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Thursday
April 28, 1983

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Equal Employment Opportunity Commission
Advisory Committees
National Archives and Records Service
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Environmental Protection Agency
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Immigration and Naturalization Service
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Marine Safety
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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National Park Service

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Federal Energy Regulatory Commission

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Two-Day-a-Week Publication Program

The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See page 19283 in the Federal Register of Thursday, April 28, 1983.

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Presidential Documents

Title 3—

The President

Proclamation 5056 of April 26, 1983

National Physical Fitness and Sports Month, 1983

By the President of the United States of America

A Proclamation

Regular, vigorous physical activity is essential to good health and effective performance of our daily responsibilities. In addition, physical activity and sports programs can provide rich sources of personal pleasure and satisfaction.

Many individuals, families, communities, and others are increasingly concerned about physical fitness, and there is a growing recognition that physical activity is an important part of daily life for people of both sexes and all ages. Americans who are not reaping the benefits and pleasures of physical activity and sports should develop a personal physical fitness program in accordance with their capability.

In recognition of the importance of physical activity as a part of our daily life, the Congress, by Senate Joint Resolution 53, has authorized and requested the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1983 as National Physical Fitness and Sports Month and urge communities, schools, States, employers, voluntary organizations, churches, and other organizations to stage appropriate observances and special events. Furthermore, I urge individuals and families to use this occasion to renew their commitments to make regular physical activity an integral part of their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-11541
Filed 4-26-83; 4:32 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 576]

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 April 29–May 5, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 29, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings

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

This regulation 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 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 26, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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 is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (navel).

1. Section 907.876 is added as follows:

§ 907.876 Navel orange regulation 576.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 29, 1983 through May 5, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: April 27, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-11586 Filed 4-27-83; 1:12 pm]

BILLING CODE 3410-02-M

7 CFR Part 1126

[Milk Order No. 126; Docket No. AO-231-A49]

Milk in the Texas Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action implements on an emergency basis a temporary reduction of 40 cents per hundredweight in the price for producer milk used to produce butter, nonfat dry milk and cheddar cheese. The adopted change, which will apply only through June 30, 1983, is based on industry proposals considered at a public hearing in February 1983.

The price reduction is necessary to reflect current marketing conditions and will result in a more equitable sharing among all producers on the market of the cost of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto were omitted. Cooperative associations representing more than two-thirds of the producers who supply the market have approved the issuance of the amended order.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued December 27, 1982; published January 3, 1983 (48 FR 28).

Notice of Rescheduled Hearing: Issued January 14, 1983; published January 19, 1983 (48 FR 2337).

Emergency Final Decision: Issued April 11, 1983; published April 15, 1983 (48 FR 16286).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register.** Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued April 11, 1983. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA.

1. In § 1126.60, a new paragraph (h) is added to read as follows:

§ 1126.60 Handler's value of milk for computing uniform price.

* * * * *

(h) From the effective date of this amendatory action through June 30, 1983, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk and cheddar cheese by 40 cents per hundredweight.

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

Effective date: April 28, 1983.

Signed at Washington, D.C., on April 22, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11400 Filed 4-27-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Revisions to Service Fee Schedule

Correction

In FR Doc. 83–8723, beginning on page 14572, in the issue of Tuesday, April 5, 1983, on page 14573 at the bottom of the third column and at the top of page 14574, Form I–17 and Form G–641 should read as follows:

Form G-641.	For filing application for verification of information contained in Service records.	$15.00
	For certification of true copies, each.	$2.00
	For attestation under seal.	$2.00
Form I-17.	For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof.	$50.00

BILLING CODE 1505-01-M

8 CFR Parts 103, 204, 205, 212 and 214

Powers and Duties of Service Officers; Availability of Service Records; Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revocation of Approval of Petitions; Documentary Requirements: Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens, Parole; and Nonimmigrant Classes; Certain Amerasians Fathered by United States Citizens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule establishes procedures for the immigration to the United States of certain Amerasian children of United States citizen fathers based upon Pub. L. 97–359, which amended the Immigration and Nationality Act to provide preferential treatment in the immigration of these individuals. The rule provides opportunity to certain aliens born in Korea, Vietnam, Laos, Kampuchea, and Thailand who were fathered by United States citizens to immigrate to the United States and to ensure their safety and well-being after they arrive.

EFFECTIVE DATE: April 28, 1983. Comments must be received on or before: May 30, 1983.

ADDRESS: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization, Room 7100 425 I Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

For General Information: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536, Telephone: (202) 633–5015.

SUPPLEMENTARY INFORMATION: On October 22, 1982, Pub. L. 97–359 (96 Stat. 1716) was enacted to provide for the immigration to the United States of certain Amerasian children of United States citizen fathers. In order to qualify for benefits under this law, an alien must have been born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982 and have been fathered by a United States citizen. Aliens who come to the United States as a result of this legislation will immigrate as numerically unrestricted immediate relatives of United States citizens if they are unmarried children under the age of twenty-one, as numerically restricted unmarried sons and daughters of United States citizens if they are unmarried and twenty-one years of age or older, and numerically restricted married sons and daughters of United States citizens.

Public Law 97–359 was enacted for humanitarian reasons. As Chairman Peter W. Rodino of the House Committee on the Judiciary stated on October 1, 1982:

> Enactment of this legislation is certainly long overdue and it responds in an effective and practical manner to a most difficult humanitarian problem. In my judgment, it recognizes a moral responsibility that we have to these children who have been fathered by Americans abroad. (128 Cong. Rec. H8351, daily ed. Oct. 1, 1982, statement of Rep. Rodino)

In view of the plight of many of the beneficiaries of this legislation, it will be the policy of the Immigration and Naturalization Service to expedite their cases to the greatest extent possible. It was not intended, however, that the mothers of children under eighteen years of age accompany them to the United States. This would be contrary to the requirement in Public Law 97–359 that a United States citizen or lawful permanent resident sponsor agree to "assume legal custody" of a beneficiary under eighteen.

Public Law 97–359 adds a new section 204(g) to the Immigration and Nationality Act (8 U.S.C. 1154(g)) to permit the immigration to the United States of certain illegitimate Amerasian children of United States citizen fathers who are unable to immigrate under other sections of law. Prior to its enactment, the illegitimate children of United States citizen fathers were unable to gain any immigration benefits as a result of their relationship to their fathers. Section 204(g) of the Act now enables certain of them to do so, but without requiring that their fathers file petitions in their behalf. Under other sections of immigration law, a legitimate child, a legitimated child, or a stepchild can gain immigration benefits through the child's relationship with either parent or stepparent. An illegitimate child, on the other hand, normally can obtain immigration benefits only through the relationship with his or her mother.

As a result of *Matter of McMillan*, 17 I. & N. Dec. 605 (BIA 1981), a precedent decision of this Service, however, an illegitimate child can gain immigration benefits as the stepchild of his or her father's United States citizen or lawful permanent resident alien wife provided that the marriage creating the stepparent-stepchild relationship occurred prior to the child's eighteenth birthday. It is therefore expected that some Amerasian children eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of relative petitions filed under *McMillan*.

It is also expected that some aliens under sixteen years of age eligible for benefits under Pub. L. 97–359 may immigrate to the United States instead as the beneficiaries of orphan petitions. In order for an orphan petition to be approved, the beneficiary must be adopted abroad by a United States citizen and spouse or an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings. Otherwise, the beneficiary must be coming to the United States for adoption by a United States citizen and spouse or a United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the state of the child's proposed residence. Unlike an orphan petition, a petition filed under Pub. L. 97–359 has no provision relating to adoption.

A new petition, Form I–360, Petition to Classify Pub. L. 97–359 Amerasian as the Child, Son, or Daughter of a United States Citizen, will be used, supported by a newly devised Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, as well as necessary documentary evidence. If, after admission to the United States, a beneficiary requires enforcement of the guarantee of financial support and intent to petition for legal custody, the newly devised Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be filed. In order not to delay the admission of eligible beneficiaries, Form I–139, Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa, and Form I–130, Affidavit of Support, will be used in place of Form I–360 and Form I–361 respectively until the new forms are available to the public.

There are various requirements regarding the sponsorship process which are being instituted, in accordance with the legislative intent, out of concern for the safety and well-being of beneficiaries under eighteen years of age. On October 1, 1982, Chairman Romano L. Mazzoli of the House Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, when referring to his

amendment to the legislation which was adopted, stated, "It * * * tightens the sponsorship system for these Amerasians so that we can be sure that they can be placed with proper sponsors when they come to our country." (128 Cong. Rec. H8352, daily ed. Oct. 1, 1982). On that same date, Chairman Rodino stated, "There is certainly a concensus that every possible step should be taken to insure that the sponsorship process is legitimate." (128 Cong. Rec. H8351 daily ed. Oct. 1, 1982)

If the petitioner so desires, the petition may be adjudicated in two stages. During the first stage, a determination must be made as to whether there is reason to believe that the beneficiary was fathered by a United States citizen. During the second stage, a determination will be made concerning the adequacy of the sponsor's guarantee of legal custody if the beneficiary is under eighteen years of age and the adequacy of the sponsor's guarantee of financial responsibility, as well as other requirements. The two-stage adjudication will permit completion of the part of the petition on the beneficiary first so that the sponsor will not need to complete the complex procedures regarding sponsorship and, in the case of a beneficiary under eighteen years of age, placement and legal custody, unless the beneficiary is found tentatively qualified for the benefit sought. If, on the other hand, the petitioner wants to have all parts of the petition adjudicated at the same time, the case may be done that way.

A new 8 CFR 103.1(l)(2)(xxiv) is being added to permit those petitions which are denied to be appealed to the regional commissioners. The provisions relating to petitions for Pub. L. 97-359 Amerasians are included in 8 CFR 204.1(c) and 8 CFR 204.2(g). Provisions relating to enforcement of an affidavit of financial support and intent to petition for legal custody are included in 8 CFR 204.2(h). 8 CFR Part 205 is revised to include provisions relating to revocation of petitions for Pub. L. 97-359 Amerasians. In 8 CFR 103.2(b)(1), 8 CFR 212.8(b)(4), 8 CFR 214.2(h)(5), 8 CFR 214.2(k), 8 CFR 212.2(1)(2), technical changes are being made because of a change in paragraph designation in this rule.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because these requirements are mandated by law and delay would be contrary to the public interest.

Public comments are invited with respect to all aspects of this rulemaking. The Service would appreciate public comments particularly with respect to 8 CFR 204.2(g)(1)(i)(B) relating to the requirement that the beneficiary's father must have been a United States citizen at the time of the beneficiary's birth or at the time of the father's death if the father died prior to the beneficiary's birth.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegation, Organization and functions.

8 CFR Part 204

Administrative practice and procedure, Aliens.

8 CFR Part 205

Administrative practice and procedure, Immigration, Revocation.

8 CFR Part 212

Administrative practice and procedure.

8 CFR Part 214

Administrative practice and procedure.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. The following new 8 CFR 103.1(l)(2)(xxiv) is added:

§ 103.1 Delegations of authority.

* * * * *

(l) * * *

(2) * * *

(xxiv) Decisions on petitions to classify Pub. L. 97-359 Amerasians as the children, sons, and daughters of United States citizens.

* * * * *

§ 103.2 [Amended]

2. In § 103.2, paragraph (b)(1) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

3. The existing § 204.1(c) is redesignated as § 204.1(d), and the following new § 204.1(c) is added:

§ 204.1 Petition.

* * * * *

(c) *Public Law 97-359 Amerasian*—(1) *Eligibility.* An alien is eligible for classification under section 201(b), 203(a)(1) or 203(a)(4) of the Act as the Amerasian child, son, or daughter of a United States citizen pursuant to section 204(g) of the Act if there is reason to believe that the alien—

(i) Was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950 and before October 22, 1982; and

(ii) Was fathered by a United States citizen.

(2) *Filing petition.* Any alien claiming to be eligible for benefits as a Pub. L. 97-359 Amerasian, or any person on the alien's behalf, may file a petition, Form I-360, Petition to Classify Pub. L. 97-359 Amerasian as the Child, Son, or Daughter of a United States Citizen, without fee. A natural person filing the petition must be eighteen years of age or older or an emancipated minor. In addition, a corporation incorporated in the United States may file the petition. The petition must be filed with the office of the Service having jurisdiction over the place of the alien's intended residence in the United States or with the overseas Service office having jurisdiction over the alien's residence abroad.

(3) *Two-stage processing of petition*—(i) *Preliminary processing.* Upon initial submission of a petition with the documentary evidence required by § 204.2(g)(1)(i), the district director or officer-in-charge shall adjudicate the petition to determine whether there is reason to believe the beneficiary was fathered by a United States citizen. If the preliminary processing is completed in a satisfactory manner, the district director or officer-in-charge shall advise the petitioner to submit the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and the fingerprints of the sponsor on Form FD-258 as required by § 204.2(g)(1)(iv) if they have not already been submitted. The petitioner must submit all requested documents within one year of the date of the request or the petition will be considered abandoned. To reactivate an abandoned petition, the petioner must submit a new petition, Form I-360, without the previously submitted documentation, to the Service office having jurisdiction over the prior petition.

(ii) *Final processing.* Upon submission of the documentary evidence required by § 204.2(g)(1)(ii) and (iii) and, if applicable, § 204.2(g)(1)(iv), the district director or officer-in-charge shall

complete the adjudication of the petition.

(4) *One-stage processing of petition.* If all documentary evidence required by § 204.2(g)(1)(ii), (iii), and (iv) is available when the petition is initially filed, the petitioner may submit it at that time. In that case, the district director or officer-in-charge shall consider all evidence without using the two-stage processing procedure under paragraph (c)(3) of this section.

(5) *Decision*—(i) *General.* The district director or officer-in-charge shall notify the petitioner of the decision and, if the petition is denied, of the reasons for the denial.

(ii) *Denial upon completion of preliminary processing.* The district director or officer-in-charge may deny the petition upon completion of the preliminary processing under paragraph (c)(3) of this section for—

(A) Failure to establish that there is reason to believe the alien was fathered by a United States citizen; or

(B) Failure to meet the sponsorship requirements if the fingerprints of the sponsor, required by § 204.2(g)(1)(iv), were submitted during the preliminary processing and the completed background check of the sponsor discloses adverse information resulting in a finding that the sponsor is not of good moral character.

(iii) *Denial upon completion of final processing.* The district director or officer-in-charge may deny the petition upon completion of the final processing for failure to establish that the sponsorship requirements or one or more of the other applicable requirements have been met.

(iv) *Denial upon completion of one-stage processing.* The district director or officer-in-charge may deny the petition upon completion of all processing for failure to meet any of the applicable requirements in a case being processed under the one-stage processing described in paragraph (c)(4) of this section.

(v) *Appeal.* If the petition is denied, the petitioner may appeal the decision under Part 103 of this chapter.

(5) *Classification of Pub. L. 97–359 Amerasian.* If the petition is approved the beneficiary is classified as follows:

(i) An unmarried beneficiary under the age of twenty-one is classified as the child of a United States citizen under section 201(b) of the Act.

(ii) An unmarried beneficiary twenty-one years of age or older is classified as the unmarried son or daughter of a United States citizen under section 203(a)(1) of the Act.

(iii) A married beneficiary is classified as the married son or daughter of a United States citizen under section 203(a)(4) of the Act.

* * * * *

4. The existing § 204.2 (g) and (h) are redesignated as § 204.2 (i) and (j) respectively, and the following new § 204.2 (g) and (h) are added:

§ 204.2 Documents.

* * * * *

(g) *Evidence required to accompany petition for Amerasian child of a United States citizen*—(1) *Two-stage processing of petition*—(i) *Preliminary processing.* A petition filed by or on behalf of an Amerasian under § 204.1(c) must be accompanied by the following:

(A) Evidence that the beneficiary was born in Korea, Vietnam, Laos, Kampuchea or Thailand after December 31, 1950 and before October 22, 1982. If the beneficiary was born in Vietnam, the beneficiary's I.D. card must be submitted, if available. If it is not available, the petitioner must submit an affidavit explaining why the beneficiary's I.D. card is not available.

(B) Evidence that the beneficiary was fathered by a United States citizen. The putative father must have been a United States citizen at the time of the beneficiary's birth or a United States citizen at the time of his death if he died prior to the beneficiary's birth. Submit as many documents as may be obtained, including, but not limited to:

(*1*) The beneficiary's birth and baptismal certificates or other religious documents;

(*2*) Local civil records;

(*3*) Affidavits from knowledgeable witnesses;

(*4*) Letters from, or evidence of financial support from the beneficiary's putative father;

(*5*) Photographs of the beneficiary's putative father, especially with the beneficiary; and

(*6*) Evidence of the putative father's United States citizenship.

(C) The beneficiary's photograph.

(D) The beneficiary's marriage certificate, if married, and evidence of termination of any previous marriages, if applicable.

(E) If the beneficiary is under eighteen years of age, an irrevocable release in writing for emigration from the beneficiary's mother or legal guardian. The mother or guardian must authorize the placing agency or agencies to make necessary decisions for the child's immediate care until the sponsor receives custody. Interim costs incurred are the responsibility of the sponsor. The mother or guardian must show an understanding of the effects of the release and state whether any money was paid or any coercion was used prior to signing the release. The signature of the mother or guardian must be authenticated by the local registrar, the court of minors, or a United States immigration or consular officer. The release must include the full name, date and place of birth, and present or permanent address of the mother or guardian.

(ii) *Final processing.* If the district director or officer-in-charge notifies the petitioner that all preliminary processing has been completed in a satisfactory manner, the petitioner must then submit the following:

(A) Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, executed by the beneficiary's sponsor with the documentary evidence of the sponsor's financial ability required by that form. If the beneficiary is under eighteen years of age, the sponsor must agree to petition the court having jurisdiction within thirty days of the beneficiary's arrival in the United States to be awarded legal custody in accordance with the laws of the state where the beneficiary will reside until the beneficiary is eighteen years of age. The term "legal custody" means the assumption of responsibility for a minor by an adult under the laws of the state in a court of law. The sponsor must be a United States citizen or lawful permanent resident twenty-one years of age or older who is of good moral character.

(B) Evidence of the age of the beneficiary's sponsor.

(C) Evidence of the United States citizenship of the beneficiary's sponsor as provided in paragraph (a) of this section or evidence of the lawful permanent residence of the sponsor as provided in paragraph (b) of this section.

(D) If the beneficiary is under eighteen years of age, evidence that a public, private, or state agency licensed in the United States to place children and actively involved, with recent experience, in the intercountry placement of children has arranged the beneficiary's placement in the United States and that the sponsor with whom the beneficiary is being placed is able to accept the beneficiary for care in the sponsor's home under the laws of the state of the beneficiary's intended residence. The agency must demonstrate a capability, including financial capability, to arrange the placement, as described in paragraph (g)(1)(iii) of this section, directly, or through cooperative agreement, with other suitable provider(s) of service.

(iii) *Arrangements for placement of a beneficiary under eighteen.* If the

beneficiary is under eighteen years of age, the petitioner must submit the following evidence of the placement arrangement required by paragraph (g)(ii)(D) of this section:

(A) A favorable home study of the sponsor to be conducted by an agency legally authorized to conduct that study in the jurisdiction of placement.

(B) A plan from the agency to provide follow-up services including mediation and counseling as required to assure a satisfactory adjustment of the sponsor and the beneficiary to the placement and to determine whether the terms of the sponsorship are being upheld.

(C) A report from the agency of the placement including information regarding any family separation or dislocation abroad that results from the placement. In addition, the agency must submit to the Director, Outreach Program, Immigration and Naturalization Service, Washington, DC, within ninety days of each occurrence, reports of any breakdowns in sponsorship that occur, and reports of the steps taken to remedy these breakdowns.

(D) A statement from the agency—

(*1*) Indicating that the sponsor, before signing the sponsorship agreement, has been provided a report covering pre-placement screening and evaluation, including health evaluation, of the beneficiary;

(*2*) Describing the agency's orientation of both the sponsor and the beneficiary on the legal and cultural aspects of the placement;

(*3*) Describing the initial facilitation of the placement through introduction, translation, and similar services; and

(*4*) Describing the contingency plans to place the beneficiary in another suitable home if the initial placement fails. The new sponsor must execute and submit a Form I–361 to the Service office having jurisdiction over the beneficiary's residence in the United States. The original sponsor nonetheless retains financial responsibility for the beneficiary under the terms of the guarantee of financial support and intent to petition for legal custody which that sponsor executed unless that responsibility is assumed by a new sponsor. In the event that the new sponsor does not comply with the terms of the new guarantee of financial support and intent to petition for legal custody and, for one reason or another, that guarantee is not enforced, the original sponsor again becomes financially responsible for the beneficiary.

(iv) *Fingerprints of sponsor.* The petitioner must submit the fingerprints of the sponsor on Form FD–258. The petitioner may submit Form FD–258 at any time during the processing of the petition. The Form FD–258 must reflect the ORI number (originating agency number), or special office code, relating to the Service office where the petition is filed if that office has forms FD–258 with the relating ORI number.

(2) *One-stage processing of petition.* If the petitioner chooses to have the petition processed under the one-stage processing procedure described in § 204.1(c)(4), the petitioner must submit all evidence required by paragraph (g)(1) of this section.

(h) *Enforcement of affidavit of financial support and intent to petition for legal custody.* A guarantee of financial support and intent to petition for legal custody on Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, may be enforced against the alien's sponsor in a civil suit brought by the Attorney General in the United States district court for the district in which the sponsor resides, except that the sponsor's estate is not liable under the guarantee if the sponsor dies or is adjudicated a bankrupt under Title 11, United States Code. If, after admission to the United States, the beneficiary of a petition for a Pub. L. 97–359 Amerasian requires enforcement of the guarantee of financial support and intent to petition for legal custody executed by the beneficiary's sponsor, the beneficiary may file Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian, with the office of the Service having jurisdiction over the beneficiary's residence in the United States. If the beneficiary is under eighteen years of age, any agency or individual (other than the sponsor) having legal custody of the beneficiary or a guardian ad litem may file Form I–363.

* * * * *

PART 205—REVOCATION OF APPROVAL OF PETITIONS

5. The existing § 205.1(b) and (c) are redesignated as § 205.1(c) and (d) respectively, and the following new § 205.1(b) is added:

§ 205.1 Automatic revocation.

* * * * *

(b) *Petition for Pub. L. 97–359 Amerasian*—(1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the beneficiary.

(3) Upon the death or bankruptcy of the sponsor who executed Form I–361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97–359 Amerasian. In that event, a new petition may b filed in the beneficiary's behalf with the documentary evidence relating to sponsorship and, in the case of a beneficiary under eighteen years of age, placement. If the new petition is approved, it will be given the priority date of the previously approved petition.

(4) Upon the death or substitution of the petitioner if other than the beneficiary or sponsor. However, if the petitioner dies or no longer desires or is able to proceed with the petition, and another person eighteen years of age or older, an emancipated minor, or a corporation incorporated in the United States desires to be substituted for the deceased or original petitioner, a written request may be submitted to the Service or American consular office where the petition is located to reinstate the petition and restore the original priority date.

(5) Upon the beneficiary's reaching the age of twenty-one when the beneficiary has been accorded classification under section 201(b) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(1) of the Act if the beneficiary remains unmarried or under section 203(a)(4) if the beneficiary marries.

(6) Upon the beneficiary's marriage when the beneficiary has been accorded classification under section 201(b) or section 203(a)(1) of the Act. Provided that all requirements of section 204(g) of the Act continue to be met, however, the petition is to be considered valid for purposes of according the beneficiary preference classification under section 203(a)(4) of the Act.

* * * * *

6. Section 205 is revised to read as follows:

§ 205.2 Revocation on notice.

(a) *General.* Any Service officer authorized to approve a petition under section 204 of the Act may revoke the approval of that petition upon notice to the petitioner on any ground other than those specified in § 204.1 when the necessity for the revocation comes to the attention of this Service.

(b) *Procedure.* Revocation of the approval of a petition under paragraph (a) of this section will be made only on notice to the petitioner who must be given an opportunity to offer evidence in support of the petition and in opposition

to the grounds alleged for revocation of the approval. If, upon reconsideration, the approval previously granted is revoked, the district director shall notify the petitioner of the decision and of the reasons for the revocation. The petitioner may appeal the decision within fifteen days after the service of notice. Except in the case of a petition filed under section 204(g) of the Act, if the petition was approved for a preference under section 203(a) (1), (2), (4), or (5) of the Act or for immediate relative classification under section 201(b) of the Act other than for a child as defined in section 101(b)(1)(F) of the Act, the petitioner must file the appeal as provided in Part 3 of this chapter. If the petition was approved for a preference under section 203(a) (3) or (6) of the Act, for a child as defined in section 101(b)(1)(F) of the Act, or for a Pub. L. 97-359 Amerasian, the petitioner must file the appeal as provided in Part 103 of this Chapter. The district director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval.

§ 205.3 [Removed]

7. Section 205.3 is removed.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

8. In § 212.8, paragraph (b)(4) is amended to change the citation "204.2(h)" to read "204.2(j)."

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

9. In § 214.2, paragraphs (h)(5), (k) and (l)(2) are amended to change the citations "204.2(h)" to read "204.2(j)."

(Secs. 103, 201(b), 203(a)(1), 203(a)(4), 204(g), 205, 212, and 214 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1151(b); 1153(a)(1), 1153(a)(4), 1154(g), 1155, 1182, and 1184)

Dated: April 6, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-11200 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Wardair Canada, Ltd.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Wardair Canada, Ltd. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3(b) is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Wardair Canada, Ltd. on April 19, 1983, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

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

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

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

List of Subjects in 8 CFR Part 238

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

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3, Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b), Signatory lines is amended by adding in alphabetical sequence, "Wardair Canada, Ltd."

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

Dated: April 22, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-11343 Filed 4-27-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-48-AD; Amdt. 39-4637]

Airworthiness Directives; Beech Models 60, A60 and B60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 60, A60 and B60 airplanes which requires modification of the air conditioning compressor installation by incorporating improved clutch pulley retention and a pulley guard. Failures or loss of the screw securing the air conditioner compressor clutch pulley assembly have occurred. This permits the loose pulley to contact and damage an adjacent fuel line. Inflight fires and loss of engine power have resulted. This action will improve the retention of the pulley on the shaft and prevent a loose pulley from contacting the fuel line.

DATES: Effective May 3, 1983.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Class I Service Instructions No. SI-1236 applicable to this Airworthiness Directive may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of the Regional

Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Dale Vassalli, Aerospace Engineer, Systems and Equipment Branch, ACE-130W, Federal Aviation Administration, Central Region, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 269-7008, FTS 752-7008.

SUPPLEMENTARY INFORMATION: Failures or loss of the screw retaining the air conditioner clutch pulley assembly to the compressor shaft have occurred on the affected Beech Model airplanes. The unrestricted pulley assembly can loosen and contact an adjacent fuel line and damage this line releasing fuel at this location. These occurrences have resulted in the loss of engine power and inflight powerplant fires. The manufacturer has developed an air conditioner compressor installation modification to prevent this, which incorporates improved pulley assembly retention hardware consisting of a new screw and more effective lock washer device. An added guard is also mounted to the body of the compressor which prevents a loose clutch assembly from contacting the fuel line. Beech has made parts and instructions for accomplishing these modifications available in Kit No. 60-5026-1S or No. 60-5026-3S for the two different air conditioner compressor pulley configurations on airplanes in service. Instructions for identification of the appropriate kit for each pulley configuration and the manufacturer's recommendation that these modifications be incorporated on in-service airplanes are contained in Beechcraft Class I Service Instructions No. 1236.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring incorporation of Beech Kit No. 60-5026-1S or No. 60-5026-3S as applicable on Beech Models 60, A60 and B60 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

Beech: Applies to Models 60, A60 and B60 (S/Ns P-4 through P-577, P-579 through P-587, P-589 and P-592) airplanes, having optional air conditioning systems installed, certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent loss of power or inflight fires caused by a loose air conditioner compressor clutch pulley contacting an adjacent fuel line, accomplish the following:

(a) Modify the air conditioner compressor installation by incorporating the appropriate Beech Kit No. 60-5026-1S or No. 60-5026-3S as identified by criteria in Beechcraft Class I Service Instructions No. 1236 or;

(b) Deactivate the air conditioner system in accordance with the following:

(1) Remove the air conditioner compressor belt.

(2) Pull and block the air conditioning circuit breaker so that it cannot be inadvertently reset.

(3) Install a permanent placard in full view of the pilot near the cabin comfort control which reads as follows: "Air Conditioner Deactivated."

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

(d) An equivalent means of compliance with this AD may be used, if approved, by the Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7000.

This amendment becomes effective on May 3, 1983.

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

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

Issued in Kansas City, Missouri, on April 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-11171 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-95-AD; Amdt. 39-4636]

Airworthiness Directives; Lockheed-California Company Model L-1011-385-3 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a modification to the aircraft wiring on Lockheed Model L-1011-385-3 series airplanes. This AD is needed to minimize the potential for a complete loss of the Active Control System (ACS) caused by severe lightning strikes. A total loss of the ACS results in a reduction in the capacity of the wing structure to withstand high levels of turbulence.

DATES: Effective June 2, 1983.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Harry Wasinger, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** December 30, 1982 (47 FR 58279), which would require modification of the aircraft wiring in accordance with Lockheed-California Company L-1011 Service Bulletin 093-22-147, dated August 17, 1982. The comment period for the proposal closed February 7, 1983.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to all comments received. Two comments were received in response to the NPRM. One commenter proposed a number of minor editorial changes to the proposed AD which have been, for the most part, incorporated. The other commenter proposed a significant extension to the compliance time beyond March 31, 1983, stating that their estimated time to accomplish Lockheed L-1011 Service Bulletin 093-22-147 differed from that of the manufacturer. They also stated that a loss of approximately two days of revenue service would be incurred for each airplane that did not have a regularly scheduled maintenance interval prior to the proposed compliance date. The FAA with the assistance of the manufacturer and another L-1011 operator re-evaluated the accomplishment time estimates with the results remaining the same. In addition, Lockheed is expediting a revision to the affected service bulletin to allow for an incremental installation procedure which will significantly reduce the need to ground the airplane to accomplish the modification.

The FAA concurs that there should be a reasonable extension beyond the initially proposed compliance time of March 31, 1983. Since comments were received near the closing date, the FAA required additional time to evaluate the comments and prepare the final rule. An extension has been added to the originally proposed compliance date.

The estimated costs associated with this AD are as follows: Fifteen domestic airplanes are affected which will require approximately 90 manhours per airplane to accomplish the required actions at an average labor charge of $35 per manhour. The modification kits are provided by the manufacturer at no cost to the operator. Based upon these figures, the total economic impact is estimated to be $47,250. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

Lockheed-California Company: Applies to Lockheed Model L-1011-385-3 series airplanes, certificated in all categories. Compliance is required as indicated, unless previously accomplished.

To minimize the potential for a total loss of the Active Control System (ACS) inflight, accomplish the following by June 30, 1983:

A. Modify the aircraft wiring in accordance with Part 2, Accomplishment Instructions, in Lockheed-California Company L-1011 Service Bulletin 093-22-147 dated August 17, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special Flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective June 2, 1983.

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

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

Issued in Seattle, Washington on April 18, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-11170 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-8; Amdt. 39-4642]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525 Through 532, 535, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. This amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39-4371, AD 82-09-02, was effective April 30, 1982. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-8, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable Engine Service Bulletin may be obtained from: Service Manager, DART Engine, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4371, AD 82-09-02, which requires removal from service of certain fuel manifold assembly connection hoses on Rolls-Royce DART engine models 506, 510, 511, 514, 525 through 529, 531, 532, and 535 series turboprop engines. After issuing Amendment 39-4371, the FAA has determined that the reasons for issuing AD 82-09-02 are also applicable to the DART Mk.530 model engines. Therefore, the FAA is amending Amendment 39-4371 by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. 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.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspect of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4371, AD 82–09–02, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk. 506, 510, 511, 514, 525 through 532, 535, and variants series turboprop engines.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of April 30, 1982.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

The amends AD 82–09–02, Amendment 39–4371, which was made effective April 30, 1982.

This amendment becomes effective May 12, 1983.

(Secs. (313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (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 because it affects only 16 engines at an approximate unit cost of $40. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contracting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–11169 Filed 4–27–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket 83–ANE–4; Amdt. 39–4638]

Airworthiness Directives, Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 515, 525 Through 532, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39–1506, AD 72–18–02, was effective August 24, 1972. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83–ANE–4, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–1506, AD 72–18–02, which requires inspection of fuel burner shroud nuts on Rolls-Royce DART engine models 506, 510, 511, 514, 515, 525 through 529, 531, and 532 and variants not incorporating Rolls-Royce DART Modification 1625 or 1626 fuel burners. After issuing Amendment 39–1506, the FAA has determined that the reasons for issuing AD 72–18–02 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39–1506 by extending applicability of the AD to also include the Mk.530. 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.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–1506, AD 72–18–02, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk. 506, 510, 511, 514, 515, 525 through 532 and variants series turboprop engines not incorporating Rolls-Royce DART Modification 1625 or 1626 fuel burners.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of August 24, 1972.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 72-18-02, Amendment 39-1506, which was made effective August 24, 1972.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (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 because it affects only 16 engines at an approximate unit cost of $1305. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11172 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ANE-5; Amdt. 39-4639]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525 Through 532, 542-4, and 542-10 Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is intended to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39-3047, AD 77-20-04, was effective October 28, 1977. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-5, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3047, AD 77-20-04, which requires inspection, functional test, and subsequent overhaul of propeller low torque switches on Rolls-Royce DART engine models 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, 542-4, and 542-10. After issuing Amendment 39-3047, the FAA has determined that the reasons for issuing AD 77-20-04 are also applicable to the DART Mk.530 model engines which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39-3047 by extending applicability of the AD to also include the Mk.530. 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.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3047, AD 77-20-04, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART Mk.506, 510, 511, 514, 525 through 532, 542-4, and 542-10 series turboprop engines installed on, but not necessarily limited to, Viscount 744, 745D, and 810; Armstrong Whitworth AW-650 Series 101; Nihon YS-11; Convair 600 and 640; Handley Page Herald; Fokker F-27; Grumman Gulfstream I; and Hawker Siddeley 748 Series airplanes.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of October 28, 1977.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 77-20-04, Amendment 39-3047, which was made effective October 28, 1977.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (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 because it affects only 16 engines at an approximate unit cost of $260. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption *"FOR FURTHER INFORMATION CONTACT."*

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11173 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-6; Amdt. 39-4640]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 526, 528, 529, 530, 532, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comment.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective May 12, 1983. Amendment 39-3049, AD 77-20-05, was effective November 3, 1977. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-6, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3049, AD 77-20-05, which requires inspection of fuel burner feed and manifold pipes on Rolls-Royce DART engines series 506, 510, 511, 514, 526, 528, 529, 532, and variants. After issuing Amendment 39-3049, the FAA has determined that the reasons for issuing AD 77-20-05 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA is amending Amendment 39-3049 by extending applicability of the AD to also include the Mk.530. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3049, AD 77-20-05, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce, Ltd.: Applies to Rolls-Royce DART engines series Mk.506, 510,511, 514, 526, 528, 529, 530, 532, and variants, installed on, but not necessarily limited to, BAC Viscount 744 and 745D; Fokker F-27 Mk.100, 200, 300, 400, 600, 700; Fairchild F-27, -27A, -27B, -27F, -27G, -27J, -27M; Fairchild-Hiller FH-227, -227B, -227C, -227D, -227E; Armstrong Whitworth Argosy 650, Series 101; Grumman G-159; and Hawker Siddeley HS-748 Series 2A aircraft.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of November 3, 1977.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 77-20-05, Amendment 39-3049, which was made effective November 3, 1977.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); (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 because it affects only 16 engines at an approximate unit cost of $490. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11174 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-7; Amdt. 39-4641]

Airworthiness Directives; Rolls-Royce, Ltd., DART Mk. 506, 510, 511, 514, 525, Through 530, 532, 542, and Variants Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Rolls-Royce DART turboprop engines by extending applicability of the AD to also include the Mk.530 which has recently been issued an FAA type certificate. The amendment is needed since the Mk.530 engine may have the same design conditions which the existing AD is designed to correct.

DATES: This amendment is effective; May 12, 1983. Amendment 39-3345, AD 78-24-01, was effective December 11, 1978. Comments must be received on or before June 12, 1983. Compliance schedule—as prescribed in text of AD.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 83-ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable engine service bulletin may be obtained from: Service Manager, DART Engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Aircraft

Certification Division, Federal Aviation Administration, New England Region,12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3345, AD 78–24–01, which requires an initial and repetitive inspections of the engine control box mounting bolts on Rolls-Royce DART engines series 506, 510, 511, 514, 525, 526, 527, 528, 529, 530, 532, 542, and variants. After issuing Amendment 39–3345, the FAA has determined that the reasons for issuing AD 77–20–05 are also applicable to the DART Mk.530 model engine which has recently been issued an FAA type certificate. Therefore, the FAA amending Amendment 39–3345 by extending applicabilty of the AD to also include the Mk.530. 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.

Request for Comments on the Rule

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are not invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

List of Subjects in 14 CFR Part 39

Engines, Propellers, Aircraft, and Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Admnistrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–3345, AD 78–24–01, as follows:

(1) Revise the applicability statement to read:

Rolls-Royce Ltd.: Applies to Rolls-Royce DART engines and all variants of those engines listed below which have Rolls-Royce DART Modification 1525 incorporated (covered in Rolls-Royce DART Service Bulletin Da 72–351), as installed on, but not necessarily limited to the airplanes listed below.

DART Engine	Airplane
506, 510, 525, 530	Vickers Viscount Model 744, 745D, 810.
511, 514, 528, 532	Fairchild F–27 and FH–227 series and Fokker F–27 series.
526	Armstrong Whitworth AW–650 series 1.
527	Handley Page Herald Type 300.
529	Grumman G–159 and Fairchild F–27 and FH–227 series.
532	Hawker Siddeley 748 series 2.
542	General Dynamics Model 240 with STC No. SA1054WE installed (or Model 600), General Dynamics Model 340/440 with STC No. SA1096WE installed (or Model 640), and Nihon YS–11 and YS–11A series.

(2) Revise the compliance statement to read:

Compliance is required as indicated, unless already accomplished:

1. Compliance for all affected DART engines except the Mk.530 is based on an effective date of December 11, 1978.

2. Compliance for the DART Mk.530 engines is based on an effective date of May 12, 1983.

This amends AD 78–24–01, Amendment 39–3345, which was made effective December 11, 1978.

This amendment becomes effective May 12, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (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 because it affects only 16 engines at an approximate unit cost of $75. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on April 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-11175 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7890]

Income Tax; Temporary Income Tax Regulations Under Title XI of the Omnibus Reconciliation Act of 1980; Foreign Investment in United States Real Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides amendments to the temporary regulations under sections 897 and 6039C of the Internal Revenue Code of 1954, relating to foreign investment in U.S. real property, published in the **Federal Register** on September 21, 1982, (47 FR 41532). These temporary regulations are necessary to provide the public with immediate guidance with respect to the requirements of sections 897 and 6039C.

EFFECTIVE DATE: The amendments are effective as of April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert E. Culbertson, Jr. of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3289), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Temporary Income Tax Regulations under Title XI of the Omnibus Reconciliation Act of 1980 (26 CFR Part 6a) under sections 897 and 6039C of the Internal Revenue Code of 1954, as added by sections 1122 and 1123 of the Foreign Investment in Real Property Tax Act of 1980 (94 Stat. 2682), and as amended by section 831 of the Economic Recovery Tax Act of 1981 (Pub. L. No. 97–34; 95 Stat. 172). The amendments are issued under the authority contained in sections 897 (94 Stat. 2683; 26 U.S.C. 897), 6039C (94 Stat. 2687; 26 U.S.C. 6039C), and 7805 (68A Stat. 917; 26 U.S.C. 7805), all of the Internal Revenue Code of 1954.

Discussion

Temporary and proposed regulations pertaining to the substantive and reporting provisions of sections 897 and 6039C were published in the **Federal Register** on September 21, 1982. A public hearing on those regulations was held

on February 3, 1983. The Internal Revenue Service intends to issue final regulations under section 897 shortly after the date of publication of this document. Thereafter, the Service expects to revise the regulations under section 6039C and to provide detailed guidance respecting security agreements in lieu of reporting.

The final regulations may contain modifications of some of the rules contained in the temporary and proposed regulations, in response to the written and oral comments presented to the Service. Rather than requiring immediate compliance with provisions which may be changed, the Service is postponing all deadlines related to elections and information reporting imposed by the temporary regulations until after the issuance of final regulations. Therefore, these amendments to the temporary regulations postpone the date by which certain foreign corporations must decide whether to elect treatment as a domestic corporation under sections 897 (i) and (k). The final regulations will establish a period for making these elections that allows foreign corporations sufficient time to consider the advisability of making such elections. Similarly, these amendments to the temporary regulations postpone all reporting-related deadlines under section 6039C, including the deadline for applying for a security agreement in lieu of reporting. The final regulations will establish dates that allow taxpayers sufficient time to determine whether to file information returns or apply for security agreements, and to assemble the necessary information. The postponement of these deadlines by the amendments to the temporary regulations does not affect the obligation to file an income tax return if one is required and to pay any liability arising under the operation of section 897 and temporary regulations §§ 6a.987-1 through 6a.987-4.

Need for Temporary Regulations

The temporary regulations require that section 897 (i) and (k) elections and security agreement applications be made by March 21, 1983. While the Service has announced its intention to extend the time for taking these actions in IR-83-50, the deadlines must be formally postponed by amending the temporary regulations. Furthermore, under the temporary regulations the information returns required by section 6039C are due on June 21, 1983. Because of the possibility that amendments to the regulations will affect the reporting obligations, it is necessary that the filing date be postponed until the amendments are issued. Because of the immediate need for these changes, the Internal Revenue Service has found it to be impractical to issue these regulations with notice and public comment procedures as outlined 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.

Drafting Information

The principal author of these amendments to the temporary regulations is Robert E. Culbertson, Jr., of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

No 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. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

List of Subjects in 26 CFR Part 6a

Bonds, Income taxes, Mortgages, Veterans, Foreign investments in United States real property interests.

Adoption of Amendments to the Temporary Regulations

Accordingly, 26 CFR Part 6a is amended as follows:

§ 6a.897-3 [Amended]

Paragraph 1. Section 6a.897-3 is amended by removing paragraph (f)(2), by redesignating paragraph (f)(3) as paragraph (f)(2), and by revising the first sentence of paragraph (f)(1) to read as follows: "A foreign corporation in existence on or after June 19, 1980, may make an election under section 879(i) only if the election is made by the date established by final regulations."

§ 6a.6039C-1 [Amended]

Par. 2. Section 6a.6039C-1 is amended by revising the first sentence of paragraph (c) to read as follows: "The information returns required by section 6039C must be filed no later than May 15 of the calender year following the calendar year covered by the return, except that information returns for calendar years 1980, 1981, and 1982 must be filed no later than the date established by final regulations."

§ 6a.6039C-2 [Amended]

Par. 3. Section 6a.6039C-2 is amended by revising the third sentence of paragraph (d) to read as follows: "The notification by the corporation required by this paragraph (d) must be made by January 31 of the year following the year for which the return must be filed, except that the notification must be made by the date established by final requlations for calendar years 1980, 1981, and 1982."

§ 6a.6039C-3 [Amended]

Par. 4. Section 6a.6039C-3 is amended by revising the third sentence of paragraph (h) to read as follows: "The statement must be furnished no later than January 31 of the calendar year following the calendar year for which a statement is required, except that it must be furnished by the date established by final regulations for calendar years 1980, 1981, and 1982."

Par. 5. Section 6a.6039C-5 is amended by revising the last sentence of paragraph (e)(1) and the first sentence of paragraph (h) to read as set forth below.

§ 6a.6039C-5 Furnishing of security instead of filing information return.

* * * * *

(e) *Appraised fair market value of U.S. real property interests.*—(1) *In general.* * * * With respect to security in lieu of filing 1980, 1981, and 1982 returns, the appraised fair market value of U.S. real property interests shall be determined no later than the date established by final regulations.

* * * * *

(h) *Application for security agreement.* Applications to the Director for a security agreement or for a renewal thereof must be made within 30 days of the close of the calendar year for which a security agreement is desired, or by the date established by final regulations for calendar years 1980, 1981, and 1982. * * *

This Treasury decision is issued under the authority contained in sections 897, 6039C, and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2683, 26 U.S.C. 897; 94 Stat. 2687, 26 U.S.C. 6039C; 68A Stat. 917, 26 U.S.C. 7805).

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

Approved: April 25, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 83-11401 Filed 4-27-83; 8:45 am]
BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: On January 25, 1983, the Equal Employment Opportunity Commission approved a reorganization of its Field Offices in order to more efficiently administer and enforce statutes prohibiting employment discrimination. Among other changes pursuant to this reorganization, the Commission has decided to permit the discretionary redelegation by District Directors to Area Directors of signatory authority for Letters of Determination and Conciliation Agreements. This document amends the Commission's regulations to reflect these changes.

DATE: This final rule is effective April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Office of the Legal Counsel, Legal Services, Gary L. Janus ((202) 634–6690).

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

PART 1601—PROCEDURAL REGULATIONS

1. Section 1601.19(g) is revised to read as follows:

§ 1601.19 Dismissal: Procedure and authority.

* * * * *

(g) The Commission hereby delegates authority to District Directors; the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations, as appropriate, to dismiss charges, as limited by § 1601.21(d). The Commission hereby delegates authority to Area Directors to dismiss charges pursuant to paragraphs (a), (c) and (d) of this section, as limited by § 1601.21(d). District Directors may redelegate authority to Area Directors to dismiss charges pursuant to paragraph (b) of this section, as limited by § 1601.21(d). The authority of the Commission to reconsider decisions and determinations as set forth in § 1601.21 (b) and (d) shall be applicable to this section.

2. Section 1601.21(d) is revised to read as follows:

§ 1601.21 Reasonable cause determination: Procedure and authority.

* * * * *

(d) The Commission hereby delegates to District Directors or upon delegation, Area Directors; the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations the authority, in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provide a statement of policy which serves as authority for the determination, upon completion of an investigation, to dismiss a charge, make a determination, issue a Letter of Determination and serve a copy thereof upon the parties. Such determination is final when the Letter of Determination is issued. However, the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations; each District Director; and each Area Director, for determinations issued by his or her office, may on his or her own initiative reconsider determinations, *Except that such directors may not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

* * * * *

3. Section 1601.24(b) is revised to read as follows:

§ 1601.24 Conciliation: Procedure and authority.

* * * * *

(b) District Directors; the Program Director, Office of Program Operations; or the Directors, Regional Programs, Office of Program Operations; or their designees, are hereby delegated authority to enter into informal conciliation efforts. District Directors or upon delegation, Area Directors; the Program Director, Office of Program Operations; the Director of Systemic Programs, Office of Program Operations; or the Directors, Regional Programs, Office of Program Operations are hereby delegated the authority to negotiate and sign conciliation agreements. When a suit brought by the Commission is in litigation, the General Counsel is hereby delegated the authority to negotiate and sign conciliation agreements where, pursuant to section 706(f)(1) of Title VII, a court has stayed processings in the case pending further efforts of the Commission to obtain voluntary compliance.

* * * * *

4. Section 1601.28(a)(3) is revised to read as follows:

§ 1601.28 Notice of right to sue: Procedure and authority.

(a) * * *

(3) Issuance of a notice of right to sue shall terminate further proceeding of any charge not a Commissioner charge unless the District Director; Area Director; Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Regional Programs, Office of Program Operations; or the General Counsel, determines at that time or at a later time that it would effectuate the purpose of Title VII to further process the charge. Issuance of a notice of right to sue shall not terminate the processing of a Commissioner charge.

* * * * *

(**Authority:** Sec. 713(a), Title 7 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a)).

[FR Doc. 83–11128 Filed 4–27–83; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 378

[DOD Directive 5148.11]

Assistant to the Secretary of Defense (Intelligence Oversight)

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Secretary of Defense has abolished the position of Inspector General for Intelligence and has assigned the responsibilities and functions to the Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) and has delegated specific authorities. This rule (DOD Directive 5148.11) serves as the instrument that authorizes the ATSD(IO) to carry out his charter.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of

Defense on December 1, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Becker, Directorate for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, telephone 202–695–4281.

SUPPLEMENTARY INFORMATION: This information is submitted in compliance with the requirements of section 552(a)(1) of Title 5, United States Code, and 1 CFR 305.76.

List of Subjects in 32 CFR Part 378

Organization and functions (government agencies), Intelligence activities.

Accordingly, 32 CFR is amended by adding a new Part 378, reading as follows:

PART 379—ASSISTANT TO THE SECRETARY OF DEFENSE (INTELLIGENCE OVERSIGHT)

Sec.
378.1 Purpose.
378.2 Applicability.
378.3 Definitions.
378.4 Responsibilities and functions.
378.5 Authorities.
378.6 Administration.

Authority: 10 U.S.C. 133(d).

§ 378.1 Purpose.

This Part replaces DOD Directive 5100.82, which established the position of Inspector General for Intelligence in the Office of the Secretary of Defense under the authority of Title 10, U.S.C. 133(d). That official hereafter shall carry the title of Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)), with responsibilities, functions, and authorities as provided herein.

§ 378.2 Applicability.

This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DOD Components").

§ 378.3 Definitions.

Terms applicable to this Part are defined in E.O. 12333, DOD Directive 5240.1, and DOD 5240.1–R.

§ 378.4 Responsibilities and functions.

Under the direction, authority, and control of the Secretary of Defense, the ATSD(IO) shall be responsible for the independent oversight of all intelligence activities in the Department of Defense. In this capacity, the ATSD(IO) shall ensure that all intelligence activities are conducted in compliance with federal law and other laws as appropriate; Executive Orders and Presidential directives; and DOD policy directives. The term "propriety" hereinafter relates to the standards for intelligence activities promulgated in the documents cited above. In the execution of this responsibility, the ATSD(IO) shall perform the following functions:

(a) Review, in consultation with the General Counsel, DOD, all allegations that raise questions of legality or propriety of intelligence activities in the Department of Defense.

(b) Conduct investigations of intelligence activities that raise questions of legality or propriety.

(c) Conduct vigorous and independent inspections of DOD Components that engage in intelligence activities for the purpose of verifying that personnel are familiar and in compliance with E.O. 12333 and its DOD implementing documents.

(d) Monitor investigations and inspections by DOD Components related to intelligence activities, evaluate the findings, and, if appropriate, submit recommendations for corrective action to the Deputy Secretary of Defense.

(e) In consultation with the General Counsel, DOD, report at least quarterly to the Deputy Secretary of Defense and the President's Intelligence Oversight Board, established under E.O. 12334:

(1) Any significant oversight activities undertaken; and

(2) Any DOD intelligence activities of questionable legality or propriety, the investigative action thereon, an evaluation of completed investigations, and the action taken on completed investigations.

(f) Participate as a member of the Defense Counterintelligence Board (DOD Directive 5240.2).

(g) Coordinate, as appropriate, with the DOD Inspector General (DOD IG) on matters relating to the DOD IG's area of responsibility in accordance with Pub. L. 95–452.

(h) Perform such other functions as the Secretary of Defense may assign.

§ 378.5 Authorities.

In the exercise and performance of assigned responsibilities and functions described in § 378.4 of this Part, the ATSD(IO), or designee, is hereby delegated authority to:

(a) Deal directly with the head of the element inspected or investigated, conduct interviews, take depositions, and examine records, as required.

(b) Have complete and unrestricted access to any and all available intelligence-related information, regardless of classification or compartmentation, from all DOD Components and personnel, as required. This includes specifically the authority (1) to require an Inspector General or other cognizant investigative official of a DOD Component to report allegations of improprieties or illegalities of intelligence activities by or within a DOD Component and (2) to obtain information on the status, proceedings, and findings or to obtain copies of reports of investigations or inspections of such allegations.

(c) Obtain such temporary assistance as may be required from other DOD Components, including personnel, facilities, and other services, for the conduct of inspections or investigations. Requests for personnel augmentation shall be made in accordance with established procedures.

(d) Communicate directly with the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Directors of the Defense Agencies, the Inspectors General, or other investigative officials having cognizance over DOD Components, and the Commanders of the Unified and Specified Commands, after notifying the Joint Chiefs of Staff.

(e) Communicate directly with the President's Intelligence Oversight Board, the Director of Central Intelligence, and all other government agencies participating in interdepartmental programs for which the ATSD(IO) has been assigned primary cognizance.

§ 378.6 Administration.

The ATSD(IO) shall report directly to the Deputy Secretary of Defense.

Dated: April 21, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-11276 Filed 4-27-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 82-018]

Drawbridge Operation Regulations; Mantua Creek, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of New Jersey Department of Transportation, the Coast Guard is changing the regulations governing the State Highway 44 Bridge

at Paulsboro, New Jersey by requiring that advance notice of opening be given between 11 p.m. and 7 a.m. This change is being made because of minimal requests to open the draw during this period. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation. This final rule is being issued basically as proposed in the Notice of Proposed Rulemaking (NPRM). However, the NPRM contained only the exception to the requirement for the bridge to open on signal. This final rule will be amended to indicate the periods the bridge will open on signal and will also include the exception to the general rule. The substance of the NPRM is unchanged in this final rule.

EFFECTIVE DATE: This rule becomes effective on May 31, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: On October 7, 1982, the Coast Guard published a proposed rule (47 FR 44347) concerning this amendment. The Commander, Third Coast Guard District also published this proposal as a Public Notice dated November 12, 1982. In each notice, interested persons were given until November 22 and December 13, 1982, respectively to submit comments.

Drafting Information

The drafters of this rule are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

Discussion of Comments

This proposal is being issued as proposed in the Notice of Proposed Rulemaking. No comments were submitted in response to either the Notice of Proposed Rulemaking or Public Notice. A draft evaluation has not been prepared because of minimal economic impact. This is because the waterway is used almost exclusively by pleasure boaters.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities because no known, water-dependent entities are located upstream of the bridge.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended by adding a new § 117.225(f)(4) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(4) Mantua Creek, mile 1.7; New Jersey Department of Transportation Route 44 bridge at Paulsboro. The draw shall open on signal, except from 11 p.m. to 7 a.m. the draw need only open if at least four hours notice is given.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05 1(g)(3))

Dated: April 7, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 83-11381 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-09]

Safety Zone Regulations: New York, New York Harbor, East River, Buttermilk Channel

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in the New York Harbor, East River, Buttermilk Channel. The zone is needed to protect vessels from the navigational hazards associated with viewing the sound and light display for the Brooklyn Bridge Celebration. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on 8:15 PM EDST, 24 May 1983. It terminates on 10:00 PM EDST, 24 May 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** Publication.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney.

Discussion of Regulation.

The circumstances requiring this regulation result from the need to properly manage the large private and commercial traffic congestion expected for the Brooklyn Bridge Centennial Celebration.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.03-350 to read as follows:

§ 156.03-350 Safety Zone: New York, New York Harbor, East River, Buttermilk Channel

(a) *Location.* The following area is a Safety Zone: The waters of the East River and Buttermilk Channel bounded by the following: That part of the Brooklyn shoreline beginning at the southwest corner of Pier One, Brooklyn, south to the northwest corner of Pier Twelve including Atlantic Basin; thence west to the mid section of the "Y" shaped pier on Governor's Island; thence north along the Governor's Island shoreline to the Battery Tunnel Ventilator; thence north across Dimond Reef to the south west corner of Pier Six Heliport, Manhattan; thence north to Pier Fourteen Manhattan; thence east across the East River to the starting point.

(b) *Regulations.* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 11, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-11365 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-04]

Safety Zone Regulations; New York, New York Harbor, East River

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in the East River, New York Harbor. The zone is needed to protect vessels from hazards to navigation associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

EFFECTIVE DATES: This regulation is effective at 8:15 PM EDST 24 May 1983. It terminates at 10:00 PM EDST 24 May 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since extensive public involvement was utilized in the drafting of this regulation.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the 24 May 1983 fireworks display celebrating the Brooklyn Bridge Centennial.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.03-348 to read as follows:

§ 165.03-348 Safety Zone: New York, New York Harbor, East River.

(a) *Location.* The following area is a Safety Zone: The waters of the East River bounded to the north by the Manhattan Bridge and to the south by a line connecting the north east corner of Pier Fourteen, Manhattan to the southeast corner of Pier One Brooklyn.

(b) *Regulations:* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 11, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-11371 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

John D. Rockefeller, Jr. Memorial Parkway, Wyoming; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On March 1, 1982, the National Park Service, Department of the Interior, published in the **Federal Register** (47 FR 8603) a proposed rule to provide for public snowmobile access to routes of the John D. Rockefeller, Jr. Memorial Parkway in winter that are accessible to motorized vehicles in the summer. This proposal was made available for public review and comment for a period of thirty (30) days following publication in the **Federal Register**, and ending on March 31, 1982. Comments received consideration during preparation of the final rule. As a result of this rulemaking process, a final regulation is published to provide for the preservation and enjoyment of the parkway in a manner consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior. It is also consistent with the snowmobile regulation for the jointly administered Grand Teton National Park and provides for snowmobile access to the South Entrance of Yellowstone National Park.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jack E. Stark, Superintendent, Grand Teton National Park, P.O. Box 170, Moose, Wyoming 83012. Telephone: (307) 733-2880.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands), issued February 9, 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or esthetic values.

In response to Executive Order 11644, the Secretary of the Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation. Consequently, a notice appeared in the **Federal Register** on December 23, 1976 (41 FR 55946), designating the parkway open for snowmobile use. This designated area included most of the terrain that had been open to snowmobiles since 1971. John D. Rockefeller, Jr. Memorial Parkway is administered jointly with Grand Teton National Park. The superintendent is responsible for the management of activities such as snowmobiling in both areas.

Because of the amount of response to the **Federal Register** notices for Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway, the normal 30-day public review period was extended to March 6, 1977. The park received nearly 600 letters from interested individuals and groups. A majority (61 percent) recommended either no snowmobiling be allowed in the park or that snowmobiles be confined to designated routes. Very little specific comment was received concerning the John D. Rockefeller, Jr. Memorial Parkway. Separate hearings for the parkway have not been held.

To better comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979, (44 FR 47412). This policy provides for the

use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense and enjoy the special qualities of the park in the winter. The snowmobile use must be consistent with the park's natural, cultural, scenic, and esthetic values; reflect safety considerations and park management objectives; and avoid disturbing wildlife or damaging other park resources.

The policy further provides that, where permitted, snowmobile use shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations.

Although the previously designated area permitted snowmobiling on nearly all of the parkway north and west of the Snake River floodplain, snowmobiles have been confined to the unplowed roads since the adoption of the Servicewide snowmobile policy. The final regulation published here will officially designate and limit snowmobile use to these roads. This regulation is necessary to comply with Servicewide policy.

Rulemaking for John D. Rockefeller, Jr. Memorial Parkway has been delayed to coincide with final snowmobile regulations for Grand Teton National Park. The snowmobile noise restrictions are the same as the noise levels proposed in the amendment to the Grand Teton National Park special regulations contained in 36 CFR 7.22(i).

This rule differentiates between tracked oversnow vehicles and propeller driven snowplanes. Industry standards for tracked snowmobiles now provide that all vehicles manufactured after February 1974 will not exceed a noise level of 78 decibels. Snowplanes have been used periodically in the area now designated as the parkway since 1935 and the Service has no desire to eliminate this use.

It is not possible to operate snowplanes efficiently or safely at much less than a noise level of 86 decibels due to a combination of propeller and manifold noise. Therefore, different noise levels are proposed for the two different kinds of oversnow vehicles.

A proposed rule was printed in the **Federal Register** (47 FR 8603) on March 1, 1982. Simultaneously a proposed rule was printed for Grand Teton National Park. During the public review period few comments were received specifically mentioning the John D. Rockefeller, Jr. Memorial Parkway, but comment was generally favorable. Consequently, the final rule is identical to the proposed rule except for two changes essentially of an administrative nature. First, a new paragraph (a)(1) expands the definition of snowmobiles to include snowplanes for the purposes of John D. Rockefeller, Jr. Memorial Parkway. Second, references to administrative and emergency uses of snowmobiles are being deleted. Both are needed to conform this regulation to the revision of General Regulations for areas administered by the National Park Service, 36 CFR Parts 1–7, now being prepared for publication.

Drafting Information

The following persons participated in the writing of these regulations: Alan L. Atchison, Chief Park Ranger, Grand Teton National Park; Walter D. Dabney, District Park Ranger, Grand Teton National Park.

Paperwork Reduction Act

This regulation does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 305 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291, and certifies that this document would not have a "significant economic effect on a substantial number of small entities," under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This finding is based on the limited number of area snowmobile dealers and support services.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332) the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on this regulation which are available at the address noted above.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535 as amended; 16 U.S.C. 3))

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, § 7.21 is added to 36 CFR Part 71 to read as follows:

§ 7.21 John D. Rockefeller, Jr. Memorial Parkway.

(a) *Snowmobiles.* (1) For the purposes of this section, except as otherwise distinguished in paragraph (a)(5) of this section, the term "snowmobile" includes "snowplanes", which are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) Designated routes to be open to snowmobile use:

(i) The Ashton-Flagg Ranch Road between the western boundary of the Parkway and its junction with U.S. Highway 89–287.

(ii) The unplowed portion of U.S. Highway 89–287 between Flagg Ranch and the south boundary of Yellowstone National Park.

(3) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed for all other motor vehicle use by the public.

(4) The superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year, taking into consideration the location of wintering wildlife, road plowing schedules and other factors related to public safety or resource protection. The superintendent shall notify the public of such dates through normal news media channels.

(5) The operation of a snowmobile which makes excessive noise is prohibited. Excessive noise for tracked snowmobiles is defined as noise that exceeds 78 decibels and for snowplanes noise that exceeds 86 decibels. Snowplanes operated and registered in the parkway for the 1970–1971 season are excepted. Measurements are made on the "A" weighted scale in intensity of a sound level meter measured at a distance of not less than 50 feet when the snowmobile or snowplane is being operated at or near full throttle.

Dated: March 25, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-11377 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

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36 CFR Part 7

Grand Teton National Park, Wyoming; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On March 1, 1982, the National Park Service published in the

Federal Register (47 FR 8600) a proposed rule to provide for public snowmobile access to most areas of the park where such use has occurred. The proposal was made available for public review and comment for a period of thirty (30) days following publication in the Federal Register and ending on March 31, 1982. As a result of the rulemaking process, a final regulation is published. Several minor technical changes have been incorporated as a result of administrative review. The regulation is intended to afford greater resource protection while also providing the opportunities for the public to enjoy winter park values. The rule is consistent with snowmobile regulations proposed for the jointly administered John D. Rockefeller, Jr. Memorial Parkway.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jack E. Stark, Superintendent, Grand Teton National Park, P.O. Box 170, Moose, Wyoming 83012, Telephone: (307) 733-2880.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands), issued February 9, 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or aesthetic values.

In response to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by Federal Register notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, Grand Teton National Park published a notice in late 1976 to designate areas and routes open to snowmobile use in the park. The notice appeared in the Federal Register on December 23, 1976 (41 FR 55945), and invited public review and comment. The routes and areas designated were most of those that had been open to snowmobiling since 1971. An environmental assessment (approved January 6, 1977) was also prepared concerning management of winter activities, including snowmobiling.

Because of the amount of response to the Federal Register announcement and the environmental assessment, the normal 30-day public review period was extended to March 6, 1977. The park received nearly 600 letters from interested individuals and groups. A majority (61 percent) recommended either no snowmobiling be allowed in the park or that snowmobiles be confined to designated routes.

In August of 1977, the National Park Service appointed a task force to review snowmobile use in all areas of the National Park System and to, "develop a policy * * * that will clearly state the National Park Service's position on the legitimacy of mechanized over-snow travel in the parks and enable the Superintendents to address the question uniformly."

The task force was formed in response to requests from pro-snowmobiling and anti-snowmobiling interests, both of whom were seeking a uniform policy that would more closely guide the "discretion" of individual superintendents.

The task force met with various user groups that included the International Snowmobile Industry Association, the International Snowmobile Council, the Sierra Club, and the National Parks and Conservation Association. A policy was proposed that, "* * * snowmobiles may be permitted * * * as a mode of transportation * * * (on) designated routes (to) be established only on existing public roadways and waterways open to motorized vehicles and vessels."

Pursuant to this policy, Grand Teton National Park drafted proposed regulations designating approximately 72 miles of unplowed roadways and 26,700 acres of waterways (Jackson and Jenny Lakes) as open to snowmobiling. On January 19, 1978, the National Park Service postponed implementation of this snowmobiling policy and delayed rulemaking for Grand Teton National Park to allow further public participation in the development of the National Park Service snowmobile policy.

The National Park Service published a proposed snowmobile policy in the Federal Register on December 7, 1978 (43 FR 57352). This policy was similar to that proposed in 1977 in that, "Where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons." Three exceptions to this policy were proposed—Acadia National Park, Delaware Water Gap National Recreation Area, and the "Potholes Area" of Grand Teton National Park.

Following public review, the National Park Service published a notice in the Federal Register of August 13, 1979 (44 FR 47412) adopting a Servicewide snowmobile policy that was very similar to the one proposed on December 7, 1978, but all exceptions to the policy were deleted. Following announcement that the Servicewide snowmobile policy would be implemented in Grand Teton National Park, considerable opposition by Wyoming residents emerged. On October 11, 1979, the Director of the National Park Service postponed implementation of the policy in the park pending public hearings.

Another environmental assessment (approved February 14, 1980) was prepared and released to the public for review in April 1980. At that time, the National Park Service's preferred alternative was to permit snowmobiling only under restrictions of the national policy. The public hearings (held in May) indicated substantial support, by local Wyoming residents, for off-road snowmobiling in Grant Teton National Park. Of 174 letters received in the park by June 30, 1980, the deadline for public input, 60 percent favored snowmobiling only under restrictions of the national snowmobile policy, 20 percent favored off-road snowmobiling. All but two of the letters favoring off-road snowmobiling were from Wyoming.

In December 1980 the Regional Director, Rocky Mountain Region, appointed a special committee of five individuals from outside the National Park Service to review the issue and all public comment, and to make recommendations for an oversnow vehicle policy for the park. The committee convened in the park in February 1981 and voted three to two in support of application of the roads-only policy for Grand Teton National Park.

Off-road snowmobiling has been permitted in some areas of Grand Teton National Park for over ten years. In these areas, vegetation damage and disturbance to wildlife have not been apparent due to snow depths adequate to protect vegetation and seasonal movement of most wildlife to other areas of the park. Additionally, conflicts between snowmobilers and cross-country skiers have not been a serious problem.

In the late 1960's park management became concerned about increased noise due to increased snowmobile use. Snowmobile noise regulations were promulgated in August 1971 (36 FR

16065) and adopted as part of Grand Teton's special regulations, 36 CFR 7.22(i). The regulation limits the noise level of snowmobiles of 86 decibels, measured on the "A" weighting scale at a distance of 50 feet, but exempts snowplanes that were registered with the park for the 1970–71 season.

This amendment differentiates between tracked oversnow vehicles and propeller driven snowplanes. Industry standards for tracked snowmobiles now provide that all vehicles manufactured after February 1974 will not exceed a noise level of 78 decibels. Snowplanes have operated, primarily on Jackson Lake, since 1935 and the Service has no desire to eliminate this historic use which would occur if a general prohibition was made to exclude oversnow vehicles that exceed 78 decibels. The combination of propeller and manifold noise cannot be reduced significantly below 86 decibels without seriously reducing the safety and maneuverability of snowplanes. Therefore, different noise levels are proposed for the two different kinds of oversnow vehicles.

Proposed snowmobile rules for Grand Teton National Park were printed in the **Federal Register** (47 FR 8600) on March 1, 1982. The public comment period was through March 31, 1982. During the comment period, 210 letters and petitions totalling 383 signatures were received. Response to the proposed rule was mixed. Seventy-one percent of the letters favored the proposed regulations and 28 percent favored snowmobiling only under the national snowmobile policy restrictions. Petition signatures, on the other hand, were 12 percent in favor of the proposed regulations and 83 percent in favor of a roads-only policy. Lacking evidence of resource impacts from off-road snowmobiling in the Potholes-Baseline Flats area of Grand Teton, and recognizing such activity has been an established use for over ten years, the Service has decided to continue this off-road snowmobiling as an exception to its snowmobile policy. Thus, the final rule is identical to the proposed rule except for two changes essentially of an administrative nature. First, a new paragraph (1) expands the definition of snowmobiles to include snowplanes for the purposes of Grand Teton National Park. Second, provisions for emergency and administrative use of snowmobiles are being deleted. Both are needed to conform this regulation to the revision of the Service's general regulations, 36 CFR Parts 1–6, now being prepared for publication.

Drafting Information

The following persons particpated in the writing of these regulations: Alan L. Atchison, Chief Park Ranger, Grand Teton National Park; Walter D. Dabney, District Park Ranger, Grand Teton National Park.

Paperwork Reduction Act

This regulation does not contain collection requirements which required approval by the Office of Management and Budget under 44 U.S.C. 305 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291, and certifies that this document would have no "significant economic effect on a substantial number of small entities," under the Regulatory Flexibility Act 5 U.S.C. 601 *et seq.*). This finding is based on the limited number of area snowmobile dealers and support services.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332) the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on this regulation which are available at the address noted above.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3)

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, Part 7 of Title 36 of the Code of Federal Regulations is amended by revising § 7.22(i) to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(i) *Snowmobiles.* (1) For the purposes of this section, except as otherwise distinguished in paragraph (i)(6) of this section, the term "snowmobile" includes "snowplanes," which are self-propelled vehicles intended for over-the-snow travel, having a curb weight of not more than 1000 pounds (450 kilograms), mounted on skis in contact with the snow, and driven by a pusher-propeller.

(2) Designated routes to be open to snowmobile use: The Spread Creek Road; the unplowed portion of the Pacific Creek Road; the unplowed portion of the Ditch Creek Road; the Lost Creek Ranch Road, those portions of the unplowed roads connecting with the Shadow (Antelope) Mountain Forest Service Road at Cunningham Cabin, Lost Creek Road and Antelope Flats Road; the unplowed portions of the Moose-Wilson Road; and the unplowed portion of the Teton Park Road north of Cottonwood Creek to a line of markers south of Timbered Island, around the east side of Timbered Island north to a line of markers at South Jenny Lake Junction, and then north to Signal Mountain Lodge, except during the period previous to opening of Potholes-Baseline Flats area when the Teton Park Road will be open through to Signal Mountain, the Jenny Lake Loop Road, the Spalding Bay Road, the String Lake Picnic Area Road, the Signal Mountain Summit Road, the Signal Mountain Launch Ramp Road, and the Lizard Creek Campground Road.

(3) Designated area open to snowmobile use: The Potholes-Baseline Flats area east of the Teton Park Road north of Cottonwood Creek, north of the Bar BC access road, east of Timbered Island, west of the River Road or as marked at the top of the Snake River Bench, northwest of Timbered Island as marked to the Teton Park Road and bounded on the north by the RKO Road.

(4) Designated water surface: The frozen surface of Jackson Lake.

(5) (i) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public. Where needed, these routes will be marked by signs, snow poles or other appropriate means.

(ii) The superintendent shall determine the opening and closing dates for use of designated snowmobile routes and areas each year, taking into consideration snow depth adequate to protect vegetation, the location of wintering wildlife, road plowing schedules, and other factors related to public safety or resource protection. The superintendent shall notify the public of such dates through normal news media channels.

(6) The operation of a snowmobile which makes excessive noise is prohibited. Excessive noise for tracked snowmobiles is defined as noise that exceeds 78 decibels and for snowplanes noise that exceeds 86 decibels. Snowplanes operated and registered in the park for the 1970–1971 season are excepted. Measurements are made on the "A" weighted scale in intensity of a sound level meter measured at a distance of not less than 50 feet when

the snowmobile or snowplane is being operated at or near full throttle.

* * * * *

Dated: March 14, 1983.

Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-11375 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2336-2; Docket No. MA 1102]

Approval and Promulgation of Implementation Plans; Massachusetts Sulfur-in-Fuel Revision for Esleeck Manufacturing Company, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a State Implementation Plan revision submitted by the State of Massachusetts. This revision allows the Esleeck Manufacturing Company, Inc., Montague to increase the sulfur-in-fuel content of its fuel oil while restricting the maximum allowable fuel firing rate to ensure compliance with National Ambient Air Quality Standards. EPA is also correcting printing errors found in the codification of a related rulemaking. The intended effect of this action is to allow the Company to burn less expensive fuel oil.

EFFECTIVE DATE: This action will be effective on June 28, 1983, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C.; Office of the Federal Register, 1100 L St., N.W., Room 8401, Washington, D.C. and the Massachusetts Department of Environmental Quality Engineering, 1 Winter Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Stephen S. Perkins, (617) 223-5885.

SUPPLEMENTARY INFORMATION: On November 8, 1982, and February 8, 1983 (amendments), the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the Massachusetts State Implementation Plan (SIP). The revision allows the Esleeck Manufacturing Company, Inc., (the Company) to increase its sulfur-in-fuel content from 0.55 to 1.21 pounds per million Btu heat release potential (approximately equivalent to 1.0% and 2.2% sulfur content by weight, respectively) while restricting its maximum fuel firing rate to 137.5 gallons per hour.

Background

On January 19, 1981 (46 FR 4917), EPA published its disapproval of a Massachusetts SIP revision allowing the burning of fuel oil having a sulfur content of 1.21 pounds per million Btu heat release potential at the Company. The decision was based on mathematical air quality dispersion modeling with EPA's VALLEY model which predicted that violations of National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) would occur if the Company burned 2.2% sulfur fuel oil at its maximum design firing rate. The NAAQS are maximum allowable ambient air pollutant concentrations which are set to protect the public health and welfare.

In the final rulemaking, EPA stated that it would consider approval of a SIP revision allowing the Company to burn 2.2% sulfur oil if the Massachusetts Department presented new information demonstrating that air quality standards would be maintained by reducing the Company's maximum allowable emission rate. During the public comment period the Company indicated it would investigate a reduced firing rate and new dispersion modeling. No other comments were received on the proposed disapproval of the SIP revision or EPA's intention to consider new information. Since the Company did not submit any new information during the public comment period EPA published a final disapproval of the SIP revision.

New Information

EPA has now received new technical support demonstrating that the NAAQS for SO_2 will not be violated by burning 2.2% sulfur fuel oil if the Company's maximum fuel firing rate is limited to 137.5 gallons per hour. This new technical support, included in the SIP revision submitted on November 8, 1982, consists of a new air quality modeling analysis based on the reduced fuel firing rate. The 137.5 gallons per hour firing rate is enforceable by both the Massachusetts Department and EPA.

Since the Company was included in the public hearing for the revision described above, the Massachusetts Department decided to hold a public hearing only if requested during the 30 day public comment period. Since no requests for a hearing were pending at the end of the comment period, the additional public hearing was not held.

Increases in sulfur dioxide emissions, resulting from relaxations of sulfur-in-fuel limits, must also show compliance with Prevention of Significant Deterioration (PSD) increments if the increase occurs in or impacts on an area in which a baseline date has been established.[1] The Company is not located in such an area. Furthermore, the technical support submitted demonstrated that the Company has no significant impact on any area in which a baseline date has been set.

EPA has reviewed the new technical support submitted by the Massachusetts Department and has determined that the modeling procedures are correct and approvable. For more details on EPA's review, see the technical support document available at the locations listed in the **ADDRESSES** section of this notice.

Corrections To Code of Federal Regulations

In the course of preparing this SIP revision, printing errors were discovered in the codification of an earlier rulemaking. Therefore, this action recodifies the earlier revision published at 46 FR 4918 and codifies the current revision for the Esleeck Manufacturing Company, Inc.

Action

EPA is approving the SIP revision to allow the Esleeck Manufacturing Company, Inc., to burn oil with a sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

Since EPA views this SIP revision as noncontroversial, we are taking this action without prior proposal. This action will be effective June 28, 1983. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, we will withdraw this action and publish a new rulemaking proposing the action and establishing a comment period.

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[1] The PSD increments are allowable increases in ambient pollutant concentrations which were established to limit the degradation of clean air areas. A baseline date is the date after August 7, 1977, on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980 (40 FR 52676).

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

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 1983. This action may not be challenged later in proceedings to enforce its requirements.

(See 307(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Dated: April 13, 1983.

Lee L. Verstandig,

Acting Administrator.

PART 52—[AMENDED]

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

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (54) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(54) On February 8, 1983, the Massachusetts Department of Environmental Quality Engineering submitted a source specific emission limit in the letter of approval to the Esleeck Manufacturing Company, Inc., Montague, allowing the Company to burn fuel oil having a maximum sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

§ 52.1126 [Amended]

2. Section 52.1126 is amended by redesignating the existing text of paragraph (b) as (b)(1). The paragraph designated (b) in the January 19, 1981 (46 FR 4918) **Federal Register** should be redesignated as (b)(2).

3. Section 52.1126(b)(2) is amended by removing the listing "Esleeck Manufacturing Co., Montague."

[FR Doc. 83-10816 Filed 4-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

[Docket No. 80-70]

Interpretations and Statements of Policy; Status of Bulk Commodities With Respect to the Tariff Filing Requirements of Section 18(b)(1) of the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final Interpretative Rule—Establishment of Effective Date.

SUMMARY: The Commission is rescinding its stay and establishing the effective date in this proceeding, thereby affectuating an interpretative rule which states that the transportation of bulk commodities loaded and carried in containers, trailers, rail cars, or similar intermodal equipment (with the exception of LASH or Seabee barges) moving in the foreign commerce of the United States is subject to the tariff filing requirements of the Shipping Act, 1916.

EFFECTIVE DATE: The Interpretative Ruling published at 47 FR 10851, March 12, 1982 is effective June 27, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: On March 12, 1982, the Commission published an interpretative rule declaring that bulk type cargo loaded in containers, trailers, rail cars, or similar types of intermodal equipment (but not LASH or Seabee barges), is subject to the traffic filing requirements of section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817) because such cargo is subject to being loaded and carried with mark or count. (47 FR 10851, March 12, 1982).

Concurrently with the issuance of the rule, the Commission stayed its effectiveness and published a notice (46 FR 10862-10863, March 12, 1982) seeking comment regarding a possible exemption from the tariff filing requirements of section 18(b)(1) for rates on certain classes of bulk commodities. Docket No. 82-13; *Exemption of Bulk Cargo Moving in the Foreign Commerce of the United States from the Tariff Filing Requirements of Section 18(b) of the Shipping Act.*

A review of the comments received in response to the above notice fails to demonstrate either a commercial justification or valid regulatory reason for granting the described tariff filing exemption. As a result, the Commission has, by separate notice issued this date in Docket No. 82-13, abandoned the exemption proposal and discontinued that proceeding. The Commission has consequently determined to rescind the stay of effectiveness of the interpretative rule issued in this docket.

Accordingly, the Commission's previously issued stay in Docket No. 80-70 is hereby rescinded.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11195 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 48, No. 83
Thursday, April 28, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 21955; Notice No. 83-3]

Metropolitan Washington Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to change the annual passenger ceiling at Washington National Airport from 16 million to 14.8 million or to a figure between 14.8 million and 16 million depending upon the highest annual passenger level forecasted within the next 2 years. It also proposes to allow commuter carriers utilizing smaller, quieter aircraft to conduct a limited number of "stol-runway" operations at National Airport in addition to the operations permitted by the current limitations. This amendment is proposed to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the areas around National.

DATE: Comments must be received on or before July 27, 1983.

ADDRESSES: Mail comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21955, 800 Independence Avenue, S.W., Washington, D.C. 20591,

or deliver them to: Room 915G., 800 Independence Avenue, S.W., Washington, D.C.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Deputy Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-3773..

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21955." The postcard will be dated, time-stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On November 23, 1981, the FAA issued final rules (46 FR 58036; November 27, 1981) to implement the DOT/FAA policy to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the Washington metropolitan area.

When the Metropolitan Washington Airports Policy was issued in November 1981, the agency stated that it would review a number of subjects related to the policy including additional slots for commuter operators and the daytime noise levels. That review has been completed. This proposal sets forth the agency's recommendations as a result of this review.

Passenger Capacity

Under the policy, National Airport was limited to 16 million total passengers per year (including enplaned and deplaned passengers from air carrier, commuter and general aviation operations). In accordance with 14 CFR 93.124 the hourly number of reservations allocated to air carriers except air taxis at Washington National is adjusted so that it will be one less than the number of hourly reservations that is forecast to produce an annual passenger level of 16 million. Section 93.123 limits hourly IFR operations at Washington National as follows:

Operations conducted by air carriers with aircraft having a certificated maximum seating capacity of 56 or more	37
Operations conducted by air carriers with aircraft having a certificated maximum seating capacity of less than 56	11
Other	12

In explaining the basis for the 16 million ceiling, the following was stated in the preamble to the final policy:

[T]he capacity limitation is necessary because the number of passengers utilizing the airport may continue to increase, even without the introduction of new aircraft types. Passenger activity has decreased slightly at National compared to 1979 levels, but growth trends can be expected to resume. Under existing limits, passenger activity has increased from approximately 11 million in 1972 to 15 million in 1979. This rule will limit that increase to be consistent with an appropriate level of use of airport facilities

and will shift future growth in passenger activity to Dulles and BWI Airports. Thus, the cap on growth is a key to achieving the goals of this policy.

Although the policy reduced the number of hourly air carrier slots from 40 to 37, it was recognized that although that might slow the rate of growth at National somewhat, it would not by itself bring about a significant shift in future passenger activity to Dulles or BWI. Thus, the ceiling on passenger activity at National was necessary.

In setting the 16 million passenger level the agency stated: "It is a level which should not necessitate further reduction in air carrier scheduling slots for at least another 2 years, thereby giving the carriers time to plan for future changes in the way they serve the Washington metropolitan area." The agency further stated:

[I]t will also increase the likelihood that the bulk of the growth in the area's passenger activity in this decade will occur at Dulles and BWI. Without a firm cap on National, it does not appear that the air carrier activity will shift in sufficient volume to these airports.

At the time the rule was issued, the approximate annual passenger level at National was 14.5 million. This 14.5 million figure represents aircraft activity prior to the limitations imposed as a result of the air traffic controller strike. Therefore, it was anticipated that 2 years after issuance of the final rule, the annual number of passengers utilizing National would increase by approximately 1.5 million and that by the middle of the decade, future growth in the Washington area would be at Dulles and BWI.

As a result of the air traffic controller strike which limited arrivals at airports including National and a shift in the economy which resulted in a reduction in the number of passengers, the actual and forecasted number of passengers to utilize the Washington area airports has changed. The essential purposes of the Washington Metropolitan Airports Policy—to prescribe a role for Washington National and Dulles International Airports and to promote better utilization of Dulles Airport—have not changed. As stated in the final rule, a significant shift in passenger activity to Dulles and BWI Airports must be made during the middle of this decade. This shift will not occur within the time frame anticipated by the Policy if the capacity limitation remains at 16 million.

Accomplishment of the agency's objectives, as enunciated in the Airport Policy, would be difficult if future passenger growth in the Washington area continues at National Airport to the exclusion of the other area airports. Therefore, appropriate action is being considered at this time which would allow the agency to achieve these policy objectives on schedule. As a result, the agency is proposing to lower the annual passenger capacity to 14.8 million (see Alternative A).

Based upon the current number of operations and load factors at Washington National, the proposed annual passenger limitation would not be reached immediately. Carriers will have time to adjust their operations at Dulles and BWI. Under the Policy, in January of each year the FAA prepares a forecast of total enplaned and deplaned passenger activity over a 12-month period beginning the following April (14 CFR 93.124). If the forecasted activity for the 12-month period is in excess of the annual passenger limitation, the number of hourly slots allocated to air carriers (37) is reduced and added to the air taxi allocation. The number of reduced slots are those necessary to bring the forecasted passenger total below the annual limitation.

The FAA currently estimates that the annual number of passengers at National would not exceed 14.8 million until the Summer of 1985. If that occurred, air carrier slots would be reduced beginning in April 1985 under the proposal. The agency recognizes that factors could change which affect passenger totals and, thus, the current forecast might have to be slightly adjusted. Thus, it is possible that the 14.8 million figure could be forecasted in January 1984 and, therefore, require slot reduction in April 1984. The agency has consistently stated that all actions taken in connection with the policy should give the industry time to adjust their operations accordingly. This time for adjustment is necessary for the carriers to make required equipment and personnel decisions as part of their long-term planning. The agency does not want to disrupt this planning process which affects not only the carriers and their employees but also manufacturers, service companies and their employees. Therefore, although the agency believes that the annual passenger capacity should be reduced, it should not be reduced to a figure which would disrupt current air carrier decisions.

As a result, the agency will consider as an alternative (see Alternative B) to the 14.8 million proposal a proposal which would reduce the current 16 million passenger level to the level to be forecasted in January 1985 (for the period April 1985 to April 1986) as long as that forecast does not exceed 16 million. This ensures that if the current forecast is not correct, the shift of future air carrier growth in the Washington area to Dulles and BWI during the middle of the decade will not be unnecessarily accelerated but will continue as planned.

This 2-year period would also ensure that the shift to Dulles occurs at a time at which a number of projects to improve passenger access to Dulles (some of which are described later in this notice) are completed.

As mentioned previously, in January of eacy year a forecast is prepared for the anticipated April-to-April passenger traffic at National.

In January 1985, the forecast will be issued for April 1985 to April 1986. If that forecast, for example, shows that the passenger level will be 15.1 million then the annual passenger level set forth in 14 CFR 93.124 will be amended from 16 million to 15.1 million. In no event will the level go above 16 million. Based upon current estimates, the forecast for that period should be between approximately 14.8 to 15.2 million. Therefore, this proposal would result in a lower annual passenger capacity but would reduce the chance that air carrier slots would be reduced before 1985.

Comments are specifically invited on this issue.

Commuter Operations

The Metropolitan Washington Airports Policy stated:

DOT recognizes that the provision of additional authority for commuter operators may have merit. Additional operations by commuter aircraft meeting the nighttime noise levels would not be inconsistent with many of the objectives of this policy. Promulgation of such a provision will be reviewed during the next year in connection with the review of the noise levels themselves.

Commuter air carriers (air carriers with aircraft having a certificated maximum seating capacity of less than 56) are currently authorized 11 operations per hour at National Airport. Within these limitations, a number of commuter carriers utilizing the smaller, quieter aircraft have conducted "stol-runway" operations for the past 2 years. (A "stol" operation is one in which only a portion of the runway is used. The arrival or the departure would be accomplished on that one runway without crossing another runway.) At National, runways 21 and 33 can be and are being used for non-interfering stol operations.

The FAA has reviewed the current level of scheduled operations at Washington National Airport and believes that the ATC system and the

airport runways and movement areas can handle some additional operations utilizing sections of runways without adversely affecting the safety and efficiency of the operations currently authorized by § 93.123 if the operations are conducted in accordance with certain limitations and conditions. These operations would be above the 11 per hour allowed by § 93.123. The additional operations would not affect the airport capacity during IFR weather conditions and periods of adverse weather because these aircraft can conduct runway intersection departures. Thus, in IFR conditions, commuter carriers would be able to conduct those operations in a manner which would not adversely affect ATC capacity. It must be noted that in written comments submitted on the Airport Policy the Dulles Policy Task Force, as well as the Attorney General and the Department of Aviation for the Commonwealth of Virginia, supported additional operations for commuters.

Therefore, the FAA is proposing to allow commuters to conduct additional operations at National subject to the following conditions and limitations:

1. A maximum of two operations per hour may be scheduled.

2. Only aircraft capable of operating on sections of runways with systems and performance capabilities approved by the Administrator may be operated.

3. The noise levels of the aircraft involved in these operations may not exceed the applicable noise levels set forth in § 159.40(a) of the Federal Aviation Regulations.

4. The operations shall be accomplished on sections of secondary runways (Runways 3, 15, 21, and 33).

5. Where Tower Enroute Control (TEC) exists, operations shall be conducted therein.

6. Operations must be authorized by, and conducted in compliance with, the carrier's operations specifications and FAA procedural standards and related requirements involving simultaneous use of intersecting runways for arriving and departing aircraft.

The aircraft capable of operating under this provision would operate at noise levels lower than the nighttime noise restrictions contained in the Policy (14 CFR 159.40). Therefore, this proposal would encourage greater use of quieter aircraft at National Airport.

Aircraft that could operate under this provision have demonstrated during the certification process the ability to operate will within the distances available on the runways to be utilized. In order to conduct operations under this authority, a carrier would have to first have the operation approved by the Administrator. The carrier would also have to obtain approval from ATC and the operation would have to be consistent with the carrier's approved operations specifications.

These additional operations would be allocated by the Commuter Scheduling Committee in accordance with the procedures utilized for Washington National allocations. The agency expects that the extra hourly operations will be allocated in a manner which will increase new entrant commuter access at the airport. This, in turn, should result in increased service from smaller communities currently with little or no service to National.

On April 26, 1983, the agency issued a 9-month exemption (Docket No. 22473) which allows commuter air carriers to conduct operations in accordance with this provision. The agency will evaluate operations conducted under this authority to determine whether they can be accommodated without adverse effect on the ATC system or the other users of the airspace and to ensure that they are consistent with the Airport Policy. The results of this evaluation and the comments received in response to this notice will be considered before a final rule is issued.

Daytime Noise Limitations

Another issue subject to further study was that of the noise limits proposed for daytime operations in 1981 and 1986, and whether they can reasonably be imposed as proposed or in a modified form. During the past year, a Departmental Task Force has reviewed this issue and concluded that daytime noise limits should not be imposed at Washington National Airport at this time. Airplane noise at Washington National peaked in 1981 and has steadily gone down. In addition, noise levels will continue to decline for two reasons.

First, the current FAA noise compliance regulation, specified in FAR Part 91, Subpart E, Operating Noise Limits, is bringing all of the large turbojet aircraft used at the airport into compliance with FAR Part 36 Stage 2 noise limits as a matter of course. Currently, all 727 aircraft must comply with these noise limits, and, as the so-called Small Community Service exemptions for two-engine aircraft expire at the beginning of 1985 and 1988, all 737's, DC-9's, and BAC-1-11's will also be made to comply. Thus, there is already a "cap" on the noise levels of aircraft using the airports, and no noisier aircraft types can be used there. Secondly, the overall operating policy for the Metropolitan Washington Airports should automatically limit aircraft noise at Washington National Airport. The imposed limits on the number of air carrier operations there and the limit on annual passengers will ensure that the number of air carrier operations does not increase and actually are likely to decrease in the future.

Other Matters

As to Dulles, the FAA has been working to improve ground transportation access to it by both private automobile and public transportation. The Dulles Access Highway Extension, which will link the existing access highway to Interstate Route 66 and, thus, appreciably reduce travel time from the airport to downtown, is slated for completion in September of this year. The FAA has provided the right of way and worked with the Commonwealth of Virginia which allows it to construct and operate the toll roads which will parallel the access highway. The most direct benefit of this project to Dulles is that it provides a thoroughfare for local traffic and will enable FAA to permanently maintain the access highway for airport traffic. The acquisition of 12 to 15 new buses is also being actively pursued by the FAA. If successful, this effort will reduce capital costs to the operator, with the savings being directed toward broader service and downward pressure on the fare structure. A ground transportation solicitation is being developed based on input from DOT's Transportation Systems Center. This solicitation is timed for a planned contract award early this fall. Key aspects of the total effort by the FAA and the successful contractor are improved service patterns, broad local advertising and automated ground transportation information equipment. A solicitation for a new taxicab contract, which will require accelerated replacement of an aging taxi fleet, has been issued. For those who use their private automobiles, increased low cost parking has been added and additional spaces are being planned. As the products or these various actions blend together, Dulles will be the beneficiary of significantly improved ground access.

A number of commuter operators and air carriers have introduced new or expanded service at Dulles which increased passenger traffic by approximately 12 percent last year. New service has been instituted from Dulles to major hubs at Salt Lake City, Newark and Chicago. The completion of the Dulles Highway Extension and the toll roads should result in increased growth around the airport perimeter which, in

turn, should increase passenger utilization of the airport. In addition, one carrier has announced a new hub at BWI. In addition to the connecting flights available through the hubs, approximately 2 dozen new cities are linked to Dulles via nonstop or through-plane service. The broadenign service base at Dulles will, over a period of time, provide an even better base for intermediate length flights and additional commuter service. Adjustment of the policy as proposed will encourage continued movement to the other airports where there is more than adequate capacity. This, in turn, will allow use of National for quieter commuter aircraft for service to closer surrounding cities.

List of Subjects in 14 CFR Part 93

Air traffic control.

The Proposed Amendment

PART 93—[Amended]

In consideration of the above, the FAA proposes to amend Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) as follows:

§ 93.124 [Amended]

Alternative A

1. By amending paragraph (b) by deleting the number 16 million and inserting in lieu thereof the number 14.8.

Alternative B

1. By amending paragraph (b) by deleting the number 16 and inserting in lieu thereof the following:

"equal to the number of passengers projected in the January 1985 forecast pursuant to paragrapgh (a) if that projection is less than 16 million. If that figure exceeds 16 million, then the number 16 million be utilized."

2. By amending § 93.123(c) to add paragraph (3) to read as follows:

§ 93.123 [Amended]

* * * * *

(3) Notwithstanding the limitations contained in paragraph (a), scheduled air taxis are authorized a maximum of two additional IFR operations per hour under the following conditions:

(i) Only aircraft capable of operating on short runways and with systems and performance capabilities approved by the Administrator are operated.

(ii) The noise levels of the aircraft involved in these operations do not exceed the applicable noise levels set forth in § 159.40(a) of the Federal Aviation Regulations.

(iii) The operations are accomplished on sections of secondary runways, i.e., Runways 3, 15, 21, and 33.

(iv) Where Tower Enroute Control (TEC) exists, operations shall be conducted thereunder.

(v) Stol operations shall be specifically authorized by and conducted in compliance with the carrier's operations specifications and FAA procedural standards and related requirements involving simultaneous use of intersecting runways for arriving and departing aircraft.

(Secs. 103, 307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348 (a), (b) and (c), and 1354(a)); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 81 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 6 of the Department of Transportation Act (49 U.S.C. 1655)).

Note.—The FAA has determined that this proposal, if adopted, would not affect aircraft operations in the Washington Metropolitan area. Although there might be some long-term reductions in the number of operations at Washington National Airport, the number of operations affected will not be significant. Furthermore, there is adequate space at the other two Washington area airports to accept all operations moved from National. The effect on small entities of allowing two additional scheduled commuter operations per hour at National should be positive but minimal.

Based on the above, it has been detemined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed amendment is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because of possible public interest.

Issued in Washington, D.C., on April 26, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-11527 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-192; (Louisiana-9]

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendations of the State of Louisiana Office of Conservation that two areas of the Hosston B Zone be designated as tight formations under §271.703(d).

DATE: Comments on the proposed rule are due on June 6, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 9, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: Apprll 22, 1983.

I. Background

On March 24, 1983, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission recommendations, in accordance with §271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that two areas in the Hosston B Zone in north Louisiana be designated as a tight formation in the Commission's regulations. Pursuant to §271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendations that the Hosston B Zone be designated a tight formation should be adopted. Louisiana's recommendations and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Louisiana recommends that two areas of the Hosston B Zone, located in Claiborne and Bienville Parishes, Louisiana, be designated as tight formations. The Hosston B Zone is a part of the Hosston Formation of Cretaceous age which underlies the

Pettit Formation of Cretaceous age and overlies the Cotton Valley Group of Jurassic age.

One recommended area is located immediately southwest of the township of Athens, Louisiana. The recommended area underlies parts of the Leatherman Creek Field, Claiborne Parish, and includes Township 19 North, Range 7 West, Sections 7 through 11, 14 through 23, and 26 through 35, and Township 19 North, Range 8 West, Sections 12, 13, 24, 25 and 36. Fourteen wells have been completed in this formation, of which, ten are currently producing and four are shut-in. In a type log, the McGoldrick Oil Company Bessie Sherrill No. 1 well, located in Section 21 of Township 19 North, Range 7 West, the top of the recommended formation appears at approximately 8,260 feet and extends to 10,000 feet (log depths) giving a total thickness of 1,740 feet.

The other recommended area, the Hosston B Zone, Reservoir A, underlies part of the Bear Creek Field in Bienville Parish. This area covers the south three-quarters of Section 22, the west three-quarters of Section 26, and all of Section 27 and 28 of Township 16 North, Range 6 West. The type log for this area is area is the Franks Petroleum, Inc. Lucius C. Gresham B No. 1 well located in the southeast quarter of Section 28, Township 16 North, Range 6 West. The top of the recommended formation appears at approximately 8,890 feet and extends to 9,801 feet (log depths) giving a total thickness of 911 feet. This is the only well currently producing from the recommended formation although it has been penetrated by one other well, the SWEPCO Engineering Property Loftin No. 1 well which produced from the formation until 1978.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates, for each recommended area, that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that existing Statewide Order No. 29–B will assure that development of the recommended areas will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposals submitted by Louisiana that the Hosston B Zone as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 6, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–192 (Louisiana-9), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 9, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432).

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(176) to read as follows:

§ 271.703 Tight formation.

* * * * *

(d) *Designated tight formations.*

* * * * *

(125) through (175) [Reserved]

(176) *Hosston B Zone in Louisiana.* RM79–76 (Louisiana-9)

(i) *Leatherman Creek Field Area.*

(A) *Delineation of formation.* The Hosston B Zone is located in north Louisiana and underlies parts of the Leatherman Creek Field, Claiborne Parish and includes Township 19 North, Range 7 West, Sections 7 through 11, 14 through 23, and 26 through 35, and Township 19 North, Range 8 West, Sections 12, 13, 24, 25 and 36.

(B) *Depth.* The top of the Hosston B Zone is measured at 8,260 feet and the base at 10,000 feet giving a total thickness of 1,740 feet, on the induction electric log of the McGoldrick Oil Company Bessie Sherrill No. 1 well, located in Section 21 of Township 19 North, Range 7 West.

(ii) *Bear Creek Field Area.*

(A) *Delineation of formation.* The Hosston B Zone, Reservoir A, is located in north Louisiana and underlies part of the Bear Creek Field, Bienville Parish and includes the south three-quarters of Section 22, the west three-quarters of Section 26, and all of Sections 27 and 28 of Township 16 North, Range 6 West.

(B) *Depth.* The top of the Hosston B Zone, Reservoir A, is measured at 8,890 feet and the base at 9,801 feet, giving a total thickness of 911 feet, on the induction electric log of the Franks Petroleum, Inc., Lucius C. Gresham B No. 1 well located in the southeast quarter of Section 28, Township 16 North, Range 6 West.

[FR Doc. 83-11379 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79–76–184; (Texas-11 Addition V)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking contains the recommendation of the Railroad Commission of Texas that an additional area of the Wilcox Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 6, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 9, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued April 22, 1983.

I. Background

On January 24, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Wilcox Formation in the South Campana (Wilcox 10,400') Field, in Duval and McMullen Counties, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Wilcox Formation be designated as tight formations in Order Nos. 199, 208, 241 and 279 issued December 16, 1981, February 5, 1982, July 8, 1982 and February 3, 1983, respectively. The Commission currently has under consideration a recommendation by Texas that the Wilcox First Hinnant Formation located in Jim Hogg County, Texas, be designated a tight formation in Docket No. RM79–76–183 (Texas-11 Addition IV), Notice of Proposed Rulemaking issued April 1, 1983. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Wilcox Formation in the South Campana (Wilcox 10,400') Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Wilcox 10,400' Formation in the South Campana (Wilcox 10,400') Field located in Duval and McMullen Counties, Texas, Railroad Commission Districts 1 and 4, be designated as a tight formation. The area is located approximately 18 miles northeast of the city of Freer, Texas. The recommended area includes all of the area within a 2.5 mile radius around the ARCO H. C. Edrington I No. 33 well, the only producing well in the formation, which is located in the southeast quarter of Section 61, A. B. & M. Survey, Abstract 43, McMullen County, Texas.

The Wilcox 10,400' Formation is the lowermost Upper Wilcox Formation located in the South Campana Field. The Wilcox 10,400' Formation is 10 to 12 feet in average thickness within the geographical area, with an average depth from the surface of the earth to the top of the formation of approximately 10,890 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Wilcox 10,400' Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 6, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–184 (Texas-11 Addition V), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission is writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 9, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(63)(vi) to read as follows:

§ 271.703 Tight formations

* * * * *

(d) *Designated tight formations.*

* * * * *

(63) *Wilcox Formation in Texas.* RM79–76 (Texas–11).

* * * * *

(vi) *South Campana (Wilcox 10,400') field*

(a) *Delineation of formation.* The Wilcox 10,400' Formation is located in the South Campana (Wilcox 10,400') Field in MCullen and Duval Counties, in south Texas, Railroad Commission Districts 1 and 4, approximately 18 miles northest of Freer, Texas. The designated area includes all of the acreage within a 2.5 mile radius around the ARCO H. C. Edrington I No. 33 well, which is located in the southest quarter of Section 61, A. B. & M. Survey, Abstract 43, McMullen County, Texas.

(B) *Depth.* The average depth to the top of the Wilcox 10.400' Formation is approximately 10,890 feet. The subject formation averages from 10 to 12 feet in thickness within the geographical area.

[FR Doc. 83–11380 Filed 4–27–83; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R–83–1078]

Recognition of Substantially Equivalent Laws

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 24 CFR Part 115, which provides recognition by the Department of those State and local fair housing laws that provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

DATE: Comment due date: May 31, 1983.

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

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Room 5214, Department of Housing and Urban Development, 451–7th Street, SW., Washington, D.C. 20410 (202) 426–3500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This Department is proposing to grant recognition to the fair housing laws of additional jurisdictions, pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968, as amended. The evaluation of the laws of these jurisdictions was conducted in accordance with the provisions of 24 CFR Part 115, with particular focus on §§ 115.2(a), 115.3 and 115.8. Those sections are set forth to give appropriate information to all parties with an interest in HUD's proposed action.

Section 115.2 Procedures for Recognition provides in (a): Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must: (a) Provide for an administrative enforcement body to receive and process complaints; (b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate matters; (c) Not place any excessive burdens on the complainant which might discourage the filing of complaints; (d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to Section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single-family homes sold or rented by the owner, and units in owner-occupied dwellings containing living quarters for no more than four families; and (e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibitions of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, that a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section. (f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

Section 115.8 Performance Standards provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment. (b) A state or local agency must: (1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law; (2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices; (3) Establish a mechanism for monitoring compliance with any

agreements or orders entered into with or issued by the State or local agency to resolve discriminatory housing practices; (4) Engage in comprehensive and thorough investigative activities; and, (5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be invstigated and, where applicable, set for conciliation within 30–45 days.

The Department is limiting the public comment period to 30 days. This is necessary in order to expedite the equivalency recognition process, so that the listed agencies may be recognized in time to be eligible to receive Fair Housing Assistance Program funding. If, after evaluating any comments received, the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11.

This proposed rule does not constitute a "major rule" as that term is defined in § 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed 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.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implement 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 and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451–7th Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because the greater flexibility afforded to localities to implement their own enforcement mechanisms and the greater responsiveness to specific problems in localities under this rule should enure alike to the benefit of both large and small governmental jurisdictions.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program numbers and titles are: 14.400, Equal Opportunity in Housing and 14.401, Fair Housing, Assistance Program.

List of Subjects in 24 CFR Part 115

Fair housing, Intergovernmental relations.

Accordingly, it is proposed to amend 24 CFR 115.11 as follows:

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Add to the list of localities in § 115.11, the names of Anchorage, Alaska; Metropolitan-Dade County, Florida; Maywood, Illinois; Urban, Illinois; East Chicago, Indiana; Lexington-Fayette, Kentucky; Saint Paul, Minnesota; St. Louis, Missouri; Winston-Salem, North Carolina; Dayton, Ohio; Harrisburg, Pennsylvania; York, Pennsylvania; and King County, Washington, so that the list reads as follows:

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6.

States

Alaska	Montana
California	Nebraska
Colorado	Nevada
Connecticut	New Hampshire
Delaware	New Jersey
Illinois	New Mexico
Indiana	New York
Iowa	Oregon
Kansas	Pennsylvania
Kentucky	Rhode Island
Maine	South Dakota
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin

Localities

Anchorage, Ak.	Springfield, Ill.
Phoenix, Ariz.	Urbana, Ill.
District of Columbia	Columbus, Ind.
New Haven, Conn.	East Chicago, Ind.
Clearwater, Fla.	Fort Wayne, Ind.
Metropolitan Dade County, Fla.	Gary, Ind.
Jacksonville, Fla.	South Bend, Ind.
Orlando, Fla.	Iowa City, Iowa
St. Petersburg, Fla.	Kansas City, Kans.
Bloomington, Ill.	Salina, Kans.
Evanston, Ill.	Wichita, Kans.
Maywood, Ill.	Lexington-Fayette, Ky.
Montgomery County, Md.	Howard County, Md.
Prince George's County, Md.	Raleigh, N.C.
Minneapolis, Minn.	Winston-Salem, N.C.
St. Paul, Minn.	Dayton, Ohio
Kansas City, Mo.	Harrisburg, Pa.
Saint Louis, Mo.	Philadelphia, Pa.
Lincoln, Nebr.	Pittsburgh, Pa.
Omaha, Nebr.	York, Pa.
New York City, N.Y.	Sioux Falls, S. Dak.
Charlotte, N.C.	Knoxville, Tenn.
Mecklenburg County, N.C.	King County, Wash.
New Hanover County, N.C.	Seattle, Wash.
	Tacoma, Wash.
	Beckley, W. Va.
	Charleston, W. Va.
	Huntington, W. Va.
	Beloit, Wis.

(Sec. 810(c) of the Civil Rights Act of 1968, 42 U.S.C. 3610 Section 234 of the Housing and Community Development Amendments of 1978).

Dated: March 23, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 83-11355 Filed 4-27-83; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-243-81]

Designation of Principal Campaign Committee; Proposed Rulemaking

Correction

In FR Doc. 83-10556, beginning on page 16911, in the issue of Wednesday, April 20, 1983, on page 16911, in the first column, in the "For Further Information Contact:", the name should read "Susan K. Thompson".

BILLING CODE 1505-01-M

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26 CFR Part 1

[LR-170-82]

Treatment of the Credit for Tax Withheld on Interest, Dividends, and Patronage Dividends Earned by an Estate or Trust

Correction

In FR Doc. 83-9940, beginning on page 16071, in the issue of Thursday, April 14, 1983, make the following changes:

1. On page 16073, in the second column, in § 1.643(e)–2(a)(2) *Example (4).*, in the third line "pay a" should read "pay A"; in the tenth line "$15,000" should read "$15,500".

2. On page 16074, in the third column, in § 1.643(e)–2(b)(5) *Example (4).*, in the thirteenth line "A and B 9000" should read "A and 9,000".

3. On page 16075, in the second column, in § 1.643(e)–3, the fourth and

fifth lines should read "the beneficiary. The deemed".

BILLING CODE 1504-01-M

26 CFR Part 1

[LR-78-80]

Specially Defined Energy Property Added by the Secretary; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on January 7, 1981 (46 FR 1753) relating to the authority of the Secretary of the Treasury to add items to the category of specially defined energy property.

FOR FURTHER INFORMATION CONTACT: Michel A. Dazé of the Legislation and Regulation Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458) (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on January 7, 1981 (46 FR 1753). That notice proposed amendments to the regulations under section 48 of the Internal Revenue Code of 1954. The amendments would have set forth the procedure for a manufacturer to request addition of an item to the list of specially defined energy property, the information to be provided by an applicant, the criteria to be used to consider adding an item, and the procedure for publishing the list of items.

Drafting Information

The principal author of this document is Michel A. Dazé of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style.

The proposed amendments to 26 CFR Part 1 relating to the authority of the Secretary of the Treasury to add items to the category of specially defined energy property published in the **Federal Register** (46 FR 1753) on January 7, 1981, are hereby withdrawn.

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

[FR Doc. 83-11404 Filed 4-27-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGDI 83-02]

Marine Parade; 1983 America's Cup Races

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to restrict the navigation of vessels in and around that portion of Rhode Island Sound being utilized as the race course for the 1983 America's Cup Races. This action is being considered to provide for the safety of life on navigable waters during these races.

DATE: Comments must be received on or before June 13, 1983.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, 150 Causeway Street, Boston, MA 02114. The comments will be available for inspection and copying at 150 Causeway Street, Room 1102, Boston, MA. Normal office hours are between 7:00 am and 4:30 pm, Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Michael J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114 (617) 223-3607.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1 83-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are LT Michael J. Chaplain, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LT Susan M. Krupanski, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

The sponsors of this regatta have requested that the Coast Guard assist them in fulfilling their responsibilities to insure the safety of life during this series of races. Based on the acknowledge gained by the Coast Guard's past involvement with this regatta, and in consideration of the extensive international interest in this event, it is anticipated that thousands of spectator vessels will be on hand to observe the races. Introducing this number of vessels into one small area creates an extra and unusual hazard to the safety of life of all spectators during the periods in which races are being conducted. Accordingly, this special local regulation is proposed in order to provide for the safety of life during the 1983 America's Cup Races.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the restrictions to navigation are for only short periods of time, and only affect a small area of Rhode Island Sound. Additionally, due to the extensive international interest in this event, a substantial increase in area business, including small entities, is anticipated due to this regatta. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of Title 33, Code of Federal Regulations, by adding section 100.35–1–02 to read as follows:

§ 100.35–1–02. 1983 America's Cup Races.

(a) *Regulated Area:* This regulation is applicable within a 5 mile radius of the special purpose lighted bell buoy "AC" located approximately 7.9 miles bearing 135.5°T (150°M) from Brenton Reef Light (NOS 13218).

(b) *Restricted Area:* A diamond-shaped area, originating at the special purpose lighted bell buoy "AC", measuring approximately 3.5 miles on a side. The major axis of the diamond shall be oriented directly upwind, and shall measure 5 miles. The perimeter of the restricted area shall be outlined by Coast Guard patrol vessels.

(c) *Race Starting Area:* A rectangular area extending 300 yards outboard from both ends of the race starting line, marked by the special purpose lighted bell buoy "AC" and the Race Committee Boat, and extending 500 yards downwind from the starting line. The Race Starting Area shall be marked by a line of Coast Guard patrol vessels.

(d) *Effective Period:* 9:00 am until the conclusion of each race, commencing on September 13, 1983, and on each day thereafter that a race is conducted until completion of the regatta series.

(e) *Special Local Regulations:* All vessels operating in the Regulated Area, except those vessels designated by the event sponsor or the Coast Guard Patrol Commander and displaying the special flag indicating such designation, shall:

(1) Keep clear of the Restricted Area.

(2) Remain at least 100 yards outside the:

(i) line of patrol vessels marking the race starting area.

(ii) column of Coast Guard patrol vessels marking the perimeter of the Restricted Area.

(3) Comply with the instructions of the Coast Guard patrol vessels and aircraft.

(4) Be alert for disabled craft and any persons falling overboard.

(5) Exercise extreme caution when operating in congested areas.

(6) If over 100 feet in length and underway, remain at least 500 yards outside the Restricted Area and Race Starting Area.

(46 U.S.C. 454, 49 U.S.C. 1655(b), 49 CFR 1.46; and 33 CFR 100.35)

Dated: April 15, 1983.

C. E. Robbins,

Rear Admiral, U.S. Coast Guard, Acting District Commander, First Coast Guard District.

[FR Doc. 83-11363 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD 09–83–02]

Anchorage Grounds and Special Anchorage Areas; Chicago and Calumet Harbors, Il.

AGENCY: Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: This notice invites comments and suggestions from the public, particularly recreational boaters, and the Maritime Industry concerning the future of anchorage areas in Chicago Harbor and possible anchorages in Calumet Harbor. Public comments are solicited to aid in determining present and future adequacy of anchorages in the Chicago area of Lake Michigan. As a result of these comments the Captain of the Port of Chicago may propose rules to re-configure or increase available anchorage areas.

DATE: Comments must be received on or before: June 13, 1983.

ADDRESSES: Comments should be mailed to Commander, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. The comments will be available for inspection or copying at Marine Port and Environmental Safety Office, Room 2019, 1240 East 9th Street, Cleveland, OH 44199. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199 or phone (216) 522–7064.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 09–83–02), and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. All comments received before the expiration of the comment period will be considered in the decision making process. No public hearings are planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the proposal and rulemaking process.

Drafting Information

The drafters of this Advance Notice of Proposed Rulemaking are Ensign Steven J. Boyle, Project Officer, Marine Port and Environmental Safety Branch and Lieutenant Commander Arthur R. Butler, Assistant Project Officer, Ninth Coast Guard District Legal Office.

Discussion of Proposed Rule

The Chicago Harbor Special Anchorage Areas and Anchorage Grounds as provided for in 33 CFR 110.83 and 110.205 provide for two Special Anchorage Areas and four Anchorage Grounds. The Special Anchorage Areas are Grant Park North, an area approximately 2400 feet by 1300 feet, which is located inside the inner breakwater east of the Chicago Yacht Club, and Grant Park South, a triangular area directly south of Grant Park North. The north side of the Grant Park South triangle is approximately 1400 feet long, the west side is approximately 2300 feet long, and the southeast side is approximately 2600 feet long. The Anchorage Grounds are: Area A which is located inside the exterior breakwater of Chicago Harbor, in the northeast corner and is approximately 1600 feet by 2500 feet, Area B which is located inside the exterior breakwater at the southeast end and is approximately 1900 feet by 2100 feet, Area C which is located inside the exterior breakwater in the northwest corner of the harbor, north of the Central District filtration plant and is approximately 1900 feet by 1500 feet, and Area F which is located along the south wall of the Central District filtration plant and is 1400 feet long by 80 feet wide. The Special Anchorage Areas are primarily used by recreational boaters. Anchorage Grounds A, B and F are only for commercial vessels operated for profit. No commercial vessel operated for profit that measures 50 gross tons or more may anchor in anchorage C. Before proposing rules in this area, the Coast Guard requests comments in the following areas:

1. Since the existing Chicago Harbor anchorages were established there has been a major shift in shipping activity. Commercial vessel usage of Chicago Harbor anchorage grounds has declined

while anchoring activity in Calumet Harbor has increased. This has resulted in an increased potential for conflict between navigation and anchored vessels in the Calumet Harbor area.

2. The straightening of the Lakeshore Drive S curve, growth in the recreational boating population, and plans for the 1992 World's Fair may require alteration of Special Anchorage Areas and create demand for additional areas. If the results of this project indicate that regulatory action is warranted, the public will be informed by means of a notice in the **Federal Register.**

Economic Assessment

Since no proposals are being made at this time, no specific economic impacts can be projected.

The purpose of this ANPRM is to collect as much information as possible regarding anchorage usage and future needs. By taking a long range view, conflicts between commercial port operations, recreational boating and waterfront land usage can be anticipated. Rules can then be designed to both alleviate these conflicts and provide satisfactory margins of safety. The effect will be to facilitate activities which will have economic benefits for the region.

List of Subjects in 33 CFR Part 110

Anchorage grounds and special anchorage areas.

Authority Citation: 33 U.S.C. 471, 33 U.S.C. 2071; 49 CFR 1.46(n)(14), and 33 CFR 1.05-1(G)

Dated: April 14, 1983.

J. R. Kirkland,

Acting Commander, Ninth Coast Guard District.

[FR Doc. 83-11364 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD5-82-30]

Anchorage Ground; Eastern Branch, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to amend the anchorage regulations by disestablishing Anchorage R as an anchorage ground. This change is being made because of the historical non-use of the anchorage ground and the request of Verebely and Associates to construct a rip-rap dike in Section 2 of Anchorage R. This action will eliminate the three sections of Anchorage R and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1983.

ADDRESSES: Comments should be mailed to Commander (mpv), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705. Comments will be available for inspection and copying at the office of the Commander, Fifth Coast Guard District (mpv), Room 408-A, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23705. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander C. P. Butler, Chief, Port and Vessel Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705, (804) 398-6388.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD5-82-30) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledge if a stamped, self-addressed postal card or envelope is enclosed. The proposed amendment may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Junior Grade M. S. Kushla, Project Officer, Port and Vessel Safety Branch, Fifth Coast Guard District, and Commander D. J. Kantor, Project Attorney, Fifth Coast Guard District Legal Office.

Discussion of the Proposed Regulation

The anchorage ground which is proposed to be disestablished lies along the southern bank of the Eastern Branch of the Elizabeth River, Norfolk, Virginia. It is divided into three separate sections. Section 1 is located between the Norfolk and Western Railroad bascule bridge (Mile 1.1) and the Campostella Road bascule bridge (Mile 1.8). Section 2 is located between the Campostella Road bridge and the mouth of Steamboat Creek. Section 3 is located between the mouth of Steamboat Creek and the Norfolk and Western Railroad swing bridge (Mile 2.7). At the request of Verebely and Associates, the Coast Guard has been requested to disestablish Section 2 of Anchorage R to allow construction of a rip-rap dike to stabilize the shoreline. (See Department of the Army, Norfolk District, Corps of Engineers Public Notice NAOOP-P-82-0211-15 for details of this project.) Because of the historical non-use of the anchorage as a whole, the disestablishment of Anchorage R in its entirety is being considered.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5) Its economic impact is expected to be minimal since the anchorage ground in no longer being used. Based upon this assessment it is certified in accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

§ 110.168 [Amended]

Proposed regulation

In consideration of the foregoing, the Coast Guard is proposing to amend Part 110 of Title 33, Code of Federal Regulations, by removing § 110.168(e)(2).

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05-1(g))

Dated: April 11, 1983.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 83-11373 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD13 83-04]

Drawbridge Operation Regulations; Lake Washington, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard is considering a change to the regulations governing the Evergreen Point Floating Bridge across Lake Washington, Washington, by permitting the draw to remain closed between the hours of 6:00 a.m. and 10:00 a.m., and between 2:00 p.m. and 7:00 p.m., on weekdays, for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans. This proposal is being made because the periods of peak vehicular traffic have increased. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations

Existing operating regulations for the Evergreen Point Floating Bridge provide, in part, that the bridge will not be required to open on week days between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans. The proposed rule would extend the periods during which the bridge is not required to open from the present 4 hours per day to 9 hours per day. Under the proposed rule, the bridge would not be required to open on weekdays between the hours of 6:00 a.m. and 10:00 a.m. and between 2:00 p.m. and 7:00 p.m., except for vessels of 2,000 gross tons or more, vessels towing other vessels of 2,000 gross tons or more, or a piledriver that is unable to pass under the fixed spans.

The Evergreen Point Floating Bridge is a part of one of the two main arterial highways providing access to downtown Seattle from suburban areas east of Lake Washington. Periods of peak vehicular traffic on the bridge have been identified by the Washington State Department of Transportation as occurring between the hours of 6:00 a.m. and 10:00 a.m. and between 2:00 p.m. and 7:00 p.m. on weekdays. Any disruption in traffic flow during these times causes major traffic tie-ups and results in severe congestion from which the highway facility cannot recover throughout the entire peak period.

A review of drawtender logs for the Evergreen Point Floating Bridge for the period March 1980 to October 1982 indicated a total of 18 openings during the proposed closed periods. The majority of the openings were for recreational vessels. Preliminary contact with commercial navigation interests indicate they would not be significantly affected by the proposed change.

It is also proposed that the existing § 117.801 title of "Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash." be changed to "Lake Washington, Wash.; Evergreen Point Floating Bridge." to conform with the commonly used name for the bridge.

There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. Users of the bridge for vehicular traffic and the Washington State Department of Transportation would benefit because the proposed change would eliminate a major cause of vehicular traffic delay and still provide for the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S. C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.801(f) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.801 Lake Washington, Wash.; Evergreen Point Floating Bridge.

* * * * *

(f) The bridge will not be required to open on week days between the hours of 6:00 a.m. and 10:00 a.m., and between the hours of 2:00 p.m. and 7:00 p.m., for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3)).

Dated: April 11, 1983.

F. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-11374 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Dinosaur National Monument; Colorado-Utah Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulation set forth below is to allow the public the

opportunity for snowmobile use on two sections of the approach roads at Dinosaur National Monument. It is the objective of this proposed regulation to provide for the preservation and enjoyment of Dinosaur National Monument in a way that is consistent with the management objectives of the area as well as the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior. This is proposed to be accomplished by restricting the use of snowmobiles to two sections of unplowed roadway that are open to regular motorized vehicles during the summer months.

DATES: Written comments, suggestions or objections will be accepted until May 31, 1983.

ADDRESS: Comments should be directed to: Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610.

FOR FURTHER INFORMATION CONTACT: Edward A. Nichols, Chief Ranger, Dinosaur National Monument, Telephone: (303) 374–2216.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) issued on February 9, 1972 (37 FR 3877), directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural or aesthetic values.

In resposne to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by **Federal Register** notice or special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the **Federal Register** on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. Snowmobile use must be consistent with the park's natural, cultural, scenic and aesthetic values; reflect safety considerations and park management objectives; and not result in disturbing wildlife or damaging other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations.

This proposed regulation is necessary to comply with Servicewide policy. Snowmobiling has previously been permitted on approach roads to Dinosaur National Monument, but not within the Monument proper. However, pursuant to the Act of September 8, 1960 (74 Stat. 857), these roads constitute a part of the Monument, and are subject to the regulations of the National Park Service. The National Park Service maintains control on approximately 40 miles of such approach roads within a 200 foot right-of-way.

Two sections of these roads, totaling about 22 miles, are not plowed in the winter and will be designated as snowmobile routes. These proposed routes would be used by snowmobilers primarily for access to lands administered by the Bureau of Land Management.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Edward A. Nichols, Chief Park Ranger, Dinosaur National Monument, and James A. Randall, Rocky Mountain Regional Office, Denver, Colorado.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This conclusion is based on the finding that the majority of use will be for access to snowmobiling areas on adjacent lands. No substantial costs, if any, should result for any small entity. There may be a limited positive result for local repair shops, filling stations, parts stores, and retail snowmobile outlets.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an environmental analysis of this proposed rule, which is available at the address noted above.

(Sec. 3 of the Act of August 23, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3))

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by adding a new paragraph (c) to § 7.63 as follows:

§ 7.63 Dinosaur National Monument.

* * * * *

(c) *Snowmobiles.* (1) Designated routes which will be open to snowmobile use are approximately 20 miles of the Harpers Corner Road in Colorado and approximately 2 miles of the Cub Creek Road in Utah. The Harpers Corner Road section extends from the Plug Hat Overlook to the Echo Park Road turnoff. The Cub Creek Road section extends from the Chew Ranch Road, 1 mile north of the Green River bridge, to the point where the Cub Creek Road leaves the southern boundary of the monument.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when there is sufficient snow cover and when these roads are closed to all other motor vehicle use by the public.

(3) Snowmobile use outside designated routes is prohibited. The superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year.

Dated: March 28, 1983

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-11379 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

36 CFR Part 13

National Park System Units in Alaska; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction.

SUMMARY: This document corrects the preamble to a proposed regulation providing for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, and Katmai National Park and Preserve. The regulation was published in the **Federal Register** on Wednesday, April 6, 1983 (48 FR 14978).

FOR FURTHER INFORMATION CONTACT: J. W. Tanner, Protection and Visitor Services, Alaska Regional Office, Anchorage, Alaska 99501; Telephone (907) 271-4551.

The following corrections is made to the preamble of the proposed regulation:

On page 14981, left hand column, under the heading *"KATMAI NATIONAL PARK AND PRESERVE"* and following the numeral "4," the sentence is corrected to read "Close all lake beaches and river bars in the Naknek River drainage, including the Savanoski, to aircraft landings.".

Dated: April 21, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 83-11405 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Designation of Serving Post Offices for Acceptance of Electronic Computer Originated Mail

AGENCY: Postal Service.

ACTION: Solicitation of comments in advance of proposed rulemaking.

SUMMARY: Some users of Electronic Computer Originated Mail (E-COM) service deposit large numbers of E-COM messages at a single E-COM serving post office (SPO) even though many of the messages are addressed to points outside that SPO's designated service area. Since E-COM messages are processed, printed, enveloped and entered into the First-Class mailstream at the SPO where they are received, this practice results in Postal Service transportation of these "inter-SPO" letters beyond the entry SPO's service area and in some cases across the nation. The Postal Service is considering a proposed rule to restrict this practice and, through this notice, is requesting comments and suggestions from E-COM users, other interested parties and the general public on the treatment of E-COM messages that are deposited at a SPO for delivery to points outside that SPO's designated service area.

DATE: Comments must be received on or before June 27, 1983.

ADDRESS: Written comments should be sent to the Director, Office of E-COM Operations, U.S. Postal Service, Room 6736, Washington, D.C. 20260-7140.

FOR FURTHER INFORMATION CONTACT: Ed Senft, Office of E-COM Operations, (202) 245-5780.

SUPPLEMENTARY INFORMATION: E-COM (Electronic Computer Originated Mail) service is a subclass of First-Class Mail which consists of mail deposited in the postal system at designated serving post offices (SPOs) by electronic means via communications common carriers whose facilities are connected to the SPOs. The messages are checked for errors while in electronic form, printed, inserted and sealed in specially marked envelopes provided by the Postal Service, and deposited in the First-Class mailstream.

E-COM service is designed to provide next or second business day delivery for messages deposited at the SPO serving the area to which the messages are addressed. E-COM's two-day service objective does not apply to messages deposited at a SPO that are not for delivery in that SPO's service area. The normal service objectives for First-Class Mail apply to those messages.[1]

Mailer access to the E-COM SPOs is available either through (1) E-COM carriers who access the SPOs via dial-up ports or their own telecommunications circuits connected to the SPOs or (2) dial-up facilities which are available through the public switched telephone network.

Currently, E-COM mailers must deposit (or pay for) at least 200 separately addressed messages for each transmission to one of the 25 operating E-COM SPOs.[2] These SPOs and their service area are listed in section 570 of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** 39 CFR 111.1. The E-COM provisions of the Domestic Mail Manual were published in the December 23, 1981, issue of the **Federal Register.** 46 FR 62268.

When the Postal Service inaugurated E-COM service on January 4, 1982, it imposed no restrictions on the deposit of E-COM messages. Although the Postal Service anticipated that E-COM messages would be deposited at the SPO serving the delivery address, current operating experience shows that only about 50 percent of E-COM messages are addressed to points within the entry SPO's service area. Some E-COM users deposit large numbers of messages at a single SPO even though the messages are addressed for delivery throughout the United States.

The Postal Service wants E-COM mailers to deposit their mail at the SPO serving the delivery address in order to preserve the concept of E-COM service as a high-speed, reliable service with delivery of messages in two days or less and is exploring possible methods of accomplishing this goal.

The simplest approach would be to revise the E-COM regulations to require that E-COM messages be addressed to points within the designated service area of the SPO where they are deposited. However, we are concerned with the impact on mailers of an absolute ban on "inter-SPO" messages. For example, a mailer with a mailing consisting of 300 messages for delivery in the Los Angeles SPO service area and 5 messages for delivery in the Phoenix SPO service area would, with the minimum now in effect, be unable to use E-COM service for the Phoenix area messages unless he paid the charge for 200 messages to Phoenix. Another mailer with a small nationwide mailing might have to access all 25 SPOs even though many of those SPOs might each receive only a few messages. Under the current minimum, this would be a very onerous burden.

The Postal Service also believes that an absolute ban on "inter-SPO" messages may present problems for some E-COM users even if the current 200 message minimum is eliminated. It is expected that an absolute ban could prevent or limit some postal customers from using E-COM service.

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[1] These service objectives provide for delivery in one, two or three days depending upon the time of deposit of the mail, the distance it must be carried and the transportation services available between the origin and delivery post offices. See Domestic Mail Manual 330.

[2] By separate action on April 25, 1983, the Postal Service filed a request with the Postal Rate Commission, pursuant to 39 U.S.C. 3623, for certain E-COM rate and classification changes, including one to eliminate this minimum requirement. The elimination of the minimum is expected to facilitate the use of E-COM service, especially by small mailers.

With these concerns in mind, the Postal Service has given some thought to possible less restrictive alternatives which would still meet the goal of preventing the deposit of large national mailings at a single SPO.

One alternative might be to require the deposit of messages at a specific SPO whenever the mailer is transmitting at least a specified minimum volume of messages for delivery in that SPO's service area, for example, 200 messages.

Another alternative might be to overlap the designated service areas of some adjacent SPOs so that a nationwide mailing could be sent using fewer than 25 SPOs. Our current experience indicates that two-day service may be obtained from most SPOs to a larger geographical area than is contained in each SPO's designated service area. For example, messages for delivery in Houston could as easily be processed through the Dallas SPO as the San Antonio SPO.

A third alternative might be to allow a specified maximum number or percentage of incidental "inter-SPO" messages to accompany mailings properly deposited at the designated SPO.

The Postal Service welcomes, and will thoroughly consider, the comments and suggestions of E-COM users, other interested parties and the general public.

List of Subjects in 39 CFR Part 111

Postal Service.

(39 USC 401, 403, 404)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-11356 Filed 4-27-83; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13 Revised; Docket No. 82-13]

Exemption of Bulk Cargo Moving in the Foreign Commerce of the United States From the Tariff Filing Requirements of Section 18(b) of the Shipping Act

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: This discontinues the rulemaking instituted to consider the exemption of certain bulk commodities loaded and carried in containers, trailers, rail cars or similar intermodal equipment from the tariff filing requirements of the Shipping Act, 1916, and the alternative proposal to exempt other or all such bulk commodities from the tariff filing requirements.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: In Docket 80-70; *Status of Bulk Commodities with Respect to the Tariff Filing Requirements of Section 18(b) of the Shipping Act, 1916*, the Commission issued an interpretative rule which provided that bulk cargo loaded into a container or similar intermodal equipment (except LASH or Seabee barges) is "loaded with mark or count" and, therefore, is subject to the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)). It was further determined in that proceeding, however, to stay the effective date of the interpretative rule pending a consideration of the feasibility of exempting from the tariff filing requirements all or some of the bulk commodities found subject to those requirements.

Therefore, by notice published in the **Federal Register** (47 FR 10862), the Commission proposed to exempt from tariff filing under section 35 of the Act (46 U.S.C. 833a) bulk cargo loaded in intermodal equipment. The proposed rule defined "bulk cargo" as "those commodities which are in a loose, unpackaged form, have homogeneous characteristics and are unprocessed or not further manufactured." The Commission further gave notice that, alternatively, it would consider the exemption of "other or all bulk cargo" carried in intermodal equipment.

The proposal prompted 30 replies from independent carriers, conferences and shippers. A majority of the commentators was opposed to both proposed rules, while the remaining commentators generally tended to favor the exemption of *all* bulk commodities from the tariff filing requirements.

Commentators which opposed the proposed rules argued that if an exemption were granted, whether for all or for specific bulk commodities, the result would substantially impair effective Commission regulation and could be unjustly discriminatory and detrimental to commerce. They further contended that the exemption would require *each* excepted commodity to be specifically identified for effective regulation. These commentators also argued that the Commission should not except the transportation of bulk cargoes simply for the purpose of achieving competitive parity between specialized, tramp or contract carriers because competition between these carriers for such cargoes has diminished. Further, it was alleged that shippers will be confused and possibly discriminated against if they are unable to verify liner cargo rates on exempt cargoes.

Most of the commentators who opposed the proposed interpretative rule generally favored the alternative of exempting *all* bulk commodities regardless of the method of transport. Because a tariff exemption could lead to discrimination and because it allegedly would be difficult to draw a clear line between bulk and non-bulk commodities, these commentators suggested that, in lieu of listing exempt commodities, a blanket exemption be adopted. This approach would allegedly eliminate the need to determine which bulk commodities would fall into an exempt status.

One commentator opposing the proposed rule maintained that, whether the cargo is processed or unprocessed, if it is loaded and carried in containers it assumes the characteristics of being marked and counted and thus should continue to be subject to the tariff filing requirements.

Those commentators favoring the proposed rule, as well as some of those opposed, would require that a list of exempt commodities be provided specifically identifying those exempted.[1]

Section 35, provides, in part, that the Commission may, upon application or on its own motion, exempt any specified activity from any requirement of the Shipping Act, 1916, where it finds that such exemption will not substantially impair effective regulation, be unjustly discriminatory, or be detrimental to commerce. Inherent in this section is the requirement that certain findings be made for an exemption to be granted, unless the Commission determines that a particular requirement, on its face, serves such a minor regulatory purpose as to constitute an unjustified burden upon the regulated party.

No compelling reason has been presented or found for an exemption of all or a class of bulk commodities carried in containers from the tariff filing requirements of section 18(b). In fact, it is quite possible that any such exemption could operate in a discriminatory manner. Therefore, the Commission concludes that a waiver in

[1] Obviously, this would be a formidable task in view of the number of separately described cargo items that might warrant exemption in various trades.

the present filing regulations applicable to bulk cargo in containers is not warranted. This conclusion is without prejudice to the right of any party to apply to the Commission for exemption from the tariff filing requirements of a particular bulk commodity.

Therefore, this proceeding is hereby discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11194 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73 and 76

[Docket No.83-114]

A Re-Examination of Technical Regulations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: This extends the period of time for comments and reply comments in this *Notice of Inquiry and Proposed Rulemaking* relating to re-examination of technical regulations (April 4, 1983; 48 FR 14399). Numerous petitions requesting extension of the comment and reply comment period from industry and associations necessitated this extension.

DATES: Comments must be submitted on or before August 5, 1983. Reply comments must be submitted on or before September 30, 1983.

ADDRESS: Federal Communications Commission, Office of Science & Technology, Technical Analysis Division, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael J. Marcus, (202) 632-7040.

Order Extending Time for Filing Comments and Reply Comments

In the matter of: a Re-Examination of Technical Regulations, GEN Docket No. 83-114.

Adopted: April 15, 1983.
Released: April 20, 1983.

1. Pursuant to § 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, several organizations have filed motions to extend the time for filing comments and reply comments in the above-captioned matter.

2. On April 6, 1983 the National Association of Broadcasters requested "a minimum of four months additional time in which to comment". On April 7, 1983, the Land Mobile Communications Section of the Telecommunications Group of the Electronics Industry Association requested an extension of the Comment date to August 1, 1983 and the reply date to August 30, 1983. On April 7, 1983, Rockwell International Corporation requested an extension of the comment date to December 2, 1983 and the reply comment date to July 6, 1984. On April 8, 1983, American Telephone and Telegraph Company requested an extension of the comment date to August 2, 1983. On April 14, 1983, the Consumer Electronics Group of the Electronic Industries Association requested an extension of the comment date to August 1, 1983 and the reply date to August 30, 1983.

3. The above petitioners raised many issues including the large scope of this proceeding and its significance. It is not the policy of the Commission routinely to grant extensions of time. However, we believe that the complexity and the far-reaching consequences of this matter require full and complete comments to guide the Commission in its decision.

4. Accordingly, *it is ordered*, pursuant to § 0241(d) of the Commission's Rules and Regulations that the date for filing comments in this proceeding be extended to August 5, 1983 and that the date for filing reply comments be extended to September 30, 1983.

Federal Communications Commission.

Robert S. Powers,

Acting Chief Scientist.

[FR Doc. 83-11322 Filed 4-27-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 83
Thursday, April 28, 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.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

AGENCY: ACTION.

ACTION: Notice of revision of income eligibility levels for Foster Grandparent and Senior Companion Programs.

SUMMARY: This notice revises the schedules of income eligibility levels for individuals and families for the Foster Grandparent and Senior Companion Programs published in the **Federal Register** June 25, 1982 (47 FR 27575). The revised schedule is based on revised Poverty Income Guidelines from DHHS, effective February 17, 1983. This revision adopts as the income eligibility level for each State the higher amount of either (a) 125% of the DHHS Poverty Income Guideline, or (b) 100% of the DHHS Poverty Income Guideline plus the amount each state supplements Federal SSI.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, N.W., Room M–1006, Washington, D.C. 20525, or telephone toll free (800) 424–8580, extension 239 or (202) 254–7310.

SUPPLEMENTARY INFORMATION: These ACTION programs are authorized pursuant to Section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 87 Stat. 414. The income eligibility levels are determined by the currently applicable guideline published by DHHS pursuant to Sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty income guidelines to be adjusted for Consumer Price Index changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

For family units with more than eight members, add the appropriate supplement for each additional member over eight as follows:

Alaska—$2,630
Hawaii—2,420
All others—2,100

Signed at Washington, D.C., this 21st day of April, 1983.

Thomas W. Pauken,

Director.

[FR Doc. 83-11262 Filed 4-27-83; 8:45 am]

BILLING CODE 6050-01-M

SCHEDULE OF INCOME ELIGIBILITY LEVELS: FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

State	For family units of							
	1	2	3	4	5	6	7	8
Alaska	$9,230	$12,700	$14,800	$16,900	$19,000	$21,000	$23,350	$25,980
California	6,860	11,460	13,160	14,840	16,520	18,200	19,880	21,560
Colorado	6,080	9,600	11,280	12,960	14,640	16,580	18,680	20,780
Hawaii	7,000	9,420	11,830	14,240	16,650	19,070	21,480	23,890
Massachusetts	6,510	9,120	10,800	12,480	14,480	16,580	18,680	20,780
Oklahoma	6,080	8,440	10,280	12,380	14,480	16,580	18,680	20,780
Wisconsin	6,080	8,480	10,280	12,380	14,480	16,580	18,680	20,780
For all other states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands	6,080	8,180	10,280	12,380	14,480	16,580	18,680	20,780

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-315]

Availability of a Site-Specific Environmental Analysis for the USDA Cooperative Gypsy Moth Suppression and Regulatory Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of the availability of site-specific environmental analysis for proposed treatment areas in Illinois, Indiana, Michigan, Minnesota, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin.

SUMMARY: This gives notice of the availability of site-specific environmental analysis for proposed treatment areas in DuPage and Kane Counties, Illinois; Elkhart County, Indiana; Kalamazoo, Muskegon, and Van Buren Counties, Michigan; Ramsey and Washington Counties, Minnesota; Carteret County, North Carolina; Hamilton, Franklin, Knox, and Lucas Counties, Ohio; Salem, Oregon; Clark, King, and Pierce Counties, Washington; Floyd and Patrick Counties, Virginia; and Waukesha County, Wisconsin.

ADDRESSES: Copies of the site-specific environmental analysis for the proposed treatment area(s) in each State are available for public inspection in a State office in the State where the analysis was conducted. Addresses of these State offices are as follows:

Illinois Department of Agriculture, Division of Agriculture Industry Regulation, Bureau of Plant and Apiary Protection, 1010 Jorie Boulevard, Suite 20, Oak Brook, Illinois 60521;

Indiana Department of Natural Resources, 608 Indiana State Office Building, Indianapolis, Indiana 46204;

Michigan Department of Agriculture, Plant Industry Division, P.O. Box 30017, Lansing, Michigan 48909;

Minnesota Department of Agriculture, Division of Plant Industry, 90 West Plato Boulevard, St. Paul, Minnesota 55107;

North Carolina Department of Agriculture, Plant Industry Division, Plant Protection Section, Room 356, Agriculture Building, 1 W. Edenton Street, Raleigh, North Carolina 27611;

Ohio Department of Agriculture, Division of Plant Industry, Department Laboratories, 8995 E. Main Street, Reynoldsburg, Ohio 43068;

Oregon Department of Agriculture, Plant Division, Agriculture Building, Salem, Oregon 97310;

Virginia Department of Agriculture and Consumer Services, Plant Pest Control Section, Division of Product and Industry Regulation, 1100 Bank Street, Room 506, P.O. Box 163, Richmond, Virginia 23209;

Washington Department of Agriculture, Plant Industry Division, 406 General Administration Building, MS:AX-41, Olympia, Washington 98504; and

Wisconsin Department of Agriculture, Trade and Consumer Protection, Plant Industry Division, 801 W. Badger Road, Madison, Wisconsin 53713.

Copies are also available for public inspection at the Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20792, (301) 436-8295.

SUPPLEMENTARY INFORMATION: The USDA draft Programmatic Environmental Impact Statement (PEIS) for the Cooperative Gypsy Moth Suppression and Regulatory Program was submitted to the Environmental Protection Agency (EPA) on November 26, 1980. The public comment period for this document closed January 25, 1981. The final Programmatic Environmental Impact Statement (PEIS) was filed with the EPA on March 6, 1981, and a notice of availability of this document was published in the **Federal Register** on April 28, 1981 (46 FR 23777). The final PEIS was supplemented by a document published in the **Federal Register** on May 14, 1981 (46 FR 26666-26667). The PEIS discussed the national Gypsy Moth Suppression and Regulatory Program and noted that annual site-specific environmental documents would be prepared for the proposed treatment areas. A separate site-specific environmental analysis has been prepared for each of the following proposed treatment areas:

Illinois: approximately 2,700 acres in the counties of DuPage and Kane;

Indiana: approximately 80 acres in the county of Elkhart;

Michigan: approximately 1,240 acres in the counties of Kalamazoo, Muskegon, and Van Buren;

Minnesota: approximately 450 acres in the counties of Ramsey and Washington;

North Carolina: approximately 200 acres in the county of Carteret;

Ohio: approximately 660 acres in the counties of Hamilton, Franklin, Knox, and Lucas;

Oregon: approximately 50 acres in Salem;

Virginia: approximately 4,000 acres in the counties of Floyd and Patrick;

Washington: approximately 2,100 acres in the counties of Clark, King, and Pierce;

Wisconsin: approximately 60 acres in the county of Waukesha.

Each site-specific environmental analysis discusses the environmental effects of the program for those acres that are proposed to be treated in the respective State covered by the document. None of the treatment options discussed for possible use in any of the proposed treatment areas pose any significant adverse impact upon the environment in any of the areas. Further, there are no unique characteristics or aspects of or within the proposed treatment areas that would place any of these areas outside the scope of considerations addressed in the PEIS.

Done at Washington, D.C., this 25th day of April 1983.

Harvey L. Ford,

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

[FR Doc. 83-11380 Filed 4-27-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 10-83; Foreign-Trade Zone 55]

Application for Subzone at Mitel Semiconductor Plant, South Burlington, Vermont

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Burlington Industrial Corporation (GBIC), A non-profit development corporation and grantee of Foreign-Trade Zone 55, rquesting subzone status for a section of the new manufacturing plant of the Mitel Semiconductor Division of Mitel Corporation, located in South Burlington, Vermont, within the Burlington Customs port of entry. It was formally filed on April 14, 1983.

On February 14, 1980, the Board authorized GBIC to establish a general-purpose zone in the Airport Industrial Park at Burlington International Airport to serve the Greater Burlington area (Board Order 154, 45 FR 12470, 2-26-80). The zone became operational in May 1980, when Mitel began using the facility to test integrated circuits as part of its $200 million worldwide manufacturing operations involving communications products, primarily automatic switching systems. During the past year, Mitel expanded its Burlington operations, opening a new plant to be used for testing and assembly activity formally done abroad. Permanent employment will increase from 40 to 165 persons. The zone was a major factor in the company's decision to expand in the U.S.

Because Mitel's needs can no longer be provided at the general-purpose zone, GBIC is requesting subzone status for a portion of Mitel's new manufacturing plant, which covers 11 acres at 1000 Hinesbury Road, South Burlington, Vermont. The subzone will cover a 20,000 square-foot section of the 90,000 square foot facility, which has been specially designed for the manufacture of integrated circuits. The area requested for subzone status will be used to test and cut semiconductor wafers, connect the wafer chips to lead frames, and encapsulate the frames in insulating material, producing finished integrated circuits for circuit boards. This process requires a "clean room" environment.

Zone procedures will exempt Mitel from duty payments on its exports,

which are over 50 percent of its business. On its domestic sales, the company will be able to defer duty payments and to avoid duty on waste and rejects, which can be as high as 20 percent of incoming material.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff; U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Walter M. Smith, Jr., District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, NY 10278.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 27, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Burlington International Airport, Burlington, Vermont 05401; or

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, Washington, D.C. 20230.

Dated: April 22, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-11310 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Indian Business Development Center Program; Applications

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Indian Business Development Center program to operate one project for a 12 month period beginning October 1, 1983 on the Navajo Reservation. The cost of the project is estimated to be $221,294. The maximum Federal participation amount is $188,100. The minimum amount required for non-federal participation is $33,194. The award number will be 09-10-83017-01.

Applicants shall be required to contribute at least 15% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: May 26, 1983.

PROPOSALS ARE TO BE MAILED TO THE FOLLOWING ADDRESS: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Mikel Cook at 415/556-6733.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants:

Applicants are limited to Indian-owned firms, Indian Tribes, and Indian individuals, profit or non-profit.

—To provide management and technical assistance to qualified Indian firms,

—To develop and maintain an inventory of existing Indian Businesses and prospective entrepreneurs, and

—To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal Services are excluded.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MDBA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MDBA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in

Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10 percent cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10 percent of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50 percent of the total non-Federa contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms. This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the Sheraton Airport Inn, 2901 Sky Harbor Blvd., Phoenix, Arizona, Kiva Room number two on May 10, 1983, at 1:30 P.M.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: April 20, 1983.

Powell McDaniel,

Acting Regional Director.

[FR Doc. 83-11302 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council's Law Enforcement Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Law Enforcement Advisory Subpanel, which will meet to address enforceability of draft fishing regulations to implement fishery management plans in the Gulf of Mexico.

ADDRESS: The public meeting will convene on Friday, May 20, 1983, at approximately 8 a.m., and will adjourn at approximately 4 p.m., and will take place at the Council's Headquarters Office, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: April 25, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Division, National Marine Fisheries Service

[FR Doc. 83-11360 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Services; Issuance of Permit

On March 21, 1983, Notice was published in the **Federal Register** (48 FR 11734), that an application had been filed with the National Marine Fisheries Service by Dr. Allan T. Sholtz, Department of Biology, Eastern Washington University, Cheney, Washington 99004, to take by tagging and/or marking 105 harbor seals (*Phoca vitulina*) for the purpose of scientific research.

Notice is hereby given that on April 21, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Dr. Allan T. Scholtz subject to certain conditions set forth herein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service,

3300 Whitehaven Street, NW., Washington, D.C. 20235; and
Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: April 21, 1983.

Robert B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11362 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Modification Request to Permit No. 370 (P66F)

Notice is hereby given that Alaska Department of Fish and Game, P.O. Box 3-2000, Juneau, Alaska 99802, has requested a modification of Permint No. 370 issued on March 2, 1982 (47 FR 10071) as modified on June 17, 1982 (47 FR 2700) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1316-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Department of Fish and Game is requesting authorization to inject each authorized captured belukha whale (*Delphinapterus leucas)* with tetracycline in order to produce an identifiable band in bony structures.

The Applicant also requested a modification in the techniques for attaching radio packages to the belukhas. He will use a harness to temporarily attach two OAR transmitters to whales. A satellite-linked transmitter may also be attached using a harness. The harness will incorporate corrosible links which will cause them to be released from the whale after the desired time interval

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted tot the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for fisheries.

All statements and opinions contained in this request are summarizes of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 25, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species & Habitat Conservation National Marine Fisheries Service.

[FR Doc. 83-11361 Filed 4-27-83 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meetings of Its Salmon Advisory Subpanel and Its Scientific and Statistical Committee

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings with a partially closed session.

SUMMARY: This notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Pacific Fishery Management Council, its Salmon Advisory Subpanel, and its Scientific and Statistical Committee (SSC). The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), and the Council has established a Salmon Advisory Subpanel and a SSC to assist the Council in carrying out its responsibilities.

DATES: May 10-12, 1983.

ADDRESS: The meetings will take place at the Hyatt Hotel, 17001 Pacific Highway South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Agendas

Council (open session) May 11-12, 1983 (9 a.m. to 5 p.m., on May 11; 8 a.m. to 5 p.m., on May 12) in the Phoenix A and B Room. Review second draft of Anchovy Plan Amendment 5 which, among other things, would allow use of the new egg production method for estimating spawning biomass; consider the status of a proposed Groundfish Plan Amendment, experimental fishing permits and groundfish catch reporting schedules; consider the status of emergency regulations to implement the 1983 Salmon Plan Amendment and complementary state salmon regulations; review comments and provide guidance on the 1984 Salmon Framework Plan Amendment; consider other matters which may come before the Council by that date, and conduct a public comment period beginning at 3 p.m., on May 11.

Council (closed session)—May 11, 1983 (8 a.m. to 9 a.m.) in the Phoenix A and B Room. Discuss the status of fishery negotiations between the U.S. and Canada, whereby only those Council members and staff having security clearances will be allowed to attend this closed session. Personnel matters will also be discussed.

Salmon Advisory Subpanel (open session)—May 11, 1983 (1 p.m. to 5 p.m.) in the Phoenix E Room. Draft recommendations to the Council on the 1984 Salmon Framework Plan Amendment and conduct a public comment period beginning at 3 p.m., on May 11.

SSC (open session)—May 10-11, 1983 (10 a.m. to 5 p.m., on May 10; 8 a.m. to 5 p.m., on May 11) in the Phoenix D Room. Review second daft of Anchovy Amendment No. 5 and 1984 Salmon Framework Amendment; discuss other matters that may be referred to the Committee by that date and conduct a public comment period at 3:30 p.m., on May 10. All sessions of the meetings are open to the public, except as indicated.

Dated: April 25, 1983.

Alfred J. Bilik,

Acting Chief, Fees, Permits and Regulations Division, National Marine Fisheries Service.

[FR Doc. 83-11359 Filed 4-27-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Membership of the Commission's Performance Review Board

In accordance with Office of Personnel Management guidance under the Civil Service Reform Act, the Commodity Futures Trading Commission is publishing the following list of its officials who will henceforth serve as the members of the Commission's Performance Review Board effective May 2, 1983.

Acting Chairperson: Donald L. Tendick, Acting Executive Director

Andrea M. Corcoran, Director, Division of Trading and Markets
David L. Horner, Acting Director, Division of Economics and Education
Kenneth M. Raisler, Acting General Counsel
Dennis Klejna, Director, Division of Enforcement

Issued by the Commission in Washington, D.C. on April 25, 1983.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-11336 Filed 4-27-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 15, 1983.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Hanscom Air Force Base, MA on May 17, 1983. The purpose of the meeting will be to discuss Tactical C^3 Architecture issues. The meeting will convene at 8:30 a.m. and adjourn at 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 697-8404

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-11346 Filed 4-27-83; 8:45 am]

BILLING CODE 3910-01-M

Military Traffic Management Command, Directorate of Personal Property; International Household Goods Program

AGENCY: Military Traffic Management Command, Defense.

ACTION: Notice of decision on the over-ocean rate adjustment policies and procedures of international through government bill of lading shipments of Department of Defense household goods. Notice of proposed action was first given in Vol. 48, FR 7773-7774, February 24, 1983.

SUMMARY: In response to forwarder concerns over the applicability of unrestricted rates, MTMC initiated a review of rate adjustment procedures. This review involved an internal operational review and economic analysis and included a public dialogue to provide the forwarder industry with an opportunity to provide comments.

Industry response to the public dialogue supported MTMC's position that, in view of the trend toward use of unrestricted rates, the present procedure is administratively cumbersome and subject to manipulation. Continuation of a modified rate adjustment procedure was recommended by a majority of those responding.

(1) Thirteen individual forwarders and the Household Goods Forwarders Association recommended a modified procedure using only restricted (military) rates.

(2) Five forwarders recommended elimination of the procedure.

(3) Three forwarders recommended retention of current procedures.

After careful consideration of industry comments, and our own analysis, MTMC concludes that the proposal to limit the rate adjustment procedures to restricted rates only is not consistent with our responsibility to obtain the lowest applicable rate.

It is considered that continuation of the current procedure would not be in consonance with the intent of Congress as expressed in the Household Goods Transportation Act of 1980.

MTMC's action is to terminate the ocean rate adjustment program effective for International Government Bill of Lading (ITGBL) Volume 47 (October 1983).

A letter from MTMC to each individual forwarder and association has been sent to explain this decision.

FOR FURTHER INFORMATION CONTACT: LTC Tommy R. Mason, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041, (202) 756-1164.

This determination has been made pursuant to the authority of 10 U.S.C., Sections 2301-2314 and DOD Directive 4500.9 and DOD 4500.34-R. This notice has been approved by Nathan R. Berkley, Colonel, GS, Director of Personal Property.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-11280 Filed 4-27-83; 8:45 am]

BILLING CODE 3810-01-M

April 21, 1983.

DEPARTMENT OF ENERGY

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its sixth meeting on Monday and Tuesday, May 16 and 17, 1983, and starting at 10:00 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the pulbic who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-19D, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11330 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating, Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in June 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its eighth meeting on Wednesday, June 1, 1983, starting at 8:30 a.m., in the Conference Room of Marathon Oil Company, Denver Research Center, 7400 South Broadway, Littleton, Colorado.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-2916, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11331 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its sixth meeting on Tuedsay, May 31, 1983, starting at 9:00 a.m., in The Winter Park Room of the Denver Hilton Inn South, 7801 East Orchard Road, Englewood, Colorado.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353/3032, prior to the meeting and reasonable provisions will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11333 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its sixth meeting on Tuesday and Wednesday, May 24 and 25, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct

the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11334 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in May 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its sixth meeting on Thursday, May 26, 1983, and starting at 8:30 a.m., in Room 4108, Chevron Oil Field Research Company, 3282 Beach Boulevard, La Habra, California.

The tentative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-11332 Filed 4-27-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-1-20-010]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB and Rate Schedule ST-T

April 25, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on April 11, 1983, tendered for filing Third Revised Sheet No. 10-D, Ninth Revised Sheet No. 10-C, Fourth Revised Sheet No. 10-D, Fourth Revised Sheet No. 32 and First Revised Sheet No 51 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Third Revised Sheet No. 10-D, Ninth Revised Sheet No. 10-C and Fourth Revised Sheet No 10-D are being filed to reflect in Algonquin Gas' Rate Schedules STB and ST-T, changes in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedules SS-II and ISS-II. Algonquin Gas states that Fourth Revised Sheet No. 32 and First Revised Sheet No. 51 are being filed to reflect an increase from 1.43 cents to 2.94 cents under Section 6.4 and from 2.86 cents to 5.88 cents under Section 6.3, ("Basic Withdrawal Quantity Adjustment") of the Rate Schedule STB and ST-T Provisions, respectively, of Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1. Algonquin Gas further states that such changes were inadvertently omitted from its January 25, 1983 and March 14, 1983 filings pursuant to its Purchased Gas Cost Adjustment Provisions set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas respectfully requests that the Commission grant any requisite special permissions to allow Third Revised Sheet No. 10-D to become effective February 1, 1983 and Ninth Revised Sheet No. 10-C, Fourth Revised Sheet No. 10-D, Fourth Revised Sheet No. 32, and First Revised Sheet No. 51 to become effective February 15, 1983, the same dates as the underlying rate changes from Texas Eastern.

Algonquin Gas notes that a copy of this filing is being mailed to each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 of protests should be filed on or before May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretay.

[FR Doc. 83-11396 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC83-7-000]

Consolidated Gas Supply Corp.; Tariff Filing

April 25, 1983.

Take notice that on April 18, 1983, Consolidated Gas Supply Corporation (Consolidated) 445 West Main Street, Clarksburg, West Virginia 26301, tendered for filing in Docket No. TC83-7-000 First Revised Sheet No. 60, superseding Original Sheet No. 60 to its FERC Gas Tariff, Third Revised Volume No. 1. The proposed change would amend § 11.03(a) of the general terms and conditions of Consolidated's tariff so that, in the event of a gas shortage

curtailment, the base industrial requirements of each of Consolidated's customers would be determined according to the total of that customer's industrial consumer's usage "during the highest 12 consecutive calendar months for which actual data are available preceding a gas shortage curtailment program."

Consolidated's current tariff provision fixes industrial base period requirements based on a 12-month period ending September 1974. This provision was inserted in late 1974, when Consolidated was required to institute a gas shortage curtailment. Consolidated states that in view of the passage of time since the last curtailment and the likelihood that such a curtailment would not again be necessary for many years in the future, Consolidated proposes the above amendment to reinstate the language used in its tariff prior to 1974.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 383.211). 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11406 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5898-001]

Consulting Associates, Inc.; Surrender of Preliminary Permit

April 22, 1983.

Take notice that Consulting Associates, Inc., Permittee for the proposed Bliss Diversion Project No. 5898, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on July 1, 1982, and would have expired on February 1, 1984. The project would have been located on the North Side Canal near Gooding, in Gooding County, Idaho.

The Permittee's request was filed on March 22, 1983, and the surrender of its permit for Project No. 5898 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11407 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT83-15-000]

El Paso Natural Gas Co.; Tariff Filing

April 25, 1983.

Take notice that on April 11, 1983, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1 and Third Revised Volume No. 2.

Original Volume No. 1

Twenty-seventh Revised Sheet No. 93
Twenty-eighth Revised Sheet No. 94
Twenty-second Revised Sheet No. 95
Ninth Revised Sheet No. 95-A

Original Volume No. 2

Fifteenth Revised Sheet No. 1-B
Twelfth Revised Sheet No. 1-C
Second Revised Sheet No. 1-C.1
Fifth Revised Sheet No. 1-C.2
Second Revised Sheet No. 1-C.3
Fourth Revised Sheet No. 1-C.4
First Revised Sheet No. 1-C.5
Fourth Revised Sheet No. 1-C.6
Third Revised Sheet No. 1-C.7
Second Revised Sheet Nos. 1-C.8 and 1-C.9

El Paso states that the tendered revised tariff sheets, when accepted for filing and permitted to become effective, will provide a current Index of Purchasers for El Paso's Original Volume No. 1 Tariff and a current Table of Contents of El Paso's Third Revised Volume No. 2 Tariff.

In addition to the foregoing, El Paso also tendered a revised cover sheet for each volume of El Paso's FERC Gas Tariff (Original Volume No. 1, Third Revised Volume No. 2, and Original Volume No. 2A) in order to reflect that communications concerning the tariff should be sent to Mr. W. V. Holik, President of El Paso Natural Gas Company.

El Paso has requested that the tendered revised tariff sheets be accepted for filing and permitted to become effective after thirty (30) days following the date of filing.

El Paso further states that copies of the instant tariff tender have been served upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 4, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11408 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-001]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

April 25, 1983.

Take notice that on April 13, 1983, Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), tendered for filing Substitute Eighteenth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1, to be effective May 1, 1983.

Michigan Wisconsin states that effective April 12, 1983, the Government of Canada announced that the border price of natural gas exported to the United States would be reduced by 11% from $4.94 (U.S.) per MMBtu to $4.40 (U.S.) per MMBtu and that such reduction will have a beneficial impact on the rates charged by Michigan Wisconsin to its customers—the reduction in the Canadian border price will reduce Michigan Wisconsin's resale rates by 4.82¢ per dekatherm ("dth"). Michigan Wisconsin states that it proposes by the instant filing to implement such reduction effective May 1, 1983. Michigan Wisconsin further states that the reduction in the Canadian border price for the period April 12, 1983—April 30, 1983 will be credited to its Account No. 191, and will be reflected in Michigan Wisconsin's purchased gas adjustment filing to be made effective November 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 May 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11409 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-269-000]

Mountain Fuel Supply Co.; Application

April 25, 1983.

Take notice that on April 11, 1983, Mountain Fuel Supply Company (Applicant), P.O. Box 11368, Salt Lake City, Utah 84139, filed in Docket No. CP83-269-000 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 two main line distribution sales taps and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two 2-inch main line distribution sales taps and appurtenances including metering and regulation facilities. Applicant states that said taps would be located on Applicant's 20-inch Main Line No. 1 and 18-inch Main Line No. 13, Sweetwater County, Wyoming, and would be used for the purpose of delivering natural gas sold by Applicant's Distribution Division to Harborlite Corporation (Harborlite). It is stated that the gas sold to Harborlite would be used primarily for production process heat in the refining of perlite ore. Applicant further states that the sale of natural gas to Harborlite would be pursuant to Applicant's existing Public Service Commission of Wyoming Rate Schedule F-1.

Applicant states that Harborlite estimates its maximum daily requirement for natural gas to be 415.2 Mcf. Applicant asserts that the volumes to be supplied to Harborlite would be made available by Applicant from general system supply and do not constitute an expansion of service.

It is asserted that the total estimated cost for the proposed main line distribution sales taps and appurtenant facilities is $14,662, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said applicant should on or before May 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11410 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-26-003 (PGA83-1, IRP83-1)]

Natural Gas Pipeline Co. of America; Changes in Rates

April 22, 1983.

Take notice that on April 18, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing Third Substitute Forty-ninth Revised Sheet No. 5 to be part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of this filing is to implement an additional 1.75¢ per Mcf decrease in the PGA unit adjustment effective March 1, 1983. Natural had previously filed on March 28, 1983, seeking an 8.95¢ decrease in the PGA unit adjustment effective on March 1. This filing was noticed by the Commission on April 1, 1983.

Natural states the additional PGA unit adjustment is attributable to the announced 11% reduction in the Canadian export price to $4.40 (U.S.) per thousand cubic feet.

Natural requests any additional waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1983. Further, due to the nature of the proposed reduction, Natural has requested that the notice period for motion or protest of this filing be shortened to three days.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 27, 1983. Protests will be considered by the Commission in determining parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11411 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-215-001]

Northwest Pipeline Corp.; Extension Reports

April 25, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the National 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 commended on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or 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. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 23, 1983 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protest 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.

Lois D. Cashell,

Acting Secretary.

Docket No.	Transporter seller	Recipient	Date filed	Part 284, subpart	Effective date
ST81-215-001 [1]	Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110.	Southwest Gas Corp	3/28/83	G	3/26/83
ST81-324-001 [1]	Mountain Fuel Supply Co., P.O. Box 11368, Salt Lake City, UT 84139.	Northwest Pipeline Corp	3/23/83	G	6/19/83
ST81-345-001 [1]	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978.	Northern Natural Gas Co	3/31/83	G	7/1/83
ST81-354-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp	3/16/83	G	6/30/83
ST81-423-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251.	Texas Eastern Transmission Co	3/22/83	G	8/12/83
ST81-441-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102.	Delhi Gas Pipeline Corp	3/31/83	G	7/29//83
ST83-292-001 [1]	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001.	Columbia Gulf Transmission Co	3/18/83	G	2/1/83

[1] These extension reports were filed after the date specified by the commission's regulations, and shall be the subject of a further commission order.

NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations.

[FR Doc. 83-11412 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-3-37-002; PGA 83-3]

Northwest Pipeline Corporation; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustment

April 22, 1983.

Take notice that on April 15, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC") contained in its FERC Gas Tariff, First Revised Volume No. 1. The proposed change is for the purpose of reflecting a decrease in the cost of purchased gas of $65.5 million resulting from a decrease in the Canadian export price to $4.40 per MMBtu. Said price was established by Order in Council P. C. 1983-1056 dated April 11, 1983 of the National Energy Board of the Dominion of Canada to be effective April 11, 1983. The impact of the new export price is more fully detailed and explained in the instant filing

Northwest requests permission under its PGA Provision referenced above and waiver of applicable Commission regulations in order to receive an effective date for Second Amended Eighth Revised Sheet No. 10, tendered herein, of April 11, 1983.

Copies of this filing have been served on Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 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. 83-11413 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-8-000]

Panhandle Eastern Pipe Line Co.; Application for an Adjustment

April 25, 1983.

Take notice that on February 28, 1983, Panhandle Eastern Pipe Line Company (Panhandle), 3000 Bissonnet Ave., Houston, Texas 77001, filed in Docket No. SA83-8-000 an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Subpart K of Part 385 of the Commission's Rules of Practice and Procedure for a permanent exemption from the filing requirements of § 281.204(b)(2) of the Commission's regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that the collection and review of data and preparation of the annual update of its index of customer requirements under § 281.204(b)(2) requires substantial time and expense on the part of agriculture users, Panhandle's customers, Panhandle and the Data Verification Committee.

Panhandle states that it anticipates that it would be able to meet the full requirements of its customers in the near term, as indicated in Panhandle's Form 16 filed September 30, 1982, and Form 15

for the year ended December 31, 1981. Therefore, Panhandle submits that annual compliance with the filing requirements of § 281.204(b)(2) is currently unnecessary and would result in special hardship and an unfair distribution of burdens to its customers, as well as Panhandle.

Panhandle states that prior to the filing of this application, Panhandle has made all of the requisite filings pursuant to Section 401 of the NGPA and the Commission's regulations thereunder, the most recent being made September 15, 1982, in accordance with provisions of the Commission's Order No. 145. Panhandle states, however, since it would be able to meet its customers' requirements in the near term, no valid purpose would be served by compliance with the filing requirements of § 281.204(b)(2).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11414 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-54-001]

South Georgia Natural Gas Co.; Changes in FERC Gas Tariff

(April 25, 1983).

Take notice that South Georgia Natural Gas Company (South Georgia), on April 15, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1.

South Georgia states that a general rate increase was filed in Docket No. RP83-54 on March 1, 1983 with a proposed effective date of April 1, 1983. By its order issued March 31, 1983 the Commission accepted the revised tariff sheets for filing and suspended their effectiveness until September 1, 1983 subject to South Georgia's filing revised tariff sheets reflecting an allowance for cash working capital as provided for in the Stipulation and Agreement in Docket No. RP82-46. The purpose of this filing is to revise the allowance for cash working capital in this docket as provided for in the Stipulation and Agreement in Docket No. RP82-46, which was approved by the Commission on March 2, 1983.

Copies of this filing have been served upon South Georgia's jurisdictional customers and interested state public service Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C., 20426 in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 5, 1983. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11415 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-41-001; PGA83-4]

Southwest Gas Corp.; Change in Rates Pursuant to Purchase Gas Cost Adjustment

April 25, 1983.

Take notice that Southwest Gas Corporation ("Southwest") on April 18, 1983, tendered for filing Nineteenth Revised Sheet No. 10 pursuant to Section 9, Purchase Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Southwest's, northern Nevada sole supplier of gas, Northwest Pipeline Corporation, resulting from a reduction in the cost of gas Northwest purchases from Canadian sources.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 4, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11416 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-235-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 25, 1983.

Take notice that on March 16, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-235-000 an application pursuant to Section 7(c) of the Natural Gas Act and Subpart F of Part 284 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of up to 15,000 Mcf of natural gas per day for Public Service Electric & Gas Corporation (PSE&G) for a term of sixty consecutive days from the date of initial deliveries, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport daily volumes of up to 15,000 Mcf of natural gas to PSE&G for a 60-day term commencing on the date of initial deliveries to enable it to reduce the use of fuel oil in the generation of electric energy at its electric generation stations. Applicant states that the gas to be transported would be purchased by PSE&G from New York State Electric & Gas Corporation (NYSEG) and made available for transportation at Applicant's existing Lockport sales meter station delivery point to NYSEG in Niagara County, New York. Applicant states that it would redeliver equivalent quantities to PSE&G at Applicant's existing Ramsey sale meter station delivery point to PSE&E in Bergen County, New Jersey. Applicant states that the gas would be transported only to the extent its operating conditions and available capacity permit.

Applicant proposes to charge PSE&G the rate contained in Applicant's Rate Schedule IT which is currently 21.32 cents per Mcf.

Applicant states that the subject gas would be used by PSE&G solely to displace fuel oil it would otherwise use in its electric generating stations and

that the source of the gas to be sold is NYSEG's general system supply which NYSEG purchases from Applicant and which, it is indicated, is surplus to NYSEG's market requirements.

Applicant further states that on March 7, 1983, PSE&G received a certificate of eligible use from the Economic Regulatory Administration in ERA Docket No. 83–CERT–004.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16,1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the produre 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. 83-11417 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-9-000]

Trunkline Gas Co.; Application for an Adjustment

April 25, 1983.

Take notice that on February 28, 1983, Trunkline Gas Company (Trunkline), 3000 Bissonnet Ave., Houston, Texas 77001, filed in Docket No. SA83–9–000 an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Subpart K of Part 385 of the Commission's Rules of Practice and Procedure for a permanent exemption from the filing requirements of § 281.204(b)(2) of the Commissions regulations all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that the collection and review of data and preparation of the annual update of its index of customer requirements under § 281.204(b)(2) requires substantial time and expense on the part of agricultural users, Trunkline's customers, Trunkline and the Data Verification Committee.

Trunkline states that it anticipates that it would be able to meet the full requirements of its customers in the near term, as indicated in Trunkline's Form 16 filed September 30, 1982, and Form 15 for the year ended December 31, 1981. Therefore, Trunkline submits that annual compliance with the filing requirements of § 281.204(b)(2) is currently unnecessary and would result in special hardship and an unfair distribution of burdens to its customers, as well as Trunkline.

Trunkline states that prior to the filing of this application Trunkline has made all of the requisite filings pursuant to Section 401 of the NGPA and the Commission's regulations thereunder, the most recent being made on September 15, 1982, in accordance with provisions of the Commission's Order No. 145. Trunkline states, however, since it would be able to meet its customer's requirements in the near term, no valid purpose would be served by compliance with the filing requirements of § 281.204(b)(2).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules and Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-11418 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-172-000]

2013 Corporation; Errata to Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 25, 1983.

In Docket No. QF83–172–000 appearing in the **Federal Register** on March 14, 1983 (48 FR 10744) in the third column, in the second complete paragraph, line one.

"The Bottoming Cycle facility will be" is corrected to read "The Topping-cycle facility will be".

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-11419 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-240028; PH-FRL 2346-1]

State Registration of Pesticides; Alabama et al.

Correction

In FR Doc. 83–9926, beginning on page 16964, in the issue of Wednesday, April 20, 1983, on page 16966, in the first column, under **Washington,** in the first line, the number should read "No. WA 82 0062".

BILLING CODE 1505-01-M

[OPP-240030; PH-FRL 2350-4]

State Registration of Pesticides; Arizona et al.

Correction

In Fr Doc. 83–10454, beginning on page 16960, in the issue of Wednesday, April 20, 1983, make the following changes:

1. On page 16961, in the first column, in the first paragraph, in the first line "AS 82 0023" should read "AZ 82 0023".

2. Also on page 16961, in the second column under **New Jersey,** in the first paragraph, in the second to last line "manage" should read "mange".

BILLING CODE 1505-01-M

[W-8-FRL 2339-5]

Issuance of Final General NPDES Permit for Concentrated Animal Feeding Operations in Utah

AGENCY: Environmental Protection Agency.

ACTION: Notice of final general NPDES permit.

SUMMARY: The Regional Administrator of Region VIII is today issuing a final general National Pollutant Discharge Elimination System (NPDES) permit for certain dischargers in the Feedlots Point Source Category. This general NPDES permit establishes effluent limitations, standards, prohibitions and other conditions on dischanges from concentrated animal feeding operations, commonly known as animal "feedlots," that discharge the same types of wastes, involve similar operations and are appropriately controlled by the same effluent limitations. The animal feedlots covered by this permit are located in the State of Utah.

A notice of intent to issue a general NPDES permit for concentrated animal feeding operations in Utah was published in the **Federal Register** on August 4, 1981. (46 FR 39670). Region VIII received no significant public comments on either the notice or the draft general permit and hereby reprints a copy of the final general permit, as required by 40 CFR 122.28.

EFFECTIVE DATE: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: For further information and copies of the final permit and fact sheet contact: Marshall Fischer, Region VIII, U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295; (303) 837–4901.

SUPPLEMENTARY INFORMATION: *General Permit Authorization Under the National Pollutant Discharge Elimination System for Existing Concentrated Animal Feeding Operations in Utah, Permit No.: UT–0032000.*

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1250 *et seq.*, hereinafter referred to as "the Act," and the effluent limitations, monitoring requirements and other conditions set forth in Parts I and II, this general NPDES permit authorizes discharges of pollutants from all existing concentrated animal feeding operations located in the State of Utah: (1) With 1,000 or more animal units (slaughter and feeder cattle or equivalent animals as defined in 40 CFR 122, Appendix B); (2) with less than 1,000 animal units but more than 300, if pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device and/or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals concentrated in the operation; or (3) which have ever been designated as a significant contributor of pollution in accordance with 40 *CFR* 122.23(c).

The best conventional pollutant control technology (BCT) discharge standard in this permit is based on effluent guidelines promulgated in 40 CFR Part 412 for the feedlot point source category. This standard prohibits any discharge, except as a result of a 25-year 24-hour precipitation event.

This general NPDES permit does not authorize discharges of pollutants from new concentrated animal feeding operations with more than 1,000 animal units which were constructed after February 14, 1974 and, therefore, subject to new source performance standards. (See 40 CFR 122.2 and 412.15.) Dischargers with more than 1,000 animal units that had animal confinement facilities in place prior to February 14, 1974, are authorized by this permit.

Authorization to discharge pursuant to this general NPDES permit becomes effective on May 31, 1983, and expires at midnight, April 27, 1988. Any existing individual NPDES permit issued to a concentrated animal feeding operation in Utah shall continue to apply until it expires or is revoked and reissued or terminated by the permit issuing authority in accordance with the applicable procedures of 40 CFR Part 124.

State Certification. Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law.

The State of Utah certified this general permit by letter on August 6, 1982.

Part I

A. Effluent Limitations and Waste Disposal Requirements

1. *Effluent Limitations.* During the term of this permit, the following effluent limitations apply to all of the concentrated animal feeding operations covered by this permit:

There shall be no discharge of process waste water pollutants to the waters of the United States except as provided for below.

A discharge of pollutants to the waters of the United States may occur whenever precipitation events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event for the location of the concentrated animal feeding operation. This means that the control facilities must contain all runoff from storms less intense than those which occur once every 25 years during a 24-hour period.

Appendix A of this permit contains a chart showing 25-year, 24-hour rainfall for Utah. The 25-year, 24-hour rainfall value for concentrated animal feeding operation covered by this permit shall be determined from this chart.

For purposes of detemining compliance with the effluent limitations of this permit, the amount of precipitation that occurred shall be based on the data obtained with a precipitation gauge from the nearest National Weather Service weather station. (See Appendix B for list of weather stations in Utah.) The permittee may, at his option, maintain a precipitation gauge at the facility.

2. *Waste Disposal Requirements.* a. All land areas utilized by and operated under the authority of the permittee for the disposal of manure, other waste solids, and liquid wastes shall be isolated to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A.1.). Such provisions apply only to the discharge of pollutants from a "point source" as defined in section 502(14) of the Act.

b. All land areas utilized by and operated under the authority of the permittee for the storage or holding of manure, bedding materials, silage, feeds, and feed concentrates, and other substances having a waste contributing potential shall be isolated to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A.1.).

c. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the United States, subject to the provisions as provided in permit conditions under "Effluent Limitations" (Part I, A. 1.), and then only in accordance with the provisions of any toxic pollutant effluent standards established pursuant to section 307(a) of the Act.

B. Monitoring and Reporting Requirements.

1. *Monitoring Requirements.* The permittee shall visually monitor all

discharges and record the following information:

a. A description of the discharge and cause, whether excess precipitation, snow melt, or other specified causes (*e.g.*, structural failure, equipment breakdown, flooding);

b. The period of discharge including exact dates and times;

c. An estimate of discharge volume;

d. Name of receiving stream;

e. Name of person recording discharge;

f. Corrective steps taken, if appropriate; and,

g. A record of the precipitation at the nearest National Weather Service station (see Appendix B) with a precipitation gauge or at a facility rain guage for the period of inclement weather that resulted in the discharge.

If the permittee elects to maintain a precipitation gauge at the facility, the permittee shall monitor and record precipitation daily using a National Weather Service standard rain gauge or equivalent.

All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of three (3) years or longer if requested by the Regional Administrator or the Utah Department of Health.

2. *Reporting Requirements.* The permittee shall visually monitor and report within five (5) days to the permit issuing authority, any discharge resulting from a precipitation event. Any discharge resulting from a non-precipitation event (*e.g.*, dike or structural failure, equipment breakdown, human error) shall be monitored and reported immediately (within 24 hours) by calling (303) 837–3880 anytime, day or night. The permittee shall provide the permit issuing authority with a written report within five (5) days of such notification. The information shall be submitted to the U.S. Environmental Protection Agency and the Utah Department of Health at the following address: U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295, and Utah Department of Health, Division of Environmental Health, Bureau of Water Quality, P.O. Box 2500, Salt Lake City, Utah 84110.

Part II

General Conditions

1. *Facilities Operation.* The permittee shall at all times maintain in proper 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. Proper operation and maintenance includes all circumstances listed under 40 CFR 122.41(e) (April 1, 1981, 48 FR 14167).

2. *Power Failures.* As necessary to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall provide an alternate power source sufficient to operate the waste water control facilities.

3. *Adverse Impact.* The permittee shall take all reasonable steps to prevent or correct any adverse impact to receiving waters or environment resulting from unauthorized discharges.

4. *Right of Entry.* The permittee shall allow the head of the State of Utah Department of Health, the Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

a. To enter upon the permittee's premises where a real or potential discharge is located or in which any 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.

5. *Transfer of Ownership or Control.* In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter.

6. *Availability of Reports.* Except for data determined to be confidential under section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Utah Department of Health and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties as provided for in section 309 of the Act.

7. *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.

The permittee shall comply with effluent standards or prohibitions established under 307(a) of the Act within the time provided by the regulations establishing these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

8. *Civil and Criminal Liability.* Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

9. *Oil and Hazardous Substances 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.

10. *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.

11. *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 of private property or any invasion of personal rights, nor any infringment of Federal, State or local laws or regulations.

12. *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.

13. *Other Conditions.* The following conditions are applicable to this NPDES Permit: 40 CFR 122.41 (a), (a)(2)(c), (h), (j)(4), (j)(5), (k), (1)(2), (1)(6), (1)(7), (1)(8), (m), and (n) (April 1, 1983, 48 FR 14166–8).

14. *Requiring an Individual NPDES Permit.* In accordance with 40 CFR 122.28, the permitting authority 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 discharge(s) is a significant contributor of pollution;

b. The discharger is not in compliance with the conditions of this general permit; or

c. 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.

15. *Requesting an Individual NPDES Permit.* Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual NPDES permit.

16. *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. Upon revocation of the individual permit, this general permit shall apply to that facility.

17. *Permit Modification, Revocation, Termination.* This general permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR Parts 122 and 124 of the NPDES Permit Regulations (48 FR 14146 April 1, 1983).

Appendix A

Please refer to chart.

Appendix B

Please refer to the most recent United States Weather Service Station Index.

18. *Economic Impact.* EPA has reviewed the effect of Executive Order 12291 on this final general permit and has determined that it is not a major rule under that order. This regulation was submitted to the Office of management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection at the U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver Colorado 80295.

19. *Paperwork Reduction Act.* EPA has reviewed the requirements imposed on regulated facilities in this final general NPDES permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the permit have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act.

20. *The Regulatory Flexibility Act.* After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general permit will not have a significant impact on a substantial number of small entities. Moreover, it reduces a significant administrative burden on regulated sources.

Steven J. Durham,

Regional Administrator

BILLING CODE 6560-50-M

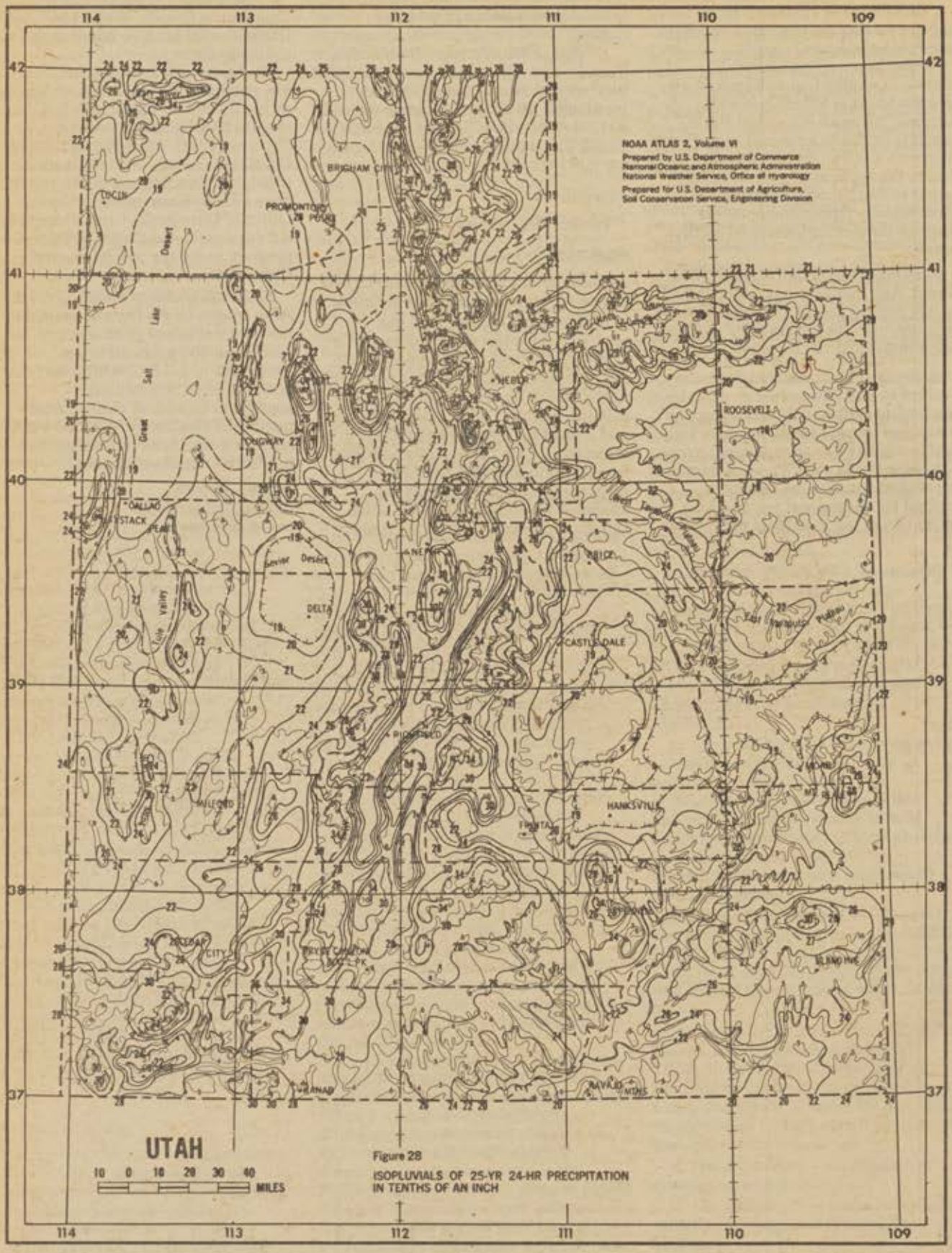


Figure 28

ISOPLUVIALS OF 25-YR 24-HR PRECIPITATION IN TENTHS OF AN INCH

STATION INDEX

UTAH
JULY 1982

STATION	INDEX NO.	DIVISION	COUNTY	LATITUDE	LONGITUDE	ELEVATION (IN FEET)	OBSERVATION TIME AND TABLES (LOCAL STD TIME) TEMP	PRECIP	EVAP	SPECIAL (SEE NOTES)	OBSERVER
UTAH											
ALLENS RANCH	00500	05	DAGGETT	40 53	109 8W	5490	18	18			WILLIAM ALLEN
ALPINE	00610	03	UTAH	40 27	111 47W	4920	SS	SS			KENT SHEPHERD
ALTA	00720	05	SALT LAKE	40 36	111 38W	8760					U S FOREST SERVICE
ALTAMONT	00740	06	DUCHESNE	40 22	110 17W	6370	7	7		H	DEE ROBERTS
ALTON	00860	04	KANE	37 26	112 29W	7040	17	17		C H	ORVAL PALMER
ANETH PLANT	01570	07	SAN JUAN	37 15	109 20W	4620	15	15			EL PASO NATURAL GAS CO
ANGLE	01680	04	PIUTE	38 15	111 59W	6390	SS	SS		C	MRS ANNA B COON
ANTELOPE ISLAND NORTH	01970	03	DAVIS	41 2	112 14E	4400	18	18			CLOSED 7/1/73
ARCHES N P HQRS	03360	07	GRAND	38 37	109 37W	4130	8	8	8	C	NATIONAL PARK SERVICE
BARTHOLOMEW P H	04490	05	UTAH	40 10	111 30W	5140		18		H	SPRINGFLD MUN PWR CO
BEAR RIVER BAY //	04900	03	WEBER	41 18	112 16W	4210	9	9			GRT SL MIN & CHEM CORP
BEAR RIVER REFUGE	05060	03	BOX ELDER	41 28	112 16W	4208	17	17	17		U S FISH AND WILDLIFE
BEAVER	05190	04	BEAVER	38 17	112 38W	5920	17	17			JOSEPH A FAHRLENDER
BEAVER CANYON P H	05270	04	BEAVER	38 16	112 29W	7275		17		H	UTAH POWER & LIGHT CO
BINGHAM CANYON 2 NE	07000	03	SALT LAKE	40 34	112 8W	5620	17	17			KENNECOTT COPPER CORP
BIRDSEYE PINES RANCH	07180	03	UTAH	39 54	111 33W	5530	18	18			MRS RENAE SWENSON
BLACK ROCK	07300	01	MILLARD	38 42	112 57W	4895	SS	SS			VICTOR KAUFMAN
BLANDING	07380	07	SAN JUAN	37 37	109 28W	6130	23	23			
BLOWHARD MTN RADAR //	07570	04	IRON	37 35	112 51W	10694	15	15		C H	ROY C JOHNSON
BLUFF	07880	07	SAN JUAN	37 17	109 33W	4315	SS	SS			LLOYD C GORDON
BONANZA	08020	06	UINTAH	40 1	109 11W	5450					JOHN JOHNSON
BOUNTIFUL-VAL VERDA	08200	05	DAVIS	40 51	111 53W	4540	SS	SS			AMERICAN GILSONITE CO
BOULDER	08490	04	GARFIELD	37 55	111 25W	6700	SS	SS		C	SOUTH DAVIS WATER DIST
BRIGHAM CI WASTE PLT	09280	03	BOX ELDER	41 31	112 3W	4230	17	17			MRS DOYLE W MOOSMAN
BRYCE CANYON FAA AP	10020	04	GARFIELD	37 42	112 9W	7585	16	16			BRIGHAM CITY CORP
BRYCE CANYON N P HDQ	10080	04	GARFIELD	37 39	112 10W	7915	15	15		H	FAA
										C	NATIONAL PARK SERVICE
BULLFROG BASIN	10200	07	KANE	37 31	110 44W	3822	8	8			NATIONAL PARK SERVICE
CALLAO	11440	01	JUAB	39 54	113 43W	4330	8	8			DAVID C BAGLEY
CALLISTER RANCH	11490	01	TOOELE	40 41	112 40W	4260	SS	SS		H	ALFRED CALLISTER
CANYONLANDS-THE NECK	11630	07	SAN JUAN	38 27	109 50W	5930					NATIONAL PARK SERVICE
CANYONLANDS-THE NEEDLE	11680	07	SAN JUAN	38 9	109 45W	5040	17	17			NATIONAL PARK SERVICE
CAPITOL REEF NATL PK	11710	07	WAYNE	38 17	111 16W	5500	17	17		H	NATIONAL PARK SERVICE
CASTLE DALE	12140	07	EMERY	39 13	111 1W	5660	SS	SS			MARK WILLIAMS
CASTLEDALE HNTR UP&L	12160	07	EMERY	39 10	111 2W	5660	M	M	10		UT POWER & LIGHT CO
CASTLE VLY INSTITUTE	12410	07	GRAND	38 39	109 24W	4720	18	18			CASTLE VLY INSTITUTE
CEDAR CITY FAA AP	12670	04	IRON	37 42	113 6W	5620	23	23		H	FAA
CEDAR CITY STEAM PLANT	12730	04	IRON	37 40	113 2W	6000	17	17		C	UTAH POWER & LIGHT CO
CEDAR POINT	13080	07	SAN JUAN	37 43	109 5W	6760	17	17		C	OSCAR R SEMADENI
CHURCH WELLS	14180	07	KANE	37 6	111 46W	4520	17	17			MRS LYNNE M SWENDEMAN
CIRCLEVILLE	14320	04	PIUTE	38 10	112 16W	6060	SS	SS			STANLEY E DALTON
CITY CREEK WATER PLANT	14460	05	SALT LAKE	40 49	111 50W	5330		8			SLC WATER DEPARTMENT
CLEAR LAKE REFUGE	15000	01	MILLARD	39 6	112 37W	4600	8	8			DON E NEILSON
COALVILLE	15880	05	SUMMIT	40 55	111 24W	5550	SS	SS			CHARLES B COPLEY
COALVILLE 13 E	15900	05	SUMMIT	40 56	111 9W	6480	18	18		C H	WILLIAM R JOCOBSON
CONRAD RANCH	16850	05	UTAH	40 20	111 31W	5640		18			CHARLES E CONRAD
CORINNE //	17310	03	BOX ELDER	41 35	112 8W	4240	9	9		H	MARJORIE S LARSON
COTTONWOOD WEIR //	17590	03	SALT LAKE	40 37	111 47W	4960	15	15		C	S L CITY WATER DEPT
CUTLER DAM U P & L	19180	03	BOX ELDER	41 50	112 3W	4290	M	M	10		UTAH POWER & LIGHT CO
DEER CREEK DAM	20570	05	WASATCH	40 24	111 32W	5270	18	18		H	PROVO RVR WTR USERS
DELTA	20900	01	MILLARD	39 20	112 35W	4623	25	25		C	O REED JEFFERY
DESERET	21010	01	MILLARD	39 17	112 39W	4585	SS	SS		H	PHIL ELIASON
DESERT EXP RANGE	21160	01	MILLARD	38 36	113 45W	5250	M	M		H	U S FOREST SERVICE
DEWEY	21500	07	GRAND	38 48	109 18W	4120	18	18			H BALLARD HARRIS

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DINOSAUR QUARRY AREA	2173	06	UINTAH	40 26	109 18W	4770	17	17		H	NATIONAL PARK SERVICE
DUCHESNE	2253	06	DUCHESNE	40 10	110 24W	5510	18	18			MRS DOROTHY C RANDOLPH
DUGWAY	2257	01	TOOELE	40 11	112 56W	4340	M107	M107			MASL DUGWAY MET TEAM
ECHO DAM	2385	05	SUMMIT	40 58	111 26W	5470	C	H			WEBER RIVER WTR USERS
ELBERTA	2418	03	UTAH	39 57	111 57W	4690	18	18			GLEN ERICKSON
ELECTRIC LAKE UP&L	2424	05	EMERY	39 36	111 13W	8380	M108	M108		S	UT POWER & LIGHT CO
EMERY 15 SW	2488	04	SEVIER	38 46	111 27W	7640					COAL SEARCH CORP
ENTERPRISE	2558	04	WASHINGTON	37 34	113 43W	5340					MRS GENEVA M GARDNER
ENTERPRISE BERYL JCT	2561	01	IRON	37 45	113 39W	5160	18	18	C	H	MRS MABEL L NEILSON
EPHRAIM SORENSENS FLD (R)	2578	04	SANPETE	39 21	111 35W	5670	M107	M107	C	H	U S FOREST SERVICE
ESCALANTE	2592	04	GARFIELD	37 46	111 36W	5810	17	17		H	MR SHARON DALE MARSH
ESKDALE	2607	01	MILLARD	39 7	113 57W	4980	17	17			ESKDALE HIGH SCHOOL
EUREKA	2625	03	JUAB	39 57	112 7W	6480	18	18		H	HAROLD J SHAW JR
FAIRFIELD	2696	03	UTAH	40 16	112 5W	4880	18	18	C		ROLAND L HANSEN
FAIRVIEW 8 N	2702	05	SANPETE	39 45	111 25W	6750	S17	S17	C		C BRYCE JACKSON
FARMINGTON USU FLD STN	2725	03	DAVIS	41 1	111 55W	4340	17	17		H	CARLON DRAPER
FERRON	2798	07	EMERY	39 5	111 8W	5930	17	17		H	U S FOREST SERVICE
FILLMORE	2828	04	MILLARD	38 57	112 19W	5120	17	17		H	JAY T ROGERS
FISH SPRINGS REFUGE	2852	01	JUAB	39 50	113 24W	4335	16	16		H	U S FISH AND WILDLIFE
FLAMING GORGE	2864	05	DAGGETT	40 56	109 25W	6270	16	16	16	C	U S BUREAU RECLAMATION
FORT DUCHESNE	2996	06	UINTAH	40 17	109 52W	5050		8			BUREAU INDIAN AFFAIRS
GARFIELD	3097	03	SALT LAKE	40 43	112 12W	4330	S	S			KENNECOTT COPPER CORP
GARRISON	3138	01	MILLARD	38 56	114 2W	5275	S	S		H	AUSTIN WILLIAMS
GENEVA STEEL 2	3183	03	UTAH	40 18	111 44W	4550	S17	S17			U S STEEL CORPORATION
GOLD HILL	3260	01	TOOELE	40 10	113 50W	5320	17	17		H	CECIL WOODMAN
GRANTSVILLE	3348	03	TOOELE	40 36	112 27W	4290					MYRON L SUTTON
GREEN RIVER AVN	3418	07	EMERY	39 0	110 10W	4070	23	23	17	C H	MRS HAZEL WOODWORTH
GROUSE CREEK 4 NE	3491	01	BOX ELDER	41 45	113 51E	5480	7	7			RANDY KIMBER
GUNLOCK POWER HOUSE	3506	02	WASHINGTON	37 17	113 44W	4110					UTAH POWER & LIGHT CO
GUNNISON	3514	04	SANPETE	39 9	111 49W	5145	18	18	18		HOWARD B NORMAN
HANS FLAT R S	3600	07	WAYNE	38 15	110 10W	6600	19	19			NATIONAL PARK SERVICE
HANKSVILLE	3611	07	WAYNE	38 22	110 43W	4308	2	2	C		MRS BARBARA J EKKER
HARDWARE RANCH	3671	05	CACHE	41 36	111 34W	5560					UTAH FISH & GAME DEPT
HATCH	3776	04	GARFIELD	37 39	112 26W	6910	S	S			PAYTON BARNEY
HEBER	3809	05	WASATCH	40 30	111 25W	5630	5	5		H	CLARK J CROOK
HELPER CARBON U P & L	3836	05	CARBON	39 44	110 52W	6100		M			UT POWER & LIGHT CO
HIAWATHA	3896	05	CARBON	39 29	111 1W	7280	17	17			U S FUEL COMPANY
HITE RANGER STATION	3980	07	SAN JUAN	37 52	110 23W	4000	18	18			NATIONAL PARK SERVICE
HOVENWEEP NATL MON	4100	07	SAN JUAN	37 23	109 5W	5240	18	18		H	HOVENWEEP NATL MONUMENT
HUNTINGTON FARM UP&L	4125	04	EMERY	39 22	111 4W	6230					UT POWER & LIGHT CO
HUNTSVILLE MONASTERY	4135	05	WEBER	41 14	111 43W	5140	17	17			HUNTSVILLE MONASTERY
IBAPAH	4174	01	TOOELE	40 2	113 59W	5280					KYLE BATEMAN
JENSEN	4342	06	UINTAH	40 22	109 21W	4760	18	18			LYNNE H DUDLEY
JOHNSON PASS	4362	03	TOOELE	40 20	112 36W	5630	22	22		H	RICHARD A SCHEESE
KAMAS RANGER STATION	4467	05	SUMMIT	40 39	111 17W	6470	17	17			CHARLES HEBDEN
KANAB	4508	04	KANE	37 3	112 32W	4950	18	18		H	DAN E MERRELL
KANOSH	4527	04	MILLARD	38 48	112 26W	5010	S	S			JOHN L ADAMS
KODACHROME BASIN PARK	4755	04	KANE	37 31	111 59W	5800	18	18			UT DIV PARKS & REC
KOOSHAREM	4764	04	SEVIER	38 31	111 53W	6930	15	15		H	GEORGE S HATCH
LAKETOWN	4856	05	RICH	41 49	111 19W	5980	S	S			MRS MONTRY KEARL
LA SAL 2 SE	4947	07	SAN JUAN	38 18	109 13W	6720	18	18			MRS ROBERTA J WILCOX
LA VERKIN	4968	02	WASHINGTON	37 12	113 16W	3220	18	18			MRS MURIEL S CHURCH
LEVAN	5065	04	JUAB	39 33	111 52W	5315	S	S		H	DERLE HANSEN
LITTLE SAHARA DUNES	5138	04	JUAB	39 44	112 18W	5240					BUREAU LAND MANAGEMENT

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LOA	514804		WAYNE	38 24	111 39W	7080	18	18			MRS HANS OYLER
LOGAN DOWNTOWN	518203		CACHE	41 44	111 50W	4530	8	8			RADIO STATION KVNU
LOGAN UTAH STATE UNIV	518603		CACHE	41 45	111 48W	4790	8	8		C	UTAH STATE UNIV
LOGAN 5 SW EXP FARM	519403		CACHE	41 40	111 54W	4490	8	8	8	CGH	UTAH STATE UNIVERSITY
LUCIN	523901		BOX ELDER	41 21	113 54W	4470	SS	SS			MRS LARETTA W SMITH
MANILA	537705		DAGGETT	41 0	109 44W	6440	SS	SS			MRS WILLIAM E ROBINSON
MANTI	540204		SANPETE	39 15	111 38W	5740	SS	SS		H	LEE J ANDERSON
MARYSVALE	547704		PIUTE	38 27	112 14W	5910	18	18		C H	MRS SHERLENE S JOHNSON
MEXICAN HAT	558207		SAN JUAN	37 9	109 52W	4120	7	7	7		HARLAN H HARRISON SR
MILFORD WSMO AP //R	565401		BEAVER	38 26	113 1W	5028	MID	MID	15	C HJ	NATL WEATHER SERVICE
MINERSVILLE	572304		BEAVER	38 13	112 55W	5275		7			DARWIN MARSHALL
MOAB 4 NW	573307		GRAND	38 36	109 36W	3965	16	16			ATLAS MINERALS INC
MODENA	575201		IRON	37 48	113 35W	5480	6	6			MRS SHANNON GAVARD
MONTICELLO	580507		SAN JUAN	37 52	109 18W	6820	17	17		H	HWY PAT CHECKING STN 3
MONUMENT VALLEY MISS	581207		SAN JUAN	37 1	110 13W	5300	18	18		H	MONUMENT VALLEY MISSION
MORGAN	582605		MORGAN	41 2	111 41W	5060	18	18			ROBERT F BRIMLEY
MORONI	583704		SANPETE	39 32	111 35W	5525	19	19			LEONARD ELIASON
MOUNTAIN DELL DAM	589205		SALT LAKE	40 45	111 43W	5420	17	17		C	SLC WATER DEPARTMENT
MYTON	596906		DUCHESNE	40 12	110 4W	5080	8	8			CLARK ROBERTS
NATURAL BRIDGES NATL M	605307		SAN JUAN	37 37	109 59W	6500	17	17		H	NATIONAL PARK SERVICE
NEOLA	612306		DUCHESNE	40 25	110 3W	5950	SS	SS			RODNEY D OLSEN
NEPHI	613504		JUAB	39 42	111 50W	5130	18	18		C	ELDON C SHERWOOD
NEW HARMONY	618104		WASHINGTON	37 29	113 18W	5290	18	18			LYLE B PRINCE
NUTTERS RANCH	634006		DUCHESNE	39 48	110 15W	5790	16	16		H	NUTTER'S RANCH
OAK CITY	635704		MILLARD	39 23	112 20W	5070	17	17			MERVYN J ALLOREDGE
OGDEN PIONEER P H	640403		WEBER	41 15	111 57W	4350	MID	MID		C H	UTAH POWER & LIGHT CO
OGDEN SUGAR FACTORY	641403		WEBER	41 14	112 2W	4280	16	16		C	AMALGAMATED SUGAR CO
OLMSTEAD P H	645505		UTAH	40 19	111 39W	4820	MID	MID		C	UTAH POWER & LIGHT CO
ORDERVILLE	653404		KANE	37 16	112 38W	5460	SS	SS			MRS MARYLLIS H HEYBORN
OURAY 4 NE	656806		UINTAH	40 8	109 39W	4670	16	16			U S FISH AND WILDLIFE
PANGUITCH	660104		GARFIELD	37 49	112 27W	6720	14	14			U S FOREST SERVICE
PARK CITY RADIO	664805		SUMMIT	40 39	111 30E	7080	17	17			RADIO STATION KPCW
PARK VALLEY	665801		BOX ELDER	41 49	113 20W	5530	8	8		H	EDGAR B ELLESTAD
PAROWAN AIRPORT	668604		IRON	37 51	112 50W	5930	8	8			PAROWAN AIRPORT
PARTOUN	670801		JUAB	39 38	113 53W	4780	19	19			WESLEY R LEWIS
PAYSON 1 SE	672603		UTAH	40 2	111 43W	4800		18			W R PHELPS
PINE VIEW DAM	686905		WEBER	41 15	111 50W	4940	8	8		H	OGDEN RIVER WTR USERS
PLEASANT GROVE	691903		UTAH	40 22	111 43W	4760	16	16			DEAN L DAVIS
PRICE WAREHOUSES	702607		CARBON	39 37	110 48W	5700	16	16		C	BUREAU OF LAND MANAGEMT
PROMONTORY	705201		BOX ELDER	41 14	112 29W	4210		MID			GR S L MIN & CHEM CORP
PROVO B Y U	706403		UTAH	40 15	111 39W	4570	17	17	17	C H	BRIGHAM YOUNG UNIV
RANDOLPH	716505		RICH	41 40	111 11W	6270	18	18			MRS ZEREA B JESSOP
RICHFIELD RADIO KSVC	726004		SEVIER	38 46	112 5W	5270	17	17		CG	RADIO STATION KSVC
RICHMOND	727103		CACHE	41 54	111 49W	4680	18	18		H	HAROLD S THOMSON
RIVERDALE	731803		WEBER	41 10	112 0W	4400	8	8			RUSSELL NELSON
ROOSEVELT	739506		DUCHESNE	40 18	109 59W	5104	23	23		C H	NATL WEATHER SERVICE
SAINT GEORGE	751602		WASHINGTON	37 6	113 34W	2760	17	17	17	CG	DONNA L TEDD
SALINA	755704		SEVIER	38 58	111 52W	5130	18	18			MRS NANCY S FRAME
SALTAIR SALT PLANT	757803		SALT LAKE	40 46	112 6W	4210	8	8	8		MORTON SALT CO
SALT LAKE CITY NWSFO AP R	759803		SALT LAKE	40 47	111 57W	4222	MID	MID		CGHJ	NATL WEATHER SERVICE
SANTAQUIN CHLORINATOR	768603		UTAH	39 58	111 47W	5160	9	9			SANTAQUIN CITY
SCIPIO	771404		MILLARD	39 15	112 6W	5306	17	17			VERLENE HATCH
SCOFIELD	772005		CARBON	39 43	111 9W	7720	17	17		C H	FRANK PODBEVSEK
SCOFIELD DAM	772405		CARBON	39 47	111 7W	7630	8	8	8		MARION HANSEN

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SIGURD U P & L	7800	04	SEVIER	38 51	112 0W	5310	MID	MID			UT POWER & LIGHT CO
SILVER LAKE BRIGHTON //	7846	05	SALT LAKE	40 36	111 35W	8740	10	10		C H	SLC WATER DEPARTMENT
SNAKE CREEK P H	7909	05	WASATCH	40 33	111 30W	6000	17	17			UTAH POWER & LIGHT CO
SNOW BASIN	7924	05	WEBER	41 12	111 52W	7800		7			SNOW BASIN LTD
SNOWVILLE	7931	01	BOX ELDER	41 58	112 43W	4560	9	9			DAN A HICKMAN
SPANISH FORK PWR HOUSE	8119	03	UTAH	40 5	111 36W	4720	18	18			STRAWBERRY W U ASSN
SUMMIT	8456	04	IRON	37 48	112 56W	6000		8			CARL T EVANS
SUNNYSIDE	8474	07	CARBON	39 34	110 22W	6780	7	7		H	KAISER STEEL CO
TABIONA 1 SE	8555	05	DUCHESNE	40 20	110 42W	6470	SS	SS			VAN TRASSELL RANCHES
THIOKOL PLANT 78	8668	03	BOX ELDER	41 43	112 26W	4600	16	16			THIOKOL CORP
THOMPSON	8705	07	GRAND	38 58	109 43W	5150	16	16			AGENT D & R RR COMPANY
TIMPANOGOS CAVE	8733	03	UTAH	40 27	111 42W	5640	17	17			NATIONAL PARK SERVICE
TOOELE	8771	03	TOOELE	40 32	112 18W	5070	18	18		H	BURDETT BEVAN
TREMONTON	8817	03	BOX ELDER	41 43	112 10W	4310	8	8			U S SOIL CONS SERVICE
TRENTON	8828	03	CACHE	41 55	111 56W	4460	SS	SS			STUART H RICHARDS
TROPIC	8847	04	GARFIELD	37 38	112 5W	6280	8	8			ADRAIN POLLOCK
UINTALANDS	8900	05	SUMMIT	40 57	110 48W	8400	18	18			GORDON L WALKER
UNIVERSITY OF UTAH #	8922	03	SALT LAKE	40 46	111 51W	4800	17	17		H	UNIVERSITY OF UTAH
UPPER AMERICAN FK PH	8933	03	UTAH	40 26	111 44W	5330		16			UTAH POWER & LIGHT CO
UTAH LAKE LEHI	8973	03	UTAH	40 22	111 54W	4497	17	17	17		UTAH LAKE PUMPING PLANT
VERNAL AIRPORT	9111	06	UINTAH	40 27	109 31W	5280	17	17			SKYWEST AIRLINES
VERNON	9133	03	TOOELE	40 5	112 27W	5485	18	18			NORMAN S YATES
VEYO POWER HOUSE	9136	02	WASHINGTON	37 21	113 40W	4600	7	7		C	UTAH POWER & LIGHT CO
WAH WAH RANCH	9152	01	BEAVER	38 29	113 25W	4880	18	18			MRS BOYD COATES
WANSHIP DAM	9165	05	SUMMIT	40 47	111 24W	5940	16	16			WEBER BASIN WATER DIST
WEBER BASIN PUMP PL 3	9346	03	DAVIS	41 7	111 55W	4900		7			WEBER BSN W CONSERVANCY
WELLINGTON 3 E	9368	07	CARBON	39 33	110 41W	5400		SS			MRS LA RAINE JOHNSTON
WENDOVER AUTOB //R	9382	01	TOOELE	40 44	114 2W	4237	MID	MID			NALT WEATHER SERVICE
WIDTSOE 3 NNE	9514	04	GARFIELD	37 52	111 58W	7540		SS			JOSEPH STEED
WOODRUFF	9595	05	RICH	41 32	111 9W	6315	SS	SS		H	FRANCIS TINGEY
ZION NATIONAL PARK	9717	02	WASHINGTON	37 13	112 59W	4050	17	17		C H	NATIONAL PARK SERVICE

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BILLING CODE 6560-50-C

Fact Sheet in Support of the General NPDES Permit for Concentrated Animal Feeding Operations in Utah; NPDES Permit Number: UT-0032000

I. Background

A. *General Permits.* Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individiual dischargers, EPA's regulations authorize the issuance of general permits to categories of point sources located within the same geographical area, which discharge similar types of wastes and which discharges warrant similar pollution control measures. (40 CFR 122.28) As in the case of individual permits, a violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act.

Any owner or operator authorized by this final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES Permit application, together with reasons supporting the request, to the Regional Administrator, Region VIII. The Regional Administrator may require any person authorized by this general permit to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2).

B. *Concentrated Animal Feeding Operations in Utah.* This general NPDES permit establishes effluent limitation, standards, prohibitions and other conditions on dischargers of pollutants from certain concentrated animal feeding operations, commonly known as animal "feedlots." Concentrated animal feeding operations are defined as confined animal feedlots: (1) With 1,000 or more animal units; (2) with less than 1,000, but more than 300 animal units if pollutants are dischared to waters of the United States through a man-made ditch, flushing system or other similiar device and/or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals concentrated in the operation; or (3) which have ever been designated as a significant contributor of pollution on a case-by-case basis according to the criteria in 40 CFR 122.23(c). (40 CFR 122.23, 40 CFR 122, Appendix B and 40 CFR Part 412) The term "animal units" is defined in 40 CFR 412.10 and, for the purposes of this permit, means the equivalent number of feeder and slaughter cattle.

This general permit applies only to those concentrated animal feedlots constructed in Utah before February 14, 1974, the date new source performance standards were promulgated for the Feedlot Point Source Category. Concentrated animal feedlots constructed after that date are excluded from coverage under this general NPDES permit because they are considered "new sources" of pollution unders 40 CFR 122.2. The Clean Water Act provides that NPDES permits cannot be issued to new sources until EPA conducts an environmental review to determine whether issuing an NPDES permit to a new source may be considered a "major federal action significantly affecting the quality of the human environment" under the National Environmental Policy Act (NEPA). Because very few new sources have begun operation since February 14, 1974, Region VIII has decided to issue them individual NPDES permits and will conduct environmental reviews on a case-by-case basis prior to issurance.

To date, approximately 85 concentrated animal feedlots in Utah have been issued individual NPDES permits. These existing individual permits shall continue in effect until they expire or are revoked and reissued or terminated in accordance with the applicable procedures of 40 CFR Part 124.

II. Permit Conditions

A. *Technology-Based Effluent Limitations.* This general permit prohibits any discharge of process generated waste (including storm water runoff) except in the event of a 25-year, 24-hour storm. (See Appendix A of this permit for a chart showing 25-year, 24-hour rainfall for Utah.) These effluent limitations are based on the effluent guidelines for best conventional pollutant control technology (BCT) for the Feedlot Point Source Category as promulgated in 40 CFR Part 412. As with best practicable control technology currently available (BPT) and the former best available technology economically achievable (BAT) limits for conventional pollutants, BCT is a zero discharge limit. Therefore, the BCT limitation for this subcategory was not included among the BCT limitations withdrawn by EPA in response to the July 28, 1981 decision remanding the methodology used by EPA to establish BCT standards. *American Paper Institute v. EPA*, 66 F. 2d 954 (4th Cir. 1981).

In the semi-arid climate of Utah, there is a 10–15% difference between a 10-year, 24-hour rainfall event and a 25-year, 24-hour rainfall event. Because a safety factor of 25% was applied to all feedlot waste water facilities designed by the U.S. Soil Conservation Service to meet 10-year, 24-hour rainfall events, Region VIII believes that these facilities should meet the 25-year, 24-hour criteria of BCT.

B. *Best Management Practices—Waste Disposal.* The waste disposal requirements contained in this permit are necessary to achieve the effluent limitations described above. Proper isolation, storage and disposal of all solid and liquid wastes will help prevent pollutant discharge.

C. *Monitoring Requirements.* This permit requires discharges to monitor visually and record all dischargers as they occur. In addition, this permit requires dischargers to monitor and record all precipitation on a daily basis. All records of precipitation shall be made with a National Weather Service precipitation gauge or its equivalent. Dischargers may elect to record precipitation by using data obtained from the nearest National Weather Service station or by using a precipitation gauge maintained at the facility. (See Appendix B of the permit for a list of Weather Service stations in Utah.)

III. Appropriateness of the General Permit

Region VIII has currently issued approximately 85 individual NPDES permits to concentrated animal feeding operations in Utah. A review of these permits, their effluent limitations and monitoring requirements, and the criteria for issuing a general permit (40 CFR 122.28) clearly indicates that animal feedlots would be more appropriately controlled by a single general permit. General permits eliminate, for the Agency, the time-consuming and resource intensive process of reviewing and evaluating individual permit applications, and significantly reduce the burden impe appropriately controlled by a single general permit. General permits eliminate, for the Agency, the time-consuming and resource intensive process of reviewing and evaluating individual permit applications, and significantly reduce the burden imposed on the industry for applying for and obtaining individual permits.

For further information about this general permit, contact Marshall Fischer at Compliance Branch, Water Management Division, Region VIII, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, or at (303) 837–4901 or FTS 327–4901.

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FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 80-398; FCC 83-102]

Preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the Planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks

AGENCY: Federal Communications Commission.

ACTION: Report and Order regarding Final Recommendations.

SUMMARY: This Report and Order sets forth the Commission's recommendations for U.S. Proposals to the ITU Conference for the planning of the 12 GHz broadcasting-satellite service in the Americas. These recommendations will be forwarded to the Department of State for final development of U.S. Proposals to the Conference.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Edward R. Jacobs, Office of Science & Technology, International Staff, 2025 M St., NW., Room 7002, Washington, D.C. 20554 (202) 653–8102.

In the matter of an inquiry relating to preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks.

Adopted: March 9, 1983.
Released: March 21, 1983.

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I. Introduction

This *Report and Order* contains the Commission's findings as to appropriate U.S. objectives and proposals for the 1983 Region 2 Administrative Radio Conference for the planning of the 12 GHz Broadcasting-Satellite Service (RARC–BS). In developing these objective and proposals the Commission has considered the extensive work of a Federal Advisory Committee, substantial public comment in response to three FCC *Notices of Inquiry* and preparatory findings of International Telecommunication Union working groups. Further, throughout the proceeding, the Commission has maintained close coordination with the Department of State, the National Telecommunications and Information Administration (NTIA) and the National Aeronautics and Space Administration (NASA).

2. The Commission recognizes the importance of RARC–BS both to the needs of U.S. DBS service providers and to the development of planning and procedural mechanisms that will provide flexibility for all administrations of Region 2 (the Western Hemisphere). It is of substantial benefit to Region 2 that the planning for the 12 GHz Broadcasting-Satellite Service was exempted from the 1977 World Administrative Radio Conference which developed a plan for Regions 1 and 3.[1] The 1977 Final Acts, now being implemented, contain a rigid spectrum/orbit plan based on conservative technological assumptions. Modifications to that plan, necessary to accommodate subsequent technological advances and facilitate economic implementation, are proving extremely difficult to effectuate.

3. We believe that Region 2 administrations can benefit from the postponement to this 1983 conference and from the recognized limitations of the 1977 Final Acts. In addition, since 1977, substantial technological advances have taken place and sophisticated computer modeling has been developed. The latter has the capability of processing the staggering amount of data that must be evaluated to develop a progressive and creative BSS spectrum/orbit use plan.

[1] Region 2 was originally slated for inclusion but extensive efforts, largely on part of the U.S. delegation, deferred planning for the Western Hemisphere until 1983.

4. The success and equity of a Region 2 DBS plan will be possible if it is based upon realistic and explicit needs of countries in the hemisphere. In the U.S. we were aided significantly in preparing our conference proposals by the expression of explicit private sector requirements for Broadcasting-Satellite Service. In our domestic proceedings we have created a flexible regulatory environment [2]. Thus far the Commission has granted eight applications for the provision of direct broadcast satellite service. [3] Five other applications have been submitted. [4] Additional applications may be filed when a second filing period is established.

II. U.S. Objectives for the Conference

5. In developing U.S. proposals to the RARC–BS, which are summarized below and detailed in Appendix A [filed with the original document], we considered the following U.S. objectives:

1. To obtain enough orbit/spectrum resource to meet the present stated demand for channels within the U.S. (approximately 70 channels per service area);

2. To provide adequate spectrum for both the Fixed-Satellite Service and Broadcasting-Satellite Service in the U.S.;

3. To achieve sufficient flexibility in the Plan and procedures adopted so that future U.S. requirements can be met with a minimum need for coordination with other countries; [4A]

4. To obtain enough flexibility within the plan to permit implementation of interim systems and, to the extent feasible, systems of varying characteristics (as reflected in the applications);

5. To seek adoption of procedures that will permit modifications to the technical and operational characteristics of DBS systems subsequent to the formulation of the plan;

6. To maintain the focus of the Conference on the technological aspects of the plan and procedures—avoiding extraneous political issues;

7. To achieve the above objectives in such a manner as to provide for the requirements of the other administrations of Region 2.

[2] DBS Report and Order, 90 FCC 2d, 676 (1982).

[3] These eight applications propose a total of 36 channels of service. See: *STC Interim Grant*, 91 FCC 2d ——, 1982, FCC 82-427, released October 13, 1982; and *CBS, et al.* 91 FCC 2d ——, 1982, FCC 82-496, released December 3, 1982.

[4] These five applications propose 34 channels of service.

[4A] The FCC BSS Advisory Committee has foreseen a requirement for as many as 68–215 channels by the end of the century.

6. As reflected above, we are sensitive to the need of all the Region 2 administrations to meet their broadcasting satellite requirements. In this regard, we believe that the computer modeling will be a highly effective tool in helping to create a plan that will be flexible and can accommodate the maximum nmber of channels for all Region 2 countries. In our proposals set forth below, we urge the adoption of various technical criteria that can have a significant impact on the ability of the plan to satisfy the needs of all countries. We are, however, sensitive to possible cost and operational consequences to service providers should the Conference adopt standards that "push technology" to too great an extent. Yet we would be remiss if we overlooked the revolutionary advances in satellite technology since 1977, advances that continue to be made each day. We have sought to weigh all these considerations, and in developing our proposals we have placed considerable reliance on the recommendations of the Advisory Committee.

III. Summary of U.S. Proposals

7. Several considerations have led us to the recommendations that follow concerning United States proposals to the 1983 I.T.U. Administrative Radio Conference on the Broadcasting-Satellite Service in Region 2.

8. Foremost among these is the concern that the plan and procedures for coordination and sharing allow for use of initial or interim systems that may assume a form different than those appearing in the Plan. This will facilitate the expedited start of service within the United States and elsewhere in the Region. A related concern is to assure that such initial systems not be designed, deployed or managed in such manner as to impede the smooth and timely transition to the plan.

9. For purposes of clarity, we have divided this summary of proposals into various subject areas.

Proposed Requirements

1. In order to meet the immediate U.S. requirements for the Broadcasting Satellite Service, the United States should seek a minimum of eight eclipse-protected orbital positions for four service areas that would accommodate a total of approximately 72 channels per service area.

2. In order to meet U.S. needs for authorized and proposed space stations in the FSS and BSS, the 12.1–12.3 GHz band should be divided at 12.2 GHz, so that Region 2 BSS downlink service is planned in the 12.2–12.7 GHz band.

3. Since these 72 channels would not be sufficient to meet anticipated long-term U.S. requirements, the United States also should seek provision for additional channels for later use, which could be accomplished through a procedural mechanism for accessing such positions or through the possible inclusion of non-eclipse protected orbital positions in the plan.

4. For BSS planning purposes to provide service to CONUS, four service areas of approximately equal size should be assumed.

5. Planning should be based on individual reception because this would permit community reception whereas the converse is not the case.

Proposed Technical and Sharing Criteria

1. The following BSS downlink parameters are recommended for planning purposes at the Conference:

—circular polarization,
—a total C/N ratio of approximately 14 dB for 99% of the worst month, (which suggests a downlink value of approximately 14.5 dB)
—an aggregate C/I ratio of 25 dB,
—adjacent co-polarized channel spacing of 26 MHz,
—channel bandwidth of 24 MHz (so long as systems with varying bandwidth requirements can be implemented),
—a receiver figure of merit of 8 dB(K^{-1}),
—an antenna size creating an antenna half power beamwidth of 1.9 degrees (.9m at 12.5 GHz).
—adoption of a home receiver antenna pattern that will allow satellite spacings as closed as 8°–10° for adjacent service areas,
—minimum elevation angle for receive antennas of 20 degrees,
—avoiding adoption of transmitting antenna patterns utilizing shaped beams, except in limited, special cases
—a satellite antenna pointing accuracy tolerance value of ±0.1 in the N/S and E/W directions,
—a satellite antenna rotational error of ± degrees,
—minimum guard bands consistent with protection of adjacent band services.

2. Concerning the uplink portion of the service, the Commission confirms its position that 500 MHz previously allocated for uplinks at 17.3–17.8 GHz be utilized for the BSS service, and further recommends the adoption of a plan that would allow both fixed and mobile uplink facilities servicing U.S. satellites to be located anywhere in CONUS. As for technical parameters for the uplink, the Commission adopts those recommended by the Advisory Committee. (See paragraph 72)

Proposed Planning Principles and Procedures

The Commission adheres to its previous proposals in this proceeding to seek a flexible plan for use of the BSS spectrum by various administrations in Region 2. Recommended is the U.S. proposal to use a system of multichannel assignments.[5] Under the multichannel assignment plan, a service area or a group of service areas would be assigned the entire 500 MHz using both senses of polarization from a given orbit location. In this way each administration may assign channels in groups or block, according to its own particular needs. A very important feature of this approach is the establishment of interference protection and other parameters that could not be exceeded without modification of the Plan, while retaining a maximum flexibility for the intra-block utilization.

In furtherance of this planning proposal, the U.S. has made special efforts in two major areas. First, sophisticated computer techniques have been developed and utilized to demonstrate the viability of multichannel utilization plans. Second, a series of procedures is being developed that would permit the use, without further coordination, not only of systems having the characteristics specified in the plan, but also of systems that have different characteristics so long as prescribed levels of protection to other administration are met.

Proposed Inter-regional and Intra-regional Sharing Criteria

Inter-regional sharing of the 12 GHz band raises issues of potential interference to other services sharing this band and services using adjacent bands. The Commission proposes that the BSS/Terrestrial service sharing parameters in Region 2 follow the pattern adopted for such sharing at the 1977 WARC-BS. These parameters should facilitate the shared use of the 12 GHz band by the services designated in the international Table of Frequency Allocations, and should provide a suitable basis for domestic decisions concerning limited sharing of this portion of the spectrum by existing terrestrial users of the band. The matter of BSS interference with services in

[5] This multichannel assignment plan is a modified version of the arrangement referred to previously in this inquiry as "block allotments." The previous plan has been refined and changed to conform to the needs of other administrations and to ensure efficient and effective implementation of the plan.

adjacent bands involves the possibility of interference both to and from these services. Potential interference to services of other bands is addressed in the section on the technical sharing parameters, above, where the Commission recommends the careful use of guard bands. Potential interference to BSS from other services raises some questions of the scope of the authority of the Conference. Thus, the Commission makes no specific recommendation for altering the parameters established at WARC-BS, but notes that the reports of the Advisory Committee and the Conference Preparatory Meeting will be useful for Conference planning in this area.

The Commission believes that most of the current 12 GHz inter-regional sharing situations are addressed adequately in the existing Appendix 30 to the Radio Regulations and the relevant Resolutions adopted at the 1979 WARC. In those instances where final decisions need to be made at the Conference, the Commission recommends that the principle of reciprocity between regions be observed, and that the U.S. should not accept, as a matter of principle, an obligation to provide greater protection to the services of other Regions than is afforded to those services in Region 2.

As for sharing in the 18 GHz band, the Commission accepts the recommendations of the Advisory Committee to pursue certain proposed service modifications designed to minimize coordination and interference difficulties, and that the Conference do so under the procedures of the existing Appendix 28 of the Radio Regulations that permit these modifications.

IV. History of This Proceeding

10. The Commission has issued three *Notices of Inquiry* in this proceeding, with the first being released July 25, 1980 (FCC 80-417) (August 5, 1980; 45 FR 51914) , the second on June 5, 1981 (FCC 81-248) (June 8, 1981; 46 FR 30392) and the third on April 20, 1982 (FCC 82-139) (April 27, 1982; 47 FR 18046). Additionally, the Commission has had benefit of a comprehensive report from a Federal Advisory Committee that was established pursuant to a *Memorandum Opinion and Order* released on February 24, 1981 (FCC 81-54). This Committee was established for the sole purpose of providing advice to the Commission on the complex and controversial issues involved in the Conference.

11. As noted in the *Third NOI* in this docket, the ITU has established a Panel of Experts (PoE) to assist in the preparations for this conference. Three PoE meetings have been held to date, with primary emphasis placed upon development of the computer support capability that will be required for the Conference, and on discussions of appropriate planning methods to be used during the Conference. Appropriate references are made in the *Report and Order* wherever the decisions of the PoE have directly influenced recommended proposals. The ITU also convened a Conference Preparatory Meeting (CPM) of its CCIR Study Groups 4, 5, 9, 10 and 11 in order to prepare a report to serve as the technical bases for the Conference. The Commission's Advisory Committee has reviewed this report and addressed a number of points therein by providing the Commission an Addendum to the Advisory Committee's Final Report. The CPM report, the output of the PoE, and the Advisory Committee reports are significant contributions that supplement the comments and reply comments filed in this proceeding.

12. A complete listing of all parties submitting comments and reply comments to the *Third NOI* is provided in Appendix B to this *Report and Order* [filed with the original document]. Additionally, copies of the PoE reports, the CPM Report and the Advisory Committee Reports have been placed in the official docket file.

13. Following is a discussion of the issues faced by the Commission, input of the Advisory Committee and others, and the Commission's conclusions, which form the basis of its proposals. A general discussion of the material available to the Commission (comments, Advisory Committee Reports, CPM report) on each of these topics is presented with the rationale for and position of the Commission on each.

V. Requirements

14. As discussed in the *Third NOI*, BSS requirements included where the 12.1-12.3 GHz band should be divided between the Fixed-Satellite Service (FSS) and the Broadcasting-Satellite Service (BSS), the type of service to be provided (individual or community reception), the description of the service areas to be associated with particular satellites, the satellite orbit positions, and number of channels per service area. The FCC Advisory Committee and comments to the *Third NOI* each extensively discussed these topics. Each will be addressed in turn.

A. Division of the Band 12.1-12.3 GHz

15. In the *Third NOI* in this proceeding the Commission noted the current extensive development of the FSS in the 11.7-12.2 GHz band and the need to maintain this allocation for FSS use. It also noted that the 1983 RARC is competent to consider a division of the band only in the 12.1-12.3 GHz segment (see paragraph 11). It also noted the great uncertainty surrounding the BSS requirements and the need to provide adequate spectrum for this service. The Advisory Committee final report specified a near term requirement for 36-46 BSS channels, with long term requirements estimated as high as 215 channels. The Commission currently has on file applications to provide BSS service totalling approximately 70 channels. Many of the respondents to the *Third NOI* continue to recommend division of the band at 12.2 GHz. Several others, including AT&T, Farinon and HBO recommend reallocations of the 12 GHz band that are not within the competence of the Conference.[6] In the *Third NOI* the Commission indicated a position favoring division of the band at 12.2 GHz. It was further noted that this decision was one for presentation to the 1983 Conference and that domestic implementation was still a matter for later consideration. This matter has subsequently been addressed in the *Report and Order* in Gen. Docket No. 80-603 (FCC 82-285) concerning development of regulatory policy in regard to Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference. Based upon the decisions reached in that proceeding, the BSS channel requirement forecasts of the Advisory Committee, and the comments to the *Third NOI*, the Commission believes that a division of the band at 12.2 GHz by the 1983 Conference is still the most prudent way to proceed. We therefore recommend this as a U.S. proposal to the Conference.

B. Type of Service—Individual or Community Reception

16. In the *Third NOI* the Commission noted that planning on the basis of individual reception would permit implementation of community reception systems, whereas the reverse was not true. For this reason, coupled with an obvious need to provide for individual reception, this mode of operation was recommended for planning. This position is supported in the report of the Advisory Committee and in the comments filed. The Commission therefore recommends this as a proposal to the Conference.

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[6] See item no. 1.1 of the Conference agenda.

C. Service Areas

17. In the *Third NOI*, the Commission noted overwhelming support in comments to the *Second NOI* for a division of the 48 contiguous states (CONUS) into four service areas approximating the time zones. The only dissenting view was that of DBSC, which presented a case for three service areas. It was further noted that the preliminary report of the Advisory Committee had favored a division of CONUS into four service areas. STC, in supporting four service areas in its comments to the *Third NOI*, also recommends that the four service areas for CONUS have a large overlap so as to allow each system designer to meet its own particular requirements, and to reduce the overlap only to the extent necessary to preserve "block allotment" planning [7] and at the same time accommodate equal power TWTA's on the spacecraft. In its addendum to its final report, the Commission's Advisory Committee also recommends that the four U.S. service areas of CONUS have considerable overlap in their areas. Other comments to the *Third NOI*, contains widely conflicting analyses made by DBSC and others concerning the merits of a three versus four service area plan for CONUS. DBSC maintains that earth station costs for three service area systems would be increased negligibly, space segment cost savings could be up to $1 billion, three service area coverage would more closely match current terrestrial TV viewing scheduling, and that three service area configurations would give better elevation angles. These assertions are challenged by STC and USSB as being either untrue or based on incorrect assumptions. The Advisory Committee, in its final report, recommends four service areas approximating the four time zones be used for CONUS in planning at the 1983 Conference. In responding to the ITU questionnaire on requirements the U.S. did request four service areas for CONUS that corresponded precisely to the four time zones. Additional comments provided on the questionnaire indicated that adjacent U.S. service areas may need to be served from the same satellite location. These comments were made to provide for possible implementation of a three service area system and to provide for four service area systems that may initially be implemented with two satellites each serving one-half of CONUS, as has been proposed by several of the DBS applicants. The Commission has recently made known its intention to make provisions for a DBS service in the U.S. with a minimum of constraints upon licensees, as evidenced in its grants of conditional construction permits to eight DBS applicants.[8] These applications include both three and four service area systems. The Commission believes that the U.S. response to the ITU questionnaire provides a basis on which to accommodate the need of current DBS applicants with respect to service area coverages. We therefore propose that U.S. proposals to the Conference include four service areas of approximately equal area for CONUS. We will continue to study the matter of service area overlapping as it relates to flexibility in implementing different systems and the effects such overlapping may have on efficient use of the orbit/spectrum resource. We must express concern, however, with the modified service areas as proposed in the addendum to the Advisory Committee report, particularly the Pacific and Mountain service areas. In order to provide a minimum 15° elevation angle to the home receivers in these areas, the satellite serving the Pacific area could be placed no further west than 165.5° west longitude (W.L.) and the one serving the Mountain area could be placed no further west than 146° W. L. Orbital arc limitations of this nature on these two service areas could have a significant effect on the ability of the Conference to develop a plan acceptable to all. For service areas outside of CONUS, we propose that coverage be provided through separate beams to Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands from the satellite positions serving the west and east coast of the U.S.

D. Satellite Orbit Positions and Numbers of Channels

18. In the *Third NOI*, the Commission noted that the subject of orbit positions is very closely tied to the selection of service areas. It was generally concluded that a separate orbit location was needed for each of the service areas within CONUS, with the orbit locations serving the west coast also serving Alaska and Hawaii, and the orbit locations serving the east coast also serving Puerto Rico and the Virgin Islands. It was conluded, based upon foreseen requirements as put forth in earlier comments and the preliminary report of the Advisory Committee, that the U.S. should seek full use of the band at each orbit location with full flexibility to choose sense of polarization. It was also noted that there were proposals put forth that the U.S. identify additional, non-eclipse protected sets of positions further to the east in the orbit in order to meet future requirements.

19. Comments to the *Third NOI*, on the number of orbit positions generally follow the same line of reasoning as presented in the service areas dicussion with CBS, STC and USSB promoting four orbit positions to serve four areas within CONUS, and DBSC continuing to promote the merits of a three position, three service area concept. CBS and DBSC also proposed positions more easterly than those originally suggested by STC (115°, 135°, 155°, 175° W. L.), principally because of their concern over low elevation angles from these positions in the western service areas. RCA also expresses concern over low elevation angles. STC states that its choice of 175° W. L. to serve the Pacific area was based on perceived requirements of Canada and Mexico, and that to move further eastward could make it more difficult for the U.S. to achieve its goal of block allotments of frequencies. With respect to the spacings between satellites serving the same or adjacent areas, CBS, STC and USSB each believe that 15°–16° spacings appear reasonable, with CBS stating that perhaps as small as 13.5° could be achieved to allow frequency re-use between adjacent service areas. RCA recommends a 20° spacing, believing that there is no benefit in getting any closer.

20. With regard to the required number of U.S. channels, STC supports the Advisory Committee's forecasts but notes that there is great uncertainty in the Committee's predictions. STC, DBSC, and USSB each recommend seeking 500 MHz at each location which would provide about 36 channels per location, and CBS recommends seeking "large blocks of spectrum" at the Conference. The NAB suggests seeking less than the 500 MHz block, with re-use of the frequencies from additional or bit locations to accommodate any shortfall. DBSC and STC recognize the potential need for requiring more than the 500 MHz from a single orbit position. DBSC suggests the U.S. seek a second set of positions in the "non-eclipse protected" or eastern part of the orbit to meet this further requirement. STC suggests that the Conference establish a set of procedures through which additional orbit locations could be accessed to meet future requirements. It states that it has studied the feasibility of providing

[7] For a description of "block allotment" see Paragraphs 63–68, *Third NOI*, General Docket 80–398.

[8] See: *STC Interim Grant*, 91 FCC 2d——, 1982, FCC 82–427, released October 13, 1982; and *CBS, et al*, 91 FCC 2d——, 1982, FCC 82–498, released December 3, 1982

two sets of eclipse protected positions for the U.S. and has concluded that it is not possible without the use of unacceptably large earth station receive antennas.

21. The Commission's Advisory Committee has also completed its examination of this subject. With regard to the required number of U.S. channels, the Committee's preliminary forecasts were not modified. It still expects a significant BSS channel requirement for the U.S. in the near-term and through the turn of the century (i.e., 68–215 channels per service area). It has also completed its discussions on required service areas and orbit positions and has recommended that the U.S. proceed with planning at the 1983 Conference on the basis of four service areas within CONUS, each served from a separate orbit location. The specific areas recommended were chosen so as to provide the maxium flexibility for system implementation by the numerous DBS applicants before the Commission, and to allow the same satellite transponder output tubes to be used for each of the four service areas. Consideration was also given to providing commonality in design of the spacecraft transmitting antennas. The Advisory Committee reports that with its recommended service areas, all of the first round DBS applicants' systems can be resonably well accommodated, including the 3 satellite position /3 service area (3/3) system of DBSC and several interim systems using only two orbit positions, if the satellite positions are chosen carefully.

22. As noted in the Commission's *Third NOI*, we had tentatively suggested proceeding with a four satellite, four service area concept for CONUS, with eastern and western positions serving Puerto Rico and the U.S. Virgin Islands, and Hawaii and Alaska, respectively. We had also proposed that the full bandwidth be provided at each orbit location. In the period since the release of the *Third NOI*, the Commission has authorized the construction of eight DBS systems requiring approximately 36 "standard" DBS channels.[9] Additionally, the Commission has before it five DBS applications that have yet to be acted upon, totalling an additional 34 channels. The eight DBS applicants with conditional construction permits propose four basic variations of satellite/service area coverage. One proposes a 2/2 system, one a 3/3 system, and six a 4/4 system. Three of those that propose an eventual 4/4 system propose to use an interim 2/4 system in the first stage of their operations. Accordingly, a high degree of flexibility must be available in the Region 2 BSS planning if all of these systems are to be accommodated in a manner reasonably consistent with the applications. The Commission believes that the four service area approach for CONUS is still the most appropriate manner in which to proceed. However, the presence of DBS applications requiring a total number of channels in excess of 60 has created somewhat of a dilemma. With the selection of reasonable technical parameters and criteria, one can expect to obtain only about 36 channels from a 500 MHz bandwidth. This falls far short of accommodating all of the applications before the Commission. The only way to provide these additional channels is through a second set of orbit positions to serve each service area. Since the channels would have to be re-used with the channels on the first set of satellites, the satellites would have to be separated far enough apart to allow such re-use. As noted earlier, STC has stated that it does not believe it is possible to have such a second set of satellites in the eclipse protected part of the orbit, and recommends that the Conference adopt a set of procedures that would allow such satellities to be brought into use in the future when the need arose, presumably in the more easterly, non-eclipse protected part of the orbit. As also noted earlier, DBSC has proposed that such a set of non-eclipse protected positions be provided to the U.S. at the conference.

23. In response to the ITU questionnaire on administrations' requirements, the U.S. responded by stating it required four service areas within CONUS, corresponding to the four time zones, with 50 channels provided to each area. It should be noted that, because of the manner in which satellite coverages are determined a certain amount of overlap occurs when the areas are defined as above. The 50 channels specified above is the total number of channels requested in the DBS applications on file at the Commission at the time of the submission to the ITU. The precise number of 50 is not nearly as significant as the fact that it suggests that the U.S. will require more than one orbit position per service area. The Commission recognizes the channel requirement represented by all BSS applications on file and must promote the satisfaction of such a requirement at the 1983 Conference. The Commission is not yet convinced that, as STC believes, it is not possible to obtain at the Conference two sets of eclipse-protected positions for U.S. use. Satisfaction of such a requirement relies heavily on the adoption of several technical criteria and assumptions. The Commission, therefore, recommends that a total of eight eclipse-protected orbit locations with access to the full 12.2–12.7 GHz band be set forth as a U.S. requirement for the consideration by the Conference. It should be noted that this requirement represents satisfaction of existing BSS applications on file and does not, therefore, represent long term U.S. requirements. In the event that the Conference decides to develop a detailed plan that considers the long-term needs of Region 2 countries, the U.S. will seek access within the Plan to additional non-eclipse-protected satellite locations.

VI. Technical Specifications

24. In the *Third NOI*, in this proceeding, the Commission continued solicitation of comment on the Technical parameters and sharing criteria to be used as the bases for planning the BSS, and its sharing of the spectrum with other services. Comment was specifically directed toward the technical data and sharing criteria set forth in Annexes 8 and 9 of the Final Acts of the 1977 Broadcasting-Satellite Conference (now Appendix 30 to the 1982 edition of the Radio Regulations). It was further noted that the International Radio Consultative Committee (CCIR) of the ITU was to hold a special Conference Preparatory Meeting (CPM) in June/July of 1982 in order to prepare a report to the 1983 Conference that could serve as the technical bases for the work of the Conference. That meeting was held as scheduled and a report of that meeting has been sent to all administrations. A copy has been placed in this docket file. Additionally, the Commission's Advisory Committee was reconvened following the DPM so that it might reconsider its technical recommendations in light of the CPM Report. The Advisory Committee has completed its reexamination and has submitted to the Commission an Addendum to its Final Report to cover those matters. We shall now examine the specific technical specifications and certeria individually, as identified in the *Third NOI*, summarizing the comments received and noting the Advisory Committee and CPM recommendations. The instant discussion examines first the downlink (or space-to-earth) technical aspects and then the feeder link (or earth-to-space segment) aspects.

[9] A "standard" channel is taken to be one 24 MHz in bandwidth.

A. Technical Parameters (Down link)

i. *Polarization*

25. In the *Third NOI*, the Commission pointed out that the only reason for not supporting circular polarization at the 1977 WARC–BS was the fact that the BSS and FSS were sharing a common frequency band and that use of different polarizations by the two services (FSS uses linear) would be wasteful of the orbit/spectrum resource, requiring greater satellite separations. It was further noted that since this spectrum sharing no longer exists, this was no longer a significant consideration. It was also noted that the preliminary report of the Advisory Committee was inconclusive on the cost aspects of circular polarization versus linear.

26. In the comments to the *Third NOI*, CBS, DBSC and STC each state a preference to use circular polarization for downlink planning. RCA states a preference for linear, but says it could accommodate circular. The Final Report of the Advisory Committee recommends circular polarization, as does the report of the CPM. In reviewing the CPM report, the Advisory Committee re-affirms its support for circular.

27. In reviewing the comments, and Advisory Committee and CPM reports, the Commission is convinced that its earlier support for circular polarization is well-founded. Apparently, the cross-polarization and cost considerations were not significant, and the benefits of circular polarization in ease of installation prevailed. The Commission therefore continues its support for circular polarization for planning of the BSS downlinks.

ii. *Carrier to Noise Ratio (C/N)*

28. In the *Third NOI*, the Commission noted a general acceptance in earlier comments to a consideration of a total C/N of approximately 14 dB for 99% of the worst month. There was also some consideration of the use of threshold extenders, with JCET suggesting they be used and STC opposing their use for planning purposes.

29. Comments to the *Third NOI*, by CBS, DBSC, RCA, Rockwell and STC also continue to support the figure of 14 dB for 99% of the worst month, although DBSC states that this figure may be a little conservative. The Final Report of the Advisory Committee recommends a figure of 14.5 dB as the downlink contribution to C/N, which if one assumes .5 dB degradation from the feeder link, also corresponds to a total of 14 dB for C/N. The report of the CPM was less conclusive on this point, stating that "Recent tests have indicated that a carrier-to-noise ratio of between 12 and 14 dB overall exceeded for 99% of the worst month yields acceptable performance". In reviewing the CPM results, the Advisory Committee stands by its original recommendation of 14.5 dB for the downlink contribution to C/N, which corresponds to 14 dB overall. They also recommend against the use of threshold extenders for planning purposes.

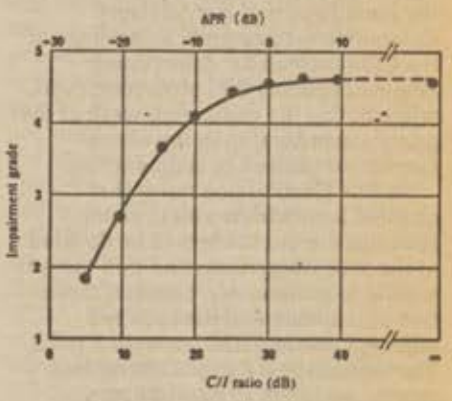
30. The Commission finds that the Advisory Committee has given this subject thorough examination and is in general agreement with its conclusions. We therefore propose that a figure of 14 dB for an overall C/N be proposed for planning purposes at the 1983 Conference.

iii. *Protection Ratio Between BSS Signals*

31. In the *Third NOI*, the Commission noted that the choice of protection ratio involves striking a balance between orbit/spectrum efficiency and obtaining a desirable degree of design flexibility, while maintaining some minimum acceptable standard of performance. Comments to the *Second NOI* indicated a general agreement that the protection ratios assumed at the 1977 WARC–BS could be reduced, specifically with respect to the assumed total entry, co-channel protection ratio. The preliminary report of the Advisory Committee recommended values of 28 dB for total entry co-channel and 12 dB for total entry adjacent channel protection ratio for BSS.

32. CBS and STC comments to the *Third NOI*, support the Advisory Committee, which adopted figures of 28 dB and 12 dB for total entry co-channel and adjacent channel protection ratios (C/I), respectively, in its Final Report. STC goes on further to state that it believes that a figure of 34 dB for C/I should be used as a single entry, co-channel interference criterion for planning purposes. It believes that a difference of about 7 dB should be assumed between maximum single entry and total C/I to account for the anticipated number of multiple interferers.

33. The CPM report considers two possible ways of determining the required co-channel protection ratio for BSS, both of which are related to the desired quality of the picture to be received. For an impairment grade for 4.4, one method provides a total C/I of about 30 dB and the other, proposed by the U.S., provides total C/I of about 25 dB. The U.S. proposed method is based upon recent test data that shows that an increase in C/I above 25 provides little improvement in picture quality (see figure below). In reviewing the CPM findings, the advisory Committee has modified its recommendation to agree with the method proposed by the U.S. in the CPM report (see figure below).



The Advisory Committee membership plans to conduct further extensive studies in the area of protection ratios for BSS and will make such information available to the Commission and to the U.S. Conference delegation. It notes that preliminary results tend to suggest that the original Advisory Committee recommendation for co-channel protection ratio may have been overly conservative, and that allowances for the difference between protection ratios for aggregrate interference and a single interference entry may have been too high.

34. The Commission notes with enthusiasm the current series of studies being conducted by Advisory Committee members on BSS protection ratios. The selection of a protection ratio plays a critical role in the development of any BSS plan; the lower the acceptable value of C/I can be made, then the easier it will be to develop an acceptable plan at the Conference. The Commission is prepared to accept at this time the U.S. input to the CPM as the method for determining the appropriate C/I for BSS. Since this method provides an impairment grade of 4.4 for a total C/I of 25 dB, we shall support 25 dB as the recommended C/I for BSS planning purposes. Commission staff will continue to monitor the BSS protection ratio studies currently underway and will bring this matter to the Commission again for reconsideration if the results of those studies so warrant.

35. With respect to an adjacent channel BSS protection ratio, the CPM report recommends a normalized protection ratio template that specifies a required adjacent channel protection ratio as a function of carrier offset

between adjacent channels. This implies that for a given channel spacing, the required adjacent channel protection ratio would vary as a function of channel bandwidth. The Addendum to the Final Report of the Advisory Committee recommends acceptance of the CPM method for determining adjacent channel BSS protection ratio, while noting the continuing work of that group's membership in the above-mentioned protection ratio studies.

36. The Commission notes that channel bandwidths and channel spacings are parameters to be decided at the 1983 Conference and that there is a definite relationship between those two parameters and the required adjacent channel BSS protection ratio. The Commission accepts the revised recommendation of the Advisory Committee and refers to its earlier comments relative to the tests that are currently being conducted.

iv. *Channel Spacing/Necessary Bandwidth*

37. In the *Third NOI* the Commisison noted the wide diversity of views on this topic among the commenters to the *Second NOI*, and that the Advisory Committee had not had much success in resolving this issue either. The Commission suggested that there might be benefit in not specifying the bandwidths in the BSS plan, at least as far as U.S. allotments are concerned. We further noted that while a channeling plan is not necessary under the purest form of block allotment planning, the U.S. must be prepared to present to the 1983 Conference what the U.S. believes to be a reasonable and efficient channeling plan for the BSS. It was further pointed out that we wished to avoid the adoption of a planning bandwidth that is based upon the "lowest common denominator", in other words, that system requiring the largest bandwidth, since such an approach could lead to an extremely inefficient use of the spectrum.

38. Three parties made specific recommendations for channel spacings. CBS, STC and USSB each recommend a channel spacing of 26 MHz between adjacent, co-polarized channels, with USSB favoring this spacing only if a pure form of block allotment could not be obtained. DBSC recommends a channel bandwidth of 22.5 MHz and a channel spacing that would be consistent with that bandwidth. RCA recommends a bandwidth of 24 MHz for standard television channels, and 72 MHz for High Definition Television (HDTV). HBO recommends that a uniform channel bandwidth between 25 and 30 MHz be adopted. STC argues in its reply comments that no specific bandwidth be adopted but that the channel spacing should be chosen and then system operators should be able to choose a bandwidth consistent with that spacing. STC believes that bandwidths in the range of 18–24 MHz are reasonable. In its reply comments, CBS states that it requires only 48 MHz for HDTV, which could be accomplished on two adjacent, co-polarized channels or on two separate 24 MHz transponders.

39. The Advisory Committee's final report recommended a 26 MHz channel spacing between second adjacent (co-polarized) channels. It recommended also that bandwidths in the range of 18–24 MHz be provided, consistent with the channel spacing and required protection ratio. The CPM report did not discuss channel spacing and with respect to channel bandwidth stated that "Results of further work on this aspect tend to indicate that the necessary bandwidth for individual reception in Region 2 would lie in the range 18 to 24 MHz." A detailed discussion is presented on the factors affecting bandwidth, but no further recommendations are made. In reviewing the results of CPM, the Advisory Committee reconsidered its position on necessary bandwidth and agreed upon a value of 24 MHz as a basis for planning. It believes that this value permits enhanced services and allows sufficient deviation for NTSC/FM signals. A wide range of baseband configurations for the NTSC signal with multichannel sound can be considered with a 24 MHz bandwidth. The problem of increased protection for signals employing bandwidths smaller than 24 MHz can be covered adequately by the requisite co-channel protection ratio, it says.

40. The Commission recognizes that in developing a plan for the Region the various plan analysis tools require that channeling schemes be developed and bandwidths be assumed for purposes of analysis and establishing protection within the plan. A 26 MHz channel spacing for adjacent, co-polarized channels and a 24 MHz channel bandwidth appear to be reasonable in providing an adequate number of channels in the plan and a bandwidth responsive to the diversity present in the DBS applications that have been filed with the Commission. The Commission can support these numbers for purposes of planning at the 1983 Conference on the understanding that adequate provision must be made within the regulatory provisions of the Final Acts of the Conference to allow the implementation of systems with varying bandwidth requirements, particularly, but not limited to, HDTV systems.

v. *Receiver Figure of Merit*

41. In its *Third NOI* the Commission stated that efforts should be made to improve upon the figure of merit of 6 dB (K^{-1}) that was adopted at WARC-BS for individual reception. It was noted that the Advisory Committee had not yet reached a decision on a recommended value, but that the range under consideration was from 6 to 10 dB (K^{-1}). The key point in determining the appropriate G/T for planning appears to be the noise figure achievable for low cost receivers obtained in mass production.

42. Four parties made recommendations with respect to G/T in the comments filed. CBS recommends a value of 10 dB (K^{-1}). DBSC recommends a value of 12 dB (K^{-1}), assuming clear sky conditions and a .9m antenna. RCA recommends a range of 9.5–14 db (K^{-1}), corresponding to a range of receive antenna diameters of .6–1m; and STC supports a figure in the range of 6.4–7.6 dB (K^{-1}), which falls out of the Advisory Committee's preliminary recommendations on other parameters. STC notes that this value is for the total system. The values recommended by the Advisory Committee in its Final Report was the range of 6.4–7.6 dB (K^{-1}), with the higher value being predicated on an assumed bandwidth of 24 MHz. The CPM report was also inconclusive on this point, specifying a range of 6–10 dB (K^{-1}). A stumbling block in reaching a decision again appears to be problems in mass production of receivers, as the CPM report notes "* * * it can now be expected that noise figures of the order of 4.0 dB can be obtained at reasonable cost in the 12 GHz band * * *. However, some variation of the noise factor in the mass production process may have to be taken into account." As part of its review of the CPM report, the Advisory Committee revisited the topic of G/T. In its Addendum to its Final Report, the Committee recommends a value of dB (K^{-1}) degraded for planning. The recommended degraded value of G/T takes into account allowances for antenna mispointing and receiver aging, as well as for atmospheric noise.

43. The Commission is encouraged that the Advisory Committee has been able to recommend a G/T value that is several dB higher than that used at the 1977 WARC-BS. This will promote the planning of the BSS with satellite powers that might have otherwise been excessive. We believe that the value is comparable to that proposed by others in the comments to the *Third NOI*, when

one considers the various effects of degradation, and we propose its acceptance as a proposal to the 1983 Conference as a technical basis for planning.

vi. *Receiving Antenna*

44. In the *Third NOI* the Commission noted that the selection of the receive antenna size is a significant factor in efficiency of orbit utilization and that therefore consideration should be directed towards the larger sized antennas being considered by the Advisory Committee in its preliminary report. The Commission further noted that the receive antenna reference pattern should be improved over that used at the 1977 WARC-BS. The Advisory Committee preliminary report considered such an improved pattern and comment on this pattern was solicited in the *Third NOI.*

45. In the comments to the *Third NOI* CBS suggests that a 1 meter receive antenna size appears reasonable, and that consideration of small differences in antenna size should not be allowed to threaten block allotment planning if the improved orbit efficiency obtained with this size antenna were necessary to obtain block allotments for the U.S. RCA states that it believes a 1 meter antenna would cost about $40 more than a .6 meter antenna. USSB believes that the smallest size antenna that will still preserve 15° satellite spacing should be adopted, which it believes would be about .75 meter. Both STC and RCA support the use of the improved antenna pattern that was preliminarily adopted by the Advisory Committee. In its Final Report, the Advisory Committee continues its support of its preliminary findings, and also suggested that the antenna size be chosen so as to result in an antenna half power beamwidth of between 1.9° and 2.25° (or between .9m and .75m at 12.5 GHz). This same pattern was submitted by the U.S. to the CPM and is one of two patterns presented in the CPM report for consideration. The other pattern (Canadian) shows improvement over the U.S. proposal out to about 3.6 half power beamwidths, with the U.S. pattern having the better performance between 3.6 and 12 half power beamwidths. Beyond that point the other pattern again displays better performance. The CPM made no recommendation between these two patterns but rather "agreed that further study in this area should be performed * * *". The CPM also recommended that the earth station receive antenna size should be chosen so as to result in a half power beamwidth of between 1.7° and 2.25° (1m-.75m). In reviewing the CPM results, the Advisory Committee continues to recommend the pattern proposed by the U.S. to the CPM, and maintains its original recommendation on antenna size. It does, however, note continuing study in this area with some preliminary results that are very encouraging. It states in the Addendum to its Final Report with regard to these studies, "* * * the results to date suggest that, if offset fed antennas can be produced in large quantities at competitively low prices with comparably low sidelobe envelopes, the Advisory Committee can recommend reference antenna patterns about 3 dB lower at a given angle than the better of the current U.S. and Canadian patterns, except for large off-axis angles, where the Canadian pattern cannot be met."

46. We believe that there is sufficient evidence to indicate that offset fed antenna designs can be produced at prices competitive with center fed designs. We also believe that further improvements in antenna performance and design are likely to occur during the life of the Plan developed at the RARC. Accordingly, while we will continue to monitor the progress of the studies on receive antenna patterns, we are recommending that the receive antenna performance used for planning be based as an improved offset fed design. With respect to the antenna size, we believe that a .9 meter diameter appears reasonable for planning purposes. Both of these decisions are particularly appropriate to the next item to be considered, orbital spacing.

vii. *Orbital Spacing*

47. In its earlier *Notices* the Commission identified two objectives that were to be met through proper selection of orbital spacings. The first is have separations large enough so that adjacent satellites could serve adjacent service areas using the same BSS channels, while still meeting eclipse and minimum elevation angle requirements. The second is to select orbital positions and satellite separations that would allow re-use of orbital positions to serve different areas within the U.S. Comments to earlier *Notices* indicated that perhaps satellite spacings as small as 16° could meet this requirement. The Commission also noted that this concept of frequency re-use could be applied Region-wide and was critical to the acceptance of the "block allotment" approach to planning.

48. As mentioned earlier in this *Report and Order,* comments to the *Third NOI* indicate that satellite spacings on the order of 15°-16° are possible for satellites serving adjacent service areas. These figures are generally arrived at in considering the improved earth receive antenna pattern. As CBS points outs, perhaps satellite spacings as close as 13.5° are possible. Selection of the appropriate spacings between satellites will have to take into account the various requirements of all of the countries of Region 2. If Regional requirements are very numerous, it may require that a large number of satellite positions be provided in the plan, with the resultant effect of closer satellite spacings. The Commission, through the active participation of its staff on the U.S. delegation, will continue to promote the two objectives noted above during the development of the BSS plan at the 1983 Conference. Adoption of a home receive antenna pattern based upon an offset fed design may allow satellite spacings as close as 8°-10°.

viii. *Elevation Angle of Receiving Antenna*

49. In the *Third NOI* the Commission noted that in comments to earlier *Notices,* STC and CBS had proposed 20° as a minimum elevation angle for planning purposes and that JCET had proposed 10°. Both STC and CBS had noted that particular geographical and rain climatic conditions may allow lower elevation angles to be used in certain circumstances. The Commission saw merit in using 20° as a minimum elevation angle for planning purposes, observing that each administration may elect to use a lower value in special instances during the planning process.

50. In comments to the *third NOI,* STC and CBS again state a preference for keeping the minimum elevation angle above 20°. CBS states that the elevation angle should be allowed to go below 20° only if needed to accommodate block allotment planning. STC states that the westernmost parts of the U.S. are arid and sparsely populated and could therefore accept a somewhat lower angle. The Final Report of the Advisory Committee also states a preference for a minimum elevation angle in the 20°-40° range, and points out that elevation angles less than 20° may be acceptable in arid and high latitude areas. The report of the CPM generally draws the same conclusions, when noting that system performance variation with elevation angle, as measured by carrier-to-noise temperature, is generally quite small, on the order of a few tenths of a decibel, down to elevation angles as low as 20°.

51. The Commission continues to agree that 20° elevation angle appear to be reasonable as a minimum upon which to base planning, and therefore proposes that this figure be used in

planning. With respect to specific plans providing service to the U.S., the Commission agrees that certain climatic and topographic circumstances may allow angles as low as 15° in some parts of the U.S. With this guidance the Commission defers to the expertise of the U.S. delegation in addressing these special circumstances at the 1983 Conference.

ix. *Transmitting Antenna (Elliptical or Shaped Beams)*

52. In the *Third NOI* the Commission noted that all comments received at that time favored the use of shaped-beam technology in the design of spacecraft transmitting antennas for coverage of large service areas. The benefits of this technology in the planning process were noted, and comment was requested on how this technology could be considered in the planning process.

53. Comments to the *Third NOI* continue to support the use of shaped beams in the planning process, with CBS, DBSC, RCA and STC commenting on its benefits. RCA and STC again raise the point that even though shaped-beam technology is supported for use in the statellite transmitting antenna, the use of "sidelobe suppression" techniques should not be required. With respect to the reference pattern of the satellite transmitting antenna, the Advisory Committee Report recommends adoption of a co-polar pattern identical to that adopted by the 1977 WARC–BS and a cross-polar pattern that is approximately 5 dB more lax than that used at the WARC–BS for close-in angles. The CPM Report makes a similar recommendation for the co-polar and cross-polar patterns. Additionally, the CPM Report recommends a pattern that could be used for an elliptical beam antenna pattern that assumes a roll-off that is more precipitous beyond the 3dB contour than the WARC–BS pattern. This more rapid roll-off would be generated by one of the beamlets having a beamwidth (beamlet) of approximately 0.8°. These beamlets are formed by an offset cluster of feeds driving the antenna aperture. The co-polar and cross-polar pattern and equations, as well as the shaped-beam pattern are presented in the attached U.S. Proposals.

54. The Commission continues to recognize the benefits to be derived both in planning and system implementation through the use of elliptical beams with fast roll-off. The patterns recommended by the Advisory Committee and the CPM appear to be well-founded and reasonable. It is also further recognized that the computer software that has been developed for this Conference is fully capable of handling the complex nature of such patterns in the analyses of a plan. However, any use of shaped beam patterns in the plan for U.S. service areas does remove a degree of flexibility in the implementation of U.S. DBS systems. The Commission therefore supports the use of the CPM recommended shaped beam antenna patterns to the degree necessary to meet other U.S. planning objectives at the Conference, including limiting their use only to the directions in which planning difficulties are encountered. The Advisory Committee and CPM co-polar and cross-polar reference patterns for "standard" antennas with elliptical beam and fast roll-off are supported.

x. *Pointing Accuracy of Satellite Antenna*

55. In the *Third NOI* The Commission noted that the preliminary report of the Advisory Committee stated there was general agreement on a value of ±0.1° for pointing error in any direction, and agreement that the rotational error tolerance should be ±1.0°. These value appeared to be reasonable and were supported by the Commission.

56. Comments in the *Third NOI*, The Final Report of the Advisory Committee and the CPM report all support the adoption of these values for planning. The CPM report also recommends a value ±.1° for satellite station keeping tolerance, a topic not addressed in the *Third NOI*. The Commission notes that the tightening of the rotational tolerance to 1° from the 2° adopted at the 1977 WARC–BS will allow the specification of elliptical satellite coverage areas with less spillover into adjacent areas, thereby reducing interference and facilitating the drawing up of an acceptable plan. The recommendations of the commenters to the *Third NOI*, the Advisory Committee and the CPM with respect to satellite antenna pointing and rotational tolerance are accepted by the Commission, as well as the CPM recommendation of ±.1° for satellite station keeping tolerance.

xi. *Power Flux Density (PFD) at Edge of Coverage Area*

57. In the *Third NOI* the Commission noted that recommendations in earlier comments considered values of PFD for planning in the range of −103 dB(W)/m² to −110 dB(W)/m², with the assumed value of receive G/T playing a significant role in determining the value of this parameter. It was further noted that the highest value in this range was being considered as a means of providing adequate spectral density threshold to digital systems, etc. The Commission stated that it was not yet convinced that the value of PFD adopted at WARC–BS, i.e. −105 dB(W)/m², for Region 2 should be exceeded for conventional television transmission. It was also unclear in some earlier comments whether the proposed value was for clear weather or for 99% of the worst month.

58. Comments to the *Third NOI* are unanimous in their recommendation of −105 dB(W)/m² per channel. In its reply comments, however, STC takes exception to the recommendation of DBSC and RCA that this should be a clear weather figure, and states its belief that the value should apply to 99% of the worst month. The Advisory Committee's Final Report also recommends a figure of −105 dB(W)/m² for 99% of the worst month, based upon an FM signal. It recommends −102 dB(W)/m² for HDTV, which it foresees as using a double channel. The CPM report does not recommend a single value, but rather indicates a range for PFD. It suggests that a PFD be used that is consistent with a satellite EIRP, minus the rain margin, that falls between 53 dB(W) and 60 dB(W). This range derives from the range of values that the CPM adopted for earth station receive antenna size and receiver G/T. The Addendum to the Advisory Committee report points out that its recommended value of −105 dB(W)/m² is fully consistent with and derives from its recommendations on bandwidth, G/T, and C/N.

59. The Commission believes that the Advisory Committee report recommendation in this area represents an integrated whole that has been arrived at through intensive investigation and examination. It represents a value that will provide for the operation of all DBS systems currently being requested before the Commission. Adoption of a lower value as suggested in the CPM report may preclude some new and innovative services that are being contemplated for DBS. The Commission supports the Advisory Committee recommendation and recommends this value as a U.S. proposal to the Conference.

xii. *Energy Dispersal*

60. In the *Third NOI* the Commission accepted arguments put forth that energy dispersal may not be required for sharing betwen BSS systems. It was also noted that co-channel sharing between BSS and terrestrial fixed stations will not be possible within large geographical areas (persumably within any given BSS service area, and some distance beyond), regardless of whether

or not energy dispersal is used. The only question remaining then was how to take into account potential BSS interference to terrestrial fixed stations to other countries in the planning process.

61. Comments to the *Third NOI* from AT&T, AMST and the Network Affiliates state that energy dispersal should be used in the plan in order to maintain flexibility in sharing with terrestrial fixed service, with AT&T recommending a PFD limit of −128 dB(W)/m²/4 kHz to accomplish this purpose. CBS, DBSC, and STC each advise against mandating use of energy dispersal in the planning process, even though CBS encourages its use when implementing systems. STC states that energy dispersal may be needed in some special cases, including inter-Regional sharing. AT&T, in its reply comments, states that STC's comments that energy dispersal may be needed for sharing between BSS and terrestrials in adjacent service areas is equally applicable to U.S. service areas, and therefore continues to promote its use in the planning process. In its Final Report, the Advisory Committee states that energy dispersal should not be required in the planning process, except for special cases of inter-Regional sharing. The Report of the CPM states that "* * * the PFD required by Region 2 BSS systems at their edge of coverage will be at the level which will still permit the operation of fixed-service systems in adjoining areas without causing unacceptable interference, providing that such BSS transmissions employ artificial energy dispersal." This statement was made by the CPM as a matter of technical fact, and was not presented as a recommended basis for planning of the BSS service. Upon review of the CPM Report, the Advisory Committee maintains its original recommendations.

62. The Commission recognizes the problems of sharing between the BSS and terrestrial services. This issue was considered extensively by the Commission in Gen. Docket 80-603 where it was recognized that the sharing situation was an untenable one, and that the full development of the 12 GHz band by DBS would necessitate the eventual removal of the terrestrial systems from this band. The Commission staff was directed to immediately begin an investigation looking toward reaccommodating the terrestrial services in other frequency bands. This investigation is currently underway and the Commission expects to act on this matter in the near future. In view of the fact that the U.S. is seeking access to all of the BSS channels in each CONUS service area, and that co-channel or adjacent channel BSS and terrestrial fixed service operations are not possible in the same or adjacent service areas, either with or without energy dispersal, there appears to be no compelling reason to mandate its general use within the BSS plan. The Commission does recognize the difficulties that arise in some Region 1/Region 2 interfaces where criteria has already been established by the 1977 WARC-BS. In these situations, the Commission can support the use of energy dispersal to meet these limits, but would prefer to leave the issue as one for resolution by each particular BSS operator as to how the specific PFD limits are to be met, be it through the use of energy dispersal or through other technical means.

xiii. *Guard Bands*

63. In the *Third NOI* the Commission raised for the first time the issue of guard bands. It was noted that guard bands must be considered from two aspects. The first of these is the need to provide adequate protection to services in bands adjacent to the BSS allocation. The 1977-WARC-BS preliminarily provided 12 MHz at the lower end of the band and 9 MHz at the upper end of the band for this purpose. The second aspect was that of providing spectrum for use by BSS for telemetry, tracking and command (TT&C) functions. Comment was requested on both of these aspects, noting that in preliminary discussions with region 1 administrations concern had been voiced about the ability to accommodate all of the TT&C requirements within the guard bands provided by the 1977 WARC-BS plan.

64. With regard to the issue of protecting services in adjacent bands, COMSAT states in its reply to the *Third NOI* that a band edge PFD of −177 dB(W)/m²/4 kHz by the BSS should be sufficient to protect the FSS. It notes that, based on measurements, the power roll-off as shown in CCIR Report 712 may be too low, thereby requiring larger guard bands than originally envisioned. STC states that it believes the 12 MHz and 9 MHz specified by WARC-BS may be sufficient if the BSS and FSS statellites are separated by about a half degree on the orbit. In its reply comments AT&T states its concern that any guard bands needed to protect adjacent services should come out of the BSS allocation, and that the orbit avoidance solution proposed by STC would severely impact the FSS. It suggests the 12.3 GHz band division as a possible solution.

65. With regard to TT&C requirements CBS states that, based on current recommendations on bandwidth and channel spacings, guard bands totalling 19 MHz plus two half channels will be available for TT&C purposes, making available a total of 45 MHz, which it believes is sufficient. Noting that several satellites will be operating from the same nominal orbit location, it also recommends a 0.2° spacing between these satellites so as to fascilitate TT&C operations. SBS also notes the particular difficulties of BSS, where several satellites will share the same nominal orbit location, and recommends that this point be considered. DBSC believes the TT&C issue not to be a critical one and states tht 10 to 20 MHz at the low end of the band could accommodate the TT&C requirements. RCA also states that the WARC-BS specified 12 MHz and 9 MHz guard bands should be adequate for TT&C. The Final Report the Advisory Committee noted that guard bands similar to those specified at WARC-BS would be required to protect adjacent band services, and that additional study should include consideration of TT&C requirements. The Addendum to the Advisory Committee Final Report notes that the different allocation now available to BSS may require re-examiniation of the guard bands. It notes that characteristics specified by one DBS contractor lead to the implication that guard bands may have to be wider for the band edge PFD limits considered at WARC-BS. It urges that additional information be brought to the attention of the U.S. delegation, by spacecraft designers and system operators, prior to the 1983 Conference.

66. The Commission recognizes that this is an area where technology is subject to rapid change and that much additional information may be forthcoming in the time between now and the Conference. We accept the premise that because of the relatively high power operation of BSS satellites some guard bands are required from within the BSS allocation to protect adjacent band services, but that the burden should not fall totally upon the BSS service when making the decision on appropriate guard bands.[10] The separation of nominally co-located BSS satellites to ease the contraints on TT&C appears to be a reasonable solution as long as it does not adversely affect FSS orbital location assignments and should also aid in providing additional discrimation in the feeder links. The Commission therfore recommends that

[10] See *Radio Regulation* No. 301 which deals with services operating in neighboring frequency bands.

the U.S. propose guard bands of 11 MHz and 9 MHz at the lower upper BSS bands edges. Noting that this is a complex problem that is related to other issues, The U.S. delegation should work toward satisfactory resolution of these issues at the Conference, consistent with obtaining a BSS plan that meets U.S. objectives with respect to quality of BSS service and operational flexibility required, a well as avoiding adverse impacts to existing and planned FSS networks.

B. Feeder Links

67. In the *Third NOI* five specific areas of feeder links were discussed. These were: (1) the specific frequency range within 17.3–18.1 GHz that should be planned; (2) the approximate number fo feeder link sites required; (3) the mobility (if any) that should be available to feeder link stations; (4) the sharing criteria for the various services to which the 17.3–18.1 GHz band was allocated by WARC–79; and (5) the technical characteristics of feeder links. Each of these points can be related to two general considerations, which are the specific requirements of the BSS feeder links and how these feeder links interact with other services. The first of these considerations will be addressed in this section and the second will be considered in the section on sharing. In the *Third NOI* the Commission considered comments on the required bandwidth for the feeder link allocation. There were some suggestions that perhaps less than 500 MHz could be used to provide feeder links to a 500 MHz BSS downlink allocation, with CBS citing CCIR Report 561–1 (MOD I) as identifying possible means. The Commission had considered this possibility; however, noting the technical problems associated with this approach, as well as a Conference agenda that specifically calls for planning the feeder links in a bandwidth equivalent to that of the downlink, we found that planning of feeder links in a 500 MHz allocation would best serve the U.S. interests at the 1983 RARC. Comments to the *Third NOI*, aside from those relating to sharing with services above 17.7 GHz, presented no arguments for other than an equal allocation between the downlinks and the feeder links. There is unanimous agreeemnt that planning of the feeder links should start at 17.3 GHz and the Commission fully endorses these principles.

68. The *Third NOI* also raised the issue of the number and mobility of feeder link stations. In that *Notice* the Commission stated its belief that the most operationally flexible manner in which to provide for U.S. feeder links would be to specify in the plan a limited number of fixed feeder link sites for each U.S. satellite position, and then to adopt provisions for the use of other locations on the condition that certain agreed upon interference criteria are met.

69. USSB, in its comments to the *Third NOI*, suggests that feeder link sites for planning purposes should be spread evenly over the entire U.S. The Final Report of the Advisory Committee recommends that each orbital position assigned to serve any area within CONUS should have an uplink service area that includes virtually all of the U.S. area that can be seen from that orbit position.

70. In its preliminary response to the ITU Questionnaire on requirements the U.S. specified a limited number of fixed locations for feeder links within each service area, with all feeder links located within the downlink service area served by that feeder link (e.g., Eastern service area fixed feeder links were all located in the eastern service area). Additionally, a need was stated to be able to serve from a mobile feeder link any U.S. satellite visible from anywhere in the U.S., similar to the Advisory Committee recommendation. Upon further review of this situation the Commission observes that there is a need to extend their requirement to the fixed feeder link locations also. In doing so, however, it is necessary to consider the satellite antenna receive pattern to be used in the planning process. The ITU has interpreted the U.S. feeder link requirement statement as necessitating a satellite receive beam that covers nearly the entire northern half of the western hemisphere so as to include Alaska, Hawaii, CONUS, Puerto Rico and the U.S. Virgin Islands. This is obviously not an efficient way to either plan or implement this service. The Commission, therefore, recommends that for planning purposes the satellite receive antenna coverage pattern be only one large enough to cover the viewable area of the U.S., and in no case larger than that necessary to cover CONUS, allowing such an antenna to be repointed to receive transmission from Alaska, Hawaii, Puerto Rico or the Virgin Islands, or alternatively to provide spot beam coverages for reception of feeder links in those areas.

71. Comments to the *Third NOI* regarding the technical characteristics of the feeder links were very limited. USSB and STC recommend against the use of power control and depolarization compensation in planning. CBS also states that it sees no need for power control from a thermal noise/performance viewpoint. CBS states that for C/I considerations, it is desirable to have a uniform PFD at the satellite and on earth, employing automatic gain control (AGC) or limiter action on the satellite. STC similarly states that a limit on PFD inhomogeneity may be required for interference protection purposes.

72. The Commission's Advisory Committee reviewed the planning elements associated with the feeder links and provided a number of recommendations. These were reviewed in light of the CPM report and in some cases were modified. The table 2.2 below shows the original Advisory Committee recommendations, the CPM findings, and the revised findings of the Advisory Committee. The Commission finds the final recommendations of the Advisory Committee to represent a reasonable basis for the planning of the BSS feeder links and therefore endorses these recommendations, with one exception. We believe that planning based upon 1000 W power for all feeder link stations may create some sharing difficulties. We therefore proposed that 500 W generally be used, and up to 1000 W be allowed to accommodate special circumstances.

73. With respect to type of polarization to be used on the feeder links, for which the Advisory Committee made no recommendation, the Commission does not believe that the selection of type of polarization will signficantly affect the development of the BSS plan, and therefore defers this issue for consideration by the U.S. delegation to the Conference, where its relationship to other technical and operational matters can be more fully studied.

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Table 2.2 Feeder Link Planning Elements (See Annex 2b)

Parameter	Original Advisory Committee Recommendation	CPM Finding	New Advisory Committee Recommendation (If Any)
C/N as guidelines for plan synthesis	26 dB for 99% worst month	(C/N) down + 11dB for 99% of worst month	Same as CPM
Satellite receiving antenna reference pattern	Same as transmitting pattern but with degraded cross-pol	Same as Advisory Committee	No change
Earth station minimum antenna diameter	5 m	5m for planning but 2.5m for implementation	Same as CPM
Earth station antenna reference pattern — Copolar	$G = \begin{cases} 32-25\log\Phi & 1°\leq\Phi<47.9° \\ -10 & \Phi\geq 47.9° \end{cases}$	$G = \begin{cases} 36-20\log\theta; & 0.1°<\theta<46.6/D_m \\ 8+20\log(D_m/\lambda) & \\ \quad -2.5\times10^{-3}(D_m/\theta)^2; & 46.6\lambda/D_m\leq\theta\leq\theta_j \\ 29-25\log\theta; & \theta_j<\theta<36.3° \\ -10; & \theta>36.3° \end{cases}$	Same as CPM
Earth station antenna reference pattern — Cross polar	No recommendation	$G = \begin{cases} G_m-30 & \theta<35\lambda/D \\ 9-20\log\Phi & 35\lambda/D<\Phi\leq 8.7° \\ -10 & \Phi>8.7° \end{cases}$	Same as CPM
Transmitter power at antenna input per TV channel	500 W	500-1000 W	1000 W
Satellite receiving system noise temperature	2000 K	1500K	Same as CPM
Protection ratio (single-entry) C/I as guideline for plan synthesis	Cochannel: 40 dB 1st and 2nd adjacent channels: no current recommendation	Cochannel: Same as Adv. Comm. 1st adjacent channel: 15-20 dB	No change
Power control	Use not recommended	$\leq$ 5 dB permitted at elevation angles > 60°	Same as CPM
Polarization	Need not be specified	Same as Advisory Committee	No change
Depolarization compensation	Use not recommended	Same as Advisory Committee	No change
Limit on satellite AGC range	No recommendation	10-15 dB	15 dB
Frequency translation between downlink and feeder link plan	No recommendation	Same for all allotments	Same as CPM
Separation between "colocated" satellites with same feeder link service areas operating on adjacent channels	0.1° to 0.2° may be required	0.3° - 0.5°	0.4°
Minimum separation between "colocated" satellites of different Administrations	No recommendation	No recommendation	1°

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VII. Planning Principles and Procedures

74. In its *Third NOI* the Commisssion reviewed its preliminary positions on several of the issues related to planning principles and procedures that were identified in the *Second NOI*, and generally reconfirmed these positions. Specifically, it has reconfirmed the need to pursue a plan based upon individual reception and providing the U.S. with a large number of channels from a small number of orbit locations. However, in reconsidering its initial recommendation of a "limited planning approach" at the 1983 Conference, the Commission noted that the apparent U.S. need for a greater than "nominal" channel requirement and the widely divergent possibilities for system parameters represented by potential applicants necessitated reconsidering this position. The Commission, therefore, proposed the concept of block allotment planning, wherein a large service area (which could consist of, for example, a U.S. time zone, or a moderate sized country, or a group of smaller countries) would be allotted the entire 500 MHz of spectrum at both senses of polarization from a given orbit location. These large service areas and orbit locations would be chosen so that the interference between them would be below some mutually acceptable level. Under this arrangement, service within each of the large service areas would be provided without regard to the service being provided to the other large service areas, subject only to some broad overall technical constraints. Procedures would be established for determining the effects between stations implemented in different blocks, as well as for determining how stations of different countries sharing the same block would be implemented. The important point raised in the *Third NOI* concerning the block allotment approach to planning was that the particular type of planning adopted for any given block allotment could be chosen without regard to the method employed within other block allotments.

75. Comments to the *Third NOI* on the general principles of BSS planning and procedures support the concept of block allotment planning. CBS endorses the block allotment approach stating that the "limited planning approach" will not be in the long-term best interest of the U.S., and that the full 500 MHz at four primary eclipse protected positions should be a minimum objective. STC also supports the block allotment planning approach with a large number of channels from a small number of orbit positions. AT&T supports block allotments, but only of 400 MHz. In its reply comments SBS states that as a principle, use should be allowed by any country of the orbit/frequency resource, whether or not assigned to another country, so long as it isn't being used and no interference is being caused to the plan. In its Final Report the Advisory Committee recommended "a) that the U.S. seek a set of 4 'eclipse protected' orbital slots to serve CONUS; b) that the United States seek planning approaches at RARC-83 (such as block allotment) which allows maximum flexibility in assigning service areas to orbital locations within the United States, but that *nominal* service areas corresponding approximately to the U.S. time zones be identified if such identification is necessary to protect U.S. interests."

76. The CPM report devotes an entire chapter to planning approaches and procedures. One section of this chapter describes the desirable characteristics and features of a Region 2 planning approach, which are described as follows:

"Any approach used at the RARC SAT-R2 should, as far as possible, give greater flexibility as well as higher capacity per service area than in the approach used in Regions 1 and 3 as applied to Region 2. Some *characteristics* of such an approach would be that it would:

(a) Be sufficiently detailed so that it is clear after the Plan is completed that specific systems with certain interference potential and certain required interference protection wer used in the development of the plan;

(b) Be responsive to improvements in the technology as they develop after the Plan is completed;

(c) Be responsive to a wide range of traffic requirements, from high definition television to audio programming;

(d) Be responsive to the high intrinsic orbital capacity available in Region 2, a result of the geographical characteristics of the Region.

"To meet this set of requirements it is necessary that that the following *features* be included in the planning approach used:

(a) A benchmark set of system technical parameters would be agreed to, and this set used in the development of the Plan;

(b) The Plan would be developed on the basis that wherever possible satellite positions be placed far enough apart in orbit that they could use the same frequencies and the same polarization. Where this is not possible it will be necessary to make further provisions in the Plan to accommodate such systems;

(c) Include in the associated administrative regulations a means by which the Plan can be modified, such as is done through Article 4 of Appendix 30 for the Regions 1 and 3 Plan. Such modifications would be permanent and would replace an original entry in the plan or add new entries to the Plain; and

(d) Also include in the associated administrative regulations a means by which a system with different technical parameters, different types of modulation, different coverage areas, etc. can be implemented without modifying the Plan as long as the system being proposed does not cause more interference to any other system in the Plan than the agreed system officially in the Plan, nor does it require more protection than the system in the Plan. At the end of its useful life such a system could be replaced by the offical system still in the Plan, or by a different non-standard system that met the above qualifications. If at any time an administration wished to have that non-standard system incorporated in the Plan, that could be done through the modification procedure in (c) above."

With respect to procedures, the CPM report provided further suggestions.

"In conjuction with detailed planning approaches as described in §§ 6.2.2.3, 6.2.2.4, 6.2.2.5 and 6.2.2.6, the following procedures might be used to guarantee frequency/orbit access for requirements as they arise, particularly for access to portions of the orbit-spectrum resource not already allocated in the Plan or where not all technical parameters are specified in advance (such as methods 6.2.2.4 and 6.2.2.5).

"A guaranteed access by means of multilateral coordination would provide for the case when a new requirement could not readily be accommodated. A special meeting would be called of those administrations that might be affected and a means would be sought ot accommodate the new requirement.

"Certain methods of calculation and technical factors which may be revised periodically (typically taking into account the latest CCIR Reports and Recommendations), may be necessary to fully implement the Plan. In particular such things as calculation of interference to and from systems employing non-standard parameters may have to rely on procedures incorporating such possibilities. Furthermore, under the block approach (see§ 6.2.2.5) groups of two or more administrations may wish to adopt flexible procedures and technical forms for sharing the allotted block of frequencies, which could be revised over time to reflect changes in requirements and techniques, (including costs). These special procedures and technical factors would be unique to the sharing administrations and would have to respect the conditions of the Plan both internationally and regionally.

"Regulatory procedures which would accompany an acceptable planning approach would specify precisely how the actual "non-standard" systems should be notified. It would be desirable if most of these "non-standard" systems could be notified without resorting to a formal modification procedure.

"In some cases it may be necessary to make a formal modification to the Plan. In accordance with Resolution No. 701 of WARC-79 RARC SAT-R2 is to draw up a detailed plan of frequency assignments and orbital positions for the broadcasting-satellite

service in Region 2 in the 12 GHz band. An objective is to provide for administrations in Region 2 to be able to review and, if necessary to revise, their system characteristics in this plan when their systems are to be implemented. In most cases the procedures mentioned in the paragraph above will allow these systems to be implemented. In some instances, however, formal modifications to the Plan may be desirable."

77. In reviewing the comments to the *Third NOI*, the Advisory Committee Report, the CPM report and recent activity in the ITU BSS Panel of Experts, the Commission maintains that the block allotment approach to planning still provides the best opportunity for meeting the needs of the U.S. and the other countries of Region 2. However, some modifications to this approach appear to be necessary to assuage the concerns of some countries in the Region, as well as to overcome some procedural obstacles to having such an approach adopted at the RARC. In developing a plan at the 1983 Conference, sophisticated computer techniques will be used both to develop and to analyze the BSS plan. Such techniques require that a specific channelling scheme be adopted for the plan so that appropriate co-channel and adjacent channel interferences can be calculated. The Commission accepts this fact and believes that with the proper procedures, this factor should not act as an impediment to the introduction of U.S. DBS systems. Although we accept specific channeling for the U.S. in the plan, all U.S. assignments should show operation at both senses of polarization thereby providing a de facto block allotment to the U.S. when all channels are assigned. With respect to the regulatory procedures, the Commission has examined a number of concepts that would provide for the implementation of systems within the plan or allow for implementations of systems that might not be in strict accordance with the parameters in the plan. A presentation of these concepts and the principles covering them is presented below.

Basic Principles for the Utilization and Modification of Assignments in the Plan

1. The primary goal of RARC–1983 is to develop a regional plan which will permit the orderly development of broadcasting-satellite services in Region 2. Recognizing that this development can be expected to occur at different rates and under differing conditions throughout the Region, the procedures for implementing the Plan should be designed to provide for the differing needs of all administrations.

2. This goal can best be met by providing the opportunity for all administrations to:

(1) Employ revised system characteristics without unnecessary procedural complication and delay, and

(2) Add new assignments as necessary to meet growing needs for service,

while assuring that the agreed protection will be afforded to all systems in accordance with the Plan, whether their implementation is rapid or delayed.

3. The following principles would serve these goals:

(1) *System Variations in Accordance with the Plan.* When utilizing any of its orbital positions designated in the Region 2 Plan, an administration may employ system characteristics differing from those appearing in the Plan, without modifying the Plan, whenever the equivalent protection margins of the assignments of other administrations in the Plan are not consequently reduced. This principle may be applied to provide a broadcasting satellite service to any of the service areas of the administration, without modifying the Plan.

(2) *Plan Modification.* The Plan may be modified to change or add assignments with the agreement of affected administrations to the proposed change. (It should be borne in mind, in developing the Region 2 Plan, that the more tightly it is engineered, the more numerous would be the instances when it would be necessary to seek the agreement of other administrations to post-Conference modifications to meet changing requirements.) Modifications may be limited to a stated period.

(3) *Progressive Introduction of Services.* It may be expected that administrations will wish to bring their assignments into use progressively, rather than all at once. Such progressive introduction of broadcasting-satellite services could be greatly facilitated if an administration, when proposing modifications to the Plan and when notifying the bringing into use of assignments, is permitted to request that the Board not take into consideration other designated assignments of that administration that have not yet been brought into use. The Board would proceed without taking the designated assignments into consideration, and would re-examine them when the administration later notifies the Board of its intention to bring them into use.

The Commission believes a plan providing multichannel assignments to the U.S. and associated procedures that are based upon the principles laid out above will meet the U.S. requirements at the Conference and be responsive to the listed CPM Report desirable characteristics and features of a Region 2 planning approach.

VIII. Sharing

78. In this section of the *Report and Order* we shall consider sharing from two distinct perspectives, sharing with the downlinks (12 GHz) and sharing with the feeder links (17 GHz). Within each of these perspectives, sharing must also be considered from both the intra- and inter-Regional viewpoint. With respect to sharing intra-Regionally, the 1983 Conference has considerable latitude to select the criteria to be used for sharing between the various services concerned. With respect to inter-Regional sharing, many of the criteria first established at the 1977 WARC–BS and extended by various Resolutions at WARC–79 cover the new BSS downlink allocations. In some cases, however, criteria have not yet been established and this must be done at the 1983 Conference. In the *Third NOI* it was noted that very little had been presented in the comments filed or within the preliminary report of the Advisory Committee on sharing criteria. The only areas in which significant comment had been filed were on the use of energy dispersal and limits on spurious emissions from BSS receivers. It was further noted in the *Third NOI* that the case of inter-Regional sharing had not been fully discussed in earlier *Notices*. It was noted that inter-Regional sharing problems, at least with respect to Region 2 BSS interference to Region 1 or 3 Fixed and Fixed-Satellite services, were significant in only three areas, viz., the Alaska/Region 1/3 interface, the Greenland/Iceland interface, and the Brazil/West Africa interface. Comment was requested on how sharing criteria in these areas will impact the BSS service to be provided to these areas and how this could impact service to other areas in Region 2. We shall now examine each of the critical sharing situations in turn.

A. 12 GHz Intra-Regional Sharing

79. Comments to the *Third NOI* in this area of sharing concerned two specific aspects. The first was the sharing between BSS downlinks and terrestrial services sharing the 12.2–12.7 GHz band with BSS. The second was the potential for BSS interference to services in adjacent bands. With regard to the first of these two apsects, there was considerable comment filed regarding the need to give proper consideration to the terrestial fixed stations currently operating in the band. AAR, Farinon, MRFAC, and Rockwell each specifically

call out the need to consider the needs of the terrestrial fixed stations in the planning process, with Rockwell continuing to call for a subdivision of the band between the terrestrial fixed and the BSS. Farinon notes that providing spectrum for fixed service use at 13.2–13.7 GHz could help the situation considerably. Additionally, AMST and the Network Affiliates, and CBS, state that terrestrial broadcasting should be considered in the RARC–BS planning and that terrestrial broadcasting affects the technical and planning parameters for BSS. USSB in its reply comments states its belief that 12 GHz terrestrial broadcasting is infeasible and that delaying DBS for it is not warranted. The Final Report of the Advisory Committee states that co-channel sharing between BSS and terrestrial services in the same service area is not generally feasible. A majority of the Committee also agrees that a block allotment plan of the full 500 MHz at each orbit position is considered to be the most technically suitable way of meeting the needs of affected existing systems since it provides the greatest latitude in solving the sharing problems on a domestic basis.

80. Much of the substance of this issue has been discussed in earlier sections of this *Report and Order* in considering planning approaches and in discussing the use of energy dispersal. The Commission has noted in the *Report and Order* in Docket No. 80–603 that the extensive use of the 12 GHz band by DBS would necessitate the eventual transfer of terrestrial fixed operations from that band to other bands. It is also noted that the Commission has directed its staff to prepare a Report to the Commission that would identify additional spectrum to be available for terrestrial fixed systems currently operating at 12 GHz. We believe this solution to be in the best long-term interests of both services. Nothwithstanding the domestic decisions that have been made with regard to the use of the 12 GHz band in the U.S., an allocation to terrestrial fixed services still exists in the international Table of Allocations and suitable procedures are needed for coordination between these services following the adoption of a BSS plan for the Region. Such procedures, which are similar to those adopted at the 1977 WARC–BS, are included in the Annex to the *R&O* for submission to the ITU as U.S. proposals.

81. The problem of BSS interference into adjacent bands is addressed from two aspects also. The first of these is emissions from the BSS satellites into the FSS receivers. This aspect was discussed under the subject of guard bands. COMSAT states that a band edge PFD of -177 dB(W)/m^2/4kHz is needed to protect the FSS. SBS states that if the full 500 MHz is allocated to BSS at the Conference, then some minimal spacing may be required between the BSS and FSS satellites to provide additional required discrimination. The Final Report of the Advisory Committee states that emissions of BSS space stations, due to spectrum spreading, into the fixed satellite service operating in adjacent bands, requires careful coordination between the services involved. It further states that the methods that may be utilized include carrier planning, allocating guard bands, and establishing a minimum orbital spacing of one degree between the broadcasting and the fixed satellites. The Commission believes that the establishment of a band edge PFD of -147 dB(W)/m^2/24 MHz, based upon an assumed nominal spacing between BSS and FSS satellites, should provide a reasonable and equitable means of sharing between these two services. This should also be considered in the establishment of the BSS guard bands.

82. The second adjacent band problem addressed in the comments relates to local oscillator radiation from the BSS home receiver, which may cause interference into Fixed Service receivers in the 10.7–11.7 GHz band. AT&T believes that receiver emission limits should be established (it recommended -170 dB(W)/m^2/4 kHz at one mile in comments to the *Second NOI*). Rockwell supports a value of -177 dB(W)/m^2/4 kHz for local oscillator emission limits. STC states that it believes receiver manufacturers could meet about -120 to -140 dB(W)/m^2/4 kHz at one mule without the use of expensive filters. It notes that two manufacturers thought an additional 20 to 30 dB could be obtained through special filters at not much additional cost. The Final Report of the Advisory Committee also recognizes this situation as one of potential serious difficulty and suggests several ways in which to ameliorate the problem. In reviewing the situation following the CPM, the Advisory Committee evaluated several receiver designs. The results of this evaluation show that the average value experienced was approximately 17 dB higher than required to meet the value suggested by AT&T. The Committee concluded that additional information is needed on technically and economically viable values of receiver local oscillator radiation, image rejection ratio, and IF rejection ratio. The latter of these two relate to potential susceptibility of DBS home receivers to authorized emissions of other services in the U.S.[11] The Advisory Committee Report, as well as the Report of the CPM, cover a number of other cases of potential interference from BSS spurious emissions. While these factors are important in designing BSS systems, there is significant doubt as to how this will affect the planning of the BSS at the RARC–BS. It is not certain that the 1983 Conference will be competent to make any regulatory decisions falling outside of the bands 12.1–12.7 GHz and 17.3–18.1 GHz. Similar considerations arose at the 1977 WARC–BS and provisions were not adopted because they were outside the agenda of the Conference. A similar situation appears to exist for the Region 2 Conference. The Commission does not propose to make any proposals to the Conference concerning frequencies outside of those noted above. However, the information contained in the reports of the Advisory Committee and the CPM will be very useful when considering the various technical characteristics to be used in planning the BSS.

B. 12 GHz Inter-Regional Sharing

83. The only comments filed in response to the *Third NOI* on this item was that of STC. In its comments, STC supports the contributions of the U.S. to the CPM regarding sharing between Region 2 BSS and Region 1 and 3 terrestrial and fixed-satellite service. The premise of these U.S. contributions was one of reciprocity between Region 2 and Regions 1 and 3. The Final Report of the Advisory Committee identifies 14 specific cases of inter-Regional sharing situations, broken down by services and frequency subband concerned. It is noted that the 1977 WARC–BS adopted a number of sharing criteria between the Regions, and that the 1979 WARC adopted modifications to make these criteria applicable to the new allocations, as evidenced in WARC–79 Resolution 31. This Resolution notes that the provisions of Appendix 30 (i.e. the WARC–BS Final Acts) can be applied directly to all of the new sharing situations except for sharing between the FSS in Regions 1 and 3 and the BSS in Region 2 in the frequency band 12.2–12.7 GHz. Resolution 31 further recognizes that this sharing situation is covered by Resolution 700 of WARC–79. Resolution 700 calls for a reciprocity in sharing situations between the Regions. It calls for Region 2 BSS to protect

[11] Reference FCC Public Notice 604, "Susceptibility of DBS home receivers to extraneous interference," Nov. 3, 1982.

Region 1 and 3 FSS to the same extent that Region 2 FSS is protected in the Region 1 and 3 BSS plan. The Advisory Committee Final Report also notes that submissions have been made to the CCIR that seek to have Region 1 and 3 FSS protected to a greater extent from Region 2 BSS than the Region 1 and 3 BSS plan protects Region 2 FSS. The Advisory Committee notes that "resolves 2" of Resolution 700 appears to militate against a demand for such increased protection.

84. The Commission believes that the Advisory Committee's investigations into the inter-Regional sharing situations at 12 GHz have been quite thorough and represent a good analysis of the current situation. We believe that virtually all of the current sharing situations are adequately addressed in Appendix 30 to the Radio Regulations and the relevant Resolutions adopted at WARC-79. In those few instances where final decisions need be made at the 1983 RARC-BS, we believe that the principle of reciprocity between the Regions must be observed. The U.S. should not accept, as a matter of principle, an obligation to protect the services of other Regions to an extent greater than those same services are to be protected in Region 2. Proper coordination procedures should be available to consider the needs of special types of systems that may be brought into service. The principles of such coordination procedures may be found in the attached recommended U.S. proposals.

C. 18 GHz Sharing

85. Sharing that occurs around 18 GHz is of concern principally above 17.7 GHz. Below this frequency the BSS feeder links share an allocation with the radio location service, which is secondary. As such, the radiolocation service must protect the BSS feeder links, as well as accept any interference caused by the BSS feeder links. Above 17.7 GHz, the feeder links share on a co-equal basis with the fixed and mobile services and the FSS operating in the space-to-earth direction. In its comments to the *Third NOI* AT&T states that sharing criteria are virtually non-existent at 18 GHz. It expresses concerns with respect to the viability of three-way sharing between the feeder links, the FSS and the terrestrial fixed, stating that the necessary technical studies on this type of sharing situation have yet to be completed. AT&T further sttes that if mobile feeder links are to be allowed above 17.7 GHz, then a full coordination procedure must be available. USSB believes that the coordination problems described by AT&T are exaggerated. It further suggests that mobile feeder link stations be restricted to below 17.7 GHz. The Final report of the Advisory Committee states that the coordination procedures of Appendix 28 of the Radio Regulations should permit sharing of the 18 GHz band. However, it does suggest that consideration be given to limiting mobile feeder links to the band 17.3–17.7 GHz in order to minimize coordination problems with the Fixed and FSS services, and to the extent possible, any fixed feeder links that are located in urban areas should be assigned frequencies in the 17.3–17.7 GHz band if the 18 GHz band is to be used for telecommand and tracking beacon frequencies. The Commission finds the recommendations of the Advisory Committee in this area to be reasonable and well-founded and we therefore accept them as proposals to the 1983 Conference

86. The final sharing situation addressed in the comments to the *Third NOI* was that of potential interference from the FSS space stations into the BSS satellite receivers. This is both an intra- and inter-Regional problem that can occur with satellites that are very close together or nearly antipodal. In its comments to the *Third NOI*, COMSAT states that if the gains of the two satellite antennas (BSS and FSS) toward each other are isotropic, then the satellites will require a little separation. It recommends that BSS satellite receivers be designed to accept -113dB(W)/m^2/MHz arriving tangentially. The Final Report of the Advisory Committee states that separations between BSS and FSS satellites on the order of 0.4 degrees should provide adequate protection in this situation. The CPM Report makes no recommendation concerning this situation but notes that one Canadian study shows that the existence of planned BSS satellites should have a negligible constraint on the location of FSS satellites. However, it also noted that some care may be required when the intersatellite separation is less than 0.13°.

87. With respect to the antipodal sharing situation, COMSAT states that there is a potential for severe interference to the BSS feeder links from the FSS. As possible solutions it offers the following: 1) limit the BSS satellite sensitivity in the direction of the equatorial earth limb, 2) limit FSS emissions toward the equatorial earth limb, 3) establish antipodal exclusion arcs for the FSS, and 4) avoid assignments to feeder links in equatorial countries in the shared portion of the band. The Final Report of the Advisory Committee states that the case of interference from nearly antipodal satellites is unlikely. It notes that even assuming 40 dB(W) eirp from an FSS satellite, the PFD per square meter at a nearly antipodal BSS satellite would be about -128 dB(W), versus a desired signal of about -80 dB(W)/m^2, yielding a C/I value of 49 dB. The same Canadian study referenced above in the CPM Report indicates that some care should be exercised when the inter-satellite separation is in the rage of 160° to 162.5°. The Addendum to the Final Report of the Advisory Committee concurs in the findings of the CPM Report.

88. The Commission believes that the sharing problems described above are amenable to solution through the proper introduction of FSS systems and operation of BSS systems and should not constrain the planning of the BSS service. COMSAT's comment that feeder links of equatorial countries should be located below 17.7 GHz is an interesting one and we support its consideration in the planning process at the 1983 Conference.

IX. Conclusion

89. The Commission believes that for the 1983 BSS Conference to be successful, a Plan must be developed that is responsive to the stated requirements of all the administrations of Region 2. This mandates that careful consideration be given to the broad planning method to be adopted at the Conference, and to the relationship of the Plan to the various implementing and modification procedures which must be geared to fulfilling the needs of different administrations. Selection of technical criteria that reflect the current state of technology will be essential if the Conference is to develop an efficient, flexible Plan that meets the requirements of all Region 2 countries. In the judgment to the Commission, the proposals embodied in the *Report and Order* and the recommended U.S. Proposals which are detailed in Appendix A, will lead to the achievement of the above goals for the Conference. Accordingly, the Commission directs the staff to forward expeditiously to the Department of State the recommended U.S. Proposals that are attached to the *Report and Order.*

90. Pursuant to authority contained in Section 4(i), 303, and 404 of the Communications Act of 1934, as amended, a *Report and Order* is ADOPTED into the matter captioned above. It is further ordered that the proceedings in General Docket No. 80-398 are terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

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BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Plant Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Plants Accounts Subcommittee scheduled for Thursday and Friday, May 12 and 13, 1983. The meeting will begin on May 12 at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, NW., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Admistrative Matters.

II. Review of Minutes of Previous Meeting.

III. Discussions of Definitions of Plant Accounts.

IV. Further Assignments.

V. Other Business.

VI. Presentation of Oral Statements.

VII. Adjournment.

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements while not favored or encouraged, may be allowed at the meeting 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. Norwood (202/887-3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-11300 Filed 4-27-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

Amendment to Major-Disaster Declaration; California

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATED: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Humboldt County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11384 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-679-DR]

Major Disaster and Related Determinations; Louisiana

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA-679-DR), dated April 20, 1983, and related determinations.

DATED: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501).

Notice is hereby given that, in a letter of April 20, 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 Louisiana, resulting from severe storms and flooding, beginning on or about April 1, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

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.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas when these requirements are known and an acceptable State commitment for these purposes is provided. 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 Grant 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. Alton S. Ray, Jr., 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 Louisiana to have been affected adversely by this declared major disaster:

For Individual Assistance, the Parishes of Ascension, East Baton Rouge, East Feliciana, Jefferson, Livingston, Orleans, Pointe Coupee, St. Bernard, St. Tammany, Tangipahoa and Washington.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11382 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-678-DR]

Major Disaster and Related Determinations; Mississippi

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-678-DR), dated April 16, 1983, and related determinations.

DATED: April 16, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501).

Notice: Notice is hereby given that, in a letter of April 16, 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 Mississippi, resulting from severe storms, tornadoes and flooding, beginning on or about April 1, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

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 Grant 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 determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

For Individual Assistance and Public Assistance, the Counties of Forrest, Greene, Lamar, Lawrence, Marion, Perry and Walthall.

For Individual Assistance only, the Counties of Franklin and Rankin.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-11383 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-02-M

Federal Radiological Emergency Response Plan; Planning Guidance

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of availability of planning guidance document.

SUMMARY: The *Federal Radiological Emergency Response Plan (FRERP) Planning Guidance* document provides guidance to Federal Departments and agencies for developing the FRERP to be used as the basis for responding to peacetime radiological emergencies. It is primarily concerned with the off-site Federal response in support of State and local government assistance requests. The *Planning Guidance:* (1) identifies the general and incident-specific authorities and responsibilities of each Federal Department or agency likely to have a significant role in such emergencies; (2) describes the Federal government concept of operations for radiological emergencies; and (3) articulates Federal policies and assumptions to be used by participating Federal Departments and agencies (in addition to agency-specific policies) in preparing or revising agency-specific response plans and procedures.

DATE: Comments on the concepts contained in the planning guidance document will be considered during the development of the FRERP which is undertaken according to this planning guidance. Comments are due June 27, 1983.

ADDRESS: Send comments to Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: James Cruickshank, Program Officer, Division of Emergency Response and Coordination, Office of Emergency Coordination and Support, Emergency Operations, Federal Emergency Management Agency, 500 C Street, SW., Room 407, Washington, D.C. 20472, telephone (202) 287–0756.

SUPPLEMENTARY INFORMATION: Executive Order 12241 delegated to FEMA the responsibility for the development and promulgation of a National Contingency Plan for radiological emergencies, to be prepared in response to the provisions of Sec. 304 of the Nuclear Regulatory Commission Appropriation authorization (Pub. L. 96–295—June 30, 1980). In December 1980, FEMA published the *National Radiological Emergency Preparedness/ Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan).*

The concept of operations contained in the *FRERP Planning Guidance* is an expansion of the concepts contained in the *Master Plan.* Until the FRERP is published, the *Master Plan* remains the operative document for incidents involving commercial nuclear power plants. In radiological emergencies involving other facilities or activities, the concepts contained in the *Master Plan* should also be used.

Approved for the Federal Emergency Management Agency.

William F. Williams,

Director, Emergency Operations.

[FR Doc. 83-11385 Filed 4-27-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (8) Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hapag-Lloyd Aktiengesellschaft and Kommanditgesellschaft MS "EUROPA" der BRESCHAG Bremer Schiffsvercharterungs-Aktiengesellschaft & Co. KG, c/o Hapag-Lloyd Agencies, One Edgewater Plaza, Staten Island, New York 10305

Dated: April 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11389 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hapag-Lloyd Aktiengesellschaft and Kommanditgesellschaft MS "EUROPA" der BRESCHAG Bremer Schiffsvercharterungs-Aktiengesellschaft & Co. KG, c/o Hapag-Lloyd Agencies, One Edgewater Plaza, Staten Island, New York 10305

Dated: April 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11388 Filed 4-27-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Texana Bancshares, Inc.

The company listed in this notice has 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 application are set forth in § 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 Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texana Bancshares, Inc.* Hamilton, Texas; to acquire 80 percent of the voting shares of Texana National Bank of College Station, College Station, Texas. Coments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11298 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; North Central Financial Corp., 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 Philadelphia** (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *North Central Financial Corporation,* Emporium, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Bucktail Bank and Trust Company, Emporium, Pennsylvania. Comments on this application must be received not later than May 23, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First American Bancshares Limited Partnership,* North Litle Rock, Arkansas; to become a bank holding company by acquiring 90 percent of the voting shares of First American National Bank, North Little Rock, Arkansas and First American Bank/Little Rock, N.A., Little Rock, Arkansas (after conversion from Arkansas Federal Savings & Loan Association, Little Rock, Arkansas). Comments on this application must be received not later than May 23, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Firstmondovi, Inc.,* Mondovi, Wisconsin; to become a bank holding company by acquiring 93 percent of the voting shares of The First National Bank of Mondovi, Mondovi, Wisconsin. Comments on this application must be received not later than May 23, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Universal Bancshares, Inc.,* Kansas City, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Fidelity State Bank, Kansas City, Kansas. Comments on this application must be received not later than May 23, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Progressive Holding Company,* Winnsboro, Louisiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of Progressive State Bank & Trust Company, Winnsboro, Louisiana. Comments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11296 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Citicorp, 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 § 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 specifially 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 and credit-related insurance activities; Virginia): To relocate an existing office of Citicorp Person-to-Person Financial Center, Inc.

and an existing office of Citicorp Homeowners, Inc., from Virginia Beach Blvd., Norfolk, Virginia, to U.S. Commerce Center, Virginia Beach, Virginia, and to establish a *de novo* office of Citicorp-Financial, Inc. at the same location. The previously approved activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in the new location are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of credit related single interest insurance; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The previously approved activities in which the office of Citicorp Homeowners, Inc. proposes to engage in the new location are as follows: The making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The service area for Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. in the new location will continue to be comprised of the entire State of Virginia for all of the aforementioned activities. The *de novo* office of Citicorp Financial, Inc. proposes to engage in consumer lending activities including application acceptance functions, the execution of loan documents and disbursement of funds, the acceptance of payments, account adjustments, and other customer service activities incidental to Citicorp Financial, Inc.'s credit card and direct lending activities. The proposed service area for the *de novo* office of Citicorp Financial, Inc. shall be comprised of the entire State of Virginia. Comments on this application must be received not later than May 23, 1983.

2. *Manufacturers Hanover Corporation*, New York, New York (consumer finance and credit insurance activities; West Virginia): To engage through a *de novo* indirect subsidiary, Finance One Mortgage of West Virginia, Inc., in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as could be made or acquired by an industrial loan company under West Virginia law; servicing such loans and other extensions of credit, and acting as agent or broker for the sale of credit insurance directly related to such extensions of credit. Such activities will include, but not be limited to, making consumer installment loans, making loans and other extensions of credit unsecured or secured by real and personal property, including real estate equity loans, and offering credit single and joint life insurance and decreasing or level term (in the case of single payment loans) credit life insurance and credit accident, health, and property insurance directly related to extensions of credit made or acquired by Finance One Mortgage of West Virginia, Inc., by licensed agents or brokers, to the extent permissible under applicable state insurance laws and regulations and Title VI of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from offices of the subsidiary in Martinsburg, West Virginia, serving Berkeley, Jefferson, and Morgan Counties, West Virginia; Parkersburg, West Virginia, serving Wood, Pleasants, Ritchie, and Wirt Counties, West Virginia; and Westover, West Virginia, serving Monongalia, Preston, and Marion Counties, West Virginia. Comments on this application must be received not later than May 23, 1983.

3. *Manufacturers Hanover Corporation*, New York, New York (consumer finance and credit insurance activities; California): To engage through a *de novo* office of Finance One of California, Inc., in the activities of consumer finance, including, but not limited to, the extension of direct loans, secured and unsecured, to consumers and the purchase of sales finance contracts; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit single and joint life insurance and decreasing or level term (in the case of single payment loans) credit life insurance, and credit accident, health, and property insurance directly related to extensions of credit made or acquired by Finance One. These activities are permissible pursuant to sections 4(c)(8)(A)(B) & (D) of the Bank Holding Company Act of 1956, as amended. These activities will be conducted from an office in San Diego, California, serving San Diego County, California. Comments on this application must be received not later than May 23, 1983.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *BancOklahoma Corp.*, Tulsa, Oklahoma (mortgage banking activities; Oklahoma): To engage through a subsidiary known as BancOklahoma Mortgage Corp. (formerly BancOklahoma Service Corp.) in the following mortgage banking activities, the origination, warehousing and selling of first mortgage loans, second mortgage home improvement loans, equity loans, interim construction loans and land acquisition loans for its own account or for the account of others, and the servicing of such loans for its own account or for the account of others. Such activities will be conducted at offices in Tulsa, Oklahoma and will serve the State of Oklahoma. Comments on this application must be received not later than May 23, 1983.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (discount securities brokerage and margin lending activities; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, Charles Schwab & Co., Inc., in the activities of acting as a 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. The activities will be conducted from *de novo* offices located in Valley Forge, Pennsylvania; San Francisco, California; and Rochester, New York; serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than May 23, 1983.

3. *BankAmerica Corporation ("BankAmerica")*, San Francisco, California (consumer and commercial financing, and insurance activities; Pennsylvania): To continue to engage

through its indirect subsidiary, FinanceAmerica Consumer Discount Company ("FA Consumer Discount") in the activities of commercial and consumer lending and loans servicing, as well as life, accident and health, and property insurance directly related to extensions of credit made or acquired by said subsidiary, in an expanded service area encompassing the Commonwealth of Pennsylvania. FA Consumer Discount engaged in the above financing and credit-related insurance activities in Pennsylvania at the time of its acquisition by BankAmerica and were approved by Board Order of August 14, 1974, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from three existing offices of FA Consumer Discount located in Ephrata, Jeanette and Middletown, Pennsylvania, each office serving the Commonwealth of Pennsylvania. Comments on this application must be received not later than May 23, 1983.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 11289 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

Petra Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Petra International Corporation, Washington, D.C. Petra International Corporation would operate as a subsidiary of Petra Bank, Amman, Jordan. The factors that are considering in acting on the application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

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 the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 20, 1983. 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1983.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 83-11297 Filed 4-27-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Title V of the Public Health Service Act Miscellaneous Delegation of Authority

Correction

In FR Doc. 83-10206 appearing on page 16543 in the issue of Monday, April 18, 1983, make the following correction:

On page 16543, first column, under "Section 301", insert "real" between "of" and "property".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1233]

Submission of Proposed Information Collections to OMB

AGENCY: Office of the Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The titles of the information collection proposals; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Schedule of Pooled Loans—Mobile Home.

Office: Government National Mortgage Association.

Form number: HUD-1725.

Frequency of submission: On Occasion.

Affected public: Businesses or Other Institutions (except farms).

Estimated burden hours: 600.

Status: Extension.

Contact: Pat Gifford, HUD, (202) 755-5550; Robert Neal, OMB, (202) 395-7316.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: March 21, 1983.

Submission of Proposed Information Collection to OMB

Proposal: Schedule of Pooled Project Mortgage.

Office: Government National Mortgage Association.

Form number: HUD-1721.

Frequency of submission: On Occasion.

Affected public: Businesses or Other Institutions (except farms).

Estimated burden hours: 9.

Status: Extension.

Contact: Pat Gifford, HUD, (202) 426–5550; Robert Neal, OMB, (202) 395–7316.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)

Dated: March 21, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-11367 Filed 4-27-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Wind River Irrigation Project, Wyoming

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice sets forth the changes to the operation and maintenance charges and related information, applicable to presently assessable land located within the LeClair Irrigation District. The change in the assessment is from $9.50 per acre to $13.30 per acre.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: J. Donovan Crook, Wind River Irrigation Project Engineer, Wind River Agency, Fort Washakie, Wyoming 82514, telephone number (307) 255–8350.

SUPPLEMENTARY INFORMATION: This notice is issued under authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior through 230 DMI; redelegated by the Assistant Secretary to Area Directors by 10 BIAM 3; and subsequently delegated to the Superintendent by the Area Director in 10 BIAM 7.0 § 2.70.

Notices declaring the intent to raise the operation and maintenance assessment rate per acre were sent to all available owners and lessees of assessable, trust patented land within the LeClair Irrigation District. This notice described the basis for the intended increase in this assessment rate. All owners, lessees and interested persons were given 30 days to submit written comments regarding the proposed rate.

Contact was also made with the Joint Business Council of the Shoshone and Araphahoe Tribes to explain the need for this increase.

The only written protest received was from the Joint Business Council. The substance of their protest was to criticize the accumulation of a $5,000 deficit. This is explained below:

The District serves 1050 acres of trust land. Each year, under a contract arrangement, the District bills the Project for service to this land. The Project then assesses the trust land to collect enough to pay the annual bill of the District. In recent years, the assessment has been less than the District's charges. Payment of the District's bills by the Project has resulted in a $5,000 deficit which must be made up through future assessments against the trust land of the District.

The 1983 operation and maintenance charge consists of $11.65, the basic rate necessary to meet the estimated annual charges from the District for the next three years, plus $1.65 per acre surcharge to eliminate the $5,000 deficit in three years. This totals the $13.30 per acre assessment set by this notice.

The notice shall read as follows:

Wind River Irrigation Project

Annual Operation and Maintenance Charges

Annual Per Acre Assessment—The operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1983 and subsequent years until further notice, are hereby fixed at $6.40 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $13.30 per acre for all irrigable trust patent Indian land which lies within the LeClair Irrigation Project.

Payment—The charges shall become due on April 1 of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year, following the due date, there shall be added a penalty of one-half of one percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid; except the Indian water users who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Engineer or other official in charge of the project that such Indian is not financially able to pay the assessments, or has made satisfactory arrangements, to pay the assessments from proceeds of crops or from other sources. Penalty interest charges shall not be assessed against lands owned by an Indian water user, nor against Indian lands under lease to an Indian lessee.

L. W. Collier, Jr.,

Superintendent.

[FR Doc. 83-11329 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 92–463, that a meeting of the Safford District Grazing Advisory Board will be held Friday, June 3, 1983. The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona.

The agenda for the meeting will include:

1. Update on grazing decisions;
2. Wilderness update;
3. Water filings;
4. Fire management;
5. BLM management update;
6. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statements may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, at the above address by 4:15 p.m., Thursday, June 2, 1983.

Summary Minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Fritz U. Rennebaum,

Acting District Manager.

April 21, 1983.

[FR Doc. 83-11292 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District; Formal Designation of Open and Closed Areas in the California Desert Conservation Area (CDCA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Formal designation of areas open or closed to vehicle use in the California Desert Conservation Area (CDCA).

SUMMARY: The CDCA Plan was completed in 1980. One of the goals of the plan was to provide for appropriate areas for vehicle free play (open areas). These open areas were selected to

ensure the protection of sensitive resources, to promote safe use of the public land and to minimize conflicts among users. A second goal of the plan was to minimize damage or degradation of the natural, cultural and aesthetic values of the desert; this necessitated closure of certain areas to off-highway vehicle use. Due to errors in **Federal Register** notice published on March 17, 1983 (Vol. 48, No. 53), this revised notice is published. The announcement is being republished in its entirety to clarify the changes and reduce confusion. The errors in the original notice involved the omission of seven closed areas which are indicated in this notice by underlining. This notification supercedes the March 17, 1983 notice.

Approval of the CDCA Plan constituted the off-highway vehicle use designation of all lands in the CDCA. All open and closed areas became immediately designated when the plan was signed. However, formal designation in the **Federal Register** never occurred. This notice serves to give public notice for designating the 503,000 acres open to vehicle use and the 2,089,000 acres closed to vehicle use as approved in the CDCA Plan. In addition this publication includes open and closed area designations approved and published after the completion of the CDCA Plan. The remaining 9,220,000 acres in the CDCA were designated as limited in the CDCA Plan; these areas will be further of travel within the limited area as open, closed or limited to vehicle use.

The decision of the CDCA Plan to open and close the following areas was prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0–6, 8340, 8341, 8342 and 8364.

DATE: Effective April 28, 1983.

ADDRESS: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Maps showing the open and closed area in the CDCA are available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351–6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989 42 FR 26959 (May 25, 1977).

Any person who violates or fails to comply with the vehicle designations as governed by 43 CFR Part 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1000 or imprisonment for not longer than 12 months, or both.

Area Designations

The following areas are identified on the BLM map series entitled "Motorized Vehicle Interim Access Guides." The maps are available for review at the address listed above and from the Area Offices in Barstow, Ridgecrest, Needles, and El Centro.

Designated Open Areas—Designation Applies to Bureau of Land Management Administered Lands

Arroyo Salada
Rasor Area
Dove Springs
Jawbone Canyon
Silurian Dry Lake
Ford Dry Lake
Panamint Dry Lake (South of Hwy 190)
Rice Valley Dunes
Mammoth Wash Area
Plaster City
Spangler Hills
Olancha Dunes
Dumont Dunes
Glamis/Gecko
El Mirage Dry Lake
Stoddard Valley
Johnson Valley
Buttercup Valley

Designated Closed Areas—Designation Applies to Bureau of Land Management Administered Lands

Desert Tortoise Natural Area [5]
Darwin Falls [5]
Mecca Hills (NW Half)
Squaw Spring
Salt Dry Lake
Mesquite Dry Lake
Ivanpah Dry Lake [1]
Soda Dry Lake [1, 2]
Panamint Dry Lake (North of Hwy 190)
Panamint Dunes
Cadiz Dunes
Eureka Dunes
Superior Dry Lake [1, 4]
Harper Dry Lake [1, 4]
North Saline Valley [5]
Owens Peak [5]
El Paso Mountain [5]
Amargosa Canyon [5]
Silver Dry Lake [2, 3]
Coyote Dry Lake [2, 3]
Saline Dunes
Fish Creek Mountains
Pilot Knob
Turtle Mountain [5]
Orocopia Mountain [5]
Crucifixation Thron [5]
North Imperial Sand Dunes [6] (South of Mammoth Wash Open Area to State 78)
Area West of Davies Valley (excluding Smugglers Cave and Myer Valley) [5]
San Sebastian Marsh [5]
Desert Lily [5]
Area Southeast of Davies Valley (Skull Valley) [5]
Clark Mountain [5]
Kelso Dunes [5]
Whipple Mountain [5]
Coyote Mountains
Greenwater Canyon
Lava Mountains
Argus Range
Robbers Roost [6]
Jawbone Management Agreement Area (Western Jawbone Canyon) [2]
Fossils Falls
Mecca Hills (Upper Portions of Hidden Springs Canyon) [7]
Big Morongo Canyon

[1] Open to Non-Motorized Vehicle Access.
[2] Except by Permit
[3] Except for Approved Route(s) of Travel.
[4] Limited Passage of Vehicles Across Area, No Motorized Free Play.
[5] Areas Designated Closed Under the Interim Critical Management Plan (ICMP) Which Remain Closed Under the CDCA Plan.
[6] Seasonal 6 month closure (2/1–7/1).
[7] Seasonal 4 month closure (6/1–9/31).

Bary A. Freet,

Assistant District Manager for Administration.

[FR Doc. 83–11289 Filed 4–27–83; 8:45 am]

BILLING CODE 4310–84–M

California Desert District; Realty Action for Public Lands in San Diego County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action CA 12718, CA 12719, CA 12729, Recreation and Public Purposes Classification and Lease of Public Land in San Diego County, California.

SUMMARY: Notice is hereby given that the Olivenhain Municipal Water District has submitted an application to lease several isolated tracts of public lands for (1) the development of additional water storage and delivery facilities to meet present and future emergency and seasonal water needs within the OMWD, (2) the development of a waste water reclamation facility to treat domestic sewage and reclaim the water through irrigation; stream enhancement; and development of a lake, and (3) the development of sites for both active and primitive recreation.

The following described land has been examined and classified as suitable for lease under the Recreation and Public Purposes Act of June 14, 1926 as amended (43 U.S.C. 869 et seq.):

San Bernardino Base Meridian, California

T. 12 S., R. 2 W.;
Section 31, Lot 8
T. 13 S., R. 2 W.;
Section 6, SE¼NW¼, NE¼SW¼

T. 13 S., R. 3 W.:
Section 1, Lots 1, 2, 3, 4; S½N½; NW¼SE¼
T. 12 S., R. 3 W.:
Section 33, E½NE¼SW¼SE¼; SE¼SW¼SE¼; W½SW¼SE¼; SE¼SE¼
T. 13 S., R. 3 W.:
Section 23, NW¼NW¼SE¼; SW¼NW¼SE¼; SE¼NW¼SE¼; SW¼SW¼NE¼
Encompassing 592.14 acres, more or less.

This decision notice is based on the following reasons:

1. The lands have been found to be valuable for public purposes and recreational uses.

2. The land is not of national significance and not essential to any Bureau of Land Management program.

3. The proposed use is in conformance with the existing land use plan.

4. The proposed action will have no significant (including controversial) effects on the human and natural environment.

5. Leasing of the above described lands to the Olivenhain Municipal Water District, California will serve important public objectives, i.e., provide additional land for expansion of the city's recreational and public purposes projects.

6. The classification, lease and/or patenting of the land to the Olivenhain Municipal Water District is in conformance with the Secretary of the Interior's "Good Neighbor Program".

DATES: Until July 1, 1983, interested parties may submit comments to the District Manager, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

FOR FURTHER INFORMATION CONTACT: Information related to this Recreation and Public Purposes Application, including the environmental assessment record/land report, terms and conditions and special stipulations that will be included in the lease, is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The classification and granting of the lease for a maximum period of 20 years with the option to purchase/patent the land will not be adverse to any known public or private interests.

Classification of these lands to the Olivenhain Municipal Water District, California under the provisions of the above cited authority segregates them from all appropriations, including locations under the mining laws, except as to applications under the Mineral Leasing Laws and applications under the Recreation and Public Purposes Act.

This Recreation and Public Purposes Application is consistent with Bureau of Land Management policies and planning and has been discussed with the State and local officials.

Petition for classification CA 12718, CA 12719, and CA 12720 is approved as to the land described above.

Name of petitioner: Olivenhain Municipal Water District by it General Manager.

Type of petition: Recreation and Public Purposes under the Act of June 14, 1926, as amended.

Bary A. Freet,

Assistant District Manager for Administration.

[FR Doc. 83-11290 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 36730]

Colorado; Realty Action; Noncompetitive Lease of Public Lands in Garfield County

The following described land is being considered for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732) at no less than the appraised fair market rental which is estimated to be approximately $9,000 annually, or $750.00 per month.

Sixth Principal Meridian

T. 5 S., R. 93 W.,
Sec. 13, SE¼SE¼NE¼SW¼, E½E½ SE¼SW¼, NE¼SE¼NW¼SE¼, S½S½ NW¼SE¼, and SW¼SE¼.
Sec. 24, N½N½NE¼NE¼, and NE¼NE¼NE¼NW¼.

The area described aggregates approximately 75.0 acres in Garfield County.

The land is located five miles north of Rifle, Colorado adjoining the existing Rifle Golf Course, near Rifle Gap.

Lease of the above described lands has been proposed by Rifle Gap Land Company of Rifle, Colorado to expand the existing nine hole Rifle Golf Course to eighteen holes, using some or all of the public land area described above and adjacent to their privately owned lands. The proposed use is consistent with Bureau of Land Management land use planning and with local planning and zoning. The Bureau of Land Management is considering a longterm (approximately 10 years) noncompetitive lease to Rifle Gap Land Company dependent upon the company filing an application for lease and including information required by Title 43 Code of Federal Regulations, part 2920.52. The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7. Special stipulations that would be included in a lease, as well as other information about the proposal, can be reviewed in the Bureau of Land Management Glenwood Springs Resource Area Office, 50629 Hwy. 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81601, telephone (303) 945-2341.

The lessee would be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 Code of Federal Regulations 2920.6.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

David A. Jones,

District Manager.

[FR Doc. 83-11320 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-010203]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

April 20, 1983.

Notice of an application, serial number I-010203, for withdrawal and reservation of lands was published as **Federal Register** Document No. 59-2755 on page 2564 of the issue for April 12, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on May 25, 1983, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

T. 3 S., R. 34 E.
Sec. 11, lot 6;
Sec. 12, lot 6;

Sec. 14, lots 4, 14;
Sec. 15, lots 8, 10, 11;
Sec. 20, lots 15, 16;
Sec. 21, lots 6, 7, 10, 11, 12, 17;
Sec. 22, lots 9, 11, 12, 13, 14, 15, NE¼NW¼;
Sec. 23, lot 16;
Sec. 29, lots 8, 11, 15, 16;
Sec. 30, lot 7;
Sec. 31, lots 13, 14.

The area described aggregates 625.14 acres in Bingham County.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 83-11288 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Wednesday, June 8, 1983. This field tour meeting will leave at 9 a.m. from the Idaho Falls Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

The field tour will consider four topics:

1. Proposed Hydroelectric Project, Birch Creek.
2. Flooding Problem at Howe.
3. North Creek Mine Waste Area.
4. Black Canyon Wilderness Study Area.

The meeting is open to the public. Interested persons may make oral statements to the Council between 12:30 and 1 p.m. at Sink's Inn in Howe, or file written statements for the Council's consideration. Persons wishing to attend the field tour must provide their own transportation. Anyone wishing to make an oral statement or attend the tour must notify the District Manager at the Idaho Falls BLM District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401 by Friday, June 3, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) at least 30 days after the meeting.

Dated: April 21, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-11291 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37518]

Nevada; Realty Action—Noncompetitive Sale of Public Land in Lyon County, Nevada

April 20, 1983.

The following described land, comprising 20 acres, has been examined and identified as suitable for sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750), 43 U.S.C. 1713:

Mount Diablo Meridian, Nevada

T. 12 N., R. 23 E.,
Sec. 32, S½NE¼NE¼.

The Land will be offered to Associated Ranch Management at the appraised fair market value under noncompetitive sale procedures in order to complete a public land transfer which began as an exchange. The intent was to transfer 240 acres of public (selected) land to Associated Ranch Management in return for 240 acres of privately-owned (offered) land valuable as wildlife habitat. However, a difference in value between the offered and selected lands resulted in reduction of the selected acreage by 20 acres. The land is not needed in support of any federal program. The Bureau's planning system identifies the land as available for sale. Sale of the land is consistent with Lyon County's planning and zoning. A sale to Associated Ranch Management, the exchange proponent, will result in the desirable land pattern and use originally intended.

A patent, if and when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August; 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada.

The land will not be offered for sale sooner than 60 days after the date of this notice. For a period of 45 days from the first publication of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Mangement, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

James W. Elliott,

Acting District Manager, Carson City District.

[FR Doc. 83-11287 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Classification Decision for State Indemnity Selection

1. The following described lands (U-52672 and U-52673) have been examined and found suitable for transfer to the State of Utah.

They are hereby classified for indemnity selection pursuant to Sections 2275 and 2276 of the Revised Statutes as amended (43 U.S.C. 851, 852), and the regulations thereunder (43 CFR Part 2621).

Tract No. 1—Emery and Sevier Counties

Salt Lake Meridian, Utah

T. 23 S., R. 5 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Secs. 12, 13, all;
Sec. 14, E½;
Sec. 23, S½NE¼, SE¼;
Secs. 24, 25, all;
Sec. 26, NE¼.
T. 22 S., R. 6 E.,
Sec. 34, S½.
T. 23 S., R. 6 E.,
Sec. 3, lots 1 through 4, S½N½;
Sec. 4, lots 1 through 4, S½N½, SW¼;
Sec. 5, lots 1 through 3, S½N½, S½;
Sec. 6, lots 6, 7, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1 through 4, NE¼, E½W½;
Sec. 8, E½;
Sec. 9, W½;
Sec. 17, NE¼;
Secs. 19, 30, 31, all.

Approximately 9,021.84 acres.

Tract No. 2—Uintah County

Salt Lake Meridian, Utah

T. 12 S., R. 24 E.,
Sec. 11, S½SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½, SW¼NW¼, SW¼, S½SE¼;
Sec. 13, S½NE¼, SE¼NW¼, N½SE¼ (mineral estate only);
Sec. 14, E½;
Sec. 23, E½;
Sec. 24, all.
T. 12 S., R. 25 E.,
Sec. 7, S½S½;
Sec. 8, S½S½;
Sec. 17, all;
Sec. 18, E½NE¼, NW¼NE¼, N½NW¼, SE¼;
Sec. 18, SW¼NE¼, S½NW¼, SW¼ (mineral estate only);
Sec. 19, E½, SW¼;

Sec. 19, NW¼ (mineral estate only);
Sec. 20, W½NE¼, W½;
Sec. 29, W½;
Sec. 30, all.

Approximately 5,760.00 acres.

Tract No. 3— Uintah County

Salt Lake Meridian, Utah

T. 9 S., R. 25 E.,
Sec. 19, SE¼;
Sec. 28, S½;
Sec. 30, lots 5 through 14, N½NE¼, SE¼NE¼;
Sec. 31, NW¼;
Sec. 33, lots 1 through 5, NE¼, N½NW¼, SE¼NW¼.

Approximately 1,320.47 acres.

Tract No. 4—Tooele County

Salt Lake Meridian, Utah

T. 1 S., R. 16 W.,
Secs. 19, 20, all;
Sec. 27, W½;
Secs. 28 through 31, all;
Sec. 33, all;
Sec. 34, W½.
T. 2 S., R. 16 W.,
Sec. 3, 4, all;
Sec. 5, lots 1 through 4, S½NW¼, SW¼;
Secs. 6, 7, all;
Sec. 8, W½;
Sec. 9, N½;
Sec. 10, N½;
Sec. 15, all;
Sec. 17, W½;
Sec. 18, all.
T. 1 S., R. 17 W.,
Sec. 20, E½;
Sec. 21, all;
Sec. 22, NE¼NE¼, W½NW¼NE¼, W½, S½SE¼;
Sec. 23 through 28, all;
Sec. 29, E½;
Secs. 33 through 35, all.
T. 2 S., R. 17 W.,
Sec. 1, all;
Secs. 3, 4, all;
Sec. 5, lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½;
Secs. 9 through 15, all;
Sec. 17, E½.

Approximately 25, 469.68 acres.

Tract No. 5—Uintah County

Salt Lake Meridian, Utah

T. 3 S., R. 21 E. (mineral estate only),
Sec. 4, lots 2 through 5, SE¼NW¼;
Sec. 5, lots 1, 4, SW¼NW¼;
Sec. 6, lots 1 through 5, S½NE¼, SE¼NW¼.

Approximately 606.33 acres.

Tract No. 6—Sanpete County

Salt Lake Meridian, Utah

T. 13 S., R. 6 E. (mineral estate only),
Sec. 20, NE¼NW¼, NW¼NE¼, S½N½, S½;
Sec. 29, S½, SE¼NW¼.

Approximately 920 acres.

Tract No. 7—San Juan County

Salt Lake Meridian, Utah

T. 27 S., R. 22 E.,
Secs. 25, 26, 35, all.

Approximately 1,920 acres.

Tract No. 8—Iron and Washington Counties

Salt Lake Meridian, Utah

T. 36 S., R. 11 W.,
Sec. 15, SW¼SW¼.
T. 42 S., R. 15 W.,
Sec. 17, lots 13, 14.
T. 43 S., R. 15 W.,
Sec. 11, lot 11;
Sec. 14, NE¼, N½NW¼, SW¼NW¼.

Approximately 441.57 acres.

Tract No. 9—Beaver County

Salt Lake Meridian, Utah

T. 29 S., R. 8 W.,
Sec. 30, Commencing at the N.W. corner of the SW¼SW¼, of Section 30, thence south 5.2 chains, more or less; thence north 53° 33' east 5.6 chains; thence north 65° 22' east 4.4 chains; thence west 8.3 chains, more or less to the point of beginning.
T. 29 S., R. 9 W.,
Sec. 25, commencing at the N.E.. corner of the SE¼SE¼ of Section 25, thence west 20 chains; thence south 20 chains; thence east 9.8 chains; thence north 28° 04' east 950 feet along reservoir boundary; thence north 53° 33' east 4.7 chains; thence north 5.3 chains to the point of beginning.
Sec. 36, SW¼SW¼, Commencing at the N.W. corner of the NE¼NE¼ of Section 36 aforesaid, thence south 10.5 chains; thence north 61°24' east 3.0 chains; thence north 40°29' east 12 chains; thence west 10 chains to the point of beginning.
Commencing at the N.W. corner of the NW¼NE¼ of said Section 36, thence south 20 chains; thence east 11.2 chains; thence north 18°37' east 383 feet; thence north 61°24' east 544.5 feet; thence north 10.5 chains; thence west 20 chains to the point of beginning.
Commencing at the N.W. corner of the SW¼NE¼ of Section 36, thence south 20 chains; thence east 6.4 chains; thence north 8°45' east 33 feet; thence north 15°29' east 513.5 feet; thence north 1°53' east 327 feet; thence north 18°37' east 508.2 feet; thence west 11.2 chains to the point of beginning.
Commencing at the N.W. corner of the SE¼SW¼ of Section 36, thence south 20 chains; thence east 4.25 chains; thence north 18°21' east 678 feet; thence north 59°19' east 517 feet; thence north 37°10' east 481.8 feet; thence west 18.5 chains to the point of beginning.
Commencing at the N.W. corner of the NW¼SE¼ of Section 36, thence south 18 chains; thence north 36°25' east 311.6 feet; thence north 25° east 297 feet; thence north 8°45' east 662 feet; thence west 6.4 chains more or less to the point of beginning.
T. 30S., R. 9 W.,
Sec. 2. Commencing at the N.E. corner of the said lot 1, thence south 13 chains; thence north 44°39' west 189 feet; thence south 33°12' west 627 feet; thence north 12°28' west 589 feet; thence south 23°30' west 713 feet; thence west 6 chains, more or less; thence north 20 chains; thence east 20 chains to the point of beginning.
Commencing at the N.W. corner of the SW¼NE¼ of Section 2, thence south 20 chains; thence east 9.8 chains; thence north 32°20' east 231 feet; thence north 41°38' west 278 feet; thence north 73°23' east 386 feet; thence north 57°41' east 332 feet; thence north 56°10' west 482 feet; thence north 4°58' east 230 feet; thence south 65°34' east 49 feet; thence north 5.3 chains, more or less; thence west 20 chains to the point of beginning.
Commencing at the N.W. corner of the SE¼NE¼ of said Section 2, thence south 5.3 chains; thence south 65°34' east 230 feet; thence north 23°30' east 488 feet; thence west 6 chains, more or less to the point of beginning.
Commencing at the N.E. corner of the E½SW¼ of Section 2, thence west 20 chains; thence south 40 chains; thence east 7.5 chains; thence north 34°45' east 330 feet; thence north 27°08' east 619.8 feet; thence north 21°10' east 762 feet; thence north 28°22' east 379 feet; thence north 45° west 205 feet; thence north 9.7 chains more or less to the point of beginning.
Commencing at the N.W. corner of the NW¼SE¼ of Section 2, thence south 9.7 chains; thence north 79°53' east 284 feet; thence north 31°31' east 452 feet; thence north 32°20' east 241 feet; thence west 9.8 chains, more or less to the point of beginning.
Sec. 11, Commencing at the N.E. corner of the NW¼NW¼ of Section 11, thence south 80 rods; thence east 47 rods, more or less; thence north 17°20' west 915 feet; thence north 0°22' east 440 feet to north line of said Section 11, thence west 30 rods to the point of beginning.

Approximately 319.51 acres.

Tract No. 10—Summit and Wasatch Counties

Salt Lake Meridian, Utah

T. 2 S., R. 3 E.,
Sec. 13, NE¼NW¼.
T. 2 S., R. 4 E.,
Sec. 7, lots 17 through 20, 22, 23, 26, 27;
Sec. 18, lots 1 through 4, 9, 17, 18, 20 through 22;
T. 2 S., R. 4 E.,
All public lands within the following legal descriptions:
Sec. 9, S½SE¼;
Sec. 10, all (excluding lots 7, 8, NW¼NE¼);
Sec. 11, SW¼
Sec. 14, all;
Sec. 15, all (excluding N½, NW¼SW¼);
Sec. 22, N½;
Sec. 23, NW¼;
Sec. 24, lot 2, W½.
T. 2 S., R. 5 E.,
Sec. 6, lot 5.

Approximately 809.61 acres.

Tract No. 11—Piute and Wayne Counties

Salt Lake Meridian, Utah

T. 28 S., R. 1 W.,
Secs. 1, 11 through 14, 23 through 26, all (unsurveyed).
T. 28 S., R. 1 E.,

Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Sec. 5, lots 1 through 4, S½N½, S½;
Sec. 6, lots 1 through 6, S½NE¼, SE¼;
Sec. 7, lots 1 through 4, E½;
Sec. 8 through 15, all;
Sec. 17, all;
Sec. 18, lots 1 through 4, E½;
Sec. 19, lots 1 through 4, E½E½;
Secs. 20 through 29, all;
Sec. 30, lots 1 through 4, E½E½;
Secs. 33 through 35, all.

T. 29 S., R. 1 E.,
Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Secs. 9 through 15, all;
Sec. 16, all (surface estate only);
Sec. 21, all (surface estate only);
Secs. 22 through 28, all;
Secs. 33 through 35, all.

T. 30 S., R 1 E.,
Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1 through 4, S½N½, S½;
Secs. 9 through 13, all;
Sec. 14, E½, N½NW¼, S½SW¼;
Sec. 14, S½NW¼, N½SW¼ (surface estate only);
Sec. 15, all;
Sec. 16, all (surface estate only);
Secs. 21 through 28, all;
Secs. 33 through 35, all;
Sec. 36, S½NE¼, NW¼.

Approximately 50,286.02 acres; 2,080.00 surface estate only.
Total 52,366.02 acres.

Tract No. 12—Uintah County

Salt Lake Meridian, Utah

T. 5 S., 22 E.,
Sec. 13, E½, NW¼, E½SW¼, NW¼SW¼;
Sec. 14, E½NE¼, NW¼NE¼;
Sec. 24, NE¼, NE¼NW¼.

T. 5 S., R 23 E.,
Sec. 8, NW¼;
Sec. 18, lots 1 through 3, 5, 6, W½NE¼N W¼NE¼, NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, NE¼NW¼, W½NE¼SE¼NW¼, W½SE¼NW¼.

Approximately 1,307.10 acres.
Grand Total: 100,262.13 acres.

2. On lands where no adverse comments are received, it will be held that these lands are classified 60 days from date of publication of this notice in the **Federal Register** and this classification action will become the final determination of the Department of the Interior. Classification is pursuant to title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. For a period of 60 days from the date of publication of this notice in the **Federal Register**, any persons who wish to submit comments on the above classification may present their views in writing for consideration to the State Director (U-942), Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Comments should address a specific parcel within a specific tract (Example—Tract No. 1, Sec. 1, lot 1, T. 23 S., R. 5 E.) as opposed to commenting generally on the entire classification.

4. Public meetings to discuss this classification decision have been scheduled by the appropriate BLM District Managers for the dates that follow:

May 23, 1983—Salt Lake District Office
May 24, 1983—Cedar City District Office
May 25, 1983—Richfield District Office
May 26, 1983—Moab District Office
May 27, 1983—Vernal District Office

5. If and when selections are approved and certified to the State, the selected lands will be subject to all valid existing rights. Furthermore, any lands encumbered with a mineral lease or permit are subject to a reservation to the United States of all oil and gas, coal, and potash, with the right of the lessee to utilize as much of the surface as is necessary for proper mining operations, until the lease or permit is terminated. Should an entire mineral lease or permit be encompassed by the area of the selection, the State of Utah will succeed to the position of the United States.

6. Any existing grazing use authorized by license or permit from the Bureau of Land Management will be terminated if the lands are transferred out of Federal Ownership. The State shall honor all leases, permits, contracts, and terms and conditions of user agreements on United States' lands.

Those lands which are encumbered by mining claims, cannot be transferred to the State of Utah until the conflicts are resolved. Also, lands that are not surveyed will not be conveyed until a survey is completed and accepted.

7. The proposed classification issued by the Salt Lake District Office on September 30, 1982, classifying lands in the Salt Lake Meridian, Utah, T. 2 S., R. 3 E., T 2 S., R. 4 E., and T. 2 S., R. 5 E., for State In Lieu selection is hereby rescinded. Any protests BLM received from the above classification, will be held over and protests/comments incorporated as part of this classification action.

8. Portions of selection applications (U-52672 and U-52673) and previously filed selection applications (U-1291, U-4174, U-4175, U-4270, U-4271, U-4275 through U-4279, U-4284, U-4286, U-8987, U-8992, U-087850), and State exchange application (U-41322) described duplicate acreages. The previously filed applications will be rejected as to the duplicate acreages.

9. The following described parcel of land has been determined to be unsuitable for indemnity selection under the Act:

T. 2 S., R. 4 E., SLM, Utah,
All public lands.
Parcel 16—(As identified on a BLM map along with other information available at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, 801-524-5348) within the following legal descriptions:
Sec. 10, lots 7, 8;
Sec. 15, N½, NW¼SW¼.
Approximately 88 acres.

The appropriate classification of the above acreage has been addressed as part of the classification decision for recreation and Public Purposes Application U-29830, Park City Municipal Corporation filed March 27, 1975.

10. Detailed information concerning the indemnity selection and proposed transfer to the State of Utah is available for review at the Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (801-524-4245).

Dean Stepanek,
Acting State Director.

[FR Doc. 83-11325 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

[OR 20640 (Wash.)]

Washington; Realty Action—Sale; Public Land in Walla Walla County, Washington

This Notice amends the Notice of Realty Action published February 4, 1982, (47 FR 5359).

The following described land will be available for sale at no less than the appraised fair market value shown:

Willamette Meridian, Walla Walla County, Washington

T. 7 N., R. 31 E., Section 14

ADJACENT TO THE WALLULA TOWNSITE

Parcel No.	Legal description	Acreage	Value
1	Lot 1	25.69	$38,500
2	Lot 6	28.02	42,000

The above described land will be offered for sale by sealed and oral bids using competitive bidding procedures (43 CFR 2711.3-1). Bids must be made by either: (1) sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane,

Washington, D.C. 99202, before 4:00 p.m., May 31, 1983, to be considered. Sealed bid envelopes must be marked in the lower left-hand corner as follows: "Public Sale Bid Parcel No.—, Serial No. OR 20640. Sale held June 1, 1983."

The sale will be held on June 1, 1983, at the Bureau of Land Management, Spokane District Office, at the above address. Registration of Bidders will begin at 10:00 a.m. and the sale will start upon completion of registration.

If any of the parcels are not sold on June 1, 1983, they will remain available for sale, at the Bureau of Land Management, Spokane District Office, on a continuing basis until removed from market.

Information about the sale, and bidding and sale procedures, is available at the BLM, Spokane District Office, at the above address.

Date of Issue: April 4, 1983.

Roger W. Burwell,

District Manager.

[FR Doc. 83-11286 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 81452]

Wyoming: Realty Action Non-Competitive Sale of Public Land in Natrona County

April 21, 1983.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

Sixth Principal Meridian, Wyoming

T. 40 N., R. 87 W.,
Sec. 13, SE¼SE¼SW¼NE¼.

The area described contains 2.5 acres in Natrona County.

The above described land is being offered as a direct non competitive sale to Wayne A. and Carolyn M. Steinberg at the appraised fair market value of $7,500. The Steinbergs have occupied this land for over 21 years under appropriate cabin site leases; have developed and improved the lands as required, including construction of two A-frame cabins; and have complied with all the terms and conditions of the leases. Disposal by direct sale, rather than by public auction, will protect their equity in the improvements, secure their tenure on the land, and eliminate a hardship if they were compelled to remove or otherwise dispose of the improvements.

This land is located approximately 90 miles northwest of Casper, Wyoming in the South Bighorn Mountains. The property lies in a small valley, bounded on the north by steep hills and by the Middle Fork of Buffalo Creek on the south. Legal access is available along a county road and across ¼ mile of trail over public land.

Because of the existing improvements, the land is difficult and uneconomic to manage as part of the public land system, and is not suitable for management by another federal agency. The land is specifically identified in the Bureau planning system for sale to the Steinbergs, and Natrona County officials have been notified of the proposed sale. The public interest will be served by offering this land for sale.

Terms and conditions applicable to the proposed sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States together with the right to prospect for, mine, and remove such deposits under applicable laws and regulations.

3. The proposed sale will be subject to all valid existing rights and reservations of record, including those rights granted by oil and gas lease W-80205.

Detailed information concerning the proposed sale, including planning documents, land report and environmental assessment, and mineral reports is available at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. The proposed sale will not be held until 60 days after the date of this notice.

For period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Robert B. Childs.

Acting District Manager.

[FR Doc. 83-11328 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 0236614]

Wyoming; Partial Termination of Recreation and Public Purposes Classification No. W6-1

April 21, 1983.

1. Pursuant to the authority delegated by Bureau of Land Management Manual Section 1203, as supplemented, the Bureau of Land Management's Recreation and Public Purposes Classification No. W6-1 dated December 12, 1962, is hereby terminated as to the following described lands:

Sixth Principal Meridian

T. 32 N., R. 78 W.,
Sec. 28, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4;
Sec. 29, NE1/4, E1/2NW1/4.

The area described contains 400 acres in Natrona County, Wyoming.

2. The lands described above were classified on December 12, 1962, pursuant to the act of June 14, 1926 (44 Stat 741), as amended by the Act of June 4, 1954 (68 Stat 173), and under authority of Section 7 of the Act of June 28, 1934 (48 Stat 1273) as amended.

These lands are segregated from all appropriations under the public land laws, including locations under the mining laws and applications under the Small Tract Act, as amended, except as to applications under the Recreation and Public Purposes Act by qualified State and local governments, and applications under the mineral leasing laws.

3. In accordance with the regulations in 43 CFR 2741.4(h), the segregation of lands classified under the Act of June 14, 1926 (supra) automatically terminates if no application is filed within 18 months after issuance of a notice of classification. No application has been properly filed for these lands and, therefore, the segregation has terminated on those lands described in paragraph one of this notice. The remaining lands in classification W6-1 have been patented or leased under the Act of June 14, 1926, and the classification is still proper and will continue.

4. Pursuant to the regulations set forth in 43 CFR 2450.6(a) and 43 CFR 2741.4(h), the above classification is hereby terminated as set out in paragraphs one and three of this notice. At 10:00 a.m. on May 16, 1983, the lands described above will be opened to operation of the public land laws, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations. All valid applications received at or prior to 10:00 a.m. on May 16, 1983, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Platte River

Resource Area Manager, 951 Rancho Road, Casper, Wyoming 82601.

Terrence W. Matchett,

Acting Area Manager.

[FR Doc. 83-11327 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Federal Mineral Leasing Other Than Oil, Gas, Geothermal, Oil Shale and Combined Hydrocarbon Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Combined mineral lease form proposal.

SUMMARY: At present, the Bureau of Land Management utilizes separate, commodity specific forms when issuing mineral leases. Each form differs in several ways depending on the mineral(s) or the lands to be leased. Although the statutory and regulatory requirements are generally very similar, and in some cases identical, there is no consistency among the various forms. This has been a source of confusion by the public. Some forms are seldom used and some have become obsolete without having been used. This has caused additional, unnecessary expense to the Bureau. In an effort to streamline procedures, contain costs, speed processing and reduce confusion, the Bureau has developed, and will use if adopted, a single lease form to issue any type of mineral lease except oil, gas, geothrmal, oil shale or combined hydrocarbon leases. In addition, extraneous and redundant provisions found in the current forms have been eliminated. The proposed form incorporates provisions to indicate the type of lease being issued and the specific terms and conditions which apply for the minerals being leased.

The public is invited to submit written comments and suggestions for improvements of this proposed lease form which is shown below.

DATE: Comments by May 31, 1983.

ADDRESS: Comments and suggestions should be sent to: Director (650) Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in room 5559 at the above address during regular business hours (7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Marcia E. Rohn (2020) 343-8537.

SUPPLEMENTARY INFORMATION: In December 1980 a proposed coal lease form, reflecting changes in statutes relating to coal leasing and coal mining operations, was published in the **Federal Register** for public comment (45 FR 83333-83334). Some of the comments received on the proposed coal lease form have been adopted by coal's inclusion in this proposed combined mineral lease form. Those comments received on this proposed form as well as the comments received for the proposed lease form published in December 1980 will be addressed when the final form is published in the **Federal Register.**

Robert F. Burford,

Director.

April 22, 1983.

BILLING CODE 4310-84-M

Office _____
Serial Number _____
Original Effective Date _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

LEASE

PART I. LEASE RIGHTS GRANTED

THIS INDENTURE OF ☐ LEASE ☐ LEASE RENEWAL ☐ LEASE READJUSTMENT entered into by and between the UNITED STATES OF AMERICA, through the Bureau of Land Management, hereinafter called lessor, and

, hereinafter called lessee, shall become effective for a period of years.

☐ with preferential right in the lessee to renew for successive periods of years under such terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of any period.

☐ and for so long thereafter as lessee complies with the terms and conditions of this lease which are subject to readjustment at the end of each year period.

☐ and for so long thereafter as coal is produced annually in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of the 20th lease year and each 10-year period thereafter.

Sec. 1. This lease is issued pursuant and subject to the terms and provisions of the

☐ Mineral Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act,

☐ Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359,

☐ Reorganization Plan No. 3 of 1946, 60 Stat. 1099,

☐ (Special Act)

and to all other applicable laws, regulations and orders of the Secretary of the Interior in force on the date of this lease, and, where not inconsistent with the lease terms, regulations and orders hereafter promulgated.

Sec. 2. Lessor, in consideration of bonuses, rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to lessee the exclusive right and privilege to drill for, mine, extract, remove and dispose of the deposits (and associated and related minerals) (and silica, limestone or other rock under section II of the Act,) hereinafter referred to as "leased deposits" in, upon, or under the following described lands:

containing acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances which may be necessary and convenient for mining and preparation of the lease deposits for market, the manufacture of products thereof, and subject to the conditions herein provided, to use so much of the surface of the land as may reasonably be required in the exercise of the rights and privileges granted.

☐ Special stipulations are attached to and made a part of this lease.

THE UNITED STATES OF AMERICA

_____
Company or Lessee Name

By _____
(Signature of Lessee) *

_____
(Title)

_____
(Date)

By _____
(Signing Officer)

_____
(Title)

_____
(Date)

PART II. **TERMS AND CONDITIONS.**

Sec. 1. **Rentals**—Lessee shall pay lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate indicated below:

- ☐ 50 cents for the first lease year and each succeeding lease year;
- ☐ $1 (but not less than a total of $20), for first lease year and each succeeding lease year;
- ☐ 25 cents for the first lease year, 50 cents for the second and third lease years, and $1 for each and every lease year thereafter;
- ☐ 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth, and fifth calendar years respectively, and $1 for the sixth and each succeeding calendar year;
- ☐ $ for each lease year; or
- ☐ $ for each calendar year.
- ☐ The rental for any year will be credited against the first royalties as they accrue under the lease during the year for which rental was paid.
- ☐ Rental shall not be credited against royalties for any year.

Sec. 2. **Royalties**—Lessee shall pay lessor production royalties, minimum or advanced royalties as set forth in the attached schedule.

Sec. 3. **Bonds**—Lessee shall file at such time and maintain in such amount any bond required by regulations.

Sec. 4. **Diligence**—

- ☐ Lessee shall exercise reasonable diligence in developing and producing the leased deposits and shall prevent unnecessary damage to, loss of, or waste of leased deposits.
- ☐ This lease is subject to the conditions of diligent development and continued operations, except that these conditions are excused where operations under the lease are interrupted by strikes, and the elements or casualties not attributable to lessee. The lease shall terminate if it is not producing in commercial quantities at the end of ten years. The lessor, in the public interest may suspend the condition of continued operation upon payment of advance royalties.

Sec. 5. **Documents, evidence and inspection**—At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost. Lessee may be required to provide plats and schematic diagrams showing development work and improvements on the leased lands, and reports with respect to stockholders, investments, depreciation costs, and Federal lease interests.

Lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of lessor, the leased premises and all surface and underground improvements, works, machinery, ore stockpiles, equipment, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee shall permit lessor to copy and make extracts from any such books and records.

Information obtained under this section shall be open to inspection by the public only as required by the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. **Damages to property and conduct of operations**—Lessee shall pay lessor for damage to property improvements, and shall save and hold the lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Lessee shall conduct operations in a manner that prevents unnecessary impacts and minimizes other impacts to the land, air, and water, to cultural, biological, visual, and other resources and to other land uses or users. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands including the approval of easements or rights-of-ways. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, or construction or improving access to the leased lands, lessee agrees to contact lessor to be apprised of procedures to be followed and restrictions that may be involved in the conduct of operations. The lessee shall not conduct operations in the absence of approval by the authorized officer. Areas to be disturbed may require inventories to determine if threatened or endangered species, or cultural resources would be affected. Lessee may be required to complete such inventories under guidelines provided by lessor. If, in the conduct of operations suspected threatened or endangered species, or cultural resources, or substantially different or unanticipated environmental affects are observed, lessee shall immediately contact lessor.

Sec. 7. **Protection of diverse interests, and equal opportunity**—Lessee shall: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than eight (8) hours in any one day for underground workers, except in emergencies; and take measures necessary to protect the health and safety of the public. No person under the age of sixteen (16) years shall be employed in any mine below the surface. To the extent that laws of the State in which the lands are situated are more restrictive than the provisions in this paragraph, then the State laws apply.

Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

Sec. 8. **Transfer of lease interest, and relinquishment of lease**—

(a) Transfers.

- ☐ This lease may be transferred in whole or in part to any person, association or corporation qualified to hold such lease interest.
- ☐ This lease may only be transferred in whole or in part to another public body, or to a person who will mine the coal on behalf of and for the use of the public body, or to a person who for the limited purpose of creating a security interest in favor of a lender agrees to be obligated to mine the coal on behalf of the public body.
- ☐ This lease may only be transferred in whole or in part to another small business qualified under 13 CFR 121.

The parties thereto shall file for approval or recording in the proper office of the lessor any instrument transferring a record title, or working or royalty interest in this lease, and shall not create overriding royalties or payments out of production in excess of that allowed by regulation.

(b) Relinquishment—The lessee may relinquish at any time all rights under this lease, and upon acceptance be relieved of all future obligations under the lease, and may with like consent surrender any legal subdivision of the area included within the lease.

Sec. 9. **Delivery of premises, removal of machinery, equipment, etc.**—At such time as all or portions of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine or deposits and place all wells in condition for suspension or abandonment. Within 180 days thereof, lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials as required by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the lessor, but lessee shall either remove any or all such property or shall continue to be liable for the cost of removal and disposal in the amount actually incurred by the lessor. If the surface is owned by third parties, lessor shall waive the requirement for removal provided the third parties do not object to such waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in the manner directed by the lessor, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidental thereto, and reclaim access roads or trails.

Sec. 10. **Proceedings in case of default**—If lessee fails to comply with applicable laws, now existing regulations, or the terms, conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation by the lessor only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 11. **Heirs and successors-in-interest**—Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

[FR Doc. 83-11280 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-C

[(A-16421) PS]

Arizona; Notice of Conveyance

April 21, 1983.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), Kenneth H. Edinger and Edward E. Edinger, P.O. Box 374, Dewey, Arizona 86327, have purchased, by direct sale at the fair market value of $1,300.00, public lands in Yavapai County described as follows:

Gila and Salt River Mer., Arizona

T. 13 N., R. 1 E.,
Sec. 4, Lot 13.
Containing 0.18 acres.

The purpose of the Notice is to inform the public and interested State and local governmental officials of the issuance of a patent to Kenneth H. Edinger and Edward E. Edinger.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11294 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

[AR-011738 & A-13389]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to modify the term of the withdrawal made by Executive Order 1222 of July 1, 1910 and Public Land Order 1363 of November 14, 1956, which withdrew the following described lands from all forms of appropriation under the public land laws including the United States mining laws, but not from leasing under the mineral leasing laws:

Gila and Salt River Meridian

T. 18 S., R. 13 E.,
Section 24, lots 1, 2, 3, SE¼SE¼;
Section 25, lots 2, 3, 4, 5, 6, E½NE½, SE¼.
T. 17 S., R. 14 E.,
Section 33, all;
Section 34, all;
Section 35, all;
Section 36, all.
T. 18 S., R. 14 E.,
Section 1, lots 1, 2, 3, 4, S½N½, S½;
Section 2, lots 1, 2, 3, 4, S½N½, S½;
Section 3, lots 1, 2, 3, 4, S½N½, S½;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 9, all;
Section 10, all;
Section 11, all;
Section 12, all;
Section 13, all;
Section 14, all;
Section 15, all;
Section 16, all;
Section 21, all;
Section 22, all;
Section 23, all;
Section 24, all;
Section 25, all;
Section 26, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, lots 1, 2, 3, 4, E½, E½W½;
Section 31, lots 1, 2, 3, 4, E½, E½W½;
Section 32 all;
Section 33 all;
Section 34 all;
Section 35 all;
Section 36 all.
T. 19 S., R. 14 E.,
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 11, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 9, all;
Section 10, W½, SE¼;
Section 13, Lots 3, 4, 5, SE¼SE¼;
Section 14, lots 1, 2;
Section 15, all;
Section 16, all;
Section 22, E½NE¼, NE¼SE¼;
Section 23, lot 1, SE¼NE¼, NE¼SE¼, S½S½.
T. 17 S., R. 15 E.,
Section 31, lots 1 to 11, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Section 32, lots 1, 2, 3, 4, N½, N½S½;
Section 33, Lots 1, 2, 3, 4, N½, N½S½;
Section 34, lots 1, 2, 3, 4, N½, N½S½;
T. 18 S., R. 15 E.,
Section 3, lots 1, 2, 3, 4, S½N½, S½;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Section 7, lots 1, 2, 3, 4, E½, E½W½;
Section 8, all;
Section 9, all;
Section 16, all;
Section 17, all;
Section 18, lots 1, 2, 3, 4, E½, E½W½;
Section 19, lots 1, 2, 3, 4, E½, E½W½;
Section 20, all;
Section 21, all;
Section 26, NE¼NW¼, S½NW¼;
Section 27, S½N½, SW¼ ;
Section 28, all;
Section 29, all;
Section 30, lots 1, 2, 3, 4, E½, E½W½;
Section 31, lots 1, 2, 3, 4, E½, E½W½;
Section 32, all;
Section 33, all;
Section 34, SW¼
T. 19 S., R. 15 E.,
Section 3, lots 3 4, S½NW¼, SW¼;
Section 4, lots 1, 2, 3, 4, S½N½, S½;
Section 5, lots 1, 2, 3, 4, S½N½, S½;
Section 6, lots 1 to 6, inclusive, S½NE¼, SE¼;
Section 7, lots 1, 2, 3, 4, E½;
Section 8, all;
Section 9, W½, SE¼, SE¼NE¼;
Section 10, NE¼NW¼, S½NW¼, SW¼;
Section 16, lot 1, N½NW¼, SE¼NW¼;
Section 17, lots 1, 2, N½N½, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Section 18, lots 1, 2, 3, 4, E½;
Section 19, west portion of lots 1, 2, 3, 4, NE¼;
Section 20, W½SW¼;
Section 29, W½NW¼, SW¼;
Section 30, east portion of lot 1, NW¼NE¼, E½NE¼.
T. 20 S., R. 15 E.,
Section 5, NW¼NW¼.

The areas described aggregate approximately 47,284 acres in Pima County.

The purpose of the withdrawal is for the Santa Rita Experimental Range. The Bureau of Land Management proposes to modify the withdrawal from an indefinite period to a period of 20 years. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposed must submit a written request for a hearing to the undersigned on or before July 29, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments, or objections to the proposed withdrawal may be filed with the undersigned officer on or before July 29, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination on the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, U.S.

Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11293 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona Safford District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Safford District Advisory Council will be held Friday, June 10, 1983 at Safford, Arizona at 10:00 a.m. at the Safford District Office, 425 E. 4th Street, Safford, Arizona.

Agenda for the meeting will include:

1. Introduction and biographical sketch of Council Members.
2. Discussion of the purpose and function of the Council.
3. Election of officers.
4. Orientation of BLM programs, goals and current issues.
5. Council issues.
6. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 2:00 p.m. and 3:00 p.m. or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by June 9, 1983. Depending upon the number of people wishing to make an oral statement, a perperson time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

April 21, 1983.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 83-11295 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Meetings of the Miles City District Advisory Council and the Miles City District Grazing Board

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District Advisory Council will be held June 7, 1983, and a meeting of the Miles City District Grazing Board will be held June 8, 1983. The meetings will begin at 10:00 a.m. in the conference room at the Miles City District Office, Bureau of Land Management, Highway 10-12 at Garryowen Road, Miles City, Montana.

The Advisory Council Agenda is as follows:

1. State in lieu selections/Asset Management.
2. Resource Management Plan alternatives.
3. MMS-BLM merger and district boundary adjustments.

The Grazing Board agenda is as follows:

1. Exchange of use agreements.
2. FY 1984 grazing budget.
3. State in lieu selections/Asset Management.
4. Resource Management plans.

The meetings are open to the public. The public may make oral statements before the Advisory Council and Grazing Board or file written statements for council or board consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meetings will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meetings.

For Further information, contact the District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Ray Brubaker,

District Manager.

[FR Doc. 83-11332 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Susanville, California; Surprise Resource Area; Availability

AGENCY: Bureau of Land Management.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the criteria that will be used in developing the planning amendment for the Surprise Resource Area is available for public review and comment.

DATES: Comments are being accepted from the public until 30 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Lee Delaney, Area Manager, Surprise RA, P.O. Box 460, Cedarville, California 96104, (Telephone (916) 279-6101).

SUPPLEMENTARY INFORMATION: This planning amendment addresses land tenure adjustment. The NOI was published Thursday, January 27, 1983 on page 3877 of the **Federal Register.**

Rex Cleary,

District Manager.

[FR Doc. 83-11324 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Susanville, California; Wilderness Recommendations and Public Hearing; Correction

Correction to **Federal Register**, April 20, 1983, page 16973, "Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District and Redding Resource Area, Ukiah District, California."

The notice should have read:

Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 202(f), and 603(a) of the Federal Land Policy Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared draft environmental impact statement (EIS) concerning preliminary wilderness recommendations for the Alturas Resource Area, Susanville District.

The preferred alternative is to designate a portion (5,880 acres) of Pit River Wilderness Study Area (WSA) CA-020-103 as suitable with the remainder (5,695 acres) as unsuitable. The Tule Mountain WSA CA-020-211 (16,950 acres) is recommended as unsuitable for inclusion in the National Wilderness Preservation System. The Pit River and Tule Mountain WSA's are included in the Alturas Resource Management Plan (RMP) EIS which had four alternatives; All Wilderness, Preferred Alternative, No Wilderness, and No action.

DATES: A public hearing on the Alturas RMP/EIS WSAs will be held from 7:30 p.m. to 9:30 p.m. on May 23, 1983, at the Lion's Hall, Highway 299, McArthur, California. All interested persons are invited to attend and present their views on two points: (a) the suitability or nonsuitability of the areas for wilderness designation, and (b) the draft EIS.

Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations. The

Bureau of Land Management invites written comments on the Draft Alturas RMP/EIS (Pit River and Tule Mountain WSA's) to be received by July 14, 1983. Comments should be addressed to: Area Manager, Alturas Resource Area, Bureau of Land Management, P.O. Box 771, Alturas, California 96101. Telephone (916) 233–4666.

ADDRESSES: A limited number of copies of the draft environmental impact statement are available at the Alturas Area Office and at the following locations:

Susanville District Office,
Bureau of Land Management,
P.O. Box 1090, 705 Hall Street,
Susanville, California 96130,
Telephone (916) 257–5381
California State Office
Bureau of Land Management,
2800 Cottage Way,
Sacramento, California 95825,
Telephone (916) 484–4541
Washington Office,
Bureau of Land Management,
Interior Building 18th and C Sreets, NW.,
Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Alturas RMP/EIS, Richard Drehobl, Alturas Resource Area Manager, P.O. Box 771, Alturas, California 96101, Telephone (916) 233–4666.

C. Rex Cleary,

Susanville District Manager.

[FR Doc. 83-11285 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

[U-12307]

Utah; Termination of Classification for Multiple Use; Correction

In **Federal Register**, Document 82–34126 on Page 56408 in the issue of Thursday, December 16, 1982 make the following additions:

In third column, after line No. 17 insert—

Tps. 30 thru 32 S., Rg. 23 E., all.

Dated: April 21, 1983.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-11353 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Establishment of Bandon Marsh National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of establishment of the Bandon Marsh National Wildlife Refuge.

SUMMARY: This Notice designates the area of land and water in Coos County, Oregon, which the Secretary of the Interior considers appropriate for the Bandon Marsh National Wildlife Refuge. The Notice also establishes that present Fish and Wildlife Service property or interests therein within the project area shown, are components of Bandon Marsh National Wildlife Refuge. These lands are protected and administered in accordance with the Congressional Acts, Treaties and Executive Orders which provide the legal basis for operation of units of the National Wildlife Refuge System.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Shaw, Acquisition Program Manager, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.

SUPPLEMENTARY INFORMATION: The Act to establish the Bandon Marsh National Wildlife Refuge was enacted by Congress on December 29, 1981 (Pub. L. 97–137). The Act provided that the Secretary of Interior would establish said refuge by publication of a notice in the **Federal Register** at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired.

Notice is hereby given that, pursuant to the above Act, all lands waters and interests therein within the approved project boundary totaling approximately 289 acres have acquired, and Bandon Marsh National Wildlife Refuge is considered to be an administrable unit of the National Wildlife Refuge System.

Maps of the refuge area are on file and are available for public inspection in the Land Acquisition office, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Portland, Oregon 97232.

Richard J. Myshak,

Regional Director, U.S. Fish and Wildlife Service.

April 19, 1983.

[FR Doc. 83-11351 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[A-13140; AZ-026-83-52]

Public Lands Exchange; Mohave County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—Exchange, public lands in Mohave County, Arizona.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 40 N., R. 15 W.,
Sec. 5, lot 4, S½NW¼, SW¼, and W½SE¼;
Sec. 6, SE¼;
Sec. 7, lots 1 thru 4, E½W½, and E½;
Sec. 8, W½ and NW¼NE¼;
Sec. 17, N½NW¼;
Sec. 18, lots 1 thru 4, N½NE¼, SW¼NE¼, and E½W½.
Comprising 2007.50 acres, more or less.

In exchange for these lands, the Federal government will acquire non-Federal land from Rod's Realtors described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 21 W.,
Sec. 9, all;
Sec. 15, all;
Sec. 17, all;
Sec. 5, lots 1 thru 4, S½N½, and S½;
Sec. 7, lots 1 thru 4, E½W½, and E½.
T. 26 N., R. 21 W.,
Sec. 19, lots 1 thru 4, E½W½, and E½;
Sec. 29, all;
Sec. 31, lots 1 thru 4, E½W½, anmd E½;
Comprising 5109.12 acres, more or less.

The purpose of the exchange is to acquire the non-Federal lands which contain critical desert bighorn sheep habitat, including lambing grounds. The non-Federal lands have therefore been listed according to their acquisition priority. The exchange is consistent with the Bureau's planning system. The public interest will be well served by making the exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made to equalize the value difference. Where a money payment is required to equalize values, the payment shall not exceed 25 percent of the value of the public interest being conveyed.

The terms and conditions applicable to the Federal lands to be exchanged are:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 319; 43 U.S.C. 945).

2. A reservation of all oil and gas to the United States with the right to

prospect for, mine and remove such deposits.

3. A reservation for a road easement 66 feet in width to the United States across the NE¼ Sec. 7 and NW¼ Sec. 8, T. 40 N., R. 15 W.

4. A reservation for powerline right-of-way AR–036027, as amended, under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1716).

5. A reservation for telephone right-of-way A–17642 under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1716).

6. Subject to all valid existing rights and those applications on record as of the date of this notice.

The terms and conditions applicable to the non-Federal land to be acquired are:

1. All minerals are reserved to the Santa Fe Pacific Railroad Company with the right of ingress and egress.

The publication of this notice in the **Federal Register** will segregate the public lands described herein to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As set forth in 43 CFR 2201.1(b), and subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publications in the Federal Register of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Shivwits Resource Area Office, 747 East St. George Boulevard, Suite 2, St. George, Utah.

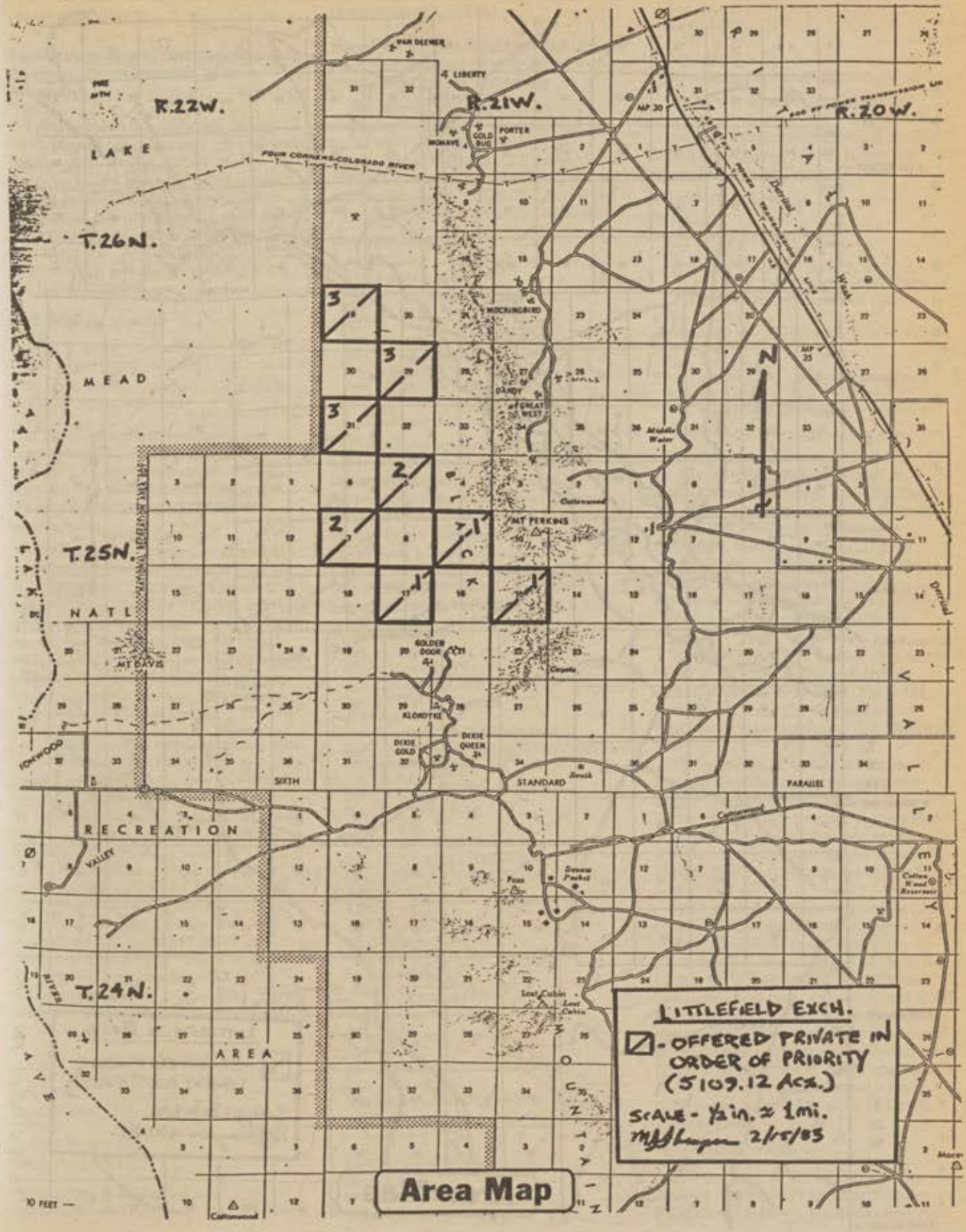
For a period of forty-five (45) days interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, P.O. Box 250, St. George, Utah 84770. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

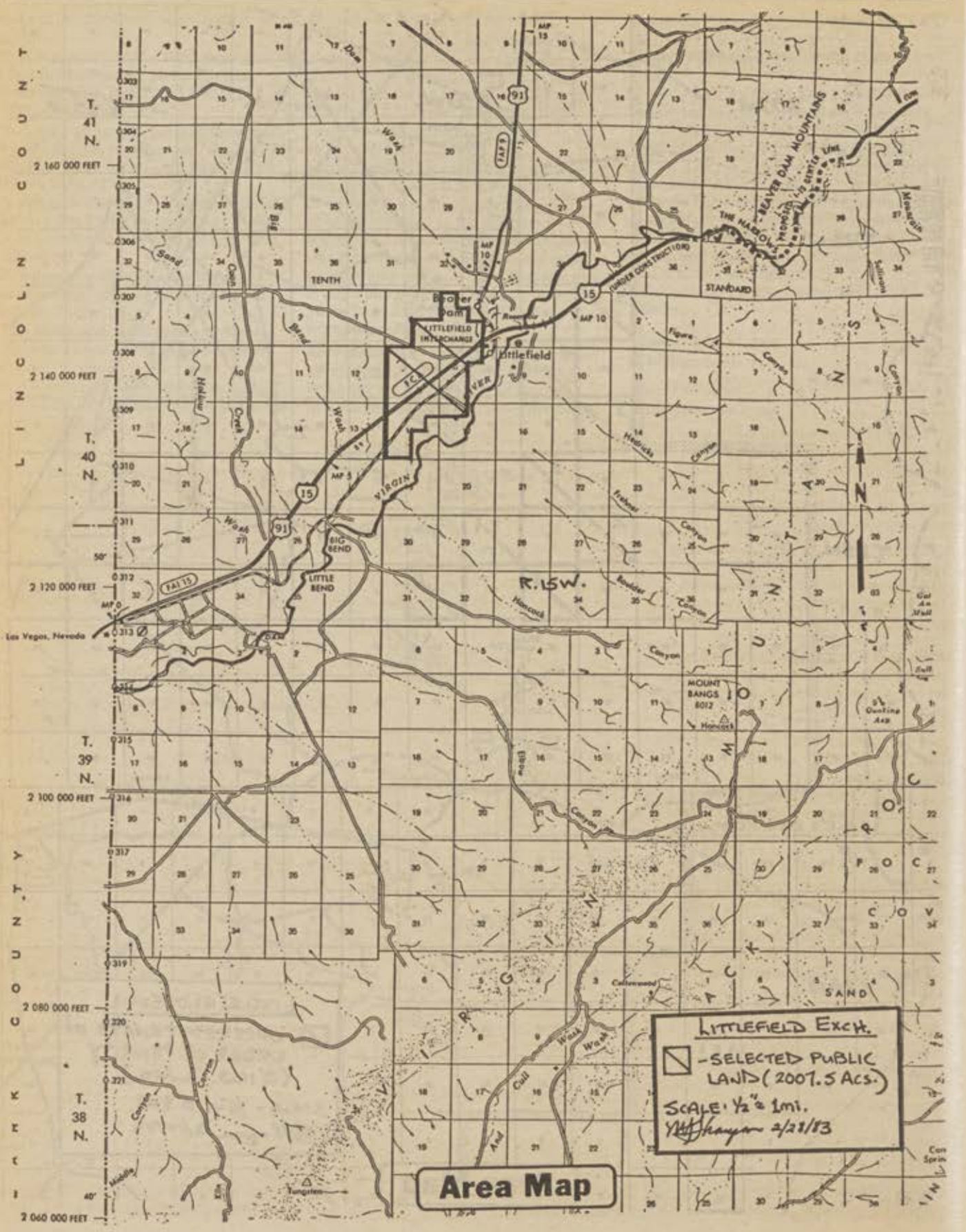
Dated: April 13, 1983.

G. William Lamb,

District Manager.

BILLING CODE 4310-84-M


R.22W.
R.21W.
R.20W.
T.26N.
T.25N.
T.24N.
LAKE
MEAD
NATL
RECREATION
AREA
FOUR CORNERS-COLORADO RIVER
VAN DERMER
LIBERTY
MOHAVE
GOLD BUG
PORTER
MOCKINGBIRD
DANDY
GREAT WEST
MT PERKINS
MT DAVIS
GOLDEN DOOR
KLONDYKE
DIXIE GOLD
DIXIE QUEEN
SIXTH
STANDARD
PARALLEL
TOPOCK
VALLEY
RIVER
Middle Wash
Cottonwood
Crystal
Grasshopper
Lost Cabin
Moore
LITTLEFIELD EXCH.
- OFFERED PRIVATE IN ORDER OF PRIORITY
(5109.12 Acs.)
SCALE - 1/2 in. = 1 mi.
MJ Shaughnessy 2/15/83
Area Map



[FR Doc. 83-11335 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-C

[Wyoming 068416]

Termination Small Tract Classification Wyoming Order Number 33 as Amended

1. Pursuant to the authority delegated by Bureau of Land Management Manual Section 1203, as supplemented, the Bureau of Land Management's Small Tract Classification, Wyoming Order Number 33, dated August 31, 1961 as amended on October 9, 1962, is hereby terminated in its entirety and effective immediately. The subject order covers the following land:

Sixth Principal Meridian

T. 40 N., R. 87 W.,
Sec. 13, SE¼SE¼SW¼NE¼.

The area described contains 2.5 acres in Natrona County, Wyoming.

2. The above described lands are segregated from all appropriations including locations under the mining laws, except as to applications under the Small Tract Act and the mineral leasing laws.

3. The small tract lease on this land, issued under the Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, terminated on October 31, 1976, and was replaced by a lease under Section 302 of the Act of October 21, 1976 (90 Stat., 2762; 43 USC 1732). These lands are now proposed for direct sale to the current lessee, and classification for small tract purposes is no longer proper.

4. Pursuant to the regulations set forth in 43 CFR 2450.6(a), the above classification is hereby terminated as set out in paragraph one of this notice. At 10:00 a.m. on May 30, 1983, the lands described above will be opened to operation of the public land laws, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations. All valid applications received at or prior to 10:00 a.m. on May 30, 1983, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Platte River Resource Area Manager, 951 Rancho Road, Casper, Wyoming 82601.

Terence W. Matchett,
Acting Area Manager.

[FR Doc. 83-11436 Filed 4-27-83; 8:45 am]
BILLING CODE 4310-84-M

[Exchange CA 13894]

Intent To Amend Scattered Blocks MFP and Realty Action; Public Lands in Humboldt County, California

The Bureau of Land Management, pursuant to 43 CFR 1600, proposes to amend the Scattered Blocks Management Framework Plan to allow for the transfer of certain tracts of land via exchange CA 13894. The following parcels of public land are so effected.

Humboldt Meridian

T. 1 S., R. 3 E.,
Sec. 1: Lots 5 and 6;
Sec. 12: Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 26: NW¼NE¼.
T. 1 S., R. 4 E.,
Sec. 7: Lots 2, 3, and 4, E½SW¼.
T. 2 N., R. 5 E.,
Sec. 7: SE¼SW¼, W½SE¼;
Sec. 17: N½SW¼, SW¼SW¼;
Sec. 18: W½NE¼, SE¼SE¼.

Containing 829.97 acres, more or less.

The following described public lands, subject to the amendment to the Scattered Blocks MFP, have been determined to be suitable for disposal under the provisions of Pub. L. 91–476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Homboldt Meridian

T. 1 S., R. 3 E.,
Sec. 1: Lots 5 and 6;
Sec. 12: Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 26: NW¼NE¼;
T. 1 S., R. 4 E.,
Sec. 7: Lots 2, 3, and 4, E½SW¼;
Sec. 18: NE¼NE¼, SW¼NE¼, SE¼NW¼;
Sec. 30: SE¼NW¼;
T. 3 S., R. 2 E.,
Sec. 20: SE¼NE¼;
Sec. 28: NW¼NW¼.
T. 2 N., R. 5 E.,
Sec. 7: SE¼SW¼, W½SE¼;
Sec. 17: N½SW¼, SW¼SW¼;
Sec. 18: W½NE¼, SE¼SE¼.
T. 3 N., R. 2 E.,
Sec. 26: NE¼SE¼.
T. 4N., R. 3 E.,
Sec. 7: Lot 2;
Sec. 13: NW¼SW¼;
Sec. 24: NE¼NE¼.
T. 4 N., R. 4 E.,
Sec. 17: NE¼SW¼.
T. 5 N., R. 4 E.,
Sec. 25: N½NE¼, SE¼NW¼.
T. 7 N., R. 3 E.,
Sec. 4: SW¼SE¼;
Sec. 8: NE¼NE¼;
Sec. 9: NW¼NE¼, SE¼NE¼, N½NW¼, SW¼NW¼;
Sec. 10: SE¼NW¼.
T. 9 N., R. 3 E.,
Sec. 15: N½SE¼, SW¼SE¼;
Sec. 22: Lot 1;
Sec. 28: NW¼NE¼.
T. 1 N., R. 1 W.,
Sec. 34: SW¼NW¼, NW¼SW¼, NE¼SE¼.
T. 12 N., R. 2 E.,
Sec. 39: Lot 4.

Containing 2,033.07 acres, more or less.

Richard J. Bosio, 2236 California Avenue, Modesto, California 95351, has applied to acquire the above described lands in exchange for the following described privately owned lands.

Humboldt Meridian

T. 3 S., R. 1 W.,
Sec. 10: NE¼SE¼;
Sec. 11: S½;
Sec. 12: NW¼SW¼, S½S½; and those portions of the SE¼NE¼, NE¼SW¼, N½SE¼ south of Bear Trap Creek;
Sec. 13: All;
Sec. 14: N½, N½SW¼, SE¼SW¼, SE¼.
T. 4 S., R. 1 E.,
Sec. 4: SW¼SE¼;
Sec. 9: W½NE¼, SE¼NE¼, SE¼;
Sec. 10: E½NE¼, S½;
Sec. 11: SW¼NW¼, SW¼.

Containing 2,785 acres, more or less.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface, unless previously reserved.

A right-of-way will be reserved to the State of California, Department of Transportation, T. 12 N., R. 2 E., H.M., Sec. 39, Lot 4, for the purpose of the Redwood Parks Bypass of U.S. Highway 101.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482. Any adverse comments will be evaluated by the State Director who may vacate or modify this action and issue a final determination. In the absence of any action by the State Director, the Notice of Intent and Notice of Realty Action will become a final determination of the Bureau of Land Management.

Purpose of Exchange

The purpose of the exchange is to acquire non-Federal lands within the King Range National Conservation Area

for more effective management. The exchange is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Resource Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

The value of the lands to be exchanged is approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

Van W. Manning,

District Manager, Bureau of Land Management, Ukiah District.

[FR Doc. 83-11378 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Outer Continental Shelf; Proposed Development and Production Plan; Intent To Prepare an Environmental Impact Statement; California

AGENCY: Minerals Management Service (MMS), Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report.

SUMMARY: Minerals Management Service, Pacific Outer Continental Shelf Region, Santa Barbara County, and the California State Lands Commission will prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Exxon Santa Ynez Unit/Las Flores Canyon Development and Production Plan (DPP) proposed for the western Santa Barbara Channel offshore Santa Barbara County, California.

The draft statement is scheduled for completion in December 1983. A Notice of Availabilitiy will be published in the **Federal Register** establishing dates for the comment period following public distribution of the draft. Federal, State, or local governments and interested groups or individuals needing further information should call Steve Alcorn at (213) 688-3377 or Buford Holt at (213) 688-2070. Those wishing to assist MMS in determining the scope of the Santa Ynez Unit EIS/EIR should write to: Reid T. Stone, Regional Manager, Minerals Management Service, Pacific OCS Region, 1340 West 6th Street, Los Angeles, CA 90017. Comments on the scope of the statement should be received no later than June 13, 1983.

SUPPLEMENTARY INFORMATION: The DPP proposes installation of up to four production platforms, subsea pipelines and power cables, expansion of gas processing facilities currently under construction in Las Flores Canyon and either expansion of the Offshore Storage and Treatment Vessel or installation of an onshore oil treatment facility in Las Flores Canyon and a nearshore marine terminal. The EIS/EIR will analyze the environmental consequences of the proposed project in compliance with the National Environmental Policy Act and California Environmental Quality Act. Significant issues to be discussed include: air quality, water quality, terrestrial and marine biota, endangered species, commercial fishing, cultural resources and land use. Alternatives to be considered include options to modify, defer, or disapprove the proposed DPP.

Robert G. Paul,

Acting Deputy Regional Manager, Pacific OCS Region.

[FR Doc. 83-11398 Filed 4-27-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Commission on Security and Economic Assistance

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the first meeting of the Commission on Security and Economic Assistance on May 13, 1983.

The purpose of the meeting is to commence the review of U.S. security and economic assistance in light of its goals and objectives, assess the modalities used and their effectiveness, and to advise the Secretary of State and the Congress of its findings and recommendations. A preliminary work plan to achieve this end will be reviewed. The Commission will also deliberate its own organization, and agenda for future meetings, and an agenda for public hearings.

The Commission will meet from 9:00 a.m. to 12:30 p.m. on May 13, 1983, in room 2168 Rayburn House Office Building, U.S. House of Representatives, Washington, D.C. The meeting is open to the public. Any interested person may attend. Written statements may be filed with the Commission in advance of the meeting.

Mr. John K. Wilhelm is the designated A.I.D. representative. Statements may be filed with him, or further information received by writing to him in care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or telephone him at 202/632-7800.

Dated: April 25, 1983.

John K. Wilhelm,

A.I.D. Representative Commission on Security and Economic Assistance.

[FR Doc. 83-11337 Filed 4-27-83; 8:45 am]

BILLING CODE 6116-01-M

Performance Review Board

The following persons have been appointed to AID's Performance Review Board:

Curtis W. Christenson—Chairman
Anson R. Bertrand
Charles L. Cladson
Mosina H. Jordan
Charles D. McMakin
Francis J. Moncada
Eugene S. Staples
William T. White
Ruth K. Zagorin

Jan Barrow,

Executive Secretary Performance Review Board Agency for International Development.

[FR Doc. 83-11350 Filed 4-27-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must

follow the rules under 49 CFR Part 1160, subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United states Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–189

Decided: April 20, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 167173, filed April 1, 1983. Applicant: ORANGE COAST SIGHTSEEING COMPANY, 851 East Cerritos Ave., Anaheim, CA 92805. Representative: James H. Lyons, 523 West 6th St., Suite 1216, Los Angeles, CA 90014, (213) 626–6451.Transporting *passengers,* in charter and special operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file and application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s), or petition for exemption for common control to Team 2, Room 2379.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167303, filed April 8, 1983. Applicant: CHARLES E. STRAW, d.b.a. C&S TRUCKING, 3222 Airport Rd., Nampa, ID 83651. Representative: Mark Perry, 236 Massachusetts Ave., NE, Suite 409, Washington, DC 20002. Transporting *Food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167343(A), filed April 11, 1983. Applicant: GARY BOOTH, d.b.a. GARY BOOTH TRUCKING, P.O. Box 31082, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle; and (3) *metal products,* between points in the U.S. (except AK and HI).

Note.—Part (3) is published in the **Federal Register,** this issue, with "regular applications."

MC 167393, filed April 11, 1983. Applicant: SELESTIN ARGENTIN, d.b.a. J.M.A. LIMOUSINE SERVICE, 20 Kossuth St., South Norwalk, CT 06854. Representative: Selestin Argentin (same address as applicant), 203–866–9075. Transporting *passengers,* in charter and special operations, between points in CT, NJ, and NY.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167403, filed April 14, 1983. Applicant: VAN TRANS, INC., South State St., Newtown, PA 18940. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07060, 201–757–3478. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–193

Decided: April 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 10302 (Sub-11), filed April 12, 1983. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Ave., New Haven, CT 06501. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., NW, Washington, DC 20004, 202–737–1030. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 138832 (Sub-10), filed April 13, 1983. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. (1) transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of WI, IL, MO, KS, CO, and NM

(except AK and HI), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (3) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Part (1) is published in the **Federal Register**, this issue, under the preface with "regular applications".

MC 167412, filed April 14, 1983. Applicant: CURTIS J. ANDERSON, d.b.a. R.U.S.T. TRUCKING, 11 Western Village, Minot, ND 58701. Representative: Curtis J. Anderson (same address as applicant), 701–838–1013. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 167423, filed April 15, 1983. Applicant: ANDRE COACHLINES, INC., 56 Oakland Rd., Brookline, MA 02146. Representative: Richard A. Andre, 41 Centre St., Brookline, MA 02146, 617–738–8562. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167442, filed April 15, 1983. Applicant: COLLECTIVE DISTRIBUTION SERVICES, INC., 3915 Saw Mill Run Blvd., Pittsburgh, PA 15227. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167443, filed April 15, 1983. Applicant: ROBERT D. SIMS, d.b.a. SIMS TRUCKING, 517–N. Main St., Sullivan, IL 61951. Representative: Robert D. Sims (same address as applicant), 217–728–8188. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–171

Decided: April 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 52334 (Sub-8), filed April 6, 1983. Applicant: BOISE-WINNEMUCCA STAGES, INC., 1105 LaPointe, Boise, ID 83701. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701, (208) 343–5454. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 61335 (Sub-21), filed April 1, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr. Bethlehem, PA 18017. Representative: W. C. Mitchell, 144 Ridge Rd., Wachung, NJ 07060, (201) 755–2023. Over *regular routes*, transporting *passengers* between Bethlehem, PA and Washington, D. C.: From Bethlehem, PA over U.S. Hwy 22 at Allentown, PA to the junction of PA Hwy 9 (Pennsylvania Turnpike), then over PA Hwy 9 to the I- Hwy 276 to the junction of I-Hwy 76 at King of Prussia, PA, then over I-Hwy 76 to the junction of U. S. Hwy 202 near Colonial Village, PA, then over U.S. Hwy 202 to the junction of U.S. Hwy 322, then over U.S. Hwy 202 to the junction of I-Hwy 95 at Concord, DE, then over I-Hwy 95 to Washington, D. C., and return over the same route, serving all intermediate points.

Note.—(1) Applicant seeks to provide regular-route service in interstate and foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route, and (2) Applicant intends to tack this authority to its existing authority in MC–61335.

MC 87855 (Sub-5(a)), filed March 28, 1983. Applicant: J. V. MOTOR LINES, INC., 87 Church Street, E. Hartford, CT 06118. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–8250. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 87855 (Sub-5(b)), filed March 28, 1983. Applicant: J. V. MOTOR LINES, INC., 87 Church Street, E. Hartford, CT 06118. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 08141, (617) 657–8250. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 125875 (Sub-4), filed March 31, 1983. Applicant: REAL TRANSIT CO., P.O. Box 343, Rords Rd., Rockaway, NJ 07866. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Over *regular routes*, transporting *passengers*, between Long Valley, NJ and New York City Port Authority Bus Terminal, serving all intermediate points: (1) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east over I-Hwy 80 to the intersection of NJ Hwy 23 and U.S. Hwy 46, then east over U.S. Hwy 46 to the intersection NJ Hwy 3, then east over NJ Hwy 3 to I-Hwy 495, then east over I-Hwy 495 to the New York City Port Authority Bus Terminal; (2) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east over I-Hwy 80 to the intersection of I-Hwy 95 in Teaneck, NJ, then south over I-Hwy 95 to the intersection of NJ Hwy 3 at Secaucus, NJ, then over NJ Hwy 3 to the intersection of I-Hwy 495, then over I-Hwy 495 through the Lincoln Tunnel to the New York City Port Authority Bus Terminal, and return over the same route; and (3) From the intersection of NJ Hwy 24 and County routes 513 and 517 at Long Valley, NJ, east along NJ Hwy 24 to the intersection of U.S. Hwy 206 near Chester, NJ, then north over U.S. Hwy 206 to the intersection of I-Hwy 80, then east along I-Hwy 80 to the intersection of I-Hwy 280, then east over I-Hwy 280 to the intersection of I-Hwy 95, then north over I-Hwy 95 to the intersection of NJ Hwy 3, then east over NJ Hwy 3 to the intersection of I-Hwy 495, then east over I-Hwy 495 through the Lincoln Tunnel to the New York Port Authority Bus Terminal, and return over the same route.

Note.—(1) Applicant receives governmental financial assistance for the purchase or operation of buses or is an operator for such a recipient and (2) applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 167124, filed March 29, 1983. Applicant: E. S. HUMBERT, d.b.a. E. S. HUMBERT TRUCKING, 9737 W. 57th Ave., Arvada, CO 80002. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002, (303) 424–1761. Transporting *food and other edible products and byproducts intended for human consumption*, (except alcoholic

beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167125, filed March 28, 1983. Applicant: LARRY GADDIS EVANGELISTIC ASSOCIATION, d.b.a. NEW HOPE CHARTER, Route 3, Box 261, Gastonia, NC 28052. Representative: Terrell Price, 600 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *passengers*, in special and charter operations, beginning and ending at points in NC, SC, VA, TN, and GA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167135, filed March 30, 1983. Applicant: RAYMOND O. WILLIAMSON, 68 Nutt Road, Auburn, NH 03032. Representative: Mark Perry, 236 Mass. Ave., NE, Suite 409, Washington, DC 20002, (202) 546–2298. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 167155, filed March 31, 1983. Applicant: CLIFTON M. BECK, d.b.a. CLIFF BECK, 923 White St., Jackson, MN 56143. Representative: Cliff Beck (same address as applicant), (507) 847–2503). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167214, filed April 4, 1983. Applicant: HAF INCORPORATED, P.O. Box 3043, Wilmington, DE 19804. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167335, filed April 11, 1983. Applicant: COACH CHARTER AND LEASING COMPANY, 200 Darlington Ave., Greenville, SC 29609. Representative: David D. Cantrell, Jr., P.O. Box 955, 209 E. First Ave., Easley, SC 29640, (803) 859–3317. Transporting *passengers*, in charter and special operations, beginning and ending at points in Greenville, Anderson, Spartanburg, Laurens, Pickens, Oconee, Cherokee, Newberry and Greenwood Counties, SC and extending to points in FL, AL, MS, LA, GA, SC, NC, TN, KY, VA, WV, OH, MD, PA, NY, NJ, DE, IL, MA, IN, RI, CT, VT, NH, ME, MI, TX and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–174

Decided: April 20, 1983.

By the Commission, Review Board No. 1. Members Parkers, Chandler, and Fortier.

MC 2934 (Sub-147), filed April 8, 1983. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods*, between points in the U.S., under continuing contract(s) with State Farm Mutual Automobile Insurance Co., of Bloomington, IL.

MC 124774 (Sub-150), filed April 4, 1983. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149035 (Sub-4), filed April 8, 1983. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, IA 52552. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives and household goods), between point in the U.S. (except AK and HI), under continuing contract(s) with J. A. Baldwin Manufacturing Company, of Kearney, NE, McIntosh Grain & Feed and Shoco Fertilizer, Inc., both of Great Falls, MT, and Italtractor America, Inc., of Addison, IL.

MC 151585 (Sub-4), filed April 4, 1983. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153634 (Sub-1), filed April 4, 1983. Applicant: LITTLE MONTANA TRANSPORTATION, 704 E. Front St., P.O. Box 3485, Bozeman, MT 59715. Representative: Rand E. Little (same address as applicant), (406) 586–4503. Transporting *food and related products*, between points in MT, OR, WA, ID, UT, CA, NV, CO, NM, WY, and AZ.

MC 161064, filed April 5, 1983. Applicant: NATIONAL BULK CARRIERS, INC., 207 S. 20th St., Belleville, IL 62221. Representative: Jon F. Hollengreen, 1029 Pennsylvania Bldg., Penn. Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 164765, filed April 5, 1983. Applicant: MAURICE TRANSPORTATION, INC., R. R. 3, Box 16, Winchester, IN 47394. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Detroit, MI.

MC 167185, filed April 1, 1983. Applicant: DONALD P. VERNON, d.b.a. VERNON TRANSPORTATION, 16049 State Rt. 14 A, Beloit, OH 44609. Representative: Richard J. Lolli 2045 Cherry Ave., Alliance, OH 44601, (216) 823–9170. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Sebring Forest Industries, of Sebring, OH.

MC 167205, filed April 4, 1983. Applicant: WILLIAMS FREIGHT SYSTEMS, INC., R. R. #1, Box 97E, Buzzel Rd., Sycamore, IL 60178. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953–0330. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

[FR Doc. 83-11314 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers: Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water

Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3-170

Decided: April 19, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 41915 (Sub-50), filed March 30, 1983. Applicant: MILLER'S MOTOR FREIGHT, INC., 1100 Lafayette Street, York, PA 17405. Representative: Christian V Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318.Transporting *food and related products,* between points in Cumberland County, PA, on the one hand, and, on the other, points in VA.

MC 110325 (Sub-189), filed April 4, 1983. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as applicant), (213) 640-1800.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with J. I. Case Company, of Racine, WI.

MC 123265 (Sub-14), filed March 28, 1983. Applicant: SANTRY TRUCKING COMPANY, a corporation, 10505 N.E. Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 S.W. Main St., Portland, OR 97204, (503) 224-5525.Transporting *talc,* between points in the U.S. (except AK and HI), under continuing contract(s) with Cyprus Industrial Minerals Company, of Englewood, CO.

MC 134534 (Sub-14), filed April 7, 1983. Applicant: BASTERRECHA DISTRIBUTING, INC., P.O. Box 485, Gooding, ID 83330. Representative: David E. Wishney, P.O. Box 837, Boise ID 83701, (208) 336-5955.Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Fleming Companies, Inc. of Salt Lake City, UT.

MC 142715 (Sub-116), filed April 6, 1983. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: Kenneth O. Petrick (same address as applicant), (612) 455-1844.Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Procter and Gamble Company of Cincinnati, OH.

MC 143085 (Sub-13), filed March 30, 1983. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 3725 W. Division, Springfield, MO. 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804 (417) 883-7311. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 148275 (Sub-11), filed April 7, 1983. Applicant: J.L. MC COY, INC., P.O. Box 520, Ravenswood, WV 26164. Representative: Andrew P. Damis, 600

55th St., Vienna, WV 26105. (304) 295–4834. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149604 (Sub-4), filed March 28, April 1983. Applicant: ACTION TRANSIT COMPANY, a corporation, Route 21 South P.O. Box 884, Mooresville, NC 28115. Representative: M. Diane Neal, 2230 Shepler Church Ave., S. W., P.O. Box 6270 Canton, OH 44706. (216) 456–4571. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163055 (Sub-1), filed March 25, 1983. Applicant: FOUR STAR CONSTRUCTION, INC., 7500 Tower Avenue, Superior, WS 54880. Representative: Dale K. Johnson (same address as applicant), (715) 394–9564. Transporting *lumber and stone products*, between points in CA, OR WA ID, MT, WY, CO, and SD, on the one hand, and on the other, points in WS, MN, MI, and IA.

MC 164355, filed March 28, 1983. Applicant: MANUEL E. MEDEIROS, d.b.a. MANUEL E. MEDEIROS TRUCKING COMPANY, 1884 Camacho Way, San Jose, CA 95132. (408) 262–7120 Representative: Richard L. McCartney, 2820 Telegraph Ave., Berkeley, CA 94705, (415) 462–0670. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Paper Company, of New York, NY, and Custom Rolled Corrugated Metals Co., of Albany, CA.

MC 165014, filed March 28, 1983. Applicant: PACIFIC NORTHWEST CARRIERS, INC., 8920 120 "A" St. (Holt Road), Surrey, B.C. Canada V3V 4H2. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between ports of entry on the United States-Canada Boundary Line in WA, ID, MT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MIT, NM, NV, OR, UT, WA, and WY.

MC 165354, filed March 28, 1983. Applicant: KIM W. LOWARY, P.O. Box 1252, Aberdeen, SD 57401. Representative: Joseph A. Nemecek, 1992 Susan Avenue, Neenah, WS 54956, (414) 731–5869. Transporting *food and related products, paper and paper products*, between points in WI, on the one hand, and, on the other, points in AZ, CA, NV, OR and WA.

MC 167115, filed March 28, 1983. Applicant: T. J.'S TRUCKING, INC., 10709 S. 49 Mile Road, Cadillac, MI 49601. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4220. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Lake Country Distributors, Inc., (2) Harris Quality Beverage Company, and (3) Cadillac Moulded Rubber, Inc., all of Cadillac, MI, (4) Ameel Distributing Company, Inc., and (5) Jack and (6) Bill Wicksall Distributors, Inc., both of Traverse City, MI, (7) Manton Industries, Inc., of Manton, MI.

MC 167145, filed March 29, 1983. Applicant: RIVER SERVICES, INC., P.O. Box 1694, Savannah, GA 31402. Representative: John Joseph Lyons, 712 East 46th Street, Savannah, GA 31405, (912) 354–8642. Transporting *pulp, paper and related products*, and *chemicals and related products*, between points in the U.S., under a continuing contract(s) with Union Camp Corp., of Savannah, GA.

MC 167165, filed March 30, 1983. Applicant: ARCHDALE TRUCKING COMPANY, Route 4, Box 991, High Points, NC 27263. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, GA, and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167285, filed April 8, 1983. Applicant: PAGDIN ENTERPRISES, INC., d.b.a. ADEPT TRANSPORT COMPANY, 1700 W. Grand Ave., Oakland, CA 95607. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579, (415) 357–6236. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, under continuing contract(s) with Pacific Coast Wholesalers' Association and California Manufacturers Freight Association both of Los Angeles, CA, Peterbilt Motors Co. of Madison, TN and Riss Intermodal of South Kearney, NJ.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–188

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 150812 (Sub-8), filed April 12, 1983. Applicant: FROST TRANSPORTATION, INC., 6701 Greenwood Rd., P.O. Box 3400, Shreveport, LA 71103. Representative: Raymond Talipski, 122 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Harrison, Dallas, and Lubbock Counties, TX, and points in LA and AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157652 (Sub-1), filed March 24, 1983. Applicant: PROTECTIVE FOOD SERVICES, INC., 8242B Sandy Court, Jessup, MD 20794. Representative: Walter T. Evans, 17 West Jefferson St., Suite 105, Rockville, MD 20850 (301) 251–1606. Transporting *such commodities* as are dealt in or used by grocery food and drug business houses, between Jessup, MD, on the one hand, and, on the other, points in Berkely and Jefferson Counties, WV.

MC 159333 (Sub-2), filed April 1, 1983. Applicant: McINVALE FREIGHT LINES, INC., 5965 Highway 18 S, Jackson, MS 39209. Representative: W. M. McInvale (same address as applicant), (601) 922–2020. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, AZ, CA, CO, CT, FL, GA, ID, IL, IN, KY, LA, MD, MA, MI, MO, MS, NC, NJ, NV, NM, NY, OH, OK, OR, PA, SC, TN, TX, VA, WA, WI, WV, and DC.

MC 165773, filed April 8, 1983. Applicant: GENESIS TRANSPORTATION CO., INC., 2900 Kage Rd. Cape Girardeau, MO 63701. Representative: Kermit J. Meystedt, P.O. Box 291, Cape Girardeau, MO 63701, (314) 335–2275 or 800–325–0210. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, KS, KY, MO, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167343(B), filed April 11, 1983. Applicant: GARY BOOTH, d.b.a. GARY BOOTH TRUCKING, P.O. Box 31082, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting, (1) for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions);

(2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owner of the motor vehicle in such vehicle; and (3) *metal products*, between points in the U.S. (except AK and HI).

Note.—Parts (1) and (2) are published in the **Federal Register**, this issue, with "fitness applications".

Volume No. OP2–190

Decided: April 18, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 107012 (Sub-813), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Rogers Corporation, of Rogers, CT.

MC 107012 (Sub-814), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46818. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Alpha Industries, Inc., of Woburn, MA.

MC 142332 (Sub-9), filed February 22, 1983. Applicant: R-LIL TRUCK COMPANY, INC., 900 Easy St. W., Camano Island, WA 98292. Representative: George LaBissoniere, 15 So. Grady Way, Ste. 235 Evergreen Bldg., Renton, WA 98055, (206) 228–3807. Transporting, (1) *such commodities* as are dealt in or used by grocery, drug and food business houses, between points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture of grinding materials, between points in WA, IL, MA, NJ, and NY.

MC 148833 (Sub-12), filed March 21, 1983. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting, *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Yankee Express, Inc., of Perry, IA.

Volume No. OP2–192

Decided: April 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 88203 (Sub-16), filed April 15, 1983. Applicant: OTIS WRIGHT & SONS, INC., 700 East Wayne St., P.O. Box 277, Lima, OH 45802. Representative: O. Roger Wright (same address as applicant), 419–227–4400. Transporting *general commodities* (excect classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 118193 (Sub-2), filed April 14, 1983. Applicant: RILEY TRUCKING COMPANY, INC., 2221 Shenandoah Ave. NW, Roanoke, VA 24005. Representative: Wilmer B. Hill, 1030 15th St., NW., Suite 366, Washington, DC 20005, 202–296–5188. Transporting *such commodities* as are dealt in or distributed by chain grocery stores and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with The Kroger Company, of Cincinnati, OH.

MC 136832 (Sub-10), filed April 13, 1983. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. (1) transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of WI, IL, MO, KS, CO, and NM (except AK and HI), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (3) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Parts (2) and (3) are published in the **Federal Register**, this issue, under the preface with "fitness applications".

MC 163752 (Sub-1), filed April 15, 1983. Applicant: TOTAL TRANSPORTATION CORPORATION, 429 Moon-Clinton Rd., Coraopolis, PA 15108. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167353, filed April 11, 1983. Applicant: ROYAL PARK, INC., 777 Hines Place, Dallas, TX 75235. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–248

Decided: April 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 165596, filed January 10, 1983, previously noticed in the **Federal Register** of February 10, 1983. Applicant: ATLANTIC OVERLAND, INC., 12 Elm St., Rockland, ME 04841. Representative: John M. Kinnealey (same address as applicant), (207) 594–5935. Transporting *meats, meat products and frozen foods*, between Boston, MA, on the one hand, and, on the other, points in NY, ME, NH, VT, RI, and CT, under continuing contract(s) with T. F. Kinnealey & Co., Inc., of Boston, MA.

Note.—The purpose of this republication is to reflect the above authority as a contract carrier.

[FR Doc. 83–11313 Filed 4–27–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP3–173]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 20, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275-5223.

MC 144394 (Sub-1X), filed April 13, 1983. Applicant: HOOK UP LTD, 390 Evans Ave., Toronto, Ontario, Canada M8Z 1K6. Representative: John L. Trigilio, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. Lead Certificate: (1) broaden commodity to "machinery and equipment", from "self-propelled industrial and construction machinery and equipment (except trucks designed for the transportation of property over the highways)"; (2) remove the driveway service restriction; and (3) remove the foreign commerce restriction.

[FR Doc. 83-11312 Filed 4-27-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commissions's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 31; 1983. Petitions for reconsideration must be filed by May 18, 1983. Petitions for stay must be filed by May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decisions(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: April 20, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15033]

Ligon Transport, Inc.—Purchase Exemption—Ligon Specialized Hauler, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Carl U. Hurst, Esq., P.O. Box 691, Madisonville, KY 42431. Pleadings should refer to No. MC-F-15033. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Ligon Transport, Inc., (Transport) (MC-109462) of that portion of the operating authorities of Ligon Specialized Hauler, Inc., (Specialized) set forth in Certificate No. MC-119777 (Sub-Nos. 515, 516, 517, and 528), authorizing the irregular-route transportation of general commodities (except classes A and B explosives), between points in Pike, St. Charles, and St Louis Counties, MO, and St. Clair County, IL, on the one hand, and, on the other, points in the United States and that portion of Sub-No. 526X, superseding Sub-No. 168, authorizing the regular-route transportation of general commodities (except classes A and B explosives), between Clarksville, MO, and East St. Louis, IL, serving various intermediate and off-route points, and the control by Herbert A. Ligon, Jr., who controls Transport, of such rights through the purchase. Transport and Specialized are affiliated through common ownership with each other and with (1) Ligon Trnsportation Company of Kentucky (MC-117109), and (3) Ligon Transportation Company of Tennessee (MC-127834), and (3) Ligon Transportation Company of Georgia (MC-35045).

[No. MC-F-15059]

Corporate Transport, Inc.—Purchase Exemption—Sigma—4 Express, Inc., (James K. McNamara Trustee in Bankruptcy)

Addresses: Send pleadings to: (1) Motor Section, Room, 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: James T. Darby, 1021 Irving Avenue, Colonial Beach, VA 2443. Pleadings should refer to No. MC-F-15059. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission from the requirement of prior review and approval under 49 U.S.C. 11343(a) the purchase by Corporate Transport, Inc. (Corporate) (MC-144189), of that portion of the operating rights of Sigma-4 Express, Inc., set forth in Certificate No. MC-125023 (Sub-Nos. 19, 27, 33, 40, 44, 49, 53, 54, 60, 74, 75, and 79, which collectively authorized the irregular-route transportation of malt beverages from and to various points and States located primarily east of the Mississippi River.

[No. MC-F-15077]

Gene F. Lacaeyse d.b.a. G. F. Lacaeyse Transport—Purchase Exemption—Wenger Truck Line, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Pleadings should refer to No. MC-F-15077. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquistion by Gene F. Lacaeyse, d/b/a/ G. F. Lacaeyse Transport, of the interstate operating rights of Wenger Truck Line, Inc., contained in No. MC-109818 [Sub-Nos. 25, 34, 44, 55, 56, and paragraphs (1) and (3) of Sub-No. 95X]; and we also exempt the tacking, by Lacaeyse, of the operating rights being acquired from Wenger, to the operating rights presently held by Lacaeyse.

[FR Doc. 83-11317 Filed 4-27-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 31, 1983. Petitions for reconsideration must be filed by May 18, 1983. Petitions for stay must be filed by May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW. Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800 424-5403) Toll-free outside the DC area.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15080]

Air Meridian, Inc.—Control Exemption—McBride Express, Inc., and F.M.S. Transportation, Inc.

Address: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: Richard H. Streeter, Esq., 1729 H. Street Northwest, Washington, D.C. 20006, Comments should refer to No. MC-F-15080. Decided: April 21, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition of control of McBride Express, Inc., (MC-112049) and F.M.S. Transportation Inc., (No. MC-139206) by Air Meridian, Inc, and, in turn, G. Leonard Rochon who controls Meridian. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett concurred except for the second ordering paragraph.

[No. MC-F-15088]

East Penn Trucking Company—Purchase (Portion) Exemption—Foodtrain, Inc.

Addresses: Send pleadings to: (1) Motor Section, Room 2353, Interstate Commerce Commisson, Washington, D.C. 20423, and (2) Petitioner's representative: William A. Chesnutt: P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108-1166. Pleadings should refer to No. MC-F-15088. Decided: April 21, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by East Penn Trucking Company (MC-135237 and MC-139255) of a portion of the operating rights of Foodtrain, Inc. (MC-141776), authorizing the transportation of (1) food and related products, and (2) metal articles, from, to and between points in 27 States and the District of Columbia. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett concurred except for the fourth ordering paragraph.

[FR Doc. 83-11318 Filed 4-27-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subjects to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquries to Team 1, (202) 275-7992.

Volume No. OP1-FC-149

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81381. By decision of April 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Review Board Number 2 approved the transfer to UNITED EXPRESS Division of United Foods, Inc., Bells, TN, of Certification No. MC-144640 (Sub-No. 4), issued September 23, 1982, to AGRICULTURAL SERVICES ASSOCIATION, INC., Bells, TN, authorizing the transportation of general commodities (except classes A and B explosives, commodities in bulk and household goods), between points in the United States (except Alaska and Hawaii). Temporary authority application has been filed. Applicants' representative: William J. Augello, 120 Main Street, Huntington, NY 11743.

Volume No. OP1-FC-150

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-81389. By decision of April 19, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to JOY P. GODWIN, d.b.a. NUWAY TRUCKING COMPANY, Kelford, NC, of Certificate No. MC-157140 issued May 17, 1982, and MC-157140 (Sub-No. 2) issued April 7, 1983, and Permit No. MC-157140 (Sub-No. 1), issued December 15, 1982, to TRICO EQUIPMENT INCORPORATED, Ahoskie, NC, authorizing, respectively, the transportation over irregular routes, of lumber and wood products, between points in Hertford County, NC, on the one hand, and, on the other, Norfolk and Virginia Beach, VA, metal and metal products, and lumber and wood products, between Baltimore, MD, Philadelphia, PA, to points in NC, SC, and VA, and points in Chester County, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, and building materials, and lumber and wood products, between points in the U.S., under continuing contract(s) with Commonwealth Wood Preservers, Inc., of Newport News, VA. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-MCFC-177

Decided: April 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-80151. By decision of April 15, 1983, issued under 49 U.S.C. 10926 and transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to MARGO BYBEE, d/b/a/ NYSSA AIR SERVICE, of Nyssa, OR, of paragraphs (1)(h) and (1)(u) of Certificate No. MC-138875 (Sub-No. 309)X and its underlying authority set

forth in Certificate No. MC-138875 (Sub-Nos. 102 and 294) issued October 27, 1981, August 11, 1978, and June 17, 1981, respectively, to SHOEMAKER TRUCKING COMPANY (Loren Wetzel, trustee in bankruptcy), authorizing the radial transportation of such commodities as are dealt in by grocery and food business houses and food and related products (1) between points in ID and points in Malheur County, OR, and points in CA; and (2) between points in CA, OR, and WA, and points in ID and UT. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701.

MC-FC-81259. By decision of April 15, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to L-WAY, INC., Celina, OH, of Certificate No. MC-156105, issued December 24, 1981, to CELINA MOVING & WAREHOUSING, INC., Celina, OH, authorizing the transportation *of household goods*, between points in OH, KY, IN, IL, MI, PA, NY and NJ. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902, (301) 649-5074.

[FR Doc. 83-11321 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of vehicles

Decided: April 21, 1983.

Bulkmatic Transport Company (No. MC-128205), and C. S. Transport, Inc., (No. MC-156484) and Precision Bulk transport, Inc. and Frigo Freight, Inc., (both not authorized) petition for waiver of subpart B (Section 1057.11 and 1057.12) except paragraphs (b) and (c) of section 1057.11, of the *Lease and Interchange of Vehicle Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We find:

The petitioners are commonly controlled as authorized in No. MC-F-14678, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. also, granting this waiver has no affect on the application of the leasing regualtions concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent pettitoners' purpose of providing more efficeint and economical operations, as well as other cost savings.

It is ordered.

The petition of Bulkmatic Transport company (No. MC-128205), C. S. Transport, Inc., (No. MC-156484), Precision Bulk Transport, Inc., (not authorized) and Frigo Freight, Inc., (not authorized) for waive of Subpart B of the leasing regulations except paragraphs (b) and (c) of Section 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the leassee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragaph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

The waiver granted in this decision does not affect the application of the leasing regulations to a lease between and owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11315 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[No. 39108 and No. 39214]

Motor Carriers; Merchants Home Delivery Service of Texas, Inc.—Petition for Exemption From Tariff Filing Requirements; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of a notice of provisional exemption.

SUMMARY: Notice of provisional exemption was incorrectly published as being requested in No. 39108 and No. 39108 (Sub-No. 1) on March 31, 1983. Footnote 1 at 48 FR 13519 should be corrected to read:

[1] This proceeding embraces a petition for exemption filed by Merchants Home Delivery Service, Inc., in No. 39214.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 275-7941, or Howell I. Sporn, (202) 275-7691.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was not tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11320 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[OP2-191]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commision during usual business hours.

Decided: April 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15242]

Petitioners

William E. Benckart and W. E. Benckart, Jr.—Continuance in Control Exemption—Moon Freight Lines, Inc., Mid-South Freight Lines, Inc., Louis Shannon, Inc., and Stone Belt Freight Lines, Inc. William E. Benckart and W. E. Benckart, Jr., seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Moon Freight Lines, Inc. (No. MC-16903) Mid-South Freight Lines, Inc. (No. MC-155372) Louis Shannon, Inc. (No. 154707), and Stone Belt Freight Lines, Inc. (No. MC-120843). Send comments to: (1) Motor Section Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners representative: Mr. Donald W. Smith, P.O. BOX 40248

Indianapolis, IN 46240. Comments should refer to No. MC–F–15242.

[FR Doc. 83-11319 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30157]

Rail Carriers; Baltimore & Ohio Railroad Co.—Operation—Over Curtis Bay Railroad Co.—Exemption

April 22, 1983.

The Baltimore and Ohio Railroad Company (B&O) and its wholly owned subsidiary, the Curtis Bay Railroad Company (Curtis Bay), have notified the Commission that B&O intends to operate the properties of Curtis Bay consisting of a 0.15 mile line of railroad in Baltimore, MD. Curtis Bay, a terminal switching carrier, now conducts its own operations, handling cars in interchange with B&O. Under the proposal, B&O will operate the properties of Curtis Bay in the name and for the account of B&O, will directly serve Curtis Bay's patrons, and will provide them with service similar to that presently furnished by Curtis Bay.

This transaction is within a corporate family and comes within that class of transactions described in 49 CFR 1180.2(d)(3) which has been exempted from Commission regulation. Operation of this line by B&O will not result in changes in service levels, significant operational practices, or the competitive balance with carriers outside the corporate family.

As a condition to the use of the exemption, any B&O or Curtis Bay employees affected by the transaction shall be protected pursuant to *New York Dock Ry.—Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11316 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 21, 1983.

Container Express Inc. (No. MC–152180), and A & G Express Inc. (Certificate and Permit Nos. MC–151622), petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find:

The petitioners are commonly controlled as authorized in No. MC–F–14852, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It is ordered:

The petition of Container Express Inc. (No. MC–152180) and A & G Express Inc. (Certificate and Permit Nos. MC–146891) for waiver of Subpart B of the leasing regulations is granted, but only with respect to equipment augmented between petitioners.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11311 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Norfolk and Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in thses instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board[1]	Decided date
904	Norfolk and Western Railway Co., ICC-NW-C-0056, (vegetable oil)	1	4-21-83
905	Norfolk and Western Railway Co., ICC-NW-C-7002, Supplement 1, (iron ore) via Port of Huron, OH	2	4-21-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-11151 Filed 4-27-83; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel (Interdisciplinary Arts Activities and Challenge/Advancement); 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 Expansion Arts Advisory Panel (Interdisciplinary Arts Activities & Challenge/Advancement) to the National Council on the Arts will be held on May 17–19, 1983, from 9:00 a.m.–5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 17, 1983, from 9:00 a.m.–10:00 a.m. to discuss overview of program.

The remaining sessions of this meeting on May 17, 1983, from 10:00 a.m.–5:30 p.m. and May 18–19, 1983, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended.

including discussion of information given in 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83-11300 Filed 4-27-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Composers Section); 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 (Composers Section) to the National Council on the Arts will be held on May 24–26, 1983, from 9:00 a.m.–5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on May 25, 1983, from 2:30 p.m.–4:00 p.m. to discuss guidelines and policy.

The remaining sessions of this meeting on May 24, 1983, from 9:00 a.m.–5:30 p.m.; on May 25, 1983 from 9:00 a.m.–2:30 p.m. and from 4:00 p.m.–5:30 p.m.; and on May 26, 1983, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83-11308 Filed 4-27-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Painting Section); 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 Visual Arts Advisory Panel (Painting Section) to the National Council on the Arts will be held on May 16–20, 1983, from 9:00 a.m.–5:30 p.m. in Room 716–718 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

This meeting is 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 20, 1983.

[FR Doc. 83-11307 Filed 4-27-83; 8:45 am]

BILLING CODE 7537-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–19702]

Advisory Committee on Tender Offers; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Tender Offers.

SUMMARY: This is to give notice that the Securities and Exchange Commission Advisory Committee on Tender Offers will conduct a meeting on May 13, 1983 in the Board of the New York Stock Exchange, 6th floor, 11 Wall Street, New York, New York, beginning at 10:00 a.m. This meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: David Martin, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202–272–2573).

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), the Securities and Exchange Advisory Committee on Tender Offers[1] gives notice that it will conduct a meeting on May 13, 1983 in the Board Room of the New York Stock Exchange, 6th Floor, 11 Wall Street, New York, New York, beginning at 10:00 a.m. The meeting, which will be open to the public, will be the third meeting of the Advisory Committee. Its purpose and agenda will be to consider the issues set forth below and to receive reports from various working groups on such issues. The Committee also will be addressed by John M. Hignett, Director-General of London's Panel on Take-Overs and Mergers. Subsequent meetings are scheduled for June 10 and July 8, 1983 in Room 1C30 at the Commission's main offices, 450 Fifth Street, NW., Washington, D.C.

Issues To Be Addressed

I. *Basic Objectives.* Who should be protected under federal securities laws in tender offer transactions and other acquisitions of corporate control? What should be the objectives of regulation that achieves such protection? What premises should govern the balancing of these objectives?

II. *Economies of Tender Offers.* What economic factors affect the number, size and other characteristics of tender offers? What are the anticipated economic effects on the number, size and other characteristics of tender offers of changing the current regulatory scheme? What are the economic implications of tender offers and other acquisition techniques on the economy in general and specifically with respect to bidders, subject companies, investors and the securities markets?

III. *Regulation of Acquistion of Corporate Control.* What should be the primary purposes of the federal securities laws with respect to acquistions of corporate control? What changes are needed in the current regulatory scheme? Should timing and

[1] The Advisory Committee was established on February 25, 1983. *See* Release No. 34–19528 (48 FR 9111).

informational requirements continue to be the primary objectives? To what extent should equality of treatment and substantive fairness be regulatory objectives?

IV. *Regulation of Opposition to Acquisitions of Corporate Control.* Should the "business judgment" rule continue to be the principal substantive standard governing opposition to acquisitions of corporate control? Should there be substantive regulation of opposition in general or specifically with respect to particular defensive practices such as "scorched earth" polices, "golden parachute" provisions, sales of "crown jewels", "shark repellent" provisions, and issuer repurchases of securities at a premium?

V. *Regulation of Market Participants.* Is there a need for substantive regulation of market participants in connection with acquisitions of corporate control, particularly with respect to short, hedge, or multiple tendering? If so, what regulation is appropriate?

VI. *Interrelationships with Other Regulatory Schemes.* What is the proper relationship between federal and state securities and corporate laws with respect to acquisitions of corporate control? To the extent the federal securities laws governing acquisitions of corporate control interrelate with other federal and state regulatory schemes, such as laws applicable to tax, banking, antitrust, employee benefit plans or regulated industries, is there a need for substantive or procedureal coordination?

Dated: April 25, 1983.

George A. Fitzsimmons,

Advisory Committee Management Officer.

[FR Doc. 83-11358 Filed 4-27-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0319]

CFB Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 611 *et seq.*) has been filed by CFB Venture Capital Corporation, 350 California Street, Mezzanine, San Francisco, California 94104-1476 with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors and stockholders of the applicant are as follows:

Yoshiaki Shibusawa, 14975 Corona del Mor, Pacific Palisades, CA 90272, President and Director

Yoji Anzia, 2707 San Clemente Terrence, San Diego, CA 92122, Vice President

Pieter Westerbeek III, 1608 Columbia Street, Chula Vista, CA 92010, Chief Financial Officer

Donald R. Meyer, 1115 Keith Avenue, Berkeley, CA 94708, Secretary

Ikkan Kitazawa, 261 San Ferrango May, San Francisco, CA 94127, Director

Shiro Wokabayashi, 835 Masswood Lane, Millbrae, CA 94030, Director

Armistead B. Smith, Jr., 5484 Caminito San Lucas, La Jolla, CA 92037, Director

Ronald H. Kendrick, 156 Lambard Street, No. 12, San Francisco, CA 94111, Director

California First Bank, 350 California Street, San Francisco, CA 94104-1476, 100% Stockholder

The applicant, a California corporation, with its principal place of business at 350 California Street-Mezzanine, San Francisco, California 94104-1476 will begin operations with $1,000,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of proposed managers, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 15, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-11368 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0188]

Mercantile Dallas Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Mercantile Dallas Corporation, 1704 Main Street, Texas 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to section 312 of the Act and covered by § 107.1004(b)(1) of the Regulations governing small business investment companies (13 CFR 107.1004 (1983)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensee proposes to purchase $500,000 in non-convertible, non-voting preferred stock from Home Metal Product (HMP), 730 Central Expressway, Plano, Texas 75074. The proceeds from the purchase of the preferred stock will be used to pay down the outstanding balance of debt to Mercantile Texas Credit Corporation (MTCC) in the name of Bel-Air Corporation, parent of HMP. MTCC is defined as an Associate of the Licensee under Section 107.3 of the SBA Regulations, because MTCC is a subsidiary of Mercantile Dallas Corporation, a 10 or more percent stockholder of the Licensee. The Licensee's proposed investment in HMP falls within the purview of § 107.1004 of the Regulations and requires SBA approval.

Notice is hereby given that any interested party may, not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas and Plano, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-11370 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5214]

Progressive Funding, Inc.; Issuance of License To Operate as a Small Business Investment Company

On November 23, 1982, a notice was published in the **Federal Register** (47 FR 52841), stating that an application had been filed by Progressive Funding, Inc., 920 S. Ocean Blvd., Palm Beach, Florida 33480, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)).

Interested parties were given until the close of business December 8, 1982, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 04/04-5214, April 1, 1983, to Progressive Funding, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-11309 Filed 4-27-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/623]

Integrated Services Digital Network (SDN) Technical Working Party of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Technical Working Party of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT) will meet on three consecutive days beginning May 10 at 10:00 a.m. in Room 1406, May 11, at 9:00 a.m. in Room 1406 and May 12 at 9:00 a.m. in Room 1406 of the Department of State, 2201 C Street, NW., Washington, D.C. This Working Party deals with the evolution of ISDN.

The agenda for the meeting is as follows:

1. To review proposed contributions for the June 1983 Study Group XVIII meeting;

2. To prepare draft contributions and or positions for the Study Group XVIII meeting resulting from:

a. ISDN Working Party Meeting of April 27;

b. Foreign Contributions to Study Group XVIII;

c. Results of XII/6 Working Party meeting.

The results of this Technical Working Group meeting will be submitted to the U.S. CCITT ISDN Working Party meeting planned for June 2, 1983.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to May 10 members of the general public who plan to attend the meeting so advise Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-6583. All attendees must use the C Street entrance to the building. Entry will be facilitated 15 minutes before and after the meeting begins.

Dated: April 15, 1983.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 83-11303 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice, CM-8/624]

Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultation Committee (CCIR) will meet on May 13, 1983 in Room 521J of the National Aeronautics and Space Administration, 600 Independence Avenue, SW., Washington, D.C. 20546. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic) and to interference problems concerning the radio astronomy and radar astronomy services. The purpose of the meeting is to discuss the upcoming cycle of the CCIR and preparations for the international meeting of Study Group 2 in November-December, 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Richard E. Shrum, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: April 14, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-11304 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-24-M

[Public Notice CM-8/625]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Wednesday, June 15, 1983, 9:30 a.m., in Conference Room 2722B, Department of State Building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Participants

II. Greetings from the Department of State

III. Status Report of the 1982-1983 Program

IV. Local Fund-Raising Programs of the Schools and Activities of Regional School Associations

V. Progress Report of Council's Program "Improving Educational Opportunities Abroad for Dependents of U.S. Government, Corporations and Foundation Employees

VI. Council Communications with U.S. Business and Foundations

VII. Selection of Date for Council's Annual Meeting

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Joyce Bruce, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9600, prior to June 15. The public may participate in discussions at the Chairman's instructions.

Dated: April 15, 1983.

Ernest N. Nannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 83-11305 Filed 4-27-83; 8:45 am]

BILLING CODE 4710-24-M

TENNESSEE VALLEY AUTHORITY

Revisions to Procedures Implementing the National Environmental Policy Act (NEPA) and Executive Order Nos. 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice.

SUMMARY: TVA has adopted amendments to its internal procedures for compliance with the National Environmental Policy Act originally published at 45 FR 54511–15 (1980) and its "Floodplain Management and Protection of Wetlands" procedures originally published at 44 FR 45513–17 (1979). Revisions of these procedures incorporate, among other things, special review requirements relating to floodplain management and protection of wetlands. TVA's separate procedures for floodplain management and protection of wetlands are eliminated except for a modified form of TVA's policy of floodplain management and protection of wetlands.

FOR FURTHER INFORMATION CONTACT: Mohamed T. El-Ashry, Tennessee Valley Authority, TVA Mailroom, Knoxville Tennessee 37902; (615) 632–2007 or FTS 856–2007.

SUPPLEMENTARY INFORMATION: TVA published the proposed amendments for comment on December 3, 1982, at 47 FR 54586–93, and the comment period closed on January 3, 1983. The amendments as proposed have been adopted with one minor change noted herein, and the December 3 notice is hereby integrated.

During the comment period only one comment was received. The Soil Conservation Service (SCS) recommended that for important farmland TVA utilize the special evaluation process TVA has established for floodplains and wetlands in section 5.7 of the procedures. SCS correctly notes that in addition to wetlands, floodplains, and other identified resources, "important farmland" is listed as an environmentally significant resource requiring special consideration in section 5.2 of the procedures. Under section 5.2, an action which could have a potentially significant impact on important farmland is precluded from being categorically excluded, thereby requiring prepartion of an environmental assessment or environmental impact statement.

TVA has decided against adopting SCS's suggestion at this time. If experience with important farmland impact evaluation shows that TVA's overall environmental impact evaluations process would be made more effective by incorporating a specialized farmland-impact evaluation process into its NEPA procedures, an appropriate revision will be made. In the interim, potential impacts on important farmland will continue to be evaluated in the context of TVA's general NEPA review process.

TVA's procedures, as amended, were reviewed and concurred in by the Council on Environmental Quality (CEQ) on February 17, 1983. CEQ suggested that a reference to 40 CFR 1502.19(d) be inserted in section 5.4.11 of the revised procedures after the reference to 40 CFR 1502.12. TVA agrees with this suggestion and section 5.4.11 has been amended accordingly.

TVA's policy on floodplain management and protection of wetlands, as published in the December 3 **Federal Register** notice, has been adopted with three minor changes. The first part of the last sentence of the third paragraph of the policy is revised as follows: In its own activities, TVA applies this commitment to its own facilities and to broad agency program reviews, as well as * * *.

The second sentence of the fifth paragraph is revised by inserting "and acquisition" after "construction."

Finally, the first sentence of the last paragraph before the Reservations subsection is revised by inserting "and if their continued use in such location is deemed necessary and of low risks," before "TVA will."

Frank R. Holland,

Assistant General Manager, Tennessee Valley Authority.

[FR Doc. 83-11386 Filed 4-27-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Henderson and Buncombe Counties, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Henderson and Buncombe Cos., North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed multi-lane highway, partially on new location, for NC 280 from the intersection of NC 191 and NC 280 at Mills River to Interstate 26 near the Asheville Airport. The improvement of NC 280 is needed to better serve the increasing traffic demands between NC 280 and Interstate 26 and the Asheville Airport. The proposed improvement will include a new structure over the French Broad River. It will also help relieve the congestion, delay and inconvenience created by the existing circuitous and inadequate routes which presently provide access to Interstate 26 from the west.

Alternatives under consideration include: (1) The "no-build", and (2) two alternate locations for the proposed NC 280 improvement.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting is scheduled for May 19, 1983 at the Mills River School located on School House Road (Secondary Road 1426) just south of Mills River. The meeting is scheduled from 3 p.m. to 8 p.m. Information received from the public meeting will be included in the Draft EIS. The draft EIS will be available for public and agency review and comment at the time of the Corridor Public Hearing which has not been scheduled. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued: April 19, 1983.

Roger D. Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 83-11034 Filed 4-27-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[6 3-18]

Extension of Comment Period on Multistate Charter Applications

AGENCY: Comptroller of the Currency, Treasury.

NOTICE: On March 3, 1983, the Office of the Comptroller of the Currency accepted for filing applications to charter 31 national banks in 25 states. The applications were all filed by Dimension Financial Corporation, a Delaware corporation recently organized for the purpose of establishing, owning and operating the proposed banks. The banks may be affiliated with Valley Federal Savings and Loan Association, an existing savings and loan association in Hutchinson, Kansas. The applications propose that the banks provide consumer loans, trust services, and consumer and commercial deposit services, including demand deposits; they would not offer commercial loans.

The proposed banks would be located in the following cities:

1. Phoenix, Ariz.
2. Northbrook, Ill.
3. Tulsa, Ok.
4. San Mateo, Cal.
5. Louisville, Ky.
6. Portland, Or.
7. Englewood, Col.
8. New Orleans, La.
9. Bryn Mawr, Pa.
10. Stamford, Conn.
11. Bethesda, Md.
12. Newport, R.I.
13. Wilmington, Del.
14. Newton, Mass.
15. Nashville, Tenn.
16. Boca Raton, Fla.
17. Edina, Minn.
18. Austin, Tx.
19. Ft. Myers, Fla.
20. Kansas City, Mo.
21. Dallas, Tx.
22. Sarasota, Fla.
23. Las Vegas, Nev.
24. Houston, Tx.
25. Winter Park, Fla.
26. Norristown, N.J.
27. San Antonio, Tx.
28. Atlanta, Ga.
29. White Plains, N.Y.
30. McLean, Va.
31. Bellevue, Wash.

Shortly after the applications were accepted for filing on March 3, 1983, published notice of the filing of each of the applications was commenced in local newspapers as required by 12 CFR 5.8. Under this Office's regulations, interested parties would generally have 21 days after the last publication required by §5.8 to submit written comments and data on an application to the Regional Administrator of the National Bank Region where the proposed bank would be located. *See* 12 CFR 5.10(a). However, the Office has determined to hold hearing proceedings on the applications by Dimension Financial Corporation. The date and location of the hearing or hearings have not been decided by the Office at this time. Due to the high degree of public interest in the applications, the Office has determined to extend until the last day of the hearing proceedings the period during which written comments will be accepted by its Regional Administrators.

Information regarding the office addresses and geographic composition of the National Bank Regions may be found at 12 CFR 4.1a.

Dated: April 22, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-11306 Filed 4-27-83; 8:45 am]

BILLING CODE 4810-33-M

UNITED STATES INFORMATION AGENCY

Advisory Committee on Ethical Values

Advisory Committee on Ethical Values will meet Monday, May 16, 1983, from 10:00 a.m. to 12:30 p.m. at the Voice of America, 330 Independence Avenue, SW., Washington, D.C. 20547, Room 3300. The purpose of the meeting is to discuss and advise on VOA programming, including religious broadcasting. The meeting is open to the public.

Dated: April 25, 1983.

Mary Jane Winnett,

Management Technician.

[FR Doc. 83-11338 Filed 4-27-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 83
Thursday, April 28, 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

CIVIL AERONAUTICS BOARD

Deletion from the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., April 20, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C.

SUBJECT:

20. Annual Review of Outstanding Delegations to the Bureau of International Aviation. (BIA)

STATUS: Open.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-607-83 4-26-83; 3:36 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

Short Notice and Closure of Addition to the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., Aprjl 20, 1983.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

29. Discussion on Ireland. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phylis T. Kaylor, the Secretary (202) 673–5068.

[S-606-83 Filed 4-26-83; 3:55 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

deletion From the April 20, 1983 Meeting

TIME AND DATE: 9:30 a.m., April 20, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

14. Docket 40142, Essential Air Service at Bakersfield, California. (Memo 1040–B, BDA, OCCCA, OC)

STATUS: Open.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-605-83 Filed 4-26-83; 3:55 pm]

BILLING CODE 6320-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 2, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 52b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to purchase assets and assume liabilities and for consent to establish one branch:

Peoples Bank and Trust Company, Waterloo, Iowa, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in La Porte City State Bank, La Porte City, Iowa, and to establish and sole office of La Porte City State Bank as a branch of Peoples Bank and Trust Company.

Application for consent to purchase assets and assume liabilities, establish eight branches and redesignate the main office:

Valley Bank and Trust Company, Mishawaka, Indiana, an insured State nonmember bank, for consent to purchase the assets of and to assume the liability to pay deposits made in American National Bank and Trust Company of South Bend, South Bend, Indiana, to establish the eight offices of American National Bank and Trust Company of South Bend as branches of Valley Bank and Trust Company, and to redesignate the present main office of American National Bank and Trust Company of South Bend as the main office of the resultant bank.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding the Corporation's investments.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive

Secretary of the Corporation, at (202) 389–4425.

Dated: April 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–585–83 Filed 4–25–83; 4:55 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, May 2, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which would: (1) Eliminate the current requirement for prior approval by a majority of a bank's board of directors of all extensions of credit exceeding in the aggregate $25,000 that are made to one of the bank's directors, executive officers, principal shareholders, or any related interest of any such person; and (2) substitute a prior approval formula whereby extensions of credit in excess of five percent of capital and unimpaired surplus or $25,000, whichever is larger, must receive prior approval but in no event may any extension of credit exceeding in the aggregate $500,000 be made without prior approval of the bank's board of directors.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits and Internal Investigations: Memorandum re: Status of Auditee Corrective Actions.

Discussion Agenda:

Memorandum and Resolution re: Proposed amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," to add a new section which would, with reference to the FDIC's "Statement of Policy on the Applicability of the Glass-Steagall Act to Securities Activities of Subsidiaries of Insured Nonmember Banks" issued by the Board of Directors on August 23, 1982: (1) Define bona fide subsidiary; (2) limit a bank's permissible investment in a securities subsidiary; (3) require notice of intent to invest in such a subsidiary; (4) limit the permissible securities activities of nonmember bank subsidiaries; and (5) place certain other restrictions on loans, extensions of credit, and other transactions between nonmember banks and their subsidiaries or affiliates that engage in securities activities.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act Assessment Rating System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–586–83 Filed 4–25–83; 4:55 pm]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

Federal Register No. 553

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 28, 1983 at 10 a.m.

CHANGE IN MEETING: The following matter has been continued from the open meeting of April 21, 1983:

Draft AO 1983–8: Jan W. Baran, on behalf of the National Republican Senatorial Committee

DATE AND TIME: Tuesday, May 3, 1983 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation. Audits.

DATE AND TIME: Thursday, May 5, 1983 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility reports for candidates to receive Presidential primary matching payments
Personnel instructions
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR MORE INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–604–83 Filed 4–26–83; 3:48 pm]

BILLING CODE 6715–01–M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17432, Friday, April 22, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Tuesday, April 26, 1983 at 2:30 p.m.:

FSLIC Insurance Premiums

[No. 38, April 26, 1983]

[S–599–83 Filed 4–26–83; 10:57 am]

BILLING CODE 6720–01–M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 A.M., MAY 5, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 50–40: Modification of the Pacific/Australia-New Zealand Conference Agreement to authorize members to rationalize sailings.

2. Continental Forwarding, Inc.—Application for an Independent Ocean Freight Forwarder License.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-600-83 Filed 4-26-83; 1:15 pm]

BILLING CODE 6730-01-M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, May 4, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20661.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 26, 1983.

William W. Wiles,

Secretary of the Board.

[S-603-83 Filed 4-26-83; 3:07 pm]

BILLING CODE 6210-01-M

10

LEGAL SERVICES CORPORATION

TIME AND DATE: 9:30–12 Noon, Tuesday, May 3, 1983.

PLACE: GSA Auditorium, 18th and F Streets, Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Status of Regulations
   Report from Office of General Counsel
   Report from Office of Government Relations
2. Status of Reauthorization
   Report from Office of Government Relations

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272–4040.

Dated: April 25, 1983.

Donald P. Bogard,

President, Legal Services Corporation.

[S-596-83 Filed 4-26-83; 10:33 am]

BILLING CODE 6820-35-M

11

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-20A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17692, April 21, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, May 3, 1983, 10 a.m.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigations 104–TAA–14 and 15 (Bicycle Tires and Tubes from the Republic of Korea and Taiwan)—briefing (in closed session) and vote (open to the public).

Notice of change in time for the meeting.

By unanimous consent, the United States International Trade Commission voted, on April 25, 1983, to reschedule the time for the meeting of Tuesday, May 3, 1983, from 10 a.m., to 2:30 p.m. There are no other changes to the agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-597-83 Filed 4-26-83; 10:33 am]

BILLING CODE 7020-02-M

12

UNITED STATES PAROLE COMMISSION

United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 2 p.m., Monday, April 25, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting. Agency business requires this meeting to be held at the above date and time without the opportunity to give one week's notice prior to the meeting. Public announcement shall be made at the earliest practicable time.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately one case in which an inmate of a Federal prison has applied for parole.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S-601-83 Filed 4-26-83; 1:53 pm]

BILLING CODE 4410-01-M

13

UNITED STATES PAROLE COMMISSION

TIME AND DATE: 9 a.m.–5:30 p.m., Friday, April 22, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open.

CHANGES IN THE MEETING: On April 22, 1983, by recorded vote, a majority of the U.S. Parole Commissioners determined that the above meeting should go into closed session from 9:30 a.m. to 10 a.m. and from 4:15 p.m. to 4:30 p.m. on April 22, 1983 for the purpose of the discussion and determination of one original jurisdiction appeal continued from the closed meeting of April 21, 1983.

Said majority of the U.S. Parole Commissioners also determined that urgent agency business required the change in the status of the meeting and that no earlier announcement of the change was possible.

Public announcement of this change and the vote of each Commissioner upon such change is being made at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commission (301) 492–5980.

[S-602-83 Filed 4-26-83; 1:53 pm]

BILLING CODE 4410-01-M

federal register

Thursday
April 28, 1983

Part II

Office of the Federal Register

Proposed Termination of the Two-Day-a-Week Publication Program

OFFICE OF THE FEDERAL REGISTER

Proposed Termination of the Two-Day-a-Week Publication Program

AGENCY: Office of the Federal Register.

ACTION: Notice of proposed action and request for comments.

SUMMARY: The Office of the Federal Register (OFR) is proposing to terminate its formal program for publishing documents of certain agencies on a two-day-a-week schedule (Monday/Thursday or Tuesday/Friday). This action will reduce publication costs for participating agencies and will alleviate production problems associated with this program.

DATE: Comments must be submitted on or before June 27, 1983.

ADDRESS: Send comments to: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408; Attention: Ms. Valery Pelzer.

FOR FURTHER INFORMATION CONTACT: Martha Girard, Telephone (202) 523-5240.

SUPPLEMENTARY INFORMATION: On February 6, 1976 (41 FR 5453), OFR announced an experimental program for publishing agency documents on a two-day-a-week schedule: Monday/Thursday or Tuesday/Friday. Agencies agreeing voluntarily to participate published in accordance with the new schedule. OFR expected that this schedule would benefit, primarily, **Federal Register** users interested in monitoring, and keeping, only the documents of a participating agency. The OFR also anticipated that a subscription system for certain days of the week might prove feasible. After receiving favorable comments on the program, OFR announced that it would continue the schedules on a voluntary participation basis (41 FR 32914, August 6, 1976). The program has been in effect since that time. A list of currently participating agencies appears at the back of this issue in the Reader Aids section.

The two-a-day-a-week publication schedule provided that a participating agency could request emergency publication of a document on a day other than one of its assigned days to accommodate special situations. In such cases, the requesting agency agreed to the republication of the document on the next assigned day. Subsequently, however, agency page rates were established and the agencies participating in the program incurred double publicaton costs, paid to the Government Printing Office, whenever agencies requested publication on a non-schedule day and then republished on the next assigned day.

The OFR, for its part, has encountered chronic production difficulties associated with the program. Production problems occur when agencies request expedited handling of documents to meet the assigned schedule. Additional editorial work is involved in publishing documents on a non-schedule day and republishing them on the next assigned day. Within available resources at OFR, it has become difficult to provide the special handling these documents require while maintaining normal publication operations.

OFR has weighed the benefits of the two-day-a-week publication program against the costs to participating agencies and the significant production and special handling problems involved. During the six and a half years this program has been in operation, agency participation has been modest. At no time has a substantial percentage of the agencies which regularly publish in the **Federal Register** taken advantage of the two-day-a-week schedule. Moreover, the OFR and the Government Printing Office have not been able to devise a selective subscription system that would be cost effective.

Therefore, OFR proposes to terminate the formal two-day-a-week publication program. OFR solicits comments from agencies and users affected by this proposal.

Until a final decision is made, OFR will modify the publication program to alleviate the extra expense to participating agencies. Instead of automatically republishing a document that was published on a non-schedule day, OFR will offer the agency the option of a note editorially inserted in the table of contents of the issue published on the agency's next assigned day. The note would refer readers to the date of actual publication. OFR does not view this option as a permanent solution, however, since it continues to require additional consultation with agencies and editorial workload.

Dated: April 22, 1983.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 83-11258 Filed 4-27-83; 8:45 am]

BILLING CODE 1505-02-M

federal register

Thursday
April 28, 1983

Part III

Department of Agriculture

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1983; Solicitation of Applications

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1983; Solicitation of Applications

Notice is hereby given that under the authority of the Small business Innovation Development Act of 1982 (Pub. L. 97–219) and section 1472 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318), the U.S. Department of Agriculture (USDA) will award project grants for certain areas of research to science-based small business firms through its Small Business Innovation Research (SBIR) Program. Firms with strong research capabilities in the research topic areas listed below are encouraged to participate. Objectives of the three-phased program include stimulating technological innovation in the private sector, increasing the commercial application of USDA-supported research results, and improving the return on investment from Federally-funded research for its economic and social benefits to the Nation.

The total amount available for this program during fiscal year 1983 is approximately $555,376. This solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications. (See Section IV, "Proposal Preparation Instructions and Requirements," and Section VII, "Submission of Proposals.") The research to be supported is in the following topic areas:

1. Forest and Related Resources.
2. Plant Production and Protection.
3. Animal Production and Protection.
4. Air, Water, and Soils.
5. Food and Human Nutrition.
6. Rural and Community Development.

The award of any grants under the provisions of this Notice is subject to the availability of appropriations.

The Guide to Proposal Preparation for these competitive grants consists of six sections:

I Program Description
II Definitions
III Research Topics
IV Proposal Preparation Instructions and Requirements
V Method of Selection and Evaluation Criteria
VI Considerations
VII Submission of Proposals

The grants awarded will be administered in accordance with the USDA Uniform Federal Assistance Regulations (7 CFR Part 3015) and applicable OMB Circulars.

Information collection requirements contained in this document have been approved by OMB Document No. 0531–0009.

Because of the time constraints involved in implementing this program, it has been determined that compliance with the Notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Further, this action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. Although this Notice establishes the procedures and criteria under which the recipients of Small Business Innovation Research grants in fiscal year 1983 will be selected, and the terms and conditions under which such grants will be administered, it does not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Done at Washington, D.C., this April 21, 1983.

Orville G. Bentley,

Assistant Secretary for Science and Education.

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Guide to Proposal Preparation

I. Program Description

Awards under USDA's Small Business Innovation Research Program will be carried out through a three-phase process, the first two designed to assist USDA in meeting its Research and Development (R&D) objectives, and the third to facilitate the pursuit of commercial applications or objectives of research funded in Phases I and II. Federal funding will support research on USDA objectives (Phases I and II), while private capital will be relied upon for follow-on developmental funding to meet commercial objectives (Phase III). A description of each phase is included below. *Proposals solicited under this Notice are for Phase I only.* The date for submission of proposals may be found in Section VII, "Submission of Proposals."

Phase I—Feasibility Research

Phase I is to conduct a feasibility related experimental or theoretical research effort on the proposed innovative idea or approach. The proposal should concentrate on those aspects of the research that will significantly contribute to proving the technical feasibility of the concept or approach proposed and which would be prerequisite for further research and USDA support in Phase II.

Phase I also is designed to reduce the investment of time and cost to small firms in preparing a formal proposal under this solicitation as compared to other USDA formal proposals. *The Phase I proposal is limited to 20 pages, including the cover page, budget, and any attachments.* Awards will be made by USDA based upon evaluation of Phase I proposals. *Successful proposers will have six (6) months to carry out their proposed Phase I effort.* Phase I results are to be submitted to USDA in a final report.

Phase II—Principal Research Effort

Phase II is the principal research effort. Funding will be based upon the results of Phase I and the scientific and technical merit of the Phase II proposal. *Only those receiving Phase I awards will be eligible to submit Phase II proposals.* A more comprehensive proposal will be required for Phase II to be prepared in accordance with instructions which will be provided to all Phase I grantees.

Phase III—Development

Phase III, to be conducted by the small business firm (including joint ventures or R&D partnerships,) will be privately funded from a third party source through the exercising of the follow-on funding commitment. Phase III is to pursue commercial objectives from the USDA-supported research carried out in Phases I and II.

Converting Research to Technological Innovation and Commercial Applications

In addition to the funding of scientific mission-oriented research, a second important goal of the SBIR Program is the conversion of USDA-supported research into technological innovation by private firms. Therefore, on an

optional basis, the solicitation includes an incentive for proposers to obtain a contingent commitment for private follow-on funding prior to Phase II to continue the innovation process where it is felt that the research also has commercial potential.

Proposers who feel that their research has the potential to meet market needs, in addition to meeting the research objectives of the solicitations, are encouraged to obtain private venture capital or other follow-on funding to pursue the development phase (Phase III). The commitment for the follow-on funding must be from a third party, be obtained only after receiving a Phase I award but prior to Phase II. This commitment may be contingent on the USDA-supported research meeting a few measurable technical objectives in Phase II. If the conditions are met, private investment would then be justified to pursue further development for commercial purposes in Phase III.

Phase II proposals that provide a commitment for Phase III follow-on funding will receive extra consideration as a point-of-merit in the Phase II evaluation process. The maximum value will be given when a signed contingent agreement is obtained for follow-on funding equal to or in excess of the request for Federal support in Phase II.

Eligibility and Limitations

Each organization submitting a proposal must qualify as a small business for research purposes as defined in Section II, "Definitions," and the primary employment of the principal investigator must be with the small business firm at the time of the award and during the conduct of the research. Primary employment means that more than one-half of the principal investigator's time is spent with the small business. In addition, a minimum of two-thirds of each project must be carried out in the proposing firm unless otherwise approved in writing by USDA's Authorized Departmental Officer.

A proposal must be limited to one topic (program) area listed in this solicitation. When a proposal has relevance to more than one topic, the proposer must decide which topic is the most relevant and submit separate proposals on different topics or different proposals on the same topic under this solicitation.

This solicitation does not obligate USDA to make any specific number of awards under either Phase I or Phase II.

Contact

Contact with USDA relative to this solicitation during the Phase I proposal preparation period is restricted for reasons of competitive fairness. However, general questions relating to programmatic aspects of the program may be addressed to the individual listed below:

Anne Holiday Schauer, SBIR Program, Office of Grants and Program Systems, 103 Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2630.

Questions pertaining to administrative aspects of the program or requests for additional copies of the announcement and/or pertinent forms may be addressed to: Grants Administrative Management, Office of Grants and Program Systems, 103 Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2638.

II. Definitions

The following definitions apply for purposes of this solicitation: A. Research or Research and Development (R&D). Any activity which is:

1. A systematic, intensive study directed toward greater knowledge or understanding of the subject studied.

2. A systematic study directed specifically toward applying new knowledge to meet a recognized need.

3. A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

B. *Small Business.* A business concern which at the time of award is:

1. Organized for profit, independently owned or operated, not dominant in the field in which it is bidding, and having an average of not more than 500 employees (full-time, part-time, temporary, or other) during the previous 12-month period in all affiliated firms owned or controlled by a single parent firm (from Code of Federal Regulations, Title 13, Part 121, as amended). Awards to joint ventures or limited partnerships are permitted provided that the proposing entity qualifies as a small business in accordance with the Small Business Act, 15 U.S.C. 631 and the above definition.

2. The primary source of employment of the principal investigator at the time of the award and during the conduct of the proposed research.

C. *Minority and Disadvantaged Business.* A qualified small business firm that is:

1. At least 51 percent owned by one or more minority and disadvantaged individuals; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority and disadvantaged individuals; and

2. Whose management and daily business operations are controlled by one or more of such individuals.

A minority and disadvantaged individual is defined as a member of any of the following groups:

(a) Black Americans
(b) Hispanic Americans
(c) Native Americans
(d) Asian-Pacific Americans
(e) Asian-Indian Americans

III. Research Topics

The specific areas of inquiry in which projects will be funded are listed below:

1. *Forest and Related Resources:* Proposals are solicited for field and laboratory studies focusing on the development of cost effective tissue-culture methods for both hardwood and/or conifer species.

2. *Plant Production and Protection:* Research proposals are solicited to find ways to increase crop productivity so that effective and efficient food production and agricultural systems can be developed and strengthened.

3. *Animal Production and Protection:* Research proposals and solicited to find ways to enable producers to increase production and to assure a reliable and safe supply of animal protein while conserving resources and reducing production costs.

4. *Air, Water, and Soils:* Research proposals are solicited to develop technology for using and conserving soil, water, and air resources while sustaining optimum agricultural productivity.

5. *Food and Human Nutrition:* Research proposals are solicited in the area of food quality and safety and in those areas that address the reduction of post-harvest loss. In addition, research proposals are solicited that deal with the assessment of the adequacy of nutrient intake.

6. *Rural and Community Development:* Research proposals are solicited to find ways to develop business opportunities in rural areas and to look for innovative ways to manage small rural business.

IV. Proposal Preparation Instructions and Requirements

The purpose of the research proposal is to provide a written statement that contains sufficient information to persuade USDA, as well as members of the research community who review the proposal, that the proposed research is a

sound approach to an important scientific question and is worthy of support under the stated evaluation criteria. (See Section V, "Method of Selection and Evaluation Criteria.") The proposal should be self-contained and written with the care and thoroughness accorded papers for publication. Each proposal should be reviewed carefully by the applicant and by other knowledgeable in the subject to ensure inclusion of data essential for a comprehensive evaluation. The proposed research must be responsive to the USDA program interests stated in the topic descriptions. However, the same research often can be the basis for technological innovation, new commercial products, processes, or services which benefit the public. This is a desirable economic objective, and such proposals are encouraged.

Instructions and information to be used in preparing proposals for research grants in the areas described earlier are included below. Required forms are included in appendices A through F of this announcement.

A. *Limitation on Length of Proposal.* Proposals must not exceed a total of 20 pages (regular size type—no smaller than elite—single or double spaced, standard 8½" x 11" pages, typed or printed on one side only), including cover page, budget and all enclosures or attachments. No attachments or additional information will be allowed in the interest of equitable treatment for all. *Please note that proposals exceeding the 20-page limitation may not be considered for review or award.*

B. *Proposal Cover Sheet.*

1. *Grant Application.* Proposers should use the Grant Application (Form S&E–661) as the cover sheet for the proposal (see Appendix A). A Grant Application with all relevant original signatures must be included with the proposal. All other copies of the proposal should also contain a Grant Application but facsimile or photocopied signatures will be accepted. The attachment to the Grant Application, entitled, "Certifications," must also be completed and submitted with the proposal. All proposals must be signed by an authorized official.

2. *Title of Proposal.* The title (80 characters maximum) should be a brief, clear, specific designation of the subject of the research. It will be used for information to Congress, and for press releases. Therefore, it should not contain highly technical words. Phrases such as "investigation of" or "research on" should not be used.

3. *Program Area.* The applicable specific area of inquiry (program area) should be indicated in Block 8 of the Grant Application (Form S&E–661—see Appendix A).

C. *Abstract or Summary:* Proposals should include a one-page project summary of the proposed research or R&D which contains the following information:

1. Name and address of firm.
2. Name and title of principal investigator or project manager.
3. Title of project.
4. Technical abstract, limited to two hundred words.
5. Summary of the anticipated results and implications of the approach and the potential commercial applications of the research.

D. *Technical Content.* All items listed below must be covered fully and included in the order shown although space allocated to each will depend on the problem involved and the principal investigator's approach. Do not emphasize the commercial applications in the research proposal except to discuss them briefly under items 1, 2, and 10.

A. *Identification and Significance of the Problem or Opportunity.* Make a clear statement of the specific technical problem or opportunity addressed and its importance.

2. *Background, Technical Approach and Anticipated Benefits (Phases I and II).*

a. Indicate the overall background and technical approach to the problem of opportunity and the part that the proposed research plays in providing needed results.

b. State the results of the approach if the research is successful including: (1) the technical, economic, social and other benefits to the Nation and to users of the results such as private industry, public decisionmakers, or other researchers; (2) the estimated total cost of the approach relative to benefits, including estimating the Phase II research costs; and (3) any specific policy issues or decisions which might be affected by the results.

c. Indicate any significant non-research problems related to the proposed approach.

3. *Phase I Technical Objectives.* State the specific objectives of the Phase I research effort, including the questions it will try to answer.

4. *Phase I Technical Plan.* Provide a detailed description of the Phase I research approach, indicating not only what is planned, but how the research will be carried out. Phase I research should attempt to determine the technical feasibility of the proposed approach, and the research plans should be linked with the objectives and the questions the research effort is designed to answer. The methods planned to achieve each objective or task should be discussed in detail. *This section should be at least one-third of the proposal* (6–8 pages).

5. *Related Research.* Describe significant research directly related to the proposed effort, including any conducted by the principal investigator, by the proposing firm, consultants, or others, how it interfaces with the proposed research, and any planned coordination with outside sources. The proposer must persuade reviewers of his/her awareness of key recent research by others in the specific topic areas such as in concise bibliography.

6. *Key Personnel and Bibliography of Directly Related Work.* Identify key senior personnel involved in Phase I research and include directly related education, experience, and bibliographic information. For each key person, provide a chronological list of the most recent representative publications during the preceding five years, including those in press. List the authors in the same order as they appear on the paper, the full title, and the complete reference as they usually appear in journals. Where vitae are extensive, summaries that focus on the most relevant experience or publications will be necessary to meet proposal size limitation.

7. *Facilities.* The conduct of advanced research usually requires the use of sophisticated instrumentation. A detailed description of necessary instrumentation and physical facilities to carry out Phase I should be provided.

8. *Consultants.* Involvement of university or other consultants in the planning and/or research stages of the project is encouraged. If such involvement is intended, it should be described in detail. Use of academic scientists as collaborators or consultants in the development of the proposal and on the proposed project, if appropriate, may prove particularly helpful to small firms which have not previously received Federal research awards. *Please note that for Phase I, the total of all consultant fees, facility leases or usage fees and other subcontract or purchase agreements may not exceed 33% of the total funding agreement. Exceptions to this limitation will require special justification and negotiation with USDA's Authorized Departmental Officer.*

9. *Pre-existing Relevant Patents and Inventions.* Indicate whether the proposed work directly relates to or is dominated by any pre-existing patents or patent applications owned or controlled by the proposing organization or affiliated firms or others.

10. *Potential Commercial Applications and Follow-on Funding Commitment.* Briefly describe whether the proposed research also appears to have potential commercial application and whether you plan to obtain a follow-on funding commitment to accompany or follow the Phase II proposal.

11. *Current and Pending Support.* Indicate all current and pending support relating to the proposed grant period to which the prinicipal investigator and other senior personnel have committed a portion of their time. Form S&E–663, illustrated in Appendix B, may be used for this purpose.

12. *Proposals Submitted and Awards Received Under Other SBIR Programs.* Proposing firms may elect to submit essentially equivalent proposals under other Federal SBIR awards. In these cases, a statement must be included in each such proposal indicating:

a. The name and address of the agencies to which proposals were submitted or from which SBIR awards were received.

b. Date of proposal submission or date of award.

c. Title, Number, and Date of SBIR Program Solicitations under which proposals were submitted or awards received.

d. Specify the applicable research topics for each SBIR proposal submitted or award received.

e. Titles of Research Projects.

f. Name and Title of Project Manager or Principal Investigator for each proposal submitted or award received.

13. *Cost Breaddown/Proposal Budget.* The form shown in Appendix C (Form S&E–55) must be completed *for Phase I only.* Please note the following in completing the budget:

a. *Indirect Costs.* If available, use current rate negotiated with the cognizant Federal negotiating agency. If no rate has been negotiated, a reasonable dollar amount in lieu of indirect costs may be requested for Phase I which will be subject to approval by USDA. An institution may elect not to charge negotiated indirect costs and utilize all grant funds for direct costs. If this option is selected, this shuld be indicated on the budget form.

b. *Equipment and Travel.* performing organizations are expected to have appropriate facilities, suitably furnished and equipped. Items of equipment may be requested, however, provided they are adequately justified. Equipment is defined as an article of non-expendable, tangible personal property, having a useful life of more than two years and an acquisition cost of $500 or more per unit. Foreign travel cannot be included in the Phase I budget, but may be included as necessary in Phase II. The inclusion of either equipment or foreign travel will be carefully reviewed relative to need and appropriateness for the research proposed.

c. An awardee may not expend funds for any costs associated with the project before the effective date designated in the award document.

V. Method of Selection and Evaluation Criteria

Phase I proposals will be judged on a competitive basis in a two-stage process. All will be screened initially by USDA staff to ensure that they meet stated solicitation requirements. Proposals will be judged principally on their scientific and technical merit and receive an overall rating based upon evaluation against Phase I criteria.

Final decisions will be made by USDA based upon the ratings assigned by reviewers, and consideration of other factors, *including the potential commercial application and follow-on funding plan,* possible duplication of other research, and program balance.

Care will be taken to avoid conflicts of interest among reviewers, and evaluations will be confidential to USDA and the proposed principal investigator. There is no commitment by USDA to the making of an award on any topic or to the making of a specific number of awards.

Phase II proposals will be subject to an external peer review process and will be judged against Phase II criteria on a competitive basis. Final decisions will be made based upon the scientific and technical evaluations and other factors, including the commitment for follow-on funds, the possible duplication of other research, program balance, and budget limitations.

A. *Screening Criteria.* To avoid misunderstanding, proposers should be aware that proposals not satisfying all the screening criteria will be returned to the proposing organization without review. These proposals may not be resubmitted (with or without revision) under this solicitation. All copies of these proposals, not used in the screening process, will be returned with the letter of notification. The screening criteria are:

1. The proposing firm must qualify as a small business. It must be a for-profit institution and employ no more than 500 employees. If it is a subsidiary of another firm, this limit applies to all employees of the senior parent organization.

2. The Phase I proposal may not exceed 20 pages of regular-size type (no smaller than elite), including the cover sheet, abstract, and budget pages. No attachments or additional information are allowed in the interest of equitable treatment for all proposers. Supplementary materials, revisions, and substitutions will not be accepted after the due date for proposals.

3. The Phase I proposal must be limited to one topic; however, a firm may submit proposals on different approaches or topics. Duplicate proposals will be returned without review.

4. Phase I budgets must not exceed $50,000, including subcontracts and indirect costs. The Proposal Budget illustrated in Appendix C must be used.

5. The project duration of Phase I must not exceed six (6) months.

6. The principal investigator's primary employment must be with the small business concern at the time of award and during the period of the research; that is, more than one-half of the principal investigator's time must be spent with the small business firm during the period of performance of the grant.

7. A minimum of two-thirds of expenditures under each SBIR Phase I project must be carried out by the proposing firm, exclusive of subcontract and consulting costs.

8. Foreign travel cannot be included in the Phase I budget, but may be included as necessary in Phase II.

9. Phase I proposals must be for scientific research activities only. A firm must not propose product development, technical assistance, pilot plant construction, demonstration projects, literature surveys, market research, classified research, or patent applications and/or litigation.

10. The proposed research must fall within a 1983 solicited topic. (See topic descriptions in Section III.) A firm may not propose certain research duplicative of that supported by other Federal agencies unless otherwise explicitly solicited in USDA's 1983 topic descriptions.

11. A proposal must contain adequate information to be reviewed as research. USDA reserves the right not to submit to technical review any proposal which it finds to have insufficient information for that purpose.

B. *Phase I Evaluation Criteria.* USDA plans to select for award those proposals offering the best value to the Government with approximately equal consideration given to each of the following criteria, except for number 3 which will receive twice the value of any of the other items:

1. *Importance of the problem or opportunity and anticipated benefits* of the proposed research (Phase I and Phase II) if successful.

2. *Adequacy of the Phase I objectives* to show incremental progress toward proving the feasibility of approach.

3. *The scientific/technical quality of the Phase I research plan* and its relevance to the stated objectives, with special emphasis on its innovativeness and originality.

4. *Qualifications of the principal investigator*, other key staff, and consultants and the probable adequacy of available or obtainable instrumentation and facilities.

Technical reviewers will base their conclusions on information contained in the proposal. It cannot be assumed that reviewers are acquainted with any experiments referred to, key individuals, or the firm.

After final decisions have been announced, the technical evaluation of the proposal may be provided, to the proposer only, upon written request. However, the identities of reviewers will not be disclosed.

C. *Phase II Evaluation Criteria.* Detailed instructions regarding Phase II proposal submission will be sent to all Phase I award winners. Listed below are some of the principles upon which those instructions can be expected to be based. Phase II proposals can be submitted only by Phase I award winners. The Phase II proposal and Phase I report will be reviewed for overall merit based upon the following criteria relevant to Phase II awards with each item receiving approximately equal weight, except for item four, which will receive twice the value of any of the other items:

1. Degree to which the Phase I objectives were met (Phase I report).

2. The technical, economic, and/or social importance of the problem or opportunity and anticipated benefits if Phase II research is successful.

3. The adequacy of the Phase II objectives to meet the problem or opportunity.

4. The scientific quality of the proposed research, special emphasis on its innovativeness and originality.

5. The qualifications of the principal investigator and other key personnel to carry out the proposed work.

6. Reasonableness of the budget requested for the work proposed.

In the case of proposals of approximately equal technical merit, the provision of a follow-on funding commitment for continued development will be an important consideration. (See Section VI, "Considerations.") The value of the commitment will be dependent on the degree of commitment made by third-party investors with the maximum value resulting from a signed agreement with reasonable terms for an amount at least equal to the funds requested from USDA in Phase II.

Considerations

The items included in this section contain additional information that will be needed by applicants in developing their proposals.

A. *Awards.* It is anticipated that in Fiscal Year 1983 approximately 15 Phase I grants of $25,000 to $50,000 each will be made depending upon the availability of funds. Awards will be made before September 30, 1983, normally for a six-(6)-month period. Information regarding Phase II awards will be provided to successful Phase I applicants. The funding and period of performance in Phase II will depend upon the scope of the research and will normally not exceed 24 months. Phase II awards are expected to average up to $250,000.

B. *Reports.* Ten copies of a comprehensive single final report on the Phase I project must be submitted to the cognizant USDA Program Manager within thirty days following expiration of the Phase I agreement. The final report should include a single-page project summary as the first page identifying the purpose of the research, a brief description of the research carried out, the research findings or results, and potential applications of the research in a final paragraph. The balance of the report should indicate in detail the research objectives, research work carried out, results obtained, and estimates of technical feasibility.

C. *Payment Schedules.* Payments will be made to the recipient either by advance by Treasury check or reimbursement by Treasury check. The method of payment for each project will be indicated in the award document.

D. *Proprietary Information.* Information contained in unsuccessful proposals will remain the property of the proposer. However, USDA will retain file copies of all proposals. Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements.

If proprietary information is provided by a proposer in a proposal which constitutes a trade secret, proprietary commercial or financial information, confidential personal information or data affecting the national security, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the proposer with the term "confidential proprietary information" and providing the following legend appears on the "Certifications" attachment to the cover page of the proposal (see Appendix A):

> For any purpose other than to evaluate the proposal, this data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part, provided that if a funding agreement is awarded to this proposer as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the funding agreement. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction has been set off on separate pages and keyed to the text by numbers.

Any other legend may be unacceptable to USDA and may constitute grounds for return of the proposal without further consideration and without assuming any liability for inadvertent disclosure. USDA will limit dissemination of such information to its employees, and, where necessary for the evaluation of the proposal, to outside reviewers.

The inclusion of proprietary information is discouraged unless it is necessary for the proper evaluation of the proposal. *The proprietary* information included should be limited, set off on a separate page and *keyed to the text by numbers.* It should be confined to a few critical technical items which, if disclosed, could jeopardize the obtaining of foreign or domestic patents. Trade secrets, salaries or other information which could jeopardize commercial competitiveness should be similarly keyed and set-off on a separate page. *Proposals or reports which* set *off any large amount of information may be found unacceptable by USDA.*

Since technical reports by the principal investigator may be made available to the public, such reports shall not contain any restrictive language purporting to limit their use other than that set off on a proprietary page. However, USDA normally will honor a request to delay release of the report for six months, or longer if reasonable, so that the proposer may seek patent protection or follow-on funding where appropriate.

E. *Rights in Data Developed Under SBIR Funding Agreements.* Rights in technical data including software developed under the terms of any funding agreement resulting from proposals submitted in response to this solicitation shall remain with the grantee, except that the Government shall have the limited right to use such data for Government purposes and shall

not release such data outside the Government without permission of the grantee for a period of two years from completion of the project from which the data was generated. However, effective at the conclusion of the two-year period, the Government shall retain a royalty-free license for Government use of any technical data delivered under the agreement whether patented or not.

F. *Copyrights and Publications.* With prior written permission of the Authorized Departmental Officer, the grantee normally may copyright and publish (consistent with appropriate national security considerations, if any) material developed with USDA support. USDA receives a royalty-free license and requires that each publication contain an Acknowledgement and Disclaimer paragraph as follows:

This material is based upon work supported by the U.S. Department of Agriculture under Agreement No. (Performing Organization should enter agreement number).

G. *Inventions and Patents.* Small business firms normally may retain the principal worldwide patent rights to any invention made with USDA support. USDA receives a royalty-free license for Federal Government use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 U.S.C. 205, USDA will not make public any information disclosing a USDA-supported invention for a two-year period to allow the grantee a reasonable time to file an initial patent application. Additional information may be obtained from M. Howard Silverstein, Deputy Assistant General Counsel for Patents, Research and Operations Division, Office of General Counsel, U.S. Department of Agriculture, Room 2328, South Building, Washington, D.C. 20250.

H. *Cost-sharing.* Cost-sharing is permitted for proposals under the SBIR Program; however, cost-sharing is not required nor will it be an evaluation factor in consideration of proposals.

I. *Profit or Fee.* Because of the limited amount of funds available, fees (estimated profit) will not be allowed for either Phase I or Phase II awards.

J. *Subcontracting Limits.* Subcontracting as defined in this program solicitation may not exceed thirty-three percent of the total amount of the funding agreement unless otherwise approved in writing by the Authorized Departmental Officer.

K. *Follow-on Funding Commitment.* Proposers in Phase I should briefly describe any potential commercial application and whether they plan to secure follow-on private funding from a third party to pursue continuing development toward commercial objectives. In order to be assured of an extra point-of-merit in the review process, a signed contingent commitment between the small business and a third party of its own choice will be requested following submission of the Phase II proposal. The commitment is optional but will receive extra consideration as a point of merit in the evaluation process when other factors are of reasonably equal merit. The maximum value (in Phase II evaluation) will be given for a signed formal agreement with reasonable terms and funding equal to or in excess of the Federal investment in Phase II.

1. *The Commitment.* The commitment for follow-on venture capital or other funding must be obtained from a third party of the proposer's choice. It is understood that the commitment will be contingent upon the research achieving certain technical objectives mutually agreed upon between the small business and the provider of follow-on capital. A few clearly defined and measurable objectives should be stated in the commitment agreement at the threshold level that would justify private investment if those technical objectives were achieved in Phase II. The objectives do not have to be the same as those stated in the proposal, but they must be able to be accomplished within the scope of the proposed Government-funded research.

The Commitment agreement should state, on a contingent basis, that the investor will provide venture capital or other funding for follow-on development of the area immediately following the USDA-funded Phase II research so that the innovation process can continue without interruption toward commercialization. The agreement should set forth the specific amount of Phase II funds that will be made available to the small firm, and indicate the dates the funds will be made available. The terms cannot be contingent upon the obtaining of a patent due to the length of time this process requires.

The commitment may be in the form of venture capital, a package including venture capital, contract R&D, joint venture, an R&D limited partnership, or other agreement with a third party. No amortization, repayment or repurchase of commitment funds may be included during the Phase II period of performance. Phase III funding also may be advanced and invested during Phase II to accelerate the research and development process.

2. *Source of Funding.* The commitment agreement may be from a financial institution, such as a venture capital firm or a Small Business Investment Company (SBIC), if the small firm wishes to pursue commercialization of any resulting product itself. An alternative option is for the small business to obtain a commitment from a manufacturer already in the field. This coupling would utilize the small firm for the innovative R&D phase, and, through licensing or technology acquisition by the larger firm, the know-how and capabilities of the larger firm for production, marketing, and continuing financing in return for Phase III funding and a royalty agreement. This coupling to a larger firm already in the field may be one of the fastest, most capital-efficient, and lowest risk ways to bring new innovative technology to the marketplace.

L. *Research Involving Special Consideration.* A number of situations frequently encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the proposal should so indicate. Since some type of research targeted for SBIR support have a high probability of involving either recombinant deoxyribonucleic acid (DNA) or human subjects, special instructions follow:

Please note that for research involving either recombinant DNA that falls under the NIH Guidelines or human subjects at risk, the proposing organization must provide USDA with a statement that the research plan has been reviewed and approved by an appropriate "Institutional Committee" or "Institutional Review Board." It is suggested that proposers contact public universities or colleges or non-profit research organizations which have established such reviewing mechanisms to have this service performed. Form S&E–662, "Special Considerations," illustrated in Appendix D, should be used to indicate whether or not the project involves research in the areas listed below, and whether required approvals have been obtained.

1. *Recombinant DNA.* Principal investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (see NIH "Guidelines for Research Involving Recombinant DNA Molecules" (47 FR 38048–38068) and subsequent revisions).

2. *Human Subjects.* Safeguarding the rights and wefare of human subjects used in research supported by USDA grants is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Pub. L. 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR part 46). Proposing organizations must comply with Department of Health and Human Services (DHHS) policies, as amended, regarding the use of human subjects.

M. *Grantee Commitments.* Upon award of the grant, the awardee will be required to make certain legal commitments through acceptance of numerous clauses in Phase I funding agreements. The outline that follows is illustrative of the types of clauses to which the grantee would be committed. This list should not be understood to represent a complete list of clauses to be included in Phase I funding agreements, nor to be specific wording of such clauses. Copies of complete terms and conditions are available upon request.

1. *Inspection.* Work performed under the grant is subject to Government inspection and evaluation at all times.

2. *Examination of Records.* The Comptroller General (or a duly authorized representative) shall have the right to examine any directly pertinent records of the grantee involving transactions related to this grant.

3. *Default.* The Government may terminate the grant if the grantee fails materially to comply with the terms of the agreement.

4. *Termination for Convenience.* The grant may be terminated at any time by the Government if it deems termination to be in its best interest, in which case the grantee will be compensated work performed and for reasonable termination costs.

5. *Equal Opportunity.* The grantee will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, or national origin.

6. *Affirmative Action for Handicapped.* The grantee will not discriminate against any employee or applicant for employment because he or she is physically or mentally handicapped.

N. *Additional Information.*

1. This program solicitation is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting SBIR funding agreement, the terms of the funding agreement are controlling.

2. Before award of an SBIR funding agreement, USDA requires the submission of certain organizational management, personnel, and financial information to assure responsibility of the proposer including the execution of a form indicating Assurance of Compliance with the Civil Rights Act of 1964. Forms shown in Appendix E and Appendix F should be used for this purpose. This information will need to be submitted to Grants Administrative Management, Office of Grants and Program Systems, on a onetime basis only to cover all proposals submitted to that office unless there have been sufficient charges in the proposer's organization to warrant submission of new forms.

3. The responsibility for the performance of the principal investigator, and other employees or consultants who carry out the proposed work, lies with the management of the organization receiving an award.

4. The SBIR program is not a substitute for existing unsolicited proposal mechanisms. Unsolicited proposals will not be accepted under the SBIR program in either Phase I or Phase II.

5. If an award is made under this solicitation, the grantee will be required to certify that he or she has not previously been, nor is currently being, paid for essentially equivalent work by any agency of the Federal Government.

VII. Submission of Proposals.

A. Proposals should be submitted to Grants Administrative Management at the address shown below. Your submission should include an original and nine (9) copies of the proposal and Form S&E–661 submitted with the original proposal should have original signatures of the principal investigator(s) and the authorized organizational representative. USDA must have original signatures on file for each application. A principal investigator whose signature does not appear on the Application will not be listed as a principal investigator in the event of an award. Grant Administrative Management, Office of Grants and Program Systems, Science and Education, U.S. Department of Agriculture, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209, Telephone: (703) 235–2638.

All copies of the proposal should be mailed in one package, if at all possible. Due to the volume of proposals received, proposals submitted in several packages are very difficult to identify. If copies of the proposal *are* mailed in more than one package, the number of packages should be marked on the outside of each. It is important that *all packages be mailed at the same time.* The acknowledgment of receipt of the proposal will contain a proposal number and title. Later inquiries, addenda, ect., should include this information. However, every effort should be made to *assure* that the proposal contains *all pertinent information when initially submitted.*

B. To be considered for award, proposals must be prepared in the format prescribed in Section IV, "Proposal Preparation Instructions and Requirements," and must be *postmarked* by June 15, 1983. Proposals not postmarked by this date will be returned to sender.

Proposals are not to exceed 20 pages (single or double spaced, typed or printed on one side only) including the cover sheet, budget, vitae appendices, and required forms from the appendices from this announcement. Pages in excess of 20 will not be reviewed. Special bindings or covers must not be used, and pages should be stapled in the upper left hand corner of the cover sheet of each proposal.

BILLING CODE 3410-03-M

APPENDIX A

OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

GRANT APPLICATION

FOR OFFICE USE ONLY	
PROPOSAL NO.	DATE RECEIVED
PROGRAM AREA CODE	PROPOSAL CODE

1. LEGAL NAME OF ORGANIZATION TO WHOM AWARD SHOULD BE MADE

3. NAME OF AUTHORIZED REPRESENTATIVE

4. TELEPHONE NO. *(Include area code)*

2. ORGANIZATIONAL ADDRESS *(Give complete mailing address & Zip code — include County)*

5. ADDRESS OF AUTHORIZED REPRESENTATIVE *(If different from item 2)*

6. TITLE OF PROPOSAL *(Maximum 80 characters)*

7. PROGRAM TO WHICH YOU ARE APPLYING *(Refer to Federal Register Announcement)*

8. PROGRAM AREA *(Refer to Federal Register Announcement)*

9. IRS NO.

10. CONGRESSIONAL DISTRICT NO.

11. EXISTING S&E AWARD NO.

☐ NEW ☐ RENEWAL *(Specify):*

12. PERIOD OF PROPOSED PROJECT DATES

From: Through:

13. NO. OF MONTHS

14. FUNDS REQUESTED FROM S&E *(Form S&E-55)*

$

PRINCIPAL INVESTIGATOR(S)

15. P.I.#1 NAME *(First, middle, last)*

17. P.I.#1 TELEPHONE NO. *(Include area code)*

16. BUSINESS ADDRESS *(Include Department & Zip code)*

18. P.I.#2 NAME *(First, middle, last)*

19. P.I.#3 NAME *(First, middle, last)*

20. TYPE OF PERFORMING ORGANIZATION *(Check one only)*

01 ☐ USDA/S&E Laboratory
02 ☐ Other Federal Research Laboratory
03 ☐ State Agricultural Experiment Station (SAES)
04 ☐ Land Grant University 1862
05 ☐ Land Grant University 1890 or Tuskegee Institute
06 ☐ Private University or College
07 ☐ Public University or College (Non-land Grant)
08 ☐ Private Profit making
09 ☐ Private Non-profit
10 ☐ State or Local Government
11 ☐ Veterinary School or College
12 ☐ Other *(Specify):*

21. Will the work in this proposal deal with recombinant DNA?

☐ NO ☐ YES

22. Will the work in this proposal deal with human subjects?

☐ NO ☐ YES *(Complete Form S&E-662)*

23. Will this proposal be sent to any other Federal Agency?

☐ NO ☐ YES *(List acronyms)*

CERTIFICATION AND ACCEPTANCE

We, the undersigned, certify that the information contained herein is true and complete to the best of our knowledge, and accept as to any grant awarded, the obligation to comply with the terms and conditions of Science and Education in effect at the time of the award.

SIGNATURE OF PRINCIPAL INVESTIGATOR(S) — DATE

SIGNATURE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE *(Same as item 3)* — TITLE — DATE

Form S&E-661 (Aug 81)

Attachment I

CERTIFICATIONS

Small Business Certification: Year Firm Founded _____

The _____
(name of applicant organization as it appears in Block 1 of Form S&E-661)

certifies it is a small business firm and meets the definition cited in the Small Business Act, 15 U.S.C. 631 and in the Definitions section of this announcement:

The Principal Investigator's primary employment will be with this firm at the time of award and during the conduct of the research. Yes___ No___

Two-thirds or more of this project will be carried out in the proposing firm. Yes___ No___

Number of employees (average for previous 12 months)*_____ Currently_____

Minority or Disadvantaged Business Certification:

The above organization certifies that it does_____ does not_____ qualify as a minority or disadvantaged firm as defined in the Definitions section of this announcement.

Disclosure Permission:

Will you permit USDA to disclose the title only of your proposed project, plus the name, address, and telephone number of the corporate official of your firm, if your proposal does not result in an award, to firms that may be interested in contacting you for further information or possible investment? Yes___ No___

NOTE: The space below may be used for the legend for identification and protection of proprietary information, if needed (see Section VI, "Considerations").

*If a subsidiary of another firm, the number of employees stated above must include all employees under the control of the senior parent organization.

APPENDIX B

OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

CURRENT AND PENDING SUPPORT

INSTRUCTIONS: • Record information for the preceding period — this will help S&E analyze shifts in research support. (Concurrent submission of a proposal to other organizations will *not* prejudice its review by S&E.) • All current research to which principal investigator(s) and other senior personnel have committed a portion of their time must be listed, whether or not salary for the person involved is included in the budgets of the various projects. • Provide analogous information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs.

NAME (List P.I. No.1 first)	CURRENT (✓)	PENDING (✓)	PROJECT NUMBER AND AGENCY	AMOUNT Code: T= Total A= Annual	EXPIRATION DATE OF GRANT	PERCENT OF EFFORT COMMITTED	TITLE OF PROJECT
				$			

Form S&E-663 (Aug 81)

U.S. DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

APPENDIX C

PROPOSAL BUDGET

OMB-0531-0009

ORGANIZATION AND ADDRESS	DURATION PROPOSED	S&E USE ONLY
	Months: _____	Months: _____
PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)	FUNDS REQUESTED BY PROPOSER	FUNDS APPROVED BY S&E (If different)

	S&E FUNDED WORK MONTHS				
	Calendar	Academic	Summer		
A. Salaries and Wages					
1. No. of Senior Personnel					
a. ___(Co)-PI(s)/PD(s)				$	$
b. ___ Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___Research Associates-Postdoctorate					
b. ___Other Professionals					
c. ___Graduate Students					
d. ___Pre-Baccalaureate Students					
e. ___Secretarial-Clerical					
f. ___Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits *(A plus B)* ►					
D. Nonexpendable Equipment *(Attach supporting data. List items and dollar amounts for each item.)*					
E. Materials and Supplies					
F. Travel					
1. Domestic *(Including Canada)*					
2. Foreign *(List destination and amount for each trip.)*					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs *(Attach supporting data. List items and dollar amounts. Details of subcontracts, including work statements and budget, should be explained in full in proposal.)*					
J. Total Direct Costs *(C through I)* ►					
K. Indirect Costs *(Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)*					
L. Total Direct and Indirect Costs *(J plus K)* ►					
M. Less Residual Funds *(If applicable)* ►					
N. TOTAL AMOUNT of this REQUEST *(L minus M)* ►				$	$
O. COST SHARING ►	$				

NOTE: Signatures required only for Revised Budget — *This is Revision No.* ►

NAME AND TITLE (type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form S&E-55 (Aug 81) USDA-S&E

APPENDIX D
OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

SPECIAL CONSIDERATIONS

NOTE: Check appropriate statements. Supply additional information when necessary.

☐ This project does not involve human subjects.

☐ This project involves human subjects.

☐ It was approved by the Institutional Review Board on _____ (date)

☐ Is scheduled for review by the Institutional Review Board on _____ (date)

See DHHS regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.

☐ This project does not involve recombinant DNA research.

☐ This project involves recombinant DNA research. It was approved by the Institutional Committee on _____ (date)

Supply appropriate documents as required by NIH *Guidelines for Research Involving Recombinant DNA Molecules* (43 FR 60108-60131 and subsequent revisions.)

ADDITIONAL INFORMATION

Form S&E-662 (Aug 81)

APPENDIX E

OMB-0531-0009

ORGANIZATIONAL INFORMATION

NOTE: Submit the following information.
Identify attached information by number and item.

1. LEGAL NAME OF ORGANIZATION & COMPLETE BUSINESS ADDRESS

2. Organizational Affiliations – Describe relationship of the organization to a parent organization or to subsidiaries of other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

3. Statement of Purposes and Powers – Attach an official or published statement of the major purposes of the organization as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants, *e.g.*, articles of incorporation, terms of reference, by-laws, etc.

4. KEY OFFICIALS AND AFFILIATIONS

	NAME, TITLE, AND TELEPHONE NO.	AFFILIATED WITH? College or University: Yes	College or University: No	State or Local Government: Yes	State or Local Government: No	IF *No*, IS CHECKED, DESCRIBE AFFILIATION
Chief Executive				(✓)		
Authorized Organizational Representative						
Business Officer						

5. Is your organization currently a grantee or contractor of any component of the U.S. Department of Health and Human Services (formerly Department of Health, Education and Welfare)? This information will assist in implementing certain interagency procedures for which DHHS is the lead agency. ☐ YES ☐ NO

6. If your organization is other than a college or university *or* a State or local government, *attach*

- A certified statement of financial conditions *(usually by Certified Public Accountant)* covering at least the preceding 2 years.
- Bank or other references.

7. Assurance of Compliance – Attach completed Form S&E-665.

Form S&E-666 (Aug 81) *(Over)*

APPENDIX E

CERTIFICATION

1. I certify that _____ has legal authority to accept grants
(Name of institution or organization)
and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, N, and O to OMB Circular A-110. *(In the event this is not the case,* attach a list of exceptions and provide a realistic estimate of when such standards might be met.)

2. Each proposal to the S&E Grants Administrative Management Office will be consistent with the policies and goals of the proposed grantee and will be submitted in accordance with its procedures and pursuant to appropriate authority.

3. In the event that a grant is awarded as a result of any such proposal, I agree that the proposed grantee organization will:

   A. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed.

   B. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the grant.

   C. Ensure that costs which S&E is being asked to support are allowable and the treatment of direct and indirect costs in the proposal budget is consistent with applicable Federal cost principles and with the policies of the submitting organization.

   Allowable Costs – Payment up to the amount specified in the Agreement shall be made only for allowable costs actually incurred in conducting the work under the Agreement in accordance with its terms.

   The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

   Educational Institutions, OMB Circular A-21
   Non-Profit Organizations, OMB Circular A-122
   Commercial Firms, FPR 1-15.2
   State and Local Governments, OMB Circular A-87

   D. Comply with all applicable laws and regulations.

TYPED NAME AND TITLE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE	SIGNATURE	DATE

S&E-666 (Reverse)

APPENDIX F
OMB-0531-0009

UNITED STATES DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION

ASSURANCE OF COMPLIANCE
with the
DEPARTMENT OF AGRICULTURE REGULATIONS
UNDER TITLE VI of the CIVIL RIGHTS ACT of 1964 *(as amended)*

NOTE: Not required if previously submitted to S&E/GAMO.

Legal name of proposed grantee _____ *(hereinafter called the Applicant)* hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground(s) of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Applicant.

SIGNATURE(S) OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE(S)	DATE

APPLICANT'S MAILING ADDRESS

Form S&E-665 (Aug 81)

OMB-0531-0009

FOR OFFICE USE ONLY	
PROPOSAL NO.	DATE RECEIVED
PROGRAM AREA CODE	PROPOSAL CODE

GRANT APPLICATION

1. LEGAL NAME OF ORGANIZATION TO WHOM AWARD SHOULD BE MADE

3. NAME OF AUTHORIZED REPRESENTATIVE

4. TELEPHONE NO. *(Include area code)*

2. ORGANIZATIONAL ADDRESS *(Give complete mailing address & Zip code — include County)*

5. ADDRESS OF AUTHORIZED REPRESENTATIVE *(If different from item 2)*

6. TITLE OF PROPOSAL *(Maximum 80 characters)*

7. PROGRAM TO WHICH YOU ARE APPLYING *(Refer to Federal Register Announcement)*

8. PROGRAM AREA *(Refer to Federal Register Announcement)*

9. IRS NO.

10. CONGRESSIONAL DISTRICT NO.

11. EXISTING S&E AWARD NO.

☐ NEW ☐ RENEWAL *(Specify):*

12. PERIOD OF PROPOSED PROJECT DATES

From: Through:

13. NO. OF MONTHS

14. FUNDS REQUESTED FROM S&E *(Form S&E-55)*

$

PRINCIPAL INVESTIGATOR(S)

15. P.I.#1 NAME *(First, middle, last)*

17. P.I.#1 TELEPHONE NO. *(Include area code)*

16. BUSINESS ADDRESS *(Include Department & Zip code)*

18. P.I.#2 NAME *(First, middle, last)*

19. P.I.#3 NAME *(First, middle, last)*

20. TYPE OF PERFORMING ORGANIZATION *(Check one only)*

01 ☐ USDA/S&E Laboratory
02 ☐ Other Federal Research Laboratory
03 ☐ State Agricultural Experiment Station (SAES)
04 ☐ Land Grant University 1862
05 ☐ Land Grant University 1890 or Tuskegee Institute
06 ☐ Private University or College
07 ☐ Public University or College (Non-land Grant)
08 ☐ Private Profit making
09 ☐ Private Non-profit
10 ☐ State or Local Government
11 ☐ Veterinary School or College
12 ☐ Other *(Specify):*

21. Will the work in this proposal deal with recombinant DNA?

☐ NO ☐ YES

22. Will the work in this proposal deal with human subjects?

☐ NO ☐ YES *(Complete Form S&E-662)*

23. Will this proposal be sent to any other Federal Agency?

☐ NO ☐ YES *(List acronyms)*

CERTIFICATION AND ACCEPTANCE

We, the undersigned, certify that the information contained herein is true and complete to the best of our knowledge, and accept as to any grant awarded, the obligation to comply with the terms and conditions of Science and Education in effect at the time of the award.

SIGNATURE OF PRINCIPAL INVESTIGATOR(S)

DATE

SIGNATURE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE *(Same as item 3)*

TITLE

DATE

Form S&E-661 (Aug 81)

CURRENT AND PENDING SUPPORT

INSTRUCTIONS: • Record information for the preceding period -- this will help S&E analyze shifts in research support. (Concurrent submission of a proposal to other organizations will *not* prejudice its review by S&E.) • All current research to which principal investigator(s) and other senior personnel have committed a portion of their time must be listed, whether or not salary for the person involved is included in the budgets of the various projects. • Provide analogous information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs.

NAME *(List P.I. No.1 first)*	CURRENT (✓)	PENDING (✓)	PROJECT NUMBER AND AGENCY	AMOUNT Code: T= Total A= Annual	EXPIRATION DATE OF GRANT	PERCENT OF EFFORT COMMITTED	TITLE OF PROJECT
				$			

Form S&E-663 (Aug 81)

PROPOSAL BUDGET

OMB-0531-0009

ORGANIZATION AND ADDRESS	DURATION PROPOSED	S&E USE ONLY
	Months: _____	Months: _____
PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)	FUNDS REQUESTED BY PROPOSER	FUNDS APPROVED BY S&E (If different)

	S&E FUNDED WORK MONTHS				
	Calendar	Academic	Summer		
A. Salaries and Wages					
1. No. of Senior Personnel					
a. ___ (Co)-PI(s)/PD(s)				$	$
b. ___ Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___ Research Associates-Postdoctorate					
b. ___ Other Professionals					
c. ___ Graduate Students					
d. ___ Pre-Baccalaureate Students					
e. ___ Secretarial-Clerical					
f. ___ Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits *(A plus B)* ►					
D. Nonexpendable Equipment *(Attach supporting data. List items and dollar amounts for each item.)*					
E. Materials and Supplies					
F. Travel					
1. Domestic *(Including Canada)*					
2. Foreign *(List destination and amount for each trip.)*					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs *(Attach supporting data. List items and dollar amounts.* Details of subcontracts, including work statements and budget, should be explained in full in proposal.)					
J. Total Direct Costs *(C through I)* ►					
K. Indirect Costs *(Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)*					
L. Total Direct and Indirect Costs *(J plus K)* ►					
M. Less Residual Funds *(If applicable)* ►					
N. TOTAL AMOUNT of this REQUEST *(L minus M)* ►				$	$
O. COST SHARING ►				$	

NOTE: Signatures required only for Revised Budget *This is Revision No.* ►

NAME AND TITLE (type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form S&E-55 (Aug 81) USDA-S&E

OMB-0531-0009

SPECIAL CONSIDERATIONS

NOTE: Check appropriate statements. Supply additional information when necessary.

☐ This project does not involve human subjects.

☐ This project involves human subjects.

☐ It was approved by the Institutional Review Board on _____ (date)

☐ Is scheduled for review by the Institutional Review Board on _____ (date)

See DHHS regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.

☐ This project does not involve recombinant DNA research.

☐ This project involves recombinant DNA research. It was approved by the Institutional Committee on _____ (date)

Supply appropriate documents as required by NIH *Guidelines for Research Involving Recombinant DNA Molecules* (43 FR 60108-60131 and subsequent revisions.)

ADDITIONAL INFORMATION

Form S&E-662 (Aug 81)

OMB-0531-0009

ORGANIZATIONAL INFORMATION

NOTE: Submit the following information.
Identify attached information by number and item.

1. LEGAL NAME OF ORGANIZATION & COMPLETE BUSINESS ADDRESS

2. Organizational Affiliations – Describe relationship of the organization to a parent organization or to subsidiaries of other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

3. Statement of Purposes and Powers – Attach an official or published statement of the major purposes of the organization as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants, *e.g.*, articles of incorporation, terms of reference, by-laws, etc.

4. KEY OFFICIALS AND AFFILIATIONS

	NAME, TITLE, AND TELEPHONE NO.	AFFILIATED WITH? College or University Yes	College or University No	State or Local Government Yes	State or Local Government No	IF *No*, IS CHECKED, DESCRIBE AFFILIATION
Chief Executive			(✓)			
Authorized Organizational Representative						
Business Officer						

5. Is your organization currently a grantee or contractor of any component of the U.S. Department of Health and Human Services (formerly Department of Health, Education and Welfare)? This information will assist in implementing certain interagency procedures for which DHHS is the lead agency. ☐ YES ☐ NO

6. If your organization is other than a college or university *or* a State or local government, *attach*

- A certified statement of financial conditions *(usually by Certified Public Accountant)* covering at least the preceding 2 years.
- Bank or other references.

7. Assurance of Compliance – Attach completed Form S&E-665.

Form S&E-666 (Aug 81) *(Over)*

CERTIFICATION

1. I certify that _____ has legal authority to accept grants
(Name of institution or organization)
and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, N, and O to OMB Circular A-110. *(In the event this is not the case,* attach a list of exceptions and provide a realistic estimate of when such standards might be met.)

2. Each proposal to the S&E Grants Administrative Management Office will be consistent with the policies and goals of the proposed grantee and will be submitted in accordance with its procedures and pursuant to appropriate authority.

3. In the event that a grant is awarded as a result of any such proposal, I agree that the proposed grantee organization will:

A. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed.

B. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the grant.

C. Ensure that costs which S&E is being asked to support are allowable and the treatment of direct and indirect costs in the proposal budget is consistent with applicable Federal cost principles and with the policies of the submitting organization.

Allowable Costs – Payment up to the amount specified in the Agreement shall be made only for allowable costs actually incurred in conducting the work under the Agreement in accordance with its terms.

The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

Educational Institutions, OMB Circular A-21
Non-Profit Organizations, OMB Circular A-122
Commercial Firms, FPR 1-15.2
State and Local Governments, OMB Circular A-87

D. Comply with all applicable laws and regulations.

TYPED NAME AND TITLE OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE	SIGNATURE	DATE

S&E-666 (Reverse)

OMB-0531-0009

ASSURANCE OF COMPLIANCE
with the
DEPARTMENT OF AGRICULTURE REGULATIONS
UNDER TITLE VI of the CIVIL RIGHTS ACT of 1964 *(as amended)*

NOTE: Not required if previously submitted to S&E/GAMO.

Legal name of proposed grantee _____ *(hereinafter called the Applicant)* hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground(s) of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Applicant.

SIGNATURE(S) OF AUTHORIZED ORGANIZATIONAL REPRESENTATIVE(S)	DATE

APPLICANT'S MAILING ADDRESS

[FR Doc. 83-11183 Filed 4-27-83; 8:45 am]
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Form S&E-665 (Aug 81)

federal register

Thursday
April 28, 1983

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Auger Mining; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 819

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Auger Mining

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is adopting final rules for conducting auger mining of coal. These rules clarify standards for auger mining, including those relating to maximum coal recovery and to hydrologic-balance and subsidence protection. They also establish standards for auger mining in previously mined areas.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ranvir Singh, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, DC 20240; 202–343–4022.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments and Rules Adopted
III. Procedural Matters

I. Background

Permanent program auger mining rules were initially published on March 13, 1979, and codified at 30 CFR Part 819 (44 FR 15448). On March 19, 1982, OSM published proposed rules revising the previous rules relating to auger mining (47 FR 12088). These proposed rules would have deleted Part 819 and included all requirements for auger mining in a new section, 30 CFR 816.108.

Throughout the development of these rules, OSM has solicited public comments and recommendations. Following publication of the proposed rules, OSM made provisions to hold public hearings and public meetings upon request. OSM convened a public hearing in Room 2212, Federal Building, Pittsburgh, Pennsylvania, on Friday, April 9, 1982, at 9:30 a.m. However, no persons wishing to testify appeared.

The March 19, 1982, notice provided for the comment period to close on April 19, 1982. To provide the public with a greater opportunity to participate, the comment period was extended to August 25, 1982 (47 FR 20631, May 13, 1982). It was subsequently reopened on September 7, 1982, and closed on September 10, 1982 (47 FR 39201) to include relevant testimony given at a congressional hearing.

II. Discussion of Comments and Rules Adopted

OSM received comments on the proposed rules from industry, citizens, environmental groups, and other government agencies. OSM has carefully reviewed each comment and taken every suggestion into consideration in writing this final rule.

General Comments

Some commenters objected to the placement of the performance standards for auger mining in the Part 816, backfilling and grading rules for surface mining activities. They argued that auger mining is a distinct method of coal recovery which differs from both underground mining and conventional surface mining methods. One commenter stated that the unique issues attendant to augering must be addressed in the design, permitting, and conduct of the auger operation. The same commenter contended that the proposal treated augering as an afterthought or as part of the reclamation phase of surface mining activities, thereby deemphasizing the need for thorough planning in advance of the operational phase to meet the requirements of Section 515(b)(9) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, (Act). Another commenter recommended that the auger mining rules be moved from Part 816, as proposed, to 30 CFR Part 817, performance standards for underground mining activities, to make it clear that the subsidence rules would be applicable to these operations.

OSM has revised the final rule in accordance with the major points advanced by the first commenter. Because augering is distinct from surface as well as from underground mining, certain of the problems encountered in augering are unique. Accordingly, the performance standards for augering will be retained as a separate part, Part 819. Under the final rule, previous § 819.1, "Scope," is retained with minor editorial revisions; previous § 819.2, "Objectives," which contained no substantive requirements, is deleted; and previous § 819.11 is replaced with new § 819.11 *Auger mining: General*, § 819.13 *Auger mining: Coal recovery*, § 819.15 *Auger mining: Hydrologic balance*, § 819.17 *Auger mining: Subsidence protection*, § 819.19 *Auger mining: Backfilling and grading*, and § 819.21 *Auger mining: Protection of underground mining*, which are discussed below.

To assist the reader in understanding the changes in the final rules, the following Derivation Table shows the relationship of the final rules to the previous sections and the proposed sections.

DERIVATION TABLE.—AUGER MINING

Final rule Part 819	Previous sections Part 819	Proposed sections §§ 816.108 and 816.109
§ 819.1	§ 819.1	
§ 819.11(a)	§ 819.1	§ 816.108(a)(5).
§ 819.11(b)	§ 819.11(e)	§ 816.108(f).
§ 819.11(b)(1)	§ 819.11(e)(3)	§ 816.108(f)(2).
§ 819.11(b)(2)	§ 819.11(e)(1)	§ 816.108(f)(1).
§ 819.13(a)	[§ 819.59]	
§ 819.13(b)	§ 819.11(a)	§ 816.108(a)(2).
§ 819.13(c)	§ 819.11(a)	§ 816.108(b).
§ 819.15(a)		§ 816.108 (a), (a)(1).
§ 819.15(b)		§ 816.108(c).
§ 819.15(b)(1)	§ 819.11(c)(1)	
§ 819.15(b)(2)	§ 819.11(c) (1 and 2).	§ 816.108(c) (1 and 2).
§ 819.15(c)	§ 819.11(d)	§ 816.108(d).
§ 819.15(c)(1)	§ 819.11(d)(1)	§ 816.108(d)(1).
§ 819.15(c)(2)	§ 819.11(d)(2)	§ 816.108(d)(2).
§ 819.17	§ 819.11(e)(4)	§ 816.108(a)(4).
§ 819.19(a)		§ 816.109(a)(1).
§ 819.19(b)		§ 816.109(a).
§ 819.19(b)(1)	§ 819.11(e)(2)	§ 816.109(a)(2).
§ 819.19(b)(2)		§ 816.109(a)(3).
§ 819.19(b)(3)		§ 816.109(a)(4).
§ 819.19(b)(4)		§ 816.109(a)(5).
§ 819.19(b)(5)		§ 816.109(a)(6).
§ 819.21	§ 819.11(b)	§ 816.108(e).

Although OSM has rejected a commenter's suggestion to move the auger mining rules to Part 817, new final § 819.17 will provide that all auger mining operations must be planned and conducted to comply with the subsidence-control requirements of § 817.121 (a) and (c). The rationale for this change is explained below.

One commenter suggested that OSM consider the possibility of developing another set of rules specifically for Extended Depth Secondary Recovery (EDSR). The commenter characterized EDSR as a highly sophisticated method capable of recovering 80 to 85 percent clean coal to a depth of 200 feet without additional surface disturbance. Based on these factors, the commenter felt that EDSR technology requires rules designed specifically for these types of operations.

Auger mining is narrowly defined in 30 CFR 701.5, and the definition does not specifically include alternate technologies such as EDSR or the Thin Seam Miner (TSM). However, States have sufficient latitude in their individual State programs to treat such technologies as they do conventional augering operations. Alternately, the technologies can be treated as experimental practices under Section 711 of the Act. No revision of the final auger mining rules will be made at this time to accommodate EDSR or TSR. OSM will continue to collect information

on the effects of this technology and will consider rule changes in the future if they become necessary.

Specific Comments

Section 819.1 Scope.

Final § 819.1 explains that Part 819 sets the performance standards for auger mining operations. This section was not contained in the proposed rule which was to be included in Part 816, but is retained with only minor editorial changes from the previous rule.

Section 819.11 General.

Section 819.11(a)

Final § 819.11(a) specifies that auger mining operations must be conducted in accordance with the requirements of Part 816, except as otherwise specified in Part 819. This requirement was contained in previous § 819.1, "Scope." The revised language of final § 819.11(a) also makes it clear that the requirements of Part 819 supersede the requirements of Part 816 if a provision in Part 819 enumerates special requirements for auger mining operations.

Proposed § 816.108(a)(5) required that all augering operations be planned and conducted consistent with reclamation being performed in accordance with all other requirements of 30 CFR Chapter VII. OSM considered and rejected two comments on this provision. One commenter suggested that the word "consistent" be replaced by the word "compatible" to provide flexibility by allowing each auger mining operation to be tailored according to local mining conditions, facilities, climate, geology, and terrain within a State. Another commenter suggested that the term "applicable" be inserted between the words "other" and "requirements" in the proposed rule to prevent the misapplication of rules which are inapplicable to auger mining. The final rule contains no substantive change from the language of the proposal. For this reason, the requirements of proposed § 816.108(a)(5) are adequately covered under the terms of final § 819.11(a). Addition of term "applicable" to the language of final § 819.11(a) is also unnecessary. Such a revision could suggest that a rule is inapplicable to auger mining unless its application to that activity is specifically stated in Part 819. This would be an incorrect interpretation of the requirements of Part 819.

Section 819.11(b)

Proposed § 816.108(f) provided that the regulatory authority would prohibit augering if it determined that adverse water-quality impacts could not be prevented or corrected; that such a prohibition was necessary to maximize utilization, recoverability, or conservation of the solid-fuel resource; or that effects from augering would prevent performance of reclamation in accordance with all other requirements of the Act and all other provisions of Chapter VII. In response to remarks from commenters and for reasons discussed below, OSM has revised the proposed language and adopted a new final § 819.11(b). Under final § 819.11(b), the regulatory authority *may* prohibit auger mining, if necessary to maximize the utilization, recoverability or conservation of the solid-fuel resource, or to protect against adverse water-quality impacts.

One commenter stated that proposed § 816.108(f) was unnecessary inasmuch as it would allow the regulatory authority to prohibit a specific form of mining. The commenter added that such a determination exceeded the general powers of the regulatory authority as well as its knowledge and capability. OSM disagrees with this comment because the proviso in Section 515(b)(9) of the Act clearly allows the regulatory authority to prohibit augering under specific circumstances. The commenter's concern about the legal and technical competence of regulatory authorities is unjustified since Section 503(a)(3) of the Act conditions State program approval on proof that the State regulatory authority has sufficient personnel and resources to ensure effective implementation of the State's program. In addition, OSM's oversight responsibility and the procedures in 30 CFR Part 733 for Federal enforcement of State programs or withdrawal of State program approval will provide OSM the means to identify and remedy any problems with implementation of a State program.

Another commenter recommended that the proposed rule be changed to track the language in the proviso of Section 515(b)(9) of the Act. This commenter felt that the statutory language provided a better statement as to when augering "may" be prohibited than the broad, undefined language of proposed § 816.108(f) that required a mandatory prohibition. OSM has accepted this recommendation and has revised new § 819.11(b) to provide that the regulatory authority may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water-quality impacts. The change from "shall" in proposed § 816.108(f) to "may" in new § 819.11(b) is consistent with Section 515(b)(9) of the Act. The revised language will also minimize the potential for prohibitions on mining where not specifically provided for in the Act.

Several commenters suggested that the words "prevented or" be deleted from the language of proposed § 816.108(f)(1). One commenter argued that augering should be permitted if adverse impacts on water quality could be minimized or corrected within a short time. The commenter also found the proposed rule duplicative of certain requirements in Chapter VII, Subchapter F, relating to the designation of areas as unsuitable for all or certain types of mining. Another commenter contended that the rule, as written, would not allow for even minor, temporary onsite adverse effects on water quality, thereby making any auger mining activity impossible. An additional commenter claimed that an absolute requirement to prevent changes in water quality was inconsistent with the requirement in Section 515(b)(9) of the Act to minimize disturbance of the quality of water in auger holes.

OSM agrees in part with these commenters. Under final § 819.11(b)(2), the regulatory authority is allowed to prohibit augering if it determines that prohibition is necessary to "protect against" adverse water-quality impact. However, the obligation to protect against adverse impacts under the final rule should not be interpreted to require total prevention of onsite temporary impacts. An absolute requirement for total prevention of adverse water-quality impacts is more stringent than the requirements in Section 515(b)(9) of the Act and inconsistent with Section 515(b)(10) of the Act. The final rule complements other sections of the Act which afford protection to water quality, including Sections 510(b)(3) and 515(b)(10), and allows the regulatory authority to prohibit augering where necessary to protect against adverse impacts on water quality. However, planning for augering should include measures to prevent, where possible, as well as to correct, harmful effects.

As previously stated, the language in proposed § 816.108(f) has been revised to track the wording of the proviso in Section 515(b)(9) of the Act. Final § 819.11(b)(1), as adopted, will grant the regulatory authority discretion to prohibit augering upon finding the prohibition necessary to maximize the utilization, recoverability, or conservation of the solid-fuel resource. This provision will assure the achievement of the requirements that all auger mining operations be planned and conducted to maximize the

recoverability of remaining mineral reserves and that access be left for future underground mining.

Proposed § 816.108(f)(3) provided that the regulatory authority must prohibit auger mining if it determined that the effects from augering operations would prevent reclamation in accordance with all other requirements of the Act and all other provisions of Chapter VII. One commenter suggested that the language of the proposed rule be revised to require reclamation to be performed "in accordance with all other 'applicable' requirements of the Act and all other 'applicable' requirements of this chapter." The commenter argued that insertion of the term "applicable" would prevent the misapplication of standards not applicable to augering as well as clarify that special considerations in certain rules, such as those for remining on steep slopes, apply to auger mining.

OSM has found the language of proposed § 816.108(f)(3), which prohibited auger mining if its effects would prevent reclamation, redundant of other provisions of its rules. Under OSM's permitting requirements and the Act, a permit cannot be issued unless the regulatory authority finds that all requirements of the rules and the Act are met, including the assurance of proper reclamation. Final § 819.11(a), also requires all auger mining operations to be planned and conducted in accordance with the requirements of Part 816. Accordingly, proposed § 816.108(f)(3) has not been adopted in the final rule.

Section 819.13 Coal recovery.

New final § 819.13 contains requirements for coal recovery during and after auger mining operations. Several commenters expressed concern or confusion about requirements for maximizing recovery of the coal resource. These requirements have been reorganized and consolidated in a final § 819.13 to clarify the various standards applicable to maximizing coal recovery.

Three provisions govern coal recovery in the final auger mining rule. The first, in final § 819.13(a), requires the coal operator to comply with the requirements of § 816.59. Under § 816.59, surface mining operations must be conducted to maximize the utilization and conservation of the coal. The second provision, in final § 819.13(b), implements the Act's requirement that an operator maximize the recoverability of mineral resources remaining after the augering operation and reclamation are complete. The third, in final § 819.13(c), requires that auger mining operations leave areas of undisturbed coal to provide access for future underground mining. Final § 819.13(a), thus, implements the requirements of Section 515(b)(1) of the Act, while final § 819.13 (b) and (c) implements the requirements of Section 515(b)(9) of the Act.

Section 819.13(a)

Final § 819.13(a), as discussed, references the coal recovery requirements of § 816.59. Though not in the proposed rule this provision is included in the final rule for the convenience of the reader and to clarify the confusion noted by commenters.

Section 819.13(b)

Proposed § 816.108(a)(2) provided that all auger mining operations must be planned and conducted to prevent unnecessary loss of coal reserves. One commenter recommended that the language of the proposed rule be changed to require the operation to "maximize recoverability of mineral reserves remaining after the operation and reclamation are complete" to assure consistency with Section 515(b)(9) of the Act, which uses that precise language. OSM accepted this recommendation, and the language has been modified accordingly in § 819.13(b) of the final rule.

Another commenter suggested that proposed § 816.108(a)(2) be revised not only to track the language of Section 515(b)(9) of the Act, but also to recognize the technical and economic constraints of the operator to remine sites by augering. The commenter's suggested rule would require all augering operations to "[a]chieve maximum recovery of the coal resource given the economic and technical constraints on the coal mining operator." The commenter explained that because mining companies are constrained or limited by the type of equipment they have and their economic situation, they all cannot auger mine a site with the same efficiency and thoroughness. The commenter claimed the regulatory authority might deny certain operators the permit to remine by augering if their equipment or economic situation did not meet the optimum standards the regulatory authority set for the maximum recovery of coal.

The commenter thought the regulatory authority's assessment of whether maximum coal recovery would be met should not be based on set optimum standards, but rather on the individual characteristics of both the remining site and the operator proposing to auger mine the site.

The revision suggested by the commenter is unnecessary since the new rule allows regulatory authorities to recognize technical and economic constraints on remining by augering. Economic and technical constraints are appropriate factors for the regulatory authority to consider in determining whether the operation would result in the maximum utilization and conservation of coal. On the other hand, the regulatory authority should not limit its consideration only to the economic conditions of a particular operator in determining compliance with this requirement. Thus, under final § 819.11(b), the regulatory authority is allowed to prohibit auger mining if auger mining would not maximize the utilization, conservation, or recoverability of the coal, even though the operator is prepared to use only auger mining techniques. The regulatory authority must make this determination on a case-by-case basis, taking into account site-specific conditions. The existing rules are satisfied by a demonstration that all coal which is economically feasible to recover will be mined. See the preamble to § 816.59 (44 FR 15178, March 13, 1979) for additional discussion of the requirement to maximize utilization and conservation of the coal resource.

A commenter requested clarification of the relationship between the auger mining requirements in Parts 816 and 819 and the requirements for maximum economic recovery under the Minerals Management Service regulations for mining Federal coal. The relationship between the two sets of regulations is stated in recently revised 30 CFR 740.19(a)(2) which provides that "[s]urface coal mining and reclamation on lands containing leased Federal coal shall be conducted in accordance with the requirements of the terms, conditions and stipulations of the lease issued under the Mineral Leasing Act and its implement regulations [30 CFR] Part 211 . . ., as applicable, and the mining plan." Section 740.19 is applicable to augering operations on Federal lands. (48 FR 6912, February 16, 1983).

Section 819.13(c)

Proposed § 816.108(b) required each person who conducts auger mining operations to leave areas of undisturbed coal, as approved by the regulatory authority, to provide access for future underground mining activities to coal reserves remaining after augering is completed, unless it is established that the coal reserves have been depleted or are so limited in thickness or extent that it will not be practicable to recover the remaining coal. The proposed rule also provided that the regulatory authority

would make this determination upon presentation of appropriate technical evidence by the operator. OSM has adopted the proposed rule in new final § 819.13(c).

One commenter though that resource recovery is a judgment by the operator which should not be governed by the regulatory authority. The commenter claimed this determination exceeds the expertise and capability of the regulatory authority and does not encourage resource recovery as mandated by the Act.

OSM does not agree with this comment, and the language of proposed § 816.108(b) has been retained in final § 819.13(c). Section 515(b)(9) of the Act requires that augering operations be conducted "in a manner to maximize recoverability of mineral resources remaining after the operation and reclamation are complete . . .," and states "that the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources. . . ." Thus, the statute assigns the responsibility to the regulatory authority for regulation of auger mining to assure maximum recovery and conservation of the solid-fuel resource. In making this determination, the regulatory authority must take into account the technical data submitted by the operator.

Another commenter urged that the requirement in previous § 819.11(a) for a 250-foot barrier pillar at 2,500-foot intervals be retained to maximize recovery and assure access to remaining reserves potentially recoverable by underground mining after augering is completed. The commenter contended that the absence of a definite footage standard from the proposed rule would require the regulatory authority to gauge the adequacy of pillars on a case-by-case basis. Because the need for individual-case determinations would exacerbate existing strains on the resources of regulatory authorities, the commenter argued that there would be a tendency for regulatory authorities to approve all plans, regardless of their technical adequacy.

OSM is denying the commenter's request because retention of this requirement is unnecessary. The requirements in Section 515(b)(9) and (b)(10) of the Act will be met if the regulatory authority is granted discretion to determine how the performance standards can be achieved on a site-specific basis. Since geologic conditions differ from one part of the country to another, the objectives of the Act are not best achieved by requiring all mine operators to comply with the same specific design criteria. Final § 819.13(c) allows the regulatory authority flexibility in setting design criteria based on variations in geologic, topographic, and other site-specific conditions. OSM disagrees with the contention that the rule will create additional burdens which regulatory authorities cannot meet. Under Section 503(a)(3) of the Act, State programs are approved only if State regulatory authorities have sufficient technical personnel and funding to implement their programs in accordance with the Act's requirements. Furthermore, OSM's oversight of State programs and procedures for Federal enforcement of State programs at 30 CFR Part 733 will ensure the effective implementation of State regulatory programs.

One commenter suggested that OSM allow those areas that "will be depleted by the auger mining operation" to be exempted from having to leave areas of undisturbed coal. OSM has not accepted this suggestion. The relevant language of final § 819.13(c), which was not proposed to be changed, allows the regulatory authority to permit no undisturbed areas to be left if the operator can show that reserves are so limited as to make their recovery impracticable.

A final commenter felt that the proposed provisions requiring undisturbed coal to be left for underground access overlooked potential problems primarily related to auger mining conducted in the West. Since auger mining in the West is usually done in conjunction with surface mining and since reclamation laws and regulations require the reclamation of highwalls, the commenter argued that it would be unrealistic to require auger operations to leave undisturbed coal in areas where the highwalls will be reclaimed. In the interest of resource conservation and recovery, the commenter suggested that OSM allow complete auger mining in area surface mining situations where the highwall will be reclaimed. OSM has rejected this comment. Elimination of highwalls is required nationwide and provides no basis for a variance from the auger mining requirement to provide access for possible future underground mining. New § 819.13(c) allows the regulatory authority to determine the extent of areas that must be left undisturbed to provide such future access.

Section 819.15 Hydrologic balance.

New final § 819.15 contains requirements for protection of the hydrologic balance. This rule, as finally adopted by OSM, reflects the requirements of proposed § 816.108(a)(1), (c), and (d). Final § 819.15(a) requires that all auger mining be planned and conducted to minimize disturbance of the prevailing hydrologic balance in accordance with the requirements of §§ 816.41 and 816.42. Additionally, final § 819.15 (b) and (c) provides special standards for sealing auger holes.

Section 819.15(a)

Proposed § 816.108(a)(1) required that all auger mining operations be planned and conducted to minimize disturbance of the prevailing hydrologic balance and of the quality and quantity of water in surface- and ground-water systems, both during the operation and after reclamation, as required in §§ 816.41 and 816.42. No comments were received on this paragraph. Therefore, OSM has adopted this general provision, with some editorial revision, as final § 819.15(a). No substantive change is intended.

Section 819.15(b)

Proposed § 816.108 (c) and (d) specified requirements for sealing each auger hole to prevent acid and toxic drainage from the auger holes and access of air to the remaining coal. OSM received several comments on the language of the proposed rule.

One commenter suggested that the term "auger holes" be changed to "[a]ll auger holes" or to "[e]ach auger hole" because Section 515(b)(9) of the Act requires all auger holes to be sealed except where the regulatory authority determines that the impoundment of water by sealing may create an environmental or public-safety hazard. OSM has accepted this comment and revised the final rule accordingly.

Commenters suggested that auger holes be sealed only "[w]hen the regulatory authority determines that drainage from [such] auger holes would create a hazard to the environment or to public health or safety." The commenters argued that the proposed rule would require the sealing of auger holes even when no constructive purpose would be served. This suggestion has been rejected. Section 515(b)(9) of the Act requires all auger holes to be sealed with an impervious and noncombustible material "*except* where the regulatory authority determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety [emphasis added]." Thus, the Act requires sealing of auger holes as a general rule. The commenters' suggestion to require sealing of auger

holes only under certain conditions is inconsistent with the requirement.

Proposed § 816.108(c)(1) required auger holes to be sealed with impervious and noncombustible material to prevent drainage from those holes and access of air to the coal. Proposed § 816.108(c)(2) required sealing of auger holes as contemporaneously as possible with the augering operation, as approved by the regulatory authority.

Two commenters requested that OSM reinstate in this final rule the requirement of previous § 819.11(c)(1) that auger holes containing acid- or toxic-forming material be sealed within 72 hours or that discharge be treated within that time to meet effluent and water-quality standards until sealing occurs. One commenter argued that the previous provisions were more enforceable and therefore should be retained. Another commenter felt that the previous requirement should be reinserted in the new rule since plugging auger holes within 72 hours would cause a significant decrease in the amount of acid mine drainage ultimately generated from those holes as well as reduce the possibility of acid seepage after reclamation. OSM has accepted these comments and reinstated the 72-hour sealing requirement in new final § 819.15(b).

A commenter also objected to the deletion of references to plugging as the preferable method of sealing auger holes in proposed § 816.108(c)(1). The commenter suggested that the final rule retain the "plugging" requirement from previous § 819.11 because plugging by backfilling and compacting noncombustible material is the most common and preferable method of creating a watertight seal for an auger hole. OSM has rejected this suggestion and will not mandate the plugging of auger holes in every case. The language of final § 819.15(b) allows an operator to use any technique approved by the regulatory authority, including plugging, to meet the general performance standards for sealing auger holes with impervious and noncombustible materials. This approach is consistent with Section 515(b)(9) of the Act.

OSM considered two comments on proposed § 816.108(c)(2). The first commenter stated that the "as contemporaneously as practicable" requirement of the proposed rule was more restrictive than previous § 819.11(c)(2) in not allowing 30 days for sealing auger holes which do not discharge acid- or toxic-forming water and less restrictive than previous § 819.11(c)(1) in not requiring sealing within 72 hours for auger holes in which such discharges are present. This commenter felt that the proposed standard would result in less flexibility where necessary and more uncertainty regarding onsite and offsite environmental protection. For this reason, he suggested that the 30-day requirement for sealing all auger holes not discharging water, as provided in the previous rule, be retained. OSM has rejected this comment and adopted the "as contemporaneously as practicable" requirement in final § 819.15(b)(2). In nonhazardous situations, the regulatory authority should have the discretion, on the basis of site-specific conditions, to determine the time period within which auger holes must be sealed. Accordingly, the new rule, as revised and adopted by OSM, grants the regulatory authority discretion to require sealing "as contemporaneously as practicable" where auger holes are not discharging acid- or toxic-forming water.

Another commenter suggested that proposed § 816.108(c)(2) be revised to track language in the preamble to the proposed rule that all auger holes be sealed as "contemporaneously as practicable with the augering operation, as approved by the regulatory authority on a site specific basis." This commenter contended that the addition of the phrase "on a site specific basis" would permit such factors as local geographic and topographic conditions, adverse weather conditions, the size of the operation, and any association of augering with a conventional surface mining operation to be considered by the regulatory authority in reviewing the sealing schedule proposed in the application for an auger mining permit. It is unnecessary to insert the specific phrase recommended by the commenter into the language of final § 819.15(b)(2). OSM recognizes that the regulatory authority should have the flexibility to take into account site-specific conditions in determining what constitutes sealing "as contemporaneously as practicable" for a particular augering operation. Under final § 819.15(b)(2), the regulatory authority has the flexibility to consider the factors cited by the commenter.

Section 819.15(c)

Proposed § 816.108(d) provided that auger holes need not be sealed with an impervious material to prevent drainage if the regulatory authority determined that the resulting impoundment of water may create a hazard to the environment or public health or safety and that drainage from the auger holes will not pose a threat of pollution to surface water and will comply with the requirements of §§ 816.41 and 816.42. No comments were received on this provision which generally tracks previous § 819.11(d), and it has been adopted, as proposed, in new final § 819.15(c).

Section 819.17 Subsidence protection.

New final § 819.17 contains requirements for protection of surface areas from subsidence damage that may result from auger mining. This section reflects the requirements of proposed § 816.108(a)(4), as revised by OSM on the basis of comments.

Proposed § 816.108(a)(4) required that all auger mining operations be planned and conducted to prevent disturbance of, or damage to, structures or facilities from subsidence both during and after mining. OSM has adopted a final version of this proposed rule which incorporates a number of changes. This new final rule requires an operator who conducts an augering operation to comply with the requirements of § 817.121 (a) and (c).

One commenter recommended that the proposed rule be amended to allow auger mining only when subsidence can be prevented. This comment has been rejected. Another commenter questioned whether Section 516(b)(1) of the Act was being relied upon as authority for proposed § 816.108(a)(4) and argued that OSM had no authority under this statutory provision to require prohibition of auger mining where subsidence could not be prevented and would cause damage. The commenter also recommended that the preamble include citations to the specific statutory provisions relied on by OSM as sources of authority for the final rule on subsidence prevention in auger mining.

The Act does not provide that auger mining may be prohibited if subsidence cannot be prevented. The proviso of Section 515(b)(9) of the Act vests the permitting authority with discretion to prohibit auger mining only when "necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts." These criteria are included in final § 819.11(b). Even Section 516(b)(1) of the Act implicitly allows subsidence, and only requires that underground mine operators adopt measures to prevent or minimize disturbance and subsidence to the extent technologically and economically feasible.

Specifically, Sections 515(b)(9), 515(b)(12), and 516(b)(1) of the Act were relied upon in the proposal. The authority, basis, and purpose of § 819.17, as finally adopted, is the same as for proposed § 816.108, except that Section 507(f), 515(b)(2), 515(b)(3), and 515(b)(10)

of the Act provide additional statutory authority.

Sections 515(b)(2) and 515(b)(3) of the Act, requiring the restoration of premining land-use capability and approximate original contour, and Section 507(f) of the Act, requiring liability insurance for personal injury and property damage, provide ample authority for subsidence-protection measures for augering operations.

A commenter objected to proposed §816.108(a)(4) on the grounds that it would render subsidence standards for auger mining more stringent than subsidence standards for other types of mining by requiring auger operations to prevent damage from subsidence in all cases without allowing operators the option of mitigating these damages. For this reason, the commenter recommended that OSM adopt the same subsidence standards for auger mining as were proposed for underground mines under § 817.121 (47 FR 16609, April 16, 1982).

Because subsidence may occur in augering operations, the same subsidence-control measures adopted for underground mining activities in § 817.121 are appropriate for auger mining operations. Standards relating to protection from subsidence should be consisent without regard to whether the subsidence results from underground mining or augering operations. Section 817.121(a) requires an operator to adopt measures consistent with known technology to prevent subsidence to the extent technologically and economically feasible or, alternatively, to adopt mining technology which provides for planned subsidence in a predictable and controlled manner. Accordingly, OSM has revised proposed § 816.108(a)(4) to incorporate the provisions of § 817.121(a) to ensure that an operator conducting augering operations will be bound by the same performance standards as are applicable to potential subsidence from underground mining, both during mining and after completion of mining. To accommodate the commenter's concern that subsidence can materially damage land without causing damage to structures and facilities, OSM has specifically incorporated the remedial requirements of § 817.121(c) in final § 819.17. Under § 817.121(c), operators would be required to take specific remedial action if material damage is caused to the land as a result of subsidence. The final revisions to § 817.121 will be provided in a separate rulemaking.

Section 819.19 Backfilling and grading.

New § 816.19 sets backfilling and grading requirements for auger mining operations. Paragraph (a) contains general requirements and Paragraph (b) contains rules applicable to auger mining operations conducted on previously mined areas.

OSM received comments on backfilling and grading requirements for auger mining operations in connection with both its proposal on second-cut contour mining, § 826.12(b) (47 FR 928, January 7, 1982) that was later adopted as interim final § 826.12(b) (47 FR 51316, November 12, 1982) and with its proposal on remining, § 816.109 (47 FR 27734, June 25, 1982). Several commenters suggested that OSM address backfilling and grading requirements for auger mining on previously mined areas in the final rules for augering operations, rather than the final rules for backfilling and grading, or remining. OSM has accepted this suggestion and has adopted specific backfilling and grading requirements for auger mining of previously mined areas in new § 819.19(b). Comments received on the remining or second-cut contour mining rulemakings, which address auger mining of previously mined areas, are responded to in this preamble discussion of final § 819.19(b).

Section 819.19(a)

Proposed § 816.108(a)(3) required auger mining operations to be planned and conducted to ensure fill stability. To avoid confusion, OSM has revised the language of the proposed rule to provide that auger mining operations must be conducted in accordance with the general backfilling and grading requirements of §§ 816.102 and 816.104–816.106. This revision is reflected in new § 819.19(a).

A commenter sought confirmation of whether "fill stability" in proposed § 816.108(a)(3) referred to the stability of backfilled highwalls and asked whether the stability factors for backilled highwalls were also applicable to auger mining operations under the rule. OSM confirms that "fill stability" refers to the stability of any backfill, including backfilled highwalls, and that the minimum static safety factor of 1.3 is required for backfilling highwalls associated with auger mining under the final rule. However, these requirements have not been specified in new § 819.19(a) since they are implicit in the rule's references to the backfilling and grading requirements for surface mining activities, which require restoration of disturbed areas to their approximate original contour (AOC) and complete elimination of any highwall.

Section 819.19(b)

New final § 819.19(b) prescribes backfilling and grading requirements for auger mining of previously mined areas which were not reclaimed to the standards of 30 CFR Chapter VII where there is insufficient reasonably available spoil to backfill the highwall completely. The final rule requires the highwall to be eliminated "to the maximum extent technically practical" according to the criteria of § 819.19(b)(1–4). The language of final § 819.19(b) generally tracks the provisions of interim final § 826.12(b) for remining on steep slopes (47 FR 51316, November 12, 1982), except for the additional requirement specified in § 819.19(b)(4). Interested persons should consult the preamble to § 826.12(b) for a more detailed discussion of the meaning and rationale for the precise language used in final § 819.19(b).

Several commenters claimed that the highwall-elimination requirement provides an economic disincentive to auger remining operations since auger mining generates insufficient spoil for complete backfilling of highwalls and since operators ordinarily do not have appropriate equipment to transport spoil material from borrow pits outside the permit area to the remining site. One commenter supported the requirement for elimination of highwalls "to the maximum extent practical" proposed remining § 816.109(a), claiming that it would encourage operators to maximize coal recovery by using thin-seam mining techniques in situations where thickness of overburden would make conventional surface mining operations uneconomical.

OSM recognizes that insufficient spoil material and equipment limitations are constraints on remining by auger methods. In response to commenters' concerns, the phrase "to the maximum extent practical" in proposed remining § 816.109(a) has been changed to "to the maximum extent technically practical" in final § 819.19(b). Operators are required to use only standard backfilling and grading procedures and equipment to eliminate highwalls in accordance with final § 819.19(b). This change is intended to reflect OSM's belief that the Act does not require operators to employ extraordinary measures to eliminate the highwall in remining situations where spoil is insufficient for complete backfilling of the highwall.

Commenters found proposed remining § 816.109(a)(3), which required elimination of highwalls to the maximum extent practical, economically and environmentally senseless

inasmuch as operators would be required to disturb areas with 20 to 30 years of vegetation to backfill preexisting, nonpolluting highwalls. They suggested that OSM require only partial backfilling and grading of preexisting benches during reclamation after remining to avoid disturbance of land surfaces not contributing to drainage or erosion problems. OSM has rejected the commenters' suggestion. The Act generally requires complete elimination of highwalls and restoration of the AOC. Because Congress did not specifically consider the remining of previously mined areas, a limited exception to the general requirement is justified where insufficient spoil exists within the permit area to eliminate the highwall completely. However, it is consistent with Congress' intent to require all reasonably available spoil within the permit area to be used to cover the newly affected highwall even if such spoil is covered with vegetation.

In response to a comment, one change has been made to the concept of reasonably available spoil as it appeared in the November 12, 1983 steep slope remining rule. The commenter was concerned that possible abuse of the rule could result from a situation in which spoil in the immediate vicinity of the permit area would not be considered reasonably available solely because it would not be within the permit area. To account for this situation the final rule requires operators, in determining the reasonable availability of spoil, to include in the permit area any spoil in the immediate vicinity of the auger mining operation.

However, the rule does not require the disturbance of virgin areas unless insufficient spoil were available to cover the auger holes with 4 feet of material. This requirement is discussed below. Following the required backfilling and grading of the highwall, the revegetation requirements of §§ 816.111, 816.113, 816.114, and 816.116 apply to all disturbed portions of the permit area.

One commenter thought the economics of complete backfilling and grading would discourage remining. Because partially reclaimed highwalls are more environmentally stable than unreclaimed, abandoned highwalls, the commenter suggested that restoration to AOC be required only for areas where new mining or second-cut remining occurs, but not for remined areas where augering or thin-seam mining techniques are used and no additional spoil is generated. OSM generally agrees with the commenter's position. Final § 819.19(b) reflects the applicable standards for augering operations on previously mined areas to ensure that reclamation proceeds in an environmentally sound manner.

Several commenters objected to the proposal to allow auger mining operations on previously mined lands a variance from the AOC restoration requirement on the grounds that auger mining renders existing highwalls inherently unstable. They asserted that OSM should require total elimination of existing highwalls adversely impacted by auger remining operations, based on the decisions of the Interior Board of Surface Mining Appeals (Board) in *Miami Springs Properties* v. *OSM*, 2 IBSMA 399 (December 23, 1980) and *Cedar Coal* v. *OSM*, 1 IBSMA 145 (April 20, 1979). OSM disagrees with the commenters' reading of the Board's opinions in *Miami Springs* and *Cedar Coal*. Neither decision provides authority for the principle that the highwall must be presumed adversely affected by a mining operation. These cases provide that OSM is without authority to require an operator to eliminate a preexisting highwall unless the operator's activities will have an adverse physical impact on that portion of the highwall. Commenters should refer to the preamble discussion in the remining proposal (47 FR 27737, June 25, 1982) for a more detailed explanation of the legal justification for not requiring complete elimination of preexisting highwalls in previously mined areas which were not reclaimed to meet the performance standards of the permanent program.

Under new final § 819.19(b)(3), for all auger mining operations on previously mined areas, the coal seam mined must be covered with a minimum of 4 feet of nonacid-, nontoxic-forming material. This additional requirement is appropriate for auger mining, even though it may require the operator to disturb a virgin area to obtain additional spoil, because of the small quantity of spoil generated during auger mining and because of the potential water-quality problems which may result from leaving exposed coal seams and uncovered auger holes.

One commenter suggested that the proposed rule be replaced by the following provision:

> When augering operations are conducted on previously mined areas, auger holes shall be covered with a minimum of four feet of non-toxic, non-combustible material. The highwall shall be covered to the extent feasible using available material without disturbing additional acreage.

OSM has accepted the commenter's suggested language with respect to providing special standards for auger mining previously mined areas and requiring a minimum of 4 feet of cover over auger holes. However, the suggestion to allow less than 4 feet of cover over auger holes where additional acreage would have to be disturbed has been rejected for the reasons explained above.

Final § 819.19(b)(4) requires that any remnant of the highwall must be stable and not pose a hazard to the public health and safety or to the environment. This provision was proposed as part of remining § 816.109(a)(5) (47 FR 27734, June 25, 1982).

A commenter thought that proposed remining § 816.109(a)(5) was inconsistent with the statutory requirement for complete highwall elimination on the basis of a suggestion in the preamble of the remining proposal that other measures, including flattening the slope or stepping the highwall, would be adequate for stabilizing highwalls.

OSM has rejected the commenter's contentions. Final § 819.19(b)(4) applies only to those highwall remnants remaining after the remined highwall has been covered to maximum extent technically practical, using all reasonably available spoil. Under new § 819.19(b)(4), the operator is required to demonstrate the stability of the remaining highwall to the satisfaction of the regulatory authority. However, the final rule allows the operator to specify the means that will be used to stabilize the remaining highwall.

One commenter thought that proposed remining § 819.19(e) failed to explain how and by whom it would be determined whether remining by augering would adversely affect a reexisting highwall. Under final § 819.19(b), the regulatory authority is required to determine whether the proposed auger remining operation will adversely affect any preexisting highwall. This determination will be made during the process of permit approval on the basis of information submitted to the regulatory authority by the operator. The best information to consult in connection with the determination of highwall stability is data relative to highwall slope, type of rock, or observations of existing highwalls under similar conditions. In view of these considerations, final § 819.19(b) allows the regulatory authority to determine highwall stability according to these site-specific conditions.

OSM's proposal on remining (47 FR 2774, June 25, 1982) included permit application requirements for auger mining of previously mined lands.

Section 780.34(a), as proposed, specified information needed in all remining permit applications to meet the performance standards of proposed § 816.109 for backfilling and grading of previously mined lands. Additional permit application requirements for remining by augering were provided in proposed § 780.34(c).

OSM has decided not to adopt proposed §§ 780.34 and 784.34 as final rules on remining permit applications. Existing § 785.20 contains sufficient permit requirements to cover the application requirements for remining operations. Additional standards may be added by individual State regulatory authorities as necessary to accommodate the needs of individual State programs. As experience is gained under the rule, additional guidance may be added to the Federal rule if it becomes apparent that such guidance is necessary. Some commenters supported proposed § 780.34 inasmuch as it would allow the regulatory authority the flexibility to consider diversity of terrain and site-specific conditions of previously mined areas. One commenter thought proposed § 780.34(c) should apply to secondary-recovery techniques as well as to conventional auger mining methods in remining situations. Another commenter claimed that the permit application requirements for auger mining of previously mined lands proposed in § 780.34(c) would discourage the use of the Thin Seam Miner (TSM) and Extended Depth Secondary Recovery (EDSR) methods for remining. A commenter argued that the proposal requiring applications for remining permits to assure long-term stability of highwalls would make auger mining of previously disturbed lands sufficiently costly to eliminate its use in remining situations. For this reason, the commenter recommended that monies from the Abandoned Mine Reclamation Fund (AML Fund) be used to finance the cost of ensuring the stability of augered highwalls after remining. Another commenter contended that OSM should require auger mining operations on previously mined lands to comply with special permitting and enforcement requirements in the absence of scientific proof that the proposed remining operation would not adversely affect any preexisting highwall.

As previously indicated, this rule is not written specifically for thin-seam mining or extended-depth recovery mining. States may, however, apply these rules to such mining operations if deemed appropriate based on local conditions. OSM does not believe that these rules impose an undue burden on operators to provide information on the stability of highwall remnants. As previously indicated, final § 819.19(b) allows the regulatory authority to determine highwall stability based on existing local conditions. In addition, the issue of subsidizing remining activities with monies from the AML fund is outside the scope of this rulemaking. However, OSM is in the process of examining this and other issues arising out of the relationship between Titles IV and V of the Act.

Section 819.21 Protection of underground mines.

New final § 819.21 contains requirements for protection of underground mines. Proposed § 816.108(e) was a continuation of previous § 819.11(b) and provided that auger holes must not extend closer than 500 feet, measured horizontally, to any abandoned or underground mine workings, except as approved in accordance with § 816.79. OSM has adopted the proposed rule in final § 819.21.

One commenter recommended that the proposed rule be eliminated since it requires an auger operator to get a second approval from the Mine Safety and Health Administration (MSHA) for drilling auger holes near underground mines, in addition to the MSHA approval required for such activity as part of the operator's ground-control plan under 30 CFR 77.1000 of the MSHA regulations. OSM has rejected this recommendation and retained the provision as proposed. Under 30 CFR 77.1000, the operator is required to establish and follow a ground-control plan that will be consistent with prudent engineering design and ensure safe working conditions. However, this MSHA regulation does not specify a distance between an auger hole and an active or abandoned minesite. Thus, retention of the reference to § 816.79 in final § 819.21 is consistent with the requirement in Section 515(b)(12) of the Act that an operator obtain special approval for surface mining within 500 feet from underground mines to prevent breakthroughs and protect the health and safety of underground miners.

Another commenter suggested that the word "abandoned" be deleted from the language of proposed § 816.108(e). The commenter felt that coal recovery could be maximized by permitting augering near abandoned underground mines. OSM has rejected this suggestion. Section 816.79 does not prohibit mining near abandoned underground mines; it merely imposes special requirements if such mining is proposed.

Cross References

Certain cross references in these rules are to proposed rules that have not yet been finalized and which appear in Volume III of the "Final Environmental Impact Statement OSM EIS–1: Supplement," the availability of which is described below. If such other proposals are not adopted, a conforming technical amendment will be made to this rule.

III. Procedural Matters

Federal Paperwork Reduction Act

The Department of the Interior (DOI) has determined that this final rule does not require the collection of information as defined under 44 U.S.C. 3501 *et seq.*

Executive Order 12291

The DOI has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Regulatory Flexibility Act

The DOI certifies that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Public Law 96–354.

National Environmental Policy Act

OSM analyzed the impacts of these final rules in its "Final Environmental Impact Statement OSM–EIS–1: Supplement" according to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(c)(C). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, N.W., Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, DC 20240. This preamble serves as the record of decision under NEPA. To the extent that this rule differs from the preferred alternative published in Volume III of the EIS, it falls within the impacts and analysis discussed therein.

List of Subjects in 30 CFR Part 819

Coal mining, Environmental protection, Surface mining.

For the reasons set forth in the preamble, Part 819, Chapter VII, Title 30 of the Code of Federal Regulations is amended as set forth herein.

Dated: March 24, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

1. Part 819 is revised to read as follows:

PART 819—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS–AUGER MINING

Sec.
819.1 Scope.
819.11 Auger mining: General.
819.13 Auger mining: Coal recovery.
819.15 Auger mining: Hydrologic balance.
819.17 Auger mining: Subsidence protection.
819.19 Auger mining: Backfilling and grading.
819.21 Auger mining: Protection of underground mining.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

§ 819.1 Scope.

This part sets environmental protection performance standards for surface coal mining and reclamation operations involving auger mining.

§ 819.11 Auger mining: General.

(a) Auger mining operations shall be conducted in accordance with the requirements of Part 816 of this chapter, except as provided in this part.

(b) The regulatory authority may prohibit auger mining, if necessary to—

(1) Maximize the utilization, recoverability, or conservation of the solid-fuel resource, or

(2) Protect against adverse water-quality impacts.

§ 819.13 Auger mining: Coal recovery.

(a) Auger mining shall be conducted so as to maximize the utilization and conservation of the coal in accordance with § 816.59 of this chapter.

(b) Auger mining shall be planned and conducted to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete.

(c) Each person who conducts auger mining operations shall leave areas of undisturbed coal, as approved by the regulatory authority, to provide access for future underground mining activities to coal reserves remaining after augering is completed, unless it is established that the coal reserves have been depleted or are so limited in thickness or extent that it will not be practicable to recover the remaining coal. This determination shall be made by the regulatory authority upon presentation of appropriate technical evidence by the operator.

§ 819.15 Auger mining: Hydrologic balance.

(a) Auger mining shall be planned and conducted to minimize disturbances of the prevailing hydrologic balance in accordance with the requirements of §§ 816.41 and 816.42 of this chapter.

(b) All auger holes, except as provided in Paragraph (c) of this section, shall be—

(1) Sealed within 72 hours after completion with an impervious and noncombustible material, if the holes are discharging water containing acid-or toxic-forming material. If sealing is not possible within 72 hours, the discharge shall be treated commencing within 72 hours after completion to meet applicable effluent limitations and water-quality standards until the holes are sealed; and

(2) Sealed with an impervious noncombustible material, as contemporaneously as practicable with the augering operation, as approved by the regulatory authority, if the holes are not discharging water containing acid-or toxic-forming material.

(c) Auger holes need not be sealed with an impervious material so as to prevent drainage if the regulatory authority determines that—

(1) The resulting impoundment of water may create a hazard to the environment or public health or safety, and

(2) The drainage from the auger holes will—

(i) Not pose a threat of pollution to surface water, and

(ii) Comply with the requirements of §§ 816.41 and 816.42 of this chapter.

§ 819.17 Auger mining: Subsidence protection.

Auger mining shall be conducted in accordance with the requirements of § 817.121(a) and (c) of this chapter.

§ 819.19 Auger mining: Backfilling and grading.

(a) *General.* Auger mining shall be conducted in accordance with the backfilling and grading requirements of §§ 816.102 and 816.104–816.106 of this chapter.

(b) *Remining.* Where auger mining operations affect previously mined areas that were not reclaimed to the standards of this chapter and the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the highwall, the highwall shall be eliminated to the maximum extent technically practical in accordance with the following criteria:

(1) The person who conducts the auger mining operation shall demonstrate to the regulatory authority that the backfill, designed by a qualified registered professional engineer, has a minimum static safety factor for the stability of the backfill of at least 1.3.

(2) All spoil generated by the auger mining operation and any associated surface coal mining and reclamation operation, and any other reasonably available spoil shall be used to backfill the area. Reasonably available spoil shall include spoil generated by the mining operation and other spoil located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to the public safety or significant damage to the environment. For this purpose, the permit area shall include spoil in the immediate vicinity of the auger mining operation.

(3) The coal seam mined shall be covered with a minimum of 4 feet of nonacid-, nontoxic-forming material and the backfill graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(4) Any remnant of the highwall shall be stable and not pose a hazard to the public health and safety or to the environment.

(5) Spoil placed on the outslope during previous mining operations shall not be distributed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

§ 819.21 Auger mining: Protection of underground mining.

Auger holes shall not extend closer than 500 feet (measured horizontally) to any abandoned or active underground mine workings, except as approved in accordance with § 816.79 of this chapter.

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April 28, 1983

Part V

General Services Administration

National Archives and Records Service

Federal Advisory Committee Management; Interim Rule

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-6

Federal Advisory Committee Management

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Interim rule, with comments invited prior to final rulemaking.

SUMMARY: This interim rule provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I) (hereinafter "the Act"). In a previous issue of the **Federal Register**, GSA published a proposed rule on the management of Federal advisory committees and requested comments. The proposed rule was intended to provide Federal agencies with guidance and instructions for implementing the Act. Comments received have been considered in formulating this interim rule, which also has been reorganized to include new policy guidance to Federal agencies. Comments are invited on this interim rule prior to its publication as a final rule.

DATES: Effective date: April 28, 1983. Comments must be received by: July 27, 1983.

ADDRESS: Comments should be submitted to the Special Assistant to the Archivist (NX), National Archives and Records Service, Washington, DC 20408, Attention: FPMR Comments.

Comments will be available for examination at the Committee Management Secretariat, Room G-5, 9th Street and Pennsylvania Ave., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ron Martinson, Special Assistant to the Archivist, Committee Management Secretariat, (202) 523-4884.

SUPPLEMENTARY INFORMATION:

Background

GSA's authority for administering the Act is contained in section 7 of the Act and Executive Order 12024, (42 FR 61445, 3 CFR, 1977 Comp., p. 158). Under Executive Order 12024, the President delegated to the Administrator of General Services all the functions vested in the President by the Act, as amended, except that of reporting annually to the Congress, and redelegated to the Administrator the responsibility for the preparation of the annual report required by section 6(c) of the Act.

Originally, the responsibility for all matters relating to advisory committees was placed in the Office of Management and Budget (OMB), which issued Circular A-63 (March 27, 1974) and A-63 Transmittal Memoranda 1, 4, and 5.

In light of GSA's experience in administering the Act, GSA is issuing this interim rule, which consolidates many features of these OMB Circulars with existing GSA reporting requirements. The rule also provides additional procedures and guidance for Federal agencies.

Prior Comments

GSA issued an advance notice of proposed rulemaking (44 FR 66852, November 21, 1979) and a notice of proposed rulemaking (45 FR 55769; August 21, 1980). As a result of the proposed rule, 23 comments were received, and all have been carefully considered in developing this interim rule.

One of the major issues raised by commenters was the extent of applicability of the Act. Some commenters believe, as a matter of general policy, that advisory groups which are not formally structured, which do not have a continuing existence, which meet to deal with specific issues, and whose meetings do not constitute an established pattern of conduct should not be covered under the Act. One commenter asserted that the case law does not preclude administrative interpretation of the Act in limiting the definition of "Advisory committee" and also limiting coverage of "ad hoc groups." Another commenter favored a specific exemption for "ad hoc groups," based on Marblestone, (The Coverage of the Federal Advisory Committee Act, 35 Federal Bar Journal, 119). These comments were received before the decision in *National Resources Defense Council* v. *Edwards*, 2 GDS ¶ 82,070 (D.D.C., 1981). This rule reflects our judgment that the exclusion of certain non-recurring meetings from the Act's coverage is fully consistent with the statute, its legislative history, and judicial interpretation. The need for this flexibility was recently recognized in *National Anti-Hunger Coalition, et al.* v. *Executive Committee of the President's Private Sector Survey on Cost Control*, et al., Civil Action No. 82-3592 (D.D.C., Feb. 24, 1983). In wrestling with FACA's imprecise language, the court stated, "The Court's task in the absence of clear indications in the statute or its legislative history to the contrary, must be to achieve a common-sense interpretation. Congressional concerns must be accommodated in a manner that produces a constitutional result, in this instance to leave the President with substantial freedom to formulate policy recommendations free from excessive intrusion." The interim rule provides guidance on those meetings between Federal officials and non-Federal individuals which do not fall within the scope of the Act, and for which a charter and consultation with GSA is not required.

Another issue raised was whether the Act applies to committees "utilized" by agencies. One commenter contended that the proposed rule failed to distinguish committees "established" by agencies from those "utilized" by agencies. That commenter also believed that the Cox decision (*Center for Auto Safety* v. *Cox*, 580 F.2d 689 (D.C. Cir., 1978)) would make the Act inapplicable to "utilized" committees. GSA has reviewed the *Cox* decision and does not agree with that interpretation. Subsequent judicial precedent supports GSA's position. The interim rule does define a "utilized" committee.

In providing guidance on those groups and meetings not subject to FACA, and on utilization, GSA is in general agreement with the following recommendation of the Administrative Conference of the United States.

> The most serious problems regarding the coverage of FACA have involved the applicability of the Act (a) to groups convened by agencies, on an ad hoc basis, without formal organization or structure or continuing existence, to obtain views on particular matters of immediate concern to the agency, and (b) to privately established groups whose advice is "utilized" by an agency.
>
> a. Uncertainty as to the applicability of FACA to one-time or occasional meetings between ad hoc groups and government officials has tended to discourage useful contacts with the private sector. It is impractical to require such meetings to conform with the Act's requirements regarding chartering, advance notice, and structure of the committee. The Administrative Conference believes that the Act is not applicable to ad hoc, unstructured, noncontinuing groups and that GSA's guidelines should make this clear. Coverage of such groups would not further the purposes of the Act.
>
> b. The conference believes that the definition of "advisory committee" is limited to committees either established by government action or affirmatively supported and "utilized" by the government through institutional arrangements which amount to the adoption of the groups as a preferred source of advice. GSA's guidelines should make this clear.

Thus, under the interim rule, the President or Federal official would "utilize" a committee when that individual recognizes, uses, or intends to use the committee as a preferred source of advice on specific, identified government policy within that individual's scope of responsibility. Such committees, although they may be informal, have an organizational structure, a stable membership and, generally, a continuing existence. They meet to present recommendations developed by that committee, as distinguished from meetings whose attendees respond as individuals.

While this interim rule provides guidance and examples of meetings with groups of individuals which are not subject to the Act, agencies are cautioned that the group can become subject to the Act if a pattern or "track record" develops whereby an agency seeks advice from the group in such a way that it becomes a preferred source of advice.

Questions were raised as to when all the requirements of the Act apply to subcommittees. One commenter suggested a clarification of the definition of subcommittee, so that the establishment of subcommittees is not used to circumvent the principles of the Act.

Another commenter, however, suggested that a subcommittee is not required to consult and charter separately if it has functions related to the functions of the parent committee, and reports to the parent committee. The Court's reasoning in *National Anti-Hunger Coalition* v. *Executive Committee* supports the latter recommendation by emphasizing that the Act's requirements apply to committees which provide advice and recommendations directly to the President or Federal official, and as opposed to the parent committee. Therefore, the requirements for consultation and chartering of subcommittees which appear in § 101–6.1007(a)(3) apply when a subcommittee functions independently of the parent committee such as reporting directly to the President or agency official rather than to the parent committee.

Another commenter, on behalf of a consortium of State and local interest groups, requested an administrative exemption from FACA coverage for State and local officials and their representatives. Although this comment has merit, GSA has concluded this exemption would require amendment of the Act.

One commenter suggests that there be a definition of "meeting" so it would be clear when an agency must comply with procedures under the Act. It is GSA's position that informal meetings or gatherings of advisory committee members in which substantive committee business is discussed are subject to the provisions of the Act. GSA recognizes the administrative difficulty in this area and has concluded that the sponsoring agency can best determine whether a specific gathering of advisory committee members constitutes an advisory committee meeting. GSA believes, however, that meetings of two or more advisory committee members convened to gather information or conduct research for the committtee to analyze relevant issues and facts, or to draft option papers for consideration by the advisory committee do not constutute a meeting of the advisory committee subject to the requirements of the Act, *National Anti-Hunger Coalition* v. *Executive Committee*, supra.

Several commenters raised questions as to GSA's role in the establishment of advisory committees. Some commenters objected to the requirement for GSA concurrence before an agency head can establish, use, or renew an advisory commitee under general agency authority.

We recognize the sensitive nature of this particular issue, that is, the role to be played by GSA in the establishment of an advisory committee. GSA is fully aware that an agency head, not GSA, "determines as a matter of formal record" (after consultation with the Administrator) that the establishment of an advisory committee is "in the public interest in connection with the performance of duties imposed on that agency by law."

Hlowever, GSA is responsible for "all matters relating to advisory committees" (5 U.S.C. App. I) and a meaningful rather than a *pro forma* consultation role is necessary to fulfill this responsibility. This conclusion is reinforced by the language in sec. 9(a)(2) of FACA, which provides that an advisory committee cannot be established until the consultaion process has taken place. In the absence of specific direction in either FACA or its legislative history as to what precisely is meant by the word "consultation," it is incumbent on GSA to determine the parameters of this process.

We have concluded to follow the consultative process as it has been performed, in the beginning by OMB and then by GSA. GSA will, therefore, continue the practice of giving notification of "concurrence/nonconcurrence" in consultations received from agencies.

We do not view or interpret the words "concur/nonconcur" as implying a veto power by GSA over a determination which properly rests in the head of another agency. Rather, we interpret the word "concur" as meaning that GSA agrees the establishment of a particular committee is in accord with the terms and spirit of FACA. Conversely, a nonconcurrence would indicate GSA's opinion that the establishment of a committee is not in accord with FACA.

GSA also believes that its notification of "concurrence/nonconcurrence" to an agency head is a logical way to complete the consultation process. Such notification is GSA's means of letting the agency head know that the consultation process has been fulfilled.

In the final analysis, a nonconcurrence by GSA would not legally prevent an agency from establishing a particular committee. However, GSA in discharging its oversight function of advisory committees intends to prepare and submit periodic reports to the President, OMB, and the Congress. Our nonconcurrence in any advisory committee, therefore, would be included in these reports.

GSA also intends to watch for situations in which agencies might redefine or restructure advisory committees in such a way as to exclude them from the Act's coverage and requirements. GSA will analyze these situations to determine if an agency is elevating form over substance to disguise an advisory committee which should comply with the Act. If this is the case, GSA will recommend that such groups are chartered and operate in accordance with the Act. In situations where GSA and the sponsoring agency cannot resolve the matter, GSA will identify in future reports the groups for which a charter has been recommended and no action has been taken.

Other commenters suggest that if GSA had not replied to an agency consultation letter by the end of a specific review period, GSA concurrence would be implied. We have not included this suggestion in this rule on the grounds that it is not practical. When GSA receives an agency consultation letter, it gathers pertinent information to assess the need for the committee. Occasionally, certain information is not available or provided within a specified time period. To allow a committee to come into being without that information would not be in the public interest. This interim rule provides that GSA will respond to an agency consultation letter within 15 days, if possible.

Another commenter raised the question of the role of the OMB budget examiner in the consultation process. The budget examiner's role has been integral to the consultation process since it began. When the function was transferred to GSA, OMB continued to make available the assistance of budget examiners in the consultation process.

Several commenters objected to language requiring that agencies maintain complete documentation on their advisory committees in a single location on the basis that such a requirement was administratively excessive and unreasonable. Most of the commenters on this issue suggest that GSA's language follow the language in the Act. GSA agrees and has eased this requirement.

One commenter asked that the regulation prohibit dual and multiple committee memberships in which one person serves on more than one committee in one of more agencies. That commenter believed that such multiple memberships should be discouraged in the interest of providing access by a broader number of citizens to membership on advisory committees. GSA believes that, if necessary, agencies should deal with this issue in their own regulations and procedures.

Some commenters suggested that a definition of "Independent Presidential Advisory Committee" be included in order to make clear which Presidential advisory committees receive administrative support from the Administrator of General Services. GSA agrees with this suggestion and has included a definition of an independent PAC. The duties of the Chairperson of an independent PAC are set out separately.

Several comments were made on the organization of the proposed rule and the clarity of certain terms. For example, some suggestions were offered on alternative language to describe "balanced membership." GSA has attempted to clarify in this interim rule the guidelines for balanced membership. The rule describes balance in terms of specific function to be performed by a particular committee. This is consistent with the language of *National Anti-hunger Coalition* v. *Executive Committee*, supra.

Additional Instructions

Pursuant to section 7(d) of the Act, the Administrator after study and consultation with the Director, Office of Personnel Management, is to establish guidelines with respect to uniform fair rates of pay for comparable services for members, staffs, and consultants of advisory committees. The consultation process with OPM has taken place.

Consistent with the intent of Congress and the President to control the costs of administering advisory committees, the interim rule contains a provision which states that unless otherwise required by law, or when necessary to obtain balanced membership or a particular level of technical expertise, no member of an advisory committee shall receive compensation for his or her services. In other words, unless an exception applies, compensation shall be set at zero.

GSA believes that a sufficient number of citizens of all backgrounds and qualifications can be found to provide advice and recommendations to the Federal Government through voluntary service on advisory committees.

The interim rule does provide for the reimbursement of necessary travel expenses and per diem, as well as a mechanism where agencies may engage consultants to serve as members of advisory committees when this is necessary to acquire certain technical expertise or balanced membership that cannot be satisfied solely through the appointment of noncompensated members. However, it is the responsibility of each agency to make a good faith effort to meet its membership requirements on a noncompensated basis. GSA in its oversight responsibility will include membership information in program reports and recommendations which it prepares on Federal advisory committees. The interim regulation contains no changes to present methods used by agencies regarding compensation of consultants or staff under OPM and OMB procedures.

The rules have also been amended to reflect the change in the annual agency reporting requirements from a calendar year to a fiscal year cycle brought about by Pub. L. 97-375.

Executive Order 12291

The General Services Administration has determined that this proposed rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981, because it will not result in an annual effect on the economy of $100 million or more, will not cause a major increase in costs to consumers or others, and will not have significant adverse effects. The General Services Administration has based all administrative decisions on this proposed rule on adequate information concerning the need for and consequences of this proposed rule. GSA has also determined that the potential benefits to society from this proposed rule far outweigh the potential costs, has maximized the net benefits, and has chosen the alternative involving the least net cost to society.

Regulatory Flexibility Act

These regulations are not subject to the regulatory flexibility analysis or other requirements of 5 U.S.C. 603 and 604.

Effect on Other Directives

This rule replaces OMB Circular A-63 (March 27, 1974) and A-63 Transmittal Memoranda 1, 4, and 5 which have been rescinded by OMB.

List of Subjects in 41 CFR Part 101-6

Civil rights, Government property management, Grant programs, Intergovernmental relations, Surplus Government property, Relocation assistance, Real property acquisition, Federal advisory committees.

Dated: March 21, 1983.

Ray Kline,

Acting Administrator of General Services.

Accordingly, 41 CFR Part 101-6 is amended as set forth below:

PART 101-6—[AMENDED]

Subpart 101-6.10 is added to Part 101-6 to read as follows:

Subpart 101-6.10—Federal Advisory Committee Management

Sec.

101-6.1001 Scope.
101-6.1002 Policy.
101-6.1003 Definitions.
101-6.1004 What are examples of advisory meetings or groups not covered by the Act of this regulation?
101-6.1005 By what authority may an advisory committee be established?
101-6.1007 How does an agency head establish an advisory committee?
101-6.1009 What responsibilities does an agency head have for an established advisory committee or subcommittee as specified in §101-6.1007?
101-6.1011 What are the responsibilities of the chairperson of an independent Presidential advisory committee?
101-6.1013 What are the charter filing requirements?
101-6.1015 What advisory committee information must be published in the Federal Register?
101-6.1017 What are the duties of the agency Committee Management Officer?
101-6.1019 What are the duties of the Designated Federal Official?
101-6.1021 How may the public participate in advisory committee meetings?
101-6.1023 What is the procedure for closing an advisory committee meeting?
101-6.1025 Are minutes required at advisory committee meetings?
101-6.1027 How are advisory committees terminated?

Sec.
101–6.1029 How are advisory committees renewed?
101–6.1031 When should an advisory committee charter be amended?
101–6.1033 When should advisory committee members and staff receive compensation and expense reimbursements for committee activities?
101–6.1035 What reports are required for advisory committees?

Authority: Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c); sec. 7, 5 U.S.C. App. 1; and E.O. 12024, 3 CFR 1977 Comp. p. 158.

Subpart 101–6.10—Federal Advisory Committee Management

§ 101–6.1001 Scope.

(a) The following regulations define the policies, establish minimum requirements, and provide guidance to agency management for the establishment, operation, administration, and duration of advisory committees subject to the Federal Advisory Committee Act, as amended. Reporting requirements which keep the Congress and the public informed of the number, purpose, membership, activities, and cost of these advisory committees are also included.

(b) The Act and these regulations do not apply to advisory meetings or groups listed in § 101–6.1004.

§ 101–6.1002 Policy.

The policy to be followed by Federal departments, agencies, and commissions, consistent with the Federal Advisory Committee Act, as amended, is that an advisory committee shall be:

(a) Established only when it is essential to the conduct of agency business. Decison criteria would include whether committee deliberations will result in the creation, elimination, or change in regulations, guidelines, or rules affecting agency business; whether the information to be obtained is already available through another advisory committee or source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee recommendations will provide an important additional perspective or viewpoint impacting on agency operations;

(b) Terminated whenever the stated objectives of the committee have been accomplished; the subject matter or work of the committee has become obsolete by the passing of time or the assumption of the committee's main functions by another entity within the Federal Government; or the agency determines that the cost of operation is excessive in relation to the benefits accruing to the Federal Government;

(c) Balanced in its membership in terms of the points of view represented and the functions to be performed; and

(d) Open to the public in its meetings except in those circumstances where a closed meeting shall be determined proper and consistent with the Act.

§ 101–6.1003 Definitions.

"Act" means the Federal Advisory Committee Act, as amended, 5 U.S.C. App. I.

"Administrator" means the Administrator of General Services.

"Advisory Committee" subject to the Act means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, established by statute, or established or utilized by the President or any agency official for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her responsibilities.

"Agency" has the same meaning as in section 551(1) of Title 5 of the United States Code.

"Committee member" means an individual who serves by appointment on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations.

"Independent Presidential advisory committee" means any Presidential advisory committee not assigned by the President, or the President's delegate, or by the Congress in law, to an agency for administrative and other support and for which the Administrator of General Services may provide administrative and other support on a reimbursable basis.

"Presidential advisory committee" means any advisory committee which advised the President. It may be established by the President or by the Congress, or used by the President in the interest of obtaining advice or recommendation for the President.

"Secretariat" means the General Services Administration's Committee Management Secretariat.

"Staff member" means any individual who serves in a support capacity to an advisory committee.

"Utilized" (or used), as referenced in the definition of "Advisory Committee" of this section, means a committee or other group composed in whole or in part of other than full-time officers or employees of the Federal Government with an established existence outside the Federal Government which the President or agency official(s) adopts, such as through institutional arrangements, as a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of his or her responsibilities in the same manner as that individual would obtain advice or recommendations from an established advisory committee.

§ 101–6.1004 What are examples of advisory meetings or groups not covered by the Act or this regulation?

(a) Any committee composed wholly of full-time officers or employees of the Federal Government;

(b) Any advisory committee specifically exempted by an Act of Congress;

(c) Any advisory committee established or utilized by the Central Intelligence Agency;

(d) Any advisory committee established or utilized by the Federal Reserve System;

(e) The Advisory Committee on Intergovernmental Relations;

(f) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies;

(g) Any meeting initiated by the President or one or more Federal official for the purpose of obtaining advice or recommendations from one individual;

(h) Except with respect to established advisory committees:

(1) Any meeting with a group initiated by the President or one or more Federal official(s) for the purpose of exchanging facts or information; or

(2) Any meeting initiated by a group with the President or one or more Federal official(s) for the purpose of expressing the group's view, provided that the President or Federal official(s) does not use the group as a preferred source of advice or recommendations;

(i) Any committee which is established to perform primarily operational as opposed to advisory functions, except that such committee may be covered by the Act if it becomes primarily advisory in nature. It is the responsibility of the administering agency to determine whether such a committee is primarily operational. If so, it would not fall under the requirements of the Act and this regulation, but would continue to be regulated under relevant laws, subject to the direction of the President and the review of the appropriate legislative committees; or

(j) Any meeting initiated by a Federal official(s) with more than one individual

for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations.

§ 101–6.1005 By what authority may an advisory committee be established?

An advisory committee may be established in one of four ways:

(a) By the President by Executive Order;

(b) By law where the Congress specifically directs the President or an agency to establish it;

(c) By law where the Congress authorizes but does not direct the President or an agency to establish it. In this instance, an agency head shall follow the procedures provided in § 101–6.1007; or

(d) By an agency under general agency authority in Title 5 of the United States Code or under other general agency-authorizing law. In this instance, an agency head shall follow the procedures provided § 101–6.1007.

§ 101–6.1007 How does an agency head establish an advisory committee?

(a) In establishing or using an advisory committee, the head of an agency shall comply with the Act and this subpart, and shall—

(1) Prepare a proposed charter for the committee which includes the information listed in section 9(c) of the Act; and

(2) Submit an original and one copy of a letter to the Administrator proposing to establish or use, reestablish, or renew an advisory committee. The letter shall include the following information:

(i) An explanation of why the committee is essential to the conduct of agency business and in the public interest;

(ii) An explanation of why the committee's functions cannot be performed by the agency, another existing advisory committee, or other means such as a public hearing; and

(iii) A description of the agency's plan to attain balanced membership. For purposes of obtaining balance, agencies shall consider for membership a cross-section of interested persons and groups with demonstrated professional or personal qualifications or experience to contribute to the functions and tasks to be performed. This shall not be construed to limit the participation of any individual where such participation is necessary to obtain divergent points of view that are relevant to the business of the advisory committee. The letter shall be accompanied by two copies of the proposed charter.

(3) The requirements of paragraphs (a)(1) and (a)(2) of this section shall apply for any subcommittee of a chartered advisory committee, whether its members are drawn in whole or in part from the parent advisory committee, which functions independently of the parent advisory committee such as by making recommendations directly to the agency rather than for consideration by the chartered advisory committee.

(b) The Administrator will review the proposal and notify the agency head of concurrence or nonconcurrence within 15 days of receipt, if possible.

(c) Upon receipt of the Administrator's notification, the agency head shall notify the Administrator in writing that either:

(1) The advisory committee is being established. The filing of the advisory committee charter as specified in § 101–6.1013 shall be considered appropriate written notification in this instance. The agency head shall then comply with the provisions of § 101–6.1009 for an established advisory committee; or

(2) The advisory committee is not being established. In this instance, the agency head shall also advise the Administrator if the agency head intends to take any further action with respect to the proposed advisory committee.

§ 101–6.1009 What responsibilities does an agency head have for an established advisory committee or subcommittee as specified in § 101–6.1007?

(a) The agency head shall:

(1) File the charter as specified in § 101–6.1013;

(2) Issue agency regulations or guidelines as may be necessary to operate and oversee the advisory committee;

(3) File required documents;

(4) Publish required notices in the Federal Register;

(5) Designate a Committee Management Officer for the agency;

(6) Appoint a Designated Federal Official for each advisory committee;

(7) Ensure the opportunity for public participation as required;

(8) Ensure that detailed minutes are kept of each advisory committee meeting;

(9) Ensure that certain rates of pay are justified;

(10) Submit required reports; and

(11) Terminate the advisory committee when appropriate.

(b) The agency head should:

(1) Not later than the initial meeting of an advisory committee, submit to committee members, committee staff, consultants, and appropriate agency management personnel a written statement of the purpose, objectives and expected acomplishments for the committee.

(2) Solicit in writing or in a formal meeting at least annually the views of the committee members on the effectiveness, activities, and management of the committee, including recommendations for improvement. Comments received should be reviewed by the agency head or senior policy official responsible for the committee to determine whether improvements or corrective action is warranted. Copies of such recommendations should be retained until the committee is terminated or renewed.

(3) Involve key management personnel of the agency whose interests are affected by the committee in committee meetings, including reviewing reports and establishing agendas.

(4) Limit membership on advisory committees to 25 members for committees with an agency-wide mission and 12 members for committees with a more narrowly defined function or specialized area of interest. An agency head may authorize additional members for a committee when the agency head determines that such additional members are necessary to the function of the committee or to achieve balanced membership.

(5) Periodically but not less than annually review the level of agency staff support dedicated to advisory committees to ensure that expenditures are justified in consideration of committee activity and the benefits accruing to the Government.

(6) Monitor the attendance and participation of advisory committee members and consider replacing any member who has missed a substantial number of scheduled committee meetings.

(7) Establish meeting dates and distribute agendas and other meeting materials well in advance.

§ 101–6.1011 What are the responsibilities of the chairperson of an independent Presidential advisory committee?

The Chairperson shall comply with the Act and this regulation and shall—

(a) Determine with the Administrator or his or her delegate the role of the designated Federal Official;

(b) Designate a Committee Management Officer for the committee; and

(c) Fulfill the responsibilities of an agency head as specified in paragraphs (a)(1), (3), (4), (7), (8), and (10) of § 101–6.1009.

§ 101-6.1013 What are the charter filing requirements?

No advisory committee may operate, meet, or take any action until its charter has been filed as follows:

(a) *Advisory committee established, used, reestablished, or renewed by an agency.* The agency head shall file—

(1) The charter with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the agency;

(2) A copy with the Secretariat; and

(3) A copy with the Library of Congress, Exchange and Gift Division, Federal Documents Section, Federal Advisory Committee Desk, Washington, DC 20540.

(b) *Advisory committee specifically directed by law or authorized by law.* Procedures are the same as in paragraph (a) of this section.

(c) *Presidential advisory committee.* When either the President or the Congress establishes an advisory committee which advises the President, the responsible agency head or, in the case of an independent Presidential advisory committee, the President's designee, shall file—

(1) The charter with the Secretariat;

(2) A copy with the Library of Congress; and

(3) If specifically directed by law, a copy with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the agency or of the independent Presidential advisory committee.

§ 101-6.1015 What advisory committee information must be published in the Federal Register?

(a) *Committee establishment, reestablishment, or renewal.*—(1) A notice in the **Federal Register** is required when any advisory committee, except a committee directed by law or established by the President, is established, reestablished, or renewed. Upon receiving notification of the completed review and concurrence in the committee from the Administrator, the agency head shall publish a notice in the **Federal Register** that the committee is being established, reestablished, or renewed, and for a new committee such notice shall also include a statement describing the nature and purpose of the committee and an affirmation that it is necessary and in the public interest.

(2) Establishment and reestablishment notices shall appear at least 15 days before the committee charter is filed, except that the Administrator may approve less than 15 days when requested for good cause by the agency head. The 15-day notice requirement does not apply to committee renewals.

(b) *Committee meetings.*—(1) The agency head or the chairperson of an independent Presidential advisory committee shall publish at least 15 days prior to an advisory committee meeting a notice in the **Federal Register** which includes:

(i) The exact name of the advisory committee as chartered;

(ii) The time, date, place, and purpose of the meeting;

(iii) A summary of the agenda; and

(iv) A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552b) as the basis for closure.

(2) In exceptional circumstances, the agency head or chairperson of an independent Presidential advisory committee may give less than 15 days notice, provided that the reasons for doing so are included in the committee meeting notice published in the **Federal Register**.

§ 101-6.1017 What are the duties of the agency Committee Management Officer?

(a) The Committee Management Officer is designated by the agency head or by the chairperson of an independent Presidential advisory committee and his or her name, agency address, and phone number given to the Secretariat.

(b) The Committee Management Officer shall—

(1) Discharge the responsibilities enumerated in section 8(b) of the Act;

(2) Maintain in a single location a complete set for the charters and membership lists of each of the agency's advisory committees;

(3) Maintain information on the nature, functions, and operations of each of the agency's advisory committees; and

(4) Provide information on how to obtain copies of minutes of meetings and reports of each of the agency's advisory committees.

§ 101-6.1019 What are the duties of the Designated Federal Official?

The agency head, or in the case of an independent Presidential advisory committee, the Administrator, shall designate a full-time Federal employee to be the Designated Federal Official for the advisory committee, who shall—

(a) Attend the meetings;

(b) Adjourn the meetings when he or she determines that adjournment is in the public interest, and

(c) For agency-established advisory committees:

(1) Approve or call the meeting of the advisory committee;

(2) Approve the agenda; and

(3) Chair the meeting when so determined by the agency head.

§ 101-6.1021 How may the public participate in advisory committee meetings?

The agency head, or the chairperson of an independent Presidential advisory committee, shall ensure that—

(a) Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;

(b) The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public;

(c) Any member of the public is permitted to file a written statement with the advisory committee; and

(d) Any member of the public may speak at the advisory committee meeting if the agency's regulations or guidelines so permit.

§101-6.1023 What is the procedure for closing an advisory committee meeting?

(a) To close all or part of a meeting, a duly authorized official acting on behalf of the committee shall submit a request to the agency head, or, in the case of an independent Presidential advisory committee, the Administrator or his delegate, at least 30 days prior to the scheduled meeting date, citing the specific provisions of the Government in the Sunshine Act (5 U.S.C. 552b) which justify the closure. The agency head, or, in the case of an independent Presidential advisory committee, the Administrator, may waive the 30-day requirement when a lesser period of time is requested and justified by the duly authorized official or chairperson.

(b) As required by the Government in the Sunshine Act, the general counsel of the agency, or in the case of an independent Presidential advisory committee, the General Services Administration Counsel, shall review all requests to close meetings.

(c) If the agency head, or in the case of an independent Presidential advisory committee, the Administrator or the person to whom such authority is delegated by the agency head or Administrator, determines that the request is consistent with the Government in the Sunshine Act and the Federal Advisory Committee Act, he or she shall issue a determination that all or part of the meeting may be closed.

(d) The agency head, or the chairperson of an independent Presidential advisory committee, shall:

(1) Make a copy of the determination available to the public upon request; and

(2) Publish the meeting notice in the Federal Register, including the reasons why all or part of the meeting is closed, citing the specified exemptions used from the Government in the Sunshine Act.

§101-6.1025 Are minutes required at advisory committee meetings?

The agency head or, in the case of an independent Presidential advisory committee, the chairperson, shall ensure that detailed minutes of each advisory committee are kept. The minutes must include—

(a) Time, date, and place;

(b) A list of the following persons who were present:

(1) Advisory committee members and staff;

(2) Agency employees; and

(3) Members of the public who present oral or written statements;

(c) An estimated number of other members of the public present;

(d) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter; and

(e) Copies of each report or other document received or issued by the Committee.

§ 101-6.1027 How are advisory committees terminated?

Any advisory committee shall automatically terminate not later than 2 years after it is established, reestablished, or renewed, unless—

(a) Its duration is otherwise provided in law;

(b) It is renewed; or

(c) The President or agency head terminates it before that time.

§ 101-6.1029 How are advisory committees renewed?

(a) Advisory committees established by the President may be renewed by appropriate action of the President and the filing of a new charter.

(b) Advisory committees specifically directed by law:

(1) Which terminate under the provisions of section 14 of the Act may be reestablished by an agency head, provided that the agency head complies with the provisions of § 101-6.1007; or

(2) Whose duration extends beyond 2 years shall require a new charter to be filed every 2 years after the date of enactment of the law establishing the committee. If a new charter is not filed, the committee is not terminated, but may not meet or take any action.

(c) Advisory committees authorized by law or established or used by an agency: At least 30 but not more than 60 days before the committee terminates, an agency head who intends to renew a committee shall comply with the provisions of § 101-6.1007.

§ 101-6.1031 When should an advisory committee charter be amended?

(a) *Committees established by the President or specifically directed by law.* When the President by Executive order or the Congress by law changes the authorizing language which has been the basis for establishing an advisory committee, the agency head or chairperson of an independent Presidential advisory committee shall—

(1) Amend those sections of the current charter affected by the new Executive order or law; and

(2) File the amended charter as specified in § 101-6.1013.

(b) *Agency-authorized committees.* The charter of an agency-authorized advisory committee may be amended when an agency head determines that the existing charter no longer accurately reflects the goals or procedures of the committee. Changes may be minor, such as revising the name of the advisory committee, or may be major dealing with the basic objectives or composition of the committee.

(1) To make a minor amendment to a committee charter, an agency head shall:

(i) Amend the charter language as necessary, and

(ii) File the amended charter as specified in § 101-6.1013.

(2) To make a major amendment to a committee charter, an agency head shall:

(i) Amend the charter language as necessary,

(ii) Submit the proposed amended charter with a letter to the Administrator requesting concurrence in the amended language and an explanation of why the changes are essential and in the public interest. The Administrator or his or her delegate will give notice to the agency head of concurrence or nonconcurrence in the request within 15 days of receipt of the request, if possible; and

(iii) File the amended charter as specified in § 101-6.1013.

(c) *Renewals.* Amending any existing advisory committee charter does not constitute renewal of the committee under § 101-6.1029.

§ 101-6.1033 When should advisory committee members and staff receive compensation and expense reimbursements for committee activities?

(a) *Committee members.* Unless specifically required by law, agencies shall not compensate advisory committee members for their service on an advisory committee. In the exceptional case where an agency head is unable to meet the need for technical expertise or the requirement for balanced membership solely through the appointment of noncompensated members, the agency head may contract for the services of a specific consultant who may be appointed as a member of the advisory committee. In such a case, the agency head shall follow the procedures set forth in paragraph (b) of this section. This paragraph (a) shall apply to any committee member appointed after May 15, 1983. No committee member shall be compensated other than as allowed in paragraph (b) of this section after September 30, 1983.

(b) *Consultants.* Prior to hiring a consultant to an advisory committee, the agency head must determine that the expertise or viewpoint to be offered by the consultant is not otherwise available without cost to the agency. When an agency head hires a consultant, the compensation may not exceed the maximum rate of pay authorized by 5 U.S.C. 3109. Hiring of consultants shall be in accordance with OMB Circular A-120 and applicable statutes, regulations, and Executive Orders.

(c) *Staff members.* An agency may fix the pay of each advisory committee staff member at a rate of the General Schedule, General Management Schedule, or Senior Executive Service in which the Staff member's position would appropriately be placed (5 U.S.C. Chapter 51). An agency may not fix the pay of a staff member at a rate higher than the daily equivalent of the maximum rate for GS-15, unless the agency head has determined that under the General Schedule, General Management Schedule, or Senior Executive Service classification system, the staff member's position would appropriately be placed at a grade higher than GS-15. This determination must be reviewed annually by the agency head.

(1) In establishing rates of compensation, the agency head shall comply with applicable statutes, regulations, and Executive Orders.

(2) A staff member who is a Federal employee shall serve with the knowledge of the Designated Federal Official and the approval of the employee's direct supervisor. If a non-Federal employee, the staff member shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(d) *Travel expenses.* Advisory committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(e) *Special services.* While performing advisory committee duties, an advisory committee member who is blind or deaf or who qualifies as a handicapped individual may be provided services by a personal assistant for handicapped employees if the member—

(1) Qualifies as a handicapped individual as defined by section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(2) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of an agency.

(f) *Noncompensated services.* Nothing in this section prevents an agency from accepting the noncompensated or reimbursed services of a member, consultant, or staff member of an advisory committee.

(g) *Exclusions.*—(1) Nothing in this section prevents any person who (without regard to his or her service with an advisory committee) is a full-time Federal employee from receiving compensation at the rate at which he or she otherwise would be compensated as a full-time Federal employee.

(2) Nothing in this section prevents any person who immediately before his or her service with an advisory committee was a full-time Federal employee from receiving compensation at the rate at which he or she was compensated as a full-time Federal employee.

(3) Nothing in this section affects a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the General Schedule classification and pay system in chapter 51 and chapter 53 of title 5, United States Code.

§ 101–6.1035 What reports are required for advisory committees?

GSA will periodically issue instructions to agencies regarding reporting requirements and procedures. Included in those requirements, each agency shall file a report on a fiscal year basis providing requested program, financial, and membership information to GSA. This information shall be used by GSA for preparing program recommendations and status reports on advisory committee matters, and for assisting the President in preparing and submitting a fiscal year report to the Congress. The membership list for each advisory committee shall be updated quarterly with notification furnished to GSA of all new vacancies and appointments during the period.

[FR Doc. 83–11357 Filed 4–27–83; 8:45 am]
BILLING CODE 6820–26–M

federal register

Thursday
April 28, 1983

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the National Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 877]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 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 reservior
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

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 877
ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	03/29/83	JA: MI			
8330077		2111335899		102-4		GILDE #1-25	FALMOUTH	2400.0	MICHIGAN CONSOLID
-SHELL OIL CO				RECEIVED:	03/29/83	JA: MI			
8330079		2110100000		102-4		P C A -GILLESPIE 5-23A	MANISTEE 23A	917.6	MICHIGAN CONSOLID
8330080		2110100000		102-4		PCA-STATE CLEON 2-33A	CLEON 32A	98.5	MICHIGAN CONSOLID
8330078		2110100000		102-4		STATE CLEON 2-32	CLEON 32A	174.0	MICHIGAN CONSOLID
8330076		2113700000		102-2		STATE CORWITH 1-23	CORWITH 23	401.5	MICHIGAN CONSOLID
8330081		2110100000		102-4		STATE MANISTEE 3-23	MANISTEE 23A	1120.5	MICHIGAN CONSOLID
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/29/83	JA: OK			
8330155	20771	3504700000		108		BULLOCK-DIERKSEN #2	SOONER TREND	6.2	EXXON CO U S A
8330156	20772	3504700000		108		CLAUDE B ISBELL UNIT WELL NO 1	SOONER TREND	19.7	EXXON CO U S A
8330154	20769	3504721064		108		WILLIAMSON #2	SOONER TREND	2.2	EXXON CO U S A
-ARKOMA GAS CO				RECEIVED:	03/29/83	JA: OK			
8330157	20794	3512120911		103		DOSS OIL ROYALTY CO #1-33	WEST SCIPIO	55.0	ARKANSAS LOUISIAN
8330162	20799	3512120912		103		GLADSTEIN #1-34	WEST SCIPIO	27.0	ARKANSAS LOUISIAN
8330161	20798	3512120912		103		GLADSTEIN #1-34	WEST SCIPIO	28.0	ARKANSAS LOUISIAN
8330160	20797	3512120909		103		MILLION #1-27	WEST SCIPIO	27.0	ARKANSAS LOUISIAN
8330159	20796	3512120909		103		MILLION #1-27	WEST SCIPIO	2.8	ARKANSAS LOUISIAN
8330158	20795	3512120908		103		WHITNEY HEIRS 1-26	WEST SCIPIO	22.0	ARKANSAS LOUISIAN
-COLA PETROLEUM INC				RECEIVED:	03/29/83	JA: OK			
8330164	20804	3509330007		108		C E KERR #1 003076760	E CHANEY DELL	18.0	UNION TEXAS PETRO
8330165	20805	3500330029		108		C E KERR "A" #1 003075850	E CHANEY DELL	12.0	UNION TEXAS PETRO
8330163	20803	3500330161		108		G E MILLS #1 003075920	E CHANEY DELL	9.5	UNION TEXAS PETRO
-COX EXPLORATION INC				RECEIVED:	03/29/83	JA: OK			
8330169	20857	3510121270		103		STEPHENS #1	BOYNTON DISTRICT	122.0	ARTEX ENERGY INC
-COX OIL CO				RECEIVED:	03/29/83	JA: OK			
8330167	20855	3510121370		103		ARNOLD #2	BOYNTON DISTRICT	91.1	ARTEX ENERGY INC
8330166	20854	3510121246		103		REAVIS #1	BOYNTON DISTRICT	41.1	ARTEX ENERGY INC
8330168	20856	3510121247		103		REAVIS #2	BOYNTON DISTRICT	204.9	ARTEX ENERGY INC
-FAMILY OIL & GAS CO				RECEIVED:	03/29/83	JA: OK			
8330170	23580	3511100000		103		CHASTAIN 3A	SOUTH MORRIS	0.0	OKLAHOMA GAS & EL
8330171	23581	3511100000		103		HESSOM 2-A	SOUTH MORRIS	0.0	OKLAHOMA GAS & EL
-JAY PETROLEUM INC				RECEIVED:	03/29/83	JA: OK			
8330178	20385	3506300000		108		AMERADA #1	GREASY CREEK	16.0	JAY PETROLEUM INC
8330179	20384	3506300000		108		AMERADA #2	GREASY CREEK	3.0	JAY PETROLEUM INC
8330181	20387	3506300000		108		BANTA CANNON #1	GREASY CREEK	7.5	JAY PETROLEUM INC
8330176	20382	3506300000		108		DIAMOND #1	GREASY CREEK	5.1	JAY PETROLEUM INC
8330175	20381	3506300000		108		JARRETT #1	GREASY CREEK	12.2	JAY PETROLEUM INC
8330180	20386	3506300000		108		MOONEY BURKE #1	GREASY CREEK	2.5	JAY PETROLEUM INC
8330177	20383	3506300000		108		MORRISON HENRY #1	GREASY CREEK	9.9	JAY PETROLEUM INC
8330173	20379	3506300000		108		PRICE #1	GREASY CREEK	5.8	JAY PETROLEUM INC
8330174	20380	3506300000		108		THORNBRUE #1	GREASY CREEK	7.8	JAY PETROLEUM INC
8330172	20378	3506300000		108		WESTBROOK #1	GREASY CREEK	5.8	JAY PETROLEUM INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 03/29/83		JA: OK			
8330152 20583		3500700000		108		J H COOPER #1-5	ELMWOOD	8.6	PHILLIPS PETROLEU
8330153 20584		3500700000		108		PUGH # 1-23	UNION STAR S E	4.0	PHILLIPS PETROLEU
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
-ARCO OIL AND GAS COMPANY				RECEIVED: 03/28/83		JA: CO 1			
8330066 CD 0032-83		0506706628		103	107-TF	SOUTHERN UTE 20-3 32-9	IGNACIO BLANCO	103.0	NORTHWEST PIPELIN
-CHANDLER & ASSOCIATES INC				RECEIVED: 03/30/83		JA: CO 1			
8330084 CD 0529-82		0510307780		108		NORTH DOUGLAS CREEK FED 4-12	DRAGON TRAIL	20.0	NORTHWEST PIPELIN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 03/28/83		JA: CO 1			
8330059 CD 0025-83		0510308757		102-2	107-TF	G-25-3-101-S	CATHEDRAL	24.1	NORTHWEST PIPELIN
-GETTY OIL COMPANY				RECEIVED: 03/28/83		JA: CO 1			
8330064 CD 0030-83		0506706648		103		SAM BURCH #10	IGNACIO BLANCO	175.0	EL PASO NATURAL G
8330052 CD 0008-83		0506706646		103	107-TF	SAM BURCH #11	IGNACIO BLANCO	150.0	EL PASO NATURAL G
8330072 CD 0039-83		0506706649		107-TF		SAM BURCH #12	IGNACIO BLANCO	75.0	EL PASO NATURAL G
8330071 CD 0038-83		0506706649		103		SAM BURCH #12	IGNACIO BLANCO	75.0	EL PASO NATURAL G
8330073 CD 0040-83		0506706647		103		SAM BURCH #13	IGNACIO BLANCO	75.0	EL PASO NATURAL G
-INDUSTRIAL GAS SERVICE INC				RECEIVED: 03/28/83		JA: CO 1			
8330058 CD 0022-83		0510308838		102-2	107-TF	BIG RIDGE UNIT #1	BIG RIDGE	36.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED: 03/28/83		JA: CO 1			
8330061 CD 0027-83		0507708484		107-TF		HORSESHOE CANYON #1-20	SHIRE GULCH	340.0	NORTHWEST PIPELIN
8330070 CD 0036-83B		0507708520		107-TF		HORSESHOE CANYON #2-31 (CORCORON)	SHIRE GULCH	110.0	NORTHWEST PIPELIN
8330069 CD 0036-83A		0507708520		107-TF		HORSESHOE CANYON #2-31 (DAKOTA)	SHIRE GULCH	365.0	NORTHWEST PIPELIN
8330075 CD 0041-83B		0507708488		107-TF		HORSESHOE CANYON #3-20 (CORCORON)	ROBERTS CANYON-SHIRE	182.0	NORTHWEST PIPELIN
8330074 CD 0041-83A		0507708488		107-TF		HORSESHOE CANYON #3-20 (DAKOTA)	ROBERTS CANYON-SHIRE	146.0	NORTHWEST PIPELIN
8330062 CD 0028-83		0507708518		107-TF		WINTER FLATS 1-11-99	WINTER FLATS	6.0	NORTHWEST PIPELIN
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 03/28/83		JA: CO 1			
8330067 CD 0034-83		0510308516		103		PHILADELPHIA CREEK #43	PHILADELPHIA CREEK MA	2.1	NORTHWEST PIPELIN
8330068 CD 0035-83		0510308516		107-TF		PHILADELPHIA CREEK #43	PHILADELPHIA CREEK MA	2.1	NORTHWEST PIPELIN
-TETON ENERGY CO INC				RECEIVED: 03/28/83		JA: CO 1			
8330060 CD 0026-83		0507708533		102-2	107-TF	WEST DEBEQUE 21-2	DEBEQUE	54.8	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED: 03/28/83		JA: UT 1			
8330051 UD 0007-83		4304731155		103	107-TF	CWU 219-15	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
8330050 UD 0006-83		4304731154		103	107-TF	CWU 220-10	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
-BELCO PETROLEUM CORPORATION				RECEIVED: 03/28/83		JA: UT 1			
8330065 UD 0031-83		4304731218		103	107-TF	CWU 224-10	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
-COASTAL OIL & GAS CORP				RECEIVED: 03/28/83		JA: UT 1			
8330063 UD 0029-83		4304730862		103	107-TF	NATURAL BUTTES UNIT #48N3	NATURAL BUTTES	37.0	COLORADO INTERSTA
8330055 UD 0014-83		4304731150		103	107-TF	NBU 202-3	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330057 UD 0015-83		4304731238		103	107-TF	NBU 205-8	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330053 UD 0011-83		4304731165		103	107-TF	NBU 206-7	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330056 UD 0012-83		4304731177		103	107-TF	NBU 207-4	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8330054 UD 0013-83		4304731153		103	107-TF	NBU 210-24	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-FORTUNE OIL CO				RECEIVED: 03/30/83		JA: UT 1			
8330088 UD 0594-82		4301930755		102-4		FORTUNE FEDERAL #21-7	SAN ARROYO - EAST CAN	180.0	SOUTHWEST GAS COR
8330089 UD 0595-82		4301930721		102-4		FORTUNE FEDERAL #23-1	SAN ARROYO- EAST CANY	0.0	SOUTHWEST GAS COR
8330086 UD 0592-82		4301930955		102-4		FORTUNE FEDERAL #24-1	SAN ARROYO - EAST CAN	70.0	SOUTHWEST GAS COR
8330087 UD 0593-82		4301930991		102-4		FORTUNE FEDERAL #43-7	SAN ARROYO - EAST CAN	500.0	SOUTHWEST GAS COR
-FRANK B ADAMS				RECEIVED: 03/30/83		JA: UT 1			
8330082 UD 0016-83		4301930864		103		FEDERAL #2-037	GREATER CISCO AREA	36.0	NORTHWEST PIPELIN
-J C THOMPSON				RECEIVED: 03/30/83		JA: UT 1			
8330083 UD 0037-83		4301915658		108		WESTWATER E-3	WESTWATER	1.0	NORTHWEST PIPELIN
-LOMAX EXPLORATION COMPANY				RECEIVED: 03/30/83		JA: UT 1			
8330085 UD 0584-82		4301330686		102-2		FEDERAL #5-35	MONUMENT BUTTE	73.0	MOUNTAIN FUEL SUP
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-AMINOIL USA INC				RECEIVED: 03/30/83		JA: LA 3			
8330144 G2-2902		1771140473		102-5		OCS-G-0434 #C-8A	SHIP SHOAL	620.5	TENNESSEE GAS PIP
-CNG PRODUCING COMPANY				RECEIVED: 03/30/83		JA: LA 3			
8330126 G3-3468		1770240643	D	102-5		A-1S1	WEST CAMERON	800.0	COLUMBIA GAS TRAN
8330127 G2-2650		1770240632	D	102-5		A-2S1	WEST CAMERON	1600.0	COLUMBIA GAS TRAN
-CONOCO INC				RECEIVED: 03/30/83		JA: LA 3			
8330134 G1-2457		1772440129		102-5		MAIN PASS BLK 288 #A-13A	MAIN PASS	50.0	SOUTHERN NATURAL
8330145 G1-2458		1772440129		102-5		MAIN PASS BLK 288 #A-13B	MAIN PASS	50.0	SOUTHERN NATURAL
8330133 G1-2477		1772440125	D	102-5		MAIN PASS BLK 289 #A-20D	MAIN PASS	50.0	SOUTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED: 03/30/83		JA: LA 3			
8330125 G3-3489		1771940197		102-1		WEST DELTA 76 A-1	WEST DELTA	1000.0	TENNESSEE GAS PIP
8330099 G3-3491		1771940204		102-1		WEST DELTA 76 A-2	WEST DELTA	500.0	TENNESSEE GAS PIP
8330100 G3-3490		1771940204		102-1		WEST DELTA 76 A-2D	WEST DELTA	1000.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED: 03/30/83		JA: LA 3			
8330109 G2-2912		1771540433		102-5		OCS-G 2624 #B-18	SOUTH TIMBALIER	24.0	TEXAS EASTERN TRA
8330110 G2-2913		1771540363		102-5		OCS-G 2624 #G-1	SOUTH TIMBALIER	58.4	TEXAS EASTERN TRA
8330118 G2-3273		1771540487		102-5		OCS-G 2624 #G-4	SOUTH TIMBALIER	102.0	TEXAS EASTERN TRA
8330106 G2-3370		1771540245		102-5		OCS-G 2625 #C-5	SOUTH TIMBALIER	170.0	TEXAS EASTERN TRA
8330122 G2-3272		1771540232		102-5		OCS-G 3336 #E-4	SOUTH TIMBALIER	328.5	TEXAS EASTERN TRA
-KERR-MCGEE CORPORATION				RECEIVED: 03/30/83		JA: LA 3			
8330116 G2-3214		1771240251		102-5		OCS-G 3169 #A-2	SHIP SHOAL	73.0	TRANSCONTINENTAL
8330135 G2-2861		1771240257		102-5		OCS-G 3169 #A-3 (ST #1)	SHIP SHOAL	6.1	TRANSCONTINENTAL
-MESA PETROLEUM CO				RECEIVED: 03/30/83		JA: LA 3			
8330138 G2-2918		1770040468		102-5		VERMILION BLK 348 WELL #A-9	VERMILION BLOCK	20.0	TRUNKLINE GAS CO
8330121 G2-2919		1770640968		102-5		VERMILION BLK 348 WELL #A-9D	VERMILION BLOCK	1825.0	TRUNKLINE GAS CO
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 03/30/83		JA: LA 3			
8330097 G3-3501		1771740105		102-1		OCS-G-3596 #1 GRAND ISLE BLK 20	GRAND ISLE	175.0	
8330119 G3-3476		1770940443		102-1		OCS-G-4453 #1 E I 240	EUGENE ISLAND	1825.0	
8330096 G3-3477		1770940455		102-1		OCS-G-4453 #2 EUGENE ISLAND 240	EUGENE ISLAND	3650.0	
8330128 G2-2619		1771140368		102-5		SHIP SHOAL 72 #13-C	SHIP SHOAL	1460.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED: 03/30/83		JA: LA 3			
8330129 G2-2710		1771140449		102-5		OCS-G-3164 #3A	SHIP SHOAL	1825.0	MICHIGAN WISCONSI
8330142 G2-2873		1771340044		102-5		OCS-072#24C	SOUTH PELTO 20 FIELD	1095.0	TRANSCONTINENTAL
-SHELL OFFSHORE INC				RECEIVED: 03/30/83		JA: LA 3			
8330143 G2-2907		1770700453		102-5		OCS-G 1194 B-20A	SOUTH MARSH ISLAND	300.0	MICHIGAN WISCONSI
8330141 G2-2879		1770840469		102-5		OCS-G 2280 D-10 S/T #1	SOUTH MARSH ISLAND	110.0	TRANSCONTINENTAL
8330147 G2-2906		1770840505		102-5		OCS-G 2280 D-19	SOUTH MARSH ISLAND	50.0	TRANSCONTINENTAL
8330151 G3-3457		1770840509		102-5		OCS-G 2280 D-20	SOUTH MARSH ISLAND	12.0	TRANSCONTINENTAL
8330139 G2-2915		1770840527		102-5		OCS-G 2280 D-25	SOUTH MARSH ISLAND	80.0	TRANSCONTINENTAL
8330098 G3-3459		1770840574		102-5		OCS-G 2280 D-33 S/T #1	SOUTH MARSH ISLAND	270.0	TRANSCONTINENTAL
8330149 G3-3458		1770840577		102-5		OCS-G 2281 D-32	SOUTH MARSH ISLAND	12.0	TRANSCONTINENTAL
-TENNECO OIL COMPANY				RECEIVED: 03/30/83		JA: LA 3			
8330120 G2-3409		1773140046		102-1		SABINE PASS 11 #B-1	SABINE PASS	3500.0	TENNESSEE GAS PIP
8330092 G3-3482		1771140486		102-1		SHIP SHOAL 170 #A-1	SHIP SHOAL	1825.0	TENNESSEE GAS PIP
8330091 G3-3483		1771140495		102-1		SHIP SHOAL 170 #A-4	SHIP SHOAL	405.0	TENNESSEE GAS PIP
8330090 G3-3484		1771140504		102-1		SHIP SHOAL 170 #A-5	SHIP SHOAL	1200.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330104	G2-3429	1770540494		107-DP		VERMILION BLK 75 #2	VERMILION	3650.0	TEXAS EASTERN TRA
-TEXACO INC				RECEIVED:	03/30/83	JA: LA 3			
8330146	G2-2909	1770940395		102-5		OCS-G-0802 E I 196 #H-1	EUGENE ISLAND	1460.0	SEA ROBIN PIPELIN
8330117	G2-3186	1770940498		102-5		OCS-G-0802 EUGENE ISLAND 196 #H-2	EUGENE ISLAND	547.5	SEA ROBIN PIPE LI
-TRANSCO EXPLORATION COMPANY				RECEIVED:	03/30/83	JA: LA 3			
8330158	G3-3467	1770940422		107-DP		#2	EUGENE ISLAND	4500.0	TRANSCONTINENTAL
8330123	G3-3468	1770940417		107-DP		#3	EUGENE ISLAND	405.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/30/83	JA: LA 3			
8330102	G3-3448	1770240592		108		OCS-G-2437 #A-7	WEST CAMERON	0.0	COLUMBIA GAS TRAN
8330101	G3-3449	1770240604		108		OCS-G-2437 #A-8	WEST CAMERON	0.0	COLUMBIA GAS TRAN
8330103	G3-3443	1771540431		102-1		OCS-G-4000 #4	SOUTH TIMBALIER	47.0	TENNESSEE GAS PIP
-UNION TEXAS PETROLEUM				RECEIVED:	03/30/83	JA: LA 3			
8330132	G3-3453	1770940318		102-1		43 #A-1	EUGENE ISLAND	1000.0	COLUMBIA GAS TRAN
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330148	G2-2866	4270240062		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-1	MUSTANG ISLAND BLOCK	830.0	TRANSCO GAS SUPPL
8330124	G2-2867	4270240062		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-1	MUSTANG ISLAND BLOCK	1097.0	TRANSCO GAS SUPPL
8330131	G2-2868	4270240064		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-2	MUSTANG ISLAND BLOCK	2196.0	TRANSCO GAS SUPPL
8330138	G2-2870	4270240068		102-5		OCS G-3021 MUSTANG ISL 762 #A-4 ST/	MUSTANG ISLAND BLOCK	1758.0	TRANSCO GAS SUPPL
8330140	G2-2871	4270240067		102-5		OCS G-3021 MUSTANG ISL BLK 762 #A-5	MUSTANG ISLAND BLOCK	830.0	TRANSCO GAS SUPPL
-CHEVRON U S A INC				RECEIVED:	03/30/83	JA: TX 3			
8330115	G2-3100	4270240060		102-5		OCS-G 3020 #6	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
8330111	G2-3082	4270240022		102-5		OCS-G-3020 #1	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
8330114	G2-3083	4270240022		102-5		OCS-G-3020 #1D	MUSTANG BLOCK	1703.0	NATURAL GAS PIPEL
8330137	G2-3079	4270240030		102-5		OCS-G-3020 #3	MUSTANG ISLAND	1700.0	NATURAL GAS PIPEL
8330136	G2-3080	4270240030		102-5		OCS-G-3020 #3D	MUSTANG ISLAND	2190.0	NATURAL GAS PIPEL
8330112	G2-3098	4270240031	D	102-5		OCS-G-3020 #4	MUSTANG ISLAND	1460.0	NATURAL GAS PIPEL
8330113	G2-3099	4270240031	D	102-5		OCS-G-3020 #4D	MUSTANG ISLAND	1825.0	NATURAL GAS PIPEL
-CNG PRODUCING COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330108	G2-3177	4270940723		102-5		A-1051	HIGH ISLAND	7200.0	CONSOLIDATED GAS
8330105	G3-3440	4270940731		102-5		A-1451	HIGH ISLAND	1000.0	CONSOLIDATED GAS
-EXXON CORPORATION				RECEIVED:	03/30/83	JA: TX 3			
8330107	G2-3279	4270940724		102-5		OCS-G 2390 #A-5	HIGH ISLAND	4000.0	UNITED GAS PIPE L
-TENNECO OIL COMPANY				RECEIVED:	03/30/83	JA: TX 3			
8330095	G3-3479	4270640049		102-1		GALVESTON AREA BLK 393 #C-1	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8330094	G3-3480	4270640086		102-1		GALVESTON AREA BLK 393 #C-3	GALVESTON AREA	0.0	TENNESSEE GAS PIP
8330093	G3-3481	4270640089		102-1		GALVESTON AREA BLK 393 #C-4	GALVESTON AREA	0.0	TENNESSEE GAS PIP

[FR Doc. 83-11391 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 878]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 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.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 878
ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMTUCK TRUST ACCOUNT				RECEIVED:	03/29/83	JA: OH			
8330182		3412725827		103		PAUL E STIMMEL #2	MONDAY CREEK	5.0	PARAMOUNT TRANSMI
-APPALACHIAN EXPLORATION INC				RECEIVED:	03/29/83	JA: OH			
8330183		3403521152		102-2	107-TF	BRECKSVILLE-BROADVIEW SCHOOL #1	BRECKSVILLE	91.3	YANKEE RESOURCES
8330189		3410323155		107-TF		COLES UNIT #2	SHARON	14.6	
8330190		3410323156		107-TF		G KAMMER #1	SHARON	36.5	
8330192		3410323296		107-TF		GOOD #1	MONTVILLE	21.9	
8330185		3410322365		107-TF		H FIX #4	WADSWORTH	14.6	
8330194		3415321071		107-TF		H VAN HYNING #1	NORTON	54.8	
8330195		3415321072		107-TF		H VAN HYNING #2	NORTON	27.4	
8330196		3415321073		107-TF		H VAN HYNING #3	NORTON	54.8	
8330193		3415321067		107-TF		J HERMAN #1	NORTON	36.5	
8330197		3415321081		107-TF		LAPORTE UNIT #1	COPLEY	36.5	
8330186		3410323110		107-TF		M COLES #1	SHARON	18.3	
8330200		3416923212		107-TF		M HOLVEY #2	CHIPPEWA	73.0	
8330188		3410323140		107-TF		M MCVAYUNIT #2	SHARON	18.3	
8330187		3410323120		107-TF		MAFFEI UNIT #1	SHARON	18.3	
8330199		3415321178		107-TF		S DAVIS #2	NORTON	14.6	
8330198		3415321177		107-TF		S DAVIS #3	NORTON	14.6	
8330184		3410321176		107-TF		S DAVIS #4	NORTON	14.6	
8330191		3410323182		107-TF		SCHMID UNIT #2	SHARON	18.5	
-ATWOOD RESOURCES INC				RECEIVED:	03/29/83	JA: OH			
8330202		3407523958		107-TF		ALVIN YODER #1	CLARK	15.0	
8330201		3407523930		107-TF		ROMAN D J MILLER #1	CLARK	15.0	
-BARTLO OIL AND GAS COMPANY				RECEIVED:	03/29/83	JA: OH			
8330203		3405923280		103	107-TF	FORAKER UNIT #1	WILLS	0.0	
8330204		3405923459		103	107-TF	POLASKY UNIT #2	WILLS	0.0	
-BASIN PRODUCING CO				RECEIVED:	03/29/83	JA: OH			
8330205		3412122908		107-DV		FLEEMAN #1	JEFFERSON	0.0	TEXAS EASTERN TRA
-BELDEN & BLAKE & CO #1				RECEIVED:	03/29/83	JA: OH			
8330206		3415123797		103	107-TF	F & M CAREY COMM #1 - 34-1271	OSNABURG	36.5	
8330207		3415123836		103		R M WILSON #3-341316	MARLBORO	36.5	
-BRALKO ENERGY INC				RECEIVED:	03/29/83	JA: OH			
8330209		3400721425		107-TF		ARTHUR C RIEBAU #1	SHEFFIELD	50.0	OHIO GAS CO
8330208		3400721421		107-TF		BATES #1	SHEFFIELD	50.0	OHIO GAS CO
-CAMERON BROS				RECEIVED:	03/29/83	JA: OH			
8330210		3411926408		103	107-TF	BERNARD BISSETT #2	ADAMS	11.0	
-CARLTON OIL CORP				RECEIVED:	03/29/83	JA: OH			
8330212		3416726153		107-DV		BUTLER #2	GRANDVIEW	50.0	RIVER GAS CO
8330211		3416725833		107-DV		EFFIE EDGAR #6	LAWRENCE	50.0	RIVER GAS CO
8330214		3416727237		107-DV		FRY #1	GRANDVIEW	50.0	RIVER GAS CO
8330213		3416726154		107-DV		HARTLINE #1	GRANDVIEW	50.0	RIVER GAS CO
-CHARCO INC				RECEIVED:	03/29/83	JA: OH			
8330215		3415321189		103	107-TF	ALL SAINTS #1	NORTHFIELD CENTER	20.0	
-CLARENCE SHERMAN				RECEIVED:	03/29/83	JA: OH			
8330216		3407524006		103		WILLIAM ANDREAS #3-0	CLARK	7.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CLINTON OIL CO				RECEIVED: 03/29/83 JA: OH					
8330282		3415723805		103	107-TF	B GUTHRIE UNIT 3-751	MILL	10.0	
8330278		3413322994		103	107-TF	BALDASARE UNIT #1-800	CHARLESTOWN	10.0	
8330279		3413322995		103	107-TF	DUNDON UNIT #1-806	ROOTSTOWN	10.0	
8330280		3413323012		103	107-TF	REAL ESTATE IMPROVEMENT CO #1-812	CHARLESTOWN	10.0	
8330281		3415723776		103	107-TF	SCOTT GUTHRIE UNIT #1-749	MILL	10.0	
-DERBY OIL & GAS CORP				RECEIVED: 03/29/83 JA: OH					
8330219		3412725807		103		MARGARET CANNON #1	CLAYTON	12.0	NATIONAL GAS & OI
8330218A		3412725769		103		MCCAULEY-NELSON #2	CLAYTON	12.0	NATIONAL GAS & OI
8330218B		3412725769	D	107-TF		MCCAULEY-NELSON #2	CLAYTON	12.0	NATIONAL GAS & OI
8330217B		3408323233	D	107-TF		ROBERT CUTLIP #2	JEFFERSON	12.0	EAST OHIO GAS CO
8330217A		3408323233		103		ROBERT CUTLIP #2	JEFFERSON	12.0	EAST OHIO GAS CO
-DISCOVERY OIL LTD				RECEIVED: 03/29/83 JA: OH					
8330220		3410322863		107-TF		LUTTNER #2	SHARON	0.0	
-EDDY ROXIE M				RECEIVED: 03/29/83 JA: OH					
8330260		3416700457		108		CROSS #1		0.0	RIVER GAS CO
8330265		3416700462		108		FULMER #1		0.0	RIVER GAS CO
8330261		3416700458		108		MCCORMACK		0.0	RIVER GAS CO
8330262		3416700459		108		MCKENNA #1		0.0	RIVER GAS CO
8330263		3416700460		108		MUTH 1@		0.0	RIVER GAS CO
8330266		3416700814		108		MUTH 2@		0.0	RIVER GAS CO
8330264		3416700461		108		SANDERS #1		0.0	RIVER GAS CO
-EDWARD H EVERETT CO				RECEIVED: 03/29/83 JA: OH					
8330284		3411926564		103		HARPER-HITCHCOCK-JONES #1	LICKING	2.9	NATIONAL GAS & OI
8330283		3411926518		103		W KIRKPATRICK-C VENSIL #1	LICKING	9.1	NATIONAL GAS & OI
-ENERGY DEVELOPMENT CORP				RECEIVED: 03/29/83 JA: OH					
8330221		3401320455		107-DV		GORSHE UNIT #1	SMITH	14.0	EAST OHIO GAS CO
-ENTERPRISE ENERGY CORP				RECEIVED: 03/29/83 JA: OH					
8330222		3411522899		103	107-TF	HUTCHINS #1	MANCHESTER	36.5	TEXAS EASTERN TRA
8330223		3416320772		103	107-TF	MCVEY #4	SWAN	18.2	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED: 03/29/83 JA: OH					
8330224		3400922663		103	107-TF	DRYDOCK COAL #23 TR	TRIMBLE	18.2	
8330225		3400922735		103	107-TF	DRYDOCK COAL #46D	DOVER	18.2	
-FORAKER PRODUCING COMPANY INC				RECEIVED: 03/29/83 JA: OH					
8330226		3412724493		103		COOPERRIDER #4	HOPEWELL	5.8	
8330227		3412724644		103		KELLY #1	HOPEWELL	2.0	
-FUTURE ENERGY CORPORATION				RECEIVED: 03/29/83 JA: OH					
8330228		3411523062		103	107-TF	MURPHEY-GOINS UNIT #1	MALTA	30.0	
-GASEARCH INC				RECEIVED: 03/29/83 JA: OH					
8330230		3415522264		103	107-TF	D & S MILLER #4	MESOPOTAMIA	20.0	AMERICAN ENERGY S
8330229		3400721555		103	107-TF	DELMUL #3	CHERRY VALLEY	20.0	AMERICAN ENERGY S
-GENERAL ELECTRIC CO				RECEIVED: 03/29/83 JA: OH					
8330231		3415522173		103	107-TF	D & S MILLER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330235		3415522180		103	107-TF	EASTON-DETWEILER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330232		3415522175		103	107-TF	JOE MILLER #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330233		3415522176		103	107-TF	JONAS J MILLER JR #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
8330234		3415522177		103	107-TF	JONAS J MILLER JR #2	MESOPOTAMIA	20.0	EAST OHIO GAS CO
-GREENLAND PERRY/HOCKING 82-i				RECEIVED: 03/29/83 JA: OH					
8330236		3412725294		107-TF		CANNIFF #1	CLAYTON	20.0	COLUMBIA GAS TRAN
8330237		3412725616		107-TF		REAM #1	MONDAY CREEK	20.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED: 03/29/83 JA: OH					
8330238		3411121976		107-TF		AUBREY ANTIL #1	WASHINGTON TOWNSHIP	19.0	COLUMBIA GAS TRAN
-HOLROYD PRODUCTION CO				RECEIVED: 03/29/83 JA: OH					
8330239		3408720306		107-DV		RECE #1	WINDSOR	4.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 03/29/83 JA: OH					
8330240		3411926575		107-TF		ROBERT & MABEL GUSS #2	SPRINGFIELD	0.0	NATIONAL GAS & OI
-INDUSTRIAL NATURAL GAS CORP				RECEIVED: 03/29/83 JA: OH					
8330241		3404120303		103		SHERMAN #1	HARLEM	730.0	
-J P WHITE				RECEIVED: 03/29/83 JA: OH					
8330242		3400722141		107-TF		SHADLE #3	CHERRY VALLEY	50.0	OHIO GAS CO
-LEADER EQUITIES INC				RECEIVED: 03/29/83 JA: OH					
8330244		3411926495		103	107-TF	GUINSLER #2	MONROE	15.0	
8330245		3411926578		103	107-TF	OSWALD #1	CASS	14.0	
-MAJ				RECEIVED: 03/29/83 JA: OH					
8330247		3413120075		107-DV		GARY DAVIS #3	UNION	1.1	
8330246		3413120073		107-DV		PAUL & AMY BAPST #4	BEAVER	0.2	
-MARK RESOURCES CORP				RECEIVED: 03/29/83 JA: OH					
8330248		3400722119		103		MCQUILLAN-CHILDS UNIT #2	KINGSVILLE	25.0	EAST OHIO GAS CO
-MILAM L M				RECEIVED: 03/29/83 JA: OH					
8330243		3416723087		108		EMERICK #1	DUNHAM TOWNSHIP BEREA	2.5	RIVER GAS CO
-MITCHELL ENERGY CORPORATION				RECEIVED: 03/29/83 JA: OH					
8330250		3408722345		103	107-TF	ADKINS #1 345	SOUTH ARABIA FIELD (C	41.1	
8330251		3408722347		103	107-TF	SHARON SILICA #7 347	SOUTH ARABIA FIELD (C	0.0	
-NOBLE OIL CORP				RECEIVED: 03/29/83 JA: OH					
8330254		3413322830		107-TF		BRADY #1A	NELSON	20.0	EAST OHIO GAS CO
8330253		3413322829		107-TF		KOHLER #2A	NELSON	20.0	EAST OHIO GAS CO
8330255		3413322992		107-TF		MANN-BROKAW UNIT #1	PALMYRA	20.0	GENERAL ELECTRIC
8330252		3413322797		107-TF		STROUP-KUBINEC #3	NELSON	20.0	EAST OHIO GAS CO
-NORTHEASTERN ENERGY				RECEIVED: 03/29/83 JA: OH					
8330256		3410323098		103	107-TF	KEETON #1	WADSWORTH	20.0	EAST OHIO GAS CO
-OHIO OIL & GAS CO				RECEIVED: 03/29/83 JA: OH					
8330257		3413322813		107-TF		CRANE #1	FREEDOM	20.0	COLUMBIA GAS TRAN
-OMEGA OIL CORP				RECEIVED: 03/29/83 JA: OH					
8330258		3412122460		107-DV		LOVE #1	ELK	3.6	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC				RECEIVED: 03/29/83 JA: OH					
8330259		3411522383		107-TF		E NEWSOM #1	PENN	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 03/29/83 JA: OH					
8330285		3411926464		103	107-TF	BROWN #1	SPRINGFIELD	10.0	
-SHERMAN MICHAEL & RALPH				RECEIVED: 03/29/83 JA: OH					
8330249		3415123824		103		M & R SHERMAN UNIT #1	PIKE	9.1	BUCKEYE FRANKLIN
-SHONGUM OIL & GAS INC				RECEIVED: 03/29/83 JA: OH					
8330270		3416923135		107-TF		ELMER GOOD #3	BAUGHMAN	12.0	YANKEE RESOURCES
8330267		3416923116		107-TF		HARRY BLOSSER #1	DALTON	12.0	YANKEE RESOURCES
8330272		3416923252		107-TF		JOHN BLOSSER #1A	SUGAR CREEK	12.0	YANKEE RESOURCES
8330268		3416923118		107-TF		JOHN C BLOSSER #2	SUGAR CREEK	12.0	YANKEE RESOURCES
8330271		3416923144		107-TF		MARVIN B GOOD #1	BAUGHMAN	12.0	YANKEE RESOURCES
8330269		3416923131		107-TF		W L HOSTETLER #2	SUGAR CREEK	12.0	YANKEE RESOURCES
-STOCKER&SITLER INC				RECEIVED: 03/29/83 JA: OH					
8330273		3411122669		107-DV		BRADFIELD UNIT #1	OHIO	73.0	
8330276		3416922028		107-TF		KEIM UNIT #2	PAINT	4.0	EAST OHIO GAS CO
8330275		3416922028		107-TF		KEIM UNIT #2	PAINT	4.0	EAST OHIO GAS CO
8330274		3415723350		107-TF		WAYNE SPECHT UNIT #1	DOVER	30.0	EAST OHIO GAS CO
-SUPERIOR PETROLEUM INC				RECEIVED: 03/29/83 JA: OH					
8330277		3411121941	D	107-DV		E J & HAZEL #1	MALAGA	20.0	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TOWNER PETROLEUM CO			RECEIVED:	03/29/83	JA: OH				
8330291		3405923445	103	107-TF		BONIPHANT B #4	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330289		3405923422	103	107-TF		BULLIONS #3	OXFORD	27.0	TENNESSEE GAS PIP
8330290		3405923436	103	107-TF		DUVALL W #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330287		3405923396	103	107-TF		HALL L #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330286		3405923385	103	107-TF		SHELLENBERGER E #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8330288		3405923407	103	107-TF		WEAVER R #2	MADISON	27.0	TENNESSEE GAS PIP
-TRAK-2			RECEIVED:	03/29/83	JA: OH				
8330292		3410522531	107-TF			ROBERT MILLER #1 EAST	LOWER MISSISSIPIAN	0.0	
-UNION DRILLING INC			RECEIVED:	03/29/83	JA: OH				
8330293		3408720308	107-TF			DAVY & DIXIE TURNER 6001	WINDSOR TOWNSHIP	0.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP			RECEIVED:	03/29/83	JA: OH				
8330294		3409920722	108			WILSON #1		6.5	YANKEE RESOURCES
-VIKING RESOURCES CORP			RECEIVED:	03/29/83	JA: OH				
8330297		3415321305	103	107-TF		ALESSIO UNIT #1	COPLEY	30.0	
8330296		3415321304	103	107-TF		GRAF GROWERS #2	COPLEY	30.0	
8330295		3410323111	103	107-TF		HUBER/YOUNG UNIT #1	SHARON	30.0	
-W J LYDIC INC			RECEIVED:	03/29/83	JA: OH				
8330298		3411122656	107-DV			ROUSENBERG #3	MALAGA	35.0	
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ALCOVE INVESTMENTS			RECEIVED:	03/31/83	JA: PA				
8330357	19490	3700522776	103			WILLIAM R & MARY E LINKO #1	COWANSHANNOCK	10.0	PEOPLES NATURAL G
-ASHTOLA PRODUCTION CO			RECEIVED:	03/31/83	JA: PA				
8330315	19368	3705120300	102-3			DONALD COTTOM #3	WALTERSBURG	10.2	COLUMBIA GAS OF P
8330319	19418	3705120302	102-3			WALTER ZITNEY #1	WALTERSBURG	33.8	COLUMBIA GAS OF P
-ATLAS RESOURCES INC			RECEIVED:	03/31/83	JA: PA				
8330314	19357	3706327112	102-4			LIEB #1	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED:	03/31/83	JA: PA				
8330316	19405	3706324439	102-4			IRAL I SAVAGE #1 WN-1692	CHERRY HILL	4.0	GENERAL SYSTEM PU
-DONALD W DEITZ			RECEIVED:	03/31/83	JA: PA				
8330329	19444	3705300000	108			WARRANT 3643 #2	JENKS	1.0	UGI CORP
8330330	19445	3705300000	108			WARRANT 3643 #3	JENKS	1.0	UGI CORP
8330331	19446	3705300000	108			WARRANT 3643 #4	JENKS	1.0	UGI CORP
8330323	19434	3705300000	108			WT 3643 #10	JENKS	1.0	UGI CORP
8330327	19442	3705300000	108			WT 3643 #6	JENKS	1.0	UGI
8330322	19433	3705321132	108			WT 3643 #9	JENKS	1.0	UGI CORP
8330321	19432	3705300000	108			WT 3643 7	JENKS	1.0	UGI CORP
8330328	19443	3705300000	108			WT 3643 8	JENKS	1.0	UGI CORP
-ENERGY PRODUCTION CO			RECEIVED:	03/31/83	JA: PA				
8330334	19455	3706326870	103			CHARLES ALTEMUS #4	NOLO MOUNTAIN	7.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO			RECEIVED:	03/31/83	JA: PA				
8330318	19417	3700500000	103			B & S COAL & COKE #8 F-3430	PLUMVILLE	60.0	EQUITABLE GAS CO
8330320	19431	3703320358	108			G PROKOP POOL #1 F - 72	DUBOIS	18.0	CONSOLIDATED GAS
8330317	19416	3712700000	103			SUMMIT COAL CORP #1 F-3652	DAYTON	60.0	T W PHILLIPS GAS
-FOX OIL & GAS INC			RECEIVED:	03/31/83	JA: PA				
8330333	19450	3706321272	103			BUTERBAUGH #1 255-D	BURNSIDE TOWNSHIP	25.5	COLUMBIA GAS TRAN
8330332	19447	3706320155	103			WM BUTERBAUGH #1 242	SUSQUEHANNA TOWNSHIP	25.5	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC			RECEIVED:	03/31/83	JA: PA				
8330361	19504	3706521367	108			CRA/SNYD/BARR #17(66A) R&P COAL #17	HENDERSON	0.0	CONSOLIDATED GAS
8330362	19505	3703320696	108			JESSE HUTTON #2 (180A)	BURNSIDE	0.0	CONSOLIDATED GAS
8330360	19503	3703320672	108			JOHN FENCHAK #1 (174A)	BELL	0.0	CONSOLIDATED GAS
8330359	19502	3706324331	108			LOUIS J MANFREDO #1	CANOE	0.0	T W PHILLIPS GAS
8330312	19349	3706522601	103			R & P COAL CO #44 (595A)	WINSLOW	0.0	COLUMBIA GAS TRAN
-KRIEBEL WELLS #2			RECEIVED:	03/31/83	JA: PA				
8330313	19350	3706522680	103			REITZ #1	ANITA	10.0	
-MARK RESOURCES CORP			RECEIVED:	03/31/83	JA: PA				
8330308	19092	3708520490	103			TITUS UNIT #1	HERMITAGE	40.0	
8330309	19093	3708520490	107-TF			TITUS UNIT #1	HERMITAGE	40.0	
-MONROE GAS CO			RECEIVED:	03/31/83	JA: PA				
8330358	19497	3706520097	108			REED WELL #1	BIG RUN	3.0	CONSOLIDATED GAS
-NATIONAL FUEL GAS SUPPLY CORP			RECEIVED:	03/31/83	JA: PA				
8330299	15218	3706521233	108			LEE B HUMPHREY FARM #5755	WARSAW TOWNSHIP	2.8	GENERAL SYSTEM PU
-PETROBANK OPERATING CO			RECEIVED:	03/31/83	JA: PA				
8330326	19439	3703321291	103			A P CLARK #1	BURNSIDE	18.9	COLUMBIA GAS TRAN
8330324	19435	3706325713	102-2			CLARK ESTATE #7	MONTGOMERY	9.8	COLUMBIA GAS TRAN
8330325	19438	3706326635	103			CLARK ESTATES #11	MONTGOMERY	78.3	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO			RECEIVED:	03/31/83	JA: PA				
8330306	17392	3706326311	108			DAVID R TOMB JR #1	WHITE	2.0	COLUMBIA GAS TRAN
8330302	17372	3706522384	108			EDNA ROBISON #1	GASKILL	10.0	CONSOLIDATED GAS
8330307	17787	3706324492	108			JAMES P MCCONNELL #1	BLACKLICK	9.0	ELJER PLUMBING
8330305	17382	3706326023	108			LARRY D SHIELDS #1	EAST MAHONING	3.0	COLUMBIA GAS TRAN
8330303	17373	3706522310	108			RONALD A BAIR #1	GASKILL	7.0	CONSOLIDATED GAS
8330301	17371	3706522312	108			RUSSELL ADAMS #1	HENDERSON	6.0	CONSOLIDATED GAS
8330304	17379	3706325443	108			SAMUEL O BRESSLER #1	RAYNE	10.0	COLUMBIA GAS TRAN
8330300	16176	3705120285	108			WILLIAM D MILLS #1	FRANKLIN	14.0	COLUMBIA GAS TRAN
-ROBERT H BRACE			RECEIVED:	03/31/83	JA: PA				
8330311	19338	3704920960	108			BRACE #2	WATERFORD	0.0	NATIONAL FUEL GAS
8330310	19336	3704920843	108			MCCALL #1	WATERFORD SOUTH	0.0	NATIONAL FUEL GAS
-T W PHILLIPS GAS & OIL CO			RECEIVED:	03/31/83	JA: PA				
8330363	19507	3700500000	108			ALLEGHENY RIVER MINING CO #1	CADOGAN	2.6	T W PHILLIPS GAS
8330378	19522	3700500000	108			AMANDA E GEORGE #1	REDBANK	1.7	T W PHILLIPS GAS
8330346	19475	3700500000	108			CATHERINE KIRCH #1	WEST FRANKLIN	0.9	T W PHILLIPS GAS
8330345	19474	3700500000	108			CATHERINE KIRCH #2	WEST FRANKLIN	1.5	T W PHILLIPS GAS
8330370	19514	3700500000	108			DANIEL MILLER #3	KITTANNING	2.2	T W PHILLIPS GAS
8330354	19484	3700500000	108			DANIEL YOUNKINS #3	WEST FRANKLIN	1.0	T W PHILLIPS GAS
8330342	19468	3700500000	108			DORA K MONROE #1	WEST FRANKLIN	1.2	T W PHILLIPS GAS
8330368	19512	3700500000	108			F J KIMPEL #1	KITTANNING	3.2	T W PHILLIPS GAS
8330382	19526	3700520427	108			F J TROUTMAN #1	REDBANK	1.7	T W PHILLIPS GAS
8330369	19513	3700500000	108			G C LASHER #1	KITTANNING	1.3	T W PHILLIPS GAS
8330377	19521	3700500000	108			G N CRISSMAN #1	REDBANK	1.2	T W PHILLIPS GAS
8330341	19467	3700500000	108			H J NICHOL #2 (#1-13)	WEST FRANKLIN	1.4	T W PHILLIPS GAS
8330376	19520	3700500000	108			H M BOYER #1	REDBANK	1.8	T W PHILLIPS GAS
8330344	19473	3700521588	108			HENRY KILE #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330374	19518	3700500000	108			IRENE RUPERT #1	KITTANNING	1.9	T W PHILLIPS GAS
8330352	19482	3700500000	108			J D SWIGART #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330340	19466	3700500000	108			J W NICHOL #1	WEST FRANKLIN	1.6	T W PHILLIPS GAS
8330383	19527	3700500000	108			JESSE E SHICK #1	REDBANK	1.1	T W PHILLIPS GAS
8330350	19479	3700500000	108			MARGARET PFAFF #1	WEST FRANKLIN	2.3	T W PHILLIPS GAS
8330356	19486	3700500000	108			MARGARET PFAFF #2	WEST FRANKLIN	0.9	T W PHILLIPS GAS
8330353	19483	3700500000	108			MIKE ULICKY #1	WEST FRANKLIN	2.2	T W PHILLIPS GAS
8330355	19485	3700500000	108			MIKE ULICKY #3	WEST FRANKLIN	1.3	T W PHILLIPS GAS
8330375	19519	3700500000	108			N H RUPP #1	KITTANNING	1.7	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330380	19524	3700520473		108		ORLANDO HARMON #1	REDBANK	1.1	T W PHILLIPS GAS
8330371	19515	3700521635		108		OVIE MILLER #1-20	KITTANNING	2.0	T W PHILLIPS GAS
8330372	19516	3700500000		108		OVIE MILLER #2-18	KITTANNING	2.2	T W PHILLIPS GAS
8330366	19510	3700500000		108		PHILIP CRISTMAN #2	KITTANNING	0.6	T W PHILLIPS GAS
8330367	19511	3700500000		108		PHILIP CRISTMAN #3	BURRELL	2.7	T W PHILLIPS GAS
8330351	19480	3700500000		108		R S RALSTON #2	WEST FRANKLIN	2.6	T W PHILLIPS GAS
8330364	19508	3700500000		108		R W COWAN #1	NORTH BUFFALO	1.2	T W PHILLIPS GAS
8330387	19481	3700500000		108		ROLAND SEVERLINE #1	WEST FRANKLIN	1.2	T W PHILLIPS GAS
8330381	19525	3700500000		108		S H HETRICK #1	REDBANK	2.1	T W PHILLIPS GAS
8330348	19477	3700500000		108		STARR & WALKER #1	WEST FRANKLIN	0.9	T W PHILLIPS GAS
8330349	19478	3700500000		108		STARR & WALKER #2	WEST FRANKLIN	2.4	T W PHILLIPS GAS
8330347	19476	3700500000		108		SUSANNA HINDMAN #5	WEST FRANKLIN	1.4	T W PHILLIPS GAS
8330373	19517	3700521045		108		W G MILLER #1	KITTANNING	1.1	T W PHILLIPS GAS
8330386	19471	3700500000		108		W G MILLER #1-104	WEST FRANKLIN	1.3	T W PHILLIPS GAS
8330385	19470	3700500000		108		W G MILLER #2-104	WEST FRANKLIN	1.1	T W PHILLIPS GAS
8330384	19469	3700500000		108		W G MILLER #3-104	WEST FRANKLIN	3.3	T W PHILLIPS GAS
8330379	19523	3700500000		108		W M GEORGE #1	REDBANK	1.4	T W PHILLIPS GAS
8330343	19472	3700500000		108		WILLIAM G MILLER #1-35	WEST FRANKLIN	1.9	T W PHILLIPS GAS
8330365	19509	3700520982		108		WM COWAN #2	NORTH BUFFALO	1.2	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	03/31/83	JA: PA			
8330335	19458	3702120184		102-2		DEFENSE & EMERGENCY POLICE #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8330337	19460	3702120186		102-2		DEFENSE & EMERGENCY POLICE #3	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8330338	19461	3703321510		102-2		KOPP #1 - CLE-21510	BURNSIDE	36.0	COLUMBIA GAS TRAN
8330336	19459	3702120183		102-2		LIONS RECREATION CENTER #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8330339	19462	3702120182		102-2		LIONS RECREATION CENTER #2	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN

[FR Doc. 83-11302 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 879]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 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 megnetic 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.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 879
ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARGOSY OIL CO				RECEIVED:	04/01/83	JA: CA			
8330425	83-6-0006	0402120238		102-4		TRANSAMERICA-ALANMAR #1	WILLOWS-BEEHIVE BEND	8250.0	PACIFIC GAS AND E
-CHANNEL EXPLORATION CO				RECEIVED:	04/01/83	JA: CA			
8330409	83-6-0007	0409520552		102-4		CHANNEL/BARNES 1-33	DENVERTON CREEK GAS F	730.0	TOSCO CORP
-HILLIARD OIL & GAS INC				RECEIVED:	04/01/83	JA: CA			
8330412	83-6-0008	0411320447		102-4		"CAMPBELL UNIT" #1	PUTAH SINK GAS	9.5	DOW CHEMICAL U S
-HUSKY OIL COMPANY				RECEIVED:	04/01/83	JA: CA			
8330411	83-5-0001	0403120241		102-2		KCDC 24-8	TULARE LAKE	4000.0	PACIFIC GAS & ELE
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	04/01/83	JA: CA			
8330408	83-6-0005	0401120234		102-4		ANDREOTTI #2	GRIMES (POUNDSTONE)	1080.0	PACIFIC GAS & ELE
-PETRO-LEWIS CORPORATION				RECEIVED:	04/01/83	JA: CA			
8330421	83-4-0215	0402966540		103		ELLIS 66J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330417	83-4-0212	0402967549		103		ELLIS 76I-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330422	83-4-0206	0402967548		103		KING 77 I-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330423	83-4-0207	0402967547		103		KING 77 J-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330415	83-4-0211	0402967546		103		KING 78J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330420	83-4-0217	0402967545		103		KING 78K-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330418	83-4-0214	0402966545		103		KING 81G-30	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330419	83-4-0216	0402967544		103		KING 87I-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330413	83-4-0209	0402967543		103		KING 87J-19	SOUTH BELRIDGE	13.0	MOBIL OIL CORP
8330424	83-4-0208	0402967542		103		KING 88 N-19	SOUTH BELRIDGE	12.0	MOBIL OIL CORP
8330416	83-4-0213	0402967541		103		KING 88P-19	SOUTH BELRIDGE	15.0	MOBIL OIL CORP
8330414	83-4-0210	0402967540		103		KING 88Q-19	SOUTH BELRIDGE	15.0	MOBIL OIL CORP
-SAMSON RESOURCES COMPANY				RECEIVED:	04/01/83	JA: CA			
8330410	83-6-0009	0411320713		102-4		FARIS #1	DUFOUR	219.0	PACIFIC GAS & ELE
LOUISIANA OFFICE OF CONSERVATION									
-LYONS PETROLEUM INC				RECEIVED:	03/28/83	JA: LA			
8330388	82-1319	1704920181		103		M G BROOKS #1	HODGE	548.0	ARKANSAS LOUISIAN
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-KIMBARK OIL & GAS CO				RECEIVED:	04/01/83	JA: MI			
8330525		2102534924		103		MOODY #1	CONVIS	3.0	MOBIL OIL CORP
8330524		2102535559		103		MOODY #2	CONVIS	0.0	MOBIL OIL CORP
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	04/01/83	JA: OK			
8330541	20913	3505921116		103		STAATS UNIT #3	MOCANE-LAVERNE GAS AR	731.0	MICHIGAN WISCONSI
-BERRY PETROLEUM CORP				RECEIVED:	04/01/83	JA: OK			
8330570	18523	3509322323		103		BISEL #1-32	AMES	15.0	CITIES SERVICE GA
8330526	17688	3509322276		103		GROVES 1-25	M LACEY	0.0	CITIES SERVICE CO
-BRISTOW RESOURCES INC				RECEIVED:	04/01/83	JA: OK			
8330551	20868	3503724081		103		ELIPS MAPP #1		200.0	KERR-MCGEE CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BURKHART PETROLEUM CORP				RECEIVED:	04/01/83	JA: OK			
8330567	20865	3504321501		103		PHELPS 1-25	SOUTH TALOGA	20.0	MOBIL OIL CORP
-C W SMITH & ASSOCIATES INC				RECEIVED:	04/01/83	JA: OK			
8330568	20877	3508121665		103		ARCHIE HOPKINS #2	S E DAVENPORT	18.0	MERIDIAN ENERGY I
-CHAMPLIN EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330554	19641	3508121509		102-4		SPORN ESTATE #1-23	NEW FIELD	120.0	SUN GAS CO
-CORE PETROLEUM LTD				RECEIVED:	04/01/83	JA: OK			
8330535	23804	3501521480		107-DP		SICKLES #1-9		8.0	
-COTTON PETROLEUM CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330532	19681	3512920821		102-2		ALLEE #1-4	HAMMON N W	0.0	UNITED GAS PIPELI
8330530	19669	3512920820		102-2		RANCH #1	HAMMON NW	0.0	
8330536	23822	3501922414		107-DP		STATE PARK "A" #1	WILDCAT	0.0	
-DAMSON OIL CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330533	20039	3509320808		108		HOUK #34-	N SEILING	15.0	MICHIGAN-WISCONSI
-ENERGY SERVICES INC				RECEIVED:	04/01/83	JA: OK			
8330555	19682	3515300000		102-2		PUGH #23-1	NORTH MUTUAL	240.0	TENNESSEE GAS PIP
-ENTEX PETROLEUM INC				RECEIVED:	04/01/83	JA: OK			
8330565	20763	3508320730		103		ROBERT R GODCH #1	WEST LAWRIE	7.0	EASON OIL CO
-FAMILY OIL & GAS CO				RECEIVED:	04/01/83	JA: OK			
8330538	23578	3511121076		103		CHASTAIN 1-A	SOUTH MORRIS	560.0	OKLAHOMA GAS & EL
8330537	23579	3511121336		103		HESSOM 1-A	SOUTH MORRIS	5.0	OKLAHOMA GAS & EL
-GULF OIL CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330540	20918	3507323622		103		BUETTNER NO 1-20	NORTH OKARCHE	35.0	ONG WESTERN INC
-HOLD OIL CORP				RECEIVED:	04/01/83	JA: OK			
8330528	19636	3506120485		102-2		ARMY CORPS OF ENGINEERS #1-3	BROOKEN	150.0	ARKANSAS LOUISIAN
-HPC INC				RECEIVED:	04/01/83	JA: OK			
8330577	20912	3504520917		103		AKERS #21-1		0.9	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	04/01/83	JA: OK			
8330558	19693	3512920788		102-4		WICKHAM #1-36	N E STRONG CITY	548.0	DELHI GAS PIPELIN
-INTERNORTH INC				RECEIVED:	04/01/83	JA: OK			
8330557	19692	3503920603		102-2		CLIFT 12 #1	BUTLER-CUSTER NW	10.0	NORTHERN NATURAL
-JUMAS OIL PART CORP				RECEIVED:	04/01/83	JA: OK			
8330549	20879	3510720523		108		THOMASON #1	LYONS QUINN	6.7	PHILLIPS PETROLEU
-KENNEDY & MITCHELL INC				RECEIVED:	04/01/83	JA: OK			
8330572	20884	3515321256		103		CLYDE #42-475		200.0	NORTHERN NATURAL
-LEEDE OIL & GAS INC				RECEIVED:	04/01/83	JA: OK			
8330550	20867	3515321034		108		WYCOFF 1-A	FREEDOM (CHESTER)	9.0	PANHANDLE EASTERN
-MACDONALD EXPLORATIONS INC				RECEIVED:	04/01/83	JA: OK			
8330552	20200	3510920518		103		FARRIS #1-32	EAST WITCHER	22.0	CHAMPLIN PETROLEU
-MAY PETROLEUM INC				RECEIVED:	03/31/83	JA: OK			
8330389	6169	3505120897		102-3		ROSS #1 (051-60082)	WATONGA-CHICKASHA TRE	365.0	ARKANSAS LOUISIAN
-MOBIL OIL CORP				RECEIVED:	04/01/83	JA: OK			
8330545	20869	3501900000		108		C F ADAMS #21	SHO VEL TUM	19.7	OKLAHOMA NATURAL
-MORAN EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330559	19736	3501722143		102-2		CAROL #1	EAST YUKON	0.0	PHILLIPS PETROLEU
8330581	20317	3501722227		103		CARY #2	SOUTHEAST YUKON	0.0	PHILLIPS PETROLEU
8330556	19683	3504521052		102-2		HAGEN #1	WILDCAT	0.0	PHILLIPS PETROLEU
8330561	19744	3501721679		102-2		HOLLMAN #1	YUKON	0.0	PHILLIPS PETROLEU
8330560	19743	3501721318		102-2		WARREN #2	NORTH YUKON	0.0	PHILLIPS PETROLEU
8330562	19746	3501721838		102-2		WRIGHT "28" #1	YUKON	0.0	DELHI GAS PIPELIN
-NORTEX GAS & OIL CO				RECEIVED:	04/01/83	JA: OK			
8330580	23553	3505121028		107-DP		GRAHAM 19 #1	RUSH SPRINGS	0.0	EL PASO NATURAL G
-NORTHWEST OIL CO				RECEIVED:	04/01/83	JA: OK			
8330553	19488	3502700000		108		HELEN SMITH #1	WEST NORMAN	0.0	SUN GAS CO
-OXLEY PETROLEUM CO				RECEIVED:	04/01/83	JA: OK			
8330544	20882	3512120915		103		OGDEN #2	QUINTON	0.0	SOUTHEAST TRANSMI
-PEIRO-ENERGY EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330542	20902	3505320769		103		PAHL #1-3	EAST LAMONT	100.0	FARMLAND INDUSTRI
8330543	20901	3505320770		103		WHITWORTH #1-3	EAST LAMONT	100.0	FARMLAND INDUSTRI
-PETROLEUM INC				RECEIVED:	04/01/83	JA: OK			
8330548	20876	3508720807		103		STEELE "B" #1	DIBBLE	18.0	SUN EXPLORATION &
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/01/83	JA: OK			
8330566	20811	3503920759		103		COIT A #1	N CUSTER CITY	0.0	PANHANDLE EASTERN
-REYNOLDS EXPLORATION CO				RECEIVED:	04/01/83	JA: OK			
8330582	20678	3507323556		103		VANCUREN #1	SOONER TREND	0.0	CONOCO INC
8330564	20671	3507323556		103		VILHAUER #1	SOONER TREND	0.0	CITIES SERVICE CO
-SABINE CORP				RECEIVED:	04/01/83	JA: OK			
8330546	20846	3501900000		108		W W RINGER NO 1		0.0	UNION OIL OF CALI
-SABINE PRODUCTION COMPANY				RECEIVED:	04/01/83	JA: OK			
8330547	20848	3509321575		108		AKE 1-26		0.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	04/01/83	JA: OK			
8330569	17589	3507920393		102-4		POOR BOY #1	RED OAK	219.0	ARKANSAS LOUISIAN
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	04/01/83	JA: OK			
8330534	23130	3501521423		107-DP		CRISSMAN 27-A	SOUTH HYDRO	1115.0	EL PASO NATURAL G
-SILVER LAKE EXPLORATION				RECEIVED:	04/01/83	JA: OK			
8330574	20890	3510920578		103		WHITEFIELD #1	SOUTHEAST WATERLOO	219.0	CHAMPLIN PETROLEU
-SOUTHWEST EXPLORATION INC				RECEIVED:	04/01/83	JA: OK			
8330578	20921	3510900000		103		FORSYTHE #1		0.0	CONOCO INC
8330579	20922	3510900000		103		MIDWEST #1		0.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/01/83	JA: OK			
8330563	19750	3503920423		102-2		GILBERT ADLER #1	WILDCAT	227.0	
-TENNECO OIL COMPANY				RECEIVED:	04/01/83	JA: OK			
8330573	20888	3510321706		103		SOUTH LONE ELM CLEVELAND SAND #85	SOUTH LONE ELM	1.0	AMINOIL U S A INC
-TEXACO INC				RECEIVED:	04/01/83	JA: OK			
8330576	20899	3502520544		103		RUTH BRYAN UNIT #2	MIDWELL	31.1	PANHANDLE EASTERN
8330575	20898	3502520544		103		RUTH BRYAN UNIT #2	MIDWELL	28.7	PANHANDLE EASTERN
-TXO PRODUCTION CORP				RECEIVED:	04/01/83	JA: OK		947.0	
8330529	19643	3512120919		102-2	103	HARRIS "I" #1	WARNER	235.0	UNITED GAS PIPELI
8330571	19399	3510121380		102-4	103	ROBBINS #1	LAVERNE	20.0	MICHIGAN WISCONSI
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/01/83	JA: OK			
8330539	20919	3505920839		108		PLUMMER #3-26	SAVANNAH	150.0	ARKANSAS LOUISIAN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	04/01/83	JA: OK			
8330527	19627	3512120876		102-2		SMART #1	SQUIRREL CREEK	37.0	HYDROCARBON SERVI
-WOODS PETROLEUM CORPORATION				RECEIVED:	04/01/83	JA: OK			
8330531	19678	3504321537		102-4	103	EDDIE SMITH #9-4			
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	04/01/83	JA: WV			
8330517		4709702424		103		A-1078	MEADE DISTRICT	0.0	COLUMBIA GAS
8330519		4709702398		103		A-1111	ROARING CREEK DISTRIC	0.0	CONSOLIDATED GAS
8330516		4708300673		103		A-1118	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8330512		4708300593		103		A-1136	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8330514		4708300644		103		A-1170	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330518		4708300652		103		A-1174	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8330513		4708300643		103		A-1185	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8330515		4708300658		103		A-1188	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/01/83	JA: WV			
8330427		4700121642		102-A		DURNAL #1	VALLEY	14.5	CONSOLIDATED GAS
8330426		4700121658		102-A		MCCULLOUGH #1	VALLEY	19.5	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:	04/01/83	JA: WV			
8330494		4710500943		107-DV		C H WELCH #966	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330495	105-0946	4710500946		107-DV		MC GEE #969	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330496		4710500948		107-DV		MCCAULY 972	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330492		4710500940		107-DV		MCGEE #963	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
8330493		4710500941		107-DV		WELCH #964	BURNING SPRINGS	0.0	COLUMBIA GAS TRAN
-COASTAL CORP				RECEIVED:	04/01/83	JA: WV			
8330497		4710301258		107-DV		PARAMOUNT #4	UNION	360.0	
-GLENN L HAUGHT & SONS				RECEIVED:	04/01/83	JA: WV			
8330506		4701702911		103		HENRY STAARMAN H-974	COVE DISTRICT	15.0	CONSOLIDATED GAS
8330522		4708504494		107-DV		JOHN CUMMINGS H-897	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8330507		4709500726		103		MELVIN WILEY H-810	CENTERVILLE DISTRICT	15.0	CARNEGIE NATURAL
-HAUGHT INC				RECEIVED:	04/01/83	JA: WV			
8330505		4708505613		107-DV		A W FLESHER HEIRS H-1326	MURPHY DISTRICT	20.0	CABOT CORP
8330521		4707301053		107-DV		D J WAGNER H-1131	UNION DISTRICT	15.0	COLUMBIA GAS TRAN
8330499		4707301179		107-DV		FLORENCE FLEMING H-1256	MCKIM DISTRICT	22.0	COLUMBIA GAS TRAN
8330504		4708505587		107-DV		HARRY MOATS H-1327	GRANT DISTRICT	19.0	CABOT CORP
8330501		4707301311		107-DV		JOSEPH PANSING H-1269	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8330500		4707301380		107-DV		PAUL EDDY H-1298	MCKIM DISTRICT	22.0	COLUMBIA GAS TRAN
8330523		4707301399		107-DV		R UTTERBACK H-1301	JEFFERSON DISTRICT	21.0	COLUMBIA GAS TRAN
8330508		4708504861		103		RONALD WARNER H-1016	UNION DISTRICT	15.0	CARNEGIE NATURAL
8330520		4707301085		107-DV		WILLIAM TRIPLETT H-1187	LAFAYETTE DISTRICT	15.0	COLUMBIA GAS TRAN
-MERT DEVELOPMENT INC				RECEIVED:	04/01/83	JA: WV			
8330509		4708703237		103		BUCK PERRINE	CURTIS DISTRICT	60.0	COLUMBIA GAS TRAN
8330510		4701501915		103		DRAKE #1	OTTER DISTRICT	30.0	COLUMBIA GAS TRAN
8330511		4708300558		103		J F ALLEN #1	LEADSVILLE DISTRICT	10.0	COLUMBIA GAS TRAN
-NATIONAL OPERATING INC				RECEIVED:	04/01/83	JA: WV			
8330498		4707301414		107-DV		CUNNINGHAM H-1311	FRENCH CREEK	11.0	COLUMBIA GAS TRAN
-ROUZER OIL CO				RECEIVED:	04/01/83	JA: WV			
8330488		4701500550		108		BETTIE G BELL #1	BOMONT	18.7	COLUMBIA GAS TRAN
8330461		4701501380		108		BETTIE G BELL #2	BOMONT	18.7	COLUMBIA GAS TRAN
8330489		4701500612		108		BETTIE G BELL #3	BOMONT	18.7	COLUMBIA GAS TRAN
8330468		4701500677		108		BETTIE G BELL #4	BOMONT	18.7	COLUMBIA GAS TRAN
8330478		4701501362		108		E W KING #1	BOMONT	1.9	COLUMBIA GAS TRAN
8330490		4701500600		108		E W KING #10	BOMONT	1.9	COLUMBIA GAS TRAN
8330463		4701501371		108		E W KING #11	BOMONT	1.9	COLUMBIA GAS TRAN
8330462		4701501372		108		E W KING #12	BOMONT	1.9	COLUMBIA GAS TRAN
8330472		4701500752		108		E W KING #13	BOMONT	1.9	COLUMBIA GAS TRAN
8330444		4701500765		108		E W KING #14	BOMONT	1.9	COLUMBIA GAS TRAN
8330476		4701500824		108		E W KING #15	BOMONT	1.9	COLUMBIA GAS TRAN
8330475		4701500829		108		E W KING #16	BOMONT	1.9	COLUMBIA GAS TRAN
8330436		4701501048		108		E W KING #17	BOMONT	1.9	COLUMBIA GAS TRAN
8330477		4701501363		108		E W KING #2	BOMONT	1.9	COLUMBIA GAS TRAN
8330482		4701501364		108		E W KING #3	BOMONT	1.9	COLUMBIA GAS TRAN
8330486		4701501365		108		E W KING #4	BOMONT	1.9	COLUMBIA GAS TRAN
8330474		4701500746		108		E W KING #5	BOMONT	1.9	COLUMBIA GAS TRAN
8330485		4701501367		108		E W KING #6	BOMONT	1.9	COLUMBIA GAS TRAN
8330484		4701501368		108		E W KING #7	BOMONT	1.9	COLUMBIA GAS TRAN
8330483		4701501369		108		E W KING #8	BOMONT	1.9	COLUMBIA GAS TRAN
8330464		4701501370		108		E W KING #9	BOMONT	1.9	COLUMBIA GAS TRAN
8330466		4701501387		108		FRANK COX #10	BOMONT	4.4	COLUMBIA GAS TRAN
8330481		4701500005		108		FRANK COX #11	BOMONT	4.4	COLUMBIA GAS TRAN
8330465		4701501389		108		FRANK COX #12	BOMONT	4.4	COLUMBIA GAS TRAN
8330456		4701501562		108		FRANK COX #13	BOMONT	4.4	COLUMBIA GAS TRAN
8330457		4701501391		108		FRANK COX #14	BOMONT	4.4	COLUMBIA GAS TRAN
8330459		4701501392		108		FRANK COX #15	BOMONT	4.4	COLUMBIA GAS TRAN
8330458		4701501393		108		FRANK COX #16	BOMONT	4.4	COLUMBIA GAS TRAN
8330455		4701501394		108		FRANK COX #18	BOMONT	4.4	COLUMBIA GAS TRAN
8330460		4701500013		108		FRANK COX #19	BOMONT	4.4	COLUMBIA GAS TRAN
8330473		4701500751		108		FRANK COX #2	BOMONT	4.4	COLUMBIA GAS TRAN
8330449		4701500014		108		FRANK COX #20	BOMONT	4.4	COLUMBIA GAS TRAN
8330450		4701500002		108		FRANK COX #22	BOMONT	4.4	COLUMBIA GAS TRAN
8330454		4701501568		108		FRANK COX #23	BOMONT	4.4	COLUMBIA GAS TRAN
8330433		4701501356		108		FRANK COX #24	BOMONT	4.4	COLUMBIA GAS TRAN
8330434		4701501357		108		FRANK COX #25	BOMONT	4.4	COLUMBIA GAS TRAN
8330480		4701501358		108		FRANK COX #26	BOMONT	4.4	COLUMBIA GAS TRAN
8330479		4701501359		108		FRANK COX #27	BOMONT	4.4	COLUMBIA GAS TRAN
8330445		4701500006		108		FRANK COX #28	BOMONT	4.4	COLUMBIA GAS TRAN
8330448		4701500370		108		FRANK COX #29	BOMONT	4.4	COLUMBIA GAS TRAN
8330453		4701501572		108		FRANK COX #3	BOMONT	4.4	COLUMBIA GAS TRAN
8330447		4701500538		108		FRANK COX #30	BOMONT	4.4	COLUMBIA GAS TRAN
8330446		4701500564		108		FRANK COX #31	BOMONT	4.4	COLUMBIA GAS TRAN
8330428		4701500631		108		FRANK COX #32	BOMONT	4.4	COLUMBIA GAS TRAN
8330470		4701500657		108		FRANK COX #33	BOMONT	4.4	COLUMBIA GAS TRAN
8330469		4701500669		108		FRANK COX #34	BOMONT	4.4	COLUMBIA GAS TRAN
8330432		4701500711		108		FRANK COX #35	BOMONT	4.4	COLUMBIA GAS TRAN
8330431		4701500726		108		FRANK COX #36	BOMONT	4.4	COLUMBIA GAS TRAN
8330430		4701500803		108		FRANK COX #37	BOMONT	4.4	COLUMBIA GAS TRAN
8330429		4701500813		108		FRANK COX #38	BOMONT	4.4	COLUMBIA GAS TRAN
8330471		4701500833		108		FRANK COX #39	BOMONT	4.4	COLUMBIA GAS TRAN
8330452		4701501573		108		FRANK COX #4	BOMONT	4.4	COLUMBIA GAS TRAN
8330442		4701500875		108		FRANK COX #40	BOMONT	4.4	COLUMBIA GAS TRAN
8330443		4701500834		108		FRANK COX #41	BOMONT	4.4	COLUMBIA GAS TRAN
8330440		4701500907		108		FRANK COX #42	BOMONT	4.4	COLUMBIA GAS TRAN
8330441		4701500906		108		FRANK COX #43	BOMONT	4.4	COLUMBIA GAS TRAN
8330439		4701500919		108		FRANK COX #44	BOMONT	4.4	COLUMBIA GAS TRAN
8330438		4701500920		108		FRANK COX #45	BOMONT	4.4	COLUMBIA GAS TRAN
8330437		4701500921		108		FRANK COX #46	BOMONT	4.4	COLUMBIA GAS TRAN
8330435		4701500922		108		FRANK COX #47	BOMONT	4.4	COLUMBIA GAS TRAN
8330487		4701501384		108		FRANK COX #5	BOMONT	4.4	COLUMBIA GAS TRAN
8330451		4701501385		108		FRANK COX #6	BOMONT	4.4	COLUMBIA GAS TRAN
8330467		4701501386		108		FRANK COX #9	BOMONT	4.4	COLUMBIA GAS TRAN
-TRIO PETROLEUM CORP				RECEIVED:	04/01/83	JA: WV			
8330503		4702103883		103		HENDERSON "C" #2	GLENVILLE NORTH	50.0	
8330502		4702103883		107-DV		HENDERSON "C" #2	GLENVILLE NORTH	50.0	
-TYRONE ENERGY INC				RECEIVED:	04/01/83	JA: WV			
8330491		4708300469		107-DV		ROY A HOWES/TYRONE ENERGY #2	ROARING CREEK	0.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-CHEVRON U S A INC				RECEIVED:	04/01/83	JA: LA 3			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8330391	G2-2920	1770540229		102-5		OCS-G-2076 B-7	VERMILLION	350.4	NATURAL GAS PIPEL
-KERR-MCGEE CORPORATION				RECEIVED:	04/01/83	JA: LA 3			
8330394	G2-2886	1771240234		102-5		OCS G-3169 #A-1	SHIP SHOAL	484.0	TRANSCONTINENTAL
8330392	G2-2887	1771240234		102-5		OCS-G-3169 #A-1 (ALTERNATE)	SHIP SHOAL	0.0	TRANSCONTINENTAL
-MESA PETROLEUM CO				RECEIVED:	04/01/83	JA: LA 3			
8330399	G2-3168	1771940121		102-1		WEST DELTA BLK 62 #A-5A	WEST DELTA	90.0	TENNESSEE GAS PIP
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	04/01/83	JA: LA 3			
8330404	G2-2620	1771140368		102-5		SHIP SHOAL 72 #13 D(ALT)	SHIP SHOAL	365.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED:	04/01/83	JA: LA 3			
8330406	G2-2937	1771140619		102-5		OCS-G-3164 #5A	SHIP SHOAL	550.0	MICHIGAN WISCONSI
-SHELL OFFSHORE INC				RECEIVED:	04/01/83	JA: LA 3			
8330407	G2-3121	1770780253		102-5		OCS-G 1194 A-12B	SOUTH MARSH ISLAND	500.0	MICHIGAN WISCONSI
8330401	G2-3158	1770840474		102-5		OCS-G 2280 D-14	SOUTH MARSH ISLAND	15.0	TRANSCONTINENTAL
8330393	G2-3102	1770840502		102-5		OCS-G 2280 D-18	SOUTH MARSH ISLAND	19.0	TRANSCONTINENTAL
8330397	G2-3028	1770840363		102-5		OCS-G 2280 D-2	SOUTH MARSH ISLAND	45.0	TRANSCONTINENTAL
8330396	G2-2880	1770840511		102-5		OCS-G 2280 D-22 S/T #1	SOUTH MARSH ISLAND	75.0	TRANSCONTINENTAL
8330403	G2-3135	1770840534		102-5		OCS-G 2280 D-27	SOUTH MARSH ISLAND	70.0	TRANSCONTINENTAL
8330405	G2-3122	1770840531		102-5		OCS-G 2281 D-26	SOUTH MARSH ISLAND	17.0	TRANSCONTINENTAL
-AMOCO PRODUCTION CO				RECEIVED:	04/01/83	JA: TX 3			
8330395	G2-2885	4271140470		102-5		OCS-G-2427 #A-8	HIGH ISLAND	200.0	MICHIGAN WISCONSI
-CHEVRON U S A INC				RECEIVED:	04/01/83	JA: TX 3			
8330402	G2-3034	4270240033		102-5		OCS-G-3020 #5	MUSTANG ISLAND	547.5	NATURAL GAS PIPEL
8330390	G2-3035	4270240072		102-5		OCS-G-3020 #7	MUSTANG ISLAND	1703.0	NATURAL GAS PIPEL
-EXXON CORPORATION				RECEIVED:	04/01/83	JA: TX 3			
8330398	G2-2942	4270940677		102-5		OCS-G 2390 #A-1	HIGH ISLAND	4000.0	UNITED GAS PIPE L
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	04/01/83	JA: TX 3			
8330400	G2-2935	4270940666		102-1		OCS-G 4579 #B-6	HIGH ISLAND	2920.0	

[FR Doc. 83-11380 Filed 4-27-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 680]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 22, 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.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 680

ISSUED APRIL 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-DENMARK RESOURCES INC				RECEIVED:	04/04/83	JA: MT			
8330584	2-82-35	2502521156		108		BN-PICKARD BROS #1-29	CEDAR CREEK	11.0	MONTANA-DAKOTA UT
8330592	2-82-34	2502521154		108		BN-PICKARD BROS #1-33	CEDAR CREEK	4.0	MONTANA DAKOTA UT
8330585	2-82-36	2507121654		108		FISHER #1-17	SWANSON CREEK	5.0	MONTANA-DAKOTA UT
-FALCON-COLORADO EXPLORATION INC				RECEIVED:	04/04/83	JA: MT			
8330586	2-82-38	2507121794		102-2		LEWIS 22-1	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8330590	2-82-26	2507121769		103		MAVENCAMP 2-1	SWANSON CREEK	15.0	MONTANA-DAKOTA UT
-MERLAND OIL & GAS INC				RECEIVED:	04/04/83	JA: MT			
8330591	2-82-40	2508521334		103		PICARD 11-11	NORTH BANVILLE	9.0	DOME PETROLEUM CO
-MIDLANDS GAS CORPORATION				RECEIVED:	04/04/83	JA: MT			
8330596	1-82-24EH	2507121536		108-ER		SOENNICKSEN 1-13 (1360)	WILDCAT	0.0	KANSAS NEBRASKA N
-ORBIT VENTURES INC				RECEIVED:	04/04/83	JA: MT			
8330597	2-82-32	2509121423		102-2		MORKEN #3-22	DIVIDE	45.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/04/83	JA: MT			
8330595	2-82-33	2509121288		103		DWYER UNIT #7-2	DWYER FIELD	10.0	MONTANA-DAKOTA UT
-SHELL OIL CO				RECEIVED:	04/04/83	JA: MT			
8330594	2-82-30	2502521201		103		UNIT 11-8B	PENNEL	3.3	MONTANA DAKOTA UT
8330593	2-82-31	2502521198		103		UNIT 31-18B	PENNEL	13.1	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO				RECEIVED:	04/04/83	JA: MT			
8330583	2-82-41	2510521197		103		FISHER 0925 #1	SWANSON CREEK	99.0	MONTANA-DAKOTA UT
-SUGAR CREEK RESOURCES INC				RECEIVED:	04/04/83	JA: MT			
8330588	2-82-27	2502521150		108		BN-PICKARD BROS #1-5	CEDAR CREEK GAS	12.5	MONTANA-DAKOTA UT
8330587	2-82-28	2502521152		108		BN-V L PICKARD #1-1	CEDAR CREEK GAS	3.9	MONTANA-DAKOTA UT
-WEST GAS INC				RECEIVED:	04/04/83	JA: MT			
8330589	2-82-25	2509521155		103		LEUTHOLD 10-25	LAKE BASIN	18.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-BETA DEVELOPMENT CO				RECEIVED:	04/04/83	JA: NM			
8330634		3004500000		108		HELEN HARTMAN	BASIN DAKOTA	0.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	04/04/83	JA: NM			
8330635		3002521020		108		STATE JJ-36 #1	ARROWHEAD E-M-E	13.6	GETTY OIL CO
-CONSOLIDATED OIL & GAS INC				RECEIVED:	04/04/83	JA: NM			
8330631		3004500000		108-PB		CHAVEZ #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8330625		3004500000		108-PB		CHAVEZ #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/04/83	JA: NM			
8330616		3004500000		108-PB		HEIZER #1	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8330618		3003900000		108-PB		RINCON UNIT #25	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	04/04/83	JA: NM			
8330623		3002528016		103		NEW MEXICO "DD" STATE #4	UNDESIGNATED SCHARB-W	2.0	WARREN PETROLEUM
-MCINNIS JOHN W & WOOD HUGH N				RECEIVED:	04/04/83	JA: NM			
8330617		3002500000		108		A B REEVES #2	EUNICE - MONUMENT GRA	21.3	PHILLIPS PETROLEU
-MESA PETROLEUM CO				RECEIVED:	04/04/83	JA: NM			
8330629		3000561837		102-3	107-TF	BEAN #1	PECOS SLOPE ABO	460.0	
-MWJ PRODUCING CO				RECEIVED:	04/04/83	JA: NM			
8330619		3002500000		103		SAUNDERS 9 STATE #1	SAUNDERS UPPER PERMO	0.0	WARREN PETROLEUM

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	04/04/83	JA: NM			
8330628		3003900000		108-PB		SAN JUAN 29-5 #38	BLANCO-MESAVERDE	0.0	NORTHWEST PIPELIN
8330627		3003900000		108-PB		SAN JUAN 29-6	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8330622		3003900000		108-PB		SAN JUAN 31-6 #10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330626		3003900000		108-PB		SAN JUAN 31-6 #15	BLANCO-MESAVERDE	0.0	NORTHWEST PIPELIN
8330621		3003900000		108-PB		SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330620		3003900000		108-PB		SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8330633		3004522165		108		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	24.4	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	04/04/83	JA: NM			
8330614		3002500000		103		LEE CARTER #1	CASEY STRAWN	9.3	
-TXO PRODUCTION CORP				RECEIVED:	04/04/83	JA: NM			
8330630		3001524065		103		CATCLAW DRAW STATE COM #2	CATCLAW DRAW (MORROW)	1100.0	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	04/04/83	JA: NM			
8330624		3002527935		103		LEA "VF" STATE #2	SAUNDERS PERMO UPPER	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	04/04/83	JA: NM			
8330611		3000561166		102-2	107-TF	CAUDILL "RZ" #1	UND ABO	0.0	TRANSWESTERN PIPE
8330612		3000560988		102-2	107-TF	COCKLEBURR "RD" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330613		3000561201		102-2	107-TF	CONEJO "RH" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330604		3000561281		102-2	107-TF	CONEJO "RH" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330605		3000561239		102-2	107-TF	CONEJO "RH" ST #3	UND ABO	0.0	TRANSWESTERN PIPE
8330607		3000561133		102-2	107-TF	DEE "OO" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330606		3000561167		102-2	107-TF	DEE "OO" ST #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8330632		3001523059		108		GOAT ROPER "LP" #1	EAGLE CREEK ATOKA-MOR	0.0	TRANSWESTERN PIPE
8330608		3000561049		102-2	107-TF	GRYNBERG "LZ" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330615		3002521810		103		HANLADDIE "WR" ST #1	SAUNDERS PERMO UPPER	0.0	WARREN PETROLEUM
8330610		3000561122		102-2	107-TF	MARGARET "RQ" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330609		3000561012		102-2	107-TF	PLAINS "QN" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
8330636		3000561050		102-2	107-TF	ROOK "RK" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
8330637		3000561048		102-2	107-TF	ROWLAND "RH" #1	UND ABO	0.0	TRANSWESTERN PIPE
8330600		3000561271		102-2	107-TF	SECRA "SA" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
8330601		3000561025		102-2	107-TF	SKINNY "QD" ST #2	UND ABO	0.0	TRANSWESTERN PIPE
8330602		3000561331		102-2	107-TF	SMERNOFF "NL" ST #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8330603		3000560714		102-2	107-TF	WEST DIXON "NX" STATE #1	WILDCAT	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	04/04/83	JA: NY			
8330684	2977	3102916969		107-TF		GREENE UNIT #1 (1523)	EVANS	10.0	NATIONAL FUEL & G
8330686	2906	3102916970		107-TF		GREENE UNIT #2 (1524)	EVANS	10.0	NATIONAL FUEL GAS
8330682	3450	3102916971		107-TF		GREENE UNITE #3 (1525)	EVANS	10.0	NATIONAL FUEL GAS
8330685	2908	3102917008		107-TF		GRUPP #3 (1528)	EVANS	10.0	NATIONAL FUEL GAS
8330681	3451	3102917044		107-TF		GRUPP UNIT #2 (1527)	EVANS	10.0	NATIONAL FUEL GAS
8330683	2607	3102915436		107-TF		J & L WOLFER (1451)	BRANT	10.0	NATIONAL FUEL GAS
-ENERGY OIL INC				RECEIVED:	04/04/83	JA: NY			
8330676	1541	3102915425		107-TF		BAUDER #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330677	1535	3102915591		107-TF		BAUDER #2	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330688	1376	3102914577		107-TF		BERGHORN #2	ALDEN	50.0	TENNESSEE GAS PIP
8330689	1369	3103714575		107-TF		CUMMINGS #1	MEDINA	10.0	NATIONAL FUEL GAS
8330673	1537	3102915701		107-TF		ELDRIDGE #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330694	1836	3103716085		107-TF		FENTON #1	ALDEN LANCASTER	20.0	NATIONAL FUEL GAS
8330669	2774	3102916678		107-TF		FOSS #1	BUFFALO CREEK	24.0	TENNESSEE GAS PIP
8330680	2697	3102915912		107-TF		GERHARDT #1	BUFFALO CREEK	20.0	TENNESSEE GAS PIP
8330675	1539	3102915821		107-TF		GRACE HANDY #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330678	1372	3102915242		107-TF		HENSHAW #1	ORCHARD PARK	50.0	TENNESSEE GAS PIP
8330674	1530	3102915589		107-TF		LUCAS #1	BUFFALO CREEK	13.0	TENNESSEE GAS PIP
8330672	2430	3102915911		107-TF		MARTENET #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8330670	1374	3102914411		107-TF		RIEDESEL #1	ALDEN FIELD	50.0	TENNESSEE GAS PIP
8330671	2329	3102916095		107-TF		SCHULTZ #1	ORCHARD PARK	15.0	NATIONAL FUEL GAS
8330679	1533	3102915339		107-TF		SNYDER #1	MARILLA ELMA BUFFALO	12.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	04/04/83	JA: NY			
8330691	3458	3103713989		107-TF		CARNEY #1 LRC #36	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330690	3456	3105114283		107-TF		HOAG #2 LRC #38	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330692	3457	3103713988		107-TF		LRC #37 - GLEBER #1	UHLEY CORNERS	20.0	NEW JERSEY NATURA
8330693	3177	3103714526		107-TF		M W THATER #2 LRC #53	PAVILION	20.0	NEW JERSEY NATURA
-R H HENLEY & P G MURPHY				RECEIVED:	04/04/83	JA: NY			
8330687	4922	3102914325		107-TF		H M FOUNDATIONS INC #1	AKRON	4.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-A C RICHARDS				RECEIVED:	04/04/83	JA: OK			
8330713	15856	3504900000		108		B R STEPHENS NO 6	GOLDEN TREND	26.0	WARREN PETROLEUM
-ALLIANCE OIL & GAS CO				RECEIVED:	04/04/83	JA: OK			
8330697	20075	3501500000		108		FARWELL #2 OTC 0015-00134		18.0	CITIES SERVICE GA
-ANDOVER OIL COMPANY				RECEIVED:	04/04/83	JA: OK			
8330706	19833	3501721280		102-2	103	ROTHER #2-1		113.0	DELHI GAS PIPELIN
-C J CASSELMAN				RECEIVED:	04/04/83	JA: OK			
8330696	19910	3511123691		103		KINZER #2	MORRIS	18.3	PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP				RECEIVED:	04/04/83	JA: OK			
8330701	20931	3501722353		103		LITTLE #30-1	NORTHWEST MUSTANG	27.0	DELHI GAS PIPELIN
-CORE PETROLEUM LTD				RECEIVED:	04/04/83	JA: OK			
8330726	23803	3503920756		102-2		SEWELL #1-36		0.0	
-DAVIS OIL COMPANY				RECEIVED:	04/04/83	JA: OK			
8330695	19779	3512920721		103		A CROSS RANCH #1	RED MOON	0.0	EL PASO NATURAL G
-HELMERICH & PAYNE INC				RECEIVED:	04/04/83	JA: OK			
8330705	19780	3504521017		102-3		SHREWDER #1-24	UNNAMED	730.0	
-HILL RESOURCES INC				RECEIVED:	04/04/83	JA: OK			
8330703	19676	3508320341		102-4		ELLIS #11-1	EAST GUTHRIE	110.0	BUCKEYE NATURAL G
8330715	19615	3508321854		102-4		ELLIS #11-2	EAST GUTHRIE FIELD	110.0	BUCKEYE NATURAL G
-KELLOIL INC				RECEIVED:	04/04/83	JA: OK			
8330707	19842	3500722159		102-4		RAGSDALE TRUST #1		256.0	KANSAS NEBRASKA N
-LEWIS EXPLORATION INC				RECEIVED:	04/04/83	JA: OK			
8330711	20962	3507122128		103		CHRISTENSEN #4	DILWORTH	0.0	
8330710	20961	3507122179		103		CHRISTENSEN #5	DILWORTH	0.0	
8330725	20965	3507122129		103		CURL #2	DILWORTH	0.0	
8330724	20964	3507122206		103		CURL #3	DILWORTH	0.0	
8330712	20963	3507122221		103		CURL #4	DILWORTH	0.0	
8330709	20960	3507122567		103		TURK #1	DILWORTH	0.0	
8330708	20959	3507122568		103		TURK #2	DILWORTH	0.0	
8330723	20958	3507122569		103		TURK #3	DILWORTH	0.0	
8330722	20957	3507122570		103		TURK #4	DILWORTH	0.0	
-MAPCO PRODUCTION COMPANY				RECEIVED:	04/04/83	JA: OK			
8330704	19720	3501922380		103		GILL 1-18	WEST HEWITT	46.7	AMINOIL USA INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/04/83	JA: OK			
8330700	20930	3501721250		108		BOHLMANN A #1	W PIEDMONT	6.7	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RALLOD CORP				RECEIVED:	04/04/83	JA: OK			
8330702	21427	3510721496		102-4		NANCY #1		200.0	PHILLIPS PETROLEU
-REYNOLDS EXPLORATION CO				RECEIVED:	04/04/83	JA: OK			
8330717	20667	3507323182		103		CRONKITE #1	SOONER TREND	0.0	CONOCO INC
8330718	20668	3507323189		103		GLENN #1	SOONER TREND	0.0	CITIES SERVICE CO
8330719	20669	3507323190		103		SPAIN #1	SOONER TREND	0.0	CITIES SERVICE CO
-SOUTHERN GIANT INC				RECEIVED:	04/04/83	JA: OK			
8330699	20928	3511900000		103		MARY COCHRAN #1	SOUTHWEST - YALE	40.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/04/83	JA: OK			
8330720	20760	3500700000		108		GEIZ "B" #1	ELMWOOD	2.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	04/04/83	JA: OK			
8330698	20437	3501121744		103		PAYNE "C" #1-15	WATONGA-CHICKASHA TRE	240.0	DELHI GAS PIPELIN
-TEX-OK PETROLEUM INC				RECEIVED:	04/04/83	JA: OK			
8330714	19503	3500722254		103		BENNETT #2-1	MOCANE-LAVERNE	256.3	COLORADO INTERSTA
-TRIPLEDEE DRILLING CO				RECEIVED:	04/04/83	JA: OK			
8330716	19831	3501900000		102-4		IRA JOY #1		180.0	AMINOIL USA INC
-WESSELY ENERGY CORPORATION				RECEIVED:	04/04/83	JA: OK			
8330721	20954	3504921586		103		HOLT #1-16 049-71875	N ANTIOCH	35.0	WARREN PETROLEUM
UTAH DIVISION OF OIL,GAS, & MINING									
-LOMAX EXPLORATION COMPANY				RECEIVED:	04/04/83	JA: UT			
8330599	K-152-S	4301330592		102-2		STATE #1-36	MONUMENT BUTTE	10.0	MOUNTAIN FUEL SUP
WEST VIRGINIA DEPARTMENT OF MINES									
-ASHLAND EXPLORATION INC				RECEIVED:	04/04/83	JA: WV			
8330668		4704700830		108		LON B ROGERS #21-088971	VIRGNIA	21.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	04/04/83	JA: WV			
8330664		4705500086		103		POCAHONTAS LAND CORP 12741	ROCK DISTRICT	23.0	GENERAL SYSTEM PU
8330663		4708101704		103		WILMA J LANTZ 12773	PHILLIPPI DISTRICT	18.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	04/04/83	JA: WV			
8330652		4703322149		103		EDWARD E LEGGETT #1 K-L-126	EAGLE DIST	30.0	CARNEGIE NATURAL
-ENERGEX OIL & GAS CORP				RECEIVED:	04/04/83	JA: WV			
8330667		4707301491		103		R BIRKHIMER #1	JEFFERSON DISTRICT	30.0	CONSOLIDATED GAS
-FRAZER CO				RECEIVED:	04/04/83	JA: WV			
8330657		4708504358		108		BATSON 5-A	UNION	0.0	CARNEGIE NATURAL
8330662		4710304770		108		DEWHURST #2	GRANT DISTRICT	0.0	CONSOLIDATED GAS
8330659		4708504510		108		GOFF HEIRS #1	UNION	0.0	CARNEGIE NATURAL
8330660		4708504511		108		JOE GOFF #1	UNION	0.0	CARNEGIE NATURAL
8330656		4708504346		108		LEESON 4-A	UNION DISTRICT	0.0	CARNEGIE NATURAL
8330655		4708504258		108		MABEL WISEMAN #1	BEREA	0.0	CARNEGIE NATURAL
8330654		4708504149		108		NANNIE BATSON #1	UNION DISTRICT	0.0	CARNEGIE NATURAL
8330661		4708504512		108		PERRY #1	BEREA	0.0	COLUMBIA GAS TRAN
8330653		4708503062		108		R B RUTHERFORD 1-B	BEREA	0.0	CARNEGIE NATURAL
8330658		4708504382		108		RUTHERFORD #3	BEREA	0.0	CARNEGIE NATURAL
-GLENN L HAUGHT & SONS				RECEIVED:	04/04/83	JA: WV			
8330666		4701702609		108		WILMA ALKIRE H-959	NEW MILTON DISTRICT	25.0	CONSOLIDATED GAS
-HUNTER RUN OIL & GAS CO				RECEIVED:	04/04/83	JA: WV			
8330651		4707300616		108		S L SHULTZ #1	ST MARYS	0.5	CONSOLIDATED GAS
8330650		4707300470		108		S L SHULTZ #1	ST MARYS	0.5	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	04/04/83	JA: WV			
8330665		4700101562		108		HILLMAN COAL & COKE S-371	PLEASANT	26.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/04/83	JA: WV			
8330649		4706100226		108		PIXLER-A #1	SOUTH BURNS CHAPEL	17.0	CONSOLIDATED GAS
-REED PARTNERS				RECEIVED:	04/04/83	JA: WV			
8330648		4701502120		103		GOSHORN HEIRS S-A	MIDDLE SYCAMORE CREEK	15.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	04/04/83	JA: WV			
8330638		4701702312		108		J C MASON HRS #1	GREENBRIER	9.0	CONSOLIDATED GAS
-UNION DRILLING INC				RECEIVED:	04/04/83	JA: WV			
8330647		4709702306		103		BEULAH M RIFFLE #1 (1663)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330644		4709702432		103		ELSIE YOUNG (AGENT) #1 1531	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330640		4709702277		103		GARRY SAYRE #1 1643	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8330643		4709702291		103		GLENN ROHR #1 1718	UNION DISTRICT	0.0	CONSOLIDATED GAS
8330641		4708300536		103		HARRY MCMULLAH #9B (1684)	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8330642		4709702321		103		JOSEPHINE HARRIS #1 1706	WARREN DISTRICT	0.0	CONSOLIDATED GAS
8330646		4709702392		103		O G CASTO #1 1661	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8330639		4709702298		103		ORVILLE SMALLWOOD #1 1664	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8330645		4709702414		103		WOODY LUMBER CO #1 1631	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-TENNECO OIL COMPANY				RECEIVED:	04/04/83	JA: LA 3			
8330598	G3-3485	1771140518		102-1		SHIP SHOAL 170 #A-7	SHIP SHOAL	540.0	TENNESSEE GAS PIP

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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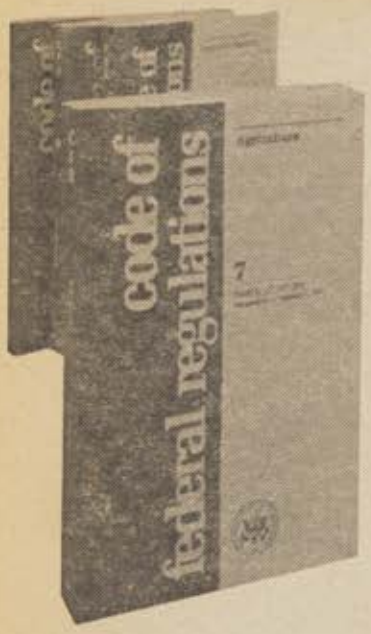
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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S.J. Res. 53 / Pub. L. 98-23 To authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month". (Apr. 26, 1983; 97 Stat. 174) Price: $1.75

S. 126 / Pub. L. 98-24 Alcohol and Drug Abuse Amendments of 1983. (Apr. 26, 1983; 97 Stat. 175) Price: $2.25

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