affected by final decision of the Commissioner of the Bureau of Reclamation, under this part, shall have a right of appeal to the Director, Office of Hearing and Appeals, Office of the Secretary, in accordance with the procedures in Title 43 CFR Part 4, Subpart G.

§ 429.11 Addresses.

Regional Director,
Pacific Northwest Region,
Bureau of Reclamation,
Federal Building, U.S. Court House,
550 W. Fort Street,
Boise, Idaho 83724

Regional Director,
Lower Colorado Region,
Bureau of Reclamation,
Nevada Highway and Park Street,
Boulder City, Nevada 89005

Regional Director,
Southwest Region,
Bureau of Reclamation,
Commerce Building,
714 S. Tyler, Suite 201,
Amarillo, Texas 79101

Regional Director,
Lower Missouri Region,
Bureau of Reclamation,
Building 20, Denver Federal Center,
Denver, Colorado 80225

Regional Director,
Mid-Pacific Region,
Bureau of Reclamation,
Federal Office Building,
2800 Cottage Way,
Sacramento, California 95825

Regional Director,
Upper Colorado Region,
Bureau of Reclamation,
125 S. State Street,
Salt Lake City, Utah 84147

Regional Director,
Upper Missouri Region,
Bureau of Reclamation,
Federal Office Building,
316 N. 26th Street,
Billings, Montana 59103

[FR Doc. 83-33837 Filed 12-19-83; 8:45 am]
BILLING CODE 4310-09-M

Bureau of Land Management

43 CFR Part 3160

[Circular No. 2538]

Onshore Oil and Gas Order No. 1; Approval of Operations on Onshore Federal and Indian Oil and Gas Leases; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking; correction.

SUMMARY: A final rulemaking establishing Onshore Oil and Gas Order No. 1 under the provisions of 43 CFR 3164.1 was published in the Federal Register on October 21, 1983 (48 FR 48916). The publication contained a number of errors and technical inaccuracies which are corrected and clarified by this notice.

EFFECTIVE DATE: December 20, 1983.

ADDRESS: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT:

Eddie R. Wyatt (202) 653-2127

or

Robert C. Bruce, (202) 343-8735.

SUPPLEMENTARY INFORMATION: This notice corrects errors and clarifies the language in the Final Onshore Oil and Gas Order No. 1. The errors were made either in the publication of the document or in the preparation of the original text. In order to clearly reflect the intended procedural requirements, minor modifications are made. None of the changes made by this document impose any additional burdens or reflect provisions other than what was intended in the October 21, 1983 publication. The table at 43 CFR 3164.1 is also republished to include the full citation of the final rule published on October 21, 1983. The corrections are as follows:.

1. On page 48921, correct the table to read:

§ 3164.1 Onshore Oil and Gas Orders.

* * * * *

(b) * * *

Order No.	Subject	Effective date	FEDERAL REGISTER reference	Supersedes
1	Approval of operations.	Nov. 12, 1983	48 FR 48916, and 48 FR	NTL-6.

2. On page 48921, third column, in the last sentence of the *Accountability* provision, after the word "obtaining", remove the word "and" and insert the word "any".

3. On page 48922, first column, in the first full sentence of the first full paragraph, after the word "State", remove the word "of" and insert the word "or".

4. On page 48922, second column, change the last sentence of the *Surveying and Staking* provision to read "Cut and fill staking applies only to the wellsite, reserve pit, and, if off-location, any ancillary facilities."

5. On page 48922, second column, line 9 of the *Notice of Staking* provision, after the word "Borough" insert the phrase "and/or Native Regional or Village Corporation".

6. On page 48922, second column, seventh line from the bottom, correct the word "Approve" to read "approve".

7. On page 48922, third column, after the comma in the seventh line of the *Conferences and Inspections provision*, add "such as those areas enumerated in section III. D.,".

8. On page 48922, third column, ninth line from the bottom, after the word "Borough", insert the phrase "and/or Native Regional or Village Corporation".

9. On page 48922, third column, correct lines 17 and 18 of the *Conferences and Inspections* provision to read "operator's principal dirt contractor and, if known, drilling contractor, shall attend the predrill . . .".

10. On page 48923, first column, lines 5 and 6 are corrected to read "furnish the name, address and, if known, telephone number of the private surface owner on"

11. On page 48923, first column, line 30 which begins with the word "specified", create a new paragraph beginning with the words "The surface use" as found on lines 30 and 31.

12. On page 48923, third column, second and third lines, after the word "process" remove the word "also", after the word "may" insert the word "sometimes", and after the word "exceeded" remove the words "in most cases".

13. On page 48923, third column, in provision E. *Cultural Resources Clearance*, the order of two sentences is confusing and the wording of one of those sentences creates a procedural flaw. Correct the second sentence of the paragraph and then reverse the order of the second and third sentences so that the second and third sentences read:

Survey work and a related report shall be required only if the involved SMA has reason to believe that properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) are present in the area of potential effect. If such actions are necessary, lessees and operators are to complete the field work and submit the required report with the complete APD submittal, when following the NOS option, or not later than the 25th day of the 30-day processing period, when following the APD option.

14. On page 48924, first column, change provision G. 1. *Complete Application*, to insert a period after the word "Notices" in line 24 and to delete the clause", including a cultural resource report (if required and not already filed)." in lines 25 and 26. This corrects the same procedural flaw identified above in item 13.

15. On page 48924, second column, correct provision G.3.c. to eliminate a phrase that is subject to diverse interpretation by deleting the words "and associated equipment" which follow the word "tools". By this change, the language conforms to the referenced form.

16. On page 48924, second column, correct paragraph f. by creating a concluding paragraph beginning with the second sentence in the paragraph as published.

17. On page 48924, third column, make the following corrections to the provision in G. 4. *Drilling Plan*:

(a) Delete the two sentences beginning with the words "The criteria/standards set forth . . ." at lines 19 and 60, thus eliminating references to 2 citations of standards which were not included in the proposed rule and do not appropriately belong in a regulatory document.

(b) In line 27, following the word "considered", delete the word "adequate" and insert the word "inadequate".

18. On page 48925, second column, in line 11 of provision (b)(2) *Access Roads to be constructed and Reconstructed.*, remove the word "cut" after the word "fence" and insert the word "cuts"; and in line 17, correct the last word to read "required".

19. On page 48925, third column, line 16 of provision (b)(6) *Construction Materials*, insert the word "any" before the term "SMA".

20. On page 48926, first column, insert the word "approximate" in line 4 before the word "location" in provision (b)(9) *Well Site Layout*, and before the word "proposed" in line 9 of the same provision.

21. On page 48926, first column, in line 6 of provision (b)(10), *Plans for Reclamation of the Surface*, remove the word "spoils" before the word "materials" and insert the word "spoil."

22. On page 48926, first column, correct lines 8 and 9 of provision (b)(11), *Surface Ownership*, to read "shall provide the name, address and, if known, telephone number of the surface owner,".

23. On page 48926, second column, line 6 of the *Environmental Review Requirements* provision, after the word "Borough" insert the phrase "and/or Native Regional or Village Corporation".

24. On page 48926, second column, delete the text of line 9 and insert instead: "dirt contractor and, if known, drilling contractor. It"

25. On page 48926, third column, in the fifth line from the bottom of the text, correct the CFR citation in provision IV. A. *Well and Production Operations*, to read "3162.3–2".

26. On page 48929, correct the parenthetical clause in item 17 of the sample format, to read "(as appropriate; shall include surface owner's name, address and, if known, telephone number)".

27. On page 48930, third column, correct line 20 of the Checklist for Applicant Notification in *Attachment B*, to insert before the number "9–331C", the phrase "3160–3, formerly".

Dated: December 14, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-33715 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6493

[A 18465]

Arizona; Withdrawal of Lands for a Support Facility to Proposed Federal Prison

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 70 acres of public land in Maricopa County, for use by the Bureau of Prisons, Department of Justice, for the purpose of sewage treatment, water well and a buffer zone for a Federal prison that will be constructed on adjacent land. This action will close the land to surface entry and mining, but not to mineral leasing. The withdrawal will remain in effect for 20 years.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

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

1. Subject to valid existing rights, the following described public land which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Bureau of Prisons, Department of Justice, as a support facility for the Federal prisons.

Gila and Salt River Meridian

T. 6 N., R. 2 E.,
Sec. 28, N½SW¼SW¼;
Sec. 29, E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼.

The area described contains 70 acres in Maricopa County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. Leases, licenses or permits for temporary land uses will be issued by the Bureau of Prisons, Department of Justice. Mineral leasing will be administered by the Bureau of Land Management, Department of the Interior.

3. This withdrawal shall remain in effect for a period of 20 years from the effective date of this order.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

December 12, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-33674 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, and 90

[Gen. Docket No. 80-183; RM-2365; RM-2750; RM-3047; RM-3068; FCC 83-513]

Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Service and the Private Land Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends and clarifies the *Second Report and Order* establishing new rules and policies to govern private paging systems in the 929–930 MHz band. This action is necessary in light of the petition for reconsideration and new legislation regarding private land mobile paging.

EFFECTIVE DATE: December 30, 1983.

FOR FURTHER INFORMATION CONTACT: John B. Richards, Rules Branch, Land Mobile & Microwave Division, Private Radio Bureau, Washington, D.C. 20554 (202) 634–2443.

List of Subjects in 47 CFR Part 90

Private land mobile radio services, radio.

Memorandum Opinion and Order

In the matter of Amendment of Parts 2, 22, and 90 of the Commission's Rules to Allocate Spectrum in the 928–941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Service and the Private Land Mobile Radio Services; General Docket No. 80–183, RM–2365, RM–2750, RM–3047, and RM–3068.

Adopted: November 8, 1983.

Released: November 23, 1983.

By the Commission: Commissioner Rivera absent.

Background

1. On April 29, 1982, the Commission adopted a *First Report and Order* in this proceeding and established new 900 MHz spectrum allocations for paging stations in the Domestic Public Land Mobile Radio Service (DPLMRS) and the Private Land Mobile Radio Services (PLMRS).[1] By this action the Commission determined that the public interest was served by allocating spectrum at 900 MHz for private individuals, businesses and other users who needed paging service to satisfy their communications requirements. The spectrum was divided between private services and common carrier services with separate rules to govern each. Private paging stations were authorized in the 929–930 MHz band and common carrier paging systems were authorized in the 931–932 MHz band. The 930–931 MHz band was held in reserve for future use by advanced technology paging systems. Paging users were to be free to meet their paging needs by building their own private stations, sharing private stations with others, using private carrier service or seeking common carrier service, with the marketplace and the particularized needs of the individual determining what method was to be employed.

2. In the *First Report and Order*, we specifically established rules and policies to govern the operation of common carriers in the 931–932 MHz band.[2] We deferred consideration of the issues related to private paging, however, because comments were still being received at that time in response to a *Further Notice of Proposed Rulemaking* concerning private paging in this band.[3]

3. On July 22, 1982, the Commission adopted a *Second Report and Order* and established new rules and policies to govern the operation of private paging stations in the 929–930 MHz band.[4] These rules are the subject of this Memorandum Opinion and Order. The new rules are designed to be flexible in approach and to minimize regulatory impediments to new and innovative service offerings. On all 40 private channels, licensees are permitted to select the paging technology they wish to use (e.g. tone-only, tone-voice, or tone-optical-readout) and different modes of operation may be utilized on the same channel. All the private paging frequencies are shared, with no licensee receiving exclusive use of any channel. Frequency coordination is the mechanism used for minimizing interference.

4. At the same time, in order to facilitate the introduction of new technology as well as to make available fast, affordable paging service to small business users who could not afford to build their own systems, we determined to allow Private Carrier Paging Systems ("PCPS's") to provide one-way paging services to eligibles on a commercial basis in the 900 MHz spectrum. Thirty channels were allocated for private non-commercial systems, including shared private systems, and 10 channels for PCPS operation.[5]

5. In consideration of the high degree of mobility which characterizes much of American business, we recognized that many users may have a need for private paging service in more than one geographic area. Therefore, four of the private channels, two in the PCPS group and two in the non-PCPS group, were allocated for multi-location paging operations. Licensees authorized to provide a multi-area paging service were also permitted to provide local service in any part of the multi-area system. Similar national paging frequencies were made available for common carrier use. By this approach we sought to assure that the growing needs of businesses for national paging networks could be met by whatever type of service best met their needs.

6. In summary, the private paging rules adopted at 900 MHz were a complement to the common carrier

[1] *First Report and Order*, Docket No. 80–183, 89 FCC 2d 1337 (1982).

[2] See also, *Memorandum Opinion and Order on Reconsideration* (Part 1), Gen. Docket No. 80–183, FCC 82–503, released November 16, 1982 (47 FR 53380, 1982); *Memorandum Opinion and Order on Reconsideration* (Part 2), Gen. Docket No. 80–183, FCC 83–146, released May 4, 1983 (48 FR 21329, 1983); and *Second Further Notice of Proposed Rulemaking*, Gen. Docket No. 80–183, FCC 83–145, released May 4, 1983 (48 FR 21354, 1983).

[3] *Further Notice of Proposed Rulemaking*, Gen. Docket No. 80–183, released April 14, 1982 (47 FR 16052, 1982).

[4] *Second Report and Order*, Docket No. 80–183, 91 FCC 2d 1214 (1982).

[5] These channels are available for one-way paging operations only. Licensees or users seeking private frequencies for point-to-point use for control or paging relay purposes must utilize bands allocated for those purposes, including the 952–960 MHz Operational Fixed Microwave band (See Part 94 of the Commission's Rules).

rules. They recognized and attempted to accommodate both the dynamic state of paging technology and the burgeoning demand for private paging and information distribution services. The new rules and policies were designed to promote rapid and efficient one-way communications services in an open marketplace environment and to encourage the larger and more effective use of radio in the public interest, in accordance with our statutory mandates.

Reconsideration

7. Shortly after the release of our *Second Report and Order*, the Communications Act was amended by the addition of a new Section 331, discussed below, entitled "Private Land Mobile Services." [6] On October 12, 1982, the Telocator Network of America (Telocator) petitioned for Reconsideration and Clarification of portions of our *Second Report and Order* in light of this new legislation.

8. Telocator does not seek reconsideration of the allocation of spectrum to the private services. Nor does Telocator take issue with most of the other basic decisions we reached in the *Second Report and Order*. Our creation of private carrier paging systems as well as our technical standards, general licensing processes, frequency coordination rules and flexible spectrum allocation policies have not been challenged on reconsideration.

9. Telocator's concerns on reconsideration are more limited. In light of the new legislation, Telocator argues that our legal rationale for sustaining the PCPS concept should be modified in several respects.[7] Telocator also suggests that the rules be amended to clarify the rights of private paging users to obtain interconnected service from a duly authorized carrier and to clarify the rights of carriers to provide interconnected service to private paging users. Lastly, Telocator claims that the *Second Report and Order* improperly amended certain paging rules for Specialized Mobile Radio Systems (SMRS) in the 806–821 and 851–866 MHz bands.

10. Oppositions to Telocator's petition were filed by Millicom Corporate Digital Communications, Inc. (Millicom) and Motorola, Inc. Millico opposes Telocator's construction of the new statute. Motorola questions the need for several of Telocator's proposed rules regarding the interconnection of private paging systems with the Public Switched Telephone Network (PSTN).

11. On December 1, 1982, Telocator replied to Millicom's and Motorola's oppositions and reiterated its arguments for reconsideration and clarification.

Discussion

12. We have reviewed our *Second Report and Order*, the parties' comments, and the new legislation. In general, we conclude that our 900 MHz private paging rules are consistent with the new legislation and we affirm our basic decisions. In light of the new legislation, however, we are clarifying the basis under which PCPS's must operate and we are eliminating our earlier restriction against direct access paging from positions in the public switched telephone network at 900 MHz.

PCPS's

13. This proceeding has addressed both the allocation of spectrum in the 900 MHz band and the development of regulations pertaining to the future use of that spectrum. In the *Second Report and Order*, we concluded that it was in the public interest to maximize user options in obtaining paging service and to facilitate the securing of service by small entities who might not otherwise be able to obtain paging service. To accomplish this, we concluded it was in the public interest to authorize Private Carrier Paging Systems (PCPS's) who could undertake the capital expenditures necessary to construct and operate the paging facilities and who would provide paging services to eligibles in the Private Land Mobile Services on a commercial basis in the 900 MHz private spectrum. We reasoned that users would benefit from having several paging service options available to satisfy their individualized needs. They could utilize private systems (including shared use of paging transmitters through multiple licensing or cooperative sharing arrangements), PCPS services, or common carrier paging services.

14. We noted that our legal authority to permit private carrier operations, such as PCPS's, had been clearly established in *NARUC v. FCC* (NARUC I), 525 F.2d 630 (D.C. Cir. 1976) *cert. denied*, 425 U.S. 992 (1976), where the Court held that private carriers which do not offer indiscriminate service to the public need not be regulated as common carriers. As the Court stated in *NARUC I*:

> • • • a carrier will not be a common carrier where its practice is to make individualized decisions, in particular cases, whether and on what terms to deal *NARUC I, supra* at 525 F.2d 641.

In the Second *Report and Order*, therefore, we relied on the rationale of *NARUC I* in concluding that PCPS's would not be functioning as radio common carriers because they would be confining their service offerings to "individually tailored" arrangements with their customers.

15. After we adopted our *Second Report and Order*, however, Congress amended the Communications Act. The new legislation specifically endorses the concept of "for profit" commercial offerings, such as PCPS's, in the Private Land Mobile Radio Services. The new statute provides that:

> • • • private land mobile service shall include service provided by specialized mobile radio, multiple licensed radio dispatch systems, and all other radio dispatch systems, regardless of whether such service is provided indiscriminately to eligible users on a commercial basis, except that a land station licensed in such service to multiple licensees or otherwise shared by authorized users (other than a nonprofit, cooperative station) shall not be interconnected with a telephone exchange or interexchange service or facility for any purpose, except to the extent that (A) each user obtains such interconnection directly from a duly authorized carrier; or (B) licensees jointly obtain such interconnection directly from a duly authorized carrier. 47 U.S.C. 332(c)(1).[8] [9]

16. Telocator argues that our legal rational for PCPS's should be reconsidered in light of the new legislation. We agree. The new statutory test of common carriage in the land mobile services is not based on the individualized service arrangements enunciated in *NARUC I*. Under the express terms of the new statute, private carriers clearly may offer their services indiscriminately to eligible users on a commercial basis. This new statutory test has superseded the traditional

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[6] "The Communications Amendments Act of 1982," Pub. L. 97–259, 96 Stat 1067, Sept. 13, 1982. Section 331 of the Act is codified at 47 U.S.C. 332. See Appendix A.

[7] Specifically, Telocator requests that we eliminate the requirement that PCPS's serve eligible users on a particularized, individualized basis as enunciated in *NARUC v. FCC*, 525 F.2d 630, *cert. denied* 425 U.S. 992 (1976).

[8] Section 3 of the Act also has been amended to make it clear that "Private Land Mobile Service" includes both one-way (e.g. paging) and two-way land mobile radio communications by eligible users over designated areas of operation. 47 U.S.C. 153(gg) and 153(n).

[9] These new statutory restrictions apply only to private land stations that are multiple licensed or otherwise shared by authorized users. A private land station is multiple licensed or shared by authorized users if more than one licensee or user has the capability of controlling the land station. *Memorandum Opinion and Order on Reconsideration*, Docket No. 18921, FCC 83–175, released June 2, 1983 (48 FR 26617, 1983); 47 CFR 90.179.

common law test of indifferent service to the public established in *NARUC I*.[10]

17. Citing portions of the legislative history accompanying the new legislation, Telocator agrues that the *Second Report and Order* should be amended to make it clear that the new statutory distinction between private stations and common carriers is whether the entity is "engaged functionally in the provision of telephone service or facilities of a common carrier as part of (its) service offering."[11] On this point, however, we disagree with Telocator.

18. The provision of telephone service or facilities is not, in itself, the new test of common carriage in the Private Land Mobile Services. In order to implement the new statutory distinction between private stations and common carriers, the full legislative history on this point states that the new legislation:

> (a) classifies the various types of shared radio systems currently licensed in the private land mobile services (e.g., specialized mobile radio and multiple licensed systems) as 'private' (i.e., non-common carrier) radio systems; (b) authorizes the entrepreneurs involved in such systems (i.e., licensees, equipment suppliers or any other third party) to offer their services or facilities to eligible users indiscriminately or otherwise, as their discretion and marketplace forces may dictate; and (c) prohibits such shared systems from being interconnected with common carrier facilities *if* the licensees or entrepreneurs are engaging in the *resale* of telephone service or facilities."[12]

19. The interconnection of Private Land Mobile Radio Stations with the Public Switched Telephone Network has been discussed at length in Docket No. 20846. In our *Memorandum Opinion and Order* released May 27, 1983, we considered the effect of the new legislation on the subject of private radio interconnection in the 800 MHz bands.[13] The general principles established in that proceeding are applicable here.

20. In Docket 20846, we concluded that private licensees and users of multiple licensed and shared stations could obtain telephone service from any duly authorized carrier, either individually or jointly on a non-profit cooperative basis: that private carrier licensees, equipment suppliers and other parties could act as ordering agents in arranging for telephone service for licensees and users if their intention was to obtain the service on a non-profit, non-resale basis; and that the interconnection device or "patch" is not part of the telephone service or facilities and there are no restrictions as to how licensees and users may secure it.

21. As we noted in Docket 20846 and other proceedings, the new statutory line of demarcation between private and common carrier land mobile services is dependent upon a number of factors: (1) Whether the land station is shared [14]; and (2) whether the land station is interconnected with a telephone exchange or interexchange service or facility; and , if so, (3) the manner in which the interconnection is obtained.[15] We made it clear in Docket No. 20846 that the distinction between interconnected private land mobile radio service and common carrier land mobile service turns, in essence, on the "resale" of telephone service or facilities. As noted in the new legislation and accompanying Conference Report, as well as in our earlier decisions, resale is a common carrier activity—sharing is not.[16] Telephone service and facilities may not be resold in the Private Land Mobile Radio Services. This, as Millicom states, is the basis of the new statutory test for PCPS's. In light of this we are adopting the new legislative test as the basis for distinguishing between the type of service common carriers and private systems may provide.

Direct Access Private Paging

22. Under our current rules, paging signals may not be transmitted from positions in the Public Switched Telephone Network (PSTN) on any private radio frequencies. As Motorola notes, this restriction was imposed in Docket No. 20846 because of our concern that licensees exercise adequate control over their private paging stations.[17] Telocator argues that this restriction should be removed in light of the new legislation.

23. When we imposed this restriction, we were concerned that if a page could be originated from any touch tone phone by any person who knew the necessary tone sequence to activate the transmitter, licensees would not be able properly to control their systems. For similar reasons, we also adopted rules requiring licensees of interconnected systems to be able to pre-screen or monitor their two-way communications. More recently, however, we have recognized that advances in technology, such as digital data and digital voice transmission modes and automatic interconnection, do not lend themselves to a pre-screening operating mode if spectrum efficiency is to maximized. Since the effect of such rules in many instances is to impede efficient and effective communications and since we are desirous of unregulating these services so that businesses can operate in an unfettered fashion to the maximum extent consistent with efficient and effective spectrum use, we reexamined the public interest in these types of burdensome control point requirements. After reviewing the matter, we determined that private licensees would no longer be required to maintain a capability to monitor their stations' transmissions for permissible communications.[18] [19] Licensees in the Private Land Mobil Services are now free to select their methods of ensuring their systems are operated in accordance with the permissible use rules applicable to the Private Land Mobile Radio Services. Licensees are required only to maintain a capability to control their stations by terminating their communications as required or if directed by the Commission.

24. In light of the above, we have determined that we should allow paging signals in the 900 MHz private paging frequencies to be transmitted directly from positions in the PSTN.[20] We anticipate that this will allow licensees to maximize the use of their systems in this band and will promote rapid and

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[10] Conference Report No. 97–765, 97th Cong., 2nd Sess., August 19, 1982, at p. 55.

[11] Telocator Petition for Reconsideration, p. 2; Conference Report, *supra* at p. 55.

[12] Conference Report, *supra* at p. 55, emphasis added.

[13] *Memorandum Opinion and Order*, Docket No. 20846, FCC 83–174., released May 27, 1983 (48 FR 29512, 1983); *See also, Auto Page, Declaratory Ruling*, FCC 83–347, released July 19, 1983 (48 FR 34804, 1983).

[14] *See*, footnote 9, *supra*; and *Applications of Millicom Corporate Digital Communications, Inc., Memorandum Opinion and Order*, FCC 83–512, adopted November 8, 1983.

[15] *See, Memorandum Opinion and Order*, Docket No. 20846, FCC 83–174, released May 27, 1983 (48 FR 29512, 1983); *First Report and Order*, BC Docket 82–536, FCC 83–154, released May 19, 1983; *Report and Order*, BC Docket No. 81–741, FCC 83–120, released May 20, 1983.

[16] *Resale and Shared Use*, 60 FCC 2d 261, 271, 276 (1976), *recon. denied* 62 FCC 2d 588 (1977), *aff.'d sub nom. ATT vs. FCC*, 572 F.2d 17 (2d Cir. 1978), *cert. denied* 438 U.S. 875 (1978). Resale is defined as the subscription to communications services and facilities by one entity and the reoffering of communications services and facilities to the public (with or without "adding value") for profit. Sharing is a non-profit arrangement in which several users collectively use communications services and facilities provided by a carrier, with each user paying the communications related costs according to its pro rata usage. *See*, 60 FCC 2d 263; and Conference Report, *supra* at p. 55.

[17] *See, First Report and Order*, Docket No. 20846, 69 FCC 2d 1831 (1978); and § 90.490(c) of the Rules, 47 CFR 90.490(c). This rule has been waived by the Commission in certain circumstances to allow direct access paging. *See*, e.g., *Request for Waiver of Section 90.487(c) of the Commission's Rules by the Albuquerque and Bernalillo County Medical Association*, FCC 82–315, release July 23, 1982.

[18] Licensees must take reasonable precautions, however, to avoid causing harmful interference to the transmissions of other licensees. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for interference. *See*, 47 CFR 90.403(e).

[19] *See, First Report and Order*, PR Docket 80–416, FCC 81–188, released May 11, 1981; *Second Report and Order*, PR Docket 80–416, 89 FCC 2d 551 (1982); *Second Report and Order*, PR Docket 79–191, 90 FCC 2d 1281 (1982); *Second Report and Order*, PR Docket No. 82–470, FCC 83–20, released January 31, 1983. *See*, n. 15, *supra*.

[20] *See*, n. 9, *supra*.

efficient communications as mandated by the Act. It will also enable us to develop a record of direct-access paging at 900 MHz, where two-way communications are not authorized and the risks of interference are minimal, in order to determine whether direct access paging should be extended to other Private Land Mobile bands.

SMRS Paging at 800 MHz

25. Telocator also objected to our amendment of Section 90.492 of the Rules (formerly Section 90.485) in this proceeding, contending that Docket No. 79-191 was the proper forum for any rule change concerning paging by Specialized Mobile Radio Systems (SMRS's) in the 800 MHz band. Motorola agreed with Telocator on this point.

26. Section 90.492 was included in the present proceeding only to conform our Subpart P Rules of Part 90 (Paging Operations) to other changes adopted by the Commission of the same day in Docket No. 79-191. As the parties requested, that issue has been resolved on reconsideration of Docket No. 79-191 and will not be reconsidered as part of this proceeding.[21]

Summary

27. We have reviewed our *Second Report and Order*, the parties' comments, and the new legislation. We have concluded that the *Second Report and Order* is consistent with the new legislation and the public interest but we have modified the decisions in several respects. To summarize, we have clarified the legal foundation for the PCPS licensing approach and we have made it clear that telephone services and facilities may not be resold in the private paging frequencies at 900 MHz. We also have determined to allow, at 900 MHz only, direct access paging from positions in the public switched telephone network.

28. Accordingly, it is ordered That, effective December 30, 1983, Part 90 of the Commission's Rules is amended as shown in the Appendix, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. It is further ordered that the petition for reconsideration and clarification in this proceeding is granted to the extent indicated herein and in all other respects is denied, and that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 90.490 is amended by the revison of paragraph (c) and the addition of a new paragraph (d):

§ 90.490 One-way paging operations in the private services.

* * * * *

(c) Paging signals may be transmitted from telephone positions in the public switched telephone network only in the 929-930 MHz band. When land stations in that band are multiple licensed or otherwise shared by authoirzed users, arrangements for the telephone service must be made with a duly authorized carrier by users, licensees, or their authorized agents on a non-profit cost-shared basis. When telephone service costs are shared, at least one licensee participating in the cost sharing arrangement must maintain cost sharing records and the costs must be distributed at least once a year. Licensees, users, or their authorized agents may also make joint use arrangements with a duly authorized carrier and arrange that each licensee or user pay the carrier directly for the licensee's or user's share of the joint use of the shared telephone service. A report of the cost distribution must be placed in the licensee's station records and made available to participants in the sharing and the Commission upon request. In all cases, arrangements with the duly authorized carrier must disclose the number of licensees and users and the nature of the use.

(d) Although paging signals may not be transmitted from telephone positions in the public switched telephone network except in the 929-230 MHz band, this limitation does not bar access to paging transmitters through radio or wireline circuits provided under tariff by a duly authorized carrier and equipped as a transmitter control circuit. This includes, among others, circuits which are integral parts of internal systems of communication; dial-up transmitter control circuits; and dispatch point circuits used in private radio systems. Paging signals may be originated from all such operating positions.

[FR Doc. 83-32374 Filed 12-5-83; 8:45 am]

BILLING CODE 6712 01-M

[21] *Amendment of Part 90 of the Commission's Rules to release spectrum in the 806-821/851-866 MHz bands and to adopt rules and regulations which govern their use*, Docket No. 79-191 *et seq.*, 90 FCC 2d 1281 (1982), *Memorandum Opinion and Order on Reconsideration*, FCC 83-474, released November 1, 1983.

Proposed Rules

Federal Register
Vol. 48, No. 245
Tuesday, December 20, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 81N-0368]

Hydrogen Peroxide; Proposed Affirmation of Gras Status as a Direct Human Food Ingredient With Specific Limitations; Correction

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the docket number in the heading of the proposal to affirm that hydrogen peroxide is generally recognized as safe (GRAS).

FOR FUTHER INFORMATION CONTACT: Agnes B. Black, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-32994.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-30923 appearing at page 52323 in the issue of Thursday, November 17, 1983, the docket number is corrected to read as it appears in the heading of this correction document.

Dated: December 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-33929 Filed 12-19-83; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 245

[Docket No. R-83-1125; FR-1730]

Tenant Participation in Multifamily Housing Projects

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would provide an opportunity for tenants in certain types of subsidized multifamily housing projects to comment on requests by project owners for HUD approval of any of the following owner actions: (1) Conversion from project-paid utilities to tenant-paid utilities or reduction in tenant utility allowances; (2) conversion of residential units to commercial space, cooperative housing or condominiums; (3) a partial release of mortgage security; and (4) major capital additions to a project. The rule would also generally continue the requirements for tenant participation in project rent increases, as provided in existing Subpart A of 24 CFR Part 401. The proposed amendments would implement section 202(b)(1) of the Housing and Community Development Amendments of 1978, as amended by section 329F of the Housing and Community Development Amendments of 1981.

DATE: Comments must be received by February 21, 1984.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and refer to the docket number and title indicated in the heading of this rule. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: For projects with HUD-insured mortgages, James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5654.

For projects with non-insured mortgages, Cherie Charles, Director, State Agency Finance Division, Office of State Agency and Bond Financed Programs, Department of Housing and Urban Development, Washington, D.C. 20410. (202) 755-6887. The telephone numbers listed here are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 202(b)(1) of the Housing and Community Development Amendments of 1978 (the 1978 Act), as amended by section 329F of the Housing and Community Development Amendments of 1981, provides for the participation by tenants of "multifamily housing projects" in certain specified actions by owners of such projects. Under this provision, the Secretary may require tenant participation whenever a project owner must obtain HUD approval for one of the following actions: (1) Rent increase, (2) conversion of residential rental units to commercial space, cooperative housing or condominiums, (3) partial release of security, or (4) major physical alterations. Tenant participation includes adequate notice of, reasonable access to relevant information about, and an opportunity to comment on these actions. These comments have to be taken into consideration by HUD in making approval decisions.

Extension of Coverage to State-Assisted, Non-insured Multifamily Housing Projects

The following should be noted regarding the coverage of this proposed rule. Section 202(a) of the 1978 Act defines the term "multifamily housing project" to mean a project which is eligible for Troubled Projects Operating Subsidies under section 201 of the Act. Under section 201(c), which governs project eligibility, a rental or cooperative housing project is eligible for assistance under section 201 if it (1) is assisted under the National Housing Act, pursuant to section 236 or the proviso of section 221(d)(5) (*i.e.*, section 221(d)(3) BMIR), or under the Housing and Urban Development Act of 1965, pursuant to section 101 (Rent Supplement); or (2) was assisted under one of those provisions and was thereafter acquired by the Secretary and sold subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project. Projects not insured under the National Housing Act but financed by a State or local housing finance agency under section 236(b) of the National Housing Act or under section 101 of the Housing and Urban Development Act of 1965 are eligibile for assistance under section 201 and, as a consequence, are within the stated coverage of section 202.

There is scant legislative history on the extension of the section 202 requirements to State-assisted, non-insured projects. In fact, the result appears to have been unintentional. The Senate provision from which section 202 was drawn applied only to HUD-insured and HUD-owned projects (see S. 3084, 95th Cong., 2d Sess., § 208, Housing and Community Development Amendments of 1978). The conference report indicates that the Senate provision was adopted with an amendment to "conform" its coverage to that of the Troubled Projects Program (see H. Rep. No. 95–1792, 95th Cong., 2d Sess., 66–67). Research has not indicated any conscious intent to apply the section 202 requirements to State-assisted, non-insured projects.

Because these projects are supervised by State or local agencies rather than by HUD, the Department believes that any special requirements regarding relationships between owners and tenants should be determined by the supervising State or local agencies. Accordingly, this rule does not propose to make State-assisted, non-insured projects subject to any of the new statutory tenant participation requirements that would be applicable to projects with mortgages insured under the National Housing Act (conversion of residential rental units to commercial space, cooperative housing or condominiums; partial release of security; or major physical alterations).

It should be noted, however, that under 24 CFR Part 401, State-assisted, non-insured projects are already subject to the requirements for tenant participation with respect to requests for approval of rent increases. The proposed rule would continue to apply these existing tenant participation requirements to non-insured as well as insured projects. In addition, it is proposed to make non-insured projects subject to the tenant participation requirements for a conversion from project-paid utilities to tenant-paid utilities or a reduction in tenant utility allowances. These requirements would be made applicable to non-insured projects because such conversions or reductions frequently result in increases in total housing costs for project tenants and, where this result is likely to occur, requests for approval to convert or to reduce utility allowances are subject to Part 401.

The Department's proposed authorization legislation submitted in both 1982 and 1983 included a proposal to remove uninsured, State-assisted projects from the coverage of the Section 201, which would also have the effect of removing such projects from the coverage of Section 202. (H. R. 6020, 97th Cong., 2d Sess., section 207(a), Housing and Community Development Amendments of 1982; H. R. 1901, 98th Cong., 1st Sess., section 211, Housing and Community Development Act of 1983). The Department's proposal was contained in the authorization bill reported by the Senate Committee on Banking, Housing and Urban Affairs in both 1982 and 1983 (S. 2607, Rep. No. 97–463, 97th Cong., 2d Sess., section 207(a); S. 1338, Rep. No. 98–142, 98th Cong., 1st Sess., section 309(a). However, no floor action on authorization legislation occurred in either the Senate or House during the 1982 session, nor as yet in the Senate in the 1983 session. It is HUD's intention that, if its legislative proposal is rejected by the Senate or in Conference, it will propose a regulatory amendment extending coverage of the new tenant participation requirements to those non-insured projects.

Placement of Tenant Participation Requirements in 24 CFR Part 245

On June 22, 1983, at 48 FR 28433, HUD published a final rule implementing subsections (b)(2) and (4) of section 202 of the 1978 Act, prohibiting owners of multifamily housing projects from interfering with the efforts of tenants to obtain rent subsidies or other public assistance or from impeding the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize. Although HUD originally proposed to put those regulations in a new Part 430 of 24 CFR Chapter IV, HUD finally decided to place them, along with the tenant participation requirements now in Part 401 and the new requirements implementing subsection (b)(1) of section 202 of the 1978 Act, in a new Part 245 entitled, "Tenant Participation in Multifamily Housing Projects"

24 CFR Chapter IV contains regulations originally promulgated by the former Assistant Secretary for Housing Management. That position was abolished in 1976 and its functions were vested in the Assistant Secretary for Housing—Federal Housing Commissioner, whose regulations are contained in 24 CFR Chapter II. For that reason, HUD considers it appropriate to put all of the regulation simplementing the tenant participation requirements of section 202 of the 1978 Act in Chapter II, rather than in Chapter IV.

Description of Proposed Amendments to Part 245

The recently adopted Part 245 is entitled "Tenant Participation in Multifamily Housing Projects", which is the heading of section 202 of the 1978 Act. Under this proposed rule, Part 245 would be expanded by the addition of five new subparts. Existing Subpart A, in which there are general provisions applicable to Subparts B and C (containing the regulations implementing the requirements of subsections (b)(2) and (4) of section 202), would be amended to govern also the applicability of the five new subparts.

The sections contained in Subparts B and C would be renumbered to be consistent with the numbering scheme proposed for the new subparts, and existing § 245.12 would be omitted as unnecessary in light of an amendment to be made in Subpart A. The first of the proposed new subparts, Subpart D, would set forth requirements for tenant participation in project rent increases, based on the requirements now contained in Part 401. Subparts E through H would contain tenant participation procedures for approval of owner requests to convert from project-paid utilities to tenant-paid utilities or reduce tenant utility allowances; convert residential units to commerical space, cooperative housing or condominiums; release part of the mortgage security; and make major capital additions, respectively. These proposed procedures would be comparable to those proposed for rent increases under Subpart D, except that, unlike Subpart D, the other proposed subparts would not prescribe the format of the notice required to be served on tenants. HUD believes that project owners should be free to develop their own notice formats, and has adopted this approach with respect to owner actions being covered for the first time by this rule. However, since Subpart D is based upon an existing procedure with which owners are familiar, HUD does not believe it desirable to change this aspect of the present Part 401.

The following paragraphs discuss in more detail the regulatory changes proposed by this rule.

1. Subpart A—General Provisions.

Existing § 245.1 sets forth the purpose of Part 245. This statement of purpose was taken directly from section 202(a) of the 1978 Act. This proposed rule would renumber that section as § 245.5, but would not make any change in its text.

Existing § 245.2 governs the applicability of the requirements contained in Subparts B and C. This section would be renumbered as § 245.10 and expanded to cover also proposed Subparts D through H. As noted above, the rule would generally continue the present coverage of Part 401 for proposed project rent increases, and it would include in that coverage the requirements relating to conversions from project-paid to tenant-paid utilities and reductions in tenant utility allowances (see the discussion under Subpart E, below). Thus, both HUD-insured and State-assisted, non-insured projects, as well as projects under the Section 202 Elderly and Handicapped Housing Program, would be covered under proposed Subparts D and E. Part 401's reference to the College Housing Program would be deleted, however, since section 306 of the Department of Education Organization Act (Pub. L. 96-88) transferred all of HUD's functions with respect to the Program to the Department of Education.

As amended, § 245.10 would limit the applicability of the proposed new statutory tenant participation requirements (contained in Subparts F through H) to HUD-insured 236, 221(d)(3) and Rent Supplement projects. Consistent with section 202 of the 1978 Act, coverage of the new statutory requirements would not be extended to the Section 202 Program, except for those 202 projects which qualify because they receive Rent Supplements.

Existing Part 401 excepts cooperative mortgagors from the requirements for tenant participation in rent increases. The proposed rule would retain this exception, and extend it to the other owner actions being added by the rule. This exception is based on the fact that, in a cooperative housing project, the residents collectively own the cooperative entity which is the project mortgagor. The cooperative members, therefore, already have input into the management and operation of the project through the election of the board of directors or similar management group, and do not need the special tenant participation protections afforded by section 202(b) of the 1978 Act. Since proposed § 245.10 would apply the exception for cooperative mortgagors to the requirements of Subpart B, existing § 245.12 would be omitted as unnecessary.

Proposed § 245.15 is new and would contain provisions governing service of notice on tenants, patterned after those contained in existing §§ 401.2 and 401.4. Subparts D through H provide for notice to tenants of proposed owner actions, and § 245.15 would provide the acceptable methods of serving such notice.

2. Subpart B—Tenant Organizations; Subpart C—Efforts to Obtain Assistance

These two subparts were adopted by the final rule implementing subsections (b) (2) and (4) of section 202 of the 1978 Act (see discussion above). It is proposed that the Sections in these two subparts be renumbered to be consistent with the numbering scheme proposed for new Subparts D through H. However, no changes in the text of these sections are proposed, other than the omission of existing § 245.12 discussed above.

3. Subpart D—Procedure for Requesting Approval of an Increase in Maximum Permissible Rents

As noted above, Subpart D would continue essentially the same requirements for requests for HUD approval of rent increases as are now contained in Subpart A of the present Part 401.

The proposed rule would, however, make two substantive changes in the present 24 CFR 401.2. First, the notice format in § 401.2 provides that the 30-day period during which tenants may inspect and comment on the material supporting the requested rent increase "will be extended to give tenants 5 days to inspect and comment on any materials to be submitted in support of the application that are not available to the tenants during the first 25 days of the 30-day period." Section 245.310 of the proposed rule would provide that, in the event of any material change in the supporting materials during the comment period, the owner must give notice of the change to the tenants and provide at least 15 days after service of the additional notice for tenant inspection and comments on the revised materials. This is designed to assure that tenants are notified of material changes in an owner's submission and that they have adequate time to inspect and comment on the revised materials.

Second, the proposed rule would exclude tenants receiving Section 8 assistance from Part 401's tenant participation provisions. All else being equal, a rise in project rents increases the amount of subsidy HUD pays for Section 8-assisted units, but has no effect on the amount Section 8 tenants pay as rent. Since assisted tenants have no real stake in the outcome of a rent increase request, it makes little sense to require owners to bear the administrative burden and cost of complying with Part 401's requirements with respect to these tenants. This exclusion would only apply to Section 8 tenants; in partially subsidized projects, owners would have to meet Part 245's requirements for any tenants not receiving Section 8 assistance.

The proposed rule would also reorganize and clarify the procedures and requirements governing rent increase requests for State-assisted, non-insured projects.

4. Subpart E—Procedures for Requesting Approval of a Conversion from Project-Paid Utilities to Tenant-Paid Utilities or of a Reduction in Tenant Utility Allowances

New Subpart E would contain the requirements relating to requests for HUD approval to convert a project from project-paid utilities to tenant-paid utilities or to reduce the tenant utility allowances. Although these types of owner action are not specifically mentioned in section 202(b)(1) of the 1978 Act, they are included in this proposed rule because of the increase in tenants' monthly housing costs (rent plus utilities) that frequently results from such a conversion or reduction and their present inclusion under Part 401 where such an increase is anticipated. For that same reason, as noted above, the tenant participation requirements of subpart E would apply to the same types of projects to which the rent increase requirements set forth in Subpart D would apply.

When a project converts to tenant-paid utilities, each tenant gets a utility allowance, which is deducted from the contract rent paid to the landlord. The tenant is then billed directly from the utility company for actual use of utilities. If the tenant's use of utilities results in utility charges in excess of the allowance, the tenant's obligation for rent and utilities could total more than the rent amount before the conversion. On the other hand, a tenant could save money by reducing utility consumption so that actual costs are less than the amount of the allowance. Since a conversion to tenant-paid utilities or a reduction of the allowances already in effect would result in changes in total monthly payments for most tenants, it is appropriate to include this type of owner action as a separate subject for tenant participation.

New §§ 245.410 through 245.430 would set forth the procedural and substantive

requirements in connection with a request for HUD approval to convert to tenant-paid utilities, or to reduce tenant utility allowances, including notice to tenants, submission of materials to HUD, rights of tenants to participate, and notice of HUD's decision on the conversion request.

5. Subpart F—Procedures for Requesting Approval of a Conversion of Residential Units to Commercial Space, Cooperative Housing or Condominiums

New Subpart F would contain the requirements relating to requests for HUD approval to convert residential rental units in a multifamily housing project to commercial space or condominium units, or to transfer the project to a cooperative housing mortgagor corporation or association. These types of owner action are covered specifically by section 202(b)(1) of the 1978 Act.

It is appropriate to include these owner actions as subjects of tenant participation in the proposed rule because of the substantial impact that these actions could have on tenants and the projects themselves. A conversion of space from residential to commercial use could have an effect on the value of the project, the number of residential units, the amount of subsidy available to the project, the rent schedules for the remaining residential tenants, and the residential character of the project; it would result in dispossession of tenants occupying space to be converted. A condominium or cooperative conversion would require downpayments for tenant-purchasers and would result in monthly carrying charges that would differ from (and probably exceed) the pre-conversion rents.

New §§ 245.510 through 245.530 would set forth the procedural and substantive requirements in connection with a request for HUD approval of a conversion of residential rental units to commercial space, cooperative housing or condominiums, including notice to tenants, submission of materials to HUD, rights of tenants to participate, and notice of HUD's decision on the conversion request.

6. Subpart G—Procedures for Requesting Approval of a Partial Release of Mortgage Security

New Subpart G would contain the requirements relating to requests for HUD approval of a partial release of mortgage security. Examples of transactions which involve a partial release of mortgage secutity are (1) the sale of portions of project property which provide amenities, such as parking space and recreational areas, and (2) the sale of one building in a multibuilding project. In each case, the mortgagee would have to release a protion of the project property from the mortgage lien in order to permit the sale transaction to take place.

Partial release of mortgage security is specifically covered by section 202(b)(1) of the 1978 Act. It is included in the proposed rule because of the substantial impact that a transaction requiring a partial release could have on project tenants.

New § 245.605, governing the applicability of Subpart G, would specifically exclude from coverage of the subpart any release in connection with the giving of a utility easement or a public taking of project property by condemnation or eminent domain. The giving of a utility easement would be excluded because of its minimal impact on the project property. Since a taking of property would not be voluntary on the part of the mortgagor, there is no point in providing for tenant comment on a partial release resulting from such taking.

New §§ 245.610 through 245.630 would set forth the procedural and substantive requirements in connection with a request for HUD approval of a partial release of mortgage security, including notice to tenants, submission of materials to HUD, rights of tenants to participate, and notice of HUD's decision on the request for approval.

7. Subpart H—Procedures for Requesting Approval for Major Capital Additions

New Subpart H would contain the requirements relating to requests for HUD approval for making major capital additions to a multifamily housing project. Although section 202(b)(1) of the 1978 Act refers to requests for "major physical alterations", HUD is instead proposing to use the term "major capital additions", which, as provided in proposed § 245.705(b), would include only those capital improvements which represent a substantial addition to the project, such as a new recreational facility, swimming pool or parking garage. Upgrading or replacing a capital component of the project, such as the roof or the heating or electrical system, would not constitute a major capital addition to the project.

HUD believes that tenants should have an opportunity to participate in management decisions to make major capital improvements, since they constitute additional enhancements which may affect the project's amenities and value and may result in the imposition of additional financial responsibilities on the tenants. Upgrading or replacing existing capital components—sometimes on an emergency basis—is essential to continued operation of the project, and tenants should be on notice that expenditures for these purposes are both necessary and usual. Thus, the Department does not believe on balance that the need for tenant participation in these decisions outweighs the time and expense to the project owner of complying with the notice and comment requirements of Part 245.

The Department invites comment on whether the final rule should exclude tenants receiving Section 8 assistance from the tenant participation provisions for proposed major capital additions under this Subpart. To the extent that such additions result in increased project rents, the Department does not believe (as noted above) that Section 8-assisted tenants have an interest in the outcome of a rent increase request sufficient to justify making owners bear the administrative burdens of complying with the requirements of Part 245. To the extent, however, that major capital additions affect the project's living environment, assisted tenants may have the same interest in commenting on the proposed owner action as unsubsidized tenants. The Department specifically seeks comment on whether this interest, standing alone, justifies imposition of Part 245's requirements on owners.

New §§ 245.710 through 245.730 would provide for notice to tenants of the proposed request for HUD approval for making a major capital addition, materials to be submitted to HUD in connection with the request, rights of tenants to participate, and notice of HUD's decision on the request for approval.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD' regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 , 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. An analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3)

have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While the expanded tenant participation requirements proposed by this rule would result in an increase in costs to project owners, some of whom constitute small entities, we do not believe that the economic impact on those entities would be substantial.

The Catalog of Federal Domestic Assistance program numbers for the programs affected by this rule are 14.103 and 14.144.

This rule is listed at 48 FR 47440 (Agenda Number H–20–83) under the Office of Housing in HUD's Semiannual Agenda of Regulations published on October 17, 1983 (48 FR 47418), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget for review under Section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding the collection of information requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

List of Subjects in 24 CFR Part 245

Housing, Loan programs: housing and urban development, Low and moderate income housing, Mortgages, Projects, Rent control, Rent subsidies, Utilities.

PART 245—TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

Accordingly, HUD proposes to amend 24 CFR Part 245 as follows:

1. By revising the table of contents for Subparts A through C to read as follows:

Subpart A—General Provisions

Sec.
245.5 Purpose.
245.10 Applicability of part.
245.15 Service of notice on tenants.

Subpart B—Tenant Organizations

245.105 Organizations and efforts to organize.
245.110 Meeting space.

Subpart C—Efforts to Obtain Assistance

245.205 Efforts to obtain assistance.
245.210 Availability of information.

2. By adding entries for new Subparts D through H to the table of contents, to read as follows:

Subpart D—Procedures for Requesting Approval of an Increase in Maximum Permissible Rents

Sec.
245.305 Applicability of subpart.
245.310 Notice to tenants.
245.315 Materials to be submitted to HUD.
245.320 Request for increase.
245.325 Notification of action on request for increase.
245.330 Non-insured projects.

Subpart E—Procedures for Requesting Approval of a Conversion From Project-Paid Utilities to Tenant-Paid Utilities or of a Reduction in Tenant Utility Allowances

245.405 Applicability of subpart.
245.410 Notice to tenants.
245.415 Initial submission of materials to HUD.
245.420 Rights of tenants to participate.
245.425 Submission of request for approval to HUD.
245.430 Decision on request for approval.
245.435 Non-insured projects.

Subpart F—Procedures for Requesting Approval of a Conversion of Residential Units to Commercial Space, Cooperative Housing or Condominiums

245.505 Applicability of subpart.
245.510 Notice to tenants.
245.515 Initial submission of materials to HUD.
245.520 Rights of tenants to participate.
245.525 Submission of request for approval to HUD.
245.530 Decision on request for approval.

Subpart G—Procedures for Requesting Approval of a Partial Release of Mortgage Security

245.605 Applicability of subpart.
245.610 Notice to tenants.
245.615 Initial submission of materials to HUD.
245.620 Rights of tenants to participate.
245.625 Submission of request for approval to HUD.
245.630 Decision on request for approval.

Subpart H—Procedures for Requesting Approval for Major Capital Additions

245.705 Applicability of subpart.
245.710 Notice to tenants.
245.715 Initial submission of materials to HUD.
245.720 Rights of tenants to participate.
245.725 Submission of request for approval to HUD.
245.730 Decision on request for approval.

3. By revising Subpart A to read as follows:

Subpart A—General Provisions

§ 245.5 Purpose.

The purpose of this part is to recognize the importance and benefits of cooperation and participation of tenants in creating a suitable living environment in multifamily housing projects and in contributing to the successful operation of such projects, including their good physical condition, proper maintenance, security, energy efficiency, and control of operating costs.

§ 245.10 Applicability of part.

(a) Except as provided in paragraph (c) of this section, the requirements of Subparts B through H of this part shall apply to mortgagors of multifamily housing projects which:

(1) Have mortgages which have received final endorsement on behalf of the Secretary and are insured under the National Housing Act or held by the Secretary, and which are assisted under Section 236 or the proviso of Section 221(d)(5) of the National Housing Act, or under Section 101 of the Housing and Urban Development Act of 1965; or

(2) Were assisted under the above programs before acquisition by the Secretary and sold by the Secretary subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project.

(b) Except as provided in paragraph (c) of this section, the requirements of subparts D and E of this part shall also apply, in addition to the mortgagors described in paragraph (a) of this section, to mortgagors of multifamily housing projects which:

(1) Receive assistance under Section 236 of the National Housing Act or Section 101 of the Housing and Urban Development Act of 1965 administered through a State or local housing finance agency, but do not have mortgages insured under the National Housing Act or held by the Secretary; or

(2) Have direct mortgage loans from HUD at below-market interest rates under Section 202 of the Housing Act of 1959.

(c)(1) The requirements of subparts B and D through H shall not apply to any mortgagor which is a cooperative housing corporation or association.

(2) The requirements of subpart D shall not apply with respect to any tenant of a multifamily project who is receiving housing assistance payments under Section 8 of the United States Housing Act of 1937.

SUPPLEMENTARY INFORMATION:

§ 245.15 Service of notice on tenants.

(a) Whenever a mortgagor is required under subparts D through H of this part to serve notice on the tenants of a project, the notice shall be served either by delivery or by posting. If service is made by delivery, a copy of the notice shall be delivered directly to each unit in the project or mailed to each tenant. If service is made by posting, the notice shall be posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located and, during any prescribed tenant comment period, in a conspicuous place at the address stated in the notice where the materials in support of the mortgagor's proposed action are to be made available for inspection and copying. Posted notices shall be maintained intact and in legible form during any prescribed notice period.

(b) For purposes of computing time periods following service of notice, notice shall be deemed to have been served, in the case of service by delivery, when all notices have been delivered or mailed and, in the case of service by posting, when all notices have been initially posted.

§ 245.12 [Removed]

§§ 245.10 and 245.11 [Redesignated as] §§ 245.105 and 245.110

§§ 245.20 and 245.21 [Redesignated as] §§ 245.205 and 245.210

4. In Subpart B by removing § 245.12, and redesignating § 245.10 and § 245.11 as § 245.105 and § 245.110, respectively. In Subpart C by redesignating § 245.20 and § 245.21 as § 245.205 and § 245.210, respectively.

5. By adding new Subparts D through H, to read as follows:

Subpart D—Procedures for Requesting Approval of an Increase in Maximum Permissible Rents

§ 245.305 Applicability of subpart.

(a) The requirements of this subpart shall apply to any request by a mortgagor as provided by § 245.10 for HUD approval of an increase in maximum permissible rents.

(b) For purposes of this subpart, an increase in utility charges paid directly by the tenant does not constitute an increase in rents.

§ 245.310 Notice to tenants.

(a) At least 30 days before submitting a request to HUD for approval of an increase in maximum permissible rents, the mortgagor shall notify the tenants of the proposed rent increase. Copies of the notice shall be served on the tenants as provided in § 245.15. The notice shall contain the following information in the following format or equivalent thereto:

Notice to Tenants of Intention To Submit a Request to HUD for Approval of an Increase in Maximum Permissible Rents

Date of notice _____

Take notice that on [date] we plan to submit a request to HUD for approval of an increase in the maximum permissible rents for [name of apartment complex] with the United States Department of Housing and Urban Development (HUD). The proposed increase is needed for the following reasons:

1.
2.
3.

The rent increases for which we have requested approval are:

Bedrooms	Present rent [1]		Proposed increase [1]		Proposed rent [1]	
	Basic	Market	Basic	Market	Basic	
5	$	$	$	$	$	$
0						
1						
2						
3						
4						

[1] Separate columns for basic and market rent should be used only for projects assisted under sec. 236 of the National Housing Act, in addition, in projects with more than 1 type of apartment having the same number of bedrooms but different rents, each type should be listed separately.

A copy of the materials that we are submitting to HUD in support of our request will be available during normal business hours at [address] for a period of 30 days from the date of service of this notice for inspection and copying by tenants of [name of apartment complex] and, if the tenants wish, legal or other representatives acting for them individually or as a group.

During a period of 30 days from the date of service of this notice, tenants of [name of apartment complex] may submit written comments on the proposed rent increase to us at [address]. Tenant representatives may assist tenants in preparing those comments. (If, at HUD's request or otherwise, we make any material change during the comment period in the materials available for inspection and copying, we will notify the tenants of the change or changes, and the tenants will have period of 15 days from the date of service of this additional notice (or the remainder of any applicable comment period, if longer) in which to inspect and copy the materials as changed and to submit comments on the proposed rent increase). These comments will be transmitted to HUD, along with our evaluation of them and our request for the increase. You may also send a copy of your comments directly to HUD at the following address: United States Department of Housing and Urban Development [address of local HUD field office with jurisdiction over rent increases for the project], Attention: Direcor, Housing Management Division, Re: Project No. [Name of Apartment Complex].

HUD will approve, adjust upward or downward, or disapprove the proposed rent increase upon reviewing the request and comments. When HUD advises us in writing of its decision on our request, you will be notified. If the request is approved, any allowable increase will be put into effect only after a period of at least 30 days from the date you are served with that notice and in accordance with the terms of existing leases.

_____

[Name of mortgagor or managing agent]

(b) The mortgagor shall comply with all representations made in the notice. The materials to be made available to tenants for inspection and copying shall be those specified in § 245.315.

§ 245.315 Materials to be submitted to HUD.

When the notice referred to in § 245.310 is served on the tenants, the mortgagor shall send to the local HUD office copies of the following:

(a) A copy of the notice to tenants;

(b) An annual Statement of Profit and Loss, Form HUD–92410, covering the project's most recently ended accounting year (this statement shall have been audited by an independent public accountant if the project is required by HUD to prepare audited financial statements), and an accrual Form HUD–92410 for the intervening period since the date of the last annual statement if more than four months have elapsed since that date;

(c) A narrative statement of the reasons for the requested increase in maximum permissible rents; and

(d) An estimate of the reasonably anticipated increases in project operating costs which will occur within

twelve months of the date of submission of materials under this section.

§ 245.320 Request for increase.

Upon expiration of the period for tenant comments required in the notice format in § 245.310 and after review of the comments submitted to the mortgagor, the mortgagor shall submit to the local HUD office, in addition to the materials enumerated in § 245.315 and any revisions thereto, the request for an increase in the maximum permissible rents, together with the following:

(a) Copies of all written comments submitted by the tenants to the mortgagor;

(b) The mortgagor's evaluation of the tenants' comments with respect to the request.

(c) A certification by the mortgagor that:

(1) It has complied with all of the requirements of this subpart;

(2) The copies of the materials submitted in support of the proposed increase were located in a place reasonably convenient to tenants in the project during normal business hours and that requests by tenants to inspect the materials, as provided for in the notice, were honored;

(3) All comments received from tenants were considered by the mortgagor in making its evaluation; and

(4) "Under the penalties and provisions of Title 18, United States Code, section 1001, the statements contained in this request and its attachments have been examined by me and, to the best of my knowledge and belief, are true, correct, and complete."

§ 245.325 Notification of action on request for increase.

(a) When processing a request for an increase in maximum permissible rents, HUD shall take into consideration reasonably anticipated increases in project operating costs which will occur within twelve months of the date of submission of materials to HUD under § 245.315.

(b) After HUD has considered the request for an increase in rents, has found that it meets the requirements of § 245.320, and has made its determination to approve, adjust upward or downward, or disapprove the request, it will furnish the mortgagor with a wriften statement of the reasons for approval, adjustment upward or downward, or disapproval. The mortgagor shall make the reasons for approval, adjustment or disapproval known to the tenants, by service of notice on them as provided in § 245.315.

§ 245.330 Non-insured projects.

(a) In the case of a proposed rent increase for a project which is assisted under section 236 of the National Housing Act or section 101 of the Housing and Urban Development Act of 1965 but which does not have a mortgage insured by HUD or held by the Secretary, the provisions of this section and of §§ 245.305 through 245.320 shall apply to the mortgagor (project owner), except that—

(1) The notice format prescribed in § 245.310 shall be modified to reflect the procedural changes made by this section;

(2) The materials (including tenant comments) required to be submitted to HUD under §§ 245.315 and 245.320 shall be submitted, as provided by those sections, to the State or local agency administering the section 236 assistance or rent supplement assistance contracts, rather than to HUD. An equivalent State or local agency form or standard accounting form may be substituted for the Statement of Profit and Loss, Form HUD–92410, required under § 245.315(b) if approved by the local HUD office; and

(3) The certification required to be made by the mortgagor under § 245.320(c) must be made also by the State or local agency.

(b) After the State or local agency has considered the request for an increase in maximum permissible rents which meets the requirements of § 245.320 (including consideration of anticipated cost increases, as provided in § 245.325(a)), it shall make a determination to approve, adjust upward or downward, or disapprove the request. If the agency determines to approve or adjust the request, it shall submit to the appropriate local HUD office the mortgagor's request for approval of an increase in maximum permissible rents, along with the comments of the tenants and the mortgagor's evaluation of the comments, and shall certify to HUD that the mortgagor is in compliance with the requirements of this subpart. HUD shall review the agency's determination and certification and, within 30 days of their submission to HUD, notify the agency of its approval, adjustment upward or downward, or disapproval of the proposed rent increase. HUD will not unreasonably withhold approval of a rent increase approved by the State or local agency.

(c) If the agency determines to disapprove the request, there shall be no HUD review of the agency's determination.

(d) The agency shall notify the mortgagor of the dispositon of the request, and it shall furnish the mortgagor with a written statement of the reasons for its approval, adjustment or disapproval. The mortgagor shall make the reasons for approval, adjustment or disapproval known to the tenants, by service of notice on them as provided in § 245.15.

Subpart E—Procedures for Requesting Approval of a Conversion From Project-Paid Utilities to Tenant-Paid Utilities or of a Reduction in Tenant Utility Allowances

§ 245.405 Applicability of subpart.

The requirements of this subpart shall apply to any request by a mortgagor covered by § 245.10 for HUD approval of the conversion of a project from project-paid utilities to tenant-paid utilities or of a reduction in tenant utility allowances.

§ 245.410 Notice to tenants.

At least 30 days before submitting a request to HUD for approval of a conversion from project-paid utilities to tenant-paid utilities or of a reduction in tenant utility allowances, the mortgagor shall serve notice of the proposed conversion or reduction on the project tenants, as provided in § 245.15. The notice shall state the following:

(a) That the mortgagor intends to submit a request to HUD for approval of a conversion from project-paid utilities to tenant-paid utilities or of a reduction of tenant utility allowances;

(b) The rights of tenants to participate as provided in § 245.420, including the address at which the materials required to be made available for inspection and copying under that section are to be kept;

(c) That tenant comments on the proposed conversion or reduction may be sent to the mortgagor at a specified address or directly to the local HUD office, and that comments sent to the mortgagor will be transmitted to HUD, along with the mortgagor's evaluation of them, when the request for HUD's approval of the conversion or reduction is submitted;

(d) That HUD will approve or disapprove the proposed conversion or approve, adjust upward or downward, or disapprove the proposed reduction, based upon its review of the information submitted and all tenant comments received; and

(e) That the mortgagor will notify the tenants of HUD's decision and that it will not put any approved conversion or reduction into effect (in accordance with the terms of existing leases) until a period of at least 30 days from the date of service of that notification has expired.

§ 245.415 Initial submission of materials to HUD.

(a) When the notice required under § 245.410 is served on the tenants, the mortgagor shall submit the following materials to the local HUD office:

(1) A copy of the notice to tenants;

(2) In the case of a proposed conversion from project-paid utilities to tenant-paid utilities—

(i) A statement indicating:

(A) The type of utility or utilities involved;

(B) The number of units in the project by type and size;

(C) The average utility consumption data by unit type and size for comparable projects and utility rate information, as obtained from the utility supplier;

(D) The estimated monthly cost of the utilities to be paid by the tenants by unit type and size, based upon the consumption data and rate information described in subdivision (C);

(E) The monthly cost for the past year of paying for the utility or utilities involved on a project basis (actual cost) and by unit type and size (estimated breakdown);

(F) An estimate of the cost of conversion, as obtained from the utility supplier or from bids from contractors;

(G) The source and terms of financing for the conversion (to the extent known); and

(H) The estimated effect of the conversion on the total housing costs of the tenants by unit type and size, taking into account the estimated cost of conversion (including the cost of its financing), the estimated monthly cost of utilities to be paid by the tenants by unit type and size, the proposed utility allowances and the estimated change in the rents paid to the mortgagor resulting from the conversion;

(ii) A copy of the portion of the project's Energy Conservation Plan which addresses the cost-effectiveness determination associated with converting the project to tenant-paid utilities; and

(iii) A copy of the proposed lease, as revised, to indicate those utilities which are to be paid for by the tenant.

(3) In the case of a proposed reduction in tenant utility allowances, a statement indicating the information described in paragraphs (a)(2)(i) (A), (B), (C) and (D) of this section, the utility allowances proposed for reduction, and justification of the proposed reduction.

(b) If additional notice under § 245.420(c) is required, the mortgagor shall submit to HUD the changes to the materials required under this section when the notice required under § 245.420(c) is served on the tenants.

§ 245.420 Rights of tenants to participate.

(a) The tenants (including any legal or other representatives acting for tenants individually or as a group) shall have the right to inspect and copy the materials that the mortgagor is required to submit to HUD pursuant to § 245.415(a), for a period of 30 days from the date on which the notice required under § 245.410 is served on the tenants. During this period, the mortgagor shall provide a place (as specified in the notice) reasonably convenient to tenants in the project where tenants and their representatives can inspect and copy these materials during normal business hours.

(b) The tenants shall have the right during this period to submit written comments on the proposed conversion to the mortgagor and to the local HUD office. Tenant representatives may assist tenants in preparing these comments.

(c) If the mortgagor, whether at HUD's request or otherwise, makes any material change during a tenant comment period in the materials submitted to HUD pursuant to § 245.415, the mortgagor shall notify the tenants of the change, in the manner provided in § 245.415, and shall make the materials as changed available for inspection and copying at the address specified in the notice for this purpose. The tenants shall have a period of 15 days from the date of service of this additional notice (or the remainder of any applicable comment period, if longer) in which to inspect and copy the materials as changed and to submit comments on the proposed conversion or reduction, before the mortgagor may submit its request to HUD for approval of the conversion or reduction.

§ 245.425 Submission of request for approval to HUD.

Upon completion of the tenant comment period, the mortgagor shall review the coments submitted by tenants and their representatives and prepare a written evaluation of the comments. The mortgagor shall then submit the following materials to the local HUD office:

(a) The mortgagor's written request for HUD approval of a conversion from project-paid utilities to tenant-paid utilities or of a reduction in tenant utility allowances;

(b) Copies of all written tenant comments;

(c) The mortgagor's evaluation of the tenant comments on the proposed conversion or reduction;

(d) A certification by the mortgagor that it has complied with all of the requirements of §§ 245.410, 245.415 and 245.420 and this section; and

(e) Such additional materials as HUD may have specified in writing.

§ 245.430 Decision on request for approval.

(a) After consideration of the mortgagor's request for approval and the materials submitted in connection with the request, HUD shall notify the mortgagor in writing of its approval or disapproval of the proposed conversion or of its approval, adjustment upward or downward, or disapproval of the proposed reduction, providing its reasons for such determination.

(b) The mortgagor shall notify the tenants of HUD's decision in the manner provided in § 245.15. If HUD has approved the proposed conversion or a reduction (as originally proposed or as adjusted), the notice shall state:

(1) The amount of the rent to be paid to the mortgagor and the utility allowance for each unit; and

(2) The effective date of the conversion or reduction (which shall be at least 30 days from the date of service of the notice and in accordance with the terms of existing leases).

§ 245.435 Non-insured projects.

(a) In the case of a proposed conversion or reduction involving a project which is assisted under section 236 of the National Housing Act or section 101 of the Housing and Urban Development Act of 1965 but which does not have a mortgage insured by HUD or held by the Secretary, the provisions of this section and of §§ 245.405 through 245.425 shall apply to the mortgagor (project owner), except that—

(1) The notice to tenants required under § 245.410 shall be modified to reflect the procedural changes made by this section; and

(2) The materials (including tenant comments) required to be submitted to HUD under §§ 245.415 and 245.425 shall be submitted, as provided by those sections, to the State or local agency administering the section 236 assistance or rent supplement assistance contracts, rather than to HUD. An equivalent State or local agency form or standard accounting form may be substituted for the Statement of Profit and Loss, Form HUD–92410, required under § 245.415(b) if approved by the local HUD office; and

(3) The certification required to be made by the mortgagor under § 245.420(c) must be made also by the State or local agency.

(b) After the State or local agency has considered the request for approval of a conversion or reduction which meets the

requirements of § 245.425, it shall make a determination to approve or disapprove the conversion, or to approve, adjust upward or downward, or disapprove the reduction. If the agency determines to approve the conversion or reduction (as originally proposed or as adjusted), it shall submit to the appropriate local HUD office the mortgagor's request for approval of the conversion or reduction, along with the comments of the tenants and the mortgagor's evaluation of the comments, and shall certify to HUD that the mortgagor is in compliance with the requirements of this subpart. HUD shall review the agency's determination and certification and notify the agency of its approval or disapproval of the proposed conversion or of its approval, adjustment upward or downward, or disapproval of the proposed reduction. HUD will not unreasonably withhold approval of a conversion or reduction approved by the State or local agency.

(c) If the agency determines to disapprove the conversion or reduction, there shall be no HUD review of the agency's determination.

(d) The agency shall notify the mortgagor of the disposition of the request, and it shall furnish the mortgagor with a written statement of the reasons for its approval or disapproval. The mortgagor shall make the reasons for approval or disapproval known to the tenants, by service of notice on them as provided in § 245.15. If the agency has approved the proposed conversion or a reduction, the notice shall set forth the information prescribed in § 245.430(b) (1) and (2).

Subpart F—Procedures for Requesting Approval of a Conversion of Residential Units to Commercial Space, Cooperative Housing or Condominiums

§ 245.505 Applicability of subpart.

The requirements of this subpart shall apply to any request by a mortgagor covered by § 245.10 for HUD approval of the conversion of residential units in a multifamily housing project to commercial space or condominium units, or the tranfer of the project to a cooperative housing mortgagor corporation or association.

§ 245.510 Notice to tenants.

At least 30 days before submitting a request to HUD for approval of conversion of residential space in a project to commercial space, cooperative housing or condominiums, the mortgagor shall serve notice of the proposed conversion on the project tenants, as provided in § 245.15. The notice shall state the following:

(a) That the mortgagor intends to submit a request to HUD for approval of a Conversion of residential units in the project to commercial space, cooperative housing or condominiums (as described in the notice);

(b) The rights of tenants to participate as provided in § 245.520, including the address at which the materials requested to be made available for inspection and copying under that section are to be kept;

(c) That tenant comments on the proposed conversion may be sent to the mortgagor at a specified address or directly to the local HUD office, and that comments sent to the mortgagor will be transmitted to HUD, along with the mortgagor's evaluation of them, when the request for HUD approval of the conversion is submitted.

(d) That HUD will approve or disapprove the proposed conversion based upon its review of the information submitted and all tenant comments received; and

(e) That the mortgagor will notify the tenants of HUD's decision and that it will not put any approved conversion into effect (in accordance with the terms of existing leases) until a period of at least 30 days from the date of service of the notification has expired.

§ 245.515 Initial submission of materials to HUD.

(a) When the notice required under § 245.510 is served on the tenants, the mortgagor shall submit the following materials to the local HUD office:

(1) In the case of a proposed conversion of residential rental units to commercial space:

(i) A statement describing the proposed conversion;

(ii) A statement describing the estimated effect of the proposed conversion on the value of the project, the project rent schedule, the number of dwelling units in the project, the amount of subsidy available to the project, and the project income and expenses (including property taxes);

(iii) A statement assessing the compatibility of the proposed commercial facilities with the residential character of the project;

(iv) Written approval of the mortgagee;

(v) An undertaking by the mortgagor to pay all relocation costs which may be required by HUD for tenants required to vacate the project because of the conversion; and

(vi) A copy of the notice to tenants.

(2) In the case of a proposed transfer of the project to a cooperative housing mortgagor corporation or association (conversion of residential rental units to cooperative housing), the materials specified in paragraphs (a)(i), (iv) and (vi) of this section and the following additional materials:

(i) An estimate of the demand for cooperative housing, including an estimated of the number of present tenants interested in purchasing cooperative housing;

(ii) Estimates of downpayments and monthly carrying charges that will be required; and

(iii) Copies of proposed organizational documents, including By-Laws, Articles of Incorporation, Subscription Agreement, Occupancy Agreement, and Sale Document.

(3) In the case of a proposed conversion of residential rental units to condominium units, the materials specified in paragraphs (a)(i), (iv) and (vi) of this section and the following additional materials:

(i) An estimate of the demand for condominium housing, including an estimate of the number of present tenants interested in purchasing units; and

(ii) Estimates of downpayments, monthly mortgage payments and condominium association fees that will be required.

(b) If additional notice under § 245.520(c) is required, the mortgagor shall submit to HUD the changes to the materials required under this section when the notice required under § 245.520(c) is served on the tenants.

§ 245.520 Rights of tenants to participate.

(a) The tenants (including any legal or other representatives acting for tenants individually or as a group) shall have the right to inspect and copy the materials that the mortgagor is required to submit to HUD pursuant to § 245.515(a), for a period of 30 days from the date on which the notice required under § 245.510 is served on the tenants. During this period, the mortgagor shall provide a place (as specified in the notice) reasonably convenient to tenants in the project where tenants and their representatives can inspect and copy these materials during normal business hours.

(b) The tenants shall have the right during this period to submit written comments on the proposed conversion to the mortgagor and to the local HUD office. Tenant representatives may assist tenants in preparing these comments.

(c) If the mortgagor, whether at HUD's request or otherwise, makes any material change during a tenant

comment period in the materials submitted to HUD pursuant to § 245.515, the mortgagor shall notify the tenants of the change, in the manner provided in § 245.15, and shall make the materials as changed available for inspection and copying at the address specified in the notice for this purpose. The tenants shall have a period of 15 days from the date of service of this additional notice (or the remainder of any applicable comment period, if longer) in which to inspect and copy the materials as changed and to submit comments on the proposed conversion, before the mortgagor may submit its request to HUD for approval of the conversion.

§ 245.525 Subcommission of request for approval to HUD.

Upon completion of the tenant comment period, the mortgagor shall review the comments submitted by tenants and their representatives and prepare a written evaluation of the comments. The mortgagor shall then submit the following materials to the local HUD office:

(a) The mortgagor's written request for HUD approval of a conversion of residential space in the project to commercial space, cooperative housing or condominiums;

(b) Copies of all written tenant comments;

(c) The mortgagor's evaluation of the tenant comments on the proposed conversion;

(d) A certification by the mortgagor that it has complied with all of the requirements of §§ 245.510, 245.515 and 245.520 and this section; and

(e) Such additional materials as HUD may have specified in writing.

§ 245.530 Decision on request for approval.

(a) After consideration of the mortgagor's request for approval and the materials submitted in connection with the request, HUD shall notify the mortgagor and the mortgagee in writing of its approval or disapproval of the proposed conversion, providing its reasons for such determination.

(b) The mortgagor shall notify the tenants of HUD's decision in the manner provided in § 280.10. If HUD has approved the proposed conversion, the notice shall state:

(1) Which residential rental units are to be converted and whether the conversion is to commercial space or to cooperative or condominium units; and

(2) The effective date of the conversion (which shall be at least 30 days from the date of service of the notice and in accordance with the terms of existing leases).

Subpart G—Procedures for Requesting Approval of a Partial Release of Mortgage Security

§ 245.605 Applicability of subpart.

(a) The requirements of this subpart shall apply to any request by a mortgagor covered by § 245.10 for HUD approval of a partial release of mortgage security. Examples of transactions which involve a partial release of mortgage security are: (1) The sale of portions of project property which provide amenities, such as parking space and recreational areas, and (2) the sale of one building in a project having more than one building.

(b) The requirements of this subpart shall not apply to any release of property from a mortgage lien with respect to a utility easement or a public taking of such property by condemnation or eminent domain.

§ 245.610 Notice to tenants.

At least 30 days before submitting a request to HUD for approval of a partial release of mortgage security, the mortgagor shall serve notice of the proposed conversion on the project tenants, as provide in § 245.15. The notice shall state the following:

(a) That the mortgagor intends to submit a request to HUD for approval of a partial release of mortgage security (as described in the notice);

(b) The rights of tenants to participate as provided in § 245.620, including the address at which the materials required to be made available for inspection and copying under that section are to be kept;

(c) That tenant comments on the proposed partial release may be sent to the mortgagor at a specified address or directly to the local HUD office, and that comments sent to the mortgagor will be transmitted to HUD, along with the mortgagor's evaluation of them, when the request for HUD approval of the partial release is submitted.

(d) That HUD will approve or disapprove the proposed partial release based upon its review of the information submitted and all tenant comments received; and

(e) That the mortgagor will notify the tenants of HUD's decision and that it will not effect any approved partial release transaction (in accordance with the terms of existing leases) until a period of at least 30 days from the date of service of the notification has expired.

§ 245.615 Initial submission of materials to HUD.

(a) When the notice required under § 245.610 is served on the tenants, the mortgagor shall submit the following materials to the local HUD office:

(1) A statement describing the portion of the property which is proposed to be released and the transaction requiring the release;

(2) A statement describing the estimated effect of the proposed release on the value of the project, the number of dwelling units in the project, the project income and expense (including property taxes), the amount of subsidy available to the project, and the project rent schedule;

(3) A statement describing the proposed use of the property to be released and the persons who will have responsibility for the operation and maintenance of that property, and assessing the compatibility of that use with the residential character of the project;

(4) A statement describing the proposed use of any proceeds to be received by the mortgagor as a result of the release; and

(5) A copy of the notice to tenants.

(b) If additional notice under § 245.620(c) is required, the mortgagor shall submit to HUD the changes to the materials required under this section when the notice required under § 245.620(c) is served on the tenants.

§ 245.620 Rights of tenants to participate.

(a) The tenants (including any legal or other representatives acting for the tenants individually or as a group) shall have the right to inspect and copy the materials that the mortgagor is required to submit to HUD pursuant to § 245.615(a), for a period of 30 days from the date on which the notice required under § 245.610 is served on the tenants. During this period, the mortgagor shall provide a place (as specified in the notice) reasonably convenient to tenants in the project where tenants and their representatives can inspect and copy these materials during normal business hours.

(b) The tenants shall have the right during this period to submit written comments on the proposed partial release transaction to the mortgagor and to the local HUD office. Tenant representatives may assist tenants in preparing these comments.

(c) If the mortgagor, whether at HUD's request or otherwise, makes any material change during a tenants comment period in the materials submitted to HUD pursuant to § 245.615, the mortgagor shall notify the tenants of the change, in the manner provided in § 245.15, and shall make the materials as changed available for inspection and copying at the address specified in the

notice for this purpose. The tenants shall have a period of 15 days from the date of service of this additional notice (or the remainder of any applicable comment period, if longer) in which to inspect and copy the materials as changed and to submit comments on the proposed partial release transaction, before the mortgagor may submit its request to HUD for approval of the partial release.

§ 245.625 Submission of request for approval to HUD.

Upon completion of the tenant comment period, the mortgagor shall review the comments submitted by tenants and their representatives and prepare a written evaluation of the comments. The mortgagor shall then submit the following materials to the local HUD office:

(a) The mortgagor's written request for HUD approval of a partial release of mortgage security;

(b) Copies of all written tenant comments;

(c) The mortgagor's evaluation of the tenant comments on the proposed partial release;

(d) A certification by the mortgagor that it has complied with all of the requirements of §§ 245.610, 245.615 and 245.620 and this section; and

(e) Such additional materials as HUD may have specified in writing.

§ 245.630 Decision on request for approval.

(a) After consideration of the mortgagor's request for approval and the materials submitted in connection with the request, HUD shall notify the mortgagor and the mortgagee in writing of its approval or disapproval of the proposed partial release of mortgage security, providing its reasons for such determination.

(b) The mortgagor shall notify the tenants of HUD's decision in the manner provided in § 245.15. If HUD has approved the proposed partial release transaction, the notice shall state the date on which the mortgagor intends to effect the partial release transaction (which shall be at least 30 days from the date of service of the notice and in accordance with the terms of existing leases).

Subpart H—Procedures for Requesting Approval for Major Capital Additions

§ 245.705 Applicability of subpart.

(a) The requirements of this subpart shall apply to any request by a mortgagor covered by § 245.10 for HUD approval to make major capital additions to the project.

(b) For the purposes of this subpart, the term "major capital additions" includes only those capital improvements which represent a substantial addition to the project, such as a new recreational facility, swimming pool or parking garage. Upgrading or replacing existing capital components of the project (such as the roof or the heating or electrical system) would not constitute a major capital addition to the project.

§ 245.710 Notice to tenants.

At least 30 days before submitting a request to HUD for approval to make major capital additions to the project, the mortgagor shall serve notice of the proposed additions on the project tenants, as provided in § 245.15. The notice shall state the following:

(a) That the mortgagor intends to submit a request to HUD for approval to make major capital additions to the project;

(b) The rights of tenants to participate as provided in § 245.720, including the address at which the materials required to be made available for inspection and copying under that section are to be kept;

(c) That tenant comments on the proposed additions may be sent to the mortgagor at a specific address or directly to the local HUD office, and that comments sent to the mortgagor will be transmitted to HUD, along with the mortgagor's evaluation of them, when the request for HUD approval of the additions is submitted.

(d) That HUD will approve or disapprove the proposed additions based upon its review of the information submitted and all tenant comments received; and

(e) That the mortgagor will notify the tenants of HUD's decision and that it will not begin to make any approved additions to the project (in accordance with the terms of existing leases) until a period of at least 30 days from the date of service of the notification has expired.

§ 245.715 Initial submission of materials to HUD.

(a) When the notice required under § 245.710 is served on the tenants, the mortgagor shall submit the following materials to the local HUD office:

(1) The general plans and sketches of the proposed capital additions;

(2) A statement describing the estimated effect of the proposed capital additions on the value of the project, the project income and expenses (including property taxes), and the project rent schedule;

(3) A statement describing how the proposed capital additions will be financed and the effect, if any, of that financing on the tenants;

(4) A statement assessing the compatibility of the proposed capital additions with the residential character of the project; and

(5) A copy of the notice to tenants.

(b) If additional notice under § 245.720(c) is required, the mortgagor shall submit to HUD the changes to the materials required under this section when the notice required under § 245.720(c) is served on the tenants.

§ 245.720 Rights of tenants to participate.

(a) The tenants (including any legal or other representatives acting for the tenants individually or as a group) shall have the right to inspect and copy the materials that the mortgagor is required to submit to HUD pursuant to § 245.715(a), for a period of a least 30 days from the date on which the notice required under § 245.710 is served. During this period, the mortgagor shall provide a place (as specified in the notice) reasonably convenient to tenants in the project where tenants and their representatives can inspect and copy these materials during normal business hours.

(b) The tenants shall have the right during this period to submit written comments on the proposed additions to the mortgagor and to the local HUD office. Tenant representatives may assist tenants in preparing these comments.

(c) If the mortgagor, whether at HUD's request or otherwise, makes any material change during a tenant comment period in the materials submitted to HUD pursuant to § 245.715, the mortgagor shall notify the tenants of the change, in the manner provided in § 245.15, and shall make the materials as changed available for inspection and copying at the address specified in the notice for this purpose. The tenants shall have a period of 15 days from the date of service of this additional notice (or the remainder of any applicable comment period, if longer) in which to inspect and copy the materials as changed and to submit comments on the proposed additions, before the mortgagor may submit its request to HUD for approval to make the major capital additions.

§ 245.725 Submission of request for approval to HUD.

Upon completion of the tenant comment period, the mortgagor shall review the comment submitted by tenants and their representatives and

prepare written evaluation of the comments. The mortgagor shall then submit the following materials to the local HUD office:

(a) The mortgagor's written request for HUD approval to make major capital additions;

(b) Copies of all written tenant comments;

(c) The mortgagor's evaluation of the tenant comments on the proposed major capital additions;

(d) A certification by the mortgagor that it has complied with all of the requirements of §§ 245.710, 245.715 and 245.720 and this section; and

(e) Such additional materials as HUD may have requested in writing.

§ 245.730 Decision on request for approval.

(a) After consideration of the mortgagor's request for approval and the materials submitted in connection with the request, HUD shall notify the mortgagor and the mortgagee in writing of its approval or disapproval of the proposed major capital additions, providing its reasons for such determination.

(b) The mortgagor shall notify the tenants of HUD's decision in the manner provided in § 245.15. If HUD has approved the proposed additions, the notice shall state the date on which the mortgagor intends to begin making the additions to the project (which shall be at least 30 days from the date of service of the notice and in accordance with the terms of existing leases).

Authority: Sec. 202, Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1b); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: October 28, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-33664 Filed 12-19-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Internal Revenue Service

26 CFR Parts 1, 11, and 13

[LR-35-82]

80% Control Test for Brother-Sister Group

Correction

In FR Doc. 83-30790 beginning on page 52081 in the issue of Wednesday, November 16, 1983, make the following corrections:

1. On page 52084, in § 1.1563-1 (a)(3)(ii), Example (1), in the footnote to the table, "[1] 45 percent in P & O." should read "[1] 45 percent in P & Q."

2. On page 52084, third column, in § 1.1563-1 (c)(2)(iv), Example (1), there should be a row of asterisks to indicate that a portion of Example (1) was omitted and remained unchanged.

3. On the same column in § 1.1563-1 (d)(2)(i), in the fourth line from the bottom, "entitly" should read "entity".

4. On page 52085, in the second column, in § 1.1563-1 (d)(5)(i), in the first line, "all old member" should read "an old member".

5. On the same page, third column, in the amendment to § 11.414 (c)-2, Par. 4 item 1, second line, "II" should be open quotation marks.

6. On page 52086, third column, in the second line from the bottom, "appealing" should read "appearing".

7. On page 52087, in § 1.414 (c)-5 (e)(2), six lines from the botom of the page, "§ 1.5163-1 (d)(3)" should read "§ 1.1563-1 (d)(3)".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-111]

Occupational Exposure to Ethylene Dibromide; Notice of Public Hearing

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of public hearing.

SUMMARY: OSHA is scheduling an informal public hearing on its proposed revision of its ethylene dibromide standard. This hearing will allow interested persons to present information and evidence on the issues raised by the proposed revision.

DATES: Notices of intention to appear at the informal public hearing, and all testimony and evidence which will be introduced into the hearing record, must be received by January 25, 1984.

The hearing will begin at 9:30 a.m. on February 8, 1984 in Washington, D.C.

ADDRESSES: Notices of intention to appear at the hearing, including statements and documentary evidence, must be submitted in quadruplicate to Mr. Thomas Hall, Division of Consumer Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3662, Washington, D.C. 20210; (202) 523-7177.

The hearing will be held in Room N-3437 C & D, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The notices of intention to appear as well as all comments already submitted and other information gathered by the Agency during this rulemaking, will be available for inspection and copying in the Docket Office, Room S-6212, at the above address.

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3662, Washington, D.C. 20210; (202) 523-7177.

Proposal: Mr. James F. Foster, Office of Public Affairs, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3718, Washington, D.C. 20210; (202) 523-8151.

SUPPLEMENTARY INFORMATION: On October 7, 1983 the Occupational Safety and Health Administration (OSHA) proposed revising the present occupational health standard regulating employee exposure to ethylene dibromide (EDB), found at 29 CFR 1910.1000, Table Z-2 (48 FR 45956 *et seq.*). The proposed revision would reduce the permissible exposure limit from 20 parts EDB per million parts of air to 0.1 part per million as an 8 hour time weighted average and mandates a short term exposure limit (15 minutes) of no more than 0.5 parts EDB per million parts of air. Among other things, the proposal also restricts dermal exposure and sets requirements for exposure monitoring, methods of control, personal protective equipment, hygiene practices, medical surveillance and employee training and education.

In response to the proposal, two unions, the International Brotherhood of Teamsters, and the Food and Beverage Trades Department of the AFL-CIO, have requested that a public hearing be held to address the issues raised by the proposal. Accordingly, pursuant to section 6(b)(3) of the Act, OSHA has scheduled an informal public hearing to receive testimony on its proposed revision of the EDB standard. Persons interested in participating in the hearing should refer to the notice of proposed rulemaking on ethylene dibromide (48 FR 45956 *et seq.*) for the text of the proposal and a more thorough discussion of issues related to this proceeding.

Public Participation in Hearing

Notice of Intention to Appear: Persons desiring to participate at the hearing must file a notice of intention to appear by January 25, 1984. The notice of intention to appear must contain the following:

1. The name, address and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a detailed summary of the evidence.

Filing of Testimony and Evidence Before the Hearing: Any party requesting more than 10 minutes for presentation at the hearing or who will submit documentary evidence, must provide in quadruplicate, the complete text of its testimony, including all documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs by January 25, 1984.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact. Any party who has not substantially complied with the above requirements, may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time.

Notices of intention to appear, testimony and evidence, will be available for inspection and copying at the Docket Office, Docket H–111, U.S. Department of Labor, Occupational Safety and Health Administration, Room S6212, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–7894.

The hearing will commence at 9:30 a.m. on February 8, 1984, at the scheduled location with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The notice of proposed rulemaking will be reviewed in light of all testimony and written submissions received as part of the record, and the standard will be modified or a determination will be made not to modify the standard, based on the entire record of the proceeding.

Authority: This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911, Secretary of Labor's Order No. 9–83 (48 FR 35736))

Signed at Washington, D.C. this 16th day of December, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-33647 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 750, and 755

Surface Mining and Reclamation Operations Federal Program for Indian Lands and Tribal-Federal Intergovernmental Agreements

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

ACTION: Notice of an additional public hearing and extension of Public comment period.

SUMMARY: On October 24, 1983 (48 FR 49174), OSM published the proposed Surface Mining and Reclamation Operations Federal Program for Indian Lands and Tribal-Federal Intergovernmental Agreements for public comment that would regulate surface coal mining and reclamation operations on Indian lands. OSM finds it necessary to extend the public comment period and hold a public hearing for the convenience of commenters who have indicated that additional time was needed to adequately review and comment on the proposed Federal program for Indian Lands.

DATES:

Written Comments: The close of the comment period on the proposed Federal program for Indian Lands and Tribal-Federal Intergovernmental Agreements is extended to 5:00 p.m. EST, on January 31, 1984.

Public Hearing: The public hearing on the proposed Federal program for Indian Lands and Tribal-Federal Intergovernmental Agreements will be held on January 25, 1984, at 10:00 a.m. in Gallup, New Mexico—Federal Building, 2nd Floor Conference Rooms 2 and 3, 3rd and Hill Street.

ADDRESSES:

Written Comments: Hand-delivered to the Office of Surface Mining, Administrative Record (R & I–32), Room 5315, 1100 L Street, NW., Washington, D.C., or mail to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R & I–32) Room 5315 L, 1951 Constitution Avenue NW., Washington, D.C. 20240.

Public Hearing: Federal Building, 2nd Floor Conference Rooms 2 and 3, 3rd and Hill Street, Gallup, New Mexico 87301 beginning at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: H. B. Simpson, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202–343–5361.

Dated: December 13, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-33704 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 145

[WH-FRL 2490-8]

Connecticut Department of Environmental Protection; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of Connecticut requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Connecticut Department of Environmental Protection to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by January 13, 1984. The Public Hearing will be held on January 20, 1984, at 10:00 a.m. Written comments must be received by January 27, 1984. Should EPA not receive sufficient public comment of requests to present oral testimony by January 13, 1984, the Agency reserves the right to cancel the Public Hearing.

ADDRESSES: Comments and requests to testify should be mailed to Jerome J. Healey, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. Copies of the application and pertinent material are available between 9:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region I, Library, 21st Floor JFK Federal Building, Boston, Massachusetts 02203, PH: (617) 223–5791

Connecticut Department of Environmental Protection, Water Compliance Unit 122 Washington Street, Hartford, Connecticut 06115, PH: (203) 566–5903.

The hearing will be held in the Conference Room, Room 1, Connecticut Department of Environmental Protection, 122 Washington Street, Hartford, Connecticut.

FOR FURTHER INFORMATION CONTACT: Jerome J. Healey, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. PH: (617) 723–6486. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The Connecticut Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/l of total dissolved solids. At present, the State of Connecticut has no known Class I, II, III, or IV injection wells. The latest inventory identified 132 Class V wells. Class V wells will be studied to assess whether further regulatory measures are required. The State of Connecticut does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Undergound Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping, Intergovernmental relations, Penalties, Confidential business information, Water supply.

This application from the Connecticut Department of Environmental Protection is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Maine Department of Environmental Protection and Region I office of the Environmental Protection Agency.

(42 U.S.C. 300)

Dated: December 9, 1983.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 83-33487 Filed 12-19-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL 2491-3]

Maryland Department of Health and Mental Hygiene Underground Injection Control Primary Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) the Environmental Protection Agency (EPA) has received a complete application from the State of Maryland requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the Section 1422 application of the Maryland Department of Health and Mental Hygiene (MDHMH) to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by January 13, 1984. The Public Hearing will be held on January 23, 1984 at 2:00 p.m. and will continue until the end of the testimony. Written comments must be received by January 31, 1984.

EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to Jeffrey J. Burke, (3WM42), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region III, Water Supply Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, PH: (215) 597–9000

Maryland Department of Health and Mental Hygiene, Office of Environmental Programs, Waste Management Administration, 201 W. Preston Street, Baltimore, Maryland 19106, PH: (301) 383–5740.

The hearing will be held in Room L–1, 201 W. Preston Street, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Jeffrey J. Burke, (3WM42), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. PH: (215) 597–3424. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/1 of total dissolved solids. At present, the State of Maryland has no Class I, II, III, or IV injection wells and 965 inventoried Class V injection wells. Class V wells will be studied to assess whether further

regulatory measures are required. The State of Maryland does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

This application from the Maryland Department of Health and Mental Hygiene is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Maryland Department of Health and Mental Hygiene and the Region III office of the Environmental Protection Agency.

(42 U.S.C. 300)

Dated: December 9, 1983.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 83-33486 Filed 12-19-83; 8:45 am]

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Notices

Federal Register
Vol. 48, No. 245
Tuesday, December 20, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

December 16, 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.

Extension (Burden Change)

Food Safety and Inspection Service
Regulations Governing Voluntary Reimbursable Inspection Service
MP-86, 225
On Occasion
Individuals, State or Local Governments, Businesses: 31 responses; 7 hours; not applicable under 3504(h)
Roy Purdie, Jr. (202) 447-5372

Food Safety and Inspection Service
Regulations Governing Poultry Inspection
FSIS 6800-2,-3,-4,-5,-8, MP 528, 505, 526, 514-2, 112
On Occasion, Quarterly.
Individuals, State or Local Governments, Businesses: 339,134 responses; 36,576 hours; not applicable under 3504(h)
Roy Purdie, Jr. (202) 447-5372

Food Safety and Inspection Service
Regulations Governing Meat Inspection
MP-401, 403, 403-10, 441, 2, 404, 130A, 408, 409-1 410, FSIS 8822-1, 8822-4 8080-8, 6200-2, 6200-3
On Occasion, Quarterly
Individuals, State or Local Governments, Businesses: 1,980,937 responses; 161,046 hours; not applicable under 3504(h)r
Roy Purdie, Jr. (202) 447-5372

Agricultural Research Service
Plant Introduction Evaluation Report
S-138
On Occasion
State or Local Governments, Farms, Businesses or other For-Profit Federal Agencies or Employers, Non-Profit Institutions, Small Businesses or Organizations: 1,000 responses; 200 hours; not applicable under 3504(h)
Robert Knight, Jr., (305) 238-9321

Revised

Animal and Plant Health Inspection Service
Brucellosis Program (9 CFR 51, 9 CFR 78, Cooperative Agreement)
VS 1-47, 1-68, 4-1, 4-10, 4-4, 4-6, 6-35, 4-35, 4-33D, 4-35
On Occasion, Monthly, Annually, Triannually
State or Local Governments, Farms: 8,786 responses; 2,309 hours; not applicable under 3504(h)
Dr. Ray (202) 436-8713

Statistical Reporting Service
Livestock Surveys
Weekly, Monthly, Quarterly, Annually
Farms, Businesses: 336,294 responses; 65,439 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

Farmers Home Administration
7 CFR 1948-B, Energy Impacted Area Development Assistance Program
On Occasion
State or Local Government, Non-Profit Institutions: 640 responses; 320 hours; not applicable under 3504 (h)
Bonnie Justice (202) 382-1490

New

Foreign Agriculture Service
Regulations Governing Licenses for Importation of Sugar to be Re-Exported in Refined Forms
One Time Request
Businesses or other For-Profit: 8 responses; 4 hours; not applicable under 3504 (h)
Carol Brick-Turin (202) 447-6939

Susan B. Hess,
Acting Department Clearance Officer.

[FR Doc. 33652 Filed 12-19-83; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Docket 41637]

National Express Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated Washington, D.C., December 14, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-33709 Filed 12-19-83; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission

will convene at 7:30 p.m. and will end at 9:30 p.m., on February 1, 1984, at the Merrimack College, Administration Conference Room, RFD #4, Hackett Hill Road, Manchester, NH 03102. The purpose of the meeting is to review followup steps to the report on language minority students in Manchester and the study of civil rights enforcement under Federal Block Grant programs in the state.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Andrew T. Stewart, at (603) 523–4882 or the New England Regional Office at (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 12, 1983.

John I. Binkley,

Advisory Committee Management Office.

[FR Doc. 83-33666 Filed 12-19-83; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 8:30 p.m. on January 11, 1984, at the Reiche Community Center, Teachers Lounge, 166 Brackett Street, Portland, Maine 04101. The purpose of this meeting is to discuss civil rights issues that may attend the establishment of a naval ship refitting facility in Portland and the status of the Maine civil rights bill.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Lois G. Reckitt, at (207) 775–1451 or the New England Regional Office at (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-33648 Filed 12-19-83; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on January 19, 1984, at the U.S. Commission on Civil Rights, New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to discuss the status of current projects and consider program plans for 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, at (617) 548–5123 or the New England Regional Office at (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-33649 Filed 12-19-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

[Order No. 41-1 (Amt. 2); D.O.O. Reference 10-3, 40-1]

Organizations, Functions and Authority Delegations; International Trade Administration

Effective Date: October 21, 1983.

ITA Organization and function Order 41-1 of May 2, 1983, as amended (48 FR 26854 and 46831), is further amended to delegate the Under Secretary's authority under Pub. L. 97-254 to the Assistant Secretary for Trade Development, to abolish the International Expositions Staff (IES), to create the Office of World Fairs and International Expositions (OWFIE), to transfer the functions of IES to the newly established OWFIE, and to place the Office directly under the Assistant Secretary for Trade Development.

1. Part VII, Section 1.01, a new subparagraph q. is added to read:

"q. The Act of September 8, 1982 (Pub. L. 97-254, 96 Stat. 808) regarding U.S. participation in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana."

2. Part VII, Section 2, the introductory section is amended by adding the following additional paragraph:

"The Office of the Assistant Secretary includes the *Office of World Fairs and International Expositions* which is responsible for Federal recognition of and participation in international expositions to be held in the United States and for implementing Public Laws 97-254, 96-169, and 91-269."

3. Part VII, Section 2.02, delete the phrase regarding the International Expositions Staff.

Lionel H. Olmer,

Under Secretary for International Trade.

[FR Doc. 83-33694 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-412-010]

Choline Chloride From the United Kingdom; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether choline chloride from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before December 30, 1983, and we will make ours on or before April 23, 1984.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 15, 1983, we received a petition in proper form filed on behalf of Syntex Agribusiness, Incorporated (Syntex) and the domestic manufacturers in the United States of choline chloride.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19

U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value is supported by comparisons of f.o.b. port price for export of aqueous choline chloride to the United States with the adjusted home market delivered price of dry choline chloride. (Inland freight to port of export was assumed to be approximately equal to inland freight on home market deliveries.)

Initiation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition filed on behalf of Syntex and the domestic manufacturers of choline chloride, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether choline chloride from the United Kingdom is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, the ITC will make its preliminary determination by December 30, 1983, and we will make our preliminary determination by April 23, 1984.

Scope of Investigation

The merchandise covered by this investigation is choline chloride which is currently classifiable under item number 439.5055 of the *Tariff Schedules of the United States Annotated* (TSUSA) and currently dutiable at 3.7 percent *ad valorem*. Pure choline chloride is a chemical with a chemical formula of $C_5H_{14}CINO$ and a molecular weight of 139.6. The chemical name is (2-hydroxyethyl) trimethylammonium chloride. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 50 or 60 percent dried on a cereal carrier.

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 30, 1983 whether there is a reasonable indication that imports of choline chloride from the United Kingdom are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: December 5, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33641 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-017]

Pads for Woodwind Instrument Keys from Italy; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether pads for woodwind instrument keys from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before December 22, 1983, and we will make ours on or before April 15, 1984.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 7, 1983, we received a petition in proper form from Prestini Musical Instruments Corporation, the major manufacturer in the United States of pads for woodwind instrument keys.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value is supported by comparisons of United States prices based on price lists with the foreign market value based on home market list prices for comparable models of the largest Italian manufacturer exporting to the United States.

Critical circumstances have been alleged under section 733(e) of the Act. We will make a decision regarding this issue on or before our preliminary determination of April 15, 1984.

Initiation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition filed by the domestic manufacturer of pads for woodwind instrument keys, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether pads for woodwind instrument keys from Italy are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, the ITC will make its preliminary determination by December 22, 1983, and we will make our preliminary determination by April 15, 1984.

Scope of Investigation

The merchandise covered by this investigation is pads for woodwind instrument keys currently provided for under item number 726.70 of the *Tariff Schedules of the United States* (TSUS). These pads are affixed to the keys of various woodwind instruments, e.g., saxophones, clarinets, oboes, and flutes.

Notification to the ITC

Section 732(d) of the Acts requires us to notify the ITC of this action and to provide it with the information we used

to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 22, 1983 whether there is a reasonable indication that imports of pads for woodwind instrument keys from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

November 25, 1983.

[FR Doc. 83-33644 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-401-004]

Antidumping Duty Orders: Certain Carton Closing Staples and Staple Machines from Sweden

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping Duty Orders.

In separate investigations, the United States Department of Commerce and the United States International Trade Commission (ITC) have determined that certain carton closing staples and staple machines from Sweden are being sold at less than fair value and that certain carton closing staples and staple machines from Sweden are materially injuring a United States industry. Therefore, all entries, or warehouse withdrawals, for consumption, of certain carton closing staples and staple machine from Sweden made on or after June 2, 1983, the date on which the Department published its "Suspension of Liquidation" notice of the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption, on or after the date of publication of these antidumping duty orders in the **Federal Register.**

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Deborah A. Semb, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3534.

SUPPLEMENTARY INFORMATION:

Scope of Investigations

The merchandise covered by these orders is certain carton closing staples (staples) in strip form and certain non-automatic carton closing staple machines (staple machines). Carton closing staples are u-shaped wide crown fastening devices used to secure or close the flaps of corrugated paperboard cartons. They are commonly referred to as wide-crown staples and are available in either 50 or 60 piece sticks of 2,000 or 2,500 per box. Staples are made of steel, copper coated or galvanized. Carton closing wide crown staples differ from office, desk-type, and other industrial staples. They differ primarily in the width of the crown and wire dimensions. Carton closing wide crown staples have crown widths of 1¼ inches or more. The wire dimensions vary from 0.037–0.040 inch x 0.074–0.092 inch.

Non-automatic wide crown carton closing staple machines utilize the wide crown staples described above and can be divided into two categories: hand held top closing staple machines and free standing bottom closing staple machines. The subject staples and staple machines are currently classifiable under item 646.2000 and 662.2065, respectively, of the *Tariff Schedules of the United States Annotated (TSUSA).*

These orders do not cover fine-wire staples, which have a crown width of 1 inch or less and have wire dimensions of 0.030 inch x 0.045 inch and thinner. These orders also do not cover heavy gauge staples, which have a crown width of no more than 1⅛ inches, have wire dimensions from 0.035–0.063 inch x 0.047–0.075 inch and are not used for carton-closing. Any staple machines, gun tackers, hammer tackers, and pneumatic tackers which utilize fine wire or heavy gauge staples are also not covered by these orders. These orders also do not cover any automatic carton-closing machines.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673(b)), on June 2, 1983, the Department published its preliminary determinations that there was reason to believe or suspect that staples and staple machines were being sold at less than fair value (48 FR 24755). On October 25, 1983 the Department published its final determinations that these imports were being sold at less than fair value (48 FR 49323).

On December 5, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673(d)), the ITC notified the Department that such importations are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675,) the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 167e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of staples and staple machines from Sweden. These antidumping duties will be assessed on staples and staple machines entered, or withdrawn from warehouse, for consumption, on or after June 2, 1983, the date on which the Department published its "Suspension of Liquidation " notice in the **Federal Register.**

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins listed below:

	Weighted-average margins (percent)
Certain carton closing staples:	
Kihlberg	12.25
Grytgols	3.06
All other manufacturers producers/exporters	11.39
Certain carton closing staple machines:	
Kihlberg	122.79
All other manufacturers producers/exporters	122.79

These determinations constitute antidumping duty orders, with respect to staples and staple machines from Sweden, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct administrative reviews within 12 months of publication of these orders, as provided for in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import

Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

December 12, 1983.

[FR Doc. 83-33643 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-DS-M

[C-475-015]

Pads for Woodwind Instrument Keys from Italy; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of pads for woodwind instrument keys, as described in the "Scope of Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 22, 1983, and we will make our preliminary determination on or before January 31, 1984.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 7, 1983, we received a petition from the Prestini Musical Instrument Corporation, the largest domestic producer of pads for woodwind instrument keys. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Italy of pads for woodwind instrument keys receive, directly or indirectly, subsidies within the meaning of section 771 of the Tariff Act of 1930, as amended (the Act), and that imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on or before our preliminary determination of January 31, 1984.

Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act. Title VII of the Act, therefore, applies to this investigation and an injury determination is required.

Initiation

Under section 702(c) of the Act, we must determine, within 20 days after the petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on pads for woodwind instrument keys, and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Italy of pads for woodwind instrument keys as described in the "Scope of Investigation" section of this notice, receive subsidies. If the investigation proceeds normally, the ITC will make its preliminary determination by December 22, 1983, and we will make our preliminary determination by January 31, 1984.

Scope of Investigation

The product covered by this investigation is pads for woodwind instrument keys currently provided for under item number 728.70 of the *Tariff Schedules of the United States* (TSUS). These pads are affixed to keys of various woodwind instruments, e.g., saxophones, clarinets, oboes and flutes.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Italy receive the following benefits which constitute subsidies: 10 year export financing at preferential rates under Law 17 from Regione Trentino Alto Adige; and long-term financing at preferential rates from the state financial institution Mediocredito. In addition we will include in this investigation the Italian government programs which, in prior cases, we have found might confer countervailable benefits, i.e., tax incentives under Law 614 to certain enterprises in areas of northern and central Italy; preferential financing under Law 902 to small- and medium-sized businesses in northern and central Italy; and preferential export credit financing under Law 227 to overseas buyers.

Notification to the ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 22, 1983, whether there is a reasonable indication that imports of pads for woodwind instrument keys from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

November 25, 1983.

[FR Doc. 83-33645 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-008]

Choline Chloride From Canada; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether choline chloride from Canada is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC

will make its preliminary determination on or before December 30, 1983, and we will make ours on or before April 23, 1984.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 15, 1983, we received a petition in proper form filed on behalf of Syntex Agribusiness, Incorporated (Syntex) and the domestic manufacturers in the United States of choline chloride.

In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value is supported by comparisons of United States delivered duty paid prices of both aqueous and dry choline chloride with the home market delivered prices. (Inland freight costs in both markets were assumed to be equal.)

Initiation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition filed on behalf of Syntex and the domestic manufacturers of choline chloride, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether choline chloride is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, the ITC will make its preliminary determination by December 30, 1983, and we will make our preliminary determination by April 23, 1984.

Scope of Investigation

The merchandise covered by this investigation is choline chloride which is currently classifiable under item number 439.5055 of the *Tariff Schedules of the United States Annotated* (TSUSA) and currently dutiable at 3.7 percent *ad valorem*. Pure choline chloride is a chemical with a chemical formula of $C_5H_{14}ClNO$ and a molecular weight of 139.6. The chemical name is (2-hydroxyethyl) trimethylammonium chloride. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 60 percent dried on a cereal carrier.

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 30, 1983 whether there is a reasonable indication that imports of choline chloride are materially, injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: December 5, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33642 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Decision to Remove the Proposed Monterey Bay National Marine Sanctuary from the List of Active Candidates

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: A decision has been made to remove the proposed Monterey Bay National Marine Sanctuary from the List of Active Candidates. The area was originally nominated in 1977 by the State of California.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, 202/634–4236.

ADDRESS: Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as national marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or esthetic values. Regulations for the National Marine Sanctuary Program (at 15 CFR 922.30, 48 FR 24296, 24302 (1983)), establish a List of Active Candidates for further evaluation as a national marine sanctuary. The Monterey site has been an active candidate since 1978. The sanctuary regulations (at 15 CFR 922.30(d), 48 FR 24296, 24303 (1983)) specify that if a site is to removed from further consideration as an active candidate, a short statement containing the reason for the determination shall be published in the **Federal Register.**

The State of California originally nominated the Monterey area in 1977, along with nine other marine areas offshore California. In response to these nominations, the National Oceanic and Atmospheric Administration (NOAA) held public workshops in California to ask for comment on the proposed marine sanctuaries. Further analysis by NOAA led to the selection of three sites for further consideration—Channel Islands, Point Reyes-Farallon Islands, and the Monterey area. In December 1978, NOAA released an Issue Paper on these three sites, presenting several boundary and regulatory options for each proposal. The California Coastal Commission held public hearings on the Issue Paper and, based on the responses, recommended that NOAA further consider each site.

This process led to the designation of the Channel Islands National Marine Sanctuary on September 21, 1980, and the Point Reyes-Farallon Islands National Marine Sanctuary on January 16, 1981. In 1980 NOAA determined that work on the proposed Monterey sanctuary would be delayed due to the complex analyses and corresponding staff time required for the other two

California sites. NOAA has now reassessed the rationale for a proposed Monterey sanctuary and for the reasons specified below, the site is being removed from the list of active candidates and will not be further evalauted as a national marine sanctuary.

While NOAA acknowledges that the Monterey site does have outstanding marine resources, it is being removed from further consideration for three important reasons: The existence of two other national marine sanctuaries in California (Channel Islands and Point Reyes-Farallon Islands) which protect similar marine resources and the Program's policy established in 1980 to consider a diverse array of sites and resources; the proposed area's relatively large size and the surveillance and enforcement burdens this would impose on NOAA; and the wealth of existing marine conservation programs already in place in the sanctuary area. It is more appropriate to focus our management resources on the two existing national marine sanctuaries in California and to evaluate for designation different types of sites found on the current Site Evaluation List (See 48 FR 35568 (1983)).

Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration.

Dated: December 14, 1983.

Peter L. Tweedt,

Director, Office of Ocean Coastal Resource Management.

[FR Doc. 83-33634 Filed 12-19-83; 8:45 am]

BILLING CODE 3510-08-M

THE COMMISSION OF FINE ARTS

The Commission of Fine Arts; Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, January 31, 1984 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C. December 14, 1983.

Charles H. Atherton

Secretary.

[FR Doc. 83-33696 Filed 12-19-83; 8:45 am]

BILLING CODE 6330-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information consisting of an evaluation study on electrical home safety.

The purpose of the study is to assess the effectiveness of the Commission's Electrical Safety Information Campaign. It will include a sample of the households who participated in this campaign. A questionnaire will measure increases in consumer awareness and changes in behavior regarding electrical hazards in the home; the study will be completed by September 30, 1984.

Additional information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th St. N.W., Washington, D.C. 20207.

Title of information collection: "Evaluation of the Electrical Home Safety Audit Program."

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Members of households which participated in the Electrical Home Safety Audit Program.

Estimated number of respondents: 800.

Estimated average number of hours per response: 1/12—1/6 (5–10 minutes).

Comments: Comments on this proposed collection of information should be addressed to Andy Velez-Rivera, Desk Officer, Office of Management and Budget, Washington, D.C. 20530; telephone (202) 395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation; Consumer Product Safety Commission; Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: December 13, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33701 Filed 12-19-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 8, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Effects of High Altitude Electromagnetic Pulse on Military Command, Control, and Communications will meet at the Pentagon, Washington, DC on January 12, 1984.

The purpose of the meeting will be to study the effects of a nuclear attack on the C³I capabilities of the U.S. The meeting will convene at 8:00 a.m. to 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-33682 Filed 12-19-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: Tuesday and Wednesday, January 10 & 11, 1984

Times 0830-1700 hours (Closed)

Place: HQS, U.S. Army Materiel Development and Readiness Command, Alexandria, Virginia

Agenda: The Army Science Board Ad Hoc Subgroup on Light Equipment will meet for classified briefings and discussions. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagrah (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to

be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 696–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-33660 Filed 12-19-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: Wednesday and Thursday, January 18 & 19, 1984

Times: 0830–1700 hours (Closed)

Place: Los Angeles Air Force Station, Los Angeles, California

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and future space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-33661 Filed 12-19-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: Wednesday, Thrusday, and Friday, 25–27 January 1984

Place:

25 January—The Pentagon, Washington, D.C.

26 January—U.S. Army Training & Doctrine Command, Ft. Monroe, VA

27 January—Armed Forces Staff College, Norfolk, VA

Agenda: The ASB Ad Hoc Subgroup on Army Leadership will meet for briefings and discussions as follows: 1) 25 January—briefings by the Office of the Deputy Chief of Staff for Personnel (Army) on personnel management and officer selection; 2) 26 January-briefings on ROTC training programs and leadership development; and, 3) 27 January-briefings from staff and faculty on leadership development. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information please contact Sally Warner, the ASB Administrative Officer, at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-33662 Filed 12-19-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Desegregation of Public Education Program; Application Notice for New Projects for Fiscal Year 1984

AGENCY: Department of Education.

ACTION: Application notice for new projects for fiscal year 1984.

Applications are invited for new projects under the State educational agency (SEA) and desegregation assistance center (DAC) programs for race, sex, and national origin desegregation assistance under Section 403 of the Civil Rights Act of 1964.

Authority for these programs is contained in Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c–2000c–5).

The programs issue awards to SEAs and DACs.

The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on race, sex, and national origin.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand delivered by February 21, 1984.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Washington, D.C. 20202. Applications for the SEA program should be marked Attention: 84.004C. Application for the DAC program should be marked Attention: 84.004D.

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 proof of mailing acceptable to the 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 its 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

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

(1) *SEA program:* The regulations provide specific criteria for awards in 34 CFR 270.17–19 (formerly 45 CFR 180.17–19). Applications will be evaluated under these criteria. The Secretary approves only those applications that received a score of at least 60 points on the criteria. The applicant should also refer to 34 CFR 270.11–15 (formerly 45 CFR 180.11–15) in the development of the grant application.

An SEA should submit separate applications for race, sex, or national origin desegregation assistance awards. SEAs that presently have awards are reminded that they must submit new applications for Fiscal Year 1984.

(2) *DAC program:* The regulations provide specific criteria for awards in 34 CFR 270.35–37 (formerly 45 CFR 180.35–37). Applications will be evaluated under these criteria. The applicant should also refer to 34 CFR 270.31–33 (formerly 45 CFR 180.31–33) in the development of the grant application. The Secretary selects the application with the highest score on the selection criteria among the applications competing to serve each geographic service area designated by the Secretary. A notice of proposed designation of geographic service areas

for the DAC program is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed designation of geographic service areas. If there are any changes made in these proposed service areas when published in final form, applicants will be given the opportunity to amend or resubmit their applications.

Applicants should submit separate applications for race, sex, and national origin desegregation assistance center awards. Applicants wishing to apply in more than one category are invited to do so. Applicants for DAC awards are reminded that there is new competition for all service areas in Fiscal Year 1984.

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 who 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	
Arkansas	New Jersey
California	New Mexico
Connecticut	New York
Delaware	Oklahoma
District of Columbia	Oregon
Florida	South Carolina
Indiana	South Dakota
Kentucky	Tennessee
Louisiana	Trust Territory
Michigan	Utah
Missouri	Vermont
Montana	Virginia
Nebraska	Washington
Nevada	Wisconsin
New Hampshire	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.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 23, 1984 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.004) 400 Maryland Avenue, SW., 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 APPLICATIONS TO THE ABOVE ADDRESS.*

Available Fund

The appropriation for this program for fiscal year 1984 is $24,000,000. Approximately $14,000,000 will be made available for approximately 110 SEA grants. The average SEA award is projected to be $127,000. Approximately $10,000,000 will be made available for DAC awards. The average DAC award is projected to be $250,000.

These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant. Applicants should be aware that the availability of funds for this competition is being contested in litigation in the United States District Court for the Northern District of Illinois, Eastern Division (United States v. Board of Education of the City of Chicago, Docket No. 80C 5124). Any obligation of these funds currently is enjoined by the court.

Application Forms

Application forms and program information packages are expected to be ready for mailing by December 30, 1983. They may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education (Room 2011, FOB #6), 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 program information packages.

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 specifically imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Number 1810–0030, expiration date December 1984.)

Applicable Regulations

"Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education program 34 CFR Part 270 (formerly 45 CFR Part 180), and

(b) Education Department General Administrative Regulations 34 CFR Parts 74, 75, 77, 78, and 79.

For Further Information

"For further information contact Curtis F. Coates, Section Chief, Equity Training and Technical Assistance Program Staff, U.S. Department of Education (Room 2011, FOB #6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–7965.

(42 U.S.C. 2000c–2000c–5)

(Catalog of Federal Domestic Assistance Number 84.004 Civil Rights Technical Assistance Programs)

Dated: December 12, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-33714 Filed 12-19-83; 8:45 am]

BILLING CODE 4000-01-M

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Awards under the Comprehensive Program for Fiscal Year 1984.

Applications are invited for noncompeting continuation awards under the Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

The Secretary issues awards to institutions of postsecondary education and other public and private educational institutions and agencies for the purpose of improving postsecondary education.

Authority for this program is contained in Title X of the Higher Education Act, as amended.

(20 U.S.C. 1135)

Closing Date for Transmittal of Applications

To be assured of consideration for funding, an application for a non-competing continuation award should be mailed (postmarked) or hand-delivered by February 24, 1984.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail

A application delivered by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.116C, Washington, D.C. 20202.

To establish proof of mailing, an applicant must show 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 proof of mailing acceptable to the Secretary. If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. 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 its local post office.

Applicants are encouraged to use registered or at least first class mail.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Attention: 84.116C, 7th and D Streets, S.W., Regional Office Building 3, Room 5673, 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.

Program Information

Program information will be mailed to eligible applicants. Institutions currently receiving funds and who satisfy the requirments of 34 CFR 75.118 concerning the continuation of multi-year projects are eligible for continuation awards.

Available Funds

The appropriation enacted by the Congress and signed by the President authorizes the funding level of $11,700,000 for this program for fiscal year 1984. Approximately $6,000,000 will be available for continuation awards under the Comprehensive program. These funds could support approximately 107 continuation awards. The estimated size of the continuation awards is between $5,000 and $200,000 for a 12-month period. In past years, awards have averaged $70,000 for a 12 month period.

Application Forms

Application forms included in program information packages will be sent directly to all potential applicants that are eligible for a continuation award.

The program information packaged is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the the statute and regulations governing the competition. Application is approved OMB #1840-0514/Exp.—9/30/85

Applicable Regulations

The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

(2) The regulations in 34 CFR Part 630.

Further Information

For further information contact the Fund for the Improvement of Postsecondary Education, regarding the Comprehensive Program Continuation Grants (84.116C); Telephone: (202) 245-8091.

Dated: December 15, 1983.

(Catalog of Federal Domestic Assistance No. 84.116C, Fund for the Improvement of Postsecondary Education)

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-33710 Filed 12-19-83; 8:45 am]

BILLING CODE 4000-01-M

Proposed Designated Service Areas for the Desegregation Assistance Center Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Designated Service Areas for the Desegregation Assistance Center Program.

SUMMARY: The Secretary proposes to designate service areas for the Desegregation Assistance Center (DAC) program for race, sex, and national origin desegregation assistance. The designation of service areas defines the geographical area for which each DAC is responsible for providing technical assistance and training and it insures that DAC projects are responsive to the desegregation related needs of local education agencies of that particular region.

DATE: Comments must be received on or before January, 19, 1984.

ADDRESS: Comments should be addressed to Curtis F. Coates, Section Chief, Equity Training and Technical Assistance Program Staff, U.S. Department of Education, (Room 2011, FOB-6), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Curtis F. Coates, Telephone: (202) 245-7965.

SUPPLEMENTARY INFORMATION: The Desegregation Assistance Center (DAC) Program awards grants to public and private nonprofit organizations (except State education agencies and school boards). The purpose of the grants is to provide technical assistance and training to help local education agencies solve problems resulting from race, sex, and national origin desegregation.

Authority for this program is contained in Title IV of the Civil Rights Act of 1964, as amended, Pub. L. 88-352. (20 U.S.C. 2000C-2000C-5)

The DAC Program uses service areas to define the geographical area in which each DAC is responsible for providing technical assistance and training to local educational agencies. This approach helps to insure that DAC projects are responsive to the desegregation related needs of the LEAs of that particular geographical area. The Secretary selects applications with the highest score on the selection criteria among the applicants competing to serve the following proposed geographical service areas.

(a) *Service areas for race desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

(ii) New York, New Jersey, Puerto Rico, Virgin Islands.

(iii) Pennsylvania, Delaware.

(iv) Maryland, Virginia, West Virginia, District of Columbia.

(v) Kentucky, Tennessee, North Carolina, South Carolina.

(vi) Mississippi, Alabama, Georgia, Florida.

(vii) Minnesota, Wisconsin, Michigan.

(viii) Illinois, Indiana.

(ix) Ohio.

(x) Iowa, Nebraska, Kansas, Missouri.

(xi) Arkansas, Louisiana, Oklahoma.

(xii) New Mexico, Texas.

(xiii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.

(xiv) California, Arizona, Nevada.

(xv) Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands.

(xvi) Oregon, Washington, Idaho.

(xvii) Alaska.

(b) *Service areas for sex desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

(ii) New York, New Jersey, Puerto Rico, Virgin Island.

(iii) Pennsylvania, Delaware, Maryland, Virgina, West Virginia, District of Columbia.

(iv) North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee.

(v) Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota.

(vi) Texas, Louisiana, Oklahoma, Arkansas, New Mexico.

(vii) Iowa, Nebraska, Kansas, Missouri.

(viii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.

(c) *Service areas for national origin desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Puerto Rico, Virgin Islands.

(ii) Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Florida.

(iii) Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Iowa, Nebraska.

(iv) Texas, Louisiana, Arkansas.

(v) Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Oklahoma.

(vi) New Mexico, Arizona, Nevada.

(vii) Southern California (that part of California south of the northern boundries of San Luis Obispo, Kern, and San Bernardino Counties).

(viii) Northern California (that part of California not included in Area (vii)).

(ix) Washington, Oregon, Idaho.

(x) Hawaii, Guam, Trust Territory of the Pacific Islands, American Samoa, Commonwealth of the Northern Mariana Islands.

(xi) Alaska.

Intergovernmental Review

This program is subject to the requirements of the Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order 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.

In accordance with the regulations, the Secretary provides early notification of specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed designations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this notice will be considered before the Secretary issues a final designation. All comments submitted in response to this notice will be available for public inspection during and after the comment period, in Room 2011, FOB-6, 400 Maryland Avenue, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(Catalog of Federal Domestic Assistance No. 84.004D Civil Rights Technical Assistance—DAC Program)

Dated: December 12, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-33711 Filed 12-19-83; 8:45 am]

BILLING CODE 4000-01-M

The Secretary's Discretionary Program—Planning Grants To Develop Teacher Incentive Structures

AGENCY: Department of Education.

ACTION: Notice of final annual funding priorities, required activities, and geographical distribution for Fiscal Year 1984.

SUMMARY: The Secretary announces an annual funding priority for planning grants to be funded under the Secretary's Discretionary Program. To ensure that an unmet need within the scope of the Discretionary Program is addressed, the Secretary is reserving funds for the development of teacher incentive structures designed to improve the quality of elementary and secondary education. The Secretary further will give a competitive preference for the development of master teacher structures. The Secretary also requires certain activities as a condition of funding under the above priority and is making geographical distribution a factor to be considered in the selection of applications to be funded.

The Secretary will announce any other annual funding priorities for the Secretary's Discretionary Program in separate notices.

EFFECTIVE DATE: The priorities and other rules established in this notice will take effect 45 days after publication in the Federal Register or later if Congress takes certain adjournments.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Enderlein, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202, Telephone: (202) 245-7914.

SUPPLEMENTARY INFORMATION:

Program Information

The Education Consolidation and Improvement Act of 1981 (ECIA) (20

U.S.C. 3801) was enacted as Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to State and local educational agencies to meet the special needs of educationally deprived children, and Chapter 2 consolidates 28 elementary and secondary level education grant programs funded in Fiscal Year 1981 into a single authorization of grants to States for the same purposes set forth in the programs consolidated.

Section 583(a) of Chapter 2 authorizes the Secretary to carry out directly, or through grants or contracts, programs and projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the speical educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals; (2) carry out research and demonstrations related to the purposes of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA: or (4) are designed to assist State and local educational agencies in the implementation of programs under the ECIA.

The Secretary has determined that certain unmet national needs exist within the scope of the Discretionary Program. More specifically, the National Commission on Excellence in Education has identified improving the quality of elementary and secondary level teaching through incentives as an urgent national educational need. The Report of the Commission recommended that salaries for the teaching profession be professionally competive, market-sensitive, and performance based. The Report further recommended that school officials and teachers cooperate to develop career ladders for teachers which distinguish among the beginning instructor, the experienced teacher, and the master teacher.

Summary of Comments and Responses

A "Notice of Proposed Annual Funding Priorities, Required Activities, and Geographical Distribution for Fiscal Year 1984" was published in the **Federal Register** on November 4, 1983 (48 FR 50920) describing the proposed annual funding priorities, required activities, and geographical distribution for the Secretary's Discretionary Program, for planning grants to develop teacher incentive structutes.

One letter was received in response to the notice. These comments and the Secretary's response are summarized below:

Comment: One commenter suggested that allowable costs for this activity include funding for excess costs attributable to implementation of a master teacher plan in the year of development. This commenter also suggested that the responsibilities of beginning teachers be clearly differentiated and that no more than three categories should exist in any career ladder.

Response: No change has been made. The allowable costs for this activity are limited to the cost of planning because the Secretary has determined that this is the most effective use of the limited funds available.

In response to the second comment, it is the intent of the Secretary to have a local district develop its plan independent of the Federal Government and that each local district be able to structure its plan in a manner suitable to its particular circumstance.

Funding Priorities and Required Activities

Absolute Funding Priority

To address the need to improve the quality of elementary and secondary teaching and to stimulate interest in this area, the Secretary reserves funds under the Discretionary Program for the development of teacher incentive structures designed to improve the quality of elementary and secondary education. To qualify for funding under this notice, an application must address this priority. (See 34 CFR 75.105(c)(3)).

The Secretary will fund planning grants. These planning grants are intended to assist in the development of plans for teacher incentive structures to improve the quality of elementary and secondary level teaching by influencing teacher recruitment and teacher personnel systems, and by making the teaching profession more attractive to a wider range of talented individuals.

Activities

The Secretary requires certain activities as a condition of funding under this priority. The teacher incentive structure to be planned must combine well-specified teacher performance standards and a teacher evaluation system, which may include peer judgment arrangements, with one or more of the following elements:

—Pay differentials based on a merit pay system, that is, one in which limited numbers of teaches could qualify for the highest payment.
—A career ladder structure that clearly specifies successive levels or teaching positions, for example, a master teacher structure as described below in detail.
—Nonsalary forms of recognition for superior teaching or contribution to the improvement of the overall instructional program.

The Secretary requires the incentive structure to be developed by or in conjunction with a local school district and to be suitable for implementation by States or by local school districts. The incentive structure being planned must also include staff development and in-service training designed to further the purposes of the incentive structure and must provide for collecting and reporting results and making information available to other school districts.

Planning of the incentive structures must be conducted with the participation of appropriate interested local groups. The Secretary encourages activities aimed at achieving wide support for the final plan from high-level school officials and commitment from the various interested local groups, including support from the private sector. In other words, the grants are intended to assist in the development of incentive structure plans to be implemented in a particular local school district or districts.

The Secretary requires that the plan developed be submitted to the U.S. Department of Education for dissemination upon request. Funding for projects under these grants will be limited to the cost of developing a workable plan.

Competitive Funding Priority

The Secretary will give a competitive preference to an application proposing a master teacher structure. (See 34 CFR 75.105(c)(2)(i)). A master teacher structure is analogous to the system of academic rank in higher education. Under a master teacher structure, an outstanding teacher is able to progress along a career ladder that has clearly specified levels or teaching positions, ending in a master teacher position. Each successive level or position is distinguished by increasing teacher responsibilities and opportunities while the teacher maintains superior classroom performance. Analogous to system used in higher education, progress from one level to the next is based on an evaluation system that includes peer review, teacher participation, and objective criteria.

The Secretary encourages collaboration with institutions of higher education in the planning and development of master teacher structures. An appropriate university for

such collaboration would be one, for example, that pays its faculty on a merit basis and that uses peer review, faculty participation, and objective criteria in evaluating faculty members. The purpose of the collaboration is to enable the applicant/planner to learn from the university's experience in this area as well as to promote interest, on the part of the university, in the need for teacher incentive structures at the elementary and secondary level.

The Secretary may award up to 10 points, in addition to those awarded under the applicable selection criteria, which are set forth in the application notice published November 4, 1983, in the Federal Register (48 FR 50918), for those applications that propose a promising master teacher structure as described above.

Geographical Distribution

The Secretary will make geographical distribution a factor to be considered in the final selection of applications for funding under the priorities established in this notice. After evaluating the applications according to criteria contained in the application notice, the Secretary will determine whether or not the most highly rated applications are broadly and equitably distributed throughout the Nation. The Secretary may select other applications for funding if doing so would improve the geographical distribution of projects funded under the priorities established in this notice.

(20 U.S.C. 3851)
(Catalog of Federal Domestic Assistance 84.122, Secretary's Discretionary Program)

Dated: December 15, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-33713 Filed 12-19-83; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-83-20; OFC Case No. 63023-9237-01-23]

Gulf Refining and Marketing Co.; Exemption From Prohibitions

AGENCY: Economic Regulatory Adminstration. DOE.

ACTION: Order granting to Gulf Refining and Marketing Company an Exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent fuels mixture exemption to a major fuel buring installation (MFBI), owned and operated by the Gulf Refining and Marketing Company (Gulf), from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). The exemption granted permits the use of natural gas or petroleum as the primary energy source of a waste heat boiler at Gulf's Port Arthur, Texas refinery.

The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATE: The order and its provisions shall take effect on February 17, 1984.

ADDRESS: The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4.00 p.m.

FOR FURTHER INFORMATION CONTACT:

Roland DeVries, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Bldg., Room GA-093, 1000 Independence Avenue S.W., Washington, D.C. 20585, Phone (202) 252-6002

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Bldg., Room 6B-235, 1000 Independence Avenue S.W., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: On August 3, 1983, Gulf filed a petition with ERA for an order exempting a new MFBI from the prohibitions of Title II of FUA.[1] The proposed MFBI would use certain fuel mixtures containing natural gas or petroleum as the primary energy source.

The Port Arthur, Texas refinery uses two fluid catalytic cracking units to produce gasoline blending components. In continuously regenerating the catalyst by burning carbon and other impurities at high temperatures using combustion air, exhaust gases of up to 1,200° F and containing significant quantities of carbon monoxide, are produced. These gases are recovered and used for steam production in waste heat boilers. On December 9, 1981, Gulf's Boiler CO-8 at Fluid Catalytic Cracking Unit 1242 was virtually destroyed by internal explosion. The new boiler, CO-8A, for which the exemption is requested, is being constructed to replace the original unit.

Boiler CO-8A will use, as its primary energy source, fluid catalytic cracking regeneration gas in a mixture with either natural gas, refinery fuel gas, or a liquid fuel oil. These fuels, which will represent between 4.9 and 19.7 and 3.7 and 14.8 percent of the primary energy source and the total fuel used, respectively, will be burned in the mixture in order to maintain the temperature of the carbon monoxide in the recovered off gas at a point high enough to sustain combustion. Boiler CO-8A will produce 450,000 lb./Hr. of 730 PSIG steam at 675° F for use in the refinery.

Section 212(d) of FUA and 10 CFR 503.38 provide for a permanent exemption from the prohibitions of Title II of the Act for units in which certain fuel mixtures containing natural gas or petroleum will be used as the primary energy source. Section 503.38(b) further provides that, for an MFBI, if the requested exemption is granted, the percentage of natural or petroleum to be used in the exempted mixture shall not be less than 25 percent of the total annual Btu heat input of the primary energy sources used by the installation. Section 503.38(d), accordingly, provides a certification alternative for petitioning for an exemption to permit such use in a new MFBI of a mixture that will contain less than 25 percent of a non-alternate fuel.

Basis for Exemption Order

The permanent exemption granted by ERA to the MFBI is based upon Gulf's certification, pursuant to section 212(d) of FUA and 10 CFR 503.38(d), that:

(1) The amount of pertroleum or natural gas fuels[1] in the mixture proposed to be used as Boiler CO-8A's primary energy source will not exceed twenty-five (25) percent of the total annual Btu heat input of the installation, and

(2) All applicable environmental permits and approvals required prior to the commencement of operation of Boiler CO-8A have been secured.[2]

[1] Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in new powerplants and certain new major fuel burning installations. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the *Federal Register* at 46 FR 59872 (Dec. 7, 1981).

[1] As defined in 10 CFR Part 500.

[2] The Texas Clean Air Act, Section 3.28(a), requires that the permit to operate the unit be applied for within sixty (60) days *after the facility has begun operation.* (Letter dated May 6, 1982, from the Texas Air Control Board to Gulf Oil Company-U.S.) in the Federal Register on September 14, 1983 (48 FR 41217), commencing a 45-day public comment period in accordance with the applicable provisions of section 701 of FUA. During

Continued

The latter certification is required under 10 CFR 503.13(b)(1). In further compliance with that section, Gulf submitted and certified as accurate the information required by the environmental checklist in § 503.13(b)(2).

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to the MFBI **Federal Register** on September 14, 1983 (48 FR 41217), commencing a 45-day public comment period in accordance with the applicable provisions of section 701 of FUA. During this period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on October 31, 1983. No comments were received and no hearing was requested.

NEPA Compliance

After review of the Gulf petition, ERA has determined that, under the categorical exclusions contained in the Amendments to Section D of DOE's Guidelines for Compliance with the National Environmental Policy Act, adopted on February 1, 1982 (47 FR 7976 (Feb. 23, 1982)), the granting of a permanent fuels mixture exemption for Boiler CO–8A requires neither the preparation of an environmental assessment nor an environmental impact statement.

Order Granting Permanent Fuels Mixture Exemption

Based upon the entire record of this proceeding, ERA has determined that Gulf has satisfied the eligibility requirements for the requested exemption as set forth in 10 CFR 503.38. Therefore, pursuant to section 212(d) of FUA, ERA hereby grants a permanent fuels mixture exemption to Gulf to permit the use of natural gas or petroleum as the primary energy source for its new Boiler CO–8A to be located in Port Arthur, Texas.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register**.

this period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on October 31, 1983. No comments were received and no hearing was requested.

Issued in Washington, D.C., on December 13, 1983.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-33654 Filed 12-19-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-31-000]

Central and South West Services, Inc.; Order Accepting for Filing and Suspending Rates, Granting Intervention, Denying Consolidation, and Establishing Procedures

Issued December 13, 1983.

On October 14, 1983, Central and South West Services, Inc. (CSWS) tendered for filing an Operating Agreement (Agreement) dated September 28, 1983, among CSWS and the following Central and South West Corporation (CSW) subsidiaries: Central Power and Light Company (CPL), Public Service Company of Oklahoma (PSO), Southwestern Electric Power Company (SWEPCO), and West Texas Utilities Company (WTU).[1] The Agreement provides for the coordinated planning, construction, and operation of the CSW system. Such coordination will be made possible for the first time by the completion of a direct interconnection between the load control areas of the Southwest Power Pool (SPP) and the Electric Reliability Council of Texas (ERCOT) pursuant to Commission orders in *Central Power & Light Co., et al.*, Docket Nos. EL79–8 and E–9558, 17 FERC ¶ 61,078 (October 28, 1981), 18 FERC ¶ 61,100 (January 29, 1982). The first of two direct current (DC) interties is expected to be operational on or about July 1, 1984.[2]

The proposed agreement provides for the following services: coordination of construction and operation of jointly owned facilities; unit sales to assist companies in meeting capacity reserve levels; pool energy exchanges; economy energy exchanges; off-system energy purchases and sales; and central load dispatching. CSWS has requested authorization to file the Agreement on behalf of the remaining signatories pursuant to section 35.1(a) of the Commission's regulations. CSWS states that it proposes December 14, 1983 "effective date" for the Agreement but, in recognition of the fact that service will not take place under the Agreement until the first intertie is completed, CSWS asks that the effectiveness of the Agreement be suspended until the later of May 14, 1984, or the operational date of the intertie. CSWS has also asked for permission under section 35.3(b) of the regulations to submit its filing more than 120 days before the Agreement becomes effective by its own terms. To the extent that the submittal does not fully conform to the Commission's filing requirements, CSWS seeks waiver of any outstanding requirements.

Notice of CSWS's filing was published in the **Federal Register** with comments due by November 16, 1983.[3] Timely motions to intervene were filed by Northeast Texas Electric Cooperative (NTEC), the City of Lafayette, Louisiana (Lafayette), Medina Electric Cooperative (Medina), the Public Utilities Board of the City of Brownsville, Texas (Brownsville), South Texas Electric Cooperative and its member systems (STEC), and Mid-Tex Electric Cooperative jointly with the Municipal Elective Systems of Oklahoma (Mid-Tex/MESO). In addition, the Oklahoma Corporation Commission filed a motion to intervene one day out of time. Each of the timely movants, with the exception of Lafayette, purchases power and energy at wholesale from one or more of the CSWS operating companies.

Mid-Tex/MESO protest the lack of detail submitted on cost of service and rate design related matters in CSWS's filing; they request suspension and a hearing on the justness and reasonableness of the rates contained in the proposed Agreement. Consistent with CSWS's request, STEC suggests that the filing be suspended until the later of May 14, 1984, or the date on which the first DC intertie becomes operational. NTEC, as part owner of SWEPCO's Pirkey Unit No. 1, states that the proposed Agreement may have a significant effect on allocation of certain costs associated with that unit. In addition, this intervenor contends that its rates may be adversely affected by changes in SWEPCO's cost of power under the agreement. Medina, as a wholesale customer of CPL and as a potential transmission customer of one or more CSW companies, supports the Agreement as one which increases the coordination of energy services in a manner from which Medina may benefit. The Oklahoma Commission raises no

[1] See Attachment for rate schedule designations.

[2] Presently, CPL and WTU are electrically interconnected as are PSO and SWEPCO, but there is no existing interconnection among all four of the companies. PSO and SWEPCO operate within SPP, while CPL and WTU operate within ERCOT.

[3] 48 FR 49689 (October 27, 1983).

specific substantive issues in its motion to intervene.

In addition to requesting intervention, Brownsville[4] protests the rate schedules tendered by CSWS, challenges the applicability of the Commission's abbreviated filing requirements, objects to CSWS's request for waiver of any outstanding cost support requirements, and moves to consolidate the instant docket with the ongoing proceeding in *Public Service Company of Oklahoma, et al.*, Docket Nos. ER82-545-000, *et al.*[5] Brownsville supports its motion to consolidate on grounds that anticipated transactions by Brownsville with the CSW companies will require use of the DC interties similar to that involved in Docket Nos. ER82-545-000, *et al.* and, presumably, under the rate structure at issue in that proceeding. Brownsville notes that the currently proposed Agreement provides no specific transmission charges and argues that the pricing methodology adopted in the earlier dockets should be made available through the current Agreement to all independent ERCOT members.

Brownsville further requests: That the Commission not accept the filing until CSWS fully complies with the regulations concerning supporting data, that no effective date be assigned until the requisite data are submitted, that the filing be suspended for at least one day to become effective subject to refund, and that the Commission order hearings on the CSWS filing. In support of these requests, Brownsville alleges that the Agreement inadequately defines the compensation for transmission services to be offered by the CSW companies, and questions whether transmission arrangements that exist among the CSW companies should also be made available to other utilities; whether the costs of the DC interconnection should be allocated on a system-wide basis rather than just to transmission service; and whether the arrangements for ownership of the DC intertie are in the public interest.

On December 1, 1983, Texas Utilities Electric Company (TUEC), a party in Docket Nos. ER82-545-000, *et al.*, filed a response objecting to Brownsville's motion to consolidate, on grounds that there exist no common issues of law and fact between this docket and the pending case. Also on December 1, 1983, CSWS filed an answer to the various motions to intervene. With the exception of Lafayette, CSWS does not oppose the timely motions to intervene. It opposes Lafayette's intervention on grounds that Lafayette does not purchase power and energy from CSW companies and because Lafayette has no other relevant interest which may be affected by this proceeding. CSWS asserts that the abbreviated filing requirements are applicable in this proceeding and, to the extent that it has not complied with the abbreviated filing requirements (due to the unavailability of certain information), CSWS has properly requested that such regulations be waived. As to Brownsville's correct observation that the Agreement does not stipulate the price for transmission to be charged among the CSW companies, CSWS responds by explaining that provisions under which one CSW company charges another for use of its own transmission investment are extraneous to the matters governed by the proposed Agreement. CSWS opposes Brownsville's motion to consolidate this proceeding with Docket Nos. ER82-545-000, *et al.*, on grounds that the subject matter of the wheeling cases has little relevance to the price and other terms contained in the current Agreement. On similar grounds, CSWS also dismisses several other Brownsville charges as mere reiterations of the charges Brownsville has advanced in Docket Nos. ER82-545-000, *et al.*

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.214), the timely motions to intervene by NTEC, Medina, Mid-Tex/MESO, STEC, and Brownsville serve to make them parties to this proceeding. In addition, we find that good cause exists to grant the untimely intervention by the Oklahoma Commission. Given the relatively short delay in filing and the early stage of this proceeding, the late intervention should not prejudice any party or unduly delay this case. Furthermore, we are persuaded that good cause exists to permit LaFayette to intervene despite CSWS's opposition. LaFayette expects to sell power and energy to Brownsville; as a competitor of the CSW companies and as an entity that has reserved transmission capacity on the DC interties, we believe that LaFayette has a sufficient interest to justify intervention (*see* 18 CFR § 385.214(b)(2)(ii)(C).

The Commission finds that good cause exists to permit CSWS to file the proposed Agreement on behalf of the remaining CSW companies and to do so more than 120 days in advance of the contractual effective date. Accordingly, these requests will be granted. As to Brownsville's charge that CSWS's filing does not provide sufficient data to allow for a determination of the justness and reasonableness of the proposed rates, we find that the instant submittal qualifies for and is in substantial compliance with the abbreviated filing requirements under section 35.13 of the Commission's regulations. Hence, no action is required with respect to CSWS's waiver request. However, we note that any change in the fixed components of the formulary rate or in the formulary methodology contained in Schedules C, E, F, or H of the Agreement shall constitute a change in rate. Accordingly, in such a case, timely filing with the Commission showing the basis for the proposed change will be required.

Our preliminary review of CSWS's submittal and the pleadings indicates that the proposed Agreement has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the Agreement for filing and suspend its operation as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that rate filings would ordinarily be suspended for one day where preliminary review indicates that the rates may be unjust and unreasonable but may not produce substantially excessive revenues as defined in *West Texas*. Our review of CSWS's filing indicates that it may not produce excessive revenues. However, in light of the concerns raised and CSWS's request that the filing be suspended, we shall accommodate that proposal.

The Commission does not find it appropriate to consolidate this docket with Docket Nos. ER82-545-000, *et al.* The earlier proceeding involves transmission rates, terms, and conditions which we believe are extraneous to the provisions of CSWS's proposed coordination Agreement. Given the dissimilarity of material issues, we perceive no valid purpose in complicating either proceeding. Furthermore, we note that many of the issues raised in this docket by Brownsville either have been considered in Docket Nos. EL79-8, *et al.*, or relate to matters currently at issue in Docket Nos. ER82-545-000, *et al.* We do not wish to sanction duplicative litigation. However, rather than attempting at this time to define the precise scope of the instant proceeding, we advise the designated administrative law judge to entertain oral or written argument by the parties

[4] LaFayette's intervention simply adopts the positions expressed by Brownsville.

[5] At issue in Docket Nos. ER82-545-000, *et al.*, are transmission service tariffs proposed by CSW, Houston Lighting and Power Company, and Texas Utilities Electric Company.

concerning the matters properly at issue in this case and to frame this proceeding as narrowly as is appropriate.

The Commission orders:

(A) CSWS's requests for permission to file the Operating Agreement as a representative of the CSW companies and to do so more than 120 days before the contractual effective date are hereby granted.

(B) CSWS's proposed Operating Agreement is hereby accepted for filing and suspended to become effective, subject to refund, on the later of May 14, 1984, or the date upon which the first DC intertie is operational.

(C) The motions to intervene by LaFayette and the Oklahoma Commission are hereby granted.

(D) The motions to consolidate the instant docket with the proceeding in Docket Nos. ER82-545-000, *et al.*, are hereby denied.

(E) Pursuant to the authority contained in and subject to the jurisdiction confered upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the proposed Operating Agreement.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference shall be held for purposes of defining the scope of this proceeding and establishing a procedural schedule, including a date for the submittal of testimony and exhibits by CSWS. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb.

Secretary.

Rate Schedule Designations Docket No. ER84-31-000

Filed: October 14, 1983.

Designation	Description
Central Power and Light Company	
Rate Schedule FERC No. 68	Coordinated Operations Agreement.
Supplement No. 1 to Rate Schedule FERC No. 68.	Schedule A—Joint Units.
Supplement No. 2 to Rate Schedule FERC No. 68.	Schedule B—Non-Joint Units.
Supplement No. 3 to Rate Schedule FERC No. 68.	Schedule C—Capacity Commitment Charge.
Supplement No. 4 to Rate Schedule FERC No. 68.	Schedule D—Intertransmission Facilities.
Supplement No. 5 to Rate Schedule FERC No. 68.	Schedule E—Pool Energy.
Supplement No. 6 to Rate Schedule FERC No. 68.	Schedule F—Economy Energy.
Supplement No. 7 to Rate Schedule FERC No. 68.	Schedule G—Off-System.
Supplement No. 8 to Rate Schedule FERC No. 68.	Schedule H—Central Control.
Public Service Company of Oklahoma	
Rate Schedule FERC No. 228.	Coordinated Operations Agreement.
Supplement No. 1 to Rate Schedule FERC No. 228.	Schedule A—Joint Units.
Supplement No. 2 to Rate Schedule FERC No. 228.	Schedule B—Non-Joint Units.
Supplement No. 3 to Rate Schedule FERC No. 228.	Schedule C—Capacity Commitment Charge.
Supplement No. 4 to Rate Schedule FERC No. 228.	Schedule D—Intertransmission Facilities.
Supplement No. 5 to Rate Schedule FERC No. 228.	Schedule E—Pool Energy.
Supplement No. 6 to Rate Schedule FERC No. 228.	Schedule F—Economy Energy.
Supplement No. 7 to Rate Schedule FERC No. 228.	Schedule G—Off-System.
Supplement No. 8 to Rate Schedule FERC No. 228.	Schedule H—Central Control.
Southwestern Electric Power Company	
Rate Schedule FERC No. 89	Coordinated Operations Agreement.
Supplement No. 1 to Rate Schedule FERC No. 89.	Schedule A—Joint Units.
Supplement No. 2 to Rate Schedule FERC No. 89.	Schedule B—Non-Joint Units.
Supplement No. 3 to Rate Schedule FERC No. 89.	Schedule C—Capacity Commitment Charge.
Supplement No. 4 to Rate Schedule FERC No. 89.	Schedule D—Intertransmission Facilities.
Supplement No. 5 to Rate Schedule FERC No. 89.	Schedule E—Pool Energy.
Supplement No. 6 to Rate Schedule FERC No. 89.	Schedule F—Economy Energy.
Supplement No. 7 to Rate Schedule FERC No. 89.	Schedule G—Off-System.
Supplement No. 8 to Rate Schedule FERC No. 89.	Schedule H—Central Control.
West Texas Utilities Company	
Rate Schedule FERC No. 47	Coordinated Operations Agreement.
Supplement No. 1 to Rate Schedule FERC No. 47.	Schedule A—Joint Units.
Supplement No. 2 to Rate Schedule FERC No. 47.	Schedule B—Non-Joint Units.
Supplement No. 3 to Rate Schedule FERC No. 47.	Schedule C—Capacity Commitment Charge.
Supplement No. 4 to Rate Schedule FERC No. 47.	Schedule D—Intertransmission Facilities.
Supplement No. 5 to Rate Schedule FERC No. 47.	Schedule E—Pool Energy.
Supplement No. 6 to Rate Schedule FERC No. 47.	Schedule F—Economy Energy.
Supplement No. 7 to Rate Schedule FERC No. 47.	Schedule G—Off-System.
Supplement No. 8 to Rate Schedule FERC No. 47.	Schedule H—Central Control.

[FR Doc. 83-33678 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-19 and Docket No. ST80-138-002]

El Paso Natural Gas Co.; Extension Reports

December 13, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before January 18, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 or 385.214).

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 party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and transporter/seller		Recipient	Date filed	Part 284 subpart	Effective date
ST80-136-002	El Paso Natural Gas Co., P.O. Box 1492, El Paso TX 79978	Gas Company of New Mexico	11-23-83	B	2-27-84
ST80-141-002	Natural Gas Pipeline Co. of America, 122 S. Michigan Ave., Chicago, Il 60603.	Transcontinental Gas Pipe Line Corp.	11-23-83	G	2-27-84
ST82-207-002	Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 77001	Arkansas Louisiana Gas Co.	11-18-83	D	2-18-84
ST82-219-001	Tennessee Gas Pipeline Co. P.O. Box 2511, Houston, TX 77001	Transcontinental Gas Pipe Line Corp	11-29-83	G	3-14-84
ST82-254-001	Southern Natural Gas Co., P.O. Box 2563, Birmingham, Al 35202	United Gas Pipe Line Co	11-23-83	G	3-10-84
ST82-257-001	Producer's Gas Co. 950 One Energy Square, Dallas, TX 75206	Transcontinental Gas Pipe Line Corp	11-21-83	C	3-22-84
ST82-274-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	Monterey Pipeline Co.	11-30-83	B	3-24-84

Note—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 33679 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2080-000]

G. Melvin Hovey; Application

December 14, 1983.

The filing individual submits the following:

Take notice that on December 9, 1983, G. Melvin Hovey filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Chief Executive Officer—Maine Public Service Company
Director—Maine Public Service Company
Director—Maine Yankee Atomic Power Company
Vice President—Maine Electic Power Company, Inc.
Director—Maine Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before January 5, 1984. 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 filling are on file with the Commission and are available for public inspection.

Kenneth F. Plum,

Secretary.

[FR Doc. 83-33660 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-413-000]

Hitec Gasification Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 14, 1983.

On September 6, 1983, Hitec Gasification Company, (Applicant) of 1455 Detwiler Drive, York, Pennsylvania 17404, 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 coal gasification plant in the Humboldt Industrial Park, Hazleton, Pennsylvania. The primary energy source for the facility will be coal in the form of low Btu producers gas. The facility will consist of a spark ignition engine generator unit with a waste heat recovery boiler. The useful thermal energy output, which will be in the form of steam, will be utilized in process and heating applications in the coal gasification plant and in the Sanitas Corporation. The electric power production capacity of the facility will be 8.8 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33681 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-32-000]

MIGC, Inc.; Tariff Filing

December 14, 1983.

Take notice that on December 8, 1983, MIGC, Inc. (MIGC) tendered for filing and acceptance initial Rate Schedule AIC, consisting of Original Sheet No. 213 MIGC's FERC Gas Tariff, Original Volume No. 1.

MIGC believes that it has the capability to provide transportation service to end-use customers in conformance with the Commission final rule issued on July 20, 1983, in Docket No. RM81-29-000 (Order No. 319) and all other rules and regulations governing transportation service under the Commission's jurisdiction.

MIGC states that a copy of the filing has been served on its jurisdictional customers.

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. 20626, in accordance with Sections 385.214 and 385.211 of this chapter. All such petitions or protests must be filed on or before December 27, 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. 83-33682 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-59-001]

Northern Natural Gas Co.; Amended ANGTS Transportation Adjustment Request for Specific Rate and Accounting Treatment

December 14, 1983.

Take notice that on December 12, 1983, Northern Natural Gas Company (Northern) tendered for filing with the Federal Energy Regulatory Commission (FERC) an amendment to its previously filed ANGTS rate adjustment requesting certain rate and accounting treatment related to the cost of transportation of gas through the Alaska Natural Gas Transportation System. (ANGTS).

The amended filing specifically requests that the Commission authorize Northern to (1) bill and collect, effective December 27, 1983, the rates previously filed by Northern at Docket No. TA84-1-59-001 pursuant to its ANGTS rate adjustment in Paragraph 21 of Northern's FERC Gas Tariff, Third Revised Volume No. 1 and Paragraph 4 of Northern's FERC Gas Tariff, Original Volume No. 2; and (2) permission to defer certain 1983 and 1984 ANGTS transportation costs and to recover such deferred costs plus appropriate carrying charges via a rate surcharge to be effective for a four-year period commencing December 27, 1984.

The Company states that copies of the filing have been mailed to each of its Gas Utility Customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 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 December 27, 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. 83-33683 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-43-002]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

December 14, 1983.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on December 7, 1983, tendered for filing Second Revised First Revised sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1. Northwest Central states that pursuant to Article 23 of the General Terms and Conditions of such Tariff it proposes to increase its rates effective December 23, 1983, to reflect an increase in the GRI funding unit from 0.72 cents to 1.25 cents for the year 1984 as approved by the Commission's Opinion No. 195, issued October 28, 1983. Northwest Central states that this sheet is in substitution for Second Substitute Second Revised Sheet No. 6 filed November 23, 1983, which sheet was based on rates filed in Docket No. RP83-75-000, which has now been withdrawn. The rates on the attached sheet are based on rates filed in RP82-114-000, as revised in Northwest Central's PGA filing in Docket No. TA84-1-43-000 which became effective October 23, 1983.

Northwest Central states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP82-114-000 and RP84-27-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before December 27, 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. 83-33684 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-76-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

December 14, 1983.

Take notice that on November 18, 1983, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-76-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to relocate the east Iola, Kansas, town border delivery point, to abandon by sale to the City of Iola approximately 1.34 miles of 4-inch pipeline and 0.10 mile of 8-inch pipeline and to transfer one direct sale customer located on that pipeline to the City of Iola under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central proposes to relocate the east Iola, Kansas, town border meter setting and appurtenant facilities in the southwest quarter of section 25 by abandonment by reclaim and then replacing equivalent facilities in the southwest quarter of section 24, all in Township 24, South, Range 18 East, Allen County, Kansas. The salvage value of the facilities to be reclaimed is estimated to be $820. Northwest Central estimates the cost of the new town border delivery setting to be $5,810, which would be paid from treasury cash.

Northwest Central states that it also proposes to abandon by sale to the City of Iola, a local distributor, at the depreciated cost, 1.34 miles of 4-inch pipeline and 0.10 mile of 8-inch pipeline. The sale price of the pipeline proposed to be sold to the City of Iola is $5,764, it is stated. Northwest Central proposes such sale because it believes the facilities to be more properly a part of the city's distribution system.

Finally, Northwest Central proposes to change the delivery point of a direct sale customer who is presently located on the segment of line that Northwest Central proposes to sell to the city's distribution system. Northwest Central states that the City of Iola has agreed to

assume service to that customer and that the Iola Ready-Mix Concrete plant is agreeable to such change.

Any person or the commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33685 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-56-000]

Owens-Illinois, Inc.—Grandmother Falls Facility; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

December 14, 1983.

On November 15, 1983, Owens-Illinois, Inc., (Applicant) of One SeaGate, Toledo, Ohio 43666, 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 regulations.

The small power production facility is located on the Wisconsin River in Lincoln County, Wisconsin. The hydroelectric facility, which has three turbine generator units, has an electric power production capacity of three megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33686 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-57-000]

Owens-Illinois, Inc.—Tomahawk Facility; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 14, 1983.

On November 15, 1983, Owens-Illinois, Inc., (Applicant) of One SeaGate Toledo, Ohio 43666, 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 is located at the Applicant's pulp and paper corrugated medium mill near Tomahawk, Wisconsin. The facility consists of five boilers connected to common header which transmits high pressure steam to two turbine generators. The useful thermal energy output is utilized in pulp and papermaking processes. The primary energy source for the facility is biomass and waste supplemented by coal, natural gas, and fuel oil. The electric power production capacity of the facility is 15 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33687 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-97-000]

Sabine Pipe Line Co.; Application

December 14, 1983.

Take notice that on November 25, 1983, Sabine Pipe Line (Sabine), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CP84-96-000 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 facilities in offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Sabine proposes to construct and operate 2.4 miles and 10-inch pipeline lateral connecting Texaco Inc.'s Platform A in West Cameron Block 536 with Stingray Pipeline Company's 10-inch line in West Cameron Block 529 located in offshore Louisiana.

Sabine states that the proposed facilities would be used to transport gas owned by Bridgeline Gas Distribution Company. Sabine states that it expects to transport 37,400,000 Mcf of natural gas through the proposed facilities. Sabine further states that the proposed pipeline would be used as a gas delivery lateral to move the gas from the production platform to an existing transmission line (owned by another interstate pipeline) which would transport the gas onshore. It is asserted that some of the gas to be transported in the proposed line is expected to be directly or indirectly returned to Sabine for subsequent transportation on its main line.

Sabine asserts that the proposed facilities would permit Sabine to deliver natural gas and liquids from West Cameron Block 536.

Sabine states that the total cost of the proposed facilities is $3,000,000, which would be financed from loans and capital contributions by Texaco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before January

9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33666 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-96-000]

Sabine Pipe Line Co. Application

December 14, 1983.

Take notice that on November 25, 1983, Sabine Pipe Line Company (Sabine), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CP84-96-000 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 facilities in offshore Louisiana, all as more fully set forth in the application which is one file with the Commission and open to public inspection.

Sabine proposes to construct and operate 4.9 miles of 12-inch pipeline lateral connecting Texaco Inc.'s. A production platform in West Cameron Block 547 with Stingray Pipeline Company's 30-inch line in West Cameron Block 565 located in offshore Louisiana.

Sabine states that the proposed facilities would be used to transport gas owned by Bridgeline Gas Distribution Company. Sabine states that it expects to transport 36,250,000 Mcf of natural gas through the proposed facilities. Sabine further states that the proposed pipeline would be used as a gas delivery lateral to move the gas from the production platform to an existing transmission line (owned by another interstate pipeline) which would transport the gas onshore. It is asserted that some of the gas to be transported in the proposed line is expected to be directly or indirectly returned to Sabine for subsequent transportation on its main line.

Sabine asserts that the proposed facilities would permit Sabine to deliver natural gas and liquids from West Cameron Block 547.

Sabine states that the total cost of the proposed facilities is $4,700,000, which would be financed from loans and capital contributions by Texaco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33668 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-98-000]

Sabine Pipe Line Co.; Application

December 14, 1983.

Take notice that on November 25, 1983, Sabine Pipe Line Company (Sabine), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CP84-98-000 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 facilities in offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Sabine proposes to construct and operate 11.5 miles of 14-inch pipeline lateral connecting Texaco Inc.'s Platform A in South Timbalier Block 200 with Trunkline Gas Company's 24-inch line in South Timbalier Block 147 located in offshore Louisiana.

Sabine states that the proposed facilities would be used to transport gas owned by Bridgeline Gas Distribution Company. Sabine states that it expects to transport 174,000,000 Mcf of natural gas through the proposed facilities. Sabine further states that the proposed pipeline would be used as a gas delivery lateral to move the gas from the production platform to an existing transmission line (owned by another interstate pipeline) which would transport the gas onshore. It is asserted that some of the gas to be transported in the proposed line is expected to be directly or indirectly returned to Sabine for subsequent transportation on its main line.

Sabine asserts that the proposed facilities would permit Sabine to deliver natural gas and liquids from South Timbalier Block 200.

Sabine states that the total cost of the proposed facilities is $7,900,0000, which would be financed from loans and capital contributions by Texaco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1984, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33890 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2906-000]

Upper San Joaquin River Water and Power Authority; Notice Denying Intervention

December 14, 1983.

The North Fork Chamber of Commerce ("Chamber") has filed a late motion to intervene in the preliminary permit proceeding for the Granite Creek-Jackass Water Conservation and Hydroelectric Development, designated FERC Project No. 2906-000. The Chamber seeks intervention to ensure protection of the interests of Chamber members and the public in the planning and development of the proposed project.

On April 27, 1981, a 36-month preliminary permit was issued to the Upper San Joaquin River Water and Power Authority for Project No. 2906.[1] At the time the Chamber filed its motion,[2] the order granting the permit had been issued and the proceedings terminated for nearly two years. For this reason, the Chamber's motion to intervene must be denied as an untimely and inappropriate filing.[3] Moreover, under Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (1983), a late motion to intervene must show good cause for the movant's failure to file within the time prescribed. The Chamber has offered no reason why it filed its motion late. The motion must be denied for this reason as well.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33691 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59137B; TS-FRL-2492-1]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of Test Market Exemption Applications (TMEA), under section 5(h)(6) of the Toxic Substances Control Act (TSCA), of TME 84-3, TME 84-4, TME 84-5, and TME 84-6. The test marketing conditions are described below.

EFFECTIVE DATE: December 9, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-203, 401 M St. SW., Washington, D.C. 20460, (202-382-3734).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. If the substances are shipped, the applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TMEA.

TME 84-3

Date of Receipt: October 27, 1983.

Notice of Receipt: November 4, 1983 (48 FR 50943).

Applicant: Confidential.

Chemical: (Generic) Substituted Polyimide Terpolymer.

Use: Specialty Coatings/Industrial Use.

Production Volume: 800 pounds.

Number of Customers: Confidential.

Process Information: Confidential.

Test Marketing Period: 18 months. *Commencing on:* December 9, 1983.

Risk Assessment: Based on the information received from the submitter and other data currently available to the Agency, the Agency did not identify any significant health or environmental effects. In addition, the production volume and potential for exposure are low.

Public Comments: None.

TME 84-4

Date of Receipt: October 27, 1983.

Notice of Receipt: November 4, 1983 (48 FR 50943).

Applicant: Confidential.

Chemical: (Generic) Substituted Polyimide Terpolymer.

Use: Specialty coatings/industrial use.

Production Volume: 800 pounds.

Number of Customers: Not specified.

Process Information: Confidential.

Test Marketing Period: 18 months

Commencing On: December 9, 1983.

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[1] *See* Upper San Joaquin River Water and Power Authority, 15 FERC ¶ 62,107 (April 27, 1981).

[2] The Chamber filed its motion on February 23, 1983. The Commission's records do not indicate any earlier filings made by the Chamber seeking intervention in this proceeding.

[3] *See* Consolidated Hydroelectric, Inc., 22 FERC ¶ 61,122 (Feb. 4, 1983) (where the Commission denied a late motion to intervene under similar circumstances).

Risk Assessment: Based on the information received from the submitter and other data currently available to the Agency, the Agency did not identify any significant health or environmental effects, in addition, the production volume and potential for exposure are low.

Public Comments: None.

TME 84–5

Date of Receipt: November 27, 1983.

Notice of Receipt: November 4, 1983 (48 FR 50943).

Applicant: Confidential.

Chemical: (Generic) Substituted polcyclic Amine.

Use: Specialty coating/industrial use.

Production Volume: 400 pounds.

Number of Customers: Not specified.

Test Marketing Period: 18 months.

Commencing on: December 9, 1983.

Risk Assessment: Based on the information received from the submitter and other data currently available to the Agency, the Agency did not identify any significant health or environmental effects. In addition, the production volume and potential for exposure are low.

Public Comments: None.

TME 84–6

Date of Receipt: November 27, 1983.

Notice of Receipt: November 4, 1983 (48 FR 50943).

Applicant: Confidential.

Chemical: (Generic) Substituted Polcyclic Amine.

Use: Specialty coating/industrial use.

Production Volume: 400 pounds.

Number of Customers: Not specified.

Process Information: Confidential.

Test Marketing Period: 18 months.

Commencing on: December 9, 1983.

Risk Assessment: Based on the information received from the submitter and other data currently available to the Agency, the Agency did not identify any significant health effects. In addition, the production volume and potential for exposure are low. The substance may persist in the environment and may be toxic to aquatic ecosystems. However, based on information submitted in the TME application, there will be no releases to water. Amounts released from manufacturing and use will be small, and will be incinerated, landfilled, or recycled. Leaching of the substance from a landfill is not likely.

Public Comments: None.

Dated: December 9, 1983.

Marcia Williams,

Acting Office Director, Office of Toxic Substances.

[FR Doc. 83-33656 Filed 12-19-83; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-2492-4]

National Pollutant Discharge Elimination System; General Permit For Construction Activities in the State of Utah

AGENCY: Environmental Protection Agency (EPA), Region VIII.

ACTION: Notice of Issuance of Final General Permit.

SUMMARY: On May 20, 1983, the Regional Office published notice of its intent (48 FR 22791) to issue a General National Pollutant Discharge Elimination System (NPDES) Permit for construction related discharges. Pursuant to this notice, the Region received written comments from the following parties:

1. John M. Krakar, P.E., Superintendent, Environmental Affairs, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603
2. Mr. R. J. Masiel, President, Chevron Pipe Line Company, 555 Market Street, P.O. Box 7141, San Francisco, California 94120–7141
3. Mr. J. J. Moon, Environment and Consumer Protection Division, Phillips Petroleum Company, Bartlesville, Oklahoma 74004.
4. Mr. Donald Pay, Technical Information Project, P.O. Box 682, Pierre, South Dakota 57501

The comments received by the Natural Gas Pipeline Company and Chevron Pipeline Company were very supportive of the issuance of this general permit. Chevron suggested some clarification to insure that routine hydrostatic testing discharge authorizations were included within the regulated activities of this general permit. This language has been clarified.

The Phillips Petroleum Company provided substantial comments to the draft general permits for Construction Related Activities. Phillips seemed to question the viability of regulating these industries through a general permit believing that only the largest construction facilities would be inclined to comply and that the EPA was, by this action, in effect making "potential lawbreakers out of a great many people engaged in miscellaneous construction projects." Contrary to this statement, we believe that the general permit will provide the opportunity to provide authorizations for discharges which, prior to the general permit, went substantially unregulated despite such discharges being fully subject to the NPDES permit discharge requirements. Phillips also felt that the language of the permit was not sufficiently broad to encompass all the anticipated spectrum of discharges which could, otherwise, be authorized under this permit.

Phillips also suggested that the general permit establish a "de minimus" level of operations which would essentially be excused from complying with the effluent and management conditions of the general permit. The original general permit proposal established a monitoring frequency schedule based on the discharge flow level. In order to maintain simplicity of this schedule, only two minimum frequencies were established. In the absence of any statutory or regulatory basis, creation of a "de minimus" level of discharger which is exempt from the conditions of the permit is beyond the reasonable discretion of this Regional Office.

Technical Information Project's comments on the construction general permit suggested that the permit was not stringent enough and additional sampling and monitoring should be required. Pursuant to these comments, the proposed final permit has been slightly modified to stress that the schedule represents the minimum monitoring requirements and that the permittee's actual monitoring frequency must be adequate to provide information which is truly representative of the nature and quantity of the discharge.

The Region has fully considered these comments and having received no objections to the issuance of the permit nor any request for a public hearing on the Utah proposal, hereby publishes notice of issuance of the Utah general permit for construction related discharges.

This permit was submitted to the State of Utah for review and by letter of June 8, 1983, the State certified the general permit.

EFFECTIVE DATE: This General permit shall be effective on January 18, 1984.

FOR FURTHER INFORMATION AND COPIES OF FINAL PERMIT CONTACT: Marshall Fischer, Region VIII, U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295–0699, (303) 837–4901.

SUPPLEMENTARY INFORMATION:

Permit No.: UTGO70000

General Permit Authorization Under the National Pollutant Discharge Elimination System for Construction Activities in Utah Hydrostatic Testing and Excavation Dewatering

In compliance with the provision of the Clean Water Act, as amended (33 U.S.C. 1251, et seq.) (hereinafter referred to as "the Act") and with the exception of "new sources" as defined at 40 CFR 122.2 of the regulations promulgated thereunder, operations engaged either in construction dewatering of groundwaters and/or hydrostatic testing of fluid vessels are authorized to discharge from locations throughout the State of Utah to waters of the United States in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II hereof.

This general permit and any authorizations granted to discharge thereunder shall expire at midnight, September 30, 1988.

A. Coverage Under This Permit

Under this permit, authorization to discharge waste waters (after appropriate treatment) from construction dewatering (both from groundwater and surface runoff inpounded on the site) and/or hydrostatic testing operations into waters of the United States (as defined at 40 CFR 122.2, 48 FR 14145, April 1, 1983) may be granted. In order to be considered eligible for discharge authorization, under the terms and conditions of this permit, the owner and/or operator of the facility desiring to discharge must submit by *certified* letter the following information:

1. Name, address, and descriptive location of the facility;

2. Name of principal in charge of operation of the facility;

3. Name of water receiving the discharge;

4. Brief description of the type of activity resulting in the discharge including the anticipated duration of activity and/or the discharge, anticipated volume and rate of discharge, and the source of water which is to be discharged;

5. For hydrostatic testing only;

a. the type of vessel being tested (e.g., pipe, etc.),

b. the material from which the vessel was constructed (e.g., concrete pipe, glass lined steel tank, etc.),

c. whether the vessel has been previously used or is of virgin (new) material,

d. a description of the fluid material normally contained and/or transported through the vessel; and,

6. A map or schematic diagram showing the general area and/or routing of the activity.

At least thirty (30) days prior to the anticipated date of discharge, such information shall be submitted to:

U.S. Environmental Protection Agency, Suite 103, 1860 Lincoln Street, Denver, Colorado 80295, Attention: Water Management Division, Compliance Branch, Telephone: (303) 837–4901

Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control, P.O. Box 2500, Salt Lake City, Utah 84110, Telephone: (801) 533–6146.

During this thirty (30) day period after receipt of the above information, the permit issuing authority may either grant the authorization, deny the authorization, or defer the final decision pending receipt of additional data for any particular facility.

After the close of the thirty (30) day period, authorization to discharge in accordance with the conditions of the permit shall be deemed granted unless the person proposing the discharge received, from the State of Utah and/or EPA, either a request for additional information or a notification of denial of discharge authorization. Hydrostatic test discharges in Colorado River Basin using raw water sources other than that from shallow wells or the receiving stream are subject to conformance with the Colorado River Forum Salinity Policy requirements as determined by the Utah Bureau of Water Pollution Control.

Permittees authorized by this general NPDES permit are requested to provide EPA Region VIII with information on the location of sites where, and whenever, any construction dewatering activity becomes involved with any known or suspected hazardous waste or toxic pollutant. Dewatering discharges may not contain any chemicals, toxic pollutants, and/or priority pollutants pursuant to Part B.5. of this permit.

This permit does not authorize discharges from "new sources" as defined at 40 CFR 122.2

Authorizations under this permit are made pursuant to section 402 of the Clean Water Act. This permit does not constitute authorization under 33 U.S.C. 1344 (section 404 of the Clean Water Act) of any stream dredging or filling operations (e.g., the discharge of fill material used in the construction of coffer dams).

B. Effluent Limitations and Conditions

1. There shall be no discharge of any process generated waste waters except those waste resulting from dewatering of groundwater and/or surface water from construction sites and/or hydrostatic testing of pipelines or other fluids vessels.

2. This permit does not authorize discharges from dewatering activities at hazardous waste sites or the discharge of toxic materials at any location.

3. There shall be no discharge of sanitary waste waters from toilets or related facilities.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts.

5. No chemicals, toxic pollutants, and/or any of the priority pollutants in 40 CFR 122 Appendix D are to be added to the discharge unless prior permission for the use of the additive is specifically granted by the permit issuing authority. The Environmental Protection Agency will maintain a list of additives and supporting records approved under this permit subject to public review.

6. The use of lime or aluminum salts to promote flocculation and settling of solids is not subject to the prior approval described in Part B.5. above.

The use of chlorinated potable water for a hydrostatic testing fluid shall not be allowed unless it can be demonstrated that the chlorine substantially dissipates prior to discharge and/or poses no potential for toxic impacts to the receiving waters.

The concentration of Oil and Grease in any single sample shall not exceed 10 mg/1 nor shall there be any visible sheen in the discharge.

8. The pH of discharged waters shall not be less than 6.5 nor more than 9.0 units.

9. Total Suspended Solids shall be limited as follows:

Parameter	30-day average [a] limitation	7-day Average [b] limitation	Daily maximum [c] limitation
Total Suspended Solids mg/1	25	35	90

[a] This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples (grab or composite) taken on separate weeks in a 30-day period.
[b] This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples (grab or composite) taken on separate days in a 7-day period.
[c] The "daily maximum" concentration shall be determined by the analysis of a properly preserved grab sample.
[d] A grab sample is defined as a "dip and take" sample collected at a representative point in the discharge stream.

C. Monitoring and Reporting

1. Daily Logs. The permittee shall maintain a daily log relating to the

authorized discharge(s). The log shall contain:

a. flow information and data;

b. sample results; and,

c. records of any visual observations.

2. Frequency and Type of Sampling. Samples and measurements taken as required herein shall be representative of the general nature and volume the discharge. Flow measurements shall be taken using properly constructed and calibrated flow measuring devices (e.g., flume, weir, etc.) or demonstrated equivalent methods. The *minimum* frequency and type of sampling required by this permit shall be as follows:

a. *Hydrostatic Testing*

(1) Record daily discharge flow rate and total volume discharged.

(2) Daily grab sample for Total Suspended Solids during discharge.

(3) Daily grab sample or in situ measurement for pH during discharge.

(4) Daily observation for the presence of Oil and Grease in the discharge. In addition, a monthly grab sample for Oil and Grease if the average discharge rate exceeds 1 cubic foot per second (cfs).

b. *Construction Dewatering*

(1) Instantaneous flow measurement shall be made on a daily basis if the discharge flow rate is greater than 1 cfs. Instantaneous flow measurements shall be made on a monthly basis in all other cases.

(2) Weekly grab sample for Total Suspended Solids if discharge flow rate exceeds 1 cfs. Monthly grab sample for Total Suspended Solids in all other cases.

(3) Daily observation for the presence of Oil and Grease in the discharge. In addition, a monthly grab sample for Oil and Grease if the average discharge rate exceeds 1 cfs.

3. Test Procedures. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which procedures may be required.

4. Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date, and time of sampling;

b. The dates the analyses were performed;

c. The person(s) who performed the analyses;

d. The analytical techniques or methods used; and,

e. The results of all required analyses.

5. Reporting Requirements. a. Within thirty (30) days after completion of the construction related activity, the permittee shall submit a report summarizing the results of all discharge samples. If the construction activity extends beyond a period of one (1) year, a summary report must be submitted on an annual basis and is due thirty (30) days after the anniversary of the discharge authorization. Failure to submit this report by that date shall constitute cause for immediate revocation of the discharge authorization under the General Permit.

b. If, for any reason, the permittee does not comply with the maximum effluent limitations specified by this permit, the permittee shall submit the following information within five (5) days of becoming aware of such condition:

(1) The results of any sample analysis which indicated the noncompliance including the date, time, and type of sample taken;

(2) A description of the cause of noncompliance; and,

(3) A description of any corrective actions taken or proposed to be taken with respect to the noncompliance.

c. The permittee shall provide immediate (within 24 hours) telephone notification of the occurrence of any discharge or spill not specifically authorized by the permit (including pipe failure and/or rupture from hydrostatic testing). Such notification shall be followed up in writing in accordance with the requirements of paragraph b. above.

d. Reports and notification shall be provided to the State of Utah Bureau of Water Pollution Control and the U.S. Environmental Protection Agency; addresses identified in Part I, A. of this permit.

6. Records Retention. All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer, if requested by the Regional Administrator of the Utah Bureau of Water Pollution Control

General Conditions

1. Duty to Comply. The permittee must comply with all conditions of this permit.

2. Facilities Operation. The permittee shall at all times maintain in good working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Bypass of treatment facilities is prohibited except as provided for and in accordance with the requirements at 40 CFR 122.41(m) and/or (n) (48 FR 14145, April 1, 1983).

3. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

4. Adverse Impact—Duty to Mitigate. The permittee shall take all reasonable steps to correct or minimize any adverse impact to receiving waters, human health, and/or the environment resulting from any discharges. Sch steps shall include measures to prevent or minimize stream channel scouring caused by the discharge.

5. Upset Conditions. An "upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of the permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

An upset may constitute an affirmative defense for action brought for the noncompliance. The permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

6. Right of Entry. The permittee shall allow the head of the State of Utah, Department of Health, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where a real or potential discharge is located or in which many records are required to be kept under the terms and conditions of this permit; and,

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

7. Availability of Reports. Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with terms of this permit shall be available for public inspection at the offices of the Utah Department of Health and/or the Regional Administrator. As required by

the Act, effluent data shall not be considered confidential.

8. Duty to Provide Information. The permittee shall furnish to the Regional Administrator or his designee, within a reasonable time, any information which the Regional Administrator or his designee may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator or his designee, upon requests, copies of records required to be kept by this permit.

9. Signatory Requirements. All reports or information submitted pursuant to the requirements of this permit must be signed and certified by a ranking official or duly authorized agent of the permittee. Signatory regulations are established in 40 CFR 122.22 (48 FR 14145, April 1, 1983).

10. Toxic Pollutants. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

11. Civil and Criminal Liability. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

12. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

13. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

14. Penalties for Violations of Permit Conditions. The Clean Water Act provides that any person who violates a permit condition implementing Section 301, 302, 306, 307, 208, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, or 308 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or both.

15. Need to Halt or Reduce not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

16. Penalties for Falsification of Reports. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.

17. Property Rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

18. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

19. Requiring an Individual NPDES Permit. The Regional Administrator or his designee may require any owner or operator covered under this permit to apply for and obtain an individual NPDES permit for reasons that include the following:

a. The discharger is not in compliance with the conditions of this General Permit; or,

b. Conditions or standards have changed so that the discharge no longer qualifies for a General Permit.

The owner or operator must be notified in writing that an application for an individual NPDES permit is required. When an individual NPDES permit is issued to an owner or operator otherwise covered under this General Permit, the applicability of the General Permit to that owner or operator is automatically terminated upon the effective date of the individual NPDES permit.

20. Requesting an Individual NPDES permit. Any owner or operator covered by this General Permit may request to be excused from the coverage by applying for an individual NPDES permit.

21. Requesting Coverage Under the General Permit. The owner or operator of a facility excluded from coverage by this General Permit solely because that facility already has an individual permit may request that the individual permit be revoked and that the facility be covered by this General Permit.

22. Permit Modification, Revocation, Termination. This General Permit may be modified, revoked and reissued, or terminated with cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124 (FR Volume 48 No. 64, April 1, 1983).

23. Reaffirmation of Permit Eligibility. Periodically during the term of this permit and at the time of its reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit. Failure of any facility to respond to a written request from the permit issuing authority for reaffirmation shall constitute cause for revocation of discharge authorization.

ADDITIONAL INFORMATION:

A. Economic Impact (Executive Order 12291)

The Office of Management and Budget (OMB) has exempted this action from the review requirement of Executive Order 12291 pursuant to Section 8[b] of that order.

B. Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. § 605 (b), that this general NPDES permit will not have a significant impact on a substantial number of small entities Moreover, they reduce a significant administrative burden on regulated sources.

C. Paperwork Reduction Act

Information Collection Requirements contained in this general permit have been approved by the Office of Management and Budget pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) under a comprehensive submission made for the Clean Water Act's NPDES permit program.

Signed this 14th day of December 1983.

John G. Welles,

Regional Administrator.

[FR Doc. 83-33857 Filed 12-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Consideration of Refund Issues Remanded by Court In ENFIA Decision

December 15, 1983.

In its decision upholding the Commission's extension of the Exchange Network Facilities for Interstate Access (ENFIA) agreement, *MCI Telecommunications Corp. v. FCC*, 712 F.2d 517 (D.C. Cir. 1983), the Court remanded the case to the Commission "for the limited purpose of considering the propriety of and, if appropriate, awarding retroactive refunds and prospective relief to OCCs" because of discrimination found to exist in Docket 78–72, 712 F.2d at 539, citing *Third Report and Order*, CC Docket No. 78–72 (Phase 1), 48 FR 10319, 93 FCC 2d—— (1983) (Access Charge Order). The Common Carrier Bureau seeks comments from interested parties on the issues related to the Court's remand.

Parties are requested to file comments by January 31, 1984. Reply comments may be filed by February 14, 1984.

For further information, contact Marjorie Bertman or Beverly Baker, 202–632–6917.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33633 Filed 12-19-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Definitions and Rules Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Definitions and Rules Subcommittee scheduled to meet on Tuesday, January 11, 1984 and Wednesday, January 12, 1984. The meeting will begin on January 11th at 9:30 a.m. in the offices of GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, NW., Washington, DC, and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Rewrite of USOA Other Balance Sheet Accounts
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203) 965–2830 at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33627 Filed 12-19-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–695–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–695–DR), dated December 13, 1983, and related determinations..

DATED: December 13, 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: Notice is hereby given that, in a letter of December 13, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288) as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from severe storms, tornadoes and flooding, beginning on December 2, 1983, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the Individual and Family program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Calhoun, Dallas, Jefferson and Shelby Counties for Individual Assistance Only.

Samuel W. Speck,

Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 83-33640 Filed 12-19-83; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Notice of 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, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 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.: 6200–24–A.

Title: U.S. Atlantic & Gulf/Australia-New Zealand Conference and KKL

(Kangaroo Line), Pty., Ltd. Settlement Agreement.

Parties:

ABC Container Line N.V.
Associated Container Transportation (Australia) Ltd.
Atlantrafik Express Service
Australia National Line
Bank And Savill Line
Columbus Line
KKL (Kangaroo Line), Pty., Ltd.

Synopsis: Agreement No. 62200–24–A provides that Karlander has agreed to withdraw its protests to Agreement No. 6200–24 in consideration of the Conference agreeing for a period of five years not to apply or implement a dual rate contract which would be applicable to through intermodal shipments originating in the United States as contemplated under Article 2(b) of Agreement No. 6200–24.

Filing Party: Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, NW., Suite 300, Washington, D.C. 20006.

Agreement No.: T–4151.

Title: Philadelphia Port Corporation and I.T.O. Corporation Sublease and Security Agreement.

Parties: Philadelphia Port Corporation (PPC) and I.T.O. Corporation (ITO).

Synopsis: PPC has leased from the Port of Philadelphia since 1965 certain land and port facilities at Pier 96–98–100 at the Port. PPC under Agreement No. T–4151 will sublease to ITO premises and facilities. The premises shall be used for the loading, discharge, transfer, processing, storage and distribution of cargo moving in water-borne commerce. All dockage fees collected on vessels using the berth will be assessed in accordance with rates published in the Port of Philadelphia Marine Terminal Association Tariff.

Filing Party: William C. Smith, Ballard, Spahr, Andrews & Ingersoll, Suite 1100, 1850 K Street, NW., Washington, D.C. 20006.

Dated: December 15, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-33705 Filed 12-19-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants; Reinaldo Valdes

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573. Reinaldo Valdes, 9700 S.E. 72nd Street, Miami, FL 33166.

Dated: December 15, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-33708 Filed 12-19-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License No. 2598; B. A. McKenzie & Co. of Missouri, Inc.; Order of Revocation

On December 7, 1983, B. A. McKenzie & Co. of Missouri, Inc., P.O. Box 1832, Suite 209, Holland Bldg., Park Central Square, Springfield, MO 65805 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2598 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(e) dated September 27, 1983;

It is ordered, that Independent Ocean Freight Forwarder License No. 2598, be revoked effective December 7, 1983 without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon B. A. McKenzie & Co. of Missouri, Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33706 Filed 12-19-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License No. 255, Rukert Marine Corp., Order of Revocation

On December 2, 1983, Rukert Marine Corporation, P.O. Box 8890, Baltimore, MD 21224 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 255 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(e) dated September 27, 1983;

It is ordered, that Independent Ocean Freight Forwarder License No. 255, be revoked effective December 2, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Rukert Marine Corporation.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33707 Filed 12-19-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review by the Office of Management and Budget

December 13, 1983.

Background

When executive departments and independent agencies propose public use form, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal

letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Reviewer—Judy McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Request for Approval of Existing Forms

1. Report title: Request for Proposal; Request of Price Quotations
Agency form number: N/A
Frequency: Annual; Daily
Reporters: Venders, suppliers
Small businesses are affected.
General description of report:
Respondent's obligation to reply is required to obtain or retain a benefit; a pledge of confidentiality is not promised unless requested otherwise by the respondent.

Requirement for obtaining competitive proposals/contracts for procurement of goods and services and sale of property. These requirements are prepared in correspondence format.

2. Report title: Application of Employment
Agency form number: N/A
Frequency: On occasion
Reporters: Individuals
Small businesses are not affected.
General description of report:
Respondent's obligation to reply is required to obtain a benefit; a pledge of confidentiality is promised (5 U.S.C 552(b)(2) and (b)(6)).

Form is used to seek benefit of employment with the Board of Governors of the Federal Reserve System.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33550 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Joint Venture with Quissett Corp.; Bank of Boston Corp.

Bank of Boston Corporation, Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of, and establish a joint venture with Quissett Corporation, Cambridge, Massachusetts.

Applicant states that the proposed joint venture would engage in providing investment advisory services to individuals such as personal financial planning services. These activities would be performed from offices of Applicant's subsidiary in Cambridge, Massachusetts and the geographic area to be served is Massachusetts. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank by January 11, 1984.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33551 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed de Novo Nonbank Activities by Bank Holding Companies; CoreStates Financial Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *CoreStates Financial Corp.*, Philadelphia, Pennsylvania (commercial finance and factoring; Georgia): To engage through its newly-formed indirect subsidiary, Congress Financial Corporation (Southern), in commercial finance and factoring activities including the solicitation and making of loans to businesses and corporations secured by accounts receivable, inventory, equipment and/or other assets and the factoring of accounts receivable. These activities would be performed in the State of Georgia from an office located in Atlanta, Georgia. Comments on this application must be received not later than January 13, 1984.

B. **Federal Reserve Bank** of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Bancorp Shares, Inc.*, San Antonio, Texas (financing activities; Texas): To engage, through its subsidiary, Texas Bancorp Financial Advisors, Inc., in fee-basis financial planning and investment advice. This activity will be conducted from an office in San Antonio, Texas, serving the surrounding area. Comments on this application must be received not later than January 13, 1984.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation*, San Francisco, California (discount securities brokerage and incidental activities; *de novo* office; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of discount securities brokerage, consisting principally of buying and selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation T. These activities will be conducted from a *de novo* office located in Sarasota, Florida, serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than January 11, 1984.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33555 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Eagle Bancorporation, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Eagle Bancorporation, Inc.*, Highland, Illinois; to acquire 7.7 percent of the voting shares or assets of American Eagle Bancorp, Inc., Glen Carbon, Illinois. Comments on this application must be received not later than January 13, 1984.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First State Banking Corporation*, Alcester, South Dakota; to acquire 75.98 percent of the voting shares or assets of State Bank of Alcester, Alcester, South Dakota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than January 13, 1984.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33552 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Preston Bancshares of West Virginia, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Preston Bancshares of West Virginia, Inc.*, Terra Alta, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Terra Alta, Terra Alta, West Virginia. Comments on this application must be received not later than January 13, 1984.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marytown Bancshares, Inc.*, New Holstein, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers & Merchants Bank, New Holstein, Wisconsin. Comments on this application must be received not later than January 11, 1984.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens Financial Group, Inc.*, New Haven, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares of the successor by merger to Citizens Bank of New Haven, New Haven, Missouri. Comments on this application must be received not later than January 11, 1984.

2. *First Paragould Bankshares, Inc.*, Paragould, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to First National Bank, Paragould, Arkansas. Comments on this application must be received not later than January 13, 1984.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Harvey Bancorporation, Inc.*, Harvey, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Harvey, Harvey, North Dakota. Comments on this application must be received not later than January 13, 1984.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33553 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of Master Loan Service of Houston, Inc.; Southern Bancorporation, Inc.

Southern Bancorporation, Inc., Greenville, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Master Loan Service of Houston, Inc., Houston, Texas.

Applicant states that the proposed subsidiary would engage in lending and servicing activities. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas and the geographic area to be served is Houston, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies

subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than January 11, 1984.

Board of Governors of the Federal Reserve System, December 13, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33554 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Citicorp, et al.; Proposed De Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (finance company activities: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia): To engage through its subsidiary, Citicorp Acceptance Company, Inc. (Delaware), in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes. These activities would be conducted from an office located in Atlanta, Georgia, serving the entire states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Comments on this application must be received not later than January 13, 1984.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and leasing activities: expansion of geographic scope; all fifty (50) states and the District of Columbia): To continue to engage, through its indirect subsidiary, BancAmerica Acceptance Corporation, a Delaware corporation, in the activities of leasing personal property acquired specifically for the leasing transactions through leases which are the functional equivalent of extensions of credit, making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. Such activities will include, but not be limited to, leasing of motor vehicles and purchasing retail installment sales contracts covering motor vehicles. These activities will be conducted from two existing offices located in Santa Clara, California and Denver, Colorado; each office will serve all fifty (50) states and the District of Columbia. Comments on this application must be received not later than January 5, 1984.

2. *BankAmerica Corporation*, San Francisco, California (financing and servicing activities; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, BA Business Credit Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. Such activities will include, but not be limited to, making consumer installment loans and making loans and other extensions of credit of a commercial nature to businesses; such loans may be unsecured or secured by personal assets and residential and commercial real estate. No credit-related insurance of any type will be offered by BA Business Credit Corporation in connection with its lending activities. These activities will be conducted from a *de novo* office located in Lexington, Massachusetts, serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than January 10, 1984.

Board of Governors of the Federal Reserve System, December 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33640 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Gulf National Bancorp Inc.; Formation of a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and

summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Gulf National Bancorp Inc.*, Lake Charles, Louisiana; to become a bank holding company by acquiring 66 percent of the voting shares of Gulf National Bank at Lake Charles, Lake Charles, Louisiana. Comments on this application must be received not later than January 13, 1984.

Board of Governors of the Federal Reserve System, December 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33638 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

Tipton Bancshares, Inc.; Formation of a Bank Holding Company

Tipton Bancshares, Inc., Tipton, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Tipton Bancorporation, Inc., Tipton, Oklahoma and thereby to acquire control of The First National Bank of Tipton, Tipton, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Tipton Bancshares, Inc., Tipton, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire First Tipton Business Trust, Tipton, Oklahoma.

Applicant states that the proposed subsidiary would engage in the sale of credit life and credit accident and health insurance related to extensions of credit by The First National Bank of Tipton, Tipton, Oklahoma and the geographic areas to be served are areas within a twenty mile radius of Tipton. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 3, 1984.

Board of Governors of the Federal Reserve System, December 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-33639 Filed 12-19-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Antidepressant Drugs in the Treatment of Anxiety Disorders

AGENCY: National Institute of Mental Health, HHS.

ACTION: Issuance of Program Announcement for Research on Antidepressant Drugs in the Treatment of Anxiety Disorders.

SUMMARY: The National Institute of Mental Health announces the availability of a program announcement requesting research grant applications on antidepressant drugs in the treatment of anxiety disorders. These awards will be to support research on clinical and theoretical issues related to the use of antidepressants in anxiety disorders. Support may be requested for up to 5 years. In Fiscal Year 1984 approximately $750,000 will be available for these awards, and it is anticipated that three or four awards will be made.

DATES: Receipt date of applications for FY 1984 funding: March 1, 1984.

FOR FURTHER INFORMATION OR A COPY OF THE ANNOUNCEMENT, CONTACT: Allen Raskin, Ph. D., Chief, Anxiety Disorders Section, Pharmacologic and Somatic Treatments Research Branch, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-3527.

Robert L. Trachtenberg,

Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83-33698 Filed 12-19-83; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 83M-0390]

Dow Corning Ophthalmics, Inc., Premarket Approval of Silcon (Silafilcon A) Multifocal Contact Lens

Correction

In FR Do. 83-32896 beginning on page 55336 in the issue of Monday, December 12, 1983, make the following correction:

On page 55336, second column, under **SUPPLEMENTARY INFORMATION,** fourteenth line, "using approved" should have read "using either approved".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-53680]

Utah; Invitation To Participate in Coal Exploration Program—Soldier Creek Coal Company

Soldier Creek Coal Company is inviting all qualified parties to participate in a program for the exploration of coal reserves in the Alkali Creek Tract area near Price, Utah. The lands are located in Carbon County, Utah, and are described as follows:

T. 13 S., R. 11 E., SLM, Utah,
Sec. 1, lots 1-8;
Sec. 10, E½E½;
Sec. 11, all;
Sec. 12, W½W½;
Sec. 13, NW¼NW¼, S½NW¼, SW¼;
Sec. 14, N½;
Sec. 15, NE¼NE¼;
Sec. 23, N½NE¼NE¼;
Sec. 24, N½N½NW¼.

Containing 1,977.52 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 and to J. T. Paluso, Soldier Creek Coal Company, P.O. Box I, Price, Utah 84501. Such written notice must be received within 30 days after the publication of this notice in the **Federal Register.**

Any party wishing to participate in this exploration program must be

qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Soldier Creek Coal Company, is available for public review during normal business hours in the following office, under Serial Number U-53880: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

W. R. Papworth,

Deputy State Director for Operations.

[FR Doc. 83-33673 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. C-35152]

Realty Action; Exchange of Public Lands in Mesa County, Colorado

Summary

The following described public lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T.1S., R.1W., Ute P.M.,
Sec. 36: Lot 10 (37.23 acres).
T.13S., R.101W., 6th P.M.,
Sec. 36: SE¼SW¼, SW¼SE¼ (80 acres).
T.14S., R.101W., 6th P.M.,
Sec. 12: Lots 1 (45 acres), 2 (46.47 acres), and 3 (45.26 acres) aggregate equals 136.83 acres.

Total public land equal 254.06 acres.

In exchange for these lands, the Federal Government will acquire non-Federal land in Mesa County from the Gobbo Land and Livestock Company, described as follows:

T.12S., R.101W., 6th P.M.,
Sec. 7: E½E½ (160 acres).

The purposes of the exchange is to alleviate an existing conflict in land use of two adjacent properties. The National Park Service is responsible for the protective management of the Colorado National Monument. The owners of the 160 acres of private lands located adjacent to the Monument intend to utilize their lands to an economic benefit. This is the basis for the dispute concerning access to this property across the National Park Service lands.

A land exchange was recommended by the Justice Department Solicitor as a solution to a recurring problem of access to the private lands. Even though Gobbos have legal right to use and maintain the existing road, any disturbance outside the easement is considered unauthorized by the National Park Service and restitution and damages would have to be imposed. Therefore, the potential for conflict is always present. In order to fully utilize their property the Gobbos would need to continue to keep the road open. The potential of disturbance outside the width of the easement is high, risking National Park Service citations and restitution for damage to the Colorado National Monument.

An exchange of properties acceptance to the Gobbos would completely remove the land use conflict.

The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with Mesa County and the State of Colorado. The public interest will be well serviced by making the exchange. The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Lands will be exchanged in fee.

3. The reservation to the United States of Section 24 of the Federal Power act covering the selected parcel located in Section 36: Lot 10, T.1S., R.1W., Ute P.M. that states: "The right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of said land for the purposes set forth in and subject to the stipulation that, if and when the lands are required in whole or in part, for power development purposes, any structures or improvements placed thereon which shall be found to obstruct or interfere with such development shall, without expense to the United States, its permittees or licensees, be removed or relocated insofar as is necessary to eliminate interference with power development."

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange including the environmental analysis and the record of public discussions, is available for review at the Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado.

For a period of 45 days interested parties may submit comments to the District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado.

Dated: December 7, 1983.

Wright Sheldon,

District Manager.

[FR Doc. 83-33695 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-84-M

[U-52785]

Realty Action; Sale of Public Lands in Grand County, Utah

The Bureau of Land Management, based upon land use plans and field examination, has determined that the following described lands are suitable for disposal by sale under Section 203(a)(3) of the Federal Land Policy and Management act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value.

Legal description and acreage

T. 26 S., R. 22 E., SLB&M.
Sec. 14, SW¼SW¼; Sec. 15, SE¼SE¼; Sec. 23, W½NW¼, 160.

The land is being offered at direct sale to the City of Moab, Utah at the appraised fair market value. The direct sale is authorized under Section 203(f)(2) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, U.S.G. 1731).

The sale of this land to the City of Moab will recognize the City's long-standing interest in this land and allow for development of a championship golf course and recreation complex.

The terms and conditions applicable to the sale are:

1. All mineral rights will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of the 160 acre parcel will be subject to valid existing rights, including U-25570, a ten year oil and gas lease which was issued on April 1, 1974 and U-52881, a ten year oil and gas lease which was issued on May 1, 1974.

The sale is consistent with Bureau of Land Management and Grand County land use plans. The City of Moab is the proponent of the sale which would allow for development of a golf course and recreation complex. The public interest would be served by offering these lands for direct sale to the city.

The land will not be offered for sale until 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Utah State

Director, University Club Building, 136 E. South Temple, Salt Lake City, Utah 84111. Any adverse comments will be evaluated by the State Director, who may vacate or modify this notice. In absence of any action by the State Director, this notice will represent the final determination of the Department of the Interior.

Additional information is available from the Moab District Office, P.O. Box 970, 125 W. 2nd South, Moab, Utah 84532, or the Grand Resource Area, P.O. Box M, Sand Flats Road, Moab, Utah 84532.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 83-33675 Filed 12-19-83; 8:45 am]
BILLING CODE 4310-84-M

Minerals Management Service

Proposal to Change the Water Depth Criterion for Granting Longer Primary Lease Terms

AGENCY: Minerals Management Service, Interior.

ACTION: Request for comments.

SUMMARY: The Minerals Management Service (MMS) is examining its policy on the proper length of the primary lease term for deepwater offshore oil and gas leases. Currently, MMS uses lease terms of 10 years for water depths greater than 900 meters (m). To encourage exploration and development in deepwater areas, MMS is considering establishing 10-year lease terms in water depths exceeding 400m.

This solicitation requests comments and recommendations from interested parties. MMS will consider comments in response to this request as part of its analysis of the likely consequences of modifying the current policy. Such policy changes may be implemented by specifying in the appropriate Notice of Lease Offering the criterion for lease terms for deepwater areas.

DATE: Comments in response to this request should be postmarked or hand-delivered no later than the close of business January 19, 1984.

ADDRESS: Request for Comments on Longer Lease Terms, Director, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091, Attn: MS643.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall Rose or Ms. Carol Hartgen, Minerals Management Service, MS643, Reston, Virginia 22091, telephone (703) 860-7571 or 860-7558.

SUPPLEMENTARY INFORMATION:

Background

The current water depth criterion used by MMS for longer lease terms (10 years) is 900m. An accumulating body of information indicates something less than 900m may be appropriate as a water depth criterion to encourage exploration and development of hyrocarbons. A preliminary MMS analysis indicates that a 400m water depth criterion is the more appropriate demarcation for a 10-year lease term. We have based this on a review of the legal, technological, and economic issues briefly described below. We intend to further develop this analysis in light of the comments received.

The 900m criterion was first used at Lease Sale 68 in June 1982. In 1981, the 400m criterion was used for several Atlantic sales. Prior to 1983, within the 400m to 900m depth range, 79 leases were issued with a primary term of 5 years (48 in California, 29 in the Gulf of Mexico (GOM), and 2 in the Atlantic). The Central and Western GOM Lease Offerings (May and August 1983) resulted in 52 and 22 leases, respectively, with a primary term of 5 years being issued in water depths of 400m to 900m. The proposed notices for these latter lease offerings adhered to the 900m criterion for 10-year lease terms.

Section 8(b) of the Outer Continental Shelf Lands Act (OSCLA) states that a lease shall be granted for a term of 5 years unless "the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water * * *." It is within this legal framework providing discretionary authority to the Secretary that we are examining the lease-term criterion.

Additional sections of the OCSLA and regulations provide requirements for the exploration and development of potential offshore resources. Section 5(a)(7) of the OCSLA directs the Secretary to prescribe rules and regulations to provide for prompt and efficient exploration of a lease area. Section 11(c) requires submission of an exploration plan and section 25(a)(1) requires submission of a development and production plan prior to expiration of the primary term of the lease.

Current MMS policy states that under normal conditions lessees will be able to explore and commence development within the primary term of the lease. Regulatory requirements exist for submission of exploration plans (30 CFR 250.34-1) and MMS review to ensure commencement of development during the primary term of the lease under normal operating conditions. Suspensions of production (SOP's) which have the effect of extending the lease beyond the primary term are authorized to be granted when in the national interest (30 CFR 250.12). In determining that interest, due consideration is to be given to difficult or unforeseen environmental, safety, development, transportation, and construction issues; inordinate delays in obtaining needed governmental approvals; or other relevant circumstances. The MMS has exercised its discretionary authority to extend leases beyond the primary term on a case-by-case basis.

Reasons for Proposing a Change in Criterion

Legal Rights vs. Discretionary Authority

The primary lease term provides the lessee with the *right* to explore, develop, and produce hydrocarbons. If production takes place, the lease is extended as long as there is production. If production does not take place during the primary term, authority to extend the term is available through the granting of an SOP; however, it is discretionary and subject to changing policy interpretations or regulations. The prospect of policy changes governing SOP's subjects the lessee to uncertainty. If the primary term is insufficient to allow for the exploration, development, and production of hydrocarbons, the possibility of obtaining an SOP is not an adequate remedy to preclude adverse effects on bidding, exploration, and development of the resource. The technological factors discussed below indicate that a 5-year term may not be sufficient time to explore, develop, and produce in 400m or more. We believe that these factors suggest consideration of a longer primary lease term in waters deeper than 400m to encourage exploration and development in these areas.

Technological Factors

The petroleum industry has the technological capability to drill and explore in water depths beyond 2,000m. Prototype technology exists to produce in water depths up to 900m deep. Installed production platform operations exist in approximately 300m in the GOM. Fixed-leg platform capability is limited to the 350m to 450m water depth level; beyond that, guyed towers and tension leg platform must be used.

Estimates of the time frames to explore and develop in waters deeper than 400m in the GOM range from 8 to 10 years. Time frames are lengthened because of the additional engineering

and cost studies necessary to determine the feasibility of development in these high-cost areas. Not only do larger reservoirs need to be present to justify the higher costs of development (in comparison to shallower waters), but production platforms need to be designed to a site-specific basis depending on modifications and expansions of present prototype production systems.

The time between exploration and production is an important factor in establishing the primary lease term. Although legal means are available to extend the primary term of the lease (and these measures have been and will continue to be used), technological capabilities and the time necessary to refine and more fully develop production technology in water depths greater than 400m warrant a primary lease term longer than 5 years.

Submission of exploration plans as well as development and production plans, as required by the OCSLA, will continue to provide MMS with the ability to ensure expeditious exploration and development of the offshore resource. Continued use of discretionary extensions of the primary term is inefficient in this instance and presents a financial and manpower burden both to Government and industry. This could hinder the optimal development of the offshore resource.

Economic Conditions

The Secretary's discretionary authority to extend the primary lease term beyond 5 years is predicated on the need to encourage exploration and development. At first glance, it might appear that lengthening the primary lease term would tend to discourage rather than encourage development because of the extended time frame. However, economic analysis of a longer primary lease term (10 years) in water depths greater than 400m indicates that a longer primary lease term, by decreasing risk, could increase bonus bids as well as the number of tracts bid on. As a result, the longer lease term may act to encourage exploration and development.

Beyond 400m, prototype production capability is available. However, application of the technology on a site-specific basis within a 5-year time frame is unrealistic at the present time. Potential lessees perceive an additional risk and uncertainty when bidding on tracts in water depths of 400m or more because of the unrealistic term and the discretionary nature of lease extension provisions. This risk, in addition to other risks of development in high-cost, deepwater areas, could discourage bidding and lower bid levels. It would have the effect of diminishing the exploration and development of the resource. Following acquisition of a lease, the timing of exploration is affected by the size of the bonus bid, i.e., the higher the bonus, the larger the delay costs if the lessee postpones development. Lengthening the lease term to 10 years would remove one element of risk which should have a positive impact on potential bidding, bid levels (higher compared to 5-year lease term), and, subsequently, on exploration and development.

In the deepwater areas, postexploration economic incentives are very high and tend to ensure expeditious development. The high costs of exploration generate large potential delay costs if production does not rapidly follow.

In deepwater areas, a longer lease term could help ensure that high-cost investments are not jeopardized by unreasonably short time requirements imposed by the Government. Market incentives are present to expedite production soon after the exploration phase because of large potential delay costs. A longer lease term also provides a realistic time frame for optimal development decisions within constraints presented by rig availability and the site-specific design of deepwater production systems. If bonus bids are low, the incentives to explore in deepwater, high-cost areas may also be low in the face of expected increases in real prices. However, the OCSLA requires the submission of exploration and development plans; this requirement, along with market forces, will ensure expeditious development of deepwater resources.

The MMS is considering an exploration requirement (timing of submission of exploration plans) in conjunction with a longer lease term. A longer lease term would reduce risks, while the exploration requirement would ensure sufficient incentives without unreasonable requirements. A 10-year time frame is realistic since production technology lags behind exploration technology. Thus, it appears that the overall effect of increasing the lease term to 10 years in water depths of 400m or more would be to encourage exploration and development of hydrocarbons in deep water.

Tentative Conclusions of Analysis

The following factors are related to the issue of the proper length of the primary lease term: (1) Statutory and regulatory requirements, (2) expected time frames for exploration, development, and production, (3) technological constraints, and (4) economic incentives for expeditious exploration and development. Based upon preliminary analyses, it appears that 400m is a more appropriate criterion for awarding 10-year primary lease terms. We reached that tentative conclusion based on the following: (1) Exploration and development cannot reasonably be expected to be completed in depths greater than 400m within 5 years, (2) removal of an obstacle which may inhibit planning, research, or lease activities would foster exploration and development, (3) industry needs sufficient guarantees of lease rights to justify the high costs and risks associated with deepwater activities, (4) longer lease terms would allow industry to plan efficient and realistic time frames for exploration and production, and (5) an examination of economic incentives indicates that delay costs to industry are extremely high in areas with water depths in excess of 400m and provide sufficient encouragement for efficient exploration and development.

Questions

To assist in the policy determination, comments are requested on the proposed criterion. Respondents may wish to recommend options beyond that described in the notice. In describing or recommending options other than that presented in this notice, respondents are requested to provide sufficient details and supporting rationale so that distinctions can be made between options, and all the options can be evaluated. Respondents are specifically requested to address the following questions with regard to the proposed criterion or an alternative suggested option.

1. Would a 400m water depth criterion for establishing a 10-year lease term be beneficial from an exploration and development perspective? Is a different water depth criterion more appropriate? Why?

2. What is the current assessment of technological capability to explore and develop leases in deepwater areas? What are the water depth limitations on exploration and development drilling? What are the time requirements?

3. What is the current assessment of technological capability to produce in deepwater areas? What are the water depth limitations on production facilities? What are the time requirements?

4. What is a range of estimates based on actual examples for the time necessary to explore, develop, and produce in deepwater areas, by water depth (400m to 900m)?

5. Would lengthening the lease term from 5 to 10 years in 400m water depths affect the planning or implementation of your exploration or development activities? Would the impact be positive/negative? Why?

6. What are your major concerns about the present policy of using discretionary measures (SOP's) to extend the primary lease term on leases deeper than 400m? Are there unnecessary difficulties in obtaining SOP's? What are the advantages of our present SOP policies?

7. To what extent would the longer lease term provide incentives to delay exploration or development in anticipation of changes in information or economic conditions?

8. What requirements should be fulfilled within or by the end of the designated length of the primary term? For example, what are the advantages or disadvantages of an exploration requirement if used in conjunction with a primary term? What should be the milestone dates, if any, within the primary term for fulfilling these requirements?

9. Do companies with existing 5-year leases in water depths greater than 400m expect to commence development prior to 5 years? Or, do these companies intend to rely on our SOP policy?

10. Are the factors described in the Tentative Conclusions section appropriate and complete?

David C. Russell,

Acting Director, Minerals Management Service.

December 13, 1983.

[FR Doc. 83-33993 Filed 12-19-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 9, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by January 5, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Cahoun County

Piedmont, *Southern Railway Depot*, 200 N. Center Ave.

Mobile County

Mobile, *Dahn House*, 7 N. Claiborn St.
Mobile, *Denby House*, 558 Conti St.
Mobile, *Hawthorne House*, 325 Stanton Rd.
Mobile, *Meaher-Zoghby House*, 7 N. Claiborne St.
Mobile, *Metzger House*, 7 N. Hamiltion St.
Mobile, *Monterey Place*, 1552 Monterey Pl.
Mobile, *Neville House*, 255 St Francis St.
Mobile, *Phillippi House*, 53 N. Jackson St.
Mobile, *Scottish Rites Temple*, 351 St. Francis St.
Mobile, *St. Francis Street Methodist Church*, 15 N. Joachim St.

Wilcox County

Camden, *Liberty Hall, AL 221*

CALIFORNIA

Fresno County

Fresno, *Fresno Brewing Company Office and Warehouse*, 100 M St.

Humboldt County

Arcata, *Hotel Arcata*, 708 9th St.

Los Angeles County

Lancaster, *Antelope Valley Indian Museum*, 15701 E. Ave.

Marin County

Larkspur, *Alexander-Acacia Bridge*, Alexander Ave., between Acacia and Monte Vista Aves.

Orange County

Tustin, *Stevens, Sherman, House*, 228 W. Main St.

San Francisco County

San Francisco, *Koshland House*, 3800 Washington St.

COLORADO

Arapahoe County

Aurora, *Melvin School*, 4950 S. Laredo St.

Boulder County

Hygiene vic., *Church of the Brethren*, 17th Ave.
Longmont, *Empson Cannery*, 15 3rd. Ave.

Clear Creek County

Idaho Springs, *Idaho Springs Downtown Commercial District*, Rougly bounded by Center Alley, 14th Ave., Riverside Dr., and Idaho St.

Denver County

Denver, *Eppich Apartments*, 1266 Emerson St.
Denver, *Stonemen's Row Historic District*, Southside 28th Ave. between Umatilla and Vallejo Sts.

Gunnison County

Gunnison, *Fisher-Zugelder House and Smith Cottage*, 601 N. Wisconsin St.

Jefferson County

Golden vic., *Lorraine Lodge (Charles Boettcher Summer Home)*, SW of Golden

Larimer County

Fort Collins, *Fort Collins Municipal Railway Birnery Safety Streetcar 21*, 1801 W. Mountain Ave.

Mesa County

Grand Junction, *North Seventh Street Historic Residential District*, 7th St. between Hill and White Aves.

Weld County

Longmont vic., *Sandstone Ranch*, E of Longmont off CO 119

MASSACHUSETTS

Bristol County

Fall River, *Lower Highlands Historic District (Fall River MRA)*, Roughly bounded by Cherry, Main, Winter, and Bank Sts.

Essex County

Marblehead, *Marblehead Historic District*, Roughly bounded by Marblehead Harbor, Waldron Court, Essex, Elm, Pond, and Norman Sts.
Methuen, *Barker, Stephen, House (Methuen MRA)*, 165 Haverhill St.
Methuen, *Buswell, J. E., House (Methuen MRA)*, 535–537 Prospect St.
Methuen, *Daddy Frye's Hill Cemetery (Methuen MRA)*, East and Arlington Sts.
Methuen, *Dolan, Terence, House (Methuen MRA)*, 478 Prospect St.
Methuen, *Double-arch Sandstone Bridge (Methuen MRA)*, Hampshire Rd.
Methuen, *Emerson House (Methuen MRA)*, 58 Ayers Village Rd.
Methuen, *Emerson, Capt. Oliver, Homestead (Methuen MRA)*, 133 North St.
Methuen, *Emmons, G. B., House (Methuen MRA)*, 283 Broadway
Methuen, *Baptist Church (Methuen MRA)*, 253 Lawrence St.
Methuen, *Hardy, Urias, House (Methuen MRA)*, 50 Brown St.
Methuen, *House at 10 Park Street (Methuen MRA)*, 10 Park St.
Methuen, *House at 113–115 Center Street (Methuen MRA)*, 113–115 Center St.
Methuen, *House at 13 Annis Street (Methuen MRA)*, 13 Annis St.
Methuen, *House at 136 Hampstead Street (Methuen MRA)*, 136 Hampstead St.
Methuen, *House at 15–19 Park Street (Methuen MRA)*, 15–19 Park St.
Methuen, *House at 23 East Street (Methuen MRA)*, 23 East St.
Methuen, *House at 262–264 Pelham Street (Methuen MRA)*, 262–264 Pelham St.
Methuen, *House at 306 Broadway (Methuen MRA)*, 306 Broadway
Methuen, *House at 4 Birch Avenue (Methuen MRA)*, 4 Birch Ave.
Methuen, *House at 491 Prospect Street (Methuen MRA)*, 491 Prospect St.
Methuen, *House at 50 Pelham Street (Methuen MRA)*, 50 Pelham St.

Methuen, *House at 526 Prospect Street (Methuen MRA)*, 526 Prospect St.
Methuen, *House at 9 Park Street (Methuen MRA)*, 9 Park St.
Methuen, *Johnson House (Methuen MRA)*, 8 Ditson Pl.
Methuen, *Lawrence Street Cemetery (Methuen MRA)*, Lawrence St.
Methuen, *Methuen Water Works (Methuen MRA)*, Cross St.
Methuen, *Morse, Moses, House (Methuen MRA)*, 311 Pelham St.
Methuen, *Nevins Memorial Library (Methuen MRA)*, 305 Broadway
Methuen, *Nevins, Henry C., Home for Aged and Incurables (Methuen MRA)*, 110 Broadway
Methuen, *Old Town Farm (Methuen MRA)*, 430 Pelham St.
Methuen, *Park Lodge (Methuen MRA)*, 257 Lawrence St.
Methuen, *Perkins, Joseph, House (Methuen MRA)*, 297 Howe St.
Methuen, *Pleasant-High Historic District (Methuen MRA)*, Roughly bounded by Broadway, High, Vine, Charles, and Pleasant Sts.
Methuen, *Searles High School (Methuen MRA)*, 41 Pleasant St.
Methuen, *Simpson, James E., House (Methuen MRA)*, 606 Prospect St.
Methuen, *Spicket Falls Historic District (Methuen MRA)*, Roughly bounded by Spicket River, Railroad, Pelham, Hampshire, Boradway, and Osgood Sts.
Methuen, *Swan, Asie, House (Methuen MRA)*, 669 Prospect St.
Methuen, *Tenny Castle Gatehouse (Methuen MRA)*, 37 Pleasant St.
Methuen, *Turnpike House (Methuen MRA)*, 314 Broadway
Methuen, *Waldo, George A., House (Methuen MRA)*, 233 Lawrence St.
Methuen, *Walnut Grove Cemetery (Methuen MRA)*, Grove and Railroad Sts.

MISSOURI

St. Louis (Independent City)

Union Market, Broadway and Lucas Ave.

MONTANA

Deer Lodge County

Anaconda, *Durston Block and Annex*, 201–205½ Main St.

Lake County

Bigfork vicinity, *Kootenai Lodge Historic District*, Sunburst Dr.

Lewis & Clark County

Marysville, *Methodist-Episcopal Church of Marysville*, 3rd St.

NEVADA

Nye County

Round Mountain, *Berg, William H., House*, Mariposa and Davis Sts.

NEW JERSEY

Essex County

Newark, *Lincoln Park Historic District*, Lincoln Park, Clinton Ave., and Spruce and Broad Sts.

NEW MEXCIO

Taos County

Los Cordovas, *San Ysidro Oratorio*, NM 240

NORTH CAROLINA

Forsyth County

Richmond Courthouse Site.

PENNSYLVANIA

Lackawanna County

Scranton, *Florence Apartments*, 643 Adams Ave.

Montgomery County

Bryn Mawr, *Idlewild Farm Complex*, 617 Williams on Rd.
Haverford, *Whitehall Apartments*, 410 W. Lancaster Ave.

PUERTO RICO

Mayaguez County

Guanica vicinity, *Hacienda Santa Rita*, PR 116

Ponce County

Ponce, *Cementerio Antiguo de Ponce*, Torres #1 and Frontispicio St.

TENNESSEE

Davidson/Williamson Counties

Nashville, *Warner Park Historic District*, Roughly bounded by LIttle Harpeth River, Belle Meade Blvd., TN 100, and Chickering Rd.

Shelby County

Memphis, *Lowenstein, Abraham, House*, 217 N. Waldran Blvd.

TEXAS

Bexar County

San Antonio, *Almao National Bank Building*, 316 E. Commerce St.

Palo Pinto County

Mineral Wells, *Weatherford-Mineral Wells and Northwestern Railroad Depot*, S. Oak St.

Tarrant County

Fort Worth, *Fort Worth Public Market*, 1400 Henderson St.

UTAH

Davis County

Centerville, *Capener, William, House*, 252 North 400 East

WASHINGTON

King County

Seattle, *Temple de Hirsch*, 15th Ave. and E. Union St.

WISCONSIN

Burnett County

Dogtown,

Dane County

Madison, *Brown, Charles E., Indian Mounds*, University of Wisconsin Arboretum

Marathon County

Wausau, *Andrew Warren Historic District*, Roughly bounded by Fulton, Grant, 4th, and 7th Sts.

The 15-day commenting period for the following properties is to be waived in order to assist the buildings' preservation the gift of an easement.

COLORADO

Denver County

Denver, *Norman Apartments*, 99 S. Downing St.

MICHIGAN

Wayne County

Detroit, *Croul-Palms House*, 1394 E. Jefferson Ave.

[FR Doc. 83-33728 Filed 12-19-83; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 19-83]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice Civil Division is hereby publishing notice of a new system of records.

The "Consumer Mail File System, JUSTICE/CIV-006" is a new system which was previously reported as part of a larger system of records maintained by the Antitrust Division entitled "Public Complaints and Inquiries File, JUSTICE/ATR-009" (most recently published on November 17, 1980, in 45 FR 75902). The new Consumer Mail File System consists only of consumer-related complaints. These records were transferred from the Antitrust Division to the Civil Division's newly established Office of Consumer Litigation. The nature and scope of these records have not changed; neither has the method of indexing or retrieving these records. Therefore, a waiver of the requirement for 60 days advance notice to the Office of Management and Budget (OMB) and the Congress on new systems has been requested.

However, the Office of Consumer Litigation will add additional routine uses. Therefore, in accordance with 5 U.S.C. 552a(e) (4) and (11) the public is provided a 30-day period in which to comment on the new routine uses which have been italicized for public convenience.

If the requested waiver is approved and no comments are received from the public, the new routine uses will be implemented January 19, 1984. If the requested waiver is not approved, the

new routine uses will not be implemented until February 21, 1984.

Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.

Dated: November 18, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/CIV-006

SYSTEM NAME:

Consumer Mail File System.

SYSTEM LOCATION:

Civil Division, Office of Consumer Litigation, U.S. Department of Justice, Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals making written complaints or inquiries to the Attorney General, the Department or directly to the Office of Consumer Litigation, Civil Division relating to consumer matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains an annual alphabetical file of complaints and inquiries made directly to the Office of Consumer Litigation, Civil Division or referred to the Office from within the Department or from an outside source, any replies by the Office thereto, and an annual chronological log of inquiries received and the disposition thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file will be used by Civil Division personnel to assure adequate response to initial and subsequent contacts by the same individuals or other contacts regarding the same subject. Some of these contacts will also serve to further ongoing investigations or to initiate an investigation for enforcement purposes. Complaints/inquiries: (1) May be referred to other federal or state and local agencies, only if deemed appropriate to assure complete action on the matter; *(2) may be disclosed to a private firm that is the subject of a complaint or inquiry in an effort to resolve the matter brought to the attention of the Office through the incoming correspondence, or to further the fulfillment of the Department's law enforcement responsibilities; and (3) may be disclosed in part to another federal agency as part of a special project in an effort to better assess or address overall consumer related problems and programs.*

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case or matter would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of an individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use of the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained in alphabetical file folders which include the incoming letters of inquiry, or photostatic copies thereof, and copies of outgoing letters of response.

RETRIEVABILITY:

Information is retrieved by name, subject matter and date.

SAFEGUARDS:

Information contained in the system is unclassified. During duty hours access to this system is monitored and controlled by Civil Division personnel in the area where the system is maintained. The area is locked during non-duty hours.

RETENTION AND DISPOSAL:

In accordance with the General Record Schedule 14, most records are kept by individual name and retained for one year after close of the file or one year after completion of any project, after which the files are destroyed. Copies of some records may be placed in a subject matter or case file if they contain substantive information on law enforcement matters. Case and subject matter files are normally maintained for thirty years.

SYSTEMS MANAGER AND ADDRESS:

Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General, Civil Division, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be written and clearly identified as a "Privacy Access Request." The request should include the name of the party making the inquiry and the date of the inquiry. The requester should indicate a return address.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of records maintained in the system are the public inquiries, and information provided by private firms regarding the subject matter of such inquiries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-33700 Filed 12-19-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Clean Water Act Enforcement Action

In accordance with Departmental Policy, 28 CFR 50.7, FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Union Carbide Corporation,* Civil Action No. 81-2132-CH has been lodged with the United States District for the Southern District of West Virginia. The consent decree requires Union Carbide to

undertake remedial measures at its plant on the Kanawha River, including alarm devices to prevent spills into the River, and to pay $5,000 to the revolving fund administered by the Coast Guard pursuant to Section 311(k) of the Clean Water Act.

The consent decree may be examined at (1) the Office of the United States Attorney, Southern District of West Virginia, P.O. Box 3234, Charlestown, West Virginia 25332, (2) the Office of the Environmental Protection Agency, Region III, Office of Regional Counsel, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

A copy may be obtained in person or by mail for $1.40 from The Environmental Enforcement Section. The Department of Justice will receive comments relating to this consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States* v. *Union Carbide Corporation*, DOJ Ref. #90-5-1-1-1500.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-33699 Filed 12-19-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (No Change)

Employment and Training Administration
ET Handbook No. 391, Unemployment Compensation for Former Federal Employees
ETA 836, ETA 835, and ETA 935
On occasion
Individuals, State or local governments, Federal Agencies
SIC: 944
494,050 responses; 22,293 hours

Federal Law (Subchapter I of 5 U.S.C. 85) provides unemployment insurance protection to former Federal civilian employees, referred to in abbreviated form as "UCFE". The forms in the *UCFE Handbook* are used to implement the provisions of the Act.

Signed at Washington, D.C. this 15th day of December 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-33720 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-30-M

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to the requirements of Public Law 95-602, I hereby certify that the Consumer Price Index for All Urban Consumers rose by 2.9 percent between October 1982 and October 1983 from a level of 294.1 (1967=100) in October 1982 to a level of 302.6 (1967=100) in October 1983.

Signed at Washington, D.C., on the 13th day of December 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-33721 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 5, 1983-December 9, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-14,516; Norton Co., Troy, NY

TA-W-14,501; Exide Corp., Cheektowaga, NY

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,953; Air Products & Chemicals, Inc., Sparrows Point, MD

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,918; Burton Shipyard, Port Arthur, TX

Aggregate U.S. imports of tuna boats are negligible.

TA-W-14,810; Harley-Davidson Motor Co., Milwaukee, WI

The investigation revealed that criterion (1) has not been met. Since the certification covering workers at the Milwaukee facility expired on June 12, 1983 employment has not declined.

TA-W-14,811; Harley-Davidson Motor Co., Wauwatosa, WI

The investigation revealed that criterion (1) has not been met. Since the certification covering workers at the Wauwatosa facility expired on June 12, 1983 employment has not declined.

TA-W-14,812; Harley-Davidson Motor Co., Tomahawk, WI

The investigation revealed that criterion (1) has not been met. Since the certification covering workers at the Tomahawk facility expired on June 12, 1983 employment has not declined.

Affirmative Determinations

TA-W-14,530; Lear Siegler, Inc., Bogen Div., Paramus, NJ

A certification was issued covering all workers separated on or after June 1, 1982.

TA-W-14,496; Robbins & Myers, Inc., Electric Motor Div., Gallipolis, OH

A certification was issued covering all workers separated on or after March 15, 1982.

TA-W-14,911; Texas-Gulfport Shipbuilding Co., Port Arthur, TX

A certification was issued covering all workers separated on or after August 5, 1982.

TA-W-14,908; Inland Steel Mining Co., Virginia, MN

A certification was issued covering all workers separated on or after August 4, 1982.

TA-W-14,888; Fundimensions, Mt. Clemens, MI

A certification was issued covering all workers engaged in employment related to the production of toy trains who became totally or partially separated from employment on or after April 1, 1983 and before October 1, 1983.

TA-W-14,840; Quanex Corp., Michigan Seamless Tube Div., South Lyon, MI

A certification was issued covering all workers separated on or after July 7, 1982 and before June 30, 1983.

TA-W-14,645; Diamond Tool & Horseshoe Co., Duluth, MN

A certification was issued covering all workers engaged in employment related to the production of hand tools separated on or after May 10, 1982.

I hereby certify that the aforementioned determinations were issued during the period December 5, 1983—December 9, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 13, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-33722 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 30, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 30, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 12th day of December 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-33723 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-30-M

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allis-Chalmers Corp., Industrial Truck Div. (USWA)	Matteson, Ill	12/1/83	11/29/83	TA-W-15,133	Industrial fork lift trucks.
Cyprus Specialty Steel Co. (Iron Workers)	Phoenix, AZ	12/6/83	11/29/83	TA-W-15,134	Fabricated steel.
Manheim Contracting Co. (ILGWU)	Elizabeth, NJ	12/5/83	11/29/83	TA-W-15,135	Blouses and beach cover-ups contractors.
Owens Illinois (GPPAW)	Bridgeton, NJ	12/1/83	11/28/83	TA-W-15,136	Glass containers.
Scovill Schrader Automotive Products Group. (UAW)	Dickson, Tenn	12/6/83	11/30/83	TA-W-15,137	Tire valves and parts, tire tubes.
Sherwood Medical Co. (AIW)	Jackson, WI	12/6/83	11/28/83	TA-W-15,138	Urological and cathetercare related products.
Waukesha Bearing Corp. (IAMAW)	Waukesha, WI	12/8/83	12/5/83	TA-W-15,139	Ship and submarine bearings.

[FR Doc. 83-33723 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,993]

Joey Manufacturing, Inc., Wyoming, Pennsylvania; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 19, 1983, in response to a petition received on September 14, 1983, which was filed on behalf of workers at Joey Manufacturing, Incorporated, Wyoming, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 7th day of December 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-33724 Filed 12-19-83; 8:45 am]

BILLING CODE 4510-30-M

Proposed Performance Standards for PY 1984

SUMMARY: Section 106 of the Job Training Partnership Act (JTPA) requires the Secretary of Labor to prescribe performance standards for Titles II–A and III programs. The Secretary's instructions for implementing the performance standards requirements were developed in response to Section 106 of JTPA and are set forth below. The purpose of the notice is to allow the employment and training community to comment upon the proposed performance standards requirements for program year (PY) 1984 (July 1, 1984–June 30, 1985).

DATE: Comments must be submitted on or before January 9, 1984.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, Attention: Ms. Kay Albright, Director, Office of Performance Management.

FOR FURTHER INFORMATION CONTACT: Ms. Kay Albright, Telephone (202) 376–6620.

SUPPLEMENTARY INFORMATION:

A. Purpose of the Performance Standards

The performance standards system is intended to be the cornerstone of a performance driven job training program. Performance standards will be used by the Governors to determine which Service Delivery Areas (SDAs) should receive incentive grants and which ones should be provided technical assistance.

B. Authority To Issue Performance Standards

Section 106 of the Act directs the Secretary to establish performance standards for the Title II–A adults and youth and the Title III dislocated workers programs. The Secretary is further authorized at Section 106(e) of the Act to establish parameters within which each Governor may prescribe variations in the performance standards based on specific economic factors, geographic factors, labor market conditions and characteristics of the population to be served.

C. Public Comment and Participation

The Department is committed in the development of performance standards to a public participatory process. This request for comment is an important part of that process. The Department also has provided an opportunity for a wide range of comment through the establishment of an advisory committee which has addressed the matter of establishing performance standards. The committee included representation from fifteen States, four local jurisdiction, plus representation from other organizations with an interest in this area.

D. Implications of PY 1984 Performance Standards on Reporting Requirements

No new reporting requirements have been proposed for PY 1984, therefore, the proposed standards have no implication on the reporting requirements.

E. OMB Submission

The document included at the appendix to this notice has been submitted to OMB pursuant to Executive Order 12291 and the Paperwork Reduction Act for review.

Signed at Washington, D.C. this 15th of December 1983.

Patrick J. O'Keefe,

Acting Deputy Assistant Secretary of Labor.

[Performance Standards, Issuance Number 1–PY 84, January 1984]

Appendix—Performance Standards for PY 1984

Authority: Job Training Partnership Act, Pub. L. 97–300, Sec. 106, Implementing Regulations 20 CFR 629.46, March 15, 1983.

I. Purpose

This document transmits the Secretary of Labor's performance standards for Titles II–A and III of the Job Training Partnership Act (JTPA). These standards are for program year (PY) 1984 (July 1, 1984–June 30, 1985).

It is the purpose of this issuance to define and explain the program year (PY) 1984 performance standards pursuant to the requirements of Section 106(c). Included in this issuance is certain information concerning the application of the standards for the purpose of awarding incentive grants and for identifying SDAs which need technical assistance.

II. Background

Section 106 of JTPA directs the Secretary to establish performance standards for adult, youth, and dislocated workers programs. Such standards should relate to the programs' objectives—increasing employment and earnings and reducing welfare dependency.

The information provided in this document is for the *first full program year* (July 1, 1984–June 30, 1985), as required by the statute.

Sections 106 (c) and (d) prescribe the performance standards implementation schedule. These sections require the Secretary to issue performance standards for the initial nine months of JTPA within six months of the enactment date of JTPA and for the first program year by January 31, 1984.

Performance Standards Issuance Number 1–84, dated April 13, 1983, transmitted the performance standards for the initial nine months of JTPA. Performance Standards Issuance 3–84, dated October 7, 1983, revised the definitions for the youth positive termination rate and cost per positive termination standards and provided definitions and calculation instructions for the standards. The contents of both of those issuances are briefly summarized below:

- The Department issued seven national standards—four for the adult programs and three for the youth programs;
- The Department did not issue any parameters for the initial nine-month period;
- The Department did not issue any Title III standards for the dislocated workers programs. Governors were, however, encouraged to establish performance goals for their Title III programs;
- PICs, in conjunction with SDAs, were encouraged to develop youth employment competency systems during the initial nine-months period;
- A youth shall be considered a positive termination if he/she had achieved, at termination, *one* of the following outcomes:
  - —Entered unsubsidized employment;
  - —Met one of the youth employability enhancement definitions; *or*
  - —Attained youth employment competencies recognized by the PIC; and
- The Secretary's National Standards for the youth positive termination rate and cost per positive termination presume the inclusion of all youth who had a positive termination, as defined above.

Therefore, should the Governor determine that an SDA's youth competency system has not been sufficiently developed to enable the PIC to recognize youth employment competencies, the Governors should adjust the performance standards accordingly.

Prior to the preparation of this document, the Department convened a JTPA Performance Standards Advisory Committee to disscuss how the Department should

establish performance standards and parameters for the first program year. The sections which follow reflect the input of the Advisory Committee.

III. Information for Implementing Performance Standards for PY 1984

This section provides information for implementing performance standards for PY 1984. The measures and Secretary's National Standards for Title II–A programs are defined at Part A; Part B describes the parameters for varying the National Standards; Part C discussses dislocated workers standards; Part D describes the use of the standards; and Part E provides certain information concerning anticipated changes which will be made to the instructions issued regarding the Governor's Coordination and Special Services Plan (GCSSP).

A. Performance Measures and the Secretary's National Standards for PY 1984

Performance standards for outcomes resulting from Title II–A participation are established for the measures noted below (the Secretary's National Standard is the underscored number following the definition).

Adults

1. *Entered Employment Rate*—The number of adults who entered employment at termination as a percentage of the number of adults who terminated: *55%*.

2. *Cost per Entered Employment*—Total expenditures for adults divided by the number of adults who entered employment: *$5,704*.

3. *Average Wage at Placement*—Average wage for all adults who entered employment at the time of termination: *$4.91*.

4. *Welfare Entered Employment Rate*—The number of adult welfare recipients who entered employment at termination as a percentage of the number of adult welfare recipients who terminated: *38%*.

Youth

1. *Entered Employment Rate*—The number of youth who entered employment at termination as a percentage of the number of youth who terminated: *41%*.

2. *Positive Termination Rate*—The number of youth who had a positive termination (i.e., at termination, the youth had either entered unsubsidized employment; *or* had met one of the youth employability enhancement termination definitions; *or* had attained youth employment competencies recognized by the PIC) as a percentage of the total youth who terminated: *82%*.

3. *Cost per Positive Termination*—Total expenditures for youth divided by the number of youth who had a positive termination (i.e., at termination, the youth had either entered unsubsidized employment; *or* had met one of the youth employability enhancement termination definitions; *or* had attained youth employment competencies recognized by the PIC): *$4,900*.

The foregoing standards were derived using two different time periods—through the fourth quarter of FY 82 for the adult standards and through the third quarter of FY 82 for the youth standards. The decision to replicate the initial nine-months standards for the youth programs was based on the uncertainty of the Title IV–A CETA data. Specifically,

- Approximately 15% of the prime sponsors did not operate a Title IV–A program during the first quarter of FY 82; and
- Approximately 37% of the prime sponsors terminated all of their Title IV–A participants during the fourth quarter of FY 82.

These two circumstances significantly altered the performance outcomes achieved during the third quarter versus the fourth quarter, as well as such factors as average weeks participated. Since the performance levels contrasted markedly between the two time periods, and the differences were more substantial than past trends would indicate, the Department determined that it should issue the same youth standards for PY 84 as were issued for the initial nine months of JTPA.

Keeping in mind that the adult standards are based on 12 months of FY 82 Title II–B/C CETA data and the youth standards are based on 9 months of FY 82 Title IV–A CETA data, the following factors were taken into account prior to the establishment of the above Secretary's National Standards:

- The basic objectives of the Act—increased employment and earnings and reductions in welfare dependency;
- The design and programmatic differences between JTPA and its predecessor, CETA (including increased emphasis on training, reduced administrative costs, and limitations on wages and allowances);
- The participant mix differences between JTPA and CETA (e.g., an increase in services to unemployment compensation claimants);

The presumption that the Secretary's National Standards for the youth positive termination rate and cost per positive termination include youth who attained youth employment competencies recognized by the PIC.

Note.—To the extent that the Governor determines that an SDA's youth competency system has not been sufficiently developed to enable the PIC to recognize such competencies, the Governor should adjust the positive termination rate and the cost per positive termination standards accordingly; and

The expectation that performance will improve due to program and administrative refinements (including the presence of performance standards) and an improved economy.

Note.—The Secretary's National Standards for the adult entered employment rate, average wage at placement, and welfare entered employment rate, as well as the youth entered employment rate and positive termination rate included a 10 percent productivity improvement factor.

B. Secretary's Parameters

There may be reasons why the Secretary's National Standards should be varied by the Governors for individual SDAs. The Secretary's and Governor's responsibilities in allowing variations are described at Section 106(e) of the Act. The Department has developed an adjustment methodology to assist Governors in varying SDA standards which take into account local conditions. This methodology will be made available as an optional technical assistance guide to Governors. Governors may use the Department's methodology or they may develop thier own adjustment methodology (See Section E below for documentation requirements in the Governors Coordination and Special Services Plan). Regardless of the adjustment methodology that is developed, there must by a systematic approach which conforms to the following parameters:

1. Procedure must be:
- Responsive to the intent ot the Act.
- Consistently applied among SDAs.
- Objective and equitable throughout the State.
- In conformance with widely accepted statistical criteria.

2. Source date must be:
- Of public use quality.
- Available upon request.

3. Results must be:
- Documented.
- Reproducible.

4. Adjustment factors must be limited to:
- Economic factors.
- Labor market conditions.
- Characteristics of the population to be served.
- Geographic factors.

C. Dislocated Workers

Section 106(g) requires the Secretary to prescribe performance standards relating to programs authorized by Title III of JTPA (Dislocated Workers). Because of limited performance information at the national level concerning the couduct of programs such as those envisioned under Title III, no national Title III performance standards will be established for PY 84.

Governors, however, have initial experience in the operation of dislocated worker programs during the last several months and should be in a position to project appropriate performance levels for their States. Accordingly, since it is the Governor's responsibility to assess Title III program performance, the Department has determined that Governors shall be required to establish an entered employment rate standard for each of their Title III programs. Governors are encouraged to continue to establish goals for the cost per entered employment, which take into consideration the Title III program design, participant characteristics, and other factors deemed appropriate by the Governor.

D. Use of Performance Standards

The following describes how SDA Performance Standards established by the Governors should be used in the review of SDA Job Training Plans and for assessing SDA performance at the end of the first full program year. The Governor must establish performance standards for each of the seven measures for each SDA.

1. *Review of SDA Job Training Plan*—In accordance with Sections 104(b)(4) and 105(b)(1) of the Act, the Governor should ensure that the SDA plans reflect the SDA standards established for each of the seven measures.

2. *Final Year-End Performance Assessment*—Attachment #1 to this issuance

contains the computation formulas for the seven Title II-A performance measures, and the Title III performance measure, in relation to the specific line items on the approved JTPA Annual Status Report (JASR). Governors should calculate their SDAs' actual performance using the formulas shown on Attachment #1 in order to assess their SDA's performance against their standards. In accordance with Section 202(b)(3), incentives may be awarded based on exceeding the performance standards and services to the hard-to-serve. When the Governor establishes a system for awarding incentives, the system must include all seven standards. While the system may not necessarily require that an SDA exceed all of the standards to be eligible for incentive funds, the Governor may not disregard any of the seven measures in establishing the incentive system.

E. Anticipated Revisions to the Governor's Coordination and Special Services Plan (GCSSP)

On June 22, 1983, a letter was transmitted to the Governors which provided instructions concerning the requirements for the Governor's Coordination and Special Services Plan (GCSSP). Section II.C. of that document relates to performance standards. Since a performance standards package had not been approved when the instructions were transmitted, States were advised that they were not required to address item II.C. until further notice.

The Department plans to update the GCSSP instructions, including incorporating the requirements at Section 121(b)(3) of the Act. These specify that the Governor shall document in the GCSSP the adjustments made in the performance standards and the factors that are used in making the adjustments. The revised instructions will be transmitted under separate cover.

Conclusion

Governors are advised that in the case of an appeal from an SDA concerning the imposition of a reorganization plan for failure to meet the performance standards for two consecutive years, the Secretary will make his final decision in accordance with Section 106(h)(4) of the Act and 20 CFR 629.46(d)(6). In making his decision, the Secretary will be predisposed to uphold the Governor's determination concerning the application of the performance standards, if the Governor elected to use the nationally developed adjustment methodology to vary the performance standards. If the Governor, however, elected to use an alternative methodology to vary the standards, the Secretary will make his decision on a case by case basis, based on the validity of the methodology and its uniform application throughout the state.

The Department will respond, to the extent feasible, to individual States' requests for assistance regarding the discharge of the Governors' responsibilities to establish program year 1984 performance standards and to assess SDAs' performance against those standards.

Attachment #1—Computation Formulas for Titles II-A and Title III Performance Measures

As indicated in Section II.E. of Performance Standards Issuance 1-PY 84, the computation formulas for each of the performance measures are shown below. The specific column and line items reflected in the formulas relate to the approved JTPA Annual Status Report (JASR). Governors should compare the SDA's actual performance results obtained by using the following computation formulas to the SDA's performance standards when determining whether an SDA is eligible to receive an incentive award.

Title II-A

Adults

- Entered Employment Rate:

$$\text{Column (A)} \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

- Cost per Entered Employment:

$$\text{Column (A)} \frac{\text{II.23.}}{\text{I.B.1.}}$$

- Average Wage at Placement: Column (A) II.22.
- Welfare Entered Employment Rate:

$$\text{Column (B)} \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

Youth

- Entered Employment Rate:

$$\text{Column (C)} \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

- Positive Termination Rate:
Column (C) (I.B.1.) + (I.B.2.) + (youth who attained recognized competencies)/I.B. × 100
- Cost Per Positive Termination:
Column (C) II.23/(I.B.1.) + (I.B.2.) + (youth who attained recognized competencies)

Title III

- Entered Employment Rate:

$$\text{Column (D)} \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

Note.—The JASR does not request separate information on the number of youth who attained PIC-recognized employment competencies. This type of termination will be reported in Column (C) at line I.B.3., "All Other Terminations," along with any other termination which meets the definition of "All Other Terminations."

Where multiple reporting elements are included in the numerator or denominator, a participant shall only be included in one of the multiple elements.

There will be no change to the reporting system at this time. While the inclusion of "attained youth employment competencies" is a part of the definitions for the two youth positive termination standards, the tracking and documentation of "attained youth employment competencies" will be at the discretion of the Governor. The Governor, accordingly, may request an SDA to provide additional information regarding the specific attainment of youth employment competencies.

[FR Doc. 83-33727 Filed 12-19-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-14,905]

U.S. Steel Mining Co., #9 Mine, Gary, West Virginia; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 8, 1983 in response to a worker petition received on August 2, 1983 which was filed by the workers on behalf of workers at the #9 Mine of U.S. Steel Mining Company, Gary, West Virginia.

A negative determination applicable to the petitioning group of workers was issued on December 17, 1982 (TA-W-13,418). All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 8th day of December 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-33723 Filed 12-19-83; 8:45 am]
BILLING CODE 4510-30-M

LEGAL SERVICES CORPORATION

Attorney Involvement by Recipients of Funding; Correction

This Instruction was published November 29, 1983 (48 FR 53763-65). In the final paragraph of the final column of page 53765, the word "not" was dropped from the first line. Thus the final paragraph should read:

"This prohibition does not prevent reimbursement of payment of costs and expenses incurred by private attorneys in normal situations where litigation may result in attorney fees."

Dated: December 12, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83-33607 Filed 12-19-83; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Overview Section) to the National Council on the Arts will be held on January 4-6, 1984, from 9:00 a.m.-5:00 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 4 from 2:30 p.m.-5:00 p.m., and on January 5-6 from 9:00 a.m.-5:00 p.m. to discuss Five-Year Plan and Guidelines.

The remaining sessions of this meeting on January 4 from 9:00 a.m.-2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: December 12, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-33603 Filed 12-19-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on Safety Research Program will hold a meeting on January 11, 1984, in Room 1046, 1717 H Street, NW, Washington, D.C. The Subcommittee will discuss the Office of Management and Budget (OMB) final mark on the NRC Safety Research Program Budget for fiscal year 1985 and 1986; the impact of the OMB-proposed budget reductions on continuing and proposed research contracts; and a draft version of the Annual ACRS Report to the Congress on the related matter.

The entire meeting will be closed (Sunshine Act Exemption (9)(b). Discussion of the impact of the OMB mark on continuing and proposed research contracts, if held in public session, might result in the premature disclosure of information which would in turn frustrate the Commission's ability to implement the affected programs effectively.

I have determined, in accordance with Subsection 10(d) Pub. L. 92-463 that it may be necessary to close the meeting as noted above to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function. The authority for such closure is Exemption (9)b to the Sunshine Act, 5 U.S.C. 552b(c)(9)b.

Information regarding the meeting can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy, (telephone: 202/634-3267) between 8:15 a.m. and 5:00 p.m., E.S.T.

Dated: December 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-33609 Filed 12-19-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-43]

Initiation of Investigation under Section 301; Rice Millers Association

On July 13, 1983 the Rice Millers Association (RMA) filed a petition under Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*) alleging that the Taiwan authorities subsidize the export of rice. The RMA further alleges that as a result of such subsidized exports the world price of rice has decreased, causing a decline in U.S. rice exports and an increased burden on the U.S. rice support program. The RMA contends that the granting of such subsidies in unjustifiable and unreasonable and a burden on U.S. commerce.

The RMA withdrew its petition on August 26 to provide an opportunity for a negotiated solution. Because efforts to negotiate a solution were unsuccessful, the RMA refiled its petition on September 29. On October 11, 1983 the United States Trade Representative decided to initiate an investigation on the basis of the RMA petition in accordance with 19 U.S.C. 2412(a).

Interested parties are invited to submit written comments with respect to issues raised in the petition. Such comments should be filed in accordance with the procedures set forth in 15 CFR 2006.8 and should be submitted to the Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506 no later than January 14, 1983. Copies of the petition are available at the address listed above.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-33549 Filed 12-19-83; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. R84-1]

Postal Rate and Fee Changes, 1983; Prehearing Conference

December 15, 1983.

On November 18, 1983, the Commission issued a Notice that the United States Postal Service had filed a Request for a Recommended Decision on Proposed Changes in Rates of Postage and Fees for almost all mail classes and services, and for certain related changes to the Domestic Mail Classification Schedule. Interested persons were directed to file notices of intervention, and a prehearing conference was scheduled for December 21, 1983.

The main purpose of the first prehearing conference shall be to discuss the special rules of practice proposed for use in this case, appended hereto as Attachment A. These rules have streamlined procedures in past Commission cases, and we welcome suggestions for improving them. Particular attention is directed toward special rule 6(a), which details a procedure used by the Commission for

introducing interrogatories and answers into the record in two recent Commission proceedings, Docket No. MC83–2 and R83–1.

We also request consideration of whether written testimony which is served on all parties prior to the appearance of a witness needs to be copied into the transcript. Elimination of this practice should reduce the expense of obtaining hearing transcripts. This practice is already followed with regard to the written testimony of the Postal Service and the Consumer Advocate.

Attachment B is a tentative schedule designed to balance the time necessary for adequate consideration of the Postal Service request with the need for expedition. 39 U.S.C. 3624(c).

Anyone who wishes to comment on that tentative schedule and/or the special rules of practice described in the preceding paragraphs should address the subject at the prehearing conference, or file written comments by December 20, 1983.

By direction of the Commission.

Charles L. Clapp,

Secretary.

Attachment A—Proposed Special Rules of Practice

1. Discovery

A. General. The discovery procedures set forth herein are not exclusive. The parties are encouraged to engage in informal discovery wherever possible to clarify exhibits and testimony. The results of such efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

B. Objections to Discovery. In the interest of expedition, the bases for objecting to (1) interrogatories, (2) requests for production of documents or things for the purpose of discovery, and (3) requests for admissions for purposes of discovery shall be clearly and fully stated. A participant claiming privilege shall identify the specific evidentiary privilege asserted and state the reasons for applicability. A participant claiming undue burden shall state with particularity the effort which would be required to answer the interrogatories or requests, providing estimates of costs and workhours required to the extent possible. The party objecting to interrogatories or requests for production of documents or things shall within 10 days serve its objections on the party who served the interrogatories or requested production of documents or things. Copies of ob'ections to interrogatories and/or requests shall be filed with the Secretary and served as provided in special rule 1.F., below.

C. Compelled Answers or Production of Documents or Things. Parties who have objected to interrogatories or requests for production of documents or things which are the subject of a motion to compel shall have seven days to answer such a motion. Answers will be considered supplements to the arguments presented in the initial objection.

Upon motion of any participant to the proceeding, the Commission or the presiding officer may compel production of documents or things, or compel an answer to an interrogatory or request for admissions if the objection is found not to be valid.

Compelled answers, documents or things shall be made available to the party making the motion within 10 days of the grant of a motion to compel or such other period designated by the presiding officer or the Commission. Copies of the answers or documents or things ordered to be produced shall also be made available to the Secretary pursuant to § 3001.9 and to the other participants who request them.

D. Supplemental Answers to Interrogatories. Participants are expected to serve supplemental answers whenever appropriate. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current, or whether it is intended as a complete replacement for the answer previously given.

E. Follow-Up Interrogatories. Follow-up interrogatories should be served within five days of receipt of the answer to the prior interrogatory unless extraordinary circumstances are shown.

F. Service. Interrogatories, objections, and answers thereto should be served in conformance with § 3001.12, on the Commission, the Office of the Consumer Advocate (three copies), on the complementary party, and on any other participant so requesting. Participants will be deemed to have requested service for purposes of these special rules unless they file a document to the contrary with the Commission.

Participants filing notice of intervention are responsible for ascertaining from the Commission docket section what discovery requests, motions, or other documents have been previously filed, and obtaining copies thereof from counsel.

2. Case-in-Chief

The case-in-chief of all participants shall be in writing and shall include the participant's direct case and its rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by legal memoranda, where appropriate.

3. Exhibits

Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains and may also contain a statement of the purpose for which the exhibit is offered; however, such a statement will not be considered part of the evidentiary record. Where on part of a multi-page exhibit is based on another part, or on another exhibit, appropriate cross references should be made. Relevant exposition should be included in the exhibits or given in the accompanying testimony.

4. Motions to Strike

Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at an early date, and at least 10 days before the scheduled appearance of the witness. Responses to such motions shall be made five days after the filing of the motion.

5. Official Notice

Parties requesting official notice should refer to the page and paragraph of such material and should furnish copies of the designated item for the record and for other parties.

6. Cross-examination

A. Written cross-examination. Written examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence. The scope or oral cross-examination is set forth in special rule 6.B., below.

Designations of written cross-examination should be served three working days before the announced appearance of a witness, on the Commission, on the Office of the Consumer Advocate (three copies), on the witness' counsel, and on any participant so requesting. Designations shall identify every item to be offered as evidence, listing the participant which initially posed the request, the witness or party to whom the question was addressed (if different from the witness answering) and, if more than one answer was provided, the dates of all

answers to be included in the record. When a participant designates written cross-examination, it shall simultaneously file with the Secretary of the Commission only, two copies of the actual documents to be included as written cross-examination.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination, alphabetically, by participant which initally posed the question. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials found objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for testing assumptions, conclusions, or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three days before the announced appearance of a witness accompanied by (1) specific references to the subject matter to be examined, and (2) page references to the relevant direct testimony.

7. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony which is adverse to the participant wishing to cross-examine.

Legal memoranda, where appropriate, will be welcome at any stage of the proceeding.

Attachment B—Hearing Schedule for Proceedings Postal Rate and Fee Changes

[Docket No. R84–1]

December 21, 1983—Prehearing Conference (9:30 a.m. in the Commission hearing room).

January 19, 1984—Completion of all discovery directed to the Postal Service.

February 14, 1984—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief. (9:30 a.m. in the Commission hearing room.)

March 5, 1984—Filing of the case-in-chief of each participant (including that of OCA).

April 5, 1984—Completion of all discovery directed to the intervenors.

April 30, 1984—Beginning of evidentiary hearings as to the case-in-chief of other participants. (9:30 a.m. in the Commission hearing room.)

May 21, 1984—Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)

May 30, 1984—Beginning of evidentiary hearings on rebuttal evidence. (9:30 a.m. in the Commission hearing room.)

June 27, 1984—Initial briefs filed.

July 9, 1984—Reply briefs filed.

July 16, 1984—Oral Argument (if scheduled).

[FR Doc. 83-33712 Filed 12-19-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20475; SR-CBOE-80-16]

Chicago Board Options Exchange, Inc.; Order Extending Partial Approval of Proposed Rule Change on a Summary and Temporary Basis

December 13, 1983.

I. Introduction

On June 9, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, IL 60604, filed with the Commission, pursuant to the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers. Among other things, the proposed rule change created a single class of market makers by eliminating supplemental appointments, increased the number of options classes in which market makers were permitted to have appointments, and established a new Exchange committee responsible for evaluating the performance of and taking disciplinary action against market makers. The proposed rule change also prescribed minimum requirements concerning the extent to which a market maker's trading activity must be conducted in person.[1] The rule change was approved by the Commission on February 12, 1981,[2] but the 1981 approval order was vacated on April 5, 1982, by the United States Court of Appeals for the Seventh Circuit in *Clement* v. *Securities and Exchange Commission*, an action challenging the minimum requirement for in-person market maker transactions, and the matter was remanded to the Commission.[3]

On May 11, 1982, with extensions thereafter effective until December 12, 1983, the Commission reviewed the rule filing and summarily and temporarily approved those portions of the proposed rule change not addressed in *Clement*.[4] During this interval, the Commission awaited certain amendments to the proposal and additional information from CBOE.[5] The Commission also solicited and evaluated public comment upon the proposed rule change.[6]

Further information has been received from the CBOE concerning the impact of CBOE's previous in-person requirement prior to that requirement's elimination by *Clement* v. *Securities and Exchange Commission*.[7] The Commission expects to act soon with respect to the proposed in-person rule. In the interim, it will be necessary for the Commission to extend for an additional 30 days its summary and temporary approval of those

[1] Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980). Subsequently, on July 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in Securities Exchange Act Release No. 17012 (July 25, 1980), 45 FR 51325 (1980).

[2] Securities Exchange Act Release No. 17535 (February 12, 1981), 46 FR 13055 (1981) ("1981 Approval Order").

[3] *Clement* v. *Securities and Exchange Commission*, 674 F.2d 641 (7th Cir. 1982).

[4] *See* Securities Exchange Act Release Nos. 18727 (May 11, 1982), 47 FR 21169 (1982); 18983 (August 16, 1982), 47 FR 37020 (1982); 19203 (November 1, 1982), 47 FR 50790 (1982); 19386 (December 30, 1982), 48 FR 915 (1983); 19641 (March 29, 1983), 48 FR 14795 (1983); and 19923 (June 28, 1983), 48 FR 31133 (1983); 20082 (August 12, 1983), 48 FR 37755 (1983); 20228 (September 23, 1983), 48 FR 44962 (1983); and 20362 (November 10, 1983), 48 FR 52529 (1983).

[5] CBOE filed a substantive amendment to the proposed rule change on October 19, 1982. *See* Securities Exchange Act Release No. 19203 (November 1, 1982), 47 FR 50790 (1982). The Commission also received a letter from CBOE requesting approval of its proposed "in-person" rule on a pilot basis. *See* letter of May 10, 1983, from Anne Taylor, Secretary and Associate General Counsel, CBOE, to Richard Chase, Division of Market Regulation, Securities and Exchange Commission. File No. SR–CBOE–80–16.

[6] The public comments received since the beginning of November 1982 are discussed in Securities Exchange Act Release Nos. 19386 (December 30, 1982), 48 FR 915 (1983); 19641 (March 29, 1983), 48 FR 14795 (1983); and 20082 (August 12, 1983), 48 FR 37755 (1983), and are available for public inspection in File No. SR–CBOE–80–16. A further letter from CBOE, noted in the preceding footnote, is discussed in Securities Exchange Act Release No. 19923 (June 28, 1983), 48 FR 31133 (1983).

[7] *See* letter of Anne Taylor, Secretary and Associate General Counsel, CBOE, to Kevin Fogarty, Division of Market Regulation, Securities and Exchange Commission, September 22, 1983. File No. SR–CBOE–80–16.

portions of the proposed rule change not at issue in *Clement*.[8]

Copies of the original submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the CBOE.

It is therefore ordered, that the proposed rule change referenced above, and to the extent indicated above, be, and it hereby is, approved until January 11, 1984.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33716 Filed 12-19-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13672; 812-5692]

National Aviation and Technology Corporation, et al.; Application for an Order Exempting Applicants

December 13, 1983.

Notice is hereby given that National Aviation & Technology Corporation ("National Aviation"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified investment company, National Telecommunications & Technology Fund, Inc. ("Teletech", and together with National Aviation herein referred to collectively as the "Funds" and individually as a "Fund"), 50 Broad Street, New York, New York 10004, registered under the Act as an open-end, diversified investment company, and American Fund Advisors, Inc. ("AFA"), registered under the Investment Advisers Act of 1940 as an investment adviser (collectively, the "Applicants"), filed an application on November 8, 1983, pursuant to Section 6(c) of the Act for an order of exemption from the provisions of Section 15(a) of the Act to the extent necessary to permit AFA to continue to act as investment adviser to each Fund under an investment management agreement currently in effect until the next meeting of stockholders of the Fund, provided the meeting is held prior to May 31, 1984. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that on October 6, 1983, Mr. T. F. Walkowicz, a controlling stockholder of AFA, died. Mr. Walkowicz owned 56% of AFA's common stock, thus his death resulted in the "assignment" (as defined in Section 2(a)(4) of the Act) of the investment management agreements between the Funds and AFA (the "Old Agreements") pursuant to the provisions of the Act and the Old Agreements. The assignments resulted in the automatic statutory termination of the Old Agreements.

According to the Application, on October 20, 1983, the Board of Directors of each Fund, including a majority of the directors who are not "interested persons" as defined in the Act, approved a new investment management agreement. Applicants state that the provisions of the new investment management agreements (the "New Agreements") are substantially identical to the respective provisions of the Old Agreements. Applicants state that the New Agreements commenced on October 6, 1983, and remain in force for a period of two years, provided they are approved by the appropriate Fund's stockholders within 120-day period required by Rule 15a-4 or such longer period as may be permitted by the Commission following the commencement of the New Agreements. Applicants state that AFA is currently providing investment advisory services to the Funds pursuant to the New Agreements.

Applicants represent that in order to ensure continuity of management and control of AFA, the Board of Directors of the Funds conditioned their approval of the New Agreements on the exercise by the officers of AFA of certain then currently exercisable options to purchase AFA stock. Applicants state that, as a result, 20,375 shares of AFA stock, constituting 24.9% of AFA's currently outstanding stock, were purchased pursuant to the options granted between 1980 and 1982 to management employees of AFA. Applicants represent that, with the exception of Mr. Walkowicz, the management group of AFA remains unchanged. Moreover, according to Applicants, while the death of Mr. Walkowicz resulted in the transfer of a controlling block of AFA stock, it did not result in any significant change in management policy or personnel of AFA. Applicants represent that AFA continues to provide advisory services of the same nature and on the same terms as it did previously. Further, Applicants represent that AFA's business policies and its operations are being conducted in substantially the same manner as they were prior to Mr. Walkowicz's death.

In addition, Applicants state that complying with Section 15(a) of the Act would result in increased costs and burdens to the Funds and their stockholders and to AFA without providing any meaningful corresponding benefits to the Funds or their stockholders. Special stockholder meetings would have to be held for the sole purpose of approving new investment advisory agreements and subsequent annual meetings would still be required.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract that has been approved by a majority of the outstanding voting securities of such registered company.

Applicants seek an order pursuant to Section 6(c) of the Act temporarily exempting them from the provisions of Section 15(a) of the Act to the extent necessary to permit AFA to continue to serve as investment adviser of the Funds pursuant to the respective New Agreements until the next regularly scheduled annual meetings of the Funds, provided such meetings take place prior to May 31, 1984.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order dispcsing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

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[8] CBOE has consented to this extension of partial approval.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-33717 Filed 12-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20474; SR-NSCC-83-14]

Filing of Proposed Rule Change of the National Securities Clearing Corporation and Order Granting Accelerated Approval of Proposed Rule Change

I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on December 1, 1983, the National Securities Clearing Corporation ("NSCC") filed with the Commission a proposed rule change that would amend Section II, Subsection D, of NSCC's Procedures relating to the comparison of municipal securities trades. Before filing the proposal with the Commission, NSCC consulted its Municipal Bond Advisory Committee and all 21 of NSCC's municipal securities broker and dealer members. NSCC states in its filing that they have informally concurred with the proposed rule change. The Commission is publishing this Order both to solicit comment on the proposed rule change and to approve the proposed rule change on an accelerated basis.

Interested persons can submit written comments on the proposal within 21 days from the date this Order is published in the **Federal Register** and should file six copies of their comments with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Please refer to File No. SR-NSCC-83-14.

Copies of the proposal, amendments, comment letters, and written communications relating to the proposed rule change, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, can be inspected and copied at the Commission's Public Reference Room in Washington, D.C. You also may inspect and copy the filing at NSCC's main office in New York City.

II. Background

On November 14, 1983, the Commission approved a proposed rule change of the Municipal Securities Rulemaking Board ("MSRB") that will require certain municipal securities transactions to be compared, confirmed and affirmed, and settled through the automated facilities of registered clearing agencies.[1] As approved by the Commission, the MSRB Rules will establish a two-step approach to ease the municipal securities industry into the automated clearing agency environment.

As of August 1, 1984, municipal securities dealers, brokers and customers that participate in registered clearing agencies will be required, in effect, to use the facilities of a registered clearing agency to compare, confirm, and affirm their municipal securities transactions. Trades covered by the Rules include all transactions in municipal securities issues that are assigned CUSIP numbers.[2]

MSRB Rule G-12 will require municipal securities brokers and dealers to use the automated facilities of a clearing agency for the comparison of their inter-dealer trades if they, or their agents, participate in a registered clearing agency that provides comparison services. The parties to such an inter-dealer trade will be required to submit trade data and other information to the clearing agency for comparison in accordance with the clearing agency's rules. Parties to an inter-dealer trade that participate in different clearing agencies will not be exempt from the Rule if the clearing agencies are interfaced or linked with one another for comparison purposes. Similarly, parties to an inter-dealer trade that participate in a securities depository that is linked or interfaced with a clearing corporation that provides linked comparison services will be subject to the Rule.

MSRB Rule G-15 will prohibit participating municipal securities brokers or dealers from settling trades against payment ("COD/DVP") [3] with their customers whenever the customers or their agents participate in a registered securities depository, unless certain conditions are met. First, the dealer must obtain from the customer, prior to or at the time of accepting a COD/DVP trade order, certain information necessary to identify the customer, its settlement agent or custodian, and the customer's account with the agent. Second, the dealer, customer, and settlement agent, as appropriate, must use the facilities of a securities depository to confirm and affirm transactions in municipal securities issues assigned CUSIP numbers.[4] The MSRB, however, would exempt from this Rule internal trades of a dealer-bank department.[5]

As a second step, effective February 1, 1985, affected persons will be required to settle by book-entry, through the facilities of a registered clearing agency, certain transactions in municipal securities issues that are depository-eligible. A "depository-eligible security" is an issue of securities that is eligible for safekeeping and book-entry transfer services in a registered securities depository.[6]

Thus, MSRB Rule G-12 will require municipal securities brokers and dealers to settle, by book-entry movement, all inter-dealer transactions in depository-eligible municipal securities issues if those transactions are compared successfully through the facilities of a registered clearing agency. Although settlement must occur by book-entry movement, participants will not be required to settle trades through any particular clearing corporation accounting operation.[7] Accordingly,

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[1] Securities Exchange Act Release No. 20365 (November 14, 1983), 48 FR 52531 (November 18, 1983) ("MSRB Order").

[2] The CUSIP Service Bureau automatically assigns CUSIP numbers to municipal securities issues with greater than one year to maturity and a total principal amount greater than $500,000. (A CUSIP number may be assigned to an issue with a total principal amount less than $500,000 upon request.) Currently, over one million long-term municipal securities issues have been assigned CUSIP numbers. This represents more than 20 times the number of corporate issues assigned CUSIP numbers. *See Prospects for Automation of Municipal Clearance and Settlement Procedures*, MSRB Reports (April 29, 1983), at 11, n. 1.

[3] Federal credit regulations require customers to settle securities transactions with their brokers no later than seven business days following execution. Federal credit regulations extend this time limit to thirty-five days for certain transactions involving customers who establish special cash accounts and who agree to settle purchases against the delivery of securities (cash-on-delivery—"COD") or to settle sales upon payment (delivery-versus-payment—"DVP"). The time limit for a COD/DVP transaction is extended to 35 days if delivery of the security is delayed due to the mechanics of the transaction and is not related to the customer's unwillingness or inability to pay. *See* 12 CFR 220.4(c) (1982).

[4] *See* note 2, *supra*. Under this Rule, the municipal securities broker or dealer also must: (i) identify such transactions as DVP or COD transactions on the trade ticket; (ii) send the confirmation to the customer not later than the first business day following trade date; and (iii) obtain a representation (written or oral) from the customer that instructions regarding the transaction will be transmitted to the customer's settlement agent.

[5] Thus, this Rule would not require a dealer-bank or its non-participant customer to use the automated facilities of a clearing agency for the confirmation, affirmation and book-entry settlement of any customer-dealer obligation when both parties use a department of the dealer-bank as their agent. *See* MSBR letter to Robert V. Slater, Second Vice President, The Northern Trust Company (September 21, 1983) in File No. SR-MSRB-83-13.

[6] Currently, all registered securities depositories offer safekeeping and ancillary services for registered-form municipal securities. However, only some depositories offer those services for bearer-form municipal securities. *See* the MSRB Order, at note 36.

[7] Several types of accounting systems are used by registered clearing corporations. The most

Continued

participants may provide standing instructions to settle on a trade-for-trade basis.[8]

In addition, MSRB Rule G–15 will require certain municipal securities brokers or dealers and their customers to settle, by book-entry through the facilities of a registered securities depository,[9] COD/DVP transactions in depository-eligible municipal securities issues.

III. Description of the Proposed Rule Change

The proposed rule change would provide that all municipal securities trades submitted by NSCC's members for comparison [10] will be treated automatically as Special Trades. Under NSCC's procedures, Special Trades are not included in NSCC's CNS or DBO Accounting Systems, but are settled on a trade-for-trade basis.[11] Thus, successful comparison of these trades will cause NSCC to generate to each party to the municipal securities trade receive and deliver orders at the trade's original contract price. In addition, the proposal provides that the close-out provisions of MSRB Rule G–12 [12] will apply to such trades. The proposal also incorporates the delivery requirements of MSRB Rule G–12(e),[13] including the provision that acceptance of partial deliveries is not required. Moreover, the proposal would waive NSCC's current requirement that its members, including municipal securities brokers and dealers, participate in a qualified securities depository.[14] Finally, NSCC would guarantee municipal securities trades from the morning of the fourth business day after trade date to the next business day, consistent with NSCC's current practice. To protect itself against financial exposure from municipal securities broker and dealer default or insolvency, NSCC in its filing states that it will apply to municipal securities broker and dealer members its comprehensive financial responsibility and operational standards and will require those members to contribute to NSCC's clearing fund under NSCC Rule 4. Moreover, NSCC's insolvency procedures will apply fully to municipal securities broker and dealer members.[15]

IV. NSCC's Rationale for the Proposed Rule Change

NSCC states in its filing that the purpose of the proposed rule change is to ease municipal securities brokers and dealers into the automated securities processing environment in an orderly fashion before the new MSRB Rules become effective. NSCC states that the proposal is only an interim measure until next Spring when NSCC implements a national municipal securities comparison service and enhances its automated clearance systems to provide municipal securities brokers and dealers with the opportunity to clear their municipal transactions through CNS, as well as trade-for-trade. Thus, NSCC hopes to have its enhanced municipal securities systems operational a few months before August 1, 1984, when the first phase of the MSRB Rules becomes effective.

By introducing the municipal securities industry to automated securities processing services gradually, NSCC believes it will increase the ability of that industry to adapt to the upcoming automation requirements and will reduce the possibilities for confusion and dislocation. NSCC also hopes that the early implementation of this proposal will facilitate NSCC's future efforts to provide the municipal securities industry with enhanced automated services and to tailor systems to the needs of the municipal securities industry.

Finally, NSCC believes that its proposal should encourage municipal securities brokers and dealers to participate in NSCC because the proposal coincides with current municipal securities industry practice in several respects. First, the proposal eliminates NSCC clearnace system's current CNS priority for clearing municipal securities trades.[16] Instead, under the proposal, compared municipal securities trades will have to be cleared on a trade-for-trade basis. Second, the proposal specifically incorporates for

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sophisticated accounting system is the Continuous Net Settlement ("CNS") system, which generates a single, daily net "buy" or "sell" position for each securities issue in which a participant has compared trades scheduled to settle on the fifth day after trade date and nets accumulated settlement obligations in that issue. The system severs the link between the original parties to the compared trades and interposes the system as the *contra* party. Accordingly, the clearing corporation's CNS system, rather than the original parties to the trade, becomes the entity obligated to deliver or receive securities and money. Unlike CNS systems, daily balance order ("DBO") systems traditionally have not interposed clearing corporations between parties. Instead, a DBO system generates a daily net "buy" or "sell" position for each issue of securities in which a participant has a compared trade due to settle, and allocates among, and issues to, participants net daily settlement orders to deliver or receive. As a result of the netting cycle, a participant may be required to deliver securities to, or receive securities from, a participant with which it had no direct trades.

[8] Many municipal securities dealers attempt to preserve confidentiality about their trading activities through the use of "broker's brokers." In a traditional DBO System, however, broker's brokers can net to zero, leaving municipal securities dealers to deliver securities to and receive payments from securities dealers they, in effect, ultimately "traded with" through the brokers' broker. For that reason, among others, municipal securities dealers historically have settled on a "trade-for-trade" basis with their broker's broker when circumstances required.

[9] The Depository Trust Company ("DTC"), together with several regional securities depositories, operates an automated settlement system for institutional transactions (the "ID system") in corporate securities issues. The ID system coordinates among certain broker-dealers, investment managers, and custodian banks participating in the system the tasks needed to effect customer-side settlement of corporate securities transactions. This service will be expanded to include municipal securities transactions and municipal securities brokers, dealers, customers and their agents. *See* MSRB Order.

[10] NSCC's Demand As Of Service will be available to resolve aged, uncompared municipal securities trades. *See* NSCC Procedures, Section II, Subsection C for a description of this service.

[11] Special trade receive and deliver securities orders have the same status, and are generally subject to the same Rules and Procedures as balance orders issued in connection with the DBO system. *See, e.g.*, NSCC Procedures, Part V. *See also* notes 7 and 8, *supra*.

[12] MSRB Rule G–12(h) provides that a purchaser can close-out confirmed trades that have not been completed by the seller after giving the seller notice of intention to close-out and an opportunity for the seller to complete the transaction. To effect the close-out, the purchaser can choose (1) to buy-in the municipal securities at current market value for the seller's account and liability; (2) to accept substituted securities of equal value plus cost; or (3) to require the seller to repurchase the securities from the purchaser at cost plus accrued interest and any change in market value. A seller making good delivery of securities that are rejected by the purchaser may sell-out the securities for the account and liability of the purchaser after giving the purchaser notice of intention to sell-out and an opportunity to complete the transaction.

[13] MSRB Rule G–12(e) sets forth the delivery requirements for municipal securities, such as the place and time of delivery, form of delivery, partial delivery, payment, and rejection.

[14] NSCC Rule 22 provides for such waiver if, in NSCC's judgment, the waiver is necessary or expedient. NSCC believes that the waiver is necessary at this time because many municipal securities brokers and dealers are not currently members of an eligible securities depository and MSRB Rules will not require such brokers and dealers to use such depositories until February 1985. After that date, NSCC will have to decide whether the waiver should be retained, and if so, to what degree.

[15] NSCC can protect securities and funds in its custody and control from the risk of municipal security broker-dealer default or insolvency by, among other things, (1) applying NSCC's insolvency procedures under NSCC Rule 20, including NSCC Rule 12 trade reversals, as well as close-out procedures; (2) requiring members pursuant to NSCC Rule 15 to provide further assurances of financial responsibility and operational capability; and (3) increasing a member's clearing fund contribution pursuant to NSCC Rule 4.

[16] Under NSCC's current Rules and Procedures, all compared trades, including municipal securities trades, are folded into CNS unless the traded issue is not depository eligible (in which case, the trades are cleared through the DBO system), or unless the participant requests that the trades be settled as Special Trades.

municipal securities trades the delivery and close-out provisions of MSRB Rule G-12. Third, contrary to NSCC's current rules, the proposal would not require municipal securities brokers and dealers to accept partial deliveries of municipal securities.[17] Finally, NSCC has waived the requirement that municipal securities members also participate in a qualified securities depository, a requirement retained for other NSCC members.

NSCC believes that its proposed rule change is consistent with Section 17A of the Act because it will not affect NSCC's ability to safeguard securities and funds in its custody and control. In addition, by making the proposed adjustments to NSCC's systems before August 1984, the proposal facilitates the establishment of a national clearance and settlement system for municipal securities.

Discussion

For the following reasons, the Commission believes that the proposal is consistent with Section 17A of the Act and should be approved. First, the Commission believes that the proposed rule change will facilitate the inclusion of municipal securities transactions in the national clearance and settlement system. As discussed in more detail in the MSRB Order, the municipal securities industry has not widely used the automated securities processing services of clearing agencies. The new MSRB Rules will have an important, beneficial effect on the municipal securities industry by making clearing agency usuage mandatory in certain circumstances. Significantly, the proposal should provide municipal securities brokers and dealers with an effective vehicle to become acquainted with automated clearance and settlement systems before the MSRB Rules effective date in August 1984. Second, the proposal is tailored to current municipal securities industry practices. The Commission believes that this thoughtful tailoring should encourage municipal securities brokers and dealers to use automated comparison facilities and should prevent confusion. Third, the proposal's early implementation should give NSCC important experience with the needs of the municipal securities industry. That early involvement should help NSCC in its efforts to provide the industry with well-conceived, enhanced automated services on a timely basis.

[17] MSRB Rule G-12 does not require acceptance of partial deliveries.

While the Commission believes that the proposal is consistent with Section 17A of the Act, the Commission at the same time recognizes that the effeciencies from full clearing agency participation, such as those provided by CNS, will not be available to NSCC's municipal securities participants for several months. The Commission, however, believes that the proposal is an appropriate way to further the statutory goal of facilitating the establishment of a national clearance and settlement system for municipal securities transactions under Section 17A of the Act.

The Commission also believes that the proposal ensures the safeguarding of securities and funds in NSCC's custody or for which it is responsible. As stated in the filing, NSCC will guarantee municipal securities trades from the morning of the fourth business day after trade date to the next business day consistent with NSCC's current procedures. To guard against the risks of municipal securities broker and dealer default or insolvency, NSCC will not relax will not relax its membership and member-surveillance standards and will be able to take effective action under its Rules and Procedures to protect itself and its members.[18] Thus, municipal securities broker and dealer members will be subject to essentially the same regulatory oversight by NSCC as other types of NSCC members.

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, particularly Section 17A, and the rules and regulations thereunder applicable to registered clearing agencies.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing. Immediate implementation of the proposal will enable municipal securities brokers and dealers to gain immediate experience with automated comparison and clearance facilties, consistent with the expressed expectation of NSCC's members.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

[18] *see* note 15, *supra*.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-33718 Filed 12-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20477; File No. SR-PSE-83-22]

Filing of Proposed Rule Change by Pacific Stock Exchange, Inc.

December 13, 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 December 6, 1983, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Article III ("Election, Meetings, Term of Office, Proxies") of the PSE's Constitution in the following two ways: (1) Section 1(a) of Article III would be amended to change the date of the PSE's annual meeting from the third Thursday in January to the fourth Thursday in January in order to eliminate a conflict between the present meeting date and the expiration of an options cycle, which the PSE states has made it difficult for some of its members to attend the annual meetings; (2) Sections 1(c), 4(d), 5(a), and 6 of Article III would be amended to authorize the PSE's Board of Governors to appoint dates of record for determining whether members are on good standing and authorized to be present and vote at the annual meetings and other meetings.[1] In its filing, the PSE states that the proposed amendments to the PSE Constitution are consistent with Section 6(b) of the Act, in general, and further the objectives of Section 6(b)(3), in particular, in that they provide for the fair representation of PSE members in the selection of directors and the administration of the affairs of the Exchange.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views

[1] The PSE states that these proposed amendments to the PSE's Constitution have been approved by the PSE's Board and will be put to a vote of the membership on January 17, 1984 when a two-thirds affirmative vote of those members voting will be required for ratification.

and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–PSE–83–22.

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 principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-33719 File 12-19-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB November 22–December 7, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period Nov. 22–Dec. 7, 1983, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395–7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register,** listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting, and recordkeeping requirements.

As needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection request were submitted to OMB from Nov. 22–Dec 7, 1983:

DOT No: 2289.

OMB No: 2115–0122.

By: U.S. Coast Guard.

Title: Independent Laboratory Acceptance.

Forms: N/A.

Frequency: On occasion.

Respondents: Independent Testing Laboratories.

Need/Use: The Coast Guard has given independent laboratories the authority to inspect lifesaving and safety equipment. This information collection is required from the laboratories to ensure that they are independent from the manufacturers of the products to be tested, and to ensure that they are qualified to accomplish the task intended. The information is used to: (1) identify the laboratory and principal persons to contact; (2) verify the organizational independence of the test personnel; (3) verify the technical qualifications of the test personnel; and (4) verify the adequacy of equipment and facilities to conduct the testing for which application is made.

DOT No: 2290.

OMB No: 2115–0090.

By: U.S. Coast Guard.

Title: Subchapter Q—Production Test Reports for Life Saving Devices (Flotation Devices).

Forms: N/A.

Frequency: On occasion.

Respondents: Manufacturers of life-saving equipment (flotation devices).

Need/Use: This recordkeeping requirement is needed by the Coast Guard to ensure that the manufacturer's quality control is adequate to meet the required standards for life-saving appliances. The records are reviewed by Coast Guard or Coast Guard recognized independent laboratories to determine that production stock of life-saving devices will be identical to those that were originally tested and approved.

DOT No: 2291.

OMB No: 2115–0086.

By: U.S. Coast Guard.

Title: Application for Optional Simplified Admeasurement of Pleasure Vessels.

Forms: N/A.

Frequency: One time for new vessels.

Respondents: Yacht Owners.

Need/Use: Yacht admeasurement is part of the documentation process if the owner desires to have the vessel documented as a vessel of the United States. This information collection is needed to obtain the name of the vessel,

name of builder, dimensions of the hull, material of build and engine particulars. The information is used by the Coast Guard to calculate the tonnages and to issue the certificate of admeasurement.

DOT No: 2292.
OMB No: New.
By: Research and Special Programs Administration.
Title: Approval of Valves, Venting, and Pressure Relief Devices.
Form: N/A.
Frequency: On occasion.
Respondents: Container manufacturers.
Need/Use: Materials Transportation Bureau uses this requirement to allow shipper flexibility in the type of venting which is to be used on a container. Without this requirement, shippers would only be allowed to use venting arrangements set forth in detail in the regulations.

DOT No: 2293.
OMB No: 2115–0089 and 2115–0107 (Combined).
By: U.S. Coast Guard.
Title: Reporting and Recordkeeping Requirements for Ships Carrying Bulk Hazardous Liquids.
Forms: None.
Frequency: On occasion and biennially.
Respondents: Chemical Tanker Operators.
Need/Use: This information collection requirement combines the recordkeeping and reporting requirements which were previously submitted separately (2115–0089 and 2115–0107). The collection is necessary to allow the Coast Guard to determine compliance with applicable regulations. It is required by the Coast Guard to determine that vessels meet the required safety standards and to ensure that the vessel's crewmembers have the information they need to operate the vessels safely. This information is used for the following purposes: (1) to assist Coast Guard technical offices in evaluating vessel designs; (2) to assist Coast Guard port safety and marine inspection personnel responsible for enforcing the regulations; (3) by crewmembers in operating related cargoes and (4) to avoid danger from cargo operations to others boarding the vessel.

DOT No: 2294.
OMB No: New.
By: National Highway Traffic Safety Administration.
Title: Administrative Evaluation of NHTSA's Occupant Protection Program.
Forms: None.
Frequency: Quarterly.
Respondents: Small businesses or organizations.
Need/Use: The administrative evaluation of the Occupant Protection Program is designed to assess the program's effectiveness in increasing public awareness of safety belts. The survey will be administered to organizations participating in the program. The results of the evaluation will be used to revise the program and NHTSA's education materials.

DOT No: 2295.
OMB No: 2115–0131.
By: U.S. Coast Guard.
Title: Title 46 CFR Subchapter D; Plan Approval and Records for Tank Vessels.
Forms: N/A.
Frequency: On occasion.
Respondents: Ship owners, builders, designers, and operators.
Need/Use: This information is needed by the Coast Guard to determine if a vessel's construction, arrangement and equipment meet the standards established for tankers by regulations. The plans submitted to the Coast Guard are those normally developed by a shipyard designer or manufacturer; they are not solely for the Coast Guard. Coast Guard's review of the plans prior to construction assures the vessel owner or builder that the vessel will meet the regulatory standards if built according to the approved plans. The information is also needed to be certain that sufficient information is available and provided to vessel operating personnel for safe operation of the vessel.

DOT No: 2296.
OMB No: 2115–0137.
By: U.S. Coast Guard.
Title: Report of Oil or Hazardous Substance Discharge.
Forms: N/A.
Frequency: On occasion.
Respondents: Vessel operators or individuals observing.
Need/Use: This information collection is required by 33 USC 1321(B)(5). The law requires that any discharge of oil, hazardous substances, hazardous materials or hazardous wastes be reported to the National Response Center. The on-scene coordinator is informed and adequate spill mitigation is effected. This report ensures quick responses to the pollution incident from the Federal, state and local governments and from the private sector.

DOT No: 2297.
OMB No: 2115–0120.
By: U.S. Coast Guard.
Title: Oil Transfer Procedures.
Forms: None.
Frequency: On occasion.
Respondents: Vessel operators.
Need/Use: This information collection requirement is necessary to help prevent oil pollution. All vessels with a capacity of 250 or more barrels are required to have written oil transfer procedures which give basic information for system operation and safety. This recordkeeping requirement directs the vessel operator to maintain onboard and make available to the Coast Guard Captain of the Port, upon request, the vessel's oil transfer procedures. Vessel personnel are required to use these procedures whenever they transfer oil to or from the vessel, and from tank to tank within the vessel.

DOT No: 2298.
OMB No: 2115–0106.
By: U.S. Coast Guard.
Title: Plan Approval and Records for Foreign Vessels Carrying Oil in Bulk.
Forms: None.
Frequency: On occasion.
Respondents: Owners and operators of foreign tank vessels.
Need/Use: This information collection is needed for the Coast Guard to regulate the design, construction, alteration, repair, maintenance, operation and equipment of foreign vessels entering U.S. waters which carry, or are constructed or adapted to carry oil in bulk. The purpose of the information collection and recordkeeping requirements is to ensure that: (1) sufficient information is available to the Coast Guard to determine that a vessel complies with the minimun applicable standards prior to issuing the Certificate of Compliance; (2) sufficient information is available to vessel operating personnel to operate the vessel and the equipment required by the regulations safely and in compliance with the standards; and (3) a means is available to appeal Coast Guard decisions with respect to the regulations and for obtaining those waivers or exemptions permitted by the regulations.

DOT No: 2299.
OMB No: New.
By: National Highway Traffic Safety Administration.
Title: 49 CFR 571.213, Child Restraint Systems.
Forms: None.
Frequency: On occasion.
Respondents: Manufacturers of Child Restraints.
Need/Use: Manufacturers are required to affix the instructions for use of each child restraint system that is produced.

DOT No: 2300.
OMB No: 2115–0514.
By: United States Coast Guard.

Title: Licenses and certificates of registry for U.S. Merchant Marine Personnel.

Forms: CG–887, CG–2849, CG–2987, CG–3750, CG–4865, CG–5205, CG–5206.

Frequency: Every five (5) years.

Respondents: Vessel pilot, master, chief engineer, chiefmate, second or third mate, first or second or third engineer, radio officer, staff officer, and operators of small passenger or uninspected towing vessels.

Need/Use: This information collection is needed to identify officers who are qualified to serve on a vessel as a licensed officer in one of the specific capacities for which they are certificated.

DOT No: 2301.

OMB No: 2115–0121.

By: U.S. Coast Guard.

Title: Manufacturers Test Reports—Subchapter Q.

Forms: None.

Frequency: On occasion.

Respondents: Manufacturers of life saving, fire fighting, emergency, and marine sanitation devices.

Need/Use: This information is required by the Coast Guard to ensure that the equipment and materials manufactured are complying with the safety and technical requirements contained in the individual specifications. The information reviewed by the Coast Guard is used to identify the equipment and materials being approved.

DOT No: 2302.

OMB No: 2115–0039.

By: U.S. Coast Guard.

Title: Application for Port Security Card.

Forms: CG–2685.

Frequency: Annually.

Respondents: Civilian workers who require access to vessels/port facilities.

Need/Use: This information collection is used by the Coast Guard to issue a port security card to persons requiring access to major Waterfront Facilities or Vessels, particularly those which are vital to the military defense or which support military operations or where explosive cargo is loaded and unloaded. Civilians requiring access to these areas by virtue of their employment as longshoremen, dock workers, construction workers, etc., submit the application to Coast Guard. The Coast Guard uses the information to do a national agency check for criminal history.

DOT No: 2303.

OMB No: 2115–0130.

By: U.S. Coast Guard.

Title: Plan Approval and Records for Cargo and Miscellaneous Vessels.

Forms: N/A.

Frequency: On occasion.

Respondents: Shipbuilders, owners, designers, and operators.

Need/Use: This information collection is necessary to allow the Coast Guard to determine compliance with applicable safety regulations. This information is used by the Coast Guard to determine if the vessel's construction, arrangement and equipment meet the applicable marine safety regulations. By review of the plans prior to construction, a vessel owner or builder can be assured that the vessel, if built according to the plans, will meet the regulatory standards. This requirement also provides sufficient information to vessel operating personnel for the safe and proper operation of the vessel.

OMB No: 2269.

OMB No: New.

By: National Highway Traffic Safety Administration.

Title: 49 CFR Part 571, Tire Selection and Rims—Passenger Cars, Standard 110 (Label).

Forms: None.

Frequency: On occasion.

Respondents: Motor Vehicle Manufacturers of Passenger Cars.

Need/Use: This standard requires information to appear on a placard permanently affixed to new passenger cars which recommends tire and rim sizes and other information such as tire inflation pressures.

DOT No: 2271.

OMB No: New.

By: National Highway Traffic Safety Administration.

Title: 49 CFR Part 571, Vehicle Identification Number, Standard 115.

Forms: None.

Frequency: On occasion.

Respondents: Manufacturers of Motor Vehicles.

Need/Use: This standard requires a vehicle identification number to be permanently affixed to new motor vehicles.

DOT No: 2282.

OMB No: New.

By: National Highway Traffic Safety Administration.

Title: 49 CFR Part 571, Retreaded Pneumatic Tire—Passenger Cars Standard 117. (Label)

Forms: None.

Frequency: On occasion.

Respondents: Small Business or Organizations.

Need/Use: This standard requires that the molds for retreaded passenger car tires be labeled with certain information for the safety of users.

Issued in Washington, D.C. on December 13, 1983.

Jon H. Seymour,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 83-33833 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Advisory Circular on Control System Operation Tests

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revised Draft Advisory Circular (AC) Availability and Request for Comments.

SUMMARY: This revised draft AC provides information and guidance concerning control system operation tests required for certification of small airplanes. This guidance material is applicable for new, amended and supplemental type certificates and alterations that affect the substantiating control system operation tests of small airplanes whose certification basis includes Section 23.683, Amendment 23–28, or later.

DATE: Commenters must identify File AC 23.683–XX; Subject: Control System Operation Tests, and comments must be received on or before February 4, 1984.

ADDRESS: Send all comments on the revised draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Burress, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commerical Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this revised draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited

Interested parties are invited to submit comments on the revised draft AC. The revised draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Background

A Notice of Availability of draft AC 23.683–XX, Control System Operation Tests, was published in the Federal Register on September 23, 1983. As a result of the comments received, this draft AC has been revised to define the allowable control surface deflection to meet the requirements of FAR § 23.683(a)(3).

The original draft AC proposed that the control system need not meet any specific deflection while under limit load as long as the airplane had adequate flight handling characteristics. A review of the comments indicates that some deflection of the control surface should exist when the system is loaded to limit load. It was pointed out that no deflection of the control surface with the system at limit load would indicate there was a possible fault, such as a jammed system. Secondly, operation of the controls would have such limited effect on the maneuverability of the airplane that it could have questionable flight handling characteristics.

To preclude the retroactive application of this guidance material, the applicability of the AC was revised to apply only to those small airplanes whose certification basis includes Section 23.683, Amendment 23–28, or later. Issued in Kansas City, Missouri, on December 6, 1983.

Joseph W. Gaul,

Acting Director, Central Region.

[FR Doc. 83-33622 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee to be held from January 16, at 1 p.m., through January 20, 1984, at 1 p.m., at FAA Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, California.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public, but limited to the space available. With the approval of the chairman, members of the public may present oral statement at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than the day before the meeting, Mr. Wayne C. Newcomb, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT–301, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–3725. Information may be obtained from the same source.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on December 13, 1983.

Wayne C. Newcomb,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 83-33625 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-13-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee

AGENCY: Urban Mass Transportation, DOT.

ACTION: Notice of Section 15 Reporting System Advisory Committee Meeting.

SUMMARY: In this Notice, the Urban Mass Transportation Administration (UMTA) announces a meeting of the Section 15 Reporting System Advisory Committee. The Committee will provide advice concerning the quality and usefulness of the Section 15 Reporting System.

DATE: January 5–6, 1984.

FOR FURTHER INFORMATION CONTACT: Ronald J. Fisher, Office of Information Services, Room 6419, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–9157.

SUPPLEMENTARY INFORMATION:

Background

Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), requires the development of a national reporting system for public mass transportation financial and operating data. On August 27, 1981, UMTA issued a Notice in the **Federal Register** (46 FR 43352) announcing the establishment of the Section 15 Reporting System Advisory Committee. The Committee investigates the quality and usefulness of the Section 15 Reporting System with respect to its performance in providing meaningful information for the analysis of the transit industry.

All Committee meetings are open to the public. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Location

Dates: Thursday, January 5, 1984 and Friday, January 6, 1984
Time: 9:00 a.m.–5:00 p.m.
Place: Hyatt Regency, Versailles Room, Poydras Plaza, New Orleans, Louisiana 70140

Issued on: December 15, 1983.

Ralph L. Stanley,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 83-33666 Filed 12-19-83; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 37–83]

Treasury Notes of December 31, 1985; Series AC–1985

Washington, December 15, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $8,250,000,000 of United States securities, designated Treasury Notes of December 31, 1985, Series AC–1985 (CUSIP No. 912827 QG 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated January 3, 1984, and will bear interest from that date, payable on a semiannual basis on June 30, 1984, and each subsequent 6 months on December 31 and June 30 until the principal becomes payable. They will mature December 31,

1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, prior to 1:30 p.m., Eastern Standard time, Wednesday, December 21, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 20, 1983, and received no later than Tuesday, January 3, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3. 5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3. 6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the orignial issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender alloted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3. 7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, January 3, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, December 29, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed

timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the descretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registererd interest acount has been established, and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-33620 Filed 12-16-83; 4:07 pm]

BILLING CODE 4810-40-M

Comptroller of the Currency

[Docket No. 83-55]

Extension of Effective Period for Policy Statement on Non-bank Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of Extension of Effective Period of Policy Statement on Non-bank Bank Approvals.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is extending the effective period of its Policy Statement on Non-bank Bank Approvals, which was published on April 13, 1983 [48 FR 15993]. The Policy Statement announced a moratorium through January 1, 1984, on approvals of applications for non-bank banks filed after April 6, 1983. The effective period of the Policy Statement and the moratorium is now extended through March 31, 1984. The Policy Statement remains the same as originally published, save for this three-month extension of its effective period. The purpose of the extension is to afford Congress time to consider comprehensive legislation to deal with the major deregulatory issues facing the financial services industry. The Office believes the extension of the moratorium will permit Congress to continue its consideration of these important policy issues free from the pressure of market place innovation at the national level.

EFFECTIVE DATE: December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Chari Anhouse, Attorney, Legal Advisory Services Division, (202) 447–1880; or Ballard Gilmore, Acting Director, Bank Organization and Structure (202) 447–1184, Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: Copies of the Policy Statement on Non-bank Bank Approvals (BB 83–21) are available from the Office's Communications Division, (202) 447–1800.

Authority: 12 U.S.C. 1 *et seq.*

Dated: December 9, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-33665 Filed 12-19-83; 8:45 am]

BILLING CODE 4810-33-M

UNITED STATES INFORMATION AGENCY

Bureau of Educational and Cultural Affairs, University Affiliation Program; Application Notice for Fiscal Year 1984

Applications from institutions of higher education for grants are invited under the University Affiliation Program.

Authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256 (Fulbright-Hays Act).

The Bureau of Educational and Cultural Affairs of the United States Information Agency announces a program of support for institutional partnerships between U.S. colleges and universities. This program has four broad goals: To promote mutual understanding; to strengthen the research and teaching abilities of U.S. and non-U.S. institutions; to contribute to the academic excellence of the participating institutions; and to expand the number of institutions participating in international exchange programs.

Application on behalf of the collaborating institutions are to be submitted by the U.S. partner. Partner institutions should be prepared to: Assign faculty or staff to the opposite partner institution for teaching, lecturing or research; maintain said person(s) on salary; and receive visiting faculty from the partner institution. USIA funds are to be used for participant travel costs and modest salary supplements. Support for overhead will not be available. Projects supported by USIA should last a minimum of two years and a maximum of three years; the total request to USIA should not exceed $50,000 covering eligible expenses of both institutions for the two or three year period.

Eligible fields will be in the humanities, social sciences, communications and education. Proposals will be accepted from departments or academic units in these areas. Proposals will be accepted either for the establishment of new affiliations or for the enhancement of existing affiliations not previously funded by USIA's Affiliation Program.

1. Geographic Area and Country Focus

Africa: All.

American Republics: All.
East Asia/Pacific: Southeast Asia and Australasia; Australia, Burma, Fiji, Indonesia, Malaysia, New Zealand, Philippines, Papua-New Guinea, Singapore, Thailand.
Europe: Turkey, Greece, Yugoslavia.
Near East/South Asia: All.

2. Eligible Institutions

a. Accredited, degree-granting U.S. institutions of higher education;
b. Recognized non-U.S. institutions of higher education.

3. Review Criteria

The following review criteria will be applied:
a. Sound academic goals and selection of fields; academic expertise of participants;
b. Promise of a true mutuality of beneficial development and a clearly demonstrable relationship between the individual exchanges and the affiliation program's goals;
c. Advancement of the mutual cultural and political understanding of the countries represented in the partnership through institutional development, such as strengthening the international components of the curricula;
d. Emphasis on long term exchanges (i.e., exchanges of 3 months or more);
e. Integration of faculty and administration (department, college, division or school) in the planning of the proposed activities;
f. Demonstration of the likelihood that the partnership will continue after the conclusion of the USIA grant.

The review process is conducted in three stages—technical, academic and Agency. Proposals that are technically ineligible will not be forwarded for further consideration by the academic review committees. Notification of ineligibility will be made immediately upon completion of the technical review. (Proposals postmarked *at least* 15 days in advance of the application deadline will be reviewed for completeness upon receipt. Should they be found to be incomplete, notification will be sent to the applicant specifying the items missing, which may be submitted before the application deadline. *All* materials must be postmarked by March 30, 1984, and received by April 13, 1984.) Upon completion of the technical review, project directors of ineligible proposals will be informed in writing. Technically eligible proposals will be forwarded to a committee of academic peers for review. Proposals that are not recommended by the academic peer review committees on substantive grounds will not be forwarded for further consideration by the Agency review committees. The Agency review committees will evaluate the proposals on the basis of quality and area and program balance.

4. Application Procedures

Applicants must submit a proposal in ten (10) copies to the address below. In order to be eligible for review the proposal *must* include:
—Summary document:
a. A double-spaced, typist abstract (2 page maximum).
—A narrative statement not to exceed twenty (20) typed, double-spaced pages, including:
b. A brief (two-page) description of the participating institutions and participating departments.
c. A detailed description of the proposed affiliation program including but not limited to: The name and qualifications of the designated project director; the roster of participants and their qualifications, including language skills; a statement of need; a description of the activities, including when and where they will occur; and the anticipated benefits of the program. A plan for institutional evaluation of the program must also be included.
d. A detailed budget outlining specific expenditures and all sources from which funds are anticipated. The budget must include in-kind and cash contributions to the program made by the U.S. and non-U.S. universities.
—Appendices, which should be kept to a minimum but must include:
e. The vitae of the potential participants, clearly indicating the level of language skills, overseas experience, knowledge of the prospective partner country as demonstrated through courses taught, relevant non-scholarly travel, publications, and research activities.
f. Documentation of institutional support for the proposed affiliation, including a signed letter of endorsement from the U.S. institution's vice-chancellor/provost/vice-president, as well as a signed letter of endorsement from the president (or equivalent) of the non-U.S. institution. Both letters must address the particular affiliation program of the proposal. A general letter of agreement between the two institutions without reference to this specific program will not fulfill this requirement.
g. A brief summary of ongoing, active international linkages at both partner institutions.

5. Eligible Budget Items

a. International airfare for participants.
b. Salary supplements or per diem may be requested for such specific items as housing, food and other maintenance items, while in exchange status. Participating universities will be expected to continue salary and other emoluments for their own faculty. It is suggested that the maximum amounts requested for salary supplements/per diem not exceed the rates set by the Department of State. (The area action officers, listed below, will supply these rates upon request.)
c. Costs of seminars that convene affiliation participants for discussions of subjects directly related to the affiliation project as well as costs of preparing, printing and dissemination of findings of such seminars are allowable.

Ineligible Budget Items

a. Institutional overhead.
b. Administrative expenses incurred in connection with the affiliation.
c. Funds for student exchanges.
f. Travel and per diem for dependents.

6. Deadlines

Proposals must be postmarked on or before March 30, 1984. Incomplete proposals or proposals postmarked after March 30, 1984, will NOT be considered by the technical, academic or agency review committees. Applicants are responsible for the submission of complete applications. All required items must be postmarked by the deadline and received at USIA by April 13, 1984.

Proposals must be sent to: University Affiliation Program, United States Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.

Notification

All applicants will be notified of the results of the review process on or about July 2, 1984.

Progress reports will be required of universities receiving funding under USIA's University Affiliation Program. There will also be an ongoing Agency/university evaluation process.

Inquiries

For Questions concerning programming and budget, please contact:

Africa: Dr. Curtis Huff, United States Information Agency, E/AEA, 301 4th Street, S.W., Washington, D.C. 20547, (202) 485–7355
American Republics: Dr. Donald Matthews, United States Information Agency, E/AEL, 301 4th Street, S.W., Washington, D.C. 20547, (202) 485–7365
East Asia and the Pacific: Dr. Eric Gangloff, United States Information Agency, E/AEF, 301 4th Street, S.W.,

Washington, D.C. 20547, (202) 485–7424

Europe: Dr. Joseph Klaits, United States Information Agency, E/AEE, 301 4th Street, S.W., Washington, D.C. 20547, (202) 485–7420

Near East/South Asia: Dr. Ann Bos Radwan, United States Information Agency, E/AEN, 301 4th Street, S.W., Washington, D.C. 20547, (202) 485–7268.

Dated: December 12, 1983.

Joann Lewinsohn,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 83-33653 Filed 12-19-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 245
Tuesday, December 20, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Friday, January 13, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Financial Review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1766-83 Filed 12-16-83; 2:16 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, January 11, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: National Futures Association Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1767-83 Filed 12-16-83; 2:16 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Monday, January 16, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agricultural Options—final rules. Leverage—final rules.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1768-83 Filed 12-16-83; 2:32 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 6, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1769-83 Filed 12-16-83; 2:32 pm]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 13, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1770-83 Filed 12-16-83; 8:43 am]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 20, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1771-83 Filed 12-16-83; 2:28 pm]

BILLING CODE 6351-01-M

7

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 27, 1984.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1772-83 Filed 12-16-83; 2:35 pm]

BILLING CODE 6351-01-M

8

FEDERAL COMMUNICATIONS COMMISSION

December 15, 1983.

FCC to Hold Open Commission Meeting, Thursday, December 22, 1983

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, December 22, 1983, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—Title: General Docket 83-325—Amendment of Part 15 to add new interim provisions for cordless telephones. Summary: The Commission will consider adoption of a Report and Order which would establish interim rules for cordless telephones increasing the number of channels presently available for these devices.

Common Carrier—1—Title: Emergency Petitions for Reconsideration filed by American Telephone and Telegraph Company regarding Report and Order adopted in *Deregulation of Mobile Customer Premises Equipment*, CC Dkt. No. 83-372. Summary: The Commission will consider whether to permit embedded customer premises equipment used in connection with mobile service to be removed from tariff regulation as of January 1, 1984.

Common Carrier—2—Title: Elimination of Part 51 and Part 52 of the Commission's Rules and Regulations and the amendment of Annual Report Forms R and O. Summary: The Commission will consider adopting a Report and Order to eliminate the recordkeeping and reporting requirements on the classification and compensation of telephone and telegraph company employees. In addition, the Commission will consider eliminating Schedule 408A of Annual Report Form R, and Schedule 408B of Annual Report Form O.

Common Carrier—3—Title: Computer II Requirements Concerning Allocation of Fundamental Research Expenses. Summary: The Commission will consider whether to grant AT&T's petition for partial

reconsideration of an order adopting a methodology for allocating pre-divestiture fundamental research expenses to ATTIS, AT&T's separate subsidiary. In addition, the Commission will consider whether to adopt AT&T's proposal for allocating post-divestiture fundamental research expenses.

Common Carrier—4—Title: License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems. Report on Services to be Shared Between Fully Separated Subsidiary and Affiliated Companies and Associated Costing Methodology. Summary: The Commission will consider the taking of further action in the *Licensed Contract Inquiry*, 84 FCC 2d 259 (1981). The Commission will also consider a report by the staff of the Common Carrier Bureau concerning administrative services supplied to AT&T Information Systems by the AT&T General Departments and the Bell Telephone Laboratories.

Common Carrier—5—Title: In the Matter of United States Satellite Systems, Inc. Request for Modification of Authority to Construct, Launch and Operate Space Stations in the Domestic Fixed-Satellite Service. Summary: The Commission will consider the request of United States Satellite Systems, Inc. to modify the conditions relating to the financing and spacecraft construction arrangements for its domestic satellite system.

Common Carrier—6—Title: Order Concerning AT&T's Request for Clarification of Computer II Requirements Concerning Earth Stations. Summary: The Commission will consider whether to waive the Computer II rules to permit regulated units of AT&T to provide network receive earth stations under tariff in conjunction with its satellite-based, basic transmission services.

Common Carrier—7—Title: Notice of Proposed Rulemaking Concerning Provision of Basic Services Via Resale by Separate Subsidiary. Summary: The Commission will consider whether to issue a notice of proposed rulemaking on the matter of resale of basic services by AT&T's separate subsidiary.

Common Carrier—8—Title: In the Matter of Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska. Summary: The Commission will consider the adoption of a proposed final decision relating to the ownership structure of earth station facilities in the Alaska Bush.

Common Carrier—9—Title: Integration of Rates and Services, RM 4436. Summary: The Commission will consider a Petition for Rulemaking filed by the State of Alaska and the Alaska Public Utilities Commission. The Petition sought the initiation of a rulemaking proceeding to establish permanent mechanism for the integration of rates and services between the contiguous states and Alaska, Hawaii, Pureto Rico and the Virgin Islands.

Common Carrier—10—Title: Prescription of Depreciation Rates for Domestic Telephone Companies. Summary: This Commission will consider the adoption of one Order modifying the depreciation rates of various accounts for six domestic telephone companies. This order updates remaining-life rates in lieu of precribing equal-life group rates for these accounts in accordance with the Commission directive in *Depreciation Rates*, 92 FCC 2d 693 (1982) and 92 FCC 2d 729 (1982).

Policy—1—Title: Notice of Proposed Rulemaking revising §§ 73.3571, 73.3572 and 73.3573 of the Rules. Summary: The Commission will consider the criteria by which "major changes" are defined with respect to FM and television stations and translators, and permissible changes in ownership on a pending AM, FM or television application.

Policy—2—Title: Children's Television Proceeding Docket (19142). Summary: The Commission will consider what, if any, changes should be made in the policies applicable to the televising of programming for the child audience.

This meeting may be continued the following work day to allow the Commission to complete a appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1704-83 Filed 12-16-83; 11:15 am]

BILLING CODE 6712-01-M

9

MERIT SYSTEMS PROTECTION BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 55234

PREVIOUSLY ANNOUNCED TIME OF CLOSED MEETING: 10:30 a.m. (Monday, December 19, 1983). The time of the meeting has been changed to 2:30 p.m.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Secretary, (202) 653–7200.

Dated: December 16, 1983, Washington, D.C.

For the Board.

Robert E. Taylor,

Secretary

[S-1775-83 Filed 12-16-83; 3:49 pm]

BILLING CODE 7400-01-M

10

PAROLE COMMISSION

[4P0401]

PUBLIC ANNOUNCEMENT: Pursuant to the Government in the Sunshine Act, Pub. L. 94–409 (5 U.S.C. Section 552b).

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: Wednesday, December 21, 1983—2:00 p.m.

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 3 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-1773-83 Filed 12-16-83; 2:36 pm]

BILLING CODE 4410-01-M

11

POSTAL SERVICE (BOARD OF GOVERNORS)

NOTICE OF VOTE TO CLOSE MEETING

At its meeting on December 5–6, 1983, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting, scheduled for January 9, 1984, in Washington, D.C. The meeting will involve: (1) Discussion of Board personnel matters; and (2) a discussion of possible strategies in anticipated collective bargaining negotiations, pursuant to chapter 12 of title 39 United States Code, involving parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984.

The meeting is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, McKean, Peters, Ryan, Sullivan and Voss; Postmaster General Bolger; Deputy Postmaster General Finch; Secretary of the Board Harris; General Counsel Cox; Senior Assistant Postmaster General Morris; and Counsel to the Governors, Califano.

As to the first of these agenda items, the Board is of the opinion that public access to the discussion would be likely to disclose information of a personal nature where disclosure would constitute an invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of Title 39, Code of Federal Regulations, this portion of the meeting

is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b[b]), because it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

As to the second agenda item, the Board is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b[b]), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c) (3), (6), and (9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, § 7.3 (c), (f), and (i) of title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[S-1774-83 Filed 12-16-83; 2:36 pm]

BILLING CODE 7710-12-M

12

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (48 FR 55234 12/9/83)

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, December 6, 1983.

CHANGE IN THE MEETING: Additional item.

The following additional item was considered at a closed meeting scheduled for Tuesday, December 13, 1983, at 9:30 a.m.

Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Longstreth, Treadway and Cox determined that Commission business required the above change 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 of postponed, please contact: Michael Lefever at (202) 272-2458.

December 15, 1983.

[S-1785-83 Filed 12-16-83; 2:10 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
December 20, 1983

Part II

Federal Emergency Management Agency

Plan for Carrying Out Emergency Food and Shelter National Board Program

FEDERAL EMERGENCY MANAGEMENT AGENCY

Plan for Carrying Out Emergency Food and Shelter National Board Program

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice sets out the text of the Plan by which the National Board, created by Pub. L. 98–151 and 98–181, will conduct a program for distributing $40,000,000 to local private voluntary organizations for the purpose of delivering emergency food and shelter to needy individuals in localities determined by the Board as being in high need. The distribution formula for selecting these localities, the listing of the localities, and the award amount for each follow the Plan text.

The initial grant to the National Board was made December 14, 1983.

DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Keefer, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0567.

Dennis Kwiatkowski,

Chairman, National Board for Emergency Food and Shelter Program.

Foreword

In accordance with Pub. L. 98–151 and Pub. L. 98–181, a National Board has been formed to distribute $40 million to local private voluntary organizations for the purpose of delivering emergency food and shelter to needy individuals. The National Board is composed of representatives of the United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross and the Federal Emergency Management Agency (FEMA).

This Plan has been developed by the National Board to outline the procedures, eligibility, roles and responsibilities in receiving the $40 million grant from FEMA and distributing it to local service providers.

The National Board, recognizing the tremendous need and the extremely tight time frame, has once again adopted the following operating principles:

—Speedy administration and funding
—Awards to areas of greatest need
—Local decision-making
—Public/Private sector cooperation
—Minimum but accountable reporting

1.0 Introduction

Pub. L. 98–151, signed by the President on November 14, 1983, and Pub. L. 98–181, signed by the President on November 30, 1983, provide for expenditures that will supplement emergency food and sheltering needs for the indigent and homeless through March 31, 1984. The intent of this supplemental funding is not to resolve structural poverty in the nation, but to attend to emergency needs that have risen from the economic problems that have struck many parts of our country in the past year. Under these Laws, the Federal Emergency Management Agency (FEMA) is responsible for continuing an Emergency Food and Shelter National Board Program that was initially part of the "Jobs Stimulus Bill" (Pub. L. 98–8), enacted on March 24, 1983.

A total of $40 million has been appropriated to continue this program. This money will be provided as a grant for use by a National Board, which will be chaired by FEMA and consist of representatives of the United Way of America; the Salvation Army; the National Council of Churches; the National Conference of Catholic Charities; the Council of Jewish Federations, Inc.; the American Red Cross; and FEMA. Ten million dollars of the total award amounts shall be granted to the National Board by December 14, 1983, with the additional $30 million grant being made to the National Board by December 30, 1983. All funds are to be obligated by March 31, 1984, and spent no later than May 15, 1984.

1.1 Purpose

This plan details the National Board's roles, responsibilities and implementation procedures in regard to the $40 million in grant awards from FEMA. The funds will be used to provide emergency food and shelter to needy individuals through local boards and private voluntary organizations.

The intent of Congress is that there is an emergency need to supplement other food and shelter assistance individuals might currently be receiving, as well as to assist those in need who are receiving no assistance. Therefore, assistance received under this program should not reduce or affect assistance an individual receives under any other Federal, State or local assistance programs.

Governmental entities are not eligible to receive funds unless it can be demonstrated that a voluntary service system does not exist or is not willing or available to carry out the program within the jurisdiction selected for funding.

1.2. Scope

The program is nationwide in scope and will provide emergency food and shelter assistance to needy individuals in areas that are designated by the Board as being in highest need.

Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past longstanding service in this area. Since there are a number of local agencies that have the ability to deliver services and which are not associated with a national organization, local participation in the program is not limited to private voluntary organizations that are part of a national organization.

Any private voluntary organization that received award funds from Pub. L. 98–8, or any individual that received assistance from those funds, may again be eligible for supplemental assistance provided under Pub. L. 98–151 and Pub. L. 98–181, providing either organization or individual has maintained their eligibility.

1.3. Objectives

A. National Board—To identify areas having the highest need for food and shelter assistance, to determine the amount and distribution of funds to these areas, and to ensure that funds are used to supplement existing programs, not replace them.

B. Local Board—To determine which private voluntary organizations in an area receive grants and recommend amount of the grants, based on the award by the National Board.

C. Local Private Voluntary Organizations—To obligate all funds by March 31, 1984, for emergency food and shelter for needy individuals; to spend all funds by May 15, 1984; and to submit reports to the Local Board, as required.

1.4. Lead Agency Responsibilities

A. The Director of the Federal Emergency Management Agency (FEMA) constituted a National Board consisting of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency have each designated a representative to sit on the National Board. The representative of FEMA chairs the National Board, using Parliamentary procedures as the mode of operation and consensus by the National Board.

The FEMA Director shall award a grant for $10 million to the National

Board no later than December 14, 1983, and a grant for $30 million to the National Board no later than December 30, 1983, for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

C. FEMA will conduct an audit of fund utilization after June 30, 1984, at which time all funds shall have been expended.

2.0. Concept of Operations

A. Funds distributed by the National Board will be to areas of greatest need. The formula for distribution is in section 2.1.B.

B. National Board funds will be distributed directly to local private voluntary organizations certified eligible by Local Boards. (Refer to section 2.1.D.)

C. There is an administrative cost limitation of two-percent on the $40 million. The National Board and its member national agencies will utilize one-percent of this amount for administrative costs incurred. The remainder of the $40 million will go directly to local private voluntary organizations, which will be advised of the amount available for administrative costs associated directly with their emergency food and shelter program. While the National Board encourages Local Boards and service providers to waive administrative costs, if a need exists to utilize the available one-percent administrative allowance, an agency shall be allowed to do so.

None of these monies may be used as reimbursement for administative costs any of their parent organizations (or its chapters) might incur as a result of this additional funding. (See item 2.1.F.—Eligibility Costs).

D. FEMA will award a $10 million grant to the National Board no later than December 14, 1983, and a $30 million grant to the National Board no later than December 30, 1983, which is thirty days after enactment of Pub. L. 98–151 and Pub. L. 98–181 respectively.

E. The National Board will begin to distribute funds to local private voluntary organizations based upon recommendation by Local Boards no later than January 30, 1984. Unused or recaptured funds will be reallocated by the National Board, as the funds are returned.

F. All funds shall be obligated by recipient entities by March 31, 1984, with all funds being paid out and bank accounts closed no later than May 15, 1984.

2.1. General Guidelines

A. *Grant Award Process:* United Way of America has been designated by the National Board as fiscal agent of the Board. The grants awarded to the National Board will provide for an advance for checks to be written to local private voluntary organizations selected by Local Boards for funding. Local Boards have the right to reallocate funds throughout the program period, as Boards determine necessary.

If the total award is less than $25,000, one check will be awarded to the private voluntary organization. If the grant is *more than* $25,000, it will be paid in two checks. One-half upon approval of the program, and the other half upon the *written request* of the Local Board Chair.

Funds distributed directly to local private voluntary organizations will be in accordance with terms and conditions established by the National Board.

B. *Designation of Target Areas:* Local areas of highest need will be selected to receive funds from the National Board based upon a series of considerations including unemployment statistics by the Department of Labor for the October 1982 through September 1983 period. A notice will be placed in the **Federal Register** listing the civil jurisdictions that are selected and the dollar amount each has been awarded.

The calculation for distributing funds to an area will be based on the number of unemployed expressed as a percentage of the total unemployed within all the civil jurisdictions selected.

Recognizing the high need that exists in all areas throughout the nation the National Board has decided that $100,000 in minimal funding shall be awarded to private voluntary organizations in needy jurisdictions within each State, while Puerto Rico and the U.S. Territories will receive their percentages based upon the determination of the National Board.

C. *Formation of Local Boards:* As provided in Pub. L. 98–151 and Pub. L. 98–181, each area designated by the National Board to receive funds shall constitute a Local Board with representatives, to the extent practicable, including, but not limited to, the same organizations represented on the National Board, except that the Mayor (or his/her designee) or appropriate head of government (or his/her designee) will replace the FEMA member. The members of each Local Board will elect the Chair.

1. If a locality has previously received National Board funding, the Chair of the Local Board will be contacted regarding any new funding the locality is designated to receive.

2. When a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board as described above. In the event the local United Way does not convene the Board, the local American Red Cross will be responsible for convening the initial meeting of the Local Board.

3. In the event a State receives notification of awards intended for its high-need localities, the United Way in the capitol city will be asked to convene the Local Board for the State, and the Governor (or his/her designee) will replace the FEMA member.

The National Board will allow those Local Boards which wish to better utilize their resources by merging their Boards to do so, provided the local heads of government for each Local Board sit on the merged Board to ensure that the individuals within the respective public official's civil jurisdiction are provided with the assistance they are to receive. Separate reporting for the award amount must, however, be maintained.

Local Boards will have 15 working days after notification of selection by the National Board to receive funds in which to certify that they shall carry out the duties prescribed to them by the National Board, as well as certifying that local private voluntary organizations they have selected for funding are capable of delivering emergency food and/or shelter assistance. After 30 days, if a Local Board is unable to satisfy the National Board as to the local area's capability to utilize funds in accordance with this Plan, the National Board may reallocate the funds to areas of greatest need.

The Chair of the Local Board will be the central point of contact between the National Board and the local private voluntary organizations selected to receive monetary assistance for the emergency food and shelter programs. To ensure program coordination, the Chair of the Local Board will contact the State agencies through which surplus food is being distributed by the U.S. Department of Agriculture.

The local boards also will be responsible for monitoring programs carried out by the local private voluntary organizations they have selected to receive funds. In order to prevent fraud or misuse of funds, Local Boards might wish to create a central clearinghouse for all organizations providing similar assistance to individuals so information can be shared daily. When misuse of funds has been found, or for other reasons they deem necessary, Local Boards have the right to reallocate funds from one private voluntary organization to

another or from food to shelter or from shelter to food.

D. *Selection of Recipient Organizations:* Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past longstanding service in providing emergency food and shelter. In selecting local recipient organizations to receive funds distributed by the National Board, the Local Boards must consider the demonstrated capability of the organizations to provide food and shelter assistance. It is expected that reasonable efforts will be made to identify potentially eligible recipient organizations. The Local Board has the authority to determine which local organizations will receive and provide the assistance. For a local organization to be eligible for consideration it must (1) be non-profit, (2) have a voluntary board, (3) have an accounting system, conduct an annual audit and (4) practice nondiscrimination.

In case there is a religious or service organization or agency with the capacity to deliver food or shelter, but which does not have an adequate accounting system but meets all the other criteria, the Local Board may authorize funds to be channeled through an agency which does have an adequate accounting system and meets all the criteria.

Each Local Board will be responsible for certifying the eligibility of the private voluntary organizations it selects for funding and for monitoring these private voluntary organizations. A certification form will be sent to the Chair of the Local Board (or in care of the United Way or American Red Cross) when notification is sent that the area has been selected as a target area for assistance. The certification form must be signed by the Chair of the Local Board and returned to the United Way of America before money will be released.

E. *Program Funds:* FEMA will award $10 million to the National Board no later than December 14, 1983, and the additional $30 million to the National Board no later than December 30, 1983. The National Board has agreed that the United Way of America shall act as the Board's fiscal agent for the funds awarded to the Board. The Board has also agreed that the United Way of America shall act as the Board's secretariat and perform the necessary administrative duties that the Board must accomplish.

The calculation the National Board uses in determining its fund distribution to designated local areas is based on a ratio calculated as follows: Number of unemployed within an eligible area *divided by* the number of unemployed covered by the national program *equals* the area's percentage of $40 million (less one-percent administrative and evaluation costs, and less that portion of program funds required to fulfill the $100,000 minimum per State.

$$\frac{\text{Number Unemployed in Area}}{\text{Number Unemployed in All Designated Areas}} = \text{Area's percent of \$40 million less 1 percent administrative and evaluation costs and State minimum}$$

F. *Eligibility of Costs:* This appropriation is intended for the purchase of food and provision of shelter, to supplement and extend current available resources and nor for substitution or reimbursement for ongoing programs and services. However, in supplementing current available resources, the following guidance is provided.

1. Eligible program costs include, but are not limited to:

a. Purchase of food and/or transportation expenses for mass feeding;

b. Purchase of supplies incidental to feeding (e.g., utensils, pots, pans, blenders, and other small equipment costing less than $300);

c. Leasing of capital equipment (i.e. over $300 in cost) associated with mass feedings or shelters (e.g., stoves, freezers, vans, etc.);

d. Direct expenses associated with mass shelter (e.g., rent, cots, blankets and other supplies, contracted services for cleaning, pest control, etc.);

e. Emergency lodging or shelter costs (e.g., hotel or motel expenses, only if the local recipient organization provides emergency shelter by using a voucher system);

f. Once only, limited, emergency rent or mortgage assistance (one-month maximum) to avoid immediate eviction when no other resources or assistance exists; and

g. Repair or renovations to shelters, not to exceed $500 per shelter providing that such repairs/renovations are necessary to make the shelter safe, secure and sanitary. The intent is to allow for only minor repairs to alterations.

2. Eligible administration costs (limited to one-percent of total funds received) include, but are not limited to:

a. Audit expenses;

b. Printing and reproduction costs (to advertise/publicize program availability); and

c. Overhead expenses associated with expanded services (e.g., utilities, insurance or leasing costs).

3. Ineligible costs include, but are not limited to:

a. Subsidies for rent or mortgage (except as noted in F.1.f.), rental security deposits, deposits or payments for individual's utilities, repairs to individual homes or apartments, cash payments (except for extreme emergencies), and real property and equipment purchases (e.g., land, building, vehicles, or major equipment defined as $300 or more in cost); and

b. Indirect administrative costs (e.g., procurement services, communications, equipment, travel, personnel or professional services (salaries, overtime, fringe benefits), budgeting and payroll preparation.

4. No expenditures will be accepted as eligible costs if they are made prior to the date of the award (i.e., the date the National Board signs and approves the award) to the local recipient organization.

5. In extreme cases, exemptions to the above may be requested in advance from the National Board.

2.2 Roles and Responsibilities

A. *FEMA's Responsibilities:*

1. Constitute a National Board.

2. Chair the National Board.

3. Provide guidance, coordination and staff assistance to Board.

4. Award to the National Board grants of $40 million, of which $10 million will be awarded no later than December 14, 1983, and $30 million will be awarded no later than December 30, 1983.

5. Conduct an audit of funds in accordance with the audit plan submitted by the National Board.

B. *National Board Responsibilities:*

1. Determine how funds are to be distributed to individual localities.

2. Develop this operational plan for distributing funds and establishing criteria for expenditure of funds.

3. Notify Chairs of Local Boards that previously received National Board funding (under Pub. L. 98–8) or, in areas that are newly selected for funding, notify local United Way and send copies of all notifications to local agencies which are represented on the National Board and to heads of government of areas selected to receive funds. Secure certification from Local Boards that

funds will be used in accordance with established criteria.

4. Distribute funds to selected local private voluntary organizations.

5. Within 60 days following the grant award, submit to FEMA an audit plan.

6. Submit end-of-program report on jurisdictions' uses of funds to FEMA by September 30, 1984.

C. *Responsibility of Local United Way (or American Red Cross)* in newly funded areas. (Chairs of current Local Boards will reconstitute the Board).

1. Constitute a Local Board.

2. Convene initial meeting.

D. *Local Board's Responsibilities:*

1. Elect a Chair.

2. Consider adding additional board members to broaden community representation.

3. Advertise/publicize program and consider all private voluntary organizations providing or capable of providing, emergency food and shelter assistance, not just those represented on the Local Board.

4. Determine which local private voluntary organizations should receive grants and the amount of the grants.

5. Certify eligibility of local private voluntary organizations and return certification form with Local Board Plan to National Board within fifteen working days after receipt of award notification.

6. Provide technical assistance to potential service providers.

7. Coordinate local food distribution with State agencies which already administer the U.S. Department of Agriculture's surplus food distribution programs.

8. *Monitor expenditures of funds* at local level and ensure that all private voluntary organizations maintain proper documentation and submit reports accurately and on time. Ensure that private voluntary organizations will either spend or encumber all funds well before the March 31st deadline.

9. Establish an appeals process and, if possible, involve individuals not a part of the decision in dispute; hear and resolve appeals made by funded or non-funded private voluntary organizations; and investigate complaints made by individuals or organizations. Those cases that cannot be handled locally or that involve fraud or other misues of Federal funds should be referred to the National Board.

10. Reallocate funds, as necessary, from food to shelter (or vice-versa) or from one private voluntary organization to another and notify the National Board as promptly as possible.

11. Submit reports to the National Board on expenditures and local private voluntary organizatiohs' programs by February 29 (for period through February 15), April 30 (for period through end-of-award, March 31), and June 30 (if any funds were encumbered from March 31 through the May 15 period).

12. Ensure that any funds unobligated by March 31, 1984, are either properly encumbered or returned to the National Board.

13. Retrieve private voluntary organizations' reports, documentation, and necessary fund reimbursements, in the event of expenditures violating the eligible costs under this award.

3.0 Reporting Requirements

Local Boards will periodically monitor local private voluntary orgainazations' expenditures and submit an interim report February 29, and end-of-award report on April 30. The last report (April 15, if no funds are encumbered; or June 15, 1984, if funds are encumbered) must be accompanied by the private voluntary organization's financial documentation.

The National Board will compile the reports it receives from the Local Boards and submit a detailed accounting of area's use of monies in the form of a report to FEMA by September 30, 1984.

The National Board will conduct an audit of Local Board (and local private voluntary organizations) records. FEMA's Inspector General will conduct an audit of the expenditure of funds used under the appropriation for the food distribution and emergency shelter program. The SL/DA/IA program office in FEMA will prepare a report for the FEMA Director. The FEMA Director will prepare a report to Congress.

4.0. Amendments to Plan

The National Board reserves the right to amend this Plan at any time.

SUPPLEMENTARY INFORMATION: The National Board based their determination of high-need localities on unemployment data supplied by the Bureau of Labor Statistics, Department of Labor. The most recent and reliable unemployment statistics available were for the period October 1, 1982 through September 30, 1983. This data was averaged for the year to compensate for seasonal adjustments, influences of weather, worker migration and related factors. The Board defined civil jurisdictions as:

a. Cities with a population of over 50,000;

b. Counties, *regardless of size* (includes rural counties); and

c. Balance of counties when cities over 50,000 in population are taken out.

The criteria the National Board considered in the selection process were:

1. Most current twelve-month unemployment rates; and

2. Total number of unemployed people within a civil jurisdiction.

Previous experience under a similar program through the Jobs Stimulus Bill (Pub. L. 98–8) indicated these data were the best available by State, county and city. No other data were current, uniform and available within the time frame.

Based on the criteria noted above, the National Board selected the following jurisdictions:

- Jurisdictions, including balance of counties, with 18,000+ unemployed *and* 8.1% unemployment rate.
- Jurisdictions, including balance of counties, with 1000 to 17,999 unemployed *and* 13% unemployment rate.
- A minimum of $100,000 per State has been awarded for high-need areas within each State, since a similar State program under Pub. L. 98–8 is not available this year.

The following listing is of localities that meet any of the above qualifications.

Alabama

Autauga County, $13, 577.37; Barbour County, $9,265.83; Bibb County, $6,933.73; Blount County, $14,840.13; Butler County, $10,551.33; Calhoun County, $35,118.02; Cherokee County, $10,249.87; Chilton County, $12,394.26; Clarke County, $10,312.43; Clay County, $6,074.84; Colbert County, $25,169.62; Cullman County, $25,909.06; Dale County, $10,170.23; Dallas County, $24,367.66; De Kalb County, $23,275.50; Etowah County, $46,778.52; Franklin County, $14,720.67; Jackson County, $26,870.34; Jefferson County, $109,682.66; Birmingham City, $132,264.21; Lauderdale County, $33,440.04; Lawrence County, $15,590.95; Macon County, $6,302.36; Marengo County, $9,100.88; Marion County, $15,727.45; Marshall County, $26,904.47; Mobile County, $66,345.41; Mobile City $81,068.08; Monroe County, $7,786.94; Morgan County, $32,518.57; Pickens County, $7,747.12; Pike County, $11,097.38; Randolph County, $10,630.97; Russell County, $14,709.30; St. Clair County, $15,784.34; Shelby County, $22,291.47; Sumter County, $6,012.26; Talladega County, $32,831.42; Walker County, $29,498.22; Washington County, $7,144.19; Wilcox County, $7,417.22; Winston County, $10,079.22.

Alaska

Fairbanks Division, $19,993.33; Kenai-Cook Inlet Division, $11,006.28; Matanuska-Susitna Borough, $8,930.16; State Selection Committee, $60,070.24.

Arizona

Apache County, $18,770.56; Gila County, $27,399.33; Graham County, $13,110.95; Maricopa County, $160,493.96; Phoenix City, $216,123.07; Mohave County, $21,011.65; Navajo County, $25,323 19; Pima County,

$144,368.35; Pinal County, $36,062.23; Santa Cruz County, $13,446.54; Yumh County, $43,877.60.

Arkansas

Chicot County, $5,978.13; Hot Spring County, $9,567.29; Jackson County, $7,923.44; Lawrence County, $6,740.33; Lee County, $6,296.66; Phillips County, $9,681.05; Poinsett County, $8,628.76; St. Francis County, $11,649.11; Sebastian County, $23,753.27; White County, $17,388.35; Woodruff County, $5,727.86.

California

Almeda County, $195,634.75; Oakland City, $125,654.72; Amador County, $6,825.65; Butte County, $54,451.70; Calaveras County, $8,731.17; Colusa County, $7,047.49; Contra Costa County, $168,235.42; Del Norte County, $9,009.90; Fresno County, $242,407.56; Glenn County, $10,210.03; Humboldt County, $42,330.45; Imperial County, $97,891.35; Kern County, $168,844.06; Kings County, $28,286.65; Lake County, $13,133.71; Lassen County, $7,513.89; Los Angeles County, $1,133,855.73; Compton City, $37,558.19; El Monte City $28,150.17; Los Angeles City, $998,394.85; Madera County, $25,983.00; Mendocin County, $27,240.09; Merced County, $61,357.01; Monterey County, $68,125.78; Salinas City, $37,853.94; Nevada County, $18,594.21; Plumas County, $8,901.82; Riverside County, $204,968.89; Sacramento County, $242,293.85; San Benito County, $14,623.96; San Bernardino County, $197,790.54; San Bernardino City, $35,095.28; San Diego County, $232,834.58; San Diego City, $211,584.02; San Francisco City, $190,162.88; San Joaquin County, $96,247.47; Stockton City, $72,551.09; Santa Clara County, $168,679.18; San Jose City, $206,618.40; Shasta County, $51,124.20; Siskiyou County, $21,819.33; Soland County, $67,608.12; Stanislaus County, $97,783.28; Modesto City, $57,978.26; Sutter County, $32,444.63; Tehama County, $14,902.69; Tulare County, $92,880.17; Tuolumne County, $14,874.28; Ventura County, $115,097.62; Oxnard City, $47,546.38; Yolo County, $44,952.68; Yuba County, $25,090.01.

Colorado

Chaffee County, $6,672.02; Lake County, $7,007.62; Las Animas County, $8,116.78; Moffat County, $6,125.98; Pueblo County, $48,854.23; State Selection Committee, $23,223.40.

Connecticut

Connecticut, $100,000.00.

Delaware

Delaware, $100,000.00.

District of Columbia

District of Columbia, $196,686.98.

Florida

Hillsborough County, $173,155.58; Bay County, $37,524.05; Collier County, $34,452.51; Dade County, $360,940.84; Miami City, $133,094.65; Wendry County, $8,537.76; Indian River County, $24,856.77; Lake County, $31,784.82; Okeechobee County, $7,428.59; Palm Beach County, $150,568.34; Polk County, $138,452.79; St Lucie County, $41,164.41.

Georgia

Atlanta/Dekalb, Fulton Counties, $221,634.96; Mc Duffie County, $7,769.68; Polk County, $10,721.98.

Hawaii

Hawaii, $100,000.00.

Idaho

Bonner County, $8,475.12; Canyon County, $26,625.53; Kootenai County, $21,381.19; Shoshone County, $9,862.99; State Selection Committee, $33,655.17.

Illinois

Adams County, $28,912.35; Bond County, $5,699.42; Boone County, $13,093.88; Bureau County, $13,037.02; Christian County, $12,729.85; Clark County, $7,189.71; Clay County, $7,115.76; Cook County, $634,547.34; Chicago City, $1,016,289.45; Crawford County, $8,850.61; Dupage County, $162,530.30; Edgar County, $8,219.22; Fayette County, $8,350.06; Franklin County, $20,021.94; Fulton County, $22,490.55; Grundy County, $14,908.38; Henry County, $27,228.69; Jefferson County, $17,644.32; Jersey County, $6,020.14; Aurora, Elgin/Kane County, $95,701.42; Kankakee County, $41,943.67; Knox County, $25,061.54; Lake County, $103,061.78; La Salle County, $46,977.60; Lawrence County, $6,854.11; Macon County, $59,377.52; Macoupin County, $17,308.72; Madison County, $102,692.05; Marion County, $18,474.79; Mason County, $8,378.50; Massac County, $6,285.29; Mercer County, $8,401.25; Montgomery County, $13,110.97; Moultrie County, $6,325.10; Peoria County, $30,800.80; Peoria City, $82,955.34; Perry County, $9,237.39; Pike County, $6,723.27; Richland County, $8,515.01; Rock Island County, $94,159.95; St. Clair County, $95,217.93; Saline County, $12,485.25; Shelby County, $10,386.38; Tazewell County, $64,070.19; Union County, $8,173.74; Vermilion County, $40,453.42; Wayne County, $7,383.08; White County, $7,269.32; Whiteside County, $34,856.37; Will County, $84,097.79; Joliet City, $54,861.22; Williamson County, $24,265.21; Winnebago County, $26,312.93; Rockford City, $86,156.90; Woodford County, $11,359.03.

Indiana

Cass County, $14,658.10; Dearborn County, $12,741.23; Delaware County, $38,997.26; Fayette County, $9,584.36; Fountain County, $9,356.84; Henry County, $16,671.67; Howard County, $30,897.48; Jackson County, $14,180.30; Jay County, $9,777.75; Lake County, $88,153.36; Gary City, $84,791.73; Hammond City, $36,551.50; La Porte County, $38,070.10; Lawrence County, $14,043.79; Madison County, $40,754.86; Indianapolis City, $229,836.95; Orange County, $6,114.65; Perry County, $7,677.49; Porter County, $41,949.35; Randolph County, $9,385.28; Scott County, $9,123.63; Starke County, $7,001.99; Vermillion County, $6,552.63; Vigo County, $33,946.26; Washington County, $7,024.74; Wayne County, $25,928.12; White County, $9,954.09.

Iowa

Blackhawk County, $48,706.71; Des Moines County, $15,090.38; Dubuque County, $32,802.94; Floyd County, $7,821.06; Jackson County, $8,304.54; Mapello County, $12,684.33.

Kansas

Montgomery County, $15,738.70; State Selection Committee, $84,261.30.

Kentucky

Bell County, $10,539.96; Boyd County, $19,566.89; Carter County, $11,137.21; Clay County, $8,967.86; Floyd County, $19,379.19; Graves County, $11,853.90; Greenup County, $19,595.34; Harlan County, $18,605.62; Jefferson County, $204,212.40; Johnson County, $7,621.99; Knott County, $7,980.34; Letcher County, $15,761.59; Lincoln County, $6,313.73; Magoffin County, $5,966.77; Marion County, $5,796.12; Marshall County, $9,686.75; Montgomery County, $6,848.41; Muhlenberg County, $12,052.98; Nelson County, $11,188.40; Perry County, $12,946.00; Pike County, $38,786.82; Whitley County, $9,914.27.

Louisiana

Shreveport/Bossier, Caddo Parishes, $96,338.49; Acadia Parish, $18,884.33; Allen Parish, $8,958.68; Ascension Parish, $22,172.02; Assumption Parish, $10,386.38; Avoyelles Parish, $14,345.26; Beauregard Parish, $9,180.51; Calcasieu Parish, $63,615.14; Concordia Parish, $8,896.11; De Soto Parish, $8,344.37; Evangeline Parish, $13,128.02; Franklin Parish, $11,256.65; Iberia Parish, $30,487.95; Iberville Parish, $11,967.66; Jefferson Parish, $126,962.06; Jefferson Davis Parish, $13,395.36; Livingston Parish, $23,127.61; Morehouse Parish, $11,290.78; New Orelans City, $134,653.19; Ouachita Parish, $39,093.96; Richland Parish, $7,741.43; Sabine Parish, $6,023.65; St. Bernard Parish, $25,943.19; St. James Parish, $7,223.62; St. John Baptist Parish, $13,528.18; St. Landry Parish, $37,967.73; St. Martin Parish, $16,279.19; St. Mary Parish, $31,437.85; Tangipahoa Parish, $35,069.58; Terrebonne Parish, $37,853.97; Vernon Parish, $9,931.33; Washington Parish, $16,353.14; Webster Parish, $14,817.37; West Carroll Parish, $6,114.66.

Maine

Waldo County, $8,287.42; Washington County, $11,666.09; State Selection Committee, $80,046.49.

Maryland

Allegany County, $28,102.46; Baltimore County, $159,697.66; Calvert County, $8,452.44; Garrett County, $12,724.16; Somerset County, $8,042.90; Washington County, $41,969.18; Baltimore City, $222,385.65.

Massachusetts

Bristol County, $132,332.49; Suffolk County, $152,775.34; Worcester County, $163,702.08.

Michigan

Lansing/Eaton, Ingham Counties, $111,883.91; Allegan County, $33,019.12; Alpena County, $16,603.43; Antrim County, $8,202.18; Arenac County, $5,779.06; Barry County, $16,250.74; Bay County, $51,425.65; Benzie County, $6,217.05; Berrien County, $66,538.80; Branch County, $15,005.07; Calhoun County, $54,235.54; Charlevoix County, $9,385.29; Cheboygan County, $14,254.24; Chippewa County, $17,103.95; Clare County, $9,447.66; Delta County, $20,886.51; Emmet County, $11,785.63;

Genesee County, $117,287.57; Flint City, $91,901.80; Gladwin County, $8,111.16; Gogebic County, $8,981.41; Grand Traverse County, $25,397.14; Gratiot County, $13,338.47; Hillsdale County, $16,193.88; Houghton County, $13,105.25; Huron County, $14,328.18; Ionia County, $20,408.73; Iosco County, $8,645.84; Jackson County, $62,926.90; Kalkaska County, $5,875.74; Kent County, $88,147.69; Grand Rapids City, $83,767.89; Lapeer County, $28,889.58; Leelanau County, $7,280.70; Lenawee County, $40,589.91; Livingston County, $45,208.63; Mackinac County, $11,245.29; Macomb County, $100,314.45; Clinton Township, $33,860.96; Roseville City, $31,181.87; St. Clair Shores City, $30,465.20; Sterling Heights City, $42,114.33; Warren City, $78,409.75; Manistee County, $9,885.82; Marquette County, $33,064.65; Mason County, $13,912.97; Menominee County, $10,686.93; Midland County, $23,685.02; Monroe County, $56,624.54; Montcalm County, $21,495.12; Muskegon County, $70,292.91; Newaygo County, $14,953.87; Oakland County, $311,686.05; Pontiac City, $49,480.34; Waterford Township, $31,335.45; Oceana County, $10,101.96; Ogemaw County, $8,236.30; Ontonagon County, $6,939.42; Osceola County, $8,441.07; Otsego County, $6,529.88; Presque Isle County, $6,552.62; Roscommon County, $6,416.12; Saginaw County, $49,070.80; Saginaw City, $36,830.13; St. Clair County, $58,439.01; Sanilac County, $18,656.79; Shiawassee County, $27,359.53; Tuscola County, $23,912.54; Van Buren County, $26,699.72; Washtenaw County, $85,389.00; Wayne County, $370,144.14; Detroit City, $574,288.18; Wexford County, $10,483.06.

Minnesota

Aitkin County, $5,796.12; Becker County, $9,544.54; Carlton County, $8,861.97; Itasca County, $18,110.73; Lake County, $8,207.84; St. Louis County, $77,710.04; Duluth City, $27,655.26.

Mississippi

Adams County, $12,960.12; Alcorn County, $14,669.47; Attala County, $7,781.25; Coahoma County, $10,721.97; Copiah County, $3,304.55; George County, $7,331.89; Grenada County, $6,842.72; Holmes County, $6,706.21; Jackson County, $49,923.99; Leflore County, $13,196.27; Lincoln County, $9,772.07; Madison County, $11,256.65; Marion County, $9,049.68; Marshall County, $8,827.85; Pearl River County $10,454.63; Pike County, $10,602.52; Prentiss County, $8,270.42; Tate County, $7,428.59; Tishomingo County, $10,881.23; Warren County, $15,482.87; Washington County, $23,753.29; Wayne County, $6,592.45; Winston County, $8,230.61; Yazoo County, $7,434.28.

Missouri

Kansas City/Clay, Jackson, Platte Counties, $228,483.25; Butler County, $12,286.19; Dunklin County, $13,725.26; Linn County, $6,854.10; Pemiscot County, $7,860.89; St. Louis County, $213,580.56; Stoddard County, $9,527.48; Texas County, $6,057.78; Washington County, $7,411.53; Webster County, $5,762.00; St. Louis City, $140,290.05.

Montana

Lincoln County, $6,416.06; Ravalli County, $6,521.78; State Selection Committee, $87,062.18.

Nebraska

Nebraska, $100,000.00.

Nevada

Clark County, $169,839.38.

New Hampshire

New Hampshire, $100,000.00.

New Jersey

Union County, $124,545.49; Camden County, $92,823.26; Cape May County, $38,126.99; Cumberland County, $49,073.73; Essex County, $109,045.58; Newark City, $116,508.29; Hudson County, $86,549.34; Jersey City, $75,850.13; Union City, $20,641.93; Mercer County, $37,313.59; Trenton City, $30,089.77; Passaic County, $56,408.38; Passaic City, $21,819.35; Paterson City, $52,921.60.

New Mexico

Bernalillo County, $105,388.17; Cibola County, $15,306.54; Eddy County, $18,872.95; Grant County, $14,845.81; McKinley County, $15,807.09; Rio Arriba County, $13,048.38; San Juan County, $31,477.66; San Miguel County, $6,655.02; Taos County, $10,500.14.

New York

Erie County, $176,483.10; Buffalo City, $144,851.85; Franklin County, $14,908.39; Genesee County, $20,579.37; Jefferson County, $31,841.71; Monroe County, $161,142.42; Niagara County, $57,329.84; Niagara Falls City, $27,245.77; Onondaga County, $102,583.96; New York City, $1,668,970.32.

North Carolina

Ashe County, $7,832.45; Bladen County, $11,597.93; Cleveland County, $32,643.72; Columbus County, $19,470.20; Franklin County, $7,929.14; Martin County, $9,891.52; Mitchell County, $5,818.88; Pender County, $6,785.84; Person County, $9,993.91; Richmond County, $14,407.83; Robeson County, $40,897.08; Vance County, $12,934.63.

North Dakota

North Dakota, $100,000.00.

Ohio

Dayton/Greene, Montgomery Counties, $203,154.35; Adams County, $12,837.91; Allen County, $42,557.97; Ashland County, $16,148.38; Ashtabula County; $51,619.04; Auglaize County, $14,970.96; Belmont County, $39,230.47; Brown County, $13,884.53; Butler County, $78,534.89; Carroll County, $12,490.95; Champaign County, $11,628.38; Clark County, $52,620.13; Clermont County, $48,587.31; Columbiana County, $52,529.14; Coshocton County, $13,793.51; Crawford County, $22,888,72; Cuyahoga County, $227,027.06; Cleveland City, $248,431.23; Defiance County, $15,482.87; Erie County, $33,536.74; Fayette County, $9,726.58; Franklin County, $233,130.37; Fulton County, $13,349.86; Gallia County, $12,513.71; Guernsey County, $19,191.49; Hamilton County, $111,354.94; Cincinnati City, $141,313.89; Hardin County, $11,376.10; Harrison County, $7,968.95; Henry County, $11,285.07; Hocking County, $10,084.92; Huron County, $30,084.10; Jackson County, $12,291.89; Jefferson County, $31,218.02; Knox County, $16,392.97; Lake County, $95,707.12; Lawrence County, $24,777.14; Logan County, $16,273.52; Lorain County, $57,814.23; Elyria City, $29,697.29; Lorain City, $36,346.65; Lucas County, $159,891.06; Mahoning County, $66,100.82; Youngstown City, $65,276.08; Marion County, $28,809.96; Meigs County, $10,835.73; Mercer County, $18,440.64; Monroe County, $6,481.61; Morgan County, $6,052.07; Morrow County, $9,971.16; Muskingum County, $33,093.06; Ottawa County, $16,415.70; Paulding County, $7,587.87; Perry County, $14,220.12; Pike County, $10,375.01; Portage County, $51,380.14; Putnam County, $12,798.11; Richland County, $48,325.68; Sandusky County, $23,195.85; Scioto County, $35,106.62; Seneca County, $26,324.29; Shelby County, $17,490.74; Stark County, $105,189.11; Canton City, $50,947.84; Summit County, $77,715.82; Akron City, $91,537.78; Trumbull County, $81,930.65; Warren City, $30,385.57; Tuscarawas County, $35,698.21; Union County, $12,104.18; Van Wert County, $10,909.69; Washington County, $25,869.26; Williams County, $13,702.51.

Oklahoma

Tulsa/Osage, Tulsa Counties, $131,673.20; Hughes County, $5,710.82; Okmulgee County, $10,960.92; Pittsburg County, $10,835.78.

Oregon

Portland/Clackamas, Multnomah, Washington Counties, $325,481.49; Baker County, $7,582.17; Coos County, $22,092.38; Douglas County, $30,977.11; Hood River County, $6,268.23; Linn County, $30,556.19.

Pennsylvania

Allegheny County, $366,805.21; Pittsburgh City, $129,494.12; Armstrong County, $33,371.79; Beaver County, $119,301.13; Bedford County, $21,176.60; Blair County, $51,983.06; Bucks County, $125,688.82; Butler County, $82,534.42; Cambria County, $87,135.23; Carbon County, $21,159.54; Clarion County, $16,324.70; Clearfield County, $40,498.90; Clinton County, $18,099.38; Columbia County, $20,932.01; Crawford County, $35,749.40; Delaware County, $124,170.10; Elk County, $14,527.29; Erie County, $58,814.43; Erie City, $49,321.63; Fayette County, $81,083.14; Franklin County, $44,850.27; Fulton County, $7,303.46; Greene County, $14,675.16; Huntingdon County, $18,281.40; Indiana County, $34,987.18; Jefferson County, $18,258.63; Juniata County, $6,188.61; Lawrence County, $52,199.24; Allentown/Lehigh County, $86,014.68; Luzerne County, $114,494.73; Lycoming County, $44,691.01; McKean County, $17,308.74; Mercer County, $58,814.43; Mifflin County, $18,594.24; Montgomery County, $143,828.00; Bethlehem/Northampton County, $90,559.42; Philadelphia City, $450,146.50; Schuylkill County, $53,342.53; Somerset County, $42,154.00; Venango County, $33,445.71; Warren County, $17,234.79; Washington County, $94,256.67; Westmoreland County, $178,690.04.

Peerto Rico

Puerto Rico, $712,763.70.

Rhode Island

Providence County, $169,378.90.

South Carolina

Chester County, $11,637.74; Colleton County, $9,959.77; Georgetown County, $17,098.27; Greenwood County, $21,011.64; Laurens County, $19,947.98; Marion County, $13,901.59; Marlboro County, $14,965.25; Oconee County, $17,280.28; Union County, $17,138.08.

South Dakota

South Dakota, $100,000.00.

Tennessee

Bedford County, $12,422.70; Campbell County, $15,556.81; Carroll County, $12,576.27; Carter County, $16,381.58; Claiborne County, $8,992.81; Cocke County, $17,576.07; Cumberland County, $12,240.68; De Kalb County, $6,433.18; Dyer County, $11,762.89; Fayette County, $9,044.00; Fentress County, $7,110.06; Franklin County, $10,198.67; Gibson County, $18,548.73; Grainger County, $6,666.39; Greene County, $21,819.36; Hamblen County, $16,239.38; Hardeman County, $7,735.74; Hardin County, $10,739.04; Haywood County, $9,106.57; Henderson County, $9,902.89; Henry County, $13,287.28; Hickman County, $5,938.32; Humphreys County, $9,123.63; Jefferson County, $13,566.00; Lawrence County, $16,239.38; Lincoln County, $9,072.44; Loudon County, $10,875.55; Mc Minn County, $13,918.65; Mc Nairy County, $12,553.52; Macon County, $7,252.26; Marion County, $9,135.01; Maury County, $21,660.09; Monroe County, $13,122.33; Montgomery County, $23,838.61; Overton County, $6,939.42; Putnam County, $16,290.57; Roane County, $15,152.96; Scott County, $8,173.72; Sevier County, $23,565.59; Shelby County, $193,058.06; Smith County, $6,637.96; Unicoi County, $6,700.52; Warren County, $14,231.50; Wayne County, $6,990.61; White County, $8,475.19.

Texas

Angelina County, $22,848.89; Calhoun County, $7,001.99; Cameron County, $48,194.84; Brownsville City, $31,432.16; Cass County, $14,754.81; El Paso County, $137,258.30; Galveston County, $66,635.49; Houston/Fort Bend, Harris Counties, $836,285.35; Longview/Gregg, Harrison Counties, $54,582.51; Hidalgo County, $130,392.83; Jefferson County, $54,144.53; Port Arthur City, $31,676.75; Matagorda County, $12,775.36; Maverick County, $22,439.35; Morris County, $10,545.65; Orange County, $48,854.64; Polk County, $6,063.45; Starr County, $29,134.19; Upshur County, $12,081.41; Val Verde County, $10,989.32; Webb County, $61,448.00; Zavala County, $7,929.13.

Utah

Salt Lake County, $139,943.13; Carbon County, $11,256.65.

Vermont

Vermont, $100,000.00.

Virginia

Buchanan County, $27,006.83; Dickerson County, $7,542.35; Lee County, $6,592.44; Russell County, $16,648.90; Smyth County, $11,671.67; Tazewell County, $30,459.47; Wise County, $17,650.00; Wythe County, $10,648.02.

Washington

Benton County, $46,374.67; Chelan County, $24,185.59; Callam County, $18,474.78; Cowlitz County, $30,612.16; Franklin County, $17,115.34; Grant County, $19,288.18; Grays Harbor County, $26,904.48; King County, $218,574.69; Seattle City, $167,831.60; Kittitas County, $8,116.85; Klickitat County, $7,559.42; Lewis County, $21,838.42; Mason County, $8,412.62; Okanogan County, $17,615.89; Pacific County, $6,808.59; Pierce County, $84,558.55; Tacoma City, $49,332.46; Skagit County, $28,184.28; Snohomish County, $126,223.51; Stevens County, $12,604.72; Yakima County, $74,194.92.

West Virginia

Barbour County, $8,077.03; Berkeley County, $13,895.91; Boone County, $16,028.92; Braxton County, $5,921.26; Brooke County, $11,370.41; Huntington/Cabell, Wayne Counties, $53,706.56; Clay County, $6,160.16; Fayette County, $27,717.86; Greenbrier County, $16,199.56; Hancock County, $13,297.29; Harrison County, $29,805.38; Jackson County, $13,964.16; Kanawha County, $73,938.95; Lewis County, $6,399.05; Lincoln County, $11,939.22; Logan County, $29,395.84; McDowell County, $30,920.24; Marion County, $22,319.91; Marshall County, $18,196.07; Mason County, $14,481.77; Mercer County, $32,006.65; Mineral County, $9,499.04; Mingo County, $16,364.52; Nicholas County, $20,090.19; Ohio County, $20,636.24; Preston County, $11,683.25; Putnam County, $13,622.68; Raleigh County, $39,247.54; Randolph County, $13,912.97; Roane County, $8,065.65; Summers County, $6,066.21; Taylor County, $7,292.08; Upshur County, $10,227.11; Webster County, $7,337.58; Wetzel County, $7,980.34; Wood County, $32,956.56; Wyoming County, $17,024.33.

Wisconsin

Appleton/Calumet, Outagamie Counties, $51,311.89; Columbia County, $20,112.94; Door County, $12,934.63; Douglas County, $15,238.28; Green Lake County, $7,098.68; Jackson County, $7,132.81; Kewaunee County, $7,632.44; Manitowoc County, $33,553.80; Milwaukee County, $72,357.68; Milwaukee City, $253,089.73; Oconto County, $9,243.08; Racine County, $70,782.09; Rock County, $55,697.38; Sauk County, $17,706.90; Trempealeau County, $9,339.78.

Wyoming

Wyoming, $100,000.00.

Guam

Guam, $22,610.00.

American Samoa

American Samoa, $23,890.00.

Virgin Islands

Virgin Islands, $31,232.00.

Trust Territories

Trust Territories, $108,104.00.

Northern Mariana Islands

Northern Mariana Islands, $14,164.00.

[FR Doc. 83-33647 Filed 12-19-83; 8:45 am]
BILLING CODE 6718-01-M

federal register

Tuesday
December 20, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1023]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 13, 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 1023

ISSUED DECEMBER 13, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-TXO PRODUCTION CORP				RECEIVED:	11/17/83	JA: LA			
8407680	82-993	1703121727		102-4		NABORS #1	GRAND CANE	531.1	DELHI GAS PIPELIN
8407679	82-994	1703121727		102-4		NABORS #1-D	GRAND CANE	502.6	DELHI GAS PIPELIN
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	11/16/83	JA: OK			
8407740	24595	3506130061		107-PE		FRANK WANTLAND UNIT NO 1	KINTA - (SPIRO)	1005.0	OKLAHOMA GAS & EL
8407763	24762	3513900000		108		KEEN GAS UNIT "A" #1	GUYMON-HUGOTON-(CHASE	13.0	PHILLIPS PETROLEU
8407689	22512	3503920667		102-2		SCHLIGHTING UNIT #1	WILDCAT	130.0	SOUTHERN NATURAL
8407686	22510	3501521443		102-2		TUCKER UNIT #1-A	WILDCAT	730.0	SOUTHERN NATURAL
-ARCO OIL AND GAS COMPANY				RECEIVED:	11/16/83	JA: OK			
8407804	24640	3510321612		108		M D ATKINSON #2	M W STILLWATER AIRPOR	7.3	ARCO OIL & GAS CO
-BEASLEY OIL CO				RECEIVED:	11/16/83	JA: OK			
8407797	24719	3501121822		103		LEONA SCHWEITZER #1	NORTHWEST OMEGA	100.0	WARREN PETROLEUM
-BEC ENERGY INC				RECEIVED:	11/16/83	JA: OK		6.5	SWAS CORP
8407771	24720	3510721637		103		SMITH #1			
-BOHRAY ENERGY CORP				RECEIVED:	11/16/83	JA: OK			
8407821	24571	3512920973		103		FRANK MCKEAN 22-1	DURHAM	108.0	DELHI GAS PIPELIN
-BROOKS B B				RECEIVED:	11/16/83	JA: OK			
8407799	24533	3510720817		108		ELSNER A #1	SHELDON POOL	4.8	PHILLIPS PETROLEU
8407798	24532	3510721160		108		SMITH "B" #1	BLAKELY	8.0	PHILLIPS PETROLEU
-C J CASSELMAN				RECEIVED:	11/16/83	JA: OK			
8407796	24716	3511124384		103		HASTEY-1 CMA	MORRIS	19.2	PHILLIPS PETROLEU
8407776	24714	3511124419		103		MC MAHAN #1	MORRIS	19.2	PHILLIPS PETROLEU
8407795	24715	3511124443		103		PINKSTON #2	MORRIS	18.2	PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP				RECEIVED:	11/16/83	JA: OK			
8407735	24599	3501722519		103		GLOBE LIFE #35-5	SOUTH YUKON	40.0	DELHI GAS PIPELIN
8407736	24598	3501722537		103		MCLAIN #30-1	RICHLAND	50.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/16/83	JA: OK			
8407685	24556	3500300000		108		L V MAHAFFEY #1	CHANEY DELL	15.0	CHAMPLIN PETROLEU
8407711	24558	3510900000		108		LOWRY #1-A	WEST EDMOND	7.0	CONOCO INC
8407687	24549	3507300000		108		P S OHERN #3	DOVER-HENNESSEY	6.0	MUSTANG FUEL CORP
8407694	24558	3509320272		108		W G SEELKE #1	CHANEY DELL	11.0	UNION TEXAS PETRO
-DECK EXPLORATION INC				RECEIVED:	11/16/83	JA: OK			
8407710	25473	3510526146		103		BERT #3	CALIF CRK	1.0	OKAN GAS CO
8407682	25474	3510526147		103		BERT #4	CALIF CRK	1.0	OKAN GAS CO
8407683		3510526148		103		BERT #5	CALIF CRK	1.0	OKAN GAS CO
-DOHERTY JAMES				RECEIVED:	11/16/83	JA: OK			
8407798	24648	3511100000		103		JACKSON 1-26	COALTON DISTRICT	54.0	PHILLIPS PETROLEU
-DRILL RITE CORP				RECEIVED:	11/16/83	JA: OK			
8407691	14007	3508321628		102-4		STEALER #1A	N E COOK CREEK	8.0	EL PASO NATURAL
-EDWIN L COX				RECEIVED:	11/16/83	JA: OK			
8407713	22061	3512120954		103		ORBISON 1-13	WEST CANADIAN	90.0	TRANSOK PIPELINE
8407708	18557	3506120509		102-4		REES #1-15	KINTA	700.0	DELHI GAS PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	11/16/83	JA: OK			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8407816	24697	3500906785		108		OREN B #1
-ENERGY RESERVES GROUP INC				RECEIVED:	11/16/83	JA: OK
8407701	24583	3510321113		108		DEVORE #8
-EXXON CORPORATION				RECEIVED:	11/16/83	JA: OK
8407698	24567	3510321091		103		S S TATE #4
8407739	24144	3504320012		108		SPANOLER UNIT A #1
-FCC OIL CO				RECEIVED:	11/16/83	JA: OK
8407696	24584	3510523264		108		GLASS #2 NE SE 17-T28N-R15E
-FUHK EXPLORATION INC				RECEIVED:	11/16/83	JA: OK
8407715	22517	3513921666		102-4		PLUNK #1-15
-GEORGE RODMAN INC				RECEIVED:	11/16/83	JA: OK
8407702	22547	3502920250		102-2		WELLS 1-26
-GULF OIL CORPORATION				RECEIVED:	11/16/83	JA: OK
8407728	24621	3501722453		103		EMMA BERG #1-23
8407775	22555	3506120559		102-2		EPLEY #1-14
-HARPER OIL COMPANY				RECEIVED:	11/16/83	JA: OK
8407731	24610	3509320368		108		BISEL #1
8407703	24344	3507300000		108		SMITH #1
-HPC INC				RECEIVED:	11/16/83	JA: OK
8407772	22568	3501520865		102-4		HELDERMON #1
-J M HUBER CORPORATION				RECEIVED:	11/16/83	JA: OK
8407809	24683	3500700000		108		SITTON #1
-JAY PETROLEUM INC				RECEIVED:	11/16/83	JA: OK
8407705	22039	3506300000		108		WEST #1
-JET OIL COMPANY				RECEIVED:	11/16/83	JA: OK
8407738	24608	3504723349		103		WALKER "B" #1
-KENNEDY & MITCHELL INC				RECEIVED:	11/16/83	JA: OK
8407737	24605	3505921049		103		PRICE #36-386
-KEPCO INC				RECEIVED:	11/16/83	JA: OK
8407688	17848	3501722269		102-2		CHEEK #4-35
-KWB OIL PROPERTY MANAGEMENT INC				RECEIVED:	11/16/83	JA: OK
8407697	24565	3504922047		103		ELLIOTT #1-12
-LANGFORD ENERGY INC				RECEIVED:	11/16/83	JA: OK
8407739	24727	3509322307		103		DECKER 34-1
-LAICO ENERGY INC				RECEIVED:	11/16/83	JA: OK
8407743	22604	3507323734		102-4		LONG #3
-LOOMIS OIL & GAS INC				RECEIVED:	11/16/83	JA: OK
8407722	24614	3511721820		103		PRIVETT H H #3
8407732	24613	3511721819		103		PRIVETT H H #4
8407724	24615	3511721717		103		PRIVETT NO H H #2
8407725	24616	3511772171		103		PRIVETT NO HH #1
-LUBELL OIL CO				RECEIVED:	11/16/83	JA: OK
8407695	24562	3512121037		103		EPPS 1-21
-MARATHON OIL COMPANY				RECEIVED:	11/16/83	JA: OK
8407757	24836	3500700000		108		BAGGERLY TRACT 29 #1
-MARLINE OIL CORP				RECEIVED:	11/16/83	JA: OK
8407723	24595	3501121752		103		STEWART #1
-MARYMAC CO				RECEIVED:	11/16/83	JA: OK
8407706	22519	3508520632		102-4		LUKE 12-7
-MEGA II ENERGY & INVESTMENT CORP				RECEIVED:	11/16/83	JA: OK
8407721	24602	3505321096		103		KUEHNY #2
-MESA PETROLEUM CO				RECEIVED:	11/16/83	JA: OK
8407684	25692	3500920488		107-DP		MANDRELL #1-30
-MEWBOURNE OIL COMPANY				RECEIVED:	11/16/83	JA: OK
8407744	22654	3504520804		102-4		STUART UNIT #1 OTC #045-6190
-MID CONTINENT PIPELINE EQUIP CO (OK				RECEIVED:	11/16/83	JA: OK
8407728	24618	3505321864		103		ANNA WILKENS #1-20
-MOBIL OIL CORP				RECEIVED:	11/16/83	JA: OK
8407755	24832	3513700000		108		ALMA PICKENS #3-5 MARIE STED #5
8407754	24831	3513700000		108		ALMA PICKENS #9-5 C S GOODWIN #5
8407767	24815	3501900000		108		C F ADAMS #32
8407756	24834	3501900000		108		COUNTYLINE #13-10 W G JORDAN #10
8407753	24829	3513700000		108		COUNTYLINE UNIT #18-1 (RINGER #1)
8407752	24829	3513700000		108		COUNTYLINE UNIT #18-4 (RINGER #4)
8407751	24828	3501900000		108		COUNTYLINE UNIT #44-1 (ANNA #1)
-NATIONAL COOP REFINERY ASSOC				RECEIVED:	11/16/83	JA: OK
8407700	24582	3501120558		108		SCHULTZ #1
-OXLEY PETROLEUM CO				RECEIVED:	11/16/83	JA: OK
8407774	24140	3503120710		107-DP		HIGH #1
-PETRO-LEWIS CORPORATION				RECEIVED:	11/16/83	JA: OK
8407792	24699	3500320185		108		ACRE #2 WELL ID #5087901
8407784	24738	3509300000		108		DENNIS ALLEN 35 #2
8407783	24742	3509300000		108		EITZEN 12-1
8407817	24700	3508300000		108		FRY #1 ID #5086001
8407778	24746	3501721359		108		GUTIERREZ 1-17 #5125501
8407782	24741	3509300000		108		HANNAH 30-1
8407765	24806	3504700000		108		HORACE 26-1 WELL ID #5047101
8407818	24702	3509320532		108		METZLER 19 #1 WELL ID #5079901
8407781	24745	3509300000		108		POSEY 32-1
8407786	24748	3507300000		108		RENNER 31-1
8407819	24703	3508320672		108		SELF #1 ID #5085901
8407766	24807	3507300000		108		STORM 12-1
8407780	24744	3501700000		108		TURNER 1-9 #5126201
8407764	24805	3508300000		108		WAREING 32-3 WELL ID #5044101
8407785	24739	3507300000		108		WILCZEK 24-1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/16/83	JA: OK
8407741	20812	3501722365		102-4		GAMBEL A #1
8407793	24705	3513900000		108		MUNDY #1
8407742	21166	3501722314		102-4		SHUTTEE TRUST #2
PREMIER OPERATING CO				RECEIVED:	11/16/83	JA: OK
8407707	24295	3509322640		103		FOSTER #1 WELL 093-11012-1
8407787	24722	3507323741		103		NEILL #1 073-79774
QUANAH COMPANY				RECEIVED:	11/16/83	JA: OK
8407761	24774	3508122074		103		REEDY #1
-QUANTUM RESOURCES CORP				RECEIVED:	11/16/83	JA: OK
8407777	24771	3509322574		103		BOENS #1
-R & M PETROLEUM INC				RECEIVED:	11/16/83	JA: OK
8407728	24584	3503725068		103		SOONER #1
-RATLIFF EXPLORATION CO				RECEIVED:	11/16/83	JA: OK
8407820	25012	3510920752		102-4	103	AIRPORT TRUST B-28 #1
8407815	24297	3510920736		102-4	103	CLARKLAND B-28 #1
-READING & BATES PETROLEUM CO				RECEIVED:	11/16/83	JA: OK
8407690	16858	3504700000		108-ER		LANG #28-1
-RICHARDSON WILLIAM S				RECEIVED:	11/16/83	JA: OK

FIELD NAME	PROD	PURCHASER
ERICK SOUTH - BROWN D	29.0	EL PASO NATURAL G
POLO	1.9	AMINOIL USA INC
LUCIEN	1.8	AMINOIL USA INC
PUTNAM	14.0	WESTERN FARMERS E
LENEPAH	7.0	OKAN GAS CO
DOUBEY WEST	450.0	PANHANDLE EASTERN
SOUTH ASHLAND	0.0	ARKANSAS LOUISIAN
N MUSTANG (HUNTON)	16.0	
ENTERPRISE NORTH (MAR	0.0	ARKANSAS LOUISIAN
S E AMES	0.0	PHILLIPS PETROLEU
SOONER TREND	0.0	EXXON CORP
HINTON	500.0	OKLAHOMA NATURAL
LAVERNE	17.0	NORTHERN NATURAL
EAST LAMAR	18.2	JAY PETROLEUM INC
WILSON PROSPECT	82.0	EASON OIL CO
LAVERNE	200.0	NORTHERN NATURAL
	100.0	CONOCO INC
HOOVER	36.5	AMINOIL USA INC
	127.2	PANHANDLE EASTERN
SOONER TREND	1.8	PHILLIPS PETROLEU
	1.5	H J D CATTLE CO
	11.0	H J D CATTLE CO
	9.1	H J D CATTLE CO
	10.9	H J D CATTLE CO
ULAN	100.0	TRANSOK INC
MOCANE	14.0	PHILLIPS PETROLEU
WATONGA-CHICKASHA TRE	540.0	TRANSOK PIPELINE
NORTH PIKE	75.0	AMINOIL USA INC
MAYFLOWER	7.2	MIDNT SERVICE CO
UNDESIGNATED MORROW	720.0	
STUART RANCH (MORROW	342.0	NORTHERN NATURAL
SOUTHEAST POND CREEK	80.0	UNION TEXAS PETRO
SHO VEL TUM	0.0	OKLAHOMA NATURAL
SHO VEL TUM	0.0	OKLAHOMA NATURAL
SHO VEL TUM	0.2	LONE STAR GAS CO
SHO VEL TUM	0.0	OKLAHOMA NATURAL
SHO VEL TUM	0.9	OKLAHOMA NATURAL
SHO VEL TUM	0.9	OKLAHOMA NATURAL
SHO VEL TUM	0.0	OKLAHOMA NATURAL
OKEENE SOUTH	18.0	PHILLIPS PETROLEU
	549.6	
SOONER TREND	7.0	PANHANDLE EASTERN
SOONER TREND	10.0	PARTNERSHIP PROPE
SOONER TREND	20.0	PARTNERSHIP PROPE
SOONER TREND	10.6	EASON OIL CO
YUKON-PLOTNER SOUTH	8.9	PHILLIPS PETROLEU
SOONER TREND	15.7	PARTNERSHIP PROPE
SOONER TREND	13.2	EXXON OIL CO USA
SOONER TREND	11.0	PARTNERSHIP PROPE
SOONER TREND	11.7	PARTNERSHIP PROPE
SOONER TREND	7.0	PARTNERSHIP PROPE
SOONER TREND	8.6	EASON OIL CO
SOONER TREND	6.7	PARTNERSHIP PROPE
YUKON SOUTH	6.0	PHILLIPS PETROLEU
SOONER TREND	9.9	EASON OIL CO
SOONER TREND	6.7	PARTNERSHIP PROPE
CONCHO	0.0	ONG WESTERN INC
OKLAHOMA HUGOTON-DOLO	0.0	PANHANDLE EASTERN
CONCHO	0.0	ONG WESTERN INC
SOONER TREND	55.0	UNION TEXAS PETRO
SOONER TREND	50.0	EXXON CO USA
SOUTHEAST MT VERNON	15.0	TRIOK INC
S E FAIRVIEW	105.0	PANHANDLE EASTERN
STROUD	95.0	
	0.0	
	0.0	CONOCO INC
SOONER TREND	20.0	GRACE PETROLEUM C

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407717	24492	3504900000		108		JOHN HEIRS #1	GOLDEN TREND	7.6	WARREN PETROLEUM
8407716	24493	3504900000		108		JOHNSON-WILEY #1	GOLDEN TREND	6.0	WARREN PETROLEUM
-SANTA FE-ANDOVER OIL CO		RECEIVED:		11/16/83		JA: OK			
8407719	24578	3507323785		103		SIMUNEK #33-2		54.0	PHILLIPS PETROLEU
-SILBERMAN A & M		RECEIVED:		11/16/83		JA: OK			
8407768	25074	3511900000		108		SAM #1 SW NW SW 3-18N-2E	LOST CREEK	1.3	SUN GAS TRANSMISS
8407769	25075	3511920442		108		SAM #2 SW SW SW 3-18N-2E	LOST CREEK	1.3	SUN GAS TRANSMISS
8407770	25077	3511920527		108		SAM #4 NE SW 3-18N 2E	LOST CREEK	1.3	SUN GAS TRANSMISS
-SOUTHWESTERN EXPLOR CONSULTANTS INC		RECEIVED:		11/16/83		JA: OK			
8407733	24586	3508322194		103		EGELSTON #1	CRESCENT	0.0	EASON OIL CO
-STEVE JERNIGAN INC		RECEIVED:		11/16/83		JA: OK			
8407745	22666	3501722296		102-2		RENNA ROYCE #1		0.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO		RECEIVED:		11/16/83		JA: OK			
8407693	24536	3501700000		108		ERNEST STANTON #1	CALUMET NW	10.0	OKLAHOMA GAS & EL
-T-REX CORP		RECEIVED:		11/16/83		JA: OK			
8407791	24679	3503725151		103		DUTCHMAN #1-10	STROUD OIL FIELD	0.0	KERR-MCGEE CORP
-TARGA OIL & GAS INC		RECEIVED:		11/16/83		JA: OK			
8407718	24575	3508121959		103		MCCUM #1-22	STROUD	72.0	ALLIED MATERIALS
-TENNECO OIL COMPANY		RECEIVED:		11/16/83		JA: OK			
8407734	24597	3501922788		103		SOUTH GRAHAM DEESE SAND UNIT #74-1A	SHO-VEL-TUM	1.0	MOBIL OIL CORP
8407758	24654	3501922785		103		SOUTH GRAHAM DEESE SAND UNIT 21A-4A	SHO-VEL-TUM	1.0	MOBIL OIL CORP
8407759	24600	3510321968		103		SOUTH LONE ELM CLEVELAND SAND #104	SOUTH LONE ELM	5.0	AMINOIL USA INC
-TEXACO INC		RECEIVED:		11/16/83		JA: OK			
8407762	24751	3509300000		108		HAND-FRISCO UNIT #1	AMES N E	7.7	NORTHWEST CENTRAL
-TEXAS INTERNATIONAL PET CORP		RECEIVED:		11/16/83		JA: OK			
8407692	24491	3504321382		103		DEAN #1-A	S BURMAH PROSPECT	0.0	GOLDEN TRIANGLE D
-THE GHK COMPANY		RECEIVED:		11/16/83		JA: OK			
8407760	22782	3503920820		102-2		GRAYBILL #1-28	EAST BERLIN	752.5	PANHANDLE EASTERN
8407730	26127	3503121019		107-DP		MITCHELL #1-26		0.0	TRANSWESTERN PIPE
-THREE SANDS OIL INC		RECEIVED:		11/16/83		JA: OK			
8407788	24726	3510321948		103		MALGET #5-2		9.1	ARCO OIL & GAS CO
-TOWNER PETROLEUM CO		RECEIVED:		11/16/83		JA: OK			
8407748	21450	3501700000		102-4		ELAINE MEYERS #7-1		0.0	
8407746	21449	3501700000		102-4		GERALD MEYERS #7-1		0.0	
8407704	20070	3503920569		102-4	103	HELENA DICK #36-1		0.0	
8407749	21451	3501700000		102-4		JAMIE MEYERS #7-1		0.0	
8407750	22691	3501722439		102-4		KATHERINE JORDAN #7-1		0.0	PHILLIPS PETROLEU
8407747	22692	3501700000		102-4		W H JORDAN #7-1		0.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP		RECEIVED:		11/16/83		JA: OK			
8407779	25581	3514920388		107-DP		BAKER "L" #1	E ELK CITY	0.0	DELHI GAS PIPELIN
8407714	22213	3509322533		103		CORWIN "A"	CHEYENNE VALLEY	0.0	DELHI GAS PIPELIN
8407709	19522	3512920832		102-4		LOVETT "A" #1	S E ROLL	739.0	DELHI GAS PIPELIN
8407729	24629	3504321724		103		WELLS "B" #1	N PUTMAN	0.0	DELHI GAS PIPELIN
-UNICON PRODUCING CO		RECEIVED:		11/16/83		JA: OK			
8407813	24688	3507300000		108		BORELLI #1	SOONER TREND	28.0	CONOCO INC
8407810	24685	3507300000		108		LUKASEK-EATON UNIT #1	SOONER TREND	38.0	CONOCO INC
8407812	24687	3507300000		108		MARY KADAVY #1	SOONER TREND	8.0	CONOCO INC
8407814	24689	3508300000		108		OSWALD #1	CRESCENT	23.0	CONOCO INC
8407811	24686	3507300000		108		SARAH LOVE #1	SOONER TREND	18.0	CONOCO INC
-UNION TEXAS PETROLEUM		RECEIVED:		11/16/83		JA: OK			
8407805	24664	3500300000		108		CLYDE IRWIN "A" #1	HODGE I	29.0	PANHANDLE EASTERN
8407803	24626	3500300000		108		E E WALKER #1	HODGE I	39.0	PANHANDLE EASTERN
8407801	24623	3509300000		108		EDYTH FOSTER #1	HODGE I	8.0	PANHANDLE EASTERN
8407806	24665	3500300000		108		ETTA IRWIN #1	HODGE I	16.0	PANHANDLE EASTERN
8407802	24624	3500300000		108		GLENN DAGUE #1	HODGE I	19.0	PANHANDLE EASTERN
8407800	24622	3500300000		108		JOHN F CURRY #1	HODGE I	19.0	PANHANDLE EASTERN
8407808	24671	3500300000		108		P H HERTZLER C #1	HODGE I	21.0	PANHANDLE EASTERN
8407807	24666	3500300000		108		P H HERTZLER D #1	HODGE I	20.0	PANHANDLE EASTERN
-UNIT DRILLING & EXPLORATION CO		RECEIVED:		11/16/83		JA: OK			
8407773	22564	3503920785		102-2		ROLL #1-A		620.0	ARKANSAS LOUISIAN
-VIERSEN & COCHRAN		RECEIVED:		11/16/83		JA: OK			
8407727	24619	3504321674		103		ROBISON #1-34	WATONGA TREND	90.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP		RECEIVED:		11/16/83		JA: OK			
8407794	24706	3505121432		103		GODWIN #1	S W NORGE	281.2	PHILLIPS PETROLEU
8407712	26007	3505123590		107-DP		HOLDING #1		365.0	PRODUCERS GAS CO
-WHEATLAND OIL CO		RECEIVED:		11/16/83		JA: OK			
8407681	20574	3509322588		102-4		PJ #1	RINGWOOD	36.5	UNION TEXAS PETRO
-WOODS PETROLEUM CORPORATION		RECEIVED:		11/16/83		JA: OK			
8407699	24569	3510321954		103		BACK #1-A	S BILLINGS MISSISSIPP	11.0	ARCO OIL & GAS CO

[FR Doc. 83-33672 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1024]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 13, 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 DECEMBER 13, 1983

VOLUME 1024

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	11/18/83	JA: TX			
8407836	F-06-067628	4249931089		103		WEST YANTIS GAS UNIT #5	WEST YANTIS (SMACKOVE	140.0	LONE STAR GAS CO
-ATWELL OIL CO INC				RECEIVED:	11/18/83	JA: TX			
8407928	F-7B-073796	4205934318		102-4		STEVE FOSTER #1	MIS RAIZES (DUFFER)	0.0	SOUTHWESTERN GAS
-AUDAX ENERGY CORP				RECEIVED:	11/18/83	JA: TX			
8407925	F-08-073925	4208333573		103		UNIVERSITY "N-25" #12	FUHRMAN-MASCHO	7.3	PHILLIPS PETROLEU
-BILL FORNEY INC				RECEIVED:	11/18/83	JA: TX			
8407924	F-03-073916	4248132534		102-4		MAHALITC #1-C RRC #N/A	BONUS SE (FRIO 4300)	308.0	VENTURE PIPELINE
-BRAZOS PETROLEUM CO				RECEIVED:	11/18/83	JA: TX			
8407908	F-7C-073555	4241331328		103		RUNGE #1	HULLDALE N (STRAWN 56	18.0	ARCO OIL & GAS CO
-CHARLES E MANNON				RECEIVED:	11/18/83	JA: TX			
8407893	F-08-073877	4232900008		108		FASKEN 4	SPRABERRY	20.0	PHILLIPS PETROLEU
-CINCO OIL & GAS INC				RECEIVED:	11/18/83	JA: TX			
8407967	F-01-074682	4217700000		102-3		DOTY #3	PEACH CREEK (AUSTIN C	3132.0	TIPPERARY CORP
-CONOCO INC				RECEIVED:	11/18/83	JA: TX			
8408018	F-04-074801	4242700000		108		FRIO D-5 UNIT #56	RINCON (D-5)	1.0	TENNESSEE GAS PIP
8407992	F-10-074775	4206500000		108		H T DEAHL #1	PANHANDLE WEST	0.0	NORTHWEST CENTRAL
8407853	F-8A-071438	4216900000		102-4		HUNTLEY EAST SAN ANDRES #50 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407855	F-8A-071440	4216900000		102-4		HUNTLEY EAST SAN ANDRES #48 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407866	F-8A-071469	4216900000		102-4		HUNTLEY EAST SAN ANDRES #46 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407867	F-8A-071470	4216900000		102-4		HUNTLEY EAST SAN ANDRES #45 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407874	F-8A-071513	4216900000		102-4		HUNTLEY EAST SAN ANDRES #15 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407873	F-8A-071512	4216900000		102-4		HUNTLEY EAST SAN ANDRES #16 #60957	HUNTLEY EAST (SAN AND	211.7	MID PLAINS PETROC
8407872	F-8A-071511	4216900000		102-4		HUNTLEY EAST SAN ANDRES #16 #60957	HUNTLEY EAST (SAN AND	1405.2	MID PLAINS PETROC
8407871	F-8A-071510	4216900000		102-4		HUNTLEY EAST SAN ANDRES #18 #60957	HUNTLEY EAST (SAN AND	365.0	MID PLAINS PETROC
8407870	F-8A-071509	4216900000		102-4		HUNTLEY EAST SAN ANDRES #19 #60957	HUNTLEY EAST (SAN AND	1314.0	MID PLAINS PETROC
8407869	F-8A-071508	4216900000		102-4		HUNTLEY EAST SAN ANDRES #23 #60957	HUNTLEY EAST (SAN AND	1456.4	MID PLAINS PETROC
8407865	F-8A-071460	4216900000		102-4		HUNTLEY EAST SAN ANDRES #24 #60957	HUNTLEY EAST (SAN AND	1241.0	MID PLAINS PETROC
8407864	F-8A-071459	4216900000		102-4		HUNTLEY EAST SAN ANDRES #25 #60957	HUNTLEY EAST (SAN AND	1102.3	MID PLAINS PETROC
8407863	F-8A-071458	4216900000		102-4		HUNTLEY EAST SAN ANDRES #28 #60957	HUNTLEY EAST (SAN AND	295.4	MID PLAINS PETROC
8407862	F-8A-071457	4216900000		102-4		HUNTLEY EAST SAN ANDRES #31 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407861	F-8A-071456	4216900000		102-4		HUNTLEY EAST SAN ANDRES #32 #60957	HUNTLEY EAST (SAN AND	693.5	MID PLAINS PETROC
8407860	F-8A-071454	4216900000		102-4		HUNTLEY EAST SAN ANDRES #34 #60957	HUNTLEY EAST (SAN AND	693.5	MID PLAINS PETROC
8407859	F-8A-071453	4216900000		102-4		HUNTLEY EAST SAN ANDRES #41 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407858	F-8A-071452	4216900000		102-4		HUNTLEY EAST SAN ANDRES #42 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407857	F-8A-071451	4216900000		102-4		HUNTLEY EAST SAN ANDRES #43 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407868	F-8A-071471	4216900000		102-4		HUNTLEY EAST SAN ANDRES #44 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407856	F-8A-071441	4216900000		102-4		HUNTLEY EAST SAN ANDRES #47 #60957	HUNTLEY EAST (SAN AND	0.0	MID PLAINS PETROC
8407854	F-8A-071439	4216900000		102-4		HUNTLEY EAST SAN ANDRES #49 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407878	F-8A-071643	4216931755		102-4	103	HUNTLEY EAST SAN ANDRES #61 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407877	F-8A-071642	4216931754		102-4	103	HUNTLEY EAST SAN ANDRES #62 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407876	F-8A-071639	4216931943		102-4	103	HUNTLEY EAST SAN ANDRES #65 #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETROC
8407948	F-08-074315	4213534234		103		TXL 44-43 #8 ID	GOLDSMITH 5600	14.2	PHILLIPS PETROLEU
-COSTA RESOURCES INC				RECEIVED:	11/18/83	JA: TX			
8407884	F-08-072209	4237134224		103		WILLIAMS "C" #1	ABELL (PERMIAN GENERA	1168.0	INTRATEX GAS CO
8407912	F-08-073594	4237134264		103		WILLIAMS "D" #1	ABELL (PERMIAN-GENERA	5.5	INTRATEX GAS CO

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-COURSON OIL & GAS INC				RECEIVED:	11/18/83	JA: TX			
8407953	F-10-074120	4235730888		103		FIRST NATIONAL TRUST #1-571	PSHIGODA (DOUGLAS)	200.0	TRANSWESTERN PIPE
-DAVID A SCHLACHTER OIL & GAS				RECEIVED:	11/18/83	JA: TX			
8407848	F-06-070563	4242330644		103		W L O'NEAL #3	CHAPEL HILL (RODESSA)	36.5	ETEXAS PRODUCERS
-EL PASO NATURAL GAS COMPANY				RECEIVED:	11/18/83	JA: TX			
8407828	F-7C-062660	4243532588		108		DAVIS C #5	SONORA-CANYON UPPER	69.0	EL PASO NATURAL G
8407829	F-7C-062724	4243519232		108		THOMSON E #1	SONORA (CANYON UPPER)	19.0	EL PASO NATURAL G
-ENERGETICS OPERATING CO				RECEIVED:	11/18/83	JA: TX			
8408015	F-10-074819	4237530956		103		MASTERSON G-66	PANHANDLE (RED CAVE)	30.9	COLORADO INTERSTA
8408014	F-10-074818	4237530961		103		MASTERSON W-2	PANHANDLE (RED CAVE)	4.1	COLORADO INTERSTA
-ENERGY RESERVES GROUP INC				RECEIVED:	11/18/83	JA: TX			
8408002	F-7C-07478	4208131137		103		J E CHAPPELL "A" #20	JAMESON (STRAWN)	10.8	UNION TEXAS PETRO
-ENSERCH EXPLORATION INC				RECEIVED:	11/18/83	JA: TX			
8407844	F-05-069543	4221300000		103		I H WALLACE #2	TRI-CITIES	1095.0	TEXAS UTILITIES F
-EXPANDO OIL CO				RECEIVED:	11/18/83	JA: TX			
8407946	F-09-074276	4200937277		102-4		TURBEVILLE J H 2-C	LAKE KICKAPOO EAST (C	56.8	E.A WOOD - OPERAT
-EXXON CORPORATION				RECEIVED:	11/18/83	JA: TX			
8408041	F-03-074854	4233930602		103		CONROE FIELD UNIT #3815	CONROE	60.0	MORAN UTILITIES C
8407950	F-08-074372	4200333460		103		FULLERTON CLEARFORK UNIT #1915	FULLERTON	15.0	PHILLIPS PETROLEU
8408050	F-06-074864	4249931017		103		HAWKINS FIELD UNIT #1312	HAWKINS	73.0	
8408049	F-06-074863	4249931075		103		HAWKINS FIELD UNIT #1313	HAWKINS	36.5	
8408048	F-06-074862	4249931084		103		HAWKINS FIELD UNIT #1314	HAWKINS	365.0	
8408065	F-06-074879	4249931040		103		HAWKINS FIELD UNIT #1411	HAWKINS	365.0	
8408064	F-06-074878	4249931173		103		HAWKINS FIELD UNIT #1412	HAWKINS	36.5	
8408068	F-06-074882	4249930902		103		HAWKINS FIELD UNIT #1519	HAWKINS	180.0	
8408067	F-06-074881	4249931117		103		HAWKINS FIELD UNIT #2274	HAWKINS	5.5	
8408066	F-06-074880	4249931083		103		HAWKINS FIELD UNIT #2323	HAWKINS	365.0	
8408060	F-06-074874	4249931118		103		HAWKINS FIELD UNIT #2324	HAWKINS	73.0	
8408059	F-06-074873	4249931158		103		HAWKINS FIELD UNIT #2398	HAWKINS	100.0	
8408063	F-06-074877	4249931163		103		HAWKINS FIELD UNIT #2399	HAWKINS	54.7	
8408061	F-06-074875	4249930876		103		HAWKINS FIELD UNIT #3295	HAWKINS	100.0	
8408062	F-06-074876	4249930980		103		HAWKINS FIELD UNIT #3301	HAWKINS	91.0	
8408058	F-06-074872	4249930939		103		HAWKINS FIELD UNIT #3312	HAWKINS	150.0	
8408046	F-06-074859	4249931172		103		HAWKINS FIELD UNIT #3413	HAWKINS	36.5	
8408039	F-06-074851	4249930864		103		HAWKINS FIELD UNIT #3426	HAWKINS	86.0	
8408038	F-06-074850	4249930992		103		HAWKINS FIELD UNIT #3435	HAWKINS	80.0	
8408037	F-06-074849	4249931138		103		HAWKINS FIELD UNIT #4064	HAWKINS	90.0	
8408073	F-06-074887	4249930947		103		HAWKINS FIELD UNIT #4079	HAWKINS	100.0	
8408069	F-06-074883	4249930953		103		HAWKINS FIELD UNIT #4115	HAWKINS	110.0	
8408042	F-06-074855	4249931085		103		HAWKINS FIELD UNIT #4127	HAWKINS	27.4	
8408047	F-06-074861	4249931029		103		HAWKINS FIELD UNIT #4268	HAWKINS	73.0	
8408071	F-06-074885	4249931091		103		HAWKINS FIELD UNIT #4306	HAWKINS	54.8	
8408043	F-06-07485	4249931137		103		HAWKINS FIELD UNIT #4339	HAWKINS FIELD	73.0	
8408056	F-06-074870	4249931028		103		HAWKINS FIELD UNIT #55	HAWKINS	110.0	
8408055	F-06-074869	4249931038		103		HAWKINS FIELD UNIT #56	HAWKINS FIELD UNIT #5	92.0	
8408054	F-06-074868	4249931147		103		HAWKINS FIELD UNIT #719	HAWKINS	55.0	
8408053	F-06-074867	4249930935		103		HAWKINS FIELD UNIT #823	HAWKINS	125.0	
8408052	F-06-074866	4249930957		103		HAWKINS FIELD UNIT #824	HAWKINS	110.0	
8408051	F-06-074865	4249931020		103		HAWKINS FIELD UNIT #825	HAWKINS	128.0	
8408057	F-06-074871	4249931148		103		HAWKINS FIELD UNIT #9	HAWKINS FIELD	73.0	
8408045	F-06-074858	4249931003		103		HAWKINS FIELD UNIT #9210	HAWKINS	73.0	
8408070	F-06-074884	4249930926		103		HAWKINS FIELD UNIT #9511	HAWKINS	150.0	
8408044	F-06-074857	4249930745		103		HAWKINS FIELD UNIT #9621	HAWKINS	109.5	
8408072	F-06-074886	4249930979		103		HAWKINS FIELD UNIT #9923	HAWKINS FIELD	73.0	
8408040	F-06-074853	4249931160		103		HAWKINS FIELD UNIT 9512	HAWKINS	92.0	
8408011	F-04-074811	4235531581		102-4		JOSIE MILLER ROSCOE #2 10291	FLOUR BLUFF (I-32)	58.4	ARMCO STEEL CORP
8408013	F-04-074813	4226130234		103		K R SAN JOSE DE LA PARRA 14-F106991	CALANDRIA (H-72)	129.8	ARMCO STEEL CORP
8408012	F-04-074812	4227331316		102-4		KING RANCH ALAZAN 324-D (106994)	ALAZAN (I-85)	408.0	ARMCO STEEL CORP
8407954	F-7C-074488	4223531579		108		PEARL WILLIAMS #9	DOVE CREEK (CANYON C)	0.0	NORTHERN NATURAL
8407951	F-8A-074375	4216532578		103		ROBERTSON CLEARFORK UNIT #8801	ROBERTSON N (CLEAR FO	15.8	PHILLIPS PETROLEU
8407970	F-02-074222	4203531982		102-4		SAMUEL DENVER CHESNUTT "B" 1 105864	MEDIO CREEK (VICKSBUR	1057.4	ARMCO STEEL CORP
8407986	F-04-074763	4204731225		103		VIBORAS FIELD #1 W-110-D #1070987	VIBORAS (MASSIVE SECO	700.0	ARMCO STEEL CORP
-FARGO ENERGY CORP				RECEIVED:	11/18/83	JA: TX			
8407882	F-03-071977	4214931568		102-2		BOEHNKE D #1	GIDDINGS (AUSTIN CHAL	75.0	PHILLIPS PETROLEU
-FIRST MATAGORDA CORP				RECEIVED:	11/18/83	JA: TX			
8407928	F-03-074052	4233930594		102-4		BENDER ESTATE #1	SPRING NORTH	600.0	HOUSTON PIPELINE
-G C HERRMANN CO				RECEIVED:	11/18/83	JA: TX			
8407965	F-10-074659	4217930943		103		DOSS SA - 03306	PANHANDLE GRAY COUNTY	80.0	PHILLIPS PETROLEU
-GAININGS OIL INC				RECEIVED:	11/18/83	JA: TX			
8407926	F-04-073934	4213136192		102-4		A & B CANALES #2	CANALES (HOCKLEY 4260	100.0	UNITED TEXAS TRAN
-GETTY OIL COMPANY				RECEIVED:	11/18/83	JA: TX			
8408092	F-7B-074929	4243300000		108		FLOWERS CANYON SAND UNIT #108	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408080	F-7B-074914	4243300000		108		FLOWERS CANYON SAND UNIT #11	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408096	F-7B-074933	4243300000		108		FLOWERS CANYON SAND UNIT #138	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408095	F-7B-074932	4243300000		108		FLOWERS CANYON SAND UNIT #144	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408094	F-7B-074931	4243300000		108		FLOWERS CANYON SAND UNIT #147	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408093	F-7B-074930	4243300000		108		FLOWERS CANYON SAND UNIT #154	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408100	F-7B-074937	4243300000		108		FLOWERS CANYON SAND UNIT #161	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408099	F-7B-07493	4243300000		108		FLOWERS CANYON SAND UNIT #162	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408098	F-7B-074935	4243300000		108		FLOWERS CANYON SAND UNIT #166	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408081	F-7B-074915	4243300000		108		FLOWERS CANYON SAND UNIT #20	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408097	F-7B-07493	4243300000		108		FLOWERS CANYON SAND UNIT #201	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408101	F-7B-074938	4243300000		108		FLOWERS CANYON SAND UNIT #202	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408088	F-7B-074925	4243300000		108		FLOWERS CANYON SAND UNIT #22	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408087	F-7B-074924	4243300000		108		FLOWERS CANYON SAND UNIT #36	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408083	F-7B-07491	4243300000		108		FLOWERS CANYON SAND UNIT #40	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408082	F-7B-074916	4243300000		108		FLOWERS CANYON SAND UNIT #50	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8408090	F-7B-074927	4243300000		108		FLOWERS CANYON SAND UNIT #54	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8408089	F-7B-074926	4243300000		108		FLOWERS CANYON SAND UNIT #60	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE GA
8408091	F-7B-074928	4243300000		108		FLOWERS CANYON SAND UNIT #88	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8407927	F-7C-074014	4241300000		108		J M TREADWELL #4	FORT MCKAVITT NORTH (	3.7	ARCO OIL & GAS CO
8407902	F-05-073465	4200100000		102-4		M N WILLS "Z" #3	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
8407822	F-06-058386	4236500000		108-ER		WERNER R #1	BETHANY PALUXY	0.0	UNITED GAS PIPELI
-GHR ENERGY CORP				RECEIVED:	11/18/83	JA: TX			
8407849	F-04-070647	4250531614		102-4	107-TF	J C MARTIN #10	J C MARTIN S (LOBO)	700.0	NATURAL GAS PIPEL
-GOLDKING PRODUCTION COMPANY				RECEIVED:	11/18/83	JA: TX			
8407886	F-02-072615	4212331133		102-4		ROLAND SIEVERS #1	COTTONWOOD CREEK S	0.0	HOUSTON PIPE LINE
-GRACE PETROLEUM CORPORATION				RECEIVED:	11/18/83	JA: TX			
8407851	F-06-070828	4234730943		102-4		RANDALL GAS UNIT #1	GARRISON SOUTH (PETTI	0.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED:	11/18/83	JA: TX			
8407915	F-10-073644	4229531339		103	107-TF	HAROLD PEERY #9-766	PEERY (CLEVELAND)	75.6	TRANSWESTERN PIPE
8408008	F-08-074797	4247532890		103		HUTCHINGS STOCK ASSN #1228	WARD-ESTES NORTH	18.0	CABOT CORP
8408006	F-08-074795	4247532859		103		HUTCHINGS STOCK ASSN #1244	WARD-ESTES NORTH	11.0	CABOT CORP
8408007	F-08-074796	4247532937		103		HUTCHINGS STOCK ASSN #1257	WARD-ESTES NORTH	1.6	CABOT CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408009	F-08-074798	4247532936		103		HUTCHINGS STOCK ASSN #1259	WARD-ESTES NORTH	5.6	CABOT CORP
8407962	F-08-074653	4247532856		103		HUTCHINGS STOCK ASSN #1264	WARD-ESTES NORTH	17.0	CABOT CORP
8407846	F-10-070256	4229535207		108		J W TEARE #1	BECHTHOLD (TONKAWA)	19.0	NORTHERN NATURAL
8407900	F-08-073316	4210335155		103		W N WADDELL ETAL (TR A) #1218	SANDHILLS (JUDKINS)	1011.1	H & T GATHERING C
-HANVEY PRODUCTION CO				RECEIVED:	11/18/83	JA: TX			
8407875	F-78-071547	4233346270		102-4		GEORGE FEE ESTATE #1 (105363)	JESSIE LEE (CONGLOMER	139.0	EL PASO HYDROCARB
-HARING ENERGY CO				RECEIVED:	11/18/83	JA: TX			
8407929	F-02-074067	4246931954		102-4		EVELYN LANGSTON #1	PATRICIA SOUTH (2920'	80.0	DELHI GAS PIPELIN
-HARRISON INTERESTS LTD				RECEIVED:	11/18/83	JA: TX			
8407943	F-7C-074248	4210534325		103	107-TF	JOHN W HENDERSON III "N" #29	OZONA (CANYON SAND)	50.0	INTRATEX GAS CO
8407942	F-7C-074247	4210534411		103	107-TF	JOHN W HENDERSON III "N" #3	OZONA (CANYON SAND)	50.0	INTRATEX GAS COMP
-HCW EXPLORATION INC				RECEIVED:	11/18/83	JA: TX			
8407891	F-08-072816	4231732708		103		C GRIFFIN ESTATE #3	SPRABERRY (TREND AREA	25.5	PHILLIPS PETROLEU
-HILL PRODUCTION CO-WISCONSIN				RECEIVED:	11/18/83	JA: TX			
8407847	F-03-070412	4204100000		102-2		WICKSON CREEK UNIT #3	KURTEN (BUDA)	0.0	FERGUSON CROSSING
-HOWELL DRILLING INC				RECEIVED:	11/18/83	JA: TX			
8407850	F-02-070742	4246931839		103		JOHN ZIMMER #13	COLETTO CREEK	0.0	HOUSTON PIPE LINE
-HUNT OIL COMPANY				RECEIVED:	11/18/83	JA: TX			
8407824	F-06-054407	4228930502		102-2		CHALLACOMBE RANCH #2	SUPRON (TRAVIS PEAK)	180.0	LONE STAR GAS CO
-INVESTEK INC				RECEIVED:	11/18/83	JA: TX			
8407949	F-09-074321	4223700000		103		HOUSE #1	JACK COUNTY REGULAR	128.0	TEXAS UTILITIES F
-J C MCCABE				RECEIVED:	11/18/83	JA: TX			
8407956	F-04-074536	4250331395		102-4		HINNANT HEIRS "A"-2	HINNANT RANCH	72.0	HOUSTON PIPE LINE
-J M HUBER CORPORATION				RECEIVED:	11/18/83	JA: TX			
8407832	F-10-065180	4223300000		108		CHRISTIAN "A" #1	WEST PANHANDLE	16.0	PANHANDLE EASTERN
-JAKE L HAMON				RECEIVED:	11/18/83	JA: TX			
8407961	F-10-074649	4221131558		103		SHALLER #3	MATHERS RANCH (DOUGLA	22.0	WESTAR TRANSMISSI
8407969	F-10-074714	4221131560		103		SHALLER #5	CANADIAN SE (DOUGLAS)	730.0	WESTAR TRANSMISSI
-JUDY OIL CO				RECEIVED:	11/18/83	JA: TX			
8408003	F-10-074788	4217931473		103		BELL #3 (ID#84801)	PANHANDLE GRAY	50.0	CABOT PIPELINE CO
-KEN PETROLEUM CORP				RECEIVED:	11/18/83	JA: TX			
8407879	F-02-071814	4223931867		102-4		MEADOR UNIT #1	EDNA SOUTH(FRIO 5140)	360.0	VICTORIA GAS CORP
-KILROY CO OF TEXAS				RECEIVED:	11/18/83	JA: TX			
8407837	F-03-068365	4236130445		102-4		C W LANIER #1-C	RED LINE (HARTBURG/U)	1095.0	HOUSTON PIPE LINE
-LARGO OIL CO				RECEIVED:	11/18/83	JA: TX			
8407898	F-06-073280	4240100000		102-4		CUBA ALEXANDER RRC LEASE #03606	PONE (TRAVIS PEAK)	20.0	LONE STAR GAS CO
-LINDAIRE CORP				RECEIVED:	11/18/83	JA: TX			
8408074	F-09-074894	4250300000		103		O W HILL 23517	YOUNG COUNTY REGULAR	25.2	SUN GAS TRANSMISS
-LIVEOAK PRODUCTION CO				RECEIVED:	11/18/83	JA: TX			
8407991	F-7B-074773	4208332646		103		O C BERTRAND #2 LSE #18106 (RRC)	GLEN COVE S (PALO PIN	18.0	UNION TEXAS PETRO
-M BRAD BENNETT INC & RKH LTD				RECEIVED:	11/18/83	JA: TX			
8408079	F-08-074907	4247532965		102-4		ADOBE #4	COLLIE (DELAWARE)	73.0	INTRATEX GAS CO
-MAPP EXPLORATION INC				RECEIVED:	11/18/83	JA: TX			
8407936	F-03-074201	4224500000		102-4		SCHILDKNECHT #1	FORT ACRES-SW	92.5	EXXON GAS SYSTEM
-MARTIN OIL & GAS CO				RECEIVED:	11/18/83	JA: TX			
8407955	F-03-074496	4205132350		102-2		CHILDS #1	CALDWELL (AUSTIN CHAL	0.0	ADOBE GAS CO
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	11/18/83	JA: TX			
8408027	F-8A-074858	4221933916		103		EAST MALLET UNIT #115	SLAUGHTER	17.9	EL PASO NATURAL G
8407999	F-08-074782	4222733089		103		G O CHALK #38	HOWARD GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8407994	F-08-074777	4210303624		108		KATIE W LEA A/C #13	SAND HILLS (MCKNIGHT)	2.2	WARREN PETROLEUM
8407995	F-08-074778	4210303624		108		KATIE W LEA A/C 2 #1	SAND HILLS (MCKNIGHT)	2.8	WARREN PETROLEUM
8408001	F-08-074785	4210303616		108		P J LEA A/C 3 #4	LEA (SAN ANDRES)	0.1	WARREN PETROLEUM
8407997	F-08-074780	4210303606		108		P J LEA B #7	SAND HILLS (MCKNIGHT)	1.4	WARREN PETROLEUM
8408024	F-08-074834	4210303615		108		P J LEA C A/C 2 #3	LEA (TUBB)	0.1	WARREN PETROLEUM
8408025	F-08-074835	4210303618		108		P J LEA C A/C 3 #5	LEA (SAN ANDRES)	0.1	WARREN PETROLEUM
8408023	F-08-074833	4210303622		108		P J LEA C A/C 3 #7	LEA (SAN ANDRES)	0.1	WARREN PETROLEUM
8408022	F-08-074832	4210311301		108		P J LEA C A/C 3 #8	LEA (SAN ANDRES)	0.2	WARREN PETROLEUM
8408021	F-08-074831	4210303611		108		SAND HILLS TUBB UNIT #12	SAND HILLS (TUBB)	1.5	WARREN PETROLEUM
8408020	F-08-074830	4210303629		108		SAND HILLS TUBB UNIT #13	SAND HILLS (TUBB)	0.9	WARREN PETROLEUM
8408019	F-08-074829	4210303627		108		SAND HILLS TUBB UNIT #29	SAND HILLS (TUBB)	0.8	WARREN PETROLEUM
8408018	F-08-074828	4210330316		108		TEXAS UNIVERSITY SEC 1 & 2 #29	DUNE	0.2	WARREN PETROLEUM
8408017	F-08-074827	4210330358		108		TEXAS UNIVERSITY SEC 1 & 2 #34	DUNE	0.2	WARREN PETROLEUM
8408016	F-08-074826	4210300000		108		TEXAS UNIVERSITY SEC 1 & 2 #48	DUNE	0.3	WARREN PETROLEUM
8408030	F-08-074841	4210303977		108		TEXAS UNIVERSITY SEC 15 & 16 #1505	DUNE	1.4	PHILLIPS PETROLEU
8408031	F-08-074842	4210305788		108		TEXAS UNIVERSITY SEC 15 & 16 #1529	DUNE	1.2	PHILLIPS PETROLEU
8408032	F-08-074843	4210331936		108		TEXAS UNIVERSITY SEC 15 & 16 #1544	DUNE	0.4	PHILLIPS PETROLEU
8408035	F-08-074846	4210331947		108		TEXAS UNIVERSITY SEC 15 & 16 #1545	DUNE	0.2	PHILLIPS PETROLEU
8408034	F-08-074845	4210332336		108		TEXAS UNIVERSITY SEC 15 & 16 #1553	DUNE	1.0	PHILLIPS PETROLEU
8408033	F-08-074844	4210332335		108		TEXAS UNIVERSITY SEC 15 & 16 #1554	DUNE	1.1	PHILLIPS PETROLEU
8408029	F-08-074840	4210332334		108		TEXAS UNIVERSITY SEC 15 & 16 #1556	DUNE	0.5	PHILLIPS PETROLEU
8408028	F-08-074839	4210303914		108		TEXAS UNIVERSITY SEC 15 & 16 #1605	DUNE	0.5	PHILLIPS PETROLEU
8408000	F-08-074784	4230130427		102-4		W D JOHNSON 34-N #3	DIMMIT (CHERRY CANYON	24.1	INTRATEX GAS CO
8407996	F-08-074779	4210303709		108		W P EDWARDS #26	EDWARDS	0.5	PHILLIPS PETROLEU
8407998	F-08-074781	4210301371		108		W P EDWARDS #33	EDWARDS	2.0	PHILLIPS PETROLEU
8408026	F-08-074836	4210303694		108		W P EDWARDS #8	EDWARDS	0.9	PHILLIPS PETROLEU
8407834	F-04-066835	4240931682		103		WHITE POINT OIL & GAS #1	WHITE POINT (9580)	17.5	UNITED GAS PIPE L
-MORAN EXPLORATION INC				RECEIVED:	11/18/83	JA: TX			
8408086	F-7C-074921	4238330155		108		ROCKER B WELL #53 RRC 05991	SPRABERRY (TREND AREA	7.9	NORTHERN NATURAL
-MOSBACHER PRODUCTION CO				RECEIVED:	11/18/83	JA: TX			
8407941	F-02-074244	4228531687		102-4		LOWRANCE RANCH #1	EVANS (7815)	40.0	
-NORTHERN OIL & GAS INC				RECEIVED:	11/18/83	JA: TX			
8407843	F-10-069513	4206500000		108		BURNETT "F" WELL #1 RRC #03983	PANHANDLE	3.4	GETTY OIL CO
8407842	F-10-069512	4206500000		108		BURNETT "F" WELL #2 RRC #03983	PANHANDLE	3.7	GETTY OIL CO
8407841	F-10-069511	4206500000		108		BURNETT "F" WELL #3 RRC #03983	PANHANDLE	3.4	GETTY OIL CO
8407840	F-10-069510	4206500000		108		BURNETT "F" WELL #5 RRC #03983	PANHANDLE	3.5	GETTY OIL CO
8407839	F-10-069509	4206500000		108		BURNETT "F" WELL #6 RRC #03983	PANHANDLE	2.9	GETTY OIL CO.
-OXOCO				RECEIVED:	11/18/83	JA: TX			
8407887	F-03-072725	4231330436		103		W R DEAN #2	MADISONVILLE N E (GEO	24.5	
-PETER HENDERSON OIL CO				RECEIVED:	11/18/83	JA: TX			
8407958	F-7C-074631	4245131205		102-2	103	TARA TURNER #6	T D (6575)	82.1	ESPERANZA PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/18/83	JA: TX			
8407885	F-10-072510	4217900000		108		GETHING #10	PANHANDLE EAST	0.0	
-PRINGLE PETROLEUM INC				RECEIVED:	11/18/83	JA: TX			
8407947	F-03-074308	4233900000		102-4		TAYLOR #1 ID #106969	W PAUL NELSON (YEGUA	250.0	WINNIE PIPELINE C
-R A W ENERGY CORP				RECEIVED:	11/18/83	JA: TX			
8407918	F-7B-073724	4236732563		102-4		GANDEE-RANKIN #2	CABBAGE PATCH (BIG SA	588.0	EMPIRE PIPELINE C
-R H ENGELKE				RECEIVED:	11/18/83	JA: TX			
8407883	F-02-072089	4223931175		103		JOHN M BENNETT "B" #3	LASALLE (6550)	0.0	TENNESSEE GAS PIP
-RAY HERRING				RECEIVED:	11/18/83	JA: TX			
8407938	F-7B-074222	4242933643		102-4		BENDORF #1	DORIS (CADDO)	5.0	WARREN PETROLEUM
-REGENCY PETROLEUM CO				RECEIVED:	11/18/83	JA: TX			
8407987	F-8A-074766	4250131967		103		CONDITT #1 (63578)	PRENTICE	13.0	AMOCO PRODUCTION
-RED INDUSTRIES INC				RECEIVED:	11/18/83	JA: TX			
8407909	F-10-073557	4219500000		103		DIANE & ONNA #1	TEXAS HUGOTON	156.0	DIAMOND SHAMROCK

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RICHEY & CO INC				RECEIVED:	11/18/83	JA: TX			
8407897	F-09-073222	4223735100		103		B BURNS #1	BOONSVILLE (BEND CONG	70.0	CITIES SERVICE CO
8407917	F-7B-073741	4213335064		102-4		B HARRISON A #1	JMJ (MARBLE FALLS)	50.0	EL PASO HYDROCARB
8407911	F-7B-073587	4213335098		102-4		B HARRISON C #1	JMJ (MARBLE FALLS)	16.0	EL PASO HYDROCARB
8407914	F-7B-073611	4213335167		102-4		B HARRISON E #1	JMJ (MARBLE FALLS)	50.0	EL PASO HYDROCARB
8407910	F-7B-073586	4213335148		102-4		B HARRISON F #1	REB (MARBLE FALLS)	120.0	EL PASO HYDROCARB
8407916	F-7B-073740	4213335173		102-4		W H GREEN BA-1	REB (MARBLE FALLS)	20.0	ENSERCH EXPLORATI
-RIDGEWAY OIL EXPL & DEVELOPMENT INC				RECEIVED:	11/18/83	JA: TX			
8407998	F-7B-074771	4213335172		102-4		DELBERT TARVER "A" #32 (19061)	HAWK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
-SANDERS OIL CO				RECEIVED:	11/18/83	JA: TX			
8407901	F-8A-073414	4221933258		103		SANDERS #1	LEVELLAND (SAN ANDRES	19.0	CABOT PIPELINE CO
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	11/18/83	JA: TX			
8407852	F-03-071396	4214900000		102-2		GOEHRING #1		8.0	CLAJON GAS CO
-SHELL OIL CO				RECEIVED:	11/18/83	JA: TX			
8407959	F-10-074637	4221131566		103		FEE 37 #2	FELDMAN (TONKAWA)	15.3	PHILLIPS PETROLEU
8408084	F-08-074918	4210333086		103		REIDLAND & STATE #1	SAND HILLS (MCKNIGHT)	1.1	WARREN PETROLEUM
-SOUTH TEXAS DRILLING & EXPL INC				RECEIVED:	11/18/83	JA: TX			
8407937	F-09-074218	4207700000		103		MAURICE LUTZ #2	BASS (BRYSON)	30.0	FAGADAU ENERGY CO
-SOUTHEASTERN RESOURCES CORP				RECEIVED:	11/18/83	JA: TX			
8407833	F-7B-066649	4213334226		102-4		M K COURTNEY "A" #7 (19754)	I C (CADDO)	21.0	EL PASO HYDROCARB
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:	11/18/83	JA: TX			
8407899	F-7B-073295	4236332931		102-4		DAVIS #1	MINERAL WELLS (CONGL	0.0	SOUTHWESTERN GAS
-SOUTHERN ROYALTY INC				RECEIVED:	11/18/83	JA: TX			
8407838	F-02-069380	4202500000		102-4		CARL STEINMEYER #1	LITTLE JOHN (3970')	185.0	HOUSTON PIPE LINE
8407895	F-02-073138	4202500000		102-4		KAISER #1	LINDA (FRIO 3350')	0.0	REATA INDUSTRIAL
8407830	F-02-063756	4202500000		102-4		WALLEK #1	LITTLE JOHN (2850)	150.0	UNITED GAS PIPELI
-SOUTHLAND ROYALTY CO				RECEIVED:	11/18/83	JA: TX			
8407993	F-08-074776	4213534253		103		EDWARDS FIELD GRAYBURG UNIT #6-12	EDWARDS	16.0	PHILLIPS PETROLEU
-STALEY OPERATING CO				RECEIVED:	11/18/83	JA: TX			
8407896	F-7C-073217	4243533002		103	107-TF	POWELL 1 #3	PHYLLIS SONORA	354.0	INTRATEX GAS CO
-STEVE STAMPER				RECEIVED:	11/18/83	JA: TX			
8408004	F-09-074790	4223735166		103		BOAZ #15	BRYSON EAST	12.0	LONE STAR GAS CO
8408005	F-09-074791	4223735151		103		PEAVY #3	BRYSON EAST	16.0	LONE STAR GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/18/83	JA: TX			
8407906	F-01-073504	4212732423		103		BIG WELLS (SAN MIGUEL) #20-39	BIG WELLS	23.0	HOUSTON PIPE LINE
8407888	F-04-072767	4242731756		103		C M HALL -B- #2	LYDA	87.0	FLORIDA GAS TRANS
8407932	F-8A-074117	4221933848		103		CENTRAL LEVELLAND UNIT #277	LEVELLAND	5.0	AMOCO PRODUCTION
8407931	F-8A-074116	4221933849		103		CENTRAL LEVELLAND UNIT #278	LEVELLAND	9.0	AMOCO PRODUCTION
8407826	F-04-061079	4242700000		108-ER		I V MONTALVO C #36	SUN NORTH	0.0	FLORIDA GAS TRANS
8407889	F-01-072768	4228330951		102-4		J C MARTIN #1	SUN TSH	389.0	VALERO INTERSTATE
8407825	F-08-054617	4213500000		108-ER		TXL L #2	GOLDSMITH E	0.0	WESTAR TRANSMISSI
-SUPERIOR OIL CO				RECEIVED:	11/18/83	JA: TX			
8407831	F-03-064911	4216700000		102-4	103	LOUIS G LOBIT GAS UNIT #1	LEAGUE CITY (WILDCAT)	0.0	HOUSTON PIPELINE
-SUTTON PRODUCING CORP				RECEIVED:	11/18/83	JA: TX			
8407921	F-01-073832	4231100000		103		WHEELER #3	DILWORTH SOUTHEAST (E	400.0	TRANSCONTINENTAL
-TAMARACK PETROLEUM CO INC				RECEIVED:	11/18/83	JA: TX			
8408078	F-8A-074898	4207931447		103		LEDBETTER #1 (RRC #63557)	LEVELLAND	9.0	CITIES SERVICE CO
8408077	F-8A-074897	4207931487		103		LEDBETTER "A" #1 (RRC #63693)	LEVELLAND	5.0	CITIES SERVICE CO
8408076	F-8A-074896	4221934322		103		LEDBETTER "A" #2 (RRC #63693)	LEVELLAND	5.0	CITIES SERVICE CO
8408075	F-8A-074895	4221933491		103		LEDBETTER "B" #1 (RRC #63932)	LEVELLAND	2.0	CITIES SERVICE CO
8407972	F-8A-074739	4207931472		103		TAYLOR #1 (RRC #63830)	LEVELLAND	1.0	CITIES SERVICE CO
8407973	F-8A-074748	4221933434		103		TAYLOR #2 (RRC #63830	LEVELLAND	1.0	CITIES SERVICE CO
8407974	F-8A-074741	4221933573		103		TAYLOR "A" #1 (RRC #63962)	LEVELLAND	3.0	CITIES SERVICE CO
8407975	F-8A-074742	4207931581		103		TAYLOR "A" #2 (RRC #63962)	LEVELLAND	1.0	CITIES SERVICE CO
-TARINA OIL CO				RECEIVED:	11/18/83	JA: TX			
8407881	F-01-071815	4228330927		103		C M COOKE #24	COOKE (EDWARDS LIME)	0.0	ESPERANZA TRANSMI
-TAUBERT STEED GUNN & MEDDERS				RECEIVED:	11/18/83	JA: TX			
8407952	F-8A-074461	4226931116		102-4		S B BURNETT ESTATE N-52	ANNE TANDY (STRAWN LO	0.9	LONE STAR GAS CO
8407953	F-8A-074462	4269311070		102-4		S B BURNETT ESTATE N-53	ANNE TANDY (STRAWN LO	0.9	LONE STAR GAS CO
-TAYLOR OPERATING COMPANY				RECEIVED:	11/18/83	JA: TX			
8407904	F-09-073473	4233700000		103		BOYDSTON #1 (21753)	EANES (CADDO)	0.0	J L DAVIS
8407903	F-09-073470	4233700000		103		MOORE #1 (22281)	EANES (ATOKA)	0.0	J L DAVIS
8407935	F-09-074178	4249700000		103		NOBLES #3 (NA)	BOONSVILLE (BEND CONG	153.3	NATURAL GAS PIPE
-TEMPLETON ENERGY INC				RECEIVED:	11/18/83	JA: TX			
8407905	F-03-073491	4220131535		102-2	103	KATY GAS UNIT #1	KATY (FIRST WILCOX)	2000.0	
-TERRA RESOURCES INC				RECEIVED:	11/18/83	JA: TX			
8407968	F-7C-074713	4232730389		102-2		MADLYN PFLUGER 1 "A"	LIVE OAK (STRAWN)	14.0	
-TEXACO INC				RECEIVED:	11/18/83	JA: TX			
8407827	F-06-061481	4240131496		102-4	107-TF	G B BAUGHMAN O/A #1	DANVILLE	547.5	
-THE ANSCHUTZ CORPORATION				RECEIVED:	11/18/83	JA: TX			
8407923	F-08-073836	4232931096		102-4		BUTLER 1322	MOONLIGHT (ELLENBURGE	100.0	WESTAR TRANSMISSI
8407919	F-08-073790	4232931176		102-4		FASKEN 9-21	MOONLIGHT (ELLENBURGE	100.0	WESTAR TRANSMISSI
8407922	F-08-073835	4232931151		102-4		SCHARBAUER 327	MOONLIGHT (ELLENBURGE	100.0	WESTAR TRANSMISSI
-THROCKMORTON GAS SYSTEMS				RECEIVED:	11/18/83	JA: TX			
8407823	F-7B-054183	4244700000		102-4		E M LAWSON HEIRS #1	CONDRON NORTH (MISS)	0.0	WARREN PETROLEUM
-TRI-SERVICE DRILLING CO				RECEIVED:	11/18/83	JA: TX			
8407890	F-7C-072783	4238300000		108		ROCKER "B" #28 804794	SPRABERRY TREND (SPRA	1.2	PHILLIPS PETROLEU
-TRINITY EXPLORATION CO				RECEIVED:	11/18/83	JA: TX			
8407939	F-7B-074225	4213300000		102-2		C W RICHTER #1	GREEN SHOW (UPPER CAD	16.2	EL PASO HYDROCARB
-TUCKER DRILLING COMPANY INC				RECEIVED:	11/18/83	JA: TX			
8407944	F-7C-074266	4223532120		102-2	103	MAGRUDER #2	ROCK PEN (CANYON)	54.7	
-TXO PRODUCTION CORP				RECEIVED:	11/18/83	JA: TX			
8407835	F-10-067320	4235731296		102-4		PEARSON "M" #1	DANIEL	730.0	DELHI GAS PIPELIN
8407907	F-10-073155	4229531331		103		PINCKARD "B" #5	DARREN (MORROW MIDDLE	200.0	TRANSWESTERN PIPE
8407940	F-7B-074234	4236732551		103		WOODY A #4	DICEY (CONGLOMERATE)	180.0	TEXAS UTILITIES F
-U S OPERATING INC				RECEIVED:	11/18/83	JA: TX			
8407957	F-03-074558	4205131824		102-2		JIMMIE #1 RRC ID #105324	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF				RECEIVED:	11/18/83	JA: TX			
8407934	F-08-074133	4200333359		103		DOLLARHIDE UNIT #5-17-C	DOLLARHIDE (CLEAR FOR	10.0	DOLLARHIDE GASOLI
8408036	F-08-074848	4213534243		103		MOSS UNIT #20-11	COWDEN SOUTH	15.0	EL PASO HYDROCARBO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	11/18/83	JA: TX			
8407964	F-08-074655	4210333152		103		J B TUBB "A" (TR B) #41	SAND HILLS (MCKNIGHT)	212.2	EL PASO NATURAL G
8407892	F-08-072963	4210300011		108		M B MCKNIGHT NO 43	SAND HILLS (MCKNIGHT)	3.7	EL PASO NATURAL G
8407963	F-08-074654	4210333221		103		P J LEA ETAL (TR B) #156	LEA SOUTH (CLEARFORK)	28.2	EL PASO NATURAL G
-WAYNE HARPER				RECEIVED:	11/18/83	JA: TX			
8408085	F-09-074919	4209732085		103		WM HOWELL "A" WELL #2	SIVELLS BEND	23.0	SIVELLS GAS LTD
-WESTLAND OIL DEVELOPMENT CORP				RECEIVED:	11/18/83	JA: TX			
8407930	F-7B-074071	4241735201		103		MUSSELMAN "28" #2	MUSSELMAN	150.0	DELHI GAS PIPELIN
-WESTWIND EXPLORATION INC				RECEIVED:	11/18/83	JA: TX			
8407945	F-7B-074269	4235331462		103		COLLINS #1 20045		0.0	UNITED TEXAS TRAN
-WHITENER OIL & GAS				RECEIVED:	11/18/83	JA: TX			
8407988	F-01-074769	4250731455		102-4		MOERBE 1-C	ROCHELLE (OLMOS 1800)	207.3	REATA INDUSTRIAL
8407989	F-01-074770	4250731455		102-4		MOERBE 1-T	ROCHELLE (SAN MIGUEL)	87.6	REATA INDUSTRIAL
-WILSON ENERGY INC				RECEIVED:	11/18/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407976	F-7C-074753	4210531870		108		UNIVERSITY 12 "B" #4	FARMER (SAN ANDRES)	0.7	J L DAVIS
8407977	F-7C-074754	4210532688		108		UNIVERSITY 2 #3	FARMER (SAN ANDRES)	2.8	J L DAVIS
8407978	F-7C-074755	4210533304		108		UNIVERSITY 2 "C" #1	FARMER (SAN ANDRES)	2.0	J L DAVIS
8407985	F-7C-074762	4210531613		108		UNIVERSITY 9 "A" #1	FARMER (SAN ANDRES)	0.6	J L DAVIS
8407984	F-7C-074761	4210531616		108		UNIVERSITY 9 "A" #2	FARMER (SAN ANDRES)	2.2	J L DAVIS
8407983	F-7C-074760	4210531617		108		UNIVERSITY 9 "A" #3	FARMER (SAN ANDRES)	2.2	J L DAVIS
8407982	F-7C-074759	4210531618		108		UNIVERSITY 9 "A" #4	FARMER (SAN ANDRES)	2.2	J L DAVIS
8407981	F-7C-074758	4210532462		108		UNIVERSITY 9 "A" #6	FARMER (SAN ANDRES)	2.2	J L DAVIS
8407980	F-7C-074757	4210533456		108		UNIVERSITY 9 "A" #7	FARMER (SAN ANDRES)	2.2	J L DAVIS
8407979	F-7C-074756	4210533457		108		UNIVERSITY 9 "A" #8	FARMER (SAN ANDRES)	2.2	J L DAVIS
-WINDSOR ENERGY INC				RECEIVED:	11/18/83	JA: TX			
8407845	F-03-070183	4228731375		102-2		JENSEN #3	GIDDINGS (AUSTIN CHAL	54.0	PERRY PIPELINE CO
-WINN EXPLORATION/DULCE CO				RECEIVED:	11/18/83	JA: TX			
8407880	F-01-071806	4250731831		102-4		PRYOR RANCH #143	WINN-DULCE	0.0	NORTHERN NATURAL
-WOOD MCSHANE & THAMS				RECEIVED:	11/18/83	JA: TX			
8407966	F-08-074681	4200331019		108		CREWS & MAST #2 RRC #068152	BLOCK A-34 (YATES)	21.0	EL PASO NATURAL G
-WOODHAM OIL CORP				RECEIVED:	11/18/83	JA: TX			
8407894	F-01-073113	4250731963		103		JESSEE #3-T	DARSEY (SAN MIGUEL-A)	91.0	HOUSTON PIPELINE
-WY-VEL CORP				RECEIVED:	11/18/83	JA: TX			
8407960	F-10-074647	4217931339		103		AEBERSOLD (06904) #9	PANHANDLE	23.0	CABOT CORP
8407971	F-10-074729	4206531264		103		HODGES (05044) #2	PANHANDLE	38.3	GETTY OIL CO

[FR Doc. 83-33676 Filed 12-19-83; 8:45 am]
BILLING CODE 6717-01-C

[Volume 1025]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 13, 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 on shore 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 1025

ISSUED DECEMBER 13, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	11/22/83	JA: CO			
8408234	83-313	0500506529		103		CHAMPLIN 321 AMOCO "B" #1	ELECTRA	45.0	SUN EXPLORATION &
8408233	83-366	0512510252		103		LEWIS C CAMP UNIT "E" #1	WATTENBERG	145.0	PANHANDLE EASTERN
8408235	83-365	0506706295		103		SNOOK GAS UNIT "B" #1A	IGNACIO BLANCO - MESA	54.3	NORTHWEST PIPELIN
-BASIN EXPLORATION INC				RECEIVED:	11/22/83	JA: CO			
8408236	83-359	0512311019		103		BRANTNER #1	WILDCAT	150.0	PANHANDLE EASTERN
8408274	83-360	0512311019		107-TF		BRANTNER #1	WILDCAT	150.0	PANHANDLE EASTERN
8408237	83-356	0512311018		103		BRANTNER #2	WILDCAT	150.0	PANHANDLE EASTERN
8408275	83-357	0512311018		107-TF		BRANTNER #2	WILDCAT	150.0	PANHANDLE EASTERN
-BELLWETHER EXPLORATION CO				RECEIVED:	11/22/83	JA: CO			
8408277	84-404	0512311160		107-TF		KISSLER-AMEN #1-26	BRACEWELL	87.6	NORTHERN NATURAL
8408276	83-403	0512310999		102-2		WALTER JONES #1-26	BRACEWELL	87.6	NORTHERN NATURAL
-BERENERGY CORP				RECEIVED:	11/22/83	JA: CO			
8408218	83-390	0507508973		102-4		TRAVELER'S #1	DUNE RIDGE	77.0	KN ENERGY INC
-BERRY WALTER V				RECEIVED:	11/22/83	JA: CO			
8408223	83-446	0509906191		102-2		STATE 4-8	CLYDE	150.0	PEOPLES NATURAL G
-BYRON OIL INDUSTRIES INC				RECEIVED:	11/22/83	JA: CO			
8408240	83-327	0500108013		103		BYRON-JEAN EHLER #2	SPINDLE	5.3	NORTHERN NATURAL
8408241	83-326	0500108026		103		BYRON-JEAN EHLER #3	SPINDLE	5.3	NORTHERN NATURAL
8408242	83-325	0500108025		103		BYRON-JEAN EHLER #4	SPINDLE FIELD	5.3	NORTHERN NATURAL
8408238	83-322	0500108049		103		BYRON-MARK DEGENHART #10	SPINDLE	13.6	NORTHERN NATURAL
8408239	83-321	0500108050		103		BYRON-MARK DEGENHART #11	SPINDLE	13.6	NORTHERN NATURAL
8408243	83-331	0500108015		103		BYRON-MARK MCELWAIN #17	SPINDLE	6.4	NORTHERN NATURAL
8408244	83-330	0500108016		103		BYRON-MARK MCELWAIN #18	SPINDLE	7.9	NORTHERN NATURAL
8408245	83-328	0500108041		103		BYRON-MARK MCELWAIN #19	SPINDLE	7.2	NORTHERN NATURAL
8408246	83-329	0500108042		103		BYRON-MARK MCELWAIN #20	SPINDLE	4.9	NORTHERN NATURAL
8408247	83-323	0500108017		103		BYRON-STATE OF COLORADO #8	SPINDLE	28.7	NORTHERN NATURAL
8408248	83-324	0500108043		103		BYRON-ZARLENGO #4	SPINDLE	9.3	NORTHERN NATURAL
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	11/22/83	JA: CO			
8408221	83-391	0501706313		102-2		PELTON 41-31 #1	ARCHER	438.0	
8408249	83-409	0501706313		103		PELTON 41-31 #1	ARCHER	438.0	
8408222	83-382	0501706326		102-2		PELTON 41-31 #1-B	ARCHER	1.0	
8408250	83-383	0501706326		103		PELTON 41-31 #1-B	ARCHER	1.0	
-CODY NORDELL EXPLORATION INC				RECEIVED:	11/22/83	JA: CO			
8408268	83-336	0512310970		103		RIEDER #1	JOHNSTOWN FIELD	0.0	PANHANDLE EASTERN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	11/22/83	JA: CO			
8408303	83-407	0506705525		108-PB		IGNACIO 33-8 #7	IGNACIO BLANCO	0.0	EL PASO NATURAL G
-ENERGY MINERALS CORPORATION				RECEIVED:	11/22/83	JA: CO			
8408278	83389	0512311063		107-TF		WILLIAM #2	WATTENBERG	15.0	PANHANDLE EASTERN
-FAIRWAY GAS PROCESSORS LTD				RECEIVED:	11/22/83	JA: CO			
8408279	82-634	0500506415		107-TF		PRITCHETTE GREEN #1	POLLEN	20.0	FAIRWAY GAS PROCE
8408280	82-635	0500506429		107-TF		PRITCHETTE GREEN B #1	POLLEN	30.0	FAIRWAY GAS PROCE
-H L WILLETT				RECEIVED:	11/22/83	JA: CO			
8408273	83-401	0512310591		103		FEIT BROS #2	BRACEWELL	220.0	NORTHERN NATURAL
8408301	83-402	0512310591		107-TF		FEIT BROS #2	BRACEWELL	220.0	NORTHERN NATURAL
-INTERCONTINENTAL ENERGY CORP				RECEIVED:	11/22/83	JA: CO			

BILLING CODE 6717-01-M

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408281	82-1292	0500506488		107-PE		CAVANAUGH #1X	CHALICE	120.0	NATURAL GAS PIPEL
8408282	82-1291	0500506502		107-PE		CAVANAUGH #2	CHALICE	60.0	NATURAL GAS PIPEL
8408283	82-1290	0500506523		107-PE		CAVANAUGH #3	CHALICE	200.0	NATURAL GAS PIPEL
-J-W OPERATING COMPANY				RECEIVED:	11/22/83	JA: CO			
8408227	83-398	0512506885		102-2		C JOSH #3-34	WAGES	88.0	KN ENERGY INC
8408230	83-444	0512506881		102-2		C YENTER #1-21	WAVERLY	140.0	KN ENERGY INC
8408226	83-408	0512506878		102-2		D GROSSLAND #3-26	WAGES	143.0	KN ENERGY INC
8408229	83-393	0512506883		102-2		H TUELL #2-32	WAVERLY	233.0	KN ENERGY INC
8408228	83-395	0512506880		102-2		KLINZMANN #2-11	OLD BALDY	207.0	KN ENERGY INC
8408224	83-392	0512506882		102-2		T BROPHY #36-29	WAVERLY	237.0	KN ENERGY INC
8408225	83-394	0512506879		102-2		T BROPHY #37-6	WAVERLY	269.0	KN ENERGY INC
-JRC OIL				RECEIVED:	11/22/83	JA: CO			
8408252	83-434	0512305150		103		EHRLICH #1	WATTENBERG	120.0	PANHANDLE EASTERN
8408284	83-435	0512305150		107-TF		EHRLICH WELL #1	WATTENBERG	120.0	PANHANDLE EASTERN
8408253	83-439	0512311038		103		FLACK #1	WATTENBERG	130.0	PANHANDLE EASTERN
8408285	83-441	0512311038		107-TF		FLACK #1	WATTENBERG	130.0	PANHANDLE EASTERN
8408254	83-427	0512311037		103		JEWELL #1	WATTENBERG	110.0	PANHANDLE EASTERN
8408286	83-429	0512311037		107-TF		JEWELL #1	WATTENBERG	110.0	PANHANDLE EASTERN
8408255	83-423	0512311007		103		MCCLINTOCK #1	DJ BASIN/WATTENBERG	145.0	PANHANDLE EASTERN
8408287	83-424	0512311007		107-TF		MCCLINTOCK WELL #1	DJ BASIN/WATTENBERG	145.0	PANHANDLE EASTERN
8408256	83-436	0512311013		103		MILLAGE #1	WATTENBERG	100.0	PANHANDLE EASTERN
8408288	83-438	0512311013		107-TF		MILLAGE #1	WATTENBERG	100.0	PANHANDLE EASTERN
8408257	83-411	0512310778		103		THORNTON #1	D/J BASIN-WATTENBERG	140.0	PANHANDLE EASTERN
8408289	83-412	0512310778		107-TF		THORNTON #1	D/J BASIN-WATTENBERG	140.0	PANHANDLE EASTERN
8408258	83-431	0512310897		103		WELD #2 (DONES #2)	WATTENBERG	140.0	PANHANDLE EASTERN
8408290	83-432	0512310897		107-TF		WELD #2 (DONES #2)	WATTENBERG	140.0	PANHANDLE EASTERN
-L & B OIL CO INC				RECEIVED:	11/22/83	JA: CO			
8408291	83-1189	0512310210		107-TF		STATE OF COLORADO #7-36 CG	SPACE CITY	250.0	PANHANDLE EASTERN
-MARSHALL R YOUNG OIL CO				RECEIVED:	11/22/83	JA: CO			
8408231	83-319	0500108224		102-2		ROSENER #20-14	ARROYD	0.0	
8408232	83-320	0500106065		102-2		ZIEGLER #14-1	ARROYO	0.0	
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	11/22/83	JA: CO			
8408259	83-338	0501306072		103		CULVER #2-16	BOULDER VALLEY	0.0	PANHANDLE EASTERN
8408292	83-339	0501306072		107-TF		CULVER #2-16	BOULDER VALLEY	0.0	PANHANDLE EASTERN
8408260	83-340	0501306112		103		CULVER #5-17	BOULDER VALLEY	102.0	PANHANDLE EASTERN
8408293	83-333	0501306112		107-TF		CULVER #5-17	BOULDER VALLEY	102.0	PANHANDLE EASTERN
8408261	83-425	0501306091		103		HOUSE #1-36	WATTENBERG	10.7	PANHANDLE EASTERN
8408294	83-426	0501306091		107-TF		HOUSE #1-36	WATTENBERG	10.7	PANHANDLE EASTERN
8408263	83-341	0501306113		103		JOHN H SIMPSON #1-2	WATTENBERG	86.0	PANHANDLE EASTERN
8408296	83-335	0501306113		107-TF		JOHN H SIMPSON #1-2	WATTENBERG	86.0	PANHANDLE EASTERN
8408262	83-342	0501306081		103		JOSEPHINE ROCHE #1-35	WATTENBERG	89.0	PANHANDLE EASTERN
8408295	83-334	0501306081		107-TF		JOSEPHINE ROCHE #1-35	WATTENBERG	89.0	PANHANDLE EASTERN
-MDF OIL CORP				RECEIVED:	11/22/83	JA: CO			
8408219	83-337	0512300000		102-A		NANCY 13-34	PAWNEE BUTTES	36.0	
-MIDLANDS GAS CORPORATION				RECEIVED:	11/22/83	JA: CO			
8408264	83-318	0512506469		103		BLACH 1-7 83-318	WHISPER	64.0	K N ENERGY INC
-MOUNTAIN PETROLEUM CORPORATION				RECEIVED:	11/22/83	JA: CO			
8408267	83-317	0512506901		103		DETERDING #2-20	BEECHER ISLAND	2.0	K N ENERGY INC
-MOUNTAIN PETROLEUM LTD				RECEIVED:	11/22/83	JA: CO			
8408265	83-316	0512500000		103		ALLEN #2-6	BEECHER ISLAND	30.0	K N ENERGY INC
8408266	83-315	0512506902		103		BEECHER ISL BATTLE MEMORIAL #3-21	BEECHER ISLAND	24.0	K N ENERGY INC
-NIELSON ENTERPRISES INC				RECEIVED:	11/22/83	JA: CO			
8408302	83-405	0512307946		108		DEKALB #1	WATTENBERG	21.0	PANHANDLE EASTERN
-SAMUEL GARY OIL PRODUCER				RECEIVED:	11/22/83	JA: CO			
8408251	83-408	0500108197		103		BRADBURY #12-14		967.0	KOCH HYDROCARBON
-SANDS AMERICAN CORP				RECEIVED:	11/22/83	JA: CO			
8408269	83-248	0500107558		103		STATE #16-10	ZENITH	72.0	VESSELS GAS PROCE
-ST MICHAEL EXPLORATION CO				RECEIVED:	11/22/83	JA: CO			
8408297	83-351	0512310719		107-TF		MEL BICKLING #11-22	GREELEY	0.0	NORTHERN NATURAL
8408298	83-350	0512311059		107-TF		MEL BICKLING #31-22	GREELEY	0.0	NORTHERN NATURAL
-TRANS-TEXAS ENERGY INC				RECEIVED:	11/22/83	JA: CO			
8408271	83-367	0500179298		103		STATE #1-16 78/3667-S	STRASBURG	15.0	VESSELS GAS PROCE
-TRICENTROL UNITED STATES INC				RECEIVED:	11/22/83	JA: CO			
8408220	83-368	0512311012		102-A		DUNNING #3-44	SPRUCE	35.0	KN ENERGY INC
-TUDEX PETROLEUM INC				RECEIVED:	11/22/83	JA: CO			
8408272	83-274	0500188202		103		TUDEX BIOW #11-2	SPINDLE	35.0	VESSELS GAS PROCE
-TXO PRODUCTION CORP				RECEIVED:	11/22/83	JA: CO			
8408270	83-379	0512305783		103		TOEDTLI #1	WILDCAT	1095.0	KANSAS NEBRASKA P
-VESSELS OIL & GAS COMPANY				RECEIVED:	11/22/83	JA: CO			
8408299	83-355	0500506835		107-TF		FRIEND & MEYER #3	FAIRWAY	55.0	FAIRWAY GAS PROCE
8408300	83-354	0512310711		107-TF		PETERSON CHAMPLIN K UNIT #1	WATTENBERG	215.0	PANHANDLE EASTERN
**********									
MONTANA BOARD OF OIL & GAS CONSERVATION									
**********									
-BEREN CORPORATION				RECEIVED:	11/22/83	JA: MT			
8408116	7-83-111	2503521451		102-A		IRA SURBER #5	LITTLE ROCK GAS	19.0	FOUREM CO
-BURTON/HAWKS INC				RECEIVED:	11/22/83	JA: MT			
8408118	7-83-102	2510121842		108		RITTENHOUSE #10-1	SOUTHWEST KEVIN	0.0	ALOE VENTURES OAT
8408114	7-83-101	2510121841		108		RITTENHOUSE #2-3	SOUTHWEST KEVIN	3.7	ALOE VENTURES OAT
-CONSOLIDATED OIL & GAS INC				RECEIVED:	11/22/83	JA: MT			
8408115	7-83-115	2508321425		103		ULLMAN #2	HAY CREEK	18.0	MGPC INC
-EXXON CORPORATION				RECEIVED:	11/22/83	JA: MT			
8408113	7-83-110	2510521218		102-A		TIESZEN-TOEWS #1	LUSTRE	18.0	
-J BURNS BROWN				RECEIVED:	11/22/83	JA: MT			
8408120	7-83-117	2504121804		108		CUNNINGHAM 1-14	REDROCK	6.0	NORTHERN NATURAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/22/83	JA: MT			
8408122	8-83-120	2508521307		102-2		CRUSH #1-2	TARGET	1.0	DOME PETRO CORP
8408119	8-83-119	2508521305		102-2		DOROTHY R BARR #2-17	E BURGET	3.0	DOME PETROLEUM CO
8408121	8-83-121	2508521286		102-2		PANASUK #7	RED BARK	5.0	DOME PETROLEUM CO
8408123	8-83-118	2508521283		102-2		PANASUK #8	RED BARK	37.0	DOME PETROLEUM CO
-TEXACO INC				RECEIVED:	11/22/83	JA: MT			
8408117	7-83-109	2510121981		108		B M WILKINS #2	KEVIN-SUNBURST	3.0	MONTANA POWER CO
**********									
NORTH DAKOTA INDUSTRIAL COMMISSION									
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-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED:	11/22/83	JA: ND			
8408112	864	3305301635		102-2		O KELTER #28-1	INDIAN HILLS	17.0	PHILLIPS PETROLEU
-COTTON PETROLEUM CORPORATION				RECEIVED:	11/22/83	JA: ND			
8408108	868	3305301700		102-2		FJELSTAD #1-6	INDIAN HILL	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	11/22/83	JA: ND			
8408106	870	3305301657		102-2		ECKERT FOUNDATION 2-6-2D	INDIAN HILLS (NESSON)	40.0	PHILLIPS PETROLEU
8408111	865	3300700931		102-2		TEDROW 7-12-2A	LITTLE KNIFE (MISSION	229.0	MONTANA DAKOTA UT
-SUPERIOR OIL CO				RECEIVED:	11/22/83	JA: ND			
8408107	869	3305301703		102-2		PAPINEAU #5-1	ELK	16.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PKUD	PURCHASER
-TEXACO INC				RECEIVED:	11/22/83	JA: ND			
8408110	866	3305301694		103		BLUE BUTTES MADISON UNIT #E232	BLUE BUTTES	39.0	AMERADA HESS CORP
-TOTAL PETROLEUM INC				RECEIVED:	11/22/83	JA: ND			
8408109	867	3310501058		103		JOHNSON 34-2	LINDAHL FIELD	43.0	AMINOIL USA INC
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	11/22/83	JA: WV			
8408181		4701100725		103		NASH #1	BARBOURSVILLE	36.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	11/22/83	JA: WV			
8408167		4708300467		108		A-1009	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408189		4709702314		108		A-1010	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408169		4708300441		108		A-1011	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408164		4708300440		108		A-1017	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408166		4708300459		108		A-1021	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408183		4708305320		108		A-1028	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408170		4708300503		108		A-1032	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408188		4709702257		108		A-1033	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408169		4708300496		108		A-1043	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408184		4708300534		108		A-1070	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408193		4708300240		108		A-767	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408192		4708300263		108		A-818	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408191		4708300311		108		A-868	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408185		4709702090		108		A-869	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408190		4708300317		108		A-873	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408195		4708300375		108		A-914	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408194		4708300367		108		A-920	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408186		4709702177		108		A-952	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408168		4708300483		108		A-958	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408196		4708300385		108		A-971	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408162		4708300423		108		A-975	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408187		4709702237		108		A-982	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408197		4708300391		108		A-986	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408163		4708300427		108		A-987	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8408198		4708300397		108		A-996	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-ARTEX OIL CO				RECEIVED:	11/22/83	JA: WV			
8408203		4704100297		108		C F MORAN #1	FINSTER-ASPINALL	1.0	EQUITABLE GAS CO
8408202		4704100275		108		C T DAVIS #1	FINSTER-ASPINALL	1.0	EQUITABLE GAS CO
8408200		4704100167		108		MARY FEALY #2	FINSTER-ASPINALL	5.0	EQUITABLE GAS CO
8408201		4704100169		108		WILLIAM RYAN #2	FINSTER-ASPINALL	1.0	EQUITABLE GAS CO
-CHESTERFIELD CORP				RECEIVED:	11/22/83	JA: WV			
8408139		4709702065		107-DP		FISHER #2 47-097-2065	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408142		4709702254		107-DV		GOODEN WELL #1-47-097-2254	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408140		4709702149		107-DV		HANIFAN #1 47-097-2149	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408141		4709702173		107-DV		KELLEY #1 47-097-2173	BUCKHANNON	0.0	COLUMBIA GAS TRAN
-CHESTERFIELD ENERGY CORP				RECEIVED:	11/22/83	JA: WV			
8408137		4709702271		107-DV		BRAGG WELL #1 47 097-2271	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408144		4709702280		107-DV		CARR MCDANIELS WELL #2-47-097-2280	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408143		4709702279		107-DV		CARR-MCDANIELS WELL #1-47-097-2279	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408125		4709702501		107-DV		CASTO WELL #1 47-097-2501	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408133		4709702344		107-DV		DYCE HINKLE WELL #1 - 47-097-2344	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408134		4709702345		107-DV		DYCE HINKLE WELL #2 - 47097-2345	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408136		4709701985		107-DV		FISHER #1 - 47-097-1985	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408130		4709702394		107-DV		HANIFAN #3 WELL 47-097-2394	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408145		4709702295		107-DV		HANIFAN WELL #A-1-42-097-2295	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408146		4709702322		107-DV		HANIFAN WELL #2 47-097-2322	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408127		4709702455		107-DV		HOYLE WELL #1 47-097-2455	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408138		4709702343		107-DV		LAW HINKLE #1 WELL 47-097-2343	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408132		4709702327		107-DV		LEIGH WELL #1 47-097-2327	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408131		4709702326		107-DV		LIPSCOMB WELL #1 - 47-097-2326	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408129		4709702430		107-DV		LIPSCOMB WELL #2 47-097-2430	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408128		4709702454		107-DV		ROCKEY WELL #1 47-097-2454	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408124		4709702502		107-DV		TOMBLYN WELL #1 47-097-2592	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408126		4709702498		107-DV		YOUNG WELL #1 47-097-2498	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8408135		4709702360		107-DV		ZICKEFOOSE WELL #1 - 47-097-2360	BUCKHANNON	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	11/22/83	JA: WV			
8408180		4703302798		103		J-637	TEN MILE	0.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	11/22/83	JA: WV			
8408182		4704700896		107-TF		NEW RIVER & POCAHONTAS COAL #3-A	BIG CREEK DISTRICT	50.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	11/22/83	JA: WV			
8408171		4709702262		107-DV		BAYARD GUM #4 1697	WARREN DISTRICT	0.0	CONSOLIDATED GAS
8408179		4700101492		107-DV		BUEHL GOLDEN #2 1627	ELK DISTRICT	0.0	CONSOLIDATED GAS
8408209		4709702518		107-DV		CLARK #1 1838	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408178		4700101500		107-DV		CLAY STOUT #1 1633	UNION DISTRICT	0.0	CONSOLIDATED GAS
8408215		4708300341		107-DV		CLEO W TACY #2 1540	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8408212		4708300604		107-DV		COASTAL LUMBER CO #1 1723	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408158		4709702473		103		ERNEST SAMPLES #2 1815	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408199		4708300412		108		FLOYD WILSON #1 1653	ROARING CREEK DISTRIC	5.0	COLUMBIA GAS TRAN
8408174		4708302710		107-DV		FRANK LOGAN #1 1469	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8408177		4709702055		107-DV		G H ERVIN HEIRS #1 1559	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8408172		4709702291		107-DV		GLEN ROHR #1 1718	UNION DISTRICT	0.0	CONSOLIDATED GAS
8408217		4709702191		107-DV		HARPER-MEARNS #1 1635	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408173		4708300300		107-DV		HARRY MCMULLAN #1A 1553	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8408161		4708300749		103		HARRY MCMULLAN #14A 1646	MIDDLE FORK	0.0	
8408210		4708300749		107-DV		HARRY MCMULLAN #14A 1646	MIDDLE FORK	0.0	
8408160		4708300537		103		HARRY MCMULLAN #16B 1713	ROARING CREEK	0.0	
8408214		4708300537		107-DV		HARRY MCMULLAN #16B 1713	ROARING CREEK	0.0	
8408159		4708306850		103		HARRY MCMULLAN #23B 1773	ROARING CREEK	0.0	
8408211		4708300685		107-DV		HARRY MCMULLAN #23B 1773	ROARING CREEK	0.0	
8408149		4709702197		107-DV		J D HINKLE III #1 1601	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8408213		4708300590		107-DV		J M HUBER CORP #2 1724	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8408152		4709702436		107-DV		KATHLEEN JACOBS #1 1500	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408207		4709702531		107-DV		LEVERA CLARK #1 1814	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408204		4709702510		107-DV		LUCILLE MEARNS #2 1740	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408175		4709702061		107-DV		MAE CARTER #2 1537	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8408216		4708300308		107-DV		MIKE ROSS #1 1588	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8408156		4709702196		107-DV		MYRON HYMES 1656	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408205		4709702484		107-DV		NEWCOME #1 1566	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408147		4709702260		107-DV		NORMAN E HALL #1 1641	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408154		4709702290		107-DV		O&P SMALLWOOD #1 1664	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408148		4709702215		107-DV		R S SMALLRIDGE #2 1607	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8408176		4709702057		107-DV		ROBERT HOSAFLOOK #1 1576	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8408157		4709702515		107-DV		SUN LUMBER CO #1 1857	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408150		4709702453		107-DV		THOMAS L STOCKERT JR #1 1600	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408151		4709702448		107-DV		UDI - SMALLWOOD #1 1582	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408208		4709702521		107-DV		UDI-BURNSIDE #1 1844	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408206		4709702463		107-DV		UDI-KUHNS #1 1806	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8408153		4709702414		107-DV		WOODY LUMBER CO #1 1631	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8408155		4709702231		107-DV		ZICKEFOOSE - LEIGH #3 1671	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN

** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, DENVER,CO

-ARCO OIL AND GAS COMPANY			RECEIVED:	11/22/83		JA: CO 1			
8408105	CD-0186-83	0506706234	107-TF			SOUTHERN UTE 16-1 32-10 (TF)	IGNACIO BLANCO	29	0 WESTERN SLOPE GAS
-FUEL RESOURCES DEVELOPMENT CO			RECEIVED:	11/22/83		JA: CO 1			
8408104	CD0183-83	0510308980	103	107-TF		FEDERAL 30-16	CATHEDRAL	50.0	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY			RECEIVED:	11/22/83		JA: CO 1			
8408102	CD0167-83	0508105492	108			DYER B	WEST HIAWATHA	10.0	MOUNTAIN FUEL SUP
-TENNECO OIL COMPANY			RECEIVED:	11/22/83		JA: CO 1			
8408103	CD-0169-83	0510307889	108			GOVERNMENT 3-24	FOUNDATION CREEK	17	0 NORTHWEST PIPELIN

FR Doc. 83-33677 Filed 12-19-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Tuesday
December 20, 1983

Part IV

Department of the Treasury

Internal Revenue Service

Temporary Employment Tax Regulations Under the Interest and Dividend Tax Compliance Act of 1983; Backup Withholding

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 35a

[T.D. 7929]

Temporary Employment Tax Regulations Under the Interest and Dividend Tax Compliance Act of 1983; Backup Withholding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to backup withholding. Changes to the applicable tax law were made by the Interest and Dividend Tax Compliance Act of 1983 (Pub. L. 98–67, 97 Stat. 369). These regulations affect payors and payees of, and brokers with respect to, reportable payments and provide them with the guidance necessary to comply with the law. This document also clarifies A–21 of § 35a. 9999–2 of the Temporary Employment Tax Regulation.

DATES: The temporary regulations are effective for payments made after December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Yerachmiel Weinstein (at 202–566–3289 with respect to the foreign provisions), Bruce Jurist (at 202–566–3238 with respect to broker transactions), and Diane Kroupa (at 202–566–3590 with respect to all other provisions) of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 1983, the **Federal Register** published Temporary Employment Tax Regulations under the Interest and Dividend Tax Compliance Act of 1983 (26 CFR Part 35a) under sections 3406 and 6676 of the Internal Revenue Code of 1954 (48 FR 45362). Those amendments were published to conform the regulations to the statutory changes enacted by the Interest and Dividend Tax Compliance Act of 1983 (97 Stat. 369). Section 3406 was added to the Internal Revenue Code of 1954 by section 104 of the Interest and Dividend Tax Compliance Act of 1983 (Pub. L. 98–67, 97 Stat. 371), and section 6676 of the Code was amended by section 105 of the Act (Pub. L. 98–67, 97 Stat. 380).

Additional temporary regulations relating to the requirement to impose backup withholding on reportable payments and the exercise of due diligence by payors of reportable interest, dividends, and patronage dividends and brokers were published in the **Federal Register** (48 FR 53104) on November 25, 1983.

This document, containing additional temporary regulations relating to the requirement to impose backup withholding, adds new § 35a.9999–3 to Part 35a, Temporary Employment Tax Regulations under the Interest and Dividend Tax Compliance Act of 1983, to Title 26 of the Code of Federal Regulations. Because these provisions are generally effective for payments made after December 31, 1983, there is a need for immediate guidance so that payors and payees can prepare to comply with these provisions.

The Internal Revenue Service intends to publish a notice of proposed rulemaking in the **Federal Register** in the near future that will provide comprehensive rules regarding backup withholding. All pertinent provisions of the temporary regulations with respect to backup withholding will be incorporated in the notice of proposed rulemaking. The notice of proposed rulemaking will provide the public an opportunity to comment on the regulations. A public hearing will be held. Notice of the time and place of the public hearing will be published in the **Federal Register**. The temporary regulations contained in this document and §§ 35a.9999–1 and 35a.9999–2 will remain in effect until superseded by final regulations on this subject.

These temporary regulations, presented in question and answer format, are intended to provide guidelines upon which payors and payees of reportable payments (including reportable interest, dividend, and patronage dividend payments) may rely in order to resolve questions specifically set forth herein. However, no inference should be drawn regarding issues not raised herein or reasons certain questions, and not others, are included in these regulations.

Explanation of Provisions

The regulations provide additional guidance concerning the application of backup withholding to payments subject to reporting under section 6041 (relating to rents, royalties, commissions, etc.), section 6041A(a) (relating to nonemployee compensation), section 6042 (relating to dividends), section 6044 (relating to patronage dividends), section 6045 (relating to brokers and barter exchanges), section 6049 (relating to interest and original issue discount), and section 6050A (relating to certain fishing boat operators). A payment must be subject to information reporting under one of those provisions before backup withholding can apply. Thus, if a payment is not subject to information reporting, backup withholding cannot apply to the payment. With respect to payments subject to reporting under section 6041A(a), these regulations provide that the exceptions currently applicable under section 6041 shall apply until regulations are issued under section 6041A (LR–214–82). For example, payments made to certain corporations engaged in providing medical and health care services are not excepted from information reporting under sections 6041 or 6041A and also are not excepted from backup withholding if a condition for imposing withholding exists with respect to the payee.

In addition, these regulations provide that certain amounts that are subject to information reporting are not subject to backup withholding. For example, a premature withdrawal penalty with respect to a time savings account, a certificate of deposit, or similar deposit, does not reduce the amount of interest that is subject to information reporting, but, in the payor's discretion, only the net payment is subject to backup withholding. In addition, the regulations describe certain categories of dividends that are not subject to backup withholding.

Payments of interest to a mortgage escrow account at a financial institution and interest earned on certain premiums paid with respect to an insurance policy are reportable payments and thus may be subject to backup withholding. While such payments were exempt from 10 percent withholding on interest and dividends, the underlying purpose of backup withholding is to ensure that payees' taxpayer identification numbers are provided on information returns in order to match the information with the payee's income tax return. Thus, such payments will be subject to backup withholding.

These regulations define "an obviously incorrect number", delineate how often withholding applies, and describe the penalties associated with backup withholding.

Special rules are provided with respect to readily tradable instruments. When a readily tradable instrument is acquired in a transaction between parties unrelated to the payor and without the assistance of a broker, no certification is required.

These regulations also provide special rules when an account is established directly with, or an instrument is acquired directly from, the payor. If acquisition is effected by means of electronic transfer, the payee, at the payor's option, is given 30 days after

such acquisition to provide the required certifications before the payor is obligated to impose backup withholding on any reportable interest and dividends, provided that the payee furnishes a taxpayer identification number to the payor at the time of the acquisition. The payor must, however, withhold 20 percent of the reportable amount if the payee withdraws any funds before the certifications are received. If the acquisition is by means of mail communication, the special rule applies with respect to acquistions before January 1, 1985.

The amount subject to backup withholding is generally the amount subject to information reporting. The amount subject to backup withholding with respect to patronage dividends and payments of certain fishing boat operators is limited generally to the amount paid in cash (or paid by qualified check in the case of patronage dividends). Special rules are provided to show the amount subject to backup withholding with respect to short sales, futures contracts, margin accounts, and foreign currency contracts.

In addition, the regulations explain that while withholding from an alternative source generally is not available to payors as under the now repealed provisions of 10 percent withholding on interest and dividends, payors of payments in property may withhold from an alternative source if the payee is subject to backup withholding.

The regulations prescribe rules governing the confidentiality of the information the payor receives in connection with backup withholding. In addition, the penalty associated with wrongful disclosure is described.

The regulations explain when withholding under section 3406(a)(1) (A) and (D) is requried to stop. In general, if a payor is withholding because he has not received a taxpayer identification number or a required certification, the payor must stop withholding on the date that the payor receives a taxpayer identification number from the payee in the manner required or the date that the payor receives the required certification, as applicable. Under A–17 of § 35a.9999–2 a payor has 30 days in which to treat a taxpayer identification number or required certification as having been received.

The regulations also explain the circumstances in which erroneously withheld amounts may be refunded to the payee. In general, a payor may refund taxes to the payee if, due to the payor's error, the payor improperly withholds. A payor may not refund taxes withheld due to a payee's error or failure to provide a taxpayer identification number or a required certification. For example, if a payor withholds because no taxpayer identification number has been received by the payment date, the payor may not refund the tax to the payee even though the payee subsequently furnishes the taxpayer identification number in the manner required to the payor before an information return is required to be made. In this situation, the payor properly withheld. A payor may only refund the tax if the payor has made an error in withholding.

The regulations provide that if a payor is required to withhold, the payor is required to make an information return and is required to furnish a statement to the recipient showing the amount paid and the amount of tax withheld. Thus, the payor is required to make an information return whenever the payor imposes backup withholding even though the amount of the payment is less than the minimum amount that generally must be paid before an information return is required to be made.

The regulations also provide rules for determining whether a payor has exercised due diligence with respect to an account opened or an instrument acquired after December 31, 1983.

Several persons questioned whether various types of interest payments which are not subject to information reporting under section 6049 are, nevertheless, subject to backup withholding. If a payment is not subject to information reporting, it is not subject to backup withholding. These regulations generally do not change any information reporting responsibilities under section 6049. For example, interest which is exempt from taxation under section 103 (relating to certain governmental obligations) is not a reportable payment. If the holder of a tax exempt obligation provides written certification to the payor that the interest payment is exempt from taxation, the payor is not required to make an information return under § 1.6049–5(b)(1)(ii). Because such a payment is not subject to information reporting, the payor is not required to impose backup withholding. Similarly, interest paid by an individual on its own obligation (*i.e.*, a mortgage) is not a reportable payment under § 1.6049–5(b)(1)(i) and, accordingly, the individual has no backup withholding responsibilities. The result is the same irrespective of whether such interest is collected on behalf of the holder of the obligation by a middleman. Amounts paid with respect to repurchase agreements, however, are reportable under section 6049 and accordingly backup withholding applies to such reportable interest amounts. Thus, as with any account that is not a pre-1984 account, the payee is required to make the certifications described in A–32 of § 35a.9999–1 with respect to repurchase agreements.

Clarification has also been requested with respect to the application of backup withholding to original issue discount. Answer 15 of § 35a.9999–2 restates that the amount of original issue discount includible in the holder's gross income is treated as a payment of interest under section 6049(d)(6) and § 1.6049–5(c). Original issue discount is, therefore, subject to backup withholding. Answer 15 of § 35a.9999–2 also provides that the rules of 10 percent withholding on interest and dividends shall apply for purposes of determining the amount of original issue discount subject to backup withholding. Thus, backup withholding only applies to original issue discount when a cash payment is made to the payee, such as a payment of stated interest, or at redemption of the obligation at maturity. When interest payments are made on a long-term registered obligation with original issue discount, backup withholding applies to the stated interest plus the amount of original issue discount includible in the gross income of the holder during the calendar year (although the amount to be withheld cannot exceed the cash paid). In the case of a short-term obligation or a long-term obligation in bearer form, backup withholding with respect to original issue discount applies only at maturity of the obligation. At maturity of a long-term original issue discount obligation in bearer form, backup withholding applies only with respect to the amount of original issue discount includible in gross income of the holder for the calendar year in which the obligation matures.

If a person purchases an original issue discount obligation from another holder, the purchaser generally does not have to impose backup withholding. If, however, a broker was involved with respect to the sale of the obligation and was required to make an information return under section 6045, the broker would be required to impose backup withholding on the gross proceeds of the sale of the obligation. Similarly, if a person purchases a bond between interest payment dates, backup withholding generally only applies when the interest is paid. If, however, a broker was involved with respect to the sale of the obligation and was required to make an information return under section 6045,

the broker would be required to impose backup withholding on the gross proceeds of the sale of the obligation.

Clarification has also been requested with respect to readily tradable instruments. A payor may assume that the taxpayer identification number received from a broker with respect to a readily tradable instrument is furnished in the manner required unless and until the broker notifies the payor otherwise as required in A–41 of § 35a.9999–1. If the broker notifies the payor that the payee is subject to backup withholding, the payor generally is required to impose backup withholding and is required to notify the payee as provided in A–39 of § 35a.9999–1 and A–18 of § 35a.9999–2 that backup withholding has commenced, or will commence. For purposes of backup withholding, the term readily tradable instrument includes shares in a mutual fund. For purposes of A–41 of § 35a.9999–1, the term "transfer instructions" includes account registration instructions transmitted by a broker with respect to acquisitions of shares in a mutual fund.

With respect to the manner of delivery of Forms 1099 of reportable interest or dividend payments made in 1984 and in subsequent years, a payor of such payments is required either to deliver personally an official Form 1099 or to mail the form in a separate first-class mailing to the payee. If a payor of reportable interest or dividends made in 1984 does not personally deliver or mail the Form 1099 in a separate first-class mailing to the payee, the payor shall be considered to have failed to furnish the required statement to the payee, and the payor will be subject to a $50 penalty for each failure under section 6678. The only material that may be included in the separate mailing of Form 1099 is information relating to solicitation of the payee's correct taxpayer identification number. Payors may not include Form 1099 in the same envelope used to mail a payment, such as where a United States savings bond is redeemed by mail. Payors are not required to send a separate Form 1099 for each interest or dividend payment but may aggregate payments made to a payee during a calendar year on one Form 1099. Payors will be allowed to use a substitute Form 1099 provided the specifications of the applicable Revenue Procedure are followed.

Nonapplicability of Executive Order 12291

The Treasury Department has determined that these temporary regulations are not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal authors of these regulations are Diane Kroupa, Bruce Jurist, Pam Olson, and Yerachmiel Weinstein of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and the Treasury Department participated, however, in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 35a

Employment taxes, Income taxes, Backup withholding, Interest and Dividend Tax Compliance Act of 1983.

Adoption of amendments to the regulations. Accordingly, Part 35a is amended as follows:

Paragraph 1. Section 35a.9999–3 is added immediately after § 35a.9999–2 to read as follows:

§ 35a.9999–3 Questions and answers concerning backup withholding.

The following questions and answers principally concern the backup withholding requirement with respect to reportable payments. These requirements are issued under the Interest and Dividend Tax Compliance Act of 1983 (Pub. L. 98–67, 97 Stat. 369):

In General

Q–1. Who has the legal obligation to withhold on reportable payments made to a payee who is subject to backup withholding?

A–1. The person required to withhold (the payor) is the person who is required by the applicable provision to make an information return with respect to a payment under section 6041, 6041A(a), 6042, 6044, 6045, 6049, or 6050A. For example, in the case of a person who has a paying agent making a reportable payment to a payee, the paying agent is not the payor but is merely an agent for the principal (payor). In the case of a payment which is collected on behalf of, or for the account of, a payee, the payor ("middleman") is the person collecting or receiving the payment, irrespective of whether he is acting as the agent of the payee, or as agent for the issuer of the instrument. For example, a payee may establish a custodial account with a financial institution or brokerage firm where instruments are held for the benefit of the payee. The interest or dividends may be paid to a nominee of the financial institution or brokerage firm. The financial institution or brokerage firm will, in turn, credit the payee's custodial account. The financial institution or brokerage firm is the payor since it receives and credits payment to the payee's account and is required to make an information return showing such payment to the payee. See A–20 of § 35a.9999–2 for special rules related to grantor trusts.

Q–2. What consequences result if a payor fails to withhold on payments made to a payee who is subject to backup withholding?

A–2. A payor is subject to the same requirements and penalties for failing to impose backup withholding as an employer making a payment of wages. Consequently, under section 3403 and § 31.3403–1 of the Employment Taxes and Collection of Income Tax at Source Regulations, a payor is liable for the tax whether or not the payor withholds the tax from a payee who is subject to backup withholding. A payor may be relieved of liability for the tax which was required to be withheld if the payor can show that the tax has been paid by the payee, as provided in section 3402(d) and § 31.3402(d)–1 of the Employment Taxes and Collection of Income Tax at Source Regulations. In addition to liability for the tax, a payor who fails to withhold when required may be subject to civil penalties under section 6651 (addition to the tax for failure to pay any tax required to be shown on the payor's return), section 6656 (penalty for failure to make deposit of taxes) and section 6672 (penalty for failure to collect and pay over tax) and to criminal penalties under section 7201 (penalty for willfully attempting to evade or defeat any tax or the payment of any tax), section 7202 (penalty for willful failure to collect or pay over any tax), and section 7203 (penalty for willful failure to pay tax). The fact that a payor shows that the tax has been paid by the payee will not relieve the payor of liability for any civil or criminal penalty. The payor is not liable to any person for any withheld amount. The payor will only be liable to the United States for the tax which was required to be withheld as provided in § 31.3403–1 of the Employment Taxes and Collection of Income Tax at Source Regulations.

Requirement to Withhold

Q–3. Is a payor required to withhold if the taxpayer identification number

furnished by a payee is an "obviously incorrect number"?

A–3. Yes. As provided in A–28 of § 35a.9999–1, a payee shall be treated as having failed to furnish a taxpayer identification number to the payor if the number furnished is obviously incorrect. An obviously incorrect number is any taxpayer identification number that does not contain nine digits or a number that includes one or more alpha characters.

Q–4. When are payments considered to be paid and thus subject to backup withholding?

A–4. With respect to reportable interest or dividends, backup withholding applies when the payor pays interest, dividends, or patronage dividends to a payee who is subject to backup withholding. Amounts are paid when they are credited to the account of or set apart for the payee. Amounts are not considered paid solely because they may be withdrawn by the payee, so long as they are not credited to the payee's account, until either actual withdrawal or a specified crediting date.

Amounts are considered paid, however, upon withdrawal or crediting. If a bank credits interest on savings accounts only on the last day of each month or when the account is closed, then backup withholding applies at the time interest is paid on the last day of each month and when the account is closed.

When bonds are sold between interest payment dates, the portion of the sales price representing interest accrued to the date of sale is not considered to be a payment of interest for purposes of section 6049, but will be considered a reportable payment under section 6045. Therefore, if the gross proceeds of the sale are subject to backup withholding under A–12 of § 35a.9999–2, 20 percent of the sales price, including the portion representing accrued interest, will be subject to backup withholding.

In the case of stock for which the record date is earlier than the payment date, the dividend is considered paid on the payment date. For example, if a corporation declares a dividend on September 1 to the record holders as of September 12, and the dividends are payable on October 12, backup withholding applies on October 12 (the payment date). In the case of a corporate reorganization, if a payee is required to exchange stock held in the former corporation for stock in the new corporation before the dividends which have been paid with respect to the stock in the new corporation will be provided to the payee, the dividend is considered paid on the payment date without regard to when the payee actually exchanges the stock and receives the dividend.

If a payor (such as a money market fund) computes interest or dividends daily but credits the interest or dividends on the last day of each month, then backup withholding applies on the last day of each month. If a payor computes *and* credits interest or dividends daily, backup withholding applies daily.

With respect to any reportable payment other than reportable interest or dividends, backup withholding applies at the time the payment is made or in the case of a transaction reportable under section 6045 when the amount subject to backup withholding is determined. Except in the case of forward contracts, regulated futures contracts, and security short sales, the amount subject to backup withholding in the case of a transaction reportable under section 6045 is determined on the date of the sale or exchange. See § 1.6045–1 (d)(4) and (f)(3) of the Income Tax Regulations for the applicable sale or exchange date and A–23 through A–25 and A–27 for special rules applicable to forward contracts, regulated futures contracts, security short sales, and issuer payment of debt securities. The date by which the payor is required to make an information return is irrelevant for purposes of determining when the payment is made and thus subject to backup withholding.

In the case of a middleman required to withhold tax, rules similar to § 31.3453(b)–1 (b) of the Employment Taxes and Collection of Income Tax at Source Regulations shall apply. In the case of a United States savings bond, see § 1.6049–4(d)(9) of the Income Tax Regulations.

Payments and Amounts Subject to Backup Withholding

Q–5. Is interest paid on a mortgage escrow account with a financial institution or interest earned on certain premiums paid with respect to an insurance policy, subject to backup withholding?

A–5. Yes. Both a payment of interest to a mortgage escrow account with a financial institution and a payment that represents an increment in value of "advance premiums," "prepaid premiums," or "premium deposit funds" which is applied to the payment of premiums due on an insurance policy, or is made available for withdrawal by the policyholder, are subject to reporting under section 6049 and thus are subject to backup withholding.

Q–6. If a payor imposes a penalty for premature withdrawal of funds deposited in a time savings account, certificate of deposit, or similar class of deposit, is the payor required to calculate the tax to be withheld on the amount of the reportable interest payment (not reduced by any penalty)?

A–6. No. A payor may, at its option, take into account any penalty it actually imposes on a payee when it calculates the amount to be withheld. If the payor chooses to take the penalty into account, the amount subject to backup withholding would be the amount of interest the payee actually receives. The gross amount of the payment, however, is subject to information reporting.

Q–7. If a payor is able to estimate the portion of a distribution which is not a dividend, is the payor nevertheless required to impose backup withholding on the gross amount of the distribution?

A–7. If the payor is unable to determine the portion of a distribution which is a dividend, backup withholding applies to the entire amount of the distribution. If a payor is able reasonably to estimate the portion of the distribution which is not a dividend, however, backup withholding does not apply to such portion. A payor making a payment all or a portion of which may not be a dividend may use previous experience to estimate the portion of such payment which is not a dividend. An estimate of the portion of a distribution which is not a dividend shall be considered reasonable if the estimate does not exceed the proportion of the distributions made by the payor during the most recent calendar year for which Forms 1099 and 1087 were required to be filed which was not reported by the payor as a dividend.

Q–8. Are dividends which are reinvested in stock of the company subject to backup withholding?

A–8. Dividends which are reinvested pursuant to a qualified plan in stock of a public utility are not subject to backup withholding. For this purpose, the amount of the reinvested dividend paid to any person, the identity of the recipient, and whether the recipient makes the election required by section 305(e)(2)(B) are irrelevant. All other reinvested dividends are subject to backup withholding.

Backup withholding shall apply to the amount of any dividend available to the shareholder, or credited to the shareholder's account. At the discretion of the payor, backup withholding need not be applied: (1) To any excess of the fair market value of the shares of stock received by the shareholder or credited to the shareholder's account over the purchase price of such shares (including additional shares acquired by the

shareholder at a discount in connection with the dividend distribution) or (2) to any fee which is paid by the payor in the nature of a broker's fee for purchase of the stock or service charge for maintenance of the shareholder's account. The payor must, however, treat such excess amounts and fees on a consistent basis for each calendar year. Thus, the payor is not required to impose backup withholding on any amount in excess of the actual cash value of the dividend declared which the payee would have received had the payee not been a participant in the dividend reinvestment plan.

Q–9. Are there any payments of dividends that are not subject to backup withholding?

A–9. Yes. Backup withholding does not apply to—

(i) Any amount treated as a taxable dividend by reason of section 302 (relating to redemptions of stock).

(ii) Any amount treated as a taxable dividend by reason of section 306 (relating to disposition of certain stock).

(iii) Any amount treated as a taxable dividend by reason of section 356 (relating to receipt of additional consideration in connection with certain reorganizations).

(iv) Any amount treated as a taxable dividend by reason of section 1081(e)(2) (relating to certain distributions pursuant to an order of the Securities and Exchange Commission).

(v) Any amount which is an exempt-interest dividend, as defined in section 852(b)(5)(A), of a regulated investment company.

(vi) Any amount paid or treated as paid during a year by a regulated investment company, provided that the payor reasonably estimates, as provided in A–7, that 95 percent or more of all dividends paid or treated as paid during the year are exempt-interest dividends.

(vii) Any dividend that is reinvested pursuant to a qualified plan in stock of a public utility as provided in A–8.

The foregoing exceptions do not apply to backup withholding on gross proceeds reportable under section 6045.

Q–10. What amount of a payment reportable under section 6044 is subject to backup withholding?

A–10. If a payee fails to provide his taxpayer identification number or, for relationships with or memberships in a cooperative that are established after December 31, 1983, fails to provide a taxpayer identification number under penalties of perjury, the amount subject to backup withholding is any amount subject to reporting under section 6044, but only to the extent that the payment is made in money or by qualified check (as defined in section 1388(c)(4)). Thus, the payor shall withhold 20 percent of the amount paid in money or by qualified check to a payee who has failed to provide a taxpayer identification number in the manner required. For example, if a cooperative pays a patronage dividend of $2,000, consisting of $200 in cash, $300 by a qualified check and $1,500 in a qualified written notice of allocation, the amount subject to backup withholding is $500 (the amount paid in money and by qualified check). Thus, if the payee failed to provide a taxpayer identification number in the manner required, the cooperative would be required to withhold 20 percent of the $500.

If a payee (whose relationship with or membership in a cooperative was established after December 31, 1983) fails to certify that the payee is not subject to backup withholding due to notified payee underreporting, the amount subject to backup withholding is the amount of any payment reportable under section 6044 that is paid in money or by qualified check, but only if 50 percent or more of the reportable amount is paid in money or by qualified check. Therefore, in the case where there has been a payee certification failure, if a payment is made 50 percent or more in cash and by qualified check, the payor is required to withhold 20 percent of the amount of the cash and qualified check. If less than 50 percent of the payment is paid in cash or by qualified check, no amount is subject to backup withholding. For example, if a cooperative pays a patronage dividend consisting of $350 in cash, $250 by a qualified check, and $400 in a qualified written notice of allocation, 20 percent of $600 (the amount paid in money and by qualified check) is required to be withheld if there is a payee certification failure. If $100 were paid in cash, $250 by a qualified check, and $650 in a qualified written notice of allocation, however, the payment would not be subject to backup withholding even though there is a payee certification failure because less than 50 percent of the patronage dividend is paid in cash or by qualified check.

Q–11. If a payor makes a reportable payment in property (other than money), is the payor required to impose backup withholding?

A–11. Yes. In the case of a payment that is made in property, backup withholding applies to the fair market value of the property determined on the date of payment except in the case of certain payments subject to reporting under section 6050A.

Q–12. If the payor is required to withhold on a payment made in property, in what manner may the payor withhold?

A–12. The payor may withhold on the principal amount being deposited with the payor, or the payor may withhold from another account or source maintained by the payor for the payee. The account or source from which such tax is withheld must be payable to at least one of the persons listed on the account subject to backup withholding. If the account or source is not payable solely to the same person or persons listed on the account subject to backup withholding, then the payor must obtain a written statement from all other persons to whom the account or source is payable authorizing the payor to withhold the tax from such account or source. The payor electing to withhold from an alternative source may determine the account or source from which the tax is to be withheld. The payor is liable for any tax that is required to be withheld if the recipient of the payment is subject to backup withholding. A payor may not withhold from an alternative source except with respect to payments in property.

Amounts Subject to Reporting Under Section 6041 or 6041A(a)

Q–13. Under what circumstances will a payment of a type subject to information reporting under section 6041 be exempt from backup withholding?

A–13. An information return is not required to be made with respect to payments described in § 1.6041–3 of the Income Tax Regulations and, therefore, such payments are not subject to backup withholding. In addition, payments otherwise reportable under section 6041 that are made to the following persons will not be subject to backup withholding:

(i) An organization exempt from taxation under section 501(a), or an individual retirement plan,

(ii) The United States,

(iii) A State, the District of Columbia, a possession of the United States, or any political subdivision of any of the foregoing,

(iv) A foreign government or political subdivision of a foreign government,

(v) An international organization,

(vi) Any wholly owned agency or instrumentality of any person described in (ii), (iii), (iv), or (v), or

(vii) A foreign central bank of issue.

The provisions of § 31.3452(c)–1 of the Employment Taxes and Collection of Income Tax at Source Regulations shall apply for the purpose of determining whether a payee to whom a payment is made is subject to information reporting and backup withholding. For example,

during 1984, payor K, in the course of its trade or business makes a payment of rent of $700 to R Inc. for the use of premises owned by R Inc. Under § 1.6041–3(c) of the Income Tax Regulations payments to a corporation are not subject to information reporting (except in the case of certain payments not relevant here). Under § 31.3452(c)–1(b)(2) of the Employment Taxes and Collection of Income Tax at Source Regulations, K may treat R Inc. as a corporation because its name contains the unambiguous expression of corporate status, "Inc." Because the payment of rent to R Inc. is not subject to information reporting, it is not subject to backup withholding. If, however, K made the payment of rent to S Company, K would not be authorized to treat S Company as a corporation because "company" is not an unambiguous expression of corporate status. *See* § 31.3452(c)–1(b)(2) of the Employment Taxes and Collection of Income Tax at Source Regulations. Accordingly, K would be required to make an information return with respect to the payment under sections 6041 and withhold 20 percent of the payment to S Company, if S Company did not furnish a taxpayer identification number to K.

Q–14. Do the exceptions under section 6041 and the regulations thereunder apply to payments subject to reporting under section 6041A(a)?

A–14. For purposes of both information reporting and backup withholding, the exceptions under section 6041 shall apply to payments of a type reportable under section 6041A until regulations are issued under section 6014A; the rules of A–13 shall apply to such payments. Thus, in general, payments of the type reportable under section 6041A(a) that are made to corporations or general agents are not subject to information reporting or backup withholding. (See A–15 relating to payments to certain medical corporations.)

Q–15. Does backup withholding apply to a payment reportable under section 6041 or section 6041A(a) that is paid to a corporation engaged in providing medical and health care services or engaged in the billing and collection of payments in respect of medical and health care services (other than certain tax-exempt or governmental facilities described in § 1.6041–3(c) (1) and (2) of the Income Tax Regulations)?

A–15. Yes. Such amounts are subject to information reporting under section 6041 and 6041A(a) and thus are subject to backup withholding. The exception from backup withholding for payments to exempt recipients (described in A–21 of § 35a.9999–2) does not apply in the case of payments that are subject to reporting under sections 6041, 6041A(a) or 6050A.

Q–16. Does backup withholding apply to oil royalty payments that are subject to reporting under section 6041?

A–16. Backup withholding does not apply to an oil royalty payment if windfall profit tax is actually withheld under section 4986. If windfall profit tax is not actually withheld from the oil royalty payment (because, for example, payment is made with respect to "exempt royalty oil" (as defined in section 4993(f)), the oil royalty payment is subject to backup withholding. The amount subject to backup withholding is the amount the payee receives (*i.e.*, the gross proceeds less production related taxes such as State severance tax). The payor shall not be liable to any person other than the United States for the amount of tax withheld.

Q–17. Does backup withholding apply to net commissions paid to an unincorporated special agent with respect to insurance policies that are subject to reporting under section 6041?

A–17. Backup withholding does not apply to commissions reportable with respect to such an unincorporated special agent, provided that no cash is actually paid by the payor to the special agent.

Q–18. Does backup withholding apply to "designated distributions" (as defined in section 3405(d)(1)) if the distribution is not subject to reporting under section 6041?

A–18. No. As specified in A–30 of § 35a.9999–1, backup withholding applies only to distributions from pensions, annuities, or other plans of deferred compensation that are subject to reporting under section 6041. Thus, the following distributions are among those exempt from backup withholding because they are not subject to reporting under section 6041: (1) Distributions from an individual retirement account (subject to reporting under sections 408(i) and 6047(d)); (2) distributions from an owner-employee plan (subject to reporting under section 6047(b)); (3) certain surrenders of life insurance contracts (subject to reporting under section 6047(e)); and (4) distributions from a qualified bond purchase plan (subject to reporting under section 6047(c)).

Q–19. Does backup withholding apply to payments of gambling winnings that are subject to reporting under section 6041?

A–19. Backup withholding does not apply to any portion of reportable gambling winnings with respect to which tax is actually withheld under section 3402(q). In any case in which the reportable gambling winnings are not withheld upon under section 3420(q), backup withholding applies. Thus, gambling winnings reportable under section 6041 are subject to backup withholding if the payee does not furnish a taxpayer identification number and the payment is not withheld upon under section 3402(q). Answer 11 of §35a.9999–2 does not apply to gambling winnings. Thus, the payor is not required to determine whether any of the three conditions specified therein applies with respect to the payee.

For purposes of information reporting and backup withholding, (1) the reportable gambling winnings is the amount paid with respect to the amount of the wager reduced, at the option of the payor, by the amount of the wager, and (2) amounts paid with respect to identical wagers are treated as paid with respect to a single wager for purposes of calculating the amount of proceeds from a wager. The determination of whether amounts paid with respect to a single wager are identical shall be made under the rules of § 31.3402(q)–(1,)(c)(1)(ii) of the Employment Taxes and Collection of Income Tax at Source Regulations. In addition, until further regulations are issued, gambling winnings in excess of $600 are reportable only if the payout is based on betting odds of 300 to 1, or higher. The applicability of the odds requirement to information reporting and backup withholding is being studied by the Service and is subject to change in further regulations. Notwithstanding the odds requirement, winning from bingo, keno, and slot machines are subject to backup withholding if reportable under § 7.6041–1 of the temporary Income Tax Regulations.

Definition of a pre-1974 Account

Q–20. Under what circumstances is an account or instrument treated as a pre-1984 account?

A–20. Answer 34 of § 35a.9999–1 describes generally the accounts and instruments that are treated as a pre-1984 account. In addition, the purchase of additional shares in a credit union, where a prime account existed before 1984, shall be considered a pre-1984 account. If funds taken from one account, in existence prior to January 1, 1984, are used to create a new account on or after such date, however, the new account generally does not constitute a pre-1984 account. For example, with respect to a disposition of shares in a mutual fund and the purchase of shares of another fund within a group of mutual funds which occurs after December 31, 1983, the shares acquired in the second

fund are not treated as a pre-1984 account unless the payee owned shares in the second fund prior to January 1, 1984.

If a shareholder is enrolled before January 1, 1984, in a dividend reinvestment program to purchase additional shares of the corporation sponsoring the program, the shares acquired through the program are considered a pre-1984 account, in the discretion of the payor. In the case of a qualified employee trust that distributes instruments in kind, any instrument distributed from the trust will be considered a pre-1984 account with respect to employees who were participants in the plan before January 1, 1984. Similarly, when a payor offers participants in a plan the opportunity to purchase stock of the payor after a specified time using the money that the payee invested during that period of time, the stock so purchased after December 31, 1983, shall be considered a pre-1984 account with respect to participants in the plan who either owned shares or invested money in the plan before January 1, 1984.

An instrument with respect to which a broker is the payor is a pre-1984 account if the brokerage account in which the instrument is held is not a "post-1983 account." Answer 41 of § 35a.9999–1 describes generally the manner of determining whether a brokerage relationship is a post-1983 account. In addition, a brokerage relationship will not be treated as a post-1983 account if (i) a broker redeems or repurchases securities which were acquired by the seller prior to January 1, 1984, and (ii) either (A) the issuer of the securities is the broker obligated to make an information return under section 6045 or (B) the broker was obligated during 1983 to redeem the securities.

Brokerage Accounts and Transactions

Q–21. Does backup withholding apply to bonds the interest from which is exempt from taxation under section 103?

A–21. Interest on a tax-exempt obligation is not reportable under section 6049 if the payee provides a written certification to the payor (other than the issuer) that interest on the obligation is exempt from tax. See § 1.6049–5(b)(1)(ii) of the Income Tax Regulations. If the interest is not reportable under section 6049, it is not subject to backup withholding. A broker, however, is required to report the gross proceeds of a sale of a tax-exempt bond (including redemption of the bond at maturity) under section 6045. Thus, the gross proceeds from the sale of such a bond are subject to backup withholding. Any accrued and unpaid tax-exempt interest included in the sales proceeds is not reportable under § 1.6045–1(d)(3) of the Income Tax Regulations. Accordingly, backup withholding is not required with respect to the portion of the proceeds of the sale that represents accrued tax-exempt interest.

Q–22. Does backup withholding apply to a redemption of a share in a mutual fund?

A–22. Generally, yes. A redemption of shares of a mutual fund (other than a redemption at an issue price described in § 1.6045–1(c)(3)(iv) of the Income Tax Regulations) is a reportable payment under section 6045, and thus the gross proceeds are subject to backup withholding if the fund is considered a broker or a broker is otherwise involved.

Q–23. What amounts are subject to backup withholding upon the disposition of forward contracts or regulated futures contracts?

A–23. If a customer is subject to backup withholding with respect to an account containing forward contracts or regulated futures contracts, the broker must withhold 20 percent of the following amounts:

(i) All cash or property withdrawn from the account by the customer during the year. A withdrawal includes the use of money or property in the account to purchase any property other than property acquired in connection with the closing of a contract. For this purpose, the acceptance of a warehouse receipt or other taking delivery to close a contract is in connection with the closing of a contract only if the property acquired is disposed of by the close of the seventh trading day following the trading day that the customer takes delivery under the contract. In addition, the making delivery to close a contract is in connection with the closing of a contract only if the broker is able to determine that the property used to close the contract was acquired no earlier than the seventh trading day prior to the trading day on which delivery is made. Cash withdrawals do not include repayments of debt incurred in connection with a making or taking delivery that meets the requirements of the preceding three sentences. A withdrawal also does not include payments of variation margin, commissions, fees, a transfer of cash from the account to another futures account that is subject to the rules of this A–23, or cash withdrawals traceable to dispositions of property other than futures (not including profit on the contract separately reportable under § 1.6045–1(c)(5)(i)(*b*) of the Income Tax Regulations).

(ii) The amount of cash in the account available for withdrawal by the customer at the relevant year-end (as described in § 1.6045–1(c)(5) of the Income Tax Regulations).

The payor must include the amount withheld and the amounts subject to withholding, in addition to the amounts otherwise reportable under section 6045, on the Form 1099–B filed with respect to a customer who is subject to backup withholding. The determination of whether the customer is subject to backup withholding should be made at the time of (1) the cash or property withdrawals or (2) the relevant year-end, whichever is applicable.

Q–24. What amount is subject to backup withholding with respect to security sales made through a margin account?

A–24. The amount subject to backup withholding in the case of a security sale made through a margin account (as defined in 12 CFR section 220 (Regulation T)) is the gross proceeds (as defined in § 1.6045–1(d)(5) of the Income Tax Regulations) on such sale. The amount required to be withheld with respect to such a sale, however, is limited to the amount of cash available for withdrawal by the customer immediately after the settlement of the sale. For this purpose, the amount available for withdrawal by the customer does not include amounts required to satisfy margin maintenance under: Regulation T, rules and regulations of the National Association of Securities Dealers and national securities exchanges, and generally applicable self-imposed rules of the margin account carrier. Thus, for example, if the broker forces a customer sale to meet the requirements of Regulation T (a maintenance call), none of the proceeds of such a sale are subject to backup withholding (except to the extent of the fractional amount of the last share sold which exceeds the amount needed to meet the Regulation T margin requirement).

Q–25. What amount is subject to backup withholding with respect to security short sales?

A–25. The amount subject to backup withholding with respect to a short sale of securities is ordinarily the gross proceeds (as defined in § 1.6045–1(d)(5) of the Income Tax Regulations) on such short sale. At the option of the broker, however, the amount subject to backup withholding may be the gain upon the closing of the short sale (if any) and the obligation to withhold can be deferred until the closing. A broker may use this alternative method of determining the amount subject to backup withholding

with respect to a short sale only if at the time the short sale is initiated the broker expects that the amount of gain realized upon the closing of the short sale will be determinable from the broker's records. If, due to events unforeseen at the time the short sale was initiated, the broker is unable to determine the basis of the property used to close the short sale, the property shall be assumed to have a basis of zero. The determination of whether a short seller is subject to backup withholding shall be made on the date (1) of the initiation or closing, as the case may be, or (2) that the initiating or closing, as the case may be, is entered on the broker's books and records.

Q–26. How does backup withholding apply to foreign currency contracts (as defined in section 1256(g))?

A–26. In general, brokers shall report with respect to foreign currency contracts in accordance with the rules for reporting with respect to regulated futures contracts (see § 1.6045–1(c)(5)). For purposes of § 1.6045–1(c)(5)(i)(*b*) of the Income Tax Regulations realized profit (or loss) from a foreign currency contract is determined—

(1) In the case of making or taking delivery, by comparing the contract price to the spot price for the contract currency at the time and place specified in the contract, and

(2) In the case of a closing by entry into an offsetting contract, by comparing the contract price to the price of the offsetting contract.

For purposes of § 1.6045–1(c)(5)(i) (*c*) and (*d*), unrealized profit in a foreign currency contract is determined by comparing the contract price to the broker's price for similar contracts at the close of business of the relevant year. Appropriate additions will be made to § 1.6045–1(c) of the Income Tax Regulations in the near future. For rules determining the amount subject to backup withholding under § 1.6045–1(c)(5), see A–23.

Q–27. When does backup withholding apply to payments arising as a result of the retirement or redemption of a debt security subject to reporting under section 6045?

A–27. In general, backup withholding applies on the sale date under § 1.6045–1(d)(4) of the Income Tax Regulations. Additionally, a broker that is also the obligor on a debt security may elect to apply backup withholding on the payment date. Such a broker must determine whether backup withholding applies on the same date (either sale date or payment date) with respect to all similarly situated payees.

Special Rules With Respect to Readily Tradable Instruments

Q–28. Do special rules apply if an account or instrument is acquired directly from the payor or reportable interest or dividends after December 31, 1983?

A–28. Yes. Special rules apply depending on the manner in which the instrument is acquired. In the case of a readily tradable instrument acquired directly from the payor by means of electronic transmission (*e.g.*, telephone or wire transfer), the payee, at the payor's option, shall be given 30 days after such acquisition to provide the certifications required in A–32 of § 35a.9999–1, before the payor is required to impose backup withholding on the reportable interest or dividends, *Provided* That the payee furnishes a taxpayer identification number to the payor at the time of the acquisition. If the payee withdraws any of the interest or dividends before the certifications are received, however, the payor must withhold 20 percent of the reportable amounts. For purposes of the preceding sentence, all cash withdrawals in an amount up to the reportable amounts are assumed to be interest or dividends. In addition, the payor must commence withholding on all reportable interest or dividends in connection with the instrument or account 30 days after the acquisition, if the payee has not provided the required certifications to the payor by such date.

The special rule described in the preceding paragraph shall also supply to acquisitions that are effected before January 1, 1985, by mail communication. With respect to accounts or instruments acquired by mail or after January 1, 1985, the payor is required to impose backup withholding on the reportable interest or dividend payments if the payee has not provided the required certifications at the time that the first reportable payment is made.

Q–28A. Do special rules apply if a broker sells securities for a customer pursuant to a telephone instruction, in circumstances in which the customer failed to provide a certified taxpayer identification number as required by A–12 of § 35a.9999–2?

A–28A. Yes. The customer, at the payor's option, shall be given 30 days after the date of the sale to furnish a certification as required by A–12 of § 35a.9999–2, provided that (1) the payee furnishes his taxpayer identification number before the sale and (2) the customer does not withdraw the proceeds of the sale prior to the time the required certification is provided (or backup withholding is applied). For purposes of the preceding sentence, an investment of the cash proceeds of the sale in other property shall be considered a withdrawal by the customer; however, investment in other property shall be permitted if, at all times, at least 20 percent of all gross proceeds reportable under section 6045 are held in cash by the broker. If the customer does not provide the required certification within 30 days after the date of the sale, the broker must withhold 20 percent of all reportable gross proceeds on the 31st day after the date of the sale.

Q–29. If a readily tradable instrument is transferred in a transaction between parties unrelated to the payor of the instrument without the assistance of a broker, is the transferee required to certify either the correctness of the taxpayer identification number or that the transferee is not subject to backup withholding due to notified payee underreporting?

A–29. No. Certification is not required in the case of a transfer of a readily tradable instrument between parties unrelated to the payor if the parties act without the assistance of a broker.

Q–30. If a bond in bearer form is redeemed by the obligor after December 31, 1983, is the payee required to certify under penalties of perjury the correctness of the payor's taxpayer identification number?

A–30. Yes. The redemption of such an obligation is subject ot reporting under section 6045 if a broker is otherwise involved. However, the reedemption of an interest coupon is considered a window transaction as provided in A–42 of § 35a.9999–1, so the payee is not required to certify the correctness of the taxpayer identification number.

Foreign Transactions

Q–31. What representations must a person make, on a certificate signed under penalties of perjury, to establish that the is an exempt foreign person under § 1.6045–1(g)(1) of the Income Tax Regulations and, consequently, that the gross proceeds of his broker transactions are not section 6045 reportable payments which may be subject to backup withholding?

A–31. In order to be treated as an exempt foreign person under § 1.6045–1(g)(1) of the Income Tax Regulations with respect to transactions effected by a broker during a calendar year, a customer will only be required to certify to the broker the following: (1) That the foreign person is neither a citizen nor a resident of the United States, (2) that the foreign person has not been, and at the time the statement is furnished

reasonably expects not to be, present, in the United States for a period aggregating 183 or more days during the calendar year, and (3) that the foreign person is not, and at the time the statement is furnished reasonably expects not to be, engaged in a United States trade or business with respect to which any gain derived from transactions effected by the broker during that calendar year is effectively connected. In lieu of making the certifications in (2) or (3) of the preceding sentence, the person may instead certify that he is a beneficiary of an income tax treaty to which the United States is a party and pursuant to which gains from his broker transactions are exempt from Federal income taxation. A person may make this latter certification only if all conditions to the exemption provided by the treaty are actually satisfied.

In accordance with the foregoing, the Service will amend § 1.6045–1(g) of the Income Tax Regulations to indicate that a foreign person need make no express representations to a broker concerning the application of section 877 or section 6013 (g) or (h) (although a person with respect to whom a section 6013 (g) or (h) election is in effect may not make the representation in (1) above that he is not a resident of the United States). These amendments will apply with respect to substitute forms prepared by the broker, as well as to the Form W–8 (which is being developed by the Service for use under the requirements both of § 1.6049–5(b)(2)(iv) and § 1.6045–1(g)(1) of the Income Tax Regulations). Subject to A–32, all other provisions of § 1.6045–1(g) of the Income Tax Regulations will remain in effect.

Q–32. Must a foreign office of a United States broker obtain the statement described in § 1.6045–1(g)(1) of the Income Tax Regulations and A–31 from a foreign person having an account at that office in order to treat such person as an exempt foreign person under § 1.6045–1(g)(1) of the Income Tax Regulations?

A–32. As currently provided in § 1.6045–1(g)(1) of the Income Tax Regulations, a foreign office of a United States broker may treat a customer as an exempt foreign person if it receives a certificate, signed under penalties of perjury, in accordance with § 1.6045–1(g)(1) of the Income Tax Regulations. However, the Service will also permit a person to be treated as an exempt foreign person with respect to transactions effected on his behalf by a foreign office of the broker if either of the following conditions is satisfied: (1) During the calendar year in which such transactions are effected, the broker withholds tax on any amount, including interest and dividends, paid to such person under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3; or (2) the broker, in accordance with § 1.1441–6 (b) or (c) of the Income Tax Regulations, has received from such person a Form 1001 (Ownership, Exemption or Reduced Rate Certificate) or special variation thereof that is in effect with respect to any amounts (including interest) that are or may be paid to such person during the calendar year in which the transactions are effected. These alternatives to obtaining the certificate described in § 1.6045–1(g)(1) of the Income Tax Regulations only apply, however, if payments the broker makes with respect to transactions effected on behalf of such person are made only outside the United States and if such person has no account with a branch of the broker in the United States. Section 1.6045–1(g) of the Income Tax Regulations will be amended to reflect this modification.

Q–33. With respect to payments of United States source original issue discount on obligations having maturities of six months or less from the date of original issue, must a payor obtain the statement described in § 1.6049–5(b)(2)(iv) of the Income Tax Regulations from a payee who is neither a citizen nor a resident of the United States in order to avoid section 6049 information reporting and the possible application of backup withholding?

A–33. Generally, when making payments of United States source interest or original issue discount to a payee who is a foreign person, the payor need not obtain the certificate described in § 1.6049–5(b)(2)(iv) of the Income Tax Regulations since the payor usually either withholds tax on the amounts paid in accordance with subchapter A of chapter 3 of the Code or obtains a Form 1001 from the payee with respect to such payments. See § 1.6049–5(b)(2)(i) and (ii) of the Income Tax Regulations. However, as original issue discount on obligations having maturities of six months or less from the date of original issue is not subject to United States tax when paid to a foreign person, there is neither withholding under subchapter A of chapter 3 of the Code nor the receipt of a Form 1001 with respect to such amount. In order to treat original issue discount on obligations having maturities of six months or less from the date of original issue the same under § 1.6049–5(b)(2) of the Income Tax Regulations as interest and original issue discount on other obligations, the Service will allow a payee who is a foreign person to substitute a Form 1001 for the statement described in § 1.6049–5(b)(2)(iv) of the Income Tax Regulations with respect to original issue discount on obligations having maturities of six months or less from the date of original issue. Despite the substitution of the Form 1001 for the Form W–8 or substitute form prepared by the payor, all other procedures of § 1.6049–5(b)(2)(iv) of the Income Tax Regulations will apply.

Section § 1.6049–5(b)(2) of the Income Tax Regulations will be amended to reflect the modifications made by this A–33.

Q–34. Are payments of foreign source interest made on deposits outside the United States by a foreign branch of a United States bank reportable payments that may be subject to backup withholding?

A–34. As provided in § 1.6049–5(b)(1)(ix) of the Income Tax Regulations, such payments are not required to be reported under section 6049. However, except to the extent such payments are less than $600 in a taxable year or are made to persons who are neither citizens nor residents of the United States, they are subject to information reporting under section 6041(a).

For purposes of section 6041(a), a foreign branch of a United States bank may treat a person as being neither a citizen nor a resident of the United States if the bank has evidence in its records to such effect (provided it does not have actual knowledge that the evidence is false). Such evidence may include a written indication from the payee (*e.g.*, appearing on an account application form) that the payee is neither a citizen nor a resident of United States or an affidavit from an employee of the United States bank stating that the employee knows that, or that the payee has represented orally that, he is neither a citizen nor a resident of the United States. The mere fact, however, that the payee has provided an address outside the United States is insufficient evidence to establish for this purpose that the payee is neither a citizen nor a resident of the United States.

Foreign source interest payments made on deposits outside the United States by foreign branches of United States banks to United States persons, although reportable payments under section 6041(a), will not be subject to backup withholding beginning January 1, 1984. However, the issue of whether backup withholding should be applied with respect to such payments is presently under further consideration. If backup withholding is subsequently

determined to be appropriate, such will be provided in future regulations. Backup withholding, in that case, would apply no earlier than July 1, 1984, and would apply on a prospective basis only. Payments of interest on deposits of United States persons with foreign branches of foreign banks similarly will not be subject to backup withholding beginning January 1, 1984.

Q–35. In the case of a payment to joint payees, must a payor obtain the statement described in § 1.6049–5(b)(2)(iv) of the Income Tax Regulations (or other verification of foreign status described in § 1.6049–5(b)(2) (ii) or (iii) of the Income Tax Regulations) with respect to each payee in order for such payment to be exempt from information reporting under § 1.6049–5(b)(1)(vi) of the Income Tax Regulations and from the possible application of backup withholding?

A–35. Yes. In order for a payment to be exempt from information reporting under § 1.6049–5(b)(1)(vi) of the Income Tax Regulations (and in order not to constitute a reportable payment to which backup withholding may apply), the payor must ascertain in accordance with the provisions of § 1.6049–5(b)(2) of the Income Tax Regulations that each payee is a foreign person. A broker similarly must verify the independent status of each person on a joint account as an exempt foreign person in accordance with the provisions of § 1.6045–1(g)(1) of the Income Tax Regulations, and of A–31 and A–32, in order to exempt transactions effected on behalf of such account from section 6045 information reporting and from the possible application of backup withholding.

If the first payee named on the account, but not every joint payee, provides the verification of foreign status referred to in this A–35, backup withholding shall commence unless any one of the joint payees has provided a taxpayer identification number to the payor in the manner otherwise required in §§ 35a.9999–1 and 35a.9999–2. This is contrary to the general rule of section 3406(h)(3), which would require backup withholding to commence unless a taxpayer identification number is obtained from the first payee listed in the payment.

Q–36. In order to avoid information reporting under section 6042 and the possible application of backup withholding, must a payor of United States source dividends to a person having an address outside the United States obtain from such person a statement, signed under penalties of perjury, that the person is neither a citizen nor a resident of the United States?

A–36. No. The regulations under section 6042 exempt from information reporting any United States source dividends that are subject to withholding under section 1441 or section 1442 or that would be subject to such withholding either but for the provisions of a treaty or but for the fact of the application of § 1.1441–4 (a) or (f) of the Income Tax Regulations (relating to income effectively connected with a United States trade or business). See § 1.6042–3(b)(2) of the Income Tax Regulations. The regulations under section 1441 indicate that, absent definite knowledge of the status of a payee, a payor of United States source dividends may determine whether withholding is required under section 1441 (absent the receipt of a Form 4224 evidencing effectively connected income) or whether a payee is entitled to exemption from such withholding under the applicable provisions of a treaty by reference to the address of the payee. See § 1.1441–3(b)(3) of the Income Tax Regulations. Therefore, provided a payor does not have definite knowledge that a payee is a United States person, the payor may treat payments of United States source dividends to a payee with a foreign address as exempt from information reporting under section 6042 and from the possible application of backup withholding. (Note, however, that the use of the address method for purposes of section 1441 is under reconsideration in accordance with the provisions of section 342 of the Tax Equity and Fiscal Responsibility Act of 1982. Future elimination of such a method could impact prospectively on the requirement of backup withholding with respect to dividends).

Payments of dividends to United States persons by a foreign corporation which are not exempt from information reporting under § 1.6042–3(b)(1) (relating to payments by a foreign corporation that is not engaged in business in the United States and that does not have an office or place of business or a fiscal or paying agent in the United States) will nevertheless not be subject to backup withholding beginning January 1, 1984. However, the issue of whether backup withholding should be applied with respect to such payments is presently under further consideration. If backup withholding is determined to be appropriate, such will be provided in future regulations. Backup withholding, in that case, would apply no earlier than July 1, 1984, and would apply on a prospective basis only.

Q–37. With respect to a payment of interest that would be subject to information reporting under section 6049 but for the fact that it is made outside the United States, how is the place of payment to be determined?

A–37. For purposes of the reporting requirements of section 6049 and backup withholding, the place of payment of interest is considered to be the place where the payor or middleman completes the acts necessary to effect payment. The fact that payment is made from an account with a United States office of a United States or foreign bank by means of a draft drawn on the bank or by a wire or other electronic transfer from an account with the United States office of the bank is not alone determinative of the place of payment. Similarly, the fact that payment is made by means of a transfer into an account of the payee witha United States office of a United States or foreign bank, whether by means of a wire or other electronic transfer, is not determinative of the place of payment, unless such office is expressly authorized by the payee to act as agent for collection of the interest or unless the records of such office otherwise reasonably evidence the nature of the funds transferred as interest and the amount of such interest.

Subject to the foregoing provisions concerning the receipt of wire and other electronic transfers, a bank or similar financial institution is generally considered to complete the acts necessary to effect payment of interest on its deposits at the branch or office at which it credits the interest to the account of the payee or at which payment is made in cash. However, in no event shall interest be considered to be paid for purposes of section 6049 at a branch or office of the financial institution unless all the following conditions are met: (1) The branch or office is a permanent place of business which is regularly maintained, occupied, and used to carry on a banking or similar financial business, (2) the business is conducted by at least one employee of the branch or office who is regularly in attendance at such place of business during normal business hours, and (3) the branch or office receives deposits of funds from the public and in addition also engages in one or more of the other activities listed in § 1.864–4(c)(5)(i) of the Income Tax Regulations.

In the case of a coupon bond (including a certificate of deposit with detachable interest coupons), the acts necessary to effect payment of interest are considered to be completed within the United States either if: (1) A coupon is presented to a payor or middleman

within the United States (regardless of whether the funds paid are credited to an account of the payee maintained outside the United States); or (2) the coupon is presented at an office of a payor or middleman outside the United States but the interest on the coupon is credited to an account of the payee maintained with another office of the payor or middleman within the United States. The application of the provisions of this A–37 will be illustrated by examples to be published in future regulations.

Refund of Erroneously Withheld Amounts

Q–38. What action should a payor take if the payor erroneously imposes backup withholding?

A–38. If a payor, through its own error, withholds tax or withholds more than the proper amount of the tax, the payor may refund the amount erroneously withheld as provided in section 6413 and A–39. A payor shall be considered to have withheld erroneously only if the amount is withheld because of an error by the payor (*e.g.*, an error in "flagging" or identifying an account that is subject to backup withholding). If the payor requires a payee described in § 31.352(c)–(1) (b) through (p) of the Employment Taxes and Collection of Income Tax at Source Regulations (*e.g.*, a corporation) to certify as to its status as exempt from backup withholding, the payee fails to make the required certification, and the payor subsequently withholds the tax from a payment to such payee, the payor may, in its discretion, treat the amount withheld as an amount erroneously withheld and refund it to the payee. The result is the same if the payor does not require such a payee to certify as to its status and the payor withholds.

If a payor withholds from a payee after the payee provides a taxpayer identification number or required certification to the payor but before the payor has processed the number or required certification (*i.e.*, prior to the time that the payor is treated as having received the number or certification under A–17 of § 35a.9999–2), the payor may, in its discretion, treat the amount withheld as an amount erroneously withheld and refund it to the payee. If a payor withholds, however, because the payor has not received a taxpayer identification number or required certification and the payee subsequently provides a taxpayer identification number or the required certification to the payor, the payor may not refund the tax to the payee because the payor properly imposed backup withholding. The amount withheld is a credit against tax then the payee may take into account in computing estimated tax payments and may claim on the payee's income tax return.

Q–39. In what manner should a payor treat erroneously withheld tax?

A–39. If a payor withholds from a payee in error or withholds more than the correct amount of tax, the payor may refund the amount improperly withheld to the payee so long as the refund is made prior to the end of the calendar year and prior to the time the payor furnishes a Form 1099 to the payee with respect to the payment for which the improper withholding occurred. If the amount of the improper withholding is refunded to the payee, the payor shall keep as part of its records a receipt showing the date and amount of refund. For this purpose, a cancelled check or an entry in a statement, a copy of which is provided to the payee by the payor, will suffice for a receipt showing the refund of tax improperly withheld provided that the check or statement contains a specific notation that it is a refund of tax improperly withheld.

If the payor has not deposited the amount of the tax prior to the time that the refund is made to the payee, the payor shall not deposit the amount of the tax improperly withheld. If the amount of the improperly withheld tax has been deposited prior to the time that the refund is made to the payee, the payor may adjust any subsequent deposit of tax collected under chapter 24 of the code which the payor is required to make in the amount of the tax which has been refunded to the payee. A payor shall not report on a Form 1099 as tax withheld any amount of tax which the payor has refunded to a payee.

Q–40. If a "middleman" payor of reportable interest or dividends (*e.g.*, a broker holding stock in "street name") receives a payment a portion of which was improperly withheld upon prior to payment to the "middleman" payor, what action may the "middleman" take?

A–40. A middleman who receives a payment (referred to as a "receiving payor") from which tax has been improperly withheld may seek a refund of the tax withheld by the payor from whom the receiving payor received the payment (referred to as the "upstream payor") or, alternatively may obtain a refund of the tax by claiming a credit for the amount of tax withheld by the upstream payor against the deposit of any tax collected under chapter 24 of the Code which the receiving payor is required to withhold and deposit. The receiving payor shall make or credit the gross amount of the payment (including the tax withheld) to its payee as though it had received the gross amount of the payment from the upstream payor and shall withhold the tax if any of the conditions for imposing backup withholding exist with respect to its payee.

When Backup Withholding Stops

Q–41. When may a payor stop withholding?

A–41. If a payee is subject to backup withholding because the payee failed to furnish a taxpayer identification number in the manner required, the payor is required to withhold until a taxpayer identification number is received from the payee in the manner required. Once the payor receives the payee's taxpayer identification number in the manner required, the payor must stop withholding. See A–17 of § 35a.9999–2 for determining when a payor is treated as having received a taxpayer identification number. The same rule applies with respect to a payee certification failure under section 3406(a)(1)(D). If more than one condition applies for imposing backup withholding, a payor is required to withhold until all of the conditions for imposing backup withholding cease to apply.

Confidentiality

Q–42. What use may a payor make of information obtained under the backup withholding rules?

A–42. A payor may use information obtained under the backup withholding rules (including any information with respect to any payee certification failure other than failure to certify the payee's taxpayer identification number) only for the purposes of complying with the backup withholding and information reporting requirements, or to the extent otherwise permitted by the Code. Any other use of this information may subject the payor to civil damages under section 7431 of at least $1,000 plus the cost of the action.

Q–43. May a payor impose a surcharge to cover the cost of backup withholding on an account?

A–43. No. If the payor imposes a surcharge on such an account, the payor is liable to the payee under section 7431 for an unauthorized use of information obtained by the payor under section 3406.

Q–44. If a payor imposes backup withholding on a payee, may the payor use this information in determining whether to extend credit to the payee?

A–44. No. If the payor uses this information in making its decision, the payor is liable to the payee under section 7431 for an unauthorized use of

information obtained pursuant to section 3406.

Q–45. If a payor is notified to begin withholding on payments made with respect to a payee and the payor provides notice to the payee of the withholding, has the payor made an unauthorized disclosure under section 7431?

A–45. No. If, for example, a payor receives a notice from a broker of the requirement to withhold with respect to a payee and the payor, pursuant to A–39 of § 35a.9999–1 and A–18 of § 35a.9999–2, provides notice to the payee of such withholding, the payor has no liability to the payee under section 7431.

Miscellaneous

Q–46. If a payor withholds on any payment and the payment is less than the minimum amount for which an information return is required, is the payor required to make an information return and furnish a statement to the recipient?

A–46. Yes. Whenever the payor imposes backup withholding, the payor is required to make an information return regardless of the amount of the payment. The information return shall show the payee's name, address, and taxpayer identification number, the amount of the payment (or aggregate payments to the payee during the calendar year), and the amount of tax withheld. The information return must be provided to the Service no later than February 28 of the year following the calendar year of payment. In addition, the payor is required to furnish a statement to the payee showing the same information, including the amount of tax withheld no later than January 31 of the year following the calendar year of payment.

Q–47. Does backup withholding apply to partnerships?

A–47. Backup withholding generally will apply to a payment to a partnership if the partnership does not provide its correct employer identification number to the payor in the manner required. In addition, the partnership will be required to withhold on all reportable payments that a partnership makes to a payee who is subject to backup withholding. Distributions by a partnership to its partners of their distributive share of partnership income, however, are not reportable payments, so that backup withholding does not apply to such distributions, except to the extent such distributions are reportable under section 6045.

Q–48. May payors require that a separate Form W–9 be filed for each account or instrument held by a payee?

A–48. Yes. See A–29 of § 35a.9999–1. However, a payor at its option, may require a payee to file only one Form W–9 for all accounts or instruments of the payee. For example, a bank may permit a payee to file one Form W–9 for all savings, interest-bearing checking, or other accounts the payee has with the bank. In addition, a payee of a mutual fund that has a common investment advisor or common principal underwriter with other mutual funds will be permitted, in the discretion of the mutual fund, to provide one Form W–9 with respect to shares acquired or owned in any of the funds.

Q–49. Do the general rules for deposit, payment, penalties, and reporting of taxes withheld from wages apply to backup withholding?

A–49. Yes. Section 3406(h)(1) provides generally that payments subject to backup withholding shall be treated as wages. Thus, the general procedures for withholding, deposit, payment, and reporting of Federal tax withheld shall apply to payments subject to backup withholding. For example, section 6205 provides that an employer (payor) who makes an undercollection of income tax required to be withheld shall correct such error for the return period in which the undercollection is ascertained. Accordingly, section 6205 requires the employer (payor) to withhold amounts from subsequent payments to the employee (payee) that should have been withheld from prior payments, whether or not such subsequent payments are subject to withholding. Thus, a payor who does not impose backup withholding when required must withhold from subsequent payment to the payee even though the conditions for imposing backup withholding may not exist at the time the subsequent payment is made to the payee.

Q–50. If a payor uses a single employer identification number to report the tax withheld by all its subsidiaries, must all tax withheld with respect to reportable payments by its subsidiaries be aggregated for purposes of determining when tax withheld by them with respect to reportable payments must be deposited under section 6302?

A–50. Yes. All tax withheld under a single employer identification number with respect to reportable payments must be aggregated for purposes of determining when such tax must be deposited.

Q–51. In order for a payor of a reportable interest or dividend payment to be considered to have exercised due diligence in furnishing the correct taxpayer identification number of a payee with respect to an account opened or an instrument acquired after December 31, 1983, what actions must the payor take?

A–51. In general, the payor of an account or instrument that is not a pre-1984 account (as defined in A–34 of § 35a.9999–1 and A–19) must use a taxpayer identification number provided by the payee under penalties of perjury to satisfy the due diligence requirement. Therefore, if, after 1983, a payor permits a payee to open an account without providing proper certification that the taxpayer identification number furnished is correct, and a Form 1099 is filed by the payor with a missing or incorrect number, the payor will be liable for the $50 penalty.

A payor also will be considered to have exercised due diligence with respect to a readily tradable instrument that is not a pre-1984 account if the payor (1) uses a taxpayer identification number furnished by a broker or (2) records on its books a transfer to which the payor was not a party. In addition, a payor with respect to an account or instrument that is not a pre-1984 account will be considered to have exercised due diligence if the payee has complied with the requirements of A–18 of § 35a.9999–2 (exception for a payee who is waiting for receipt of a taxpayer identification number), provided that the payor imposes backup withholding if the payee fails to provide a taxpayer identification number in the manner and within the period required by A–18 of § 35a.9999–2.

When a broker notifies the payor that a payee failed to certify or furnish a taxpayer identification number, the payor will be considered to have exercised due diligence if the payor: (1) Imposes backup withholding if the payee did not certify his taxpayer identification number to the payor, (2) provides notice to the payee as provided in A–39 of § 35a.9999–1 and A–18 of § 35a.9999–2, and (3) encloses a postage paid reply envelope.

In addition, to have exercised due diligence, a payor must use the same care in processing a certified taxpayer identification number provided by a payee that a reasonably prudent payor would use in the course of the payor's business in handling account information, such as account numbers and account balances. With respect to window transactions (as defined in A–42 of § 35a.9999–1 and A–9 of § 35a.9999–2), a payor shall be considered to have exercised due diligence only if it uses the taxpayer identification number provided by the payee. If no number is provided, the payor will not be considered to have exercised due diligence.

Q–52. Does the rule of A–5 of § 35a.9999–2 which allows a payor to deliver the mailings described in A–5 and A–6 of § 35a.9999–1 in person or by intra-office mail, apply with respect to mailings requesting a penalties of perjury statement from foreign payees described in A–52 and A–55 of § 35a.9999–1?

A–52. Yes. A payor or broker may deliver the mailings requesting the penalties of perjury statement from foreign payees described in A–52 and A–55 of § 35a.9999–1 provided the mailings are delivered by the same method used by the payor or broker in sending account activity and balance information and other correspondence to the payee.

§ 35a.9999–2 [Amended]

Par. 2. In FR Doc. 83–31748, found at page 53111 (Nov. 25, 1983) the second sentence of A–21 of § 35a.9999–2 is amended to provide as follows: Backup withholding also is not required with respect to any other reportable payment made to an exempt recipient described in § 31.3452(c)–1 (b) through (p) of the Employment Taxes and Collection of Income Tax at Source Regulations, except in the case of (1) payments with respect to barter exchange transactions reportable under section 6045, and (2) payments reportable under sections 6041, 6041A, and 6050A.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 3406 (a), (b), (c), (e), (g), (h), and (i), section 6041, section 6041A(a), section 6042(a), Secton 6044(a), section 6045, section 6049 (a), (b), and (d), section 6103(q), section 6109, section 6302(c), section 6676, and section 7805 of the Internal Revenue Code of 1954 (97 Stat. 371, 372, 373, 376, 377, 378, 379, 26 U.S.C. 3406 (a), (b), (c), (e), (g), (h), and (i); 68A Stat. 745, 26 U.S.C. 6041; 96 Stat. 601, 26 U.S.C. 6041A(a); 96 Stat. 587, 26 U.S.C. 6042(a); 96 Stat. 587, 26 U.S.C. 6044(a); 96 Stat. 600, 26 U.S.C. 6045; 96 Stat. 592, 594, 26 U.S.C. 6049 (a), (b), and (d); 90 Stat. 1685, 26 U.S.C. 6103(q); 75 Stat. 828, 26 U.S.C. 6109; 68A Stat. 775, 26 U.S.C. 6302(c); 68A Stat. 917, 26 U.S.C. 7805) and in sections 104, 105, and 108 of the Interest and Dividend Tax Compliance Act of 1983 (97 Stat. 369, 371, 380, and 383).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 16, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-33848 Filed 12-19-83; 4:53 pm]

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Tuesday
December 20, 1983

Part V

Department of Transportation

Federal Aviation Administration

Standard Instrument Approach Procedures; Stapleton International Airport, Denver, Colorado; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 23709; Amdt. No. 97-1258A]

Standard Instrument Approach Procedures; Denver (Stapleton) LDA/DME Rwy 35R

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a new standard instrument approach procedure (SIAP), for runway 35 right (35R) at Stapleton International Airport, Denver, Colorado. This SIAP is designed to permit simultaneous approaches to runways 35L and 35R under instrument flight rules. It will be used during specified weather conditions. During those conditions, the new procedure will provide safe, as well as more efficient, use of the navigable airspace and is essential to reduce congestion in the flow of air traffic arriving at Denver from other points in the air traffic system during certain weather conditions.

EFFECTIVE DATE: January 19, 1984.

ADDRESSES: Availability of matters included in this amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591 (an index of relevant documents has been furnished for convenience);
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence, Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591, Telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION:

History

On July 21, 1983, in Notice 83-10, the FAA proposed (48 FR 33638, July 25, 1983) to amend Part 97 of the Federal Aviation Regulations (FAR) (14 CFR Part 97) to add a new "offset" standard instrument approach to runways 35R at Denver that would permit the use of simultaneous approach procedures to runway 35L and 35R with an offset localizer, based upon a Localizer Type Directional Aid and Distance Measuring Equipment (LDA/DME). Except for a minor change to a note on the approach plate, the SIAP issued hereunder is identical to a SIAP previously issued on May 27, 1983, and published in Part 97 (48 FR 24037) on May 31, 1983, which was canceled prior to Notice 83-10 in order to obtain additional public comment.

Prior to the closing date for receiving comments (September 8, 1983) three requests for an extension of the comment period were received. These requests were based upon: the need for the Air Line Pilots Association (ALPA) to have further time to study data developed by a wake-turbulence study at the Transportation Systems Center at Cambridge, Massachusetts; the need for safety concerns of the ALPA and the National Transportation Safety Board (NTSB) to be addressed; the need for environmental concerns to be studied more; and the need for a public hearing to explore alternatives to the proposal. The requested extensions were denied for the following reasons: the results of the wake-turbulence study were made available to ALPA shortly after its completion in November 1982, and ALPA provided its comments through working groups of the Airport Operators Council International (AOCI). ALPA has, therefore, had ample time to review the results of the wake-turbulence study. The City of Aurora had been consulted frequently before the issuance of the NPRM concerning an LDA/DME approach for Denver. These contacts with Aurora occurred in October and November 1982 and in January, February, March, and April 1983. In addition, in response to Notice 83-10, the City has provided extensive comments, consisting of more letters and petitions signed by more than 50 state and local officials, as well as residents. The environmental considerations raised in local comments were assessed in an Environmental Assessment (EA) which was coordinated with the City of Aurora, the U.S. Environmental Protection Agency (EPA), and others before it was adopted and before a finding of no significant environmental impact was made. The contacts with Aurora included a public meeting attended by some 700 persons, with the FAA providing a briefing on March 23, 1983, at Aurora after which detailed written comments were received and considered by FAA. In addition, as noted below, a video tape of the FAA briefing at Aurora's public hearing, and of the community response to that briefing, has been reviewed. Finally, as noted above, the SIAP issued hereunder was previously issued on May 27, 1983, and published in Part 97 as a final rule (48 FR 24037, May 31, 1983), before it was withdrawn and made the subject of Notice 83-10. The studies, correspondence, and other related material which preceded the rule date back to the Denver Task Force Delay Study completed in March 1980 and are comprised of hundreds of documents and thousands of pages. See list of materials in the docket. For these reasons, the FAA determined not to extend the basic comment period. Nevertheless, those requesting extensions were advised that Part 11 of the FAR, which governs the agency's rulemaking procedures, provides that, in addition to considering all timely comments before final action is taken, "late filed comments are considered so far as possible without incurring expense or delay" (14 CFR 11.47(a)). The FAA has considered all comments received to date, including the comments submitted after the closing date by all of those requesting extensions.

On November 1, 1983, a hearing on the proposed LDA/DME approach at Denver was held before the Subcommittee on Government Activities and Transportation of the Committee on Government Operations. Participants included representatives of the City of Aurora, ALPA, the NTSB, and the FAA. In addition to participating in the hearing, the FAA has reviewed all of the formal statements prepared for and submitted to the Subcommittee before completing its action on this rulemaking and has responded on December 9, 1983, to questions posed by the subcommittee in correspondence dated November 22 and 23, 1983. The matters raised in the formal statements and subsequent correspondence are included in the breakdown of issues discussed below.

All interested persons have been afforded an opportunity to participate in this rulemaking action. More than 85 comments were received in response to the NPRM. The commenters, numbering over 100, included individuals, representatives of most national aviation user organizations, two airlines, the cities of Denver and Aurora, as well as other state and local officials, Members of Congress, the National Transportation Safety Board (NTSB), and the EPA. As indicated earlier, due consideration has been given to all comments received. In addition, a videotape of the public meeting held at Aurora on March 23, 1983, was submitted by the City of Aurora and has been reviewed. A partial transcript of that meeting was also submitted by the City of Aurora at the agency's request and has been reviewed in the light of the issues raised on the videotape. It is also included in the docket.

Comments ranged from total support of the proposal to total rejection, including support by local chambers of commerce, user associations representing the domestic airlines, the 165,000 pilot/operators, the airline pilots, and business aircraft operators. Support, in turn, ranged from unreserved support to support with suggestions for changes and in-service evaluation and conditional support based upon resolution of technical safety concerns. Outright objection to the proposal was received from numerous residents and citizen groups. A few residents favored it.

The comments received are analyzed below. For ease of understanding, this analysis is divided into two broad categories: a Technical Section, which includes an evaluation of pertinent safety standards criteria, and an Environmental Section, which deals with noise and related issues. These sections are further subdivided by subjects which were identified by the various issues raised in the various comments. At the conclusion of the preamble, an Operational Summary of the rule is presented.

The rule, except for the minor note change discussed hereafter, is adopted as proposed in the NPRM. It is effective no earlier than 30 days after publication. The effective date is coordinated with the publication date for the charts portraying the approach, prepared for the use of pilots by the U.S. Coast and Geodetic Survey, and other publishers of aeronautical charts.

The FAA's decision to adopt this procedure is based on a weighing of the following factors in the public interest: The importance of the procedure not only to airport access at Denver but also to effective and predictable air transportation at other airports affected by delays at Denver; consideration and resolution of safety issues raised by concerned persons; consideration of potential noise impacts of the new procedure; and the commitment of the FAA to monitor the operational aspects of the procedure during its first year of use.

Discussion of Comments

Technical Comments

Localizer Restriction

Six comments were received which object to the limitation which appears in the annotation to the procedure which notes, "fly localizer until abeam 35L threshold." These commenters essentially object to not allowing the pilot to maneuver for early runway alignment at higher altitudes on the final approach. One commenter recommends modifying the proposed note by deleting the words, "fly localizer until abeam 35L threshold." By deleting this requirement, it was felt that a pilot could maneuver as necessary for runway alignment after passing the missed approach point (MAP) and enhance his ability to fly a stabilizd approach in accordance with most airline standard operating procedures. Another recommends that the procedural note be changed to, "Simultaneous approach authorized with runway 35L, fly localizer until cleared for a visual approach." Another recommends changing the procedure to reflect that simultaneous approaches should be allowed only when the pilot is cleared for a visual approach and traffic for the other runway is in sight. This would enable pilots to maneuver onto the final course alignment as soon as practical to maintain a stabilized approach to the runway.

The restriction to fly the localizer until abeam 35L threshold will assure that wake turbulence standards are satisfied. However, in proposing this restriction, it was not the intent of the FAA to preclude a pilot from requesting and being cleared for early runway alignment provided the pilot has the runway and other traffic in sight.

When such visual separation is accepted by the pilot, the responsibility for avoiding wake turbulence rests with the pilot as discussed in the Airman's Information Manual (AIM).

The FAA agrees that the maximum possible stabilized approach is desirable as identified in FAA Order 8430.17. To assure, therefore, that these matters are clearly understood, the note in the final rule is revised to include two separate notes reading as follows:

(1) "Simultaneous approaches authorized with runway 35L."

(2) "Fly localizer until abeam runway 35L threshold, unless otherwise authorized by air traffic control (ATC)."

The only change from Notice 83–10 is the addition of the words "unless otherwise authorized by ATC." This will permit earlier alignment with Runway 35R when deviation from the localizer is authorized by air traffic control (ATC).

A commenter complains that the 10-degree turn necessary for runway alignment is excessive. Straight-in approach criteria require runway alignment within a maximum of 30 degrees of the final approach course. The 10-degree turn, in the proposed procedure, is only one-third of the maximum allowed for straight-in approaches.

Wake Turbulence

Wake turbulence concerns were expressed by several commenters. As noted in the NPRM, studies of the effects of wake turbulence have been conducted by the Department of Transportation Research and Special Programs Administration, Transportation Systems Center, Cambridge, Massachusetts. These evaluations resulted in recommendation for realignment of the LDA final approach course to provide at least 2,500 feet lateral separation between aircraft abeam the threshold of runway 35L.

As stated in the notice, the final approach course on the LDA had been realigned as recommended in that study and wake-turbulence separation criteria are satisfied.

Wake-turbulence data indicate that "heavy" aircraft (over 300,000 pounds or more, maximum gross takeoff weight) should not use the LDA/DME for simultaneous approaches to runway 35R. Accordingly, as the NPRM stated, "heavy" aircraft executing simultaneous approches will be cleared to runway 35L only. Thus, as discussed below in the section "Compliance with FAA Handbooks," lighter aircraft using the LDA/DME runway 35R procedure would not be affected by "heavy" aircraft approaching runway 35L.

Missed Approach

Two technical consultants who commented are concerned that certain deviations from United States Standard for Terminal Instrument Procedures (TERPS) might occur by overlapping areas of protected airspace.

Some misunderstanding exists with respect to the use of the term "protected airspace." In the context of TERPS, it refers to obstacle clearance only; ATC

personnel have different areas they protect for the purpose of air traffic separation. These consultants state that FAA Order 7030.1, *Protected Airspace*, would not be complied with by the FAA's adoption of the proposed SIAP. That order refers to procedure turns, high altitude procedures, and holding patterns. These provisions are not applicable to the Denver LDA/DME procedure.

In addition, both commenters feel the missed approach turn of almost 60 degrees is an undesirable maneuver for high performance turbojet aircraft in a landing configuration, as well as a violation of paragraph 271 of TERPS. The FAA does not agree. This turn does not require excessive bank angles. Many other instrument flight rule (IFR) procedures safely exceed the turn requirement in the LDA/DME missed approach procedure.

FAA experience with the amount of heading change in these procedures has been completely satisfactory.

Finally, the consultants state, there is a requirement for a common missed approach procedure to be used on both runways 35L/R. (Reference TERPS, paragraph 997.) This is incorrect. the TERPS criteria require that the missed approach procedure for a given runway be the same, regardless of whether simultaneous or nonsimultaneous approaches for a given parallel runway are being conducted. However, those criteria do not require that the missed approach for each of the two parallel runways be the same. To the contrary, paragraph 997 requires that these missed approach procedures must diverge from each other.

In one of the comments, it is noted that although the visibility minimum at the MAP is 3 statute miles, the MAP is physically 3 nautical miles, or approximately 3.5 statute miles, away from the threshold of 35R. Therefore, it was observed that a pilot may not be able to see the runway environment from the MAP. This is not so, as the approach light system (ALSF–2) serving runway 35R extends the runway environment closer to the MAP. Since the pilot can see the lights before seeing the threshold, a "credit" of ½ statute mile visibility is allowed under TERPS because of the ALSF–2 light system. This high visibility lighting system conservatively bridges the ½ mile "gap" between 3 statute and 3 nautical miles.

Compliance With FAA Air Traffic Handbooks

Aviation consultants comment that the proposed SIAP appears to not be in compliance with standards specified in FAA Handbook 7110.65C, *Air Traffic Control* (specifically, paragraphs 798 and 1420), or those in FAA Handbook 7210.3F, *Facility Management* (specifically, paragraph 1235a).

Paragraph 798 of Handbook 7110.65C and paragraph 1235a of Handbook 7210.3F normally provide for a separation of at least 4,300 feet between parallel runways when simultaneous ILS approaches are authorized. However, the full intent of the provision is met at Denver because the angle of offset ensures a separation of at least 4,300 feet throughout the nonvisual portion of the approach (that is, down to MAP). Therefore, these paragraphs have been amended to authorize controllers to clear simultaneous approaches at Denver under specific conditions, including instructions to direct a missed approach at or beyond the MAP if visual separation does not exist. Although the runways are not separated by 4,300 feet, the ATC procedures fully comply with paragraph 798, as amended, to MAP. It should be noted that simultaneous same-direction operation approaches to runways 35L/R may be conducted in accordance with Handbook 7110.65C, paragraph 1103, which allows a runway separation distance of 700 feet under visual conditions. The runway separation distance for runways 35L and 35R (1,600 feet) is more than twice that amount.

Paragraph 1420 note assumes that where parallel runways are less than 2,500 feet apart the final approach course (FAC) would be less than 2,500 feet apart. Such is not the case with this 10 degree offset LDA/DME 35R approach, and wake turbulence is dealt with by the course separation or by visual separation. Therefore, it is determined that paragraph 1420 note does not apply.

One commenter suggests that the note applicable to paragraph 798f appears to be violated as the proposed SIAP localizer course converges at 10 degrees and is not parallel to the runway 35L localizer; therefore, separation between aircraft is not defined. The paragraph note (798f) states: "Aircraft established on a localizer course are separated from aircraft established on an adjacent parallel localizer course provided neither aircraft penetrates the depicted no transgression zone" (NTZ). This should not be construed to mean that aircraft on converging courses are not separated.

With respect to the assurance that the depicted NTZ will not be penetrated, the separation objective stated in the note is fully satisfied under the offset approach procedure. As noted concerning paragraph 996 of the TERPS, the NTZ is based on the approach courses, rather than the extended centerlines of the two runways. As also noted, the separation on the final approach courses will ensure that the NTZ (which is based on those separated approach courses) will not be violated. Accordingly, the intent of the note to paragraph 798 is complied with.

This same commenter also comments that it is possible for an aircraft approaching runway 35R to report the airport approach lights in sight and yet for the controller not to be able to see the aircraft. The commenter also states that paragraph 798h(3) requires the controller to provide visual separation from traffic on runway 35L and that paragraph 798h(5)(b) requires termination of radar monitoring. The commenter states the above visibility condition could result in an aircraft making an approach to runway 35R while: (1) Radar monitoring has been terminated and (2) visual separation cannot be applied.

The FAA does not entirely agree with this comment. It is possible for an aircraft approaching runway 35R to report the airport approach lights in sight and, yet, for the controller not to be able to see the aircraft. However, it is not true that paragraph 798h(3) requires the controller to provide visual separation from traffic on runway 35L.

The issue addressed in this comment has been accounted for by an amendment to paragraph 798h(3) which states that: *"Unless other approach separation exists* when an aircraft conducting an LDA/DME 35R approach passes the 35R MAP, visual separation from traffic on 35L will be provided by the controller" (emphasis supplied); therefore, visual separation may be applied not only when the controller visually sights the aircraft, but also when the pilot assumes responsibility for separation. FAA concurs that radar monitoring is terminated when the aircraft reports the approach lights or runway lights in sight (paragraph 798h(5)(b)). However, termination of final approach course radar monitoring does not mean that other radar service is also terminated. Radar services, such as traffic advisories and safety advisories are not terminated until an aircraft making an instrument approach has landed or the tower has the aircraft in sight, whichever occurs first (Handbook 7110.65C, appendix 4, Radar Service). In this situation, radar service will still be provided, even though radar monitoring has been terminated, until the controller visually sights the aircraft. Radar monitoring is provided for simultaneous approaches primarily to

ensure that aircraft do not enter the NTZ. Once the aircraft passes the MAP, radar monitoring is terminated, but radar service continues.

This commenter also expresses concern regarding possible derogation of safety if "heavy" aircraft conducting a missed approach to runway 35L climb straight ahead to altitudes above that of large and small aircraft approaching runway 35R. It is stated that wake turbulence from these "heavy" aircraft may disrupt the approaching aircraft on runway 35R.

FAA agrees that "heavy" aircraft conducting a missed approach to runway 35L could create wake turbulence, and that the wake turbulence is a concern for other aircraft. However, since visual separation will be applied during the only portion of the approach that may be affected by wake turbulence, the wake turbulence would be avoided just as it would for an aircraft making a random visual approach to 35R. In the case of a random visual approach, the lateral distance between the "heavy" aircraft on 35L and the "large" or "small" aircraft on 35R could be as close as 1,600 feet (distance between runways 35L/R), and as in the case of the visual portion of the LDA/DME approach, adequate wake turbulence separation is achieved through the application of visual separation procedures. Procedures for application of wake turbulence separation and cautionary advisories are contained in Handbook 7110.65C, chapter 6, Wake Turbulence. In the situation described, the controller would be required to issue a cautionary advisory, and if visual separation was being provided by the aircraft, it would be the pilot's responsibility to avoid wake turbulence effects.

Finally, a commenter points out that there appears to be an amendment of the requirements of Handbook 7210.3F, paragraph 1235a (two ILS systems and a minimum separation of 4,300 feet). This observation is correct, and the amendment is similar to the amendment noted earlier in the case of Handbook 7110.65C. Both amendments satisfy the intent of the handbooks in separating aircraft conducting simultaneous approaches in instrument conditions to the point they can be separated visually.

As noted in the NPRM, an amendment to Handbook 7110.65C to accommodate LDA/DME terminology for simultaneous ILS approaches at Denver, as well as an amendment to Handbook 7210.3F to accommodate the LDA/DME technology (partial ILS), is adopted.

NTSB Questions

The NTSB states that it cannot support the SIAP until the following comments are addressed:

1. The proposed approach procedure does meet the requirements in TERPS for a VOR straight-in approach. However, the proposed authorization of simultaneous instrument approaches to 35R and 35L (parallel runways 1,600 feet apart) violates the 4,300 foot separation criteria for precision approaches. What procedures will be followed to ensure an acceptable level of safety in the event aircraft make simultaneous missed approaches in the course of approaches to both runways 35L and 35R?

In response to this question, Chapter 9, section 5 of TERPS applies. The LDA/DME approach satisfies all requirements for a straight-in LDA approach procedure, including the VOR straight-in alignment criteria (paragraph 952). The missed approach procedure for the ILS runway 35L approach is to climb to 9,000 feet via the north course of the ILS runway 35L localizer to the Thornton NDB and hold. The missed approach procedure for the SIAP as adopted is an immediate climbing right turn to 10,000 feet via heading 040° for radar vector to Flots intersection/DEN 17 DME. These missed approach courses diverge by approximately 50 degrees. In the event simultaneous missed approaches occur on both runways 35L/R, separation would still exist. The waiver of Chapter 9 of TERPS with respect to the 4,300-foot runway (not approach course) separation criteria is discussed below.

2. How can we be assured that there will be an acceptable level of safety regarding the problems of wake turbulence, particularly in the event simultaneous missed approaches are executed?

This concern is addressed above in the section on FAA air traffic handbooks.

3. Since controller workload will be increased (paragraph No. 7 [of NPRM], "Additional Operational Considerations"), what changes to air traffic control procedures, controller responsibilities, and controller staffing will be required to implement this procedure?

In regard to additional operational considerations, paragraph 798 of FAA Handbook 7110.65 has been amended to support the Denver LDA/DME 35R approach. In addition to normal responsibilities, controllers will provide radar services including radar monitoring to ensure separation between aircraft on the localizer courses. Additional radar and radio equipment has been installed at the control tower to provide radar service to support the monitor function which will be provided independently and separately from any other functions. Two monitor control positions will be added with the result that two final controllers, two tower (local control) positions, and the two additional monitor controllers will handle the traffic workload associated with simultaneous ILS and LDA/DME approaches to runways 35L and R.

4. Does a potential adverse effect on the operation of the localizer exist from aircraft taxiing south on the parallel taxiway following a landing on runway 35R? If so, what protection will be afforded the localizer to prevent such a hazard? Could a taxiing aircraft interfere with the localizer signal for an aircraft landing on 35L?

There has been no identified potential adverse effect on the operation of the localizer course resulting from aircraft taxiing south on the parallel taxiway. Protection on localizer critical areas is not applicable unless the ceiling is less than 800 feet and/or the visibility is less than 2 miles. The weather minima for use of the SIAP are basic visual flight rule (VFR) minimums (1,000-foot ceiling, visibility 3 miles) or greater. Taxiing aircraft inside the runway 35L localizer critical area could interfere with the 35L localizer signal; however, procedures are contained in Handbook 7110.65C to protect these critical areas, if required.

Simultaneous vs. Single-Stream Use

A commenter recommends that the SIAP not be authorized for use except when simultaneous approaches are in progress, and since there is a full ILS serving runway 35R, there is no reason perceived to expect pilots to use a nonprecision approach (i.e., LDA/DME).

While the normal use of the procedure will be for simultaneous approaches, there may be instances in which single-stream arrival use is required (e.g., runways 35L and R ILS's both out of service). Therefore, an absolute prohibition against nonsimultaneous use is inappropriate and may have adverse safety implications.

With respect to pilot use of nonprecision approaches, the purpose of this SIAP is to provide a procedure that pilots can use during north operations, when the weather conditions do not permit vectors for visual approaches to runways 35L/R and when the ceiling and visibility "window" dictates use of the SIAP. When weather conditions permit visual approaches, the arrival rate at the airport is approximately 55 to 60 arrivals per hour and delays are practically nonexistent. When weather

conditions do not permit radar vectors for visual approaches, simultaneous approaches to runways 35L/R are not authorized, and the airport becomes basically a one-runway airport; the arrival rate decreases to approximately 33 aircraft per hour and uncontrolled delays occur throughout the system. A 4-hour delay into Stapleton is not uncommon under these conditions. Not only is commerce in Denver affected, but aircraft noise that is normally encountered during business hours is extended to the more noise-sensitive night hours. The SIAP when used in conjunction with the precision ILS approach to runway 35L provides a procedure that can be used when weather conditions decrease below visual approach minimums, but remain above basic VFR minimums, and provides for an increase in the airport arrival rate to approximately 45 aircraft per hour. This arrival rate considerably lessens delays and helps to limit aircraft noise to the more acceptable hours of the day. The SIAP does not result in any increase in projected air carrier operations at Stapleton; it merely provides a means to reduce delays and help assist the traveling public in meeting normal schedules that are essential to predictable and reliable air transportation.

Radar Equipment

Comments received relative to the radar equipment installed at Denver Stapleton states it is insufficiently accurate to provide adequate aircraft separation for parallel operations. The FAA does not agree with this comment. Procedures currently in use by air traffic controllers have been developed with close attention made to radar systems and their accuracies.

One commenter may have been misled by a recent study, MITRE EM-81-8, which speaks to closely spaced parallel runways less than 4,300 feet apart. In that study MITRE recommended an improved radar for monitoring of aircraft while on closely spaced (less than 4,300 feet) localizer courses. Monitoring of aircraft for separation purposes at Denver will be accomplished at a minimum of 4,400 feet until the missed approach point. Insofar as the approach course at Denver is beyond 4,300 feet, the MITRE report does not address the situation existing under this SIAP.

Some commenters question the adequacy of the radar equipment used at Denver Stapleton, specifically as a safeguard and as to its capability to be used to provide adequate separation on missed approaches. One commenter states that radar target resolution is seriously impaired when aircraft are within one-half mile of one another. Reference is also made to an independent evaluation of parallel instrument approaches with reduced spacing at Denver Stapleton which was conducted by the MITRE Corporation of McLean, Virginia. It was pointed out that in a technical review dated September 1981, MITRE concluded that the current Air Traffic Control Beacon Interrogator (ATCBI) already in place does not meet the accuracy and update requirements for closely spaced parallels and that no completed system is available. The commenter observes in the light of that report that the LDA/DME approach represents a high technical risk. The comment concludes that FAA ATC radar procedures make no provision for parallel operations that penetrate the NTZ, let alone penetration on converging patterns, as is the case with the proposed procedure.

The FAA does not agree with these comments. At the point in space where the aircraft begins its missed approach (i.e., the missed approach point (MAP)) on the proposed LDA/DME procedure, there is sufficient lateral distance (4,400 feet) between aircraft executing simultaneous approaches to runways 35L/R to provide distinct, separate radar targets. The missed approach procedure requires a turn away from the final approach course for runway 35L, thereby increasing the lateral distance between radar targets.

An aircraft that makes a missed approach between the MAP and the end of runway 35R may or may not provide distinct target resolution, depending upon the aircraft's position at the time the missed approach procedure begins. However, once an aircraft passes the MAP, separation still exists, regardless of target resolution, in the form of visual separation (provided by controller or pilot), in addition to radar services.

The MITRE Corporation, at the request of the FAA, conducted an evaluation of independent parallel approaches at reduced spacing for Stapleton Airport. In September 1981, MITRE issued a Working Paper (WP-81W540), subject: Preliminary Evaluation of Technical Approaches for Independent Parallel Instrument Approaches with Reduced Spacing, which includes their findings and response to FAA's request. The City of Denver had considered building a new air carrier runway, spaced 4,300 feet from an existing runway. In order to build such a runway, it would have been necessary to expand airport boundaries, which would have required significant land purchases. The FAA requested MITRE to conduct an evaluation of a closer runway, one that would not require significant land purchases and would be within existing airport boundaries. FAA's question to MITRE was whether a runway laterally spaced at 3,200–3,500 feet from an existing runway could be operated independently in instrument conditions. MITRE concluded in its evaluation report that "the current air traffic control beacon interrogator (ATCBI) already in place does not meet the accuracy and update requirements for close spaced parallels. Several experimental approach monitors have been investigated. Basic experiments have been conducted (mostly in vertical plane), but no completed system is available. Thus, this approach represents a high technical risk."

The MITRE report of September 1981, and the "high technical risk" that the commenter refers to, have no bearing on, nor are they applicable to, the LDA/DME runway 35R SIAP. As noted above, this report is applicable to runways laterally spaced 3,200–3,500 feet apart. The lateral distance between approach paths to runway 35L and runway 35R where the the LDA/DME runway 35R SIAP terminates is approximately 4,400 feet. At this point (the missed approach point), visual conditions must exist; otherwise, the missed approach procedure (immediate climbing right turn via heading 040 degrees) is required.

The radar equipment in use at Stapleton Airport meets all requirements for providing separation of aircraft executing simultaneous ILS/LDA/DME approaches to runways 35L and R. In addition, procedures for radar monitoring simultaneous ILS/LDA/DME approaches are contained in FAA Handbook 7110.65C, as amended, to support the Denver LDA/DME runway 35R SIAP.

TERPS

Some commenters believe that paragraphs 990, 992, and 996, of TERPS would be violated if the proposal is adopted.

With respect to paragraph 990, the FAA agrees that the current terminology of that paragraph refers to "ILS installations parallel to each other." While offset ILS installations are not referred to in paragraph 990, it should be noted that the basic definition of "simultaneous ILS" in paragraph 901 includes any "ILS installations which *serve parallel runways*" (italics added). The key to the safety of simultaneous approaches is the use of appropriate procedures in authorizing simultaneous

service to the parallel runways, not the technical questions concerning whether the ILS facilities themselves are precisely parallel. The offsetting of one or both ILS facilities (full or partial) in no way affects the safety objectives of paragraph 990.

Paragraph 992 was the basis for concern over the lack of 4,300-foot runway centerline separation when simultaneous operations are authorized. It should be noted that paragraph 992 specifically authorizes less than 4,300-foot runway separation when aircraft separation is provided by ATC. As noted earlier, ATC is adopting specific procedures, including radar monitoring, to provide separation.

Paragraph 966 of TERPS requires an NTZ not less than 2,000 feet wide and at least 1,150 feet from "each runway centerline" (for a total of 4,300 feet between those centerlines). The intent of this criterion is satisfied by the design of the offset approach to runway 35R, assuring full compliance with the 4,300-foot criterion throughout the nonvisual part of the approach (that is, down to the MAP, where the pilot must either proceed visually or execute a missed approach). By assuring such lateral separation between approach tracks, rather than runway centerlines, the safety objectives of paragraph 996 are fully met. While, as the NPRM indicates, the safety objectives of TERPS are satisfied by the design of the offset approach and the equipment and procedures associated with its use, the language of TERPS, chapter 9, section 9, could be read to exclude simultaneous approaches using nonparallel ILS facilities or to runways less than 4,300 feet apart. Upon reconsideration, therefore, the FAA has determined to issue a waiver to paragraphs 990 and 996, to the extent necessary to permit simultaneous approaches with localizer courses (LDA when offset over 3 degrees) offset by 10 degrees and serving runways less than 4,300 feet apart. Contrary to the suggestions of some commenters, this is based upon a finding that an equivalent level of safety will be provided, as indicated above. The safety equivalent is summarized as follows:

The MAP is established 3 nautical miles from the threshold and at that point exceeds the 4,300 (4400+) minimum separation. Radar monitoring will be provided, and an NTZ of at least 2,000 feet is provided to the MAP. The missed approach track diverges from 35L missed approach by heading over 45 degrees. The minimums are 1000–3. The ALSF–2 on 35R must be in operation. A VASI (Visual Approach Slope Indicator) will support the LDA/DME when it is in operation.

With these conditions, the offset approach satisfies all of the safety objectives of Chapter 9 of the TERPS handbook.

Other Comments Concerning Safety Considerations

The safe use of DME for establishing fixes is questioned as it relates to ±½ NM tolerance (referring to paragraph 286 of TERPS). This fix displacement factor was fully taken into consideration in the development of the procedure.

One consultant is concerned that the effects of precipitous terrain (reference paragraph 323a of TERPS) had been mentioned as a consideration for offset procedures to 35L and 17R in the EA, but that these effects are not reflected in the approach minimums. It is true that the precipitous terrain to the west would have required higher initial altitudes and greater rates of descent, if those runways had been selected. However, it has not been necessary to make adjustments to minimums on approaches to 35R because of precipitous terrain effects.

One commenter made reference to the excessive length of the final approach (referring to paragraph 323c of TERPS) and high descent gradients (referring to paragraph 955 of TERPS). The 7-mile DME stepdown fix satisfies length-of-final approach requirements. The maximum descent gradient allowed by TERPS for final approach segments is 400 feet per nautical mile. Since all segments in the final approach comply with these criteria, there is to be no deviation from the applicable standards.

In regard to the proposed 1,300-foot ceiling limitation which will be applied for the first 60 days, one commenter is in favor, two are against it.

Since the procedure complies with applicable safety standards to adopt instrument approach procedures with a ceiling as low as 1,000 feet, applying 1,300 feet for the first 60 days of operation is a warranted conservatism which enhances safety, and allows a period of time for pilots and controllers to familiarize themselves with the operational aspects of the approach.

One commenter suggests that a VASI be installed to support the SIAP. The FAA agrees and will ensure that VASI capability exists when the SIAP is in use.

One person recommends not using the procedure with a crosswind component of greater than 15 knots. Maximum crosswind component values will continue to be evaluated. A pilot always has the final authority of accepting or rejecting an approach clearance based on his own safety judgment concerning wind and other operational conditions.

Comments point out that while the FAA did simulator tests for the original "side-step" procedure, no simulations were run on the current proposal. The FAA's analysis indicates that the data obtained from the original simulations were sufficient to redesign the approach and further simulation was unnecessary. The new procedure was, in fact, flight tested by the FAA and found to be satisfactory.

A technical consultant also comments that the AIM, section 8, paragraph 375, appears to be violated by the proposal. This portion of the AIM deals with simultaneous ILS approaches, lateral distance between runways, and NTZ's. In the first place, the AIM, which is advisory only and not regulatory, cannot be "violated." Secondly, simultaneous ILS/LDA/DME approaches, such as in the case of Denver, are not included in the AIM and it, therefore, is not applicable. Finally, as discussed elsewhere, the applicable FAA handbooks (which are also not regulatory in nature) will accommodate application of this procedure, with appropriate amendments or waivers, since the safety objectives of those standards are met.

A commenter mentions that there may be difficulty identifying runway environment due to a lack of visual cues. The FAA, in flight checking the procedure, found no difficulty in identifying the runway. In addition, a VASI will be provided for use in connection with this procedure, and the approach lights for runway 35R will be in operation.

Comparisons were made, in some of the comments, to other simultaneous operations, such as the ILS/visual to runways 28L/R and 19L/R approaches at San Francisco and the "side step" procedure at St. Louis Lambert. These other examples are factually different from the Denver situation and are not applicable to the ILS/LDA/DME approaches to runways 35L and 35R at Denver, which has been precisely designed to conform to the runway and approach factors at that airport.

Environmental Comments

General

A great number of those who commented on the noise impact of the new procedure are Aurora residents. A majority of those commenting state that the LDA/DME approach to runway 35R will be a new use of airspace affecting this community. This is incorrect. As Section IV of the EA explained, flights arriving at Denver are already radar vectored over Aurora to intercept the

final approach course to runways 35L/R, as well as approach courses to other runways. These vectors provide a course to intercept the approach paths 5 to 8 miles from runway ends. In addition, aircraft departures from Stapleton generate noise in Aurora, particularly those aircraft which depart on runway 17R. These noise exposures have existed over a period of years. During visual weather conditions, aircraft landing to the north have made approaches using the airspace overlying Aurora at one time or another, including the same airspace as that of the proposed LDA/DME approach path to 35R.

A second area of misunderstanding concerns the amount of noise to be expected as a result of the proposed procedures. For example, citizen comments on their perception of aircraft noise impacts include the following characterizations: Significant noise impacts; severe levels of (noise) exposure; increasing noise pollution will add greatly to existing noise; horrendous noise; screaming flight from the sky; giving up peace and quiet; deep concern about noise, cannot hear; excessive noise; horrible noise; devastating noise effect; intolerable noise; adverse noise hazard; unbearable noise; noise will increase by 30 dB; unacceptable noise; significant noise pollution; unfair noise; distracting noise; and potential effect on property values because of noise. The FAA has reviewed each of these comments and understands the deep concerns underlying them. For this reason, the FAA has reevaluated the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) that were prepared prior to issuance of the NPRM, in the light of the comments submitted in response to the NPRM.

While it is appreciated that airport neighbors are apprehensive about any proposed change that could result in significant deterioration in their noise environment, none of the evidence available supports those fears for the proposed procedure. On the contrary, the evidence shows that there will be no significant change in the noise exposure associated with the proposed procedure. For this reason, FAA has reaffirmed the conclusions of the EA and FONSI.

As the EA indicates, the projected 65 or higher Ldn contour for 1990 from all uses of runways 35L and R extends south to approximately Colfax Avenue in Aurora. Under even the "worst case" analysed in the EA; the portion of the contour associated with the use of the proposed LDA procedure is enlarged by a very small area (see Exhibit 7, EA). The incremental change due to the use of the procedure, between 1983 and 1990, is so small as to be virtually not measurable.

A third area of general misunderstanding is the amount of use that would be made of the procedure. As the NPRM stated, the new offset LDA/DME approach for runway 35R would be usable when weather conditions consist of a narrow ceiling window, between 1,000 feet and 2,200 feet, and visibility is 3 miles or greater and when simultaneous approaches cannot be conducted from the north and west because of wind and runway conditions. If the weather were worse than this, the approach procedure would not be authorized and other, pure instrument condition approaches would be used, as they are presently. If the weather were better, it would be much more efficient for both the operators and ATC to use random visual approaches. Data studies for a 3-year period (October 1979 through September 1982) indicate that runways 35L/R were used for landings only 3.29 percent of the time. Assuming each of the two parallel runways was used the same amount, then runway 35R was used for landings 1.64 percent of the time. This usage factor was assumed for the environmental assessment as a "worst-case" situation, representing that all approaches to runway 35R would use the offset LDA/DME procedure.

A fourth area of apparent misunderstanding is that the adoption of the proposed procedure would increase airport *capacity* at Denver. This is incorrect. The procedure would not increase the number of aircraft using the airport. It would improve the efficiency of those already using the airspace by increasing the *airport acceptance rate.* This means that aircraft will be able to land sooner, thus, incurring less delay.

As noted above, the FAA has carefully reevaluated the EA, signed on January 26, 1983, which resulted in the FONSI on February 4, 1983. The assessment has been updated in the light of the comments received and the additional consideration that has been given to responding to them in light of all of the operational data existing to the present time. Following this review the EA has been reaffirmed, as has the conclusion in the FONSI that the proposed action will not have a significant impact upon the human environment.

Several comments request that public hearings be held by FAA prior to adoption of the final rule. In view of the extensive prior consultation with members of the public, the additional opportunity to comment afforded by the NPRM, and the furnishing by Aurora of the video tape of the extensive public hearing held by the City of Aurora, the requests for additional public press were denied.

The City of Aurora requested copies of all materials relied on in the development of this procedure. In addition to the furnishing of such information to representatives of the City prior to the NPRM, the docket contains such information and is open to all interested persons.

Use of Ldn Noise Metric

Several commenters disagreed with the FAA's use of the annual Ldn (day-night average sound level) as the impact assessment methodology for noise. There was a suggestion that a metric like the so-called Fractional Impact Analysis (FIA) should be used.

Virtually all Federal agencies and many of the states use Ldn as the standard metric for predicting community exposure to noice events. See the report of the Federal Inter-Agency Committee on Urban Noise (*Guidelines for Considering Noise in Land Use Planning and Control,* June 1980); and American National Standard (ANSI) No. S3.23–1980, "Sound Level Descriptors for Determination of Compatible Land Use." In addition, the Congress, in enacting Title I of the Aviation Safety and Noise Abatement Act of 1979, directed the Secretary of Transportation to adopt uniform standards for the development, review, approval or disapproval, and implementation of airport noise control plans, including a single system for determining the exposure of individuals to noise which results from the operations of an airport. The FAA, in setting these standards for the Secretary in the measurement and evaluation of noise at and around airports, has determined that the appropriate unit is a cumulative noise measure. The Ldn was recommended by the EPA and accepted by the FAA as the unit for the noise measurement system adopted for uniform National application in Part 150 of the FAR, Airport Noise Compatibility Planning (14 CFR Part 150).

The Ldn metric was developed by the EPA as the principal governmental standard for evaluating indoor and outdoor residential noise conditions. The Ldn accounts for the sound level of individual events, the duration of those events, the number of events, and the time of day of their occurrence (a 10dB penalty is added to noises occurring between 10 p.m. and 7 a.m.) in a 24-hour interval. Thus, for aircraft noise, the Ldn increases with the intensity, duration,

and number of single-event occurrences and penalizes nighttime events by an additional 10 decibels.

The EPA, in a March 1974 report, which identified Ldn as its standard, noted that it has been found useful to measure environmental noise using the long-term yearly average of the daily levels because of day-to-day, as well as seasonal, variations in environmental noises. This methodology produces increasing Ldn values for increasing noise durations duing the year. For example, a noise that persists 365 days per year has a higher Ldn value than the same noise that persists for fewer days per year. Thus, persons exposed to a given level of noise all year would be more severely impacted according to Ldn than persons exposed to the same noise for a single day per year.

The Ldn metric is also appropriate because criteria for judging its resulting values have been developed and are widely accepted by Government agencies, including EPA. Scientific studies have shown clearly that Ldn provides the best correlation with reactions of people to noise (for example, see "Synthesis of Social Surveys on Noise Annoyance," T. J. Schultz, Jour. Acoustical Society America, Volume 64, page 377–405, August 1978). Since scientific work is continuing, however, efforts to further refine the Ldn will be made. However, no changes in the methodology appear to be imminent. On the other hand, widely accepted standards or criteria are not available for judging short-term or single-event aircraft noises. (The Federal Highway Administration uses a 1-hour average level for freely flowing automobile traffic. This is highly correlated to Ldn for most highway traffic situations but has not been substantiated for aircraft noise.) Criteria do not yet exist for judging the results of the so-called Fractional Impact Analysis (FIA) calculation.

In any event, an FIA calculation would use the same Ldn data that were developed in the EA. In effect, the FIA would simply quantify the increase or decrease in the areas and sensitive use within the Ldn contours. The Ldn contours in the EA show virtually no significant change in area and no new, special (sensitive) uses impacted by the proposed procedure. There are no special situations such as schools, hospitals, or churches placed within high noise contours by the new SIAP. While the commenters assert that Ldn is not an appropriate measure, the FIA method they suggest is not widely accepted or used because there are no generally accepted criteria values for assessing the results. These considerations have been reviewed in reaffirming the FAA finding that no significant impact on the quality of the human environment will result from the proposed SIAP. Thus, the EA analysis accomplished results similar to an FIA calculation. In other words, an FIA would show in a numerical way what the EA showed—no significant impact from the proposed LDA procedure. The reason for this is that the change in area exposed due to the LDA procedure is extremely small. In fact, the FIA would show *zero* change in level weighted population or noise impact index for 1978 conditions.

EPA Issues

The EPA submitted comments in response to the NPRM by letter dated September 7, 1983, which attached its comments previously submitted on March 29, 1983 and May 31, 1983. EPA recommends that three major issues be resolved in a supplement to the EA before a final decision is made on whether to proceed with a FONSI or a Draft Environmental Impact Statement (DEIS), as follows:

1. Vagueness about how much the offset approach will be used. EPA points out that while the EA addresses the approach as if it would be used only during limited ceiling and visibility conditions (1,000 to 2,200 feet—3 miles), in other places, the EA seems to indicate a greater usage when it would be "operationally advantageous" or "necessary to reduce traffic delays." It was suggested that the EA be amended to include analyses of these two usage options not addressed: operational advantage and delay reduction.

Response—The EA can be incorrectly read to imply a greater use than was intended but, in fact, the impact analysis is a "worse case" than proposed in the NPRM. As the NPRM states and as it is stated throughout this preamble, the approach will be used *only* when the narrow ceiling and visibility window exists. Worst-case traffic levels were used in the EA to evaluate this usage which assumed all approaches to 35R would be LDA/DME. This clearly will not be the case and is discussed above.

2. Incomplete noise impact analysis. This concern relates to the FAA's use of an annual Ldn noise descriptor to explain the impacts of the procedure. EPA recommends a single-event analysis, as well as a Fractional Impact Analysis (FIA).

Response—These concerns are addressed below in the sections on Use of the Ldn Noise Metric and Single Event Analysis.

3. Inadequate analysis of alternatives to implementation of this procedure on runway 35R. EPA stated that runways 17R and 17L should also be studied as feasible alternatives to runway 35R (that is with respect to locating an LDA/DME approach procedure).

Response—A discussion of this, as well as other alternatives, is contained in the section, Alternatives to Runway 35R Proposal.

Effect of Ambient Noise

EPA suggests relating the aircraft noises to ambient noises in the area. The Ldn analysis in the EA assumes there is no ambient (non-aircraft) noise. This again is a "worst-case" assumption since inclusion of ambient noises in the noise model would tend to mask aircraft noise and possibly understate the potential impact of operational changes.

Single-Event Analysis

It is recommended by some of the commenters that a single-event type analysis should be used in *addition* to the Ldn evaluation of noise impacts from use of the proposed procedure. As the EA indicates, single events were included in the determination of the average annual cumulative aircraft noise that affects surrounding communities. In short, single events are not an alternative to, but, rather, an integral factor in, FAA's use of the Ldn metric.

While people do respond to the noise of single events (particularly to the loudest single event in a series), the long-range effects of exposure to noise events appear to best correlate with cumulative measures. Each of those noise units provides a single number which is equivalent to the total exposure over a specified time period. In other words, cumulative noise measurements provide information on the total acoustical energy dose associated with the sound during the prescribed time period or the total time over which the sound level exceeded a predetermined threshold. Cumulative noise units are based on both time and energy. A further sophistication is achieved by basing the cumulative noise measure on single-event measurements where the frequency spectrum of each event is weighted (shaped) to approximate the response of the human auditory system. The day-night sound level (Ldn) is such a unit. The more simplistic single-event type of analysis has, as indicated earlier, been rejected by most authorities, both for evaluating the exposure of persons to noise from airports and for responsible land use management by local governments.

The Ldn was developed, in part, to account for all of the same variables that are considered in a single event-type analysis (such as differing levels between events, number of events, differing event durations, time-of-day) but in a meaningful and manageable system which best determines human responses to those events. The EA, which depicts the Ldn 75, 70, and 65 contours, conservatively achieves these results.

One comment mentions that single-event measurements are used to monitor airport operations at Jackson Hole, Wyoming. Such monitoring can properly support single event noise limits under certain conditions. Single events are easily measured and are routinely evaluated for individual aircraft under standard conditions. Such an analysis is appropriate for evaluating the impact on individuals such as the proposed LDA/DME procedure only as a secondary check of single events against the noise model which addresses impact by accumulating the single events over time. In the case of Jackson Hole, one could not control the specific airport noise by attempting to control the gross value of an Ldn. Instead, its components are controlled; (that is, by controlling single-event levels, numbers of operations, or time-of-day occurrences). This control or enforcement function is not the purpose of an evaluation or analysis such as an environmental assessment, which is designed to prevent the future, long-term impacts of many noise events. Finally, single-event levels are continuously changing so that the contours that could be shown based only on the sound of a single event are either a "snapshot" in time or involve some short integrated time. They would not be a fair representation of the exposure of individuals to noise from airport operations because they do not exist all of the time and computing total noise exposure requires amplitude versus time data.

Alternatives to Runway 35R Proposal

In a few of the comments, the FAA was criticized for an "inadequate consideration of alternatives to runway 35R." The EA discussed five alternatives, two of which consisted of the proposed action and a no-action position. The remaining three were:

(3) Utilization of additional approach procedures to runways other then runway 35R;

(4) Alternative procedures for delay reduction; and

(5) Limiting or restructuring of flight operations.

As the EA indicates, these alternatives grew out of earlier research studies conducted by a technical committee created for Stapleton International to consider ways of increasing the acceptance rate during times of excessive delay. The results of that study, as well as several others, were carefully considered, together with the EA, in the promulgation of this rule. Alternatives Nos. 3 and 4 were rejected as not being prudent alternatives. While feasible, they would fail to cure the acceptance rate dilemma which occurs at Stapleton during IFR weather conditions when the prevailing wind direction is from the north and DEN becomes a "one runway" airport. Alernative considerations for action when the wind is from the south are not pertinent to this proposal and, in any event, could not significantly enhance the benefit already derived from existing procedures. The following further clarifies the bases for the conclusions, concerning alternatives, reached in the EA.

Alternative No. (3) is not fruitful due to operational limitations. With landings to the south (runway 17) or to the west (runway 26), the MAP would be so far from the control tower that it would be impossible to apply the visual separation which is essential to accommodate simultaneous converging approaches. When the wind is such that runways 17 and 26 can be used, there are existing procedures that provide a higher acceptance rate than any of the alternatives, including the offset approach to 35R. It is when the wind is out of the north or northwest dictating north approaches and when existing traffic sequencing procedures for runways 17 and 26 cannot be used that the dilemma occurs and relief is needed. No substantial operational benefit, therefore, would be derived from using Alternative No. (3).

Alternative No. (4) examined the potential of creating a converging approach to runway 35L, as compared with 35R. As indicated, such a procedure is feasible but not productive because of the "lack of maneuvering area, higher minimums and obvious environmental considerations." By the last statement, it was not intended to imply that there are not equally important environmental considerations applicable to other areas. Rather, such a procedure, as was the case in Alternative No. (3), was considered impracticable for operational reasons, not environmental concerns. While an approach similar to that proposed for runway 35R could be developed for 35L, the rapidly rising terrain to the west (beginning of the Rockies) would severely restrict the amount of the airspace available for maneuvering necessary to sequence the amount of traffic necessary to significantly improve the acceptance rate to the airport. Conversely, the airspace which would be available for maneuvering aircraft in the case of the proposal (offset to 35R) provides for more flexible landing sequencing, because it is not similarly restricted by the terrain. In other words, the operational restrictions which would be necessary to maintain separation standards for sequencing aircraft approaching over the mountainous terrain (35L) compared to that over the open terrain (35R) make the former imprudent because it would aggravate, not relieve, aircraft holding congestion and because it would not enhance the runway acceptance rate. In addition, higher approach minimums would be required for a 35L configuration due to existing and proposed building construction which would obstruct the airspace underlying the approach path. A further complication to a 35L approach is that the location of the MAP would require a turn toward obstructions (including the control tower and downtown Denver).

The final alternative, No. (5) concerned nationwide rescheduling of flights to coincide with present airport acceptance capacities. This alternative was not considered feasible because it would cause major disruptions in air transportation throughout the national airport system and would place the FAA in a position of total, systemwide, regulatory control of air carrier schedules, contrary to the legal objectives of airline deregulation.

Other Environmental Considerations

Others comment that:

(1) The EA contains insufficient data on the number of aircraft operations and duration of flight events to predict the possible impact of the new procedure.

The operational assumptions made in the analysis by the FAA were described in the text as well as Table 1 of the EA. As indicated, these were taken, in part, from the detailed information on flight operations which is contained in the May 1981 Master Plan developed for Denver Stapleton (Appendix A) to which the NPRM refers.

(2) FAA failed to analyze the sensitivity of different land uses.

Table 2 of the EA gives a detailed account of land use sensitivity for noise. The new procedure produces no significant change in the existing noise exposures for land uses underlying the new approach.

(3) Expensive insulation will be needed.

FAA has recommended sound proofing as an important means of improving land use capability. Where, as in the City of Aurora, a community is already experiencing aircraft noise exposure, local government is encouraged to develop sound-related building codes for future construction and to assist residents in modifying existing structures. However, based on the conclusions in the EA, FAA believes that the need for sound proofing will not be dependent upon adoption or nonadoption of the offset approach to 35R.

(4) One comment states that, presently, eight school facilities are impacted by existing landing patterns and that the procedure would impact seven additional ones, including the Cunningham Elementary School which was not shown on the land use analysis portion of the assessment.

Aircraft using the proposed LDA/DME approach, if on the centerline of the approach, would not directly overfly any of the schools mentioned, although some aircraft flying within normal course tolerance may be expected to overfly these schools. Other approaches will be separated laterally by greater distances. It should be pointed out, however, that, under current approach procedures, aircraft making visual approaches already use the airspace over these schools. This practice fully complies with safety criteria and is not a new factor initiated by this procedure.

(5) Medical standards for noise will be exceeded.

The noise levels associated with airport operation do not exceed standards for noise-induced hearing loss. These levels have been established by the U.S. Department of Labor. Nationally accepted standards identifying, or setting limits for, other health effects of noise have not been established.

Operational Summary

As stated in the NPRM, certain operational considerations will be applied by air traffic management in implementing the SIAP. Those procedures are summarized here (including provisions associated with amendment of paragraph 798 of Handbook 7110.65C and paragraph 1235 of Handbook 7210.3F):

1. The LDA/DME Rwy 35R procedure is designed to be utilized only when ceiling conditions preclude the use of visual approaches (approaches conducted in visual weather conditions). At Denver Stapleton, this means it would be used only when the reported ceiling is between 1,000 feet and 2,200 feet and when visibility is 3 miles or greater.

2. Until later instructed, controllers will not authorize approaches using the new procedures unless a ceiling between 1,300 feet and 2,200 feet exists. Thereafter, as appropriate, the controllers will authorize such approaches when a 1,000-foot ceiling exists (and all other required conditions exist).

3. The approach lights for runway 35R will be operated when simultaneous ILS/LDA/DME approaches are in progress.

4. If the same localizer frequency is used for the runway 35R ILS system and the runway 35R LDA, the 35R ILS localizer will be automatically locked out when the LDA mode is used.

5. The authorization to conduct simultaneous IFR approaches to runways 35R/L will in no way affect the provision of standard departure separation minima for runways 35R/L.

6. A Visual Approach Slope Indicator (VASI) will be provided to serve the LDA/DME 35R approach when it is in use.

7. "Heavy" aircraft will be confined to runway 35L when simultaneous operations are in effect.

8. During the first year, an assessment of operational and procedural benefits will be made and recorded.

9. The LDA/DME runway 35R procedure will implement the tabular data, contained on FAA Form 8260-5, which is reproduced below.

BILLING CODE 4910-13-M

BILLING CODE 4910-13-C

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

LDA/DME STANDARD INSTRUMENT APPROACH PROCEDURE

FLIGHT STANDARDS SERVICE - FAR PART 97. 25

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

TERMINAL ROUTES

FROM	TO	COURSE AND DISTANCE	ALT

MISSED APPROACH

MAP: I-SSH 4.8 DME

Immediate climbing right turn to 10000 via heading 040 for Radar Vector to FLOTS INT/DEN 17 DME.

ADDITIONAL FLIGHT DATA

FAS Obst: 5498 Stadium LT 394355/1045052

FAC crosses RWY C/L extended 591' from THLD.

Chart: Visual Flight Path MAP to RWY THLD, 341° - 3.0 miles.

1. PT NA SIDE OF CRS _____ OUTBND _____ FT WITHIN _____ MI. OF _____ (FAF)
2. Profile starts at I-SSH 10 DME
3. FAC 341 FAF I-SSH 10 DME DIST FAF TO: MAP 5.2 THLD 8.2
4. MIN ALT I-SSH 10 DME 8000, I-SSH 7 DME 7000
5. MSA FROM DEN VORTAC 325-170 8100, 170-325 12600

VAR 12E YR 80

MINIMUMS

TAKEOFF: ☐ STD ☒ SEE FAA FORM 8260-15 FOR THIS AIRPORT ALTERNATE: ☐ NA 1100-3

CAT. →	A			B			C			D			E		
	MDA	VIS	HAT HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA
S-35R	6300	3	1027	6300	3	1027	6300	3	1027	6300	3	1027			
Circling		NA			NA			NA			NA				

NOTES

RADAR REQUIRED.
Simultaneous approach authorized with RWY 35L.
Fly localizer until abeam 35L threshold, unless otherwise authorized by ATC.

CITY AND STATE	ELEVATION AIRPORT 5333 TDZE 5273	FACILITY IDENT.	PROC. NO.-AMDT. NO.-EFFECTIVE DATE	SUP. None
Denver, CO	Stapleton Intl	I-SSH	LDA/DME RWY 35R, Original	AMDT.
				DATED

FAA Form 8260-5 (3-76) SUPERSEDES PREVIOUS EDITION

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing a Standard Instrument Approach Procedure, effective at 0901 G.m.t. on the date specified, as follows:

By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

* * * *Effective January 19, 1984*

Denver, CO Stapleton International LDA/DME Rwy 35R, Original

Note.—The FAA has determined that this action amends an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. This amendment would result in increased efficiency in airspace management and would not place economic burdens on any person. Therefore: (1) It is not a "major rule" under Executive Order 12291; (2) it is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) it does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. In addition, the FAA certifies that this proposal would not, if adopted, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 106(g), revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2))

Issued in Washington, D.C. on December 16, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

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

[FR Doc. 83-33860 Filed 12-19-83; 9:34 am]

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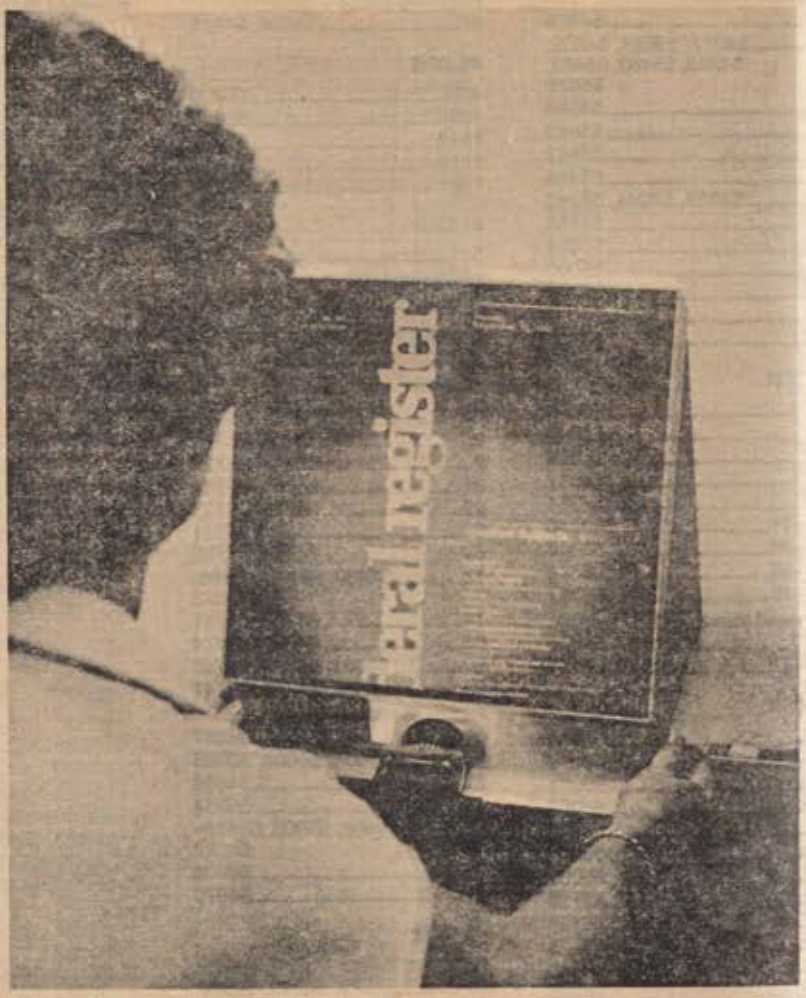
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