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Federal Register

Tuesday
November 1, 1983

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Employment Standards Administration

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

Antitrust
Comptroller of Currency
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Black Lung Benefits
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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

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions, and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organizations, functions, and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) by specifically delegating authority to prescribe commuted traveltime allowances associated with import-export inspection activities to the Deputy Administrator, Veterinary Services, and the Deputy Administrator, Plant Protection and Quarantine. Authority to determine the circumstances under which such allowances may be paid is reserved to the Administrator, APHIS.

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, USDA, 6505 Belcrest Rd., Hyattsville, MD 20782 (301–436–6466).

SUPPLEMENTARY INFORMATION: The Act of August 28, 1950 (7 U.S.C. 2260) authorizes the Secretary of Agriculture to establish special premium pay for employees performing inspection or quarantine services relating to imports into and exports from the United States. A portion of this authority has been exercised by the Administrator of APHIS pursuant to an internal Departmental regulation. Pursuant to that regulation, the Administrator or his designees have been prescribing commuted traveltime allowances (i.e., allowances paid to inspectors called to perform inspection duties after normal working hours or on a holiday). Such allowances are prescribed in 7 CFR 354.2, for APHIS Plant Protection and Quarantine Officers and in 9 CFR 97.2, for inspection employees of APHIS Veterinary Services. The Secretary has specifically delegated that authority as well as the authority to determine the circumstances under which such allowances may be paid to the Assistant Secretary for Marketing and Inspection Services, who in turn has delegated such authorities to the Administrator, APHIS (48 FR 43286). The purpose of this document is to amend the statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service to specifically delegate to the Deputy Administrator, Plant Protection and Quarantine, and to the Deputy Administrator, Veterinary Services, the authority to issue administrative instructions prescribing the amounts of commuted traveltime pay to be paid to APHIS inspection personnel who fall within the scope of the Act of August 28, 1950. Authority to determine the circumstances under which such commuted travel allowances may be paid is reserved to the Administrator, APHIS.

This rule relates to internal agency management, and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of E.O. 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.6 is amended by revising paragraph (b) to read as follows:

§ 371.6 Delegations of authority.

* * * * *

(b) *Deputy Administrators.* (1) *General.* The Deputy Administrator, PPQ, the Deputy Administrator, VS, the Deputy Administrator for Management, and the officers they designate—with prior specific approval of the Administrator—to act for them, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be responsible for the programs and activities of the Animal and Plant Health Inspection Service herein or hereafter assigned to such Deputy Administrator.

(2) *Specific.* The Deputy Administrator, PPQ, and the Deputy Administrator, VS, are specifically delegated the authority to issue administrative instructions respectively, for Plant Protection and Quarantine and for Veterinary Services, prescribing commuted traveltime allowances to be paid to inspectors called to perform inspections and necessary auxiliary services after normal working hours or on holidays, when such services come within the scope of the Act of August 28, 1950 (7 U.S.C. 2260).

3. Section 371.8 is amended by adding a new paragraph (m) to read as follows:

§ 371.8 Reservation of Authority.

* * * * *

(m) Authority to determine the circumstances under which commuted traveltime allowances may be paid to employees performing inspection and necessary auxiliary services after normal working hours or on holidays, when such services come within the scope of the Act of August 28, 1950 (7 U.S.C. 2260).

Issued at Washington, D.C., this 25th day of October 1983.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 83-29580 Filed 10-31-83; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 83-014 N]

Imported Products; Withdrawal of Czechoslovakia From the List of Countries Eligible for Importation of Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Rule-related notice

SUMMARY: The publication of this document will bring the Food Safety and Inspection Service into compliance with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) with regard to the above-captioned emergency final rule issued by the Agency on April 29, 1983 (48 FR 19358-60).

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Ragan, Director, Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3317.

SUPPLEMENTARY INFORMATION:

Background

The Food Safety and Inspection Service (FSIS) published an emergency final rule on April 29, 1983, (48 FR 19358-60) that removed Czechoslovakia from the list of countries eligible for importation of meat products into the United States (9 CFR 327.2). The emergency action was taken when violative levels of PCB's were found in Czechoslovakian product and the Agency was unable to assure correction of the problem. The available evidence indicated that the meat inspection system of Czechoslovakia with respect to the detection and elimination of PCB residues in its meat product exported to the United States, failed to meet the applicable requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the regulations promulgated thereunder (9 CFR 327). The evidence also indicated that the exported product posed a hazard to U.S. consumers sufficient to require emergency publication of the rule, without notice and comment and delayed effective date required for normal informal rulemaking proceedings under the Administrative Procedure Act (5 U.S.C. 553 (b) and (d), respectively).

The Regulatory Flexibility Act, in pertainent part (5 U.S.C. 608), requires that when an emergency rule is promulgated the issuing Agency shall, within 180 days, publish its findings with respect to that rule's regulatory impact on small entities.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that the emergency final rule "Imported Products; Withdrawal of Czechoslovakia from the List of Countries Eligible for Importation of Meat Food Product" (48 FR 19358-60) will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). At the time of promulgation only one U.S. company imported meat product from Czechoslovakia, and even though the effect is significant to that entity the Administrator, in accordance with the standards of the RFA, does not consider that effect as having a "significant economic impact on a *substantial number* of small entities." (Emphasis added).

(5 U.S.C. 605(b))

Done at Washington, D.C. on: October 26, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-29632 Filed 10-31-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Energy Information Administration

10 CFR Part 761

Criteria to Assess Viability of Domestic Uranium Mining and Milling Industry

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Correction to Final Rule.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE), in response to requirements set forth in Section 170B of the Atomic Energy Act of 1954 (42 U.S.C. 2210b), established criteria which will be used to assess the viability of the domestic uranium mining and milling industry. These criteria were issued by Donald Paul Hodel, Secretary of Energy, on October 4, 1983. The final rule promulgating these criteria appeared in the October 6, 1983, issue of the **Federal Register** (see 48 FR 45746, October 6, 1983). The effective date was inadvertently omitted in the publication of the final rule.

EFFECTIVE DATE: November 7, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. R. Gene Clark, Director, Nuclear and Alternate Fuels Division, Energy Information Administration, EI-53—Room BG-057, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6363.

FR Doc. 83-27450, appearing in the **Federal Register** of October 6, 1983 on page 45746, is corrected by inserting the following preamble Caption:

EFFECTIVE DATE: November 7, 1983.

Issued in Washington, D.C., October 25, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-29516 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL RESERVE SYSTEM

12 CFR Part 212

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 83-534]

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

Management Official Interlocks

AGENCIES: Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and

the National Credit Union Administration (collectively referred to as the "agencies") are amending their regulations implementing the Depository Institution Management Interlocks Act, which generally prohibit certain management official interlocks between depository institutions, depository holding companies, and their affiliates. These amendments will (1) simplify the procedure for obtaining exceptions to the Act's prohibitions and extensions of time to permit compliance with the Act, (2) ease the burden of the Act on depository institution holding companies by redefining the terms "office" and "total assets," (3) broaden the exclusion for management officials whose functions relate exclusively to retail merchandising and manufacturing, (4) broaden the circumstances under which the exception for disruptive management loss is available, (5) clarify the circumstances that require termination of nongrandfathered management official interlocks, and (6) provide that interlocks between depository organizations and nondepository organizations that become diversified savings and loan holding companies, or their subsidiaries, need not be terminated until November 10, 1988, despite the occurrence of changes in circumstances. These amendments will streamline procedures for administration of the Interlocks Act and provide the management of depository institutions and depository organizations with greater flexibility by easing certain regulatory burdens.

EFFECTIVE DATE: November 30, 1983.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason Chaiffetz ((202) 452–3564) or Melanie Fein ((202) 452–3594), Board of Governors of the Federal Reserve System; James F. E. Gillespie, Jr. ((202) 447–1893) or Rosemarie Oda ((202) 477–1880), Office of the Comptroller of the Currency; Pamela E. F. LeCren or Barbara I. Gersten ((202) 389–4171), Federal Deposit Insurance Corporation; David J. Bristol ((202) 377–6461) or George Scruggs ((202) 377–6963), Federal Home Loan Bank Board; or Steven R. Bisker ((202) 357–1030), National Credit Union Administration.

SUPPLEMENTARY INFORMATION: On October 26, 1982, the agencies published proposed amendments to the regulations (47 FR 47406) implementing the Depository Institution Management Interlocks Act of 1978 ("Interlocks Act"), 12 USC 3201 *et seq.* The proposed amendments would implement provisions of Pub. L. No. 97–110 which was signed into law on December 26, 1981, streamline procedures under existing regulations, and relieve certain regulatory burdens. The proposed changes were designed to ease the current regulatory burden while furthering the Interlocks Act's goal of fostering competition among depository organizations.

Summary of Comments

Eighteen comments were received in response to the publication of the proposed amendments. The overwhelming majority of the commenters favored the adoption of the proposed changes. However, some of those commenters favored clarifying changes. These comments are noted, where relevant, in the discussion of the specific provisions below.

1. *Definition of "Management Official"— Exclusion of Certain Persons.* Under the current regulations, a person whose management functions relate exclusively to the business of retail merchandising or manufacturing is not a management official for purposes of the prohibition based on major assets. Such a person is, however, considered a management official for purposes of the community and Standard Metropolitan Statistical Area ("SMSA") prohibitions. It had come to the agencies' attention that providing an exclusion only from the major assets prohibition creates an inconsistent result. A holding company employee with management functions relating solely to manufacturing or retailing activities may serve as a management official of a depository organization located anywhere in the country except in the SMSA or community where the holding company is located. Accordingly, the agencies proposed to amend the definition so that a person whose management functions relate exclusively to retail merchandising or manufacturing is not considered a management official for purposes of any of the general prohibitions of the regulation. Many commenters specifically favored this proposal. In the absence of adverse comments, the agencies are amending the definition of "management official," as proposed, to eliminate the inconsistency in the present definition.

2. *Definition of "Office."* The proposal suggested excluding from the definition of "office" an office of a depository holding company. This definitional change is necessary to reflect a substantive change in the prohibitions of the regulations discussed at length below under the heading "General Prohibitions." This change is being adopted as proposed.

3. *Definition for "Total Assets"— Total Assets of Certain Holding Companies.* The agencies proposed to amend the definition of "total assets" to provide that the total assets of diversified savings and loan holding companies and bank holding companies exempt from the Bank Holding Company Act by virtue of section 4(d) of that Act ("diversified holding companies") equal only the assets of their depository institution affiliates. Currently, the total assests of a diversified holding company are defined to include the assets of the company's depository institution affiliates for the purposes of the SMSA prohibition and the assets of *all* affiliates for the purposes of the major asset prohibition. Thus, a management official of a diversified holding company with assets exceeding $1 billion is now prohibited from serving as a management official of a depository organization with assets exceeding $500 million regardless of the size or location of the depository institution affiliate that causes the diversified holding company to be included as a depository organization under the regulations.

By adopting the amendment to the definition of total assets substantially as proposed, the agencies would key the regulatory prohibitions to the size of the diversified holding company's depository institution affiliate rather than to the size of the holding company system. The agencies believe that focusing on the depository institution affiliate is appropriate because the primary business activities of diversified holding companies do not normally involve competition among depository organizations of the type that the Interlocks Act is intended to foster. In addition, the depository institution affiliate generally represents a very small part of the assets and income of the holding company. Thus, it has been the experience of the agencies that, in the case of diversified holding companies, the asset size of the holding company itself is not an accurate measure of the market in which its depository institution affiliate actually competes.

The effect of the amended definition is illustrated by the following example: X is a management official of Holding Company A and wishes to serve as a management official of Bank B. Holding Company A is a diversified bank holding company with consolidated assets, including the assets of all of its affiliates, in excess of $1 billion. Its only depository institution is located in SMSA 1. Bank B's total assets exceed $1 billion and all of its offices are located in SMSA 2. Under the proposed amendment the total assets of Holding Company A would equal the total assets of its depository institution affiliate. Thus, X's concurrent service would be

prohibited only if the assets of A's depository institution affiliate exceeded $500 million

One commenter requested that the definition be clarified to indicate that nondiversified subsidiary holding companies of diversified holding companies need not include assets of their parent companies when calculating 'total assets." This clarification would avoid the unintended result of attributing the assets of an "upstream" affiliate or "sister" company (i.e., another company held directly by the parent) to a subsidiary nondiversified holding company. The agencies are inserting the word "subsidiary" before the word "affiliates" in the first clause of the second sentence of the definition to effect this change.

The agencies are also making technical changes in the definition of "total assets" to reflect the changes being made in the General Prohibitions discussed below. Under the current regulations, the total assets of a depository holding company include or exclude the assets of its nondepository institution affiliates depending on whether the SMSA or major assets prohibitions are to be applied. The change in definition being adopted would eliminate that distinction since the total assets of a depository holding company will be irrelevant for the purposes of the SMSA prohibitions.

4. *General Prohibitions.* The agencies are adopting, as proposed, a revision to the General Prohibitions section of the regulations to clarify the language of the section and, in conjunction with the redefinition of "office," effect a substantive change in its application. The general prohibitions of the current regulations provide that a management interlock may be prohibited due to the location of a depository holding company regardless of whether its depository institution affiliates are located in the same community or SMSA as the holding company parent. For example, the regulations currently prohibit two depository holding companies located in the same community from sharing management officials even though neither has depository institution affiliates located in that community or in the same community anywhere in the country. The agencies believe that this prohibition is unduly harsh, and the commenters supported this view.

As adopted, the amendment will apply the community and SMSA prohibitions of the regulation solely with reference to the location and asset size of depository institution and would eliminate from consideration the location or asset size of depository holding companies. This change will permit depository holding companies to interlock within the same community or SMSA unless the major assets prohibition would apply or unless the location and sizes of the depository institution affiliates would trigger application of the community or SMSA prohibitions.

5. *Exemption Relating to Diversified Savings and Loan Holding Companies* On December 26, 1981, section 206 of the Interlocks Act was amended by adding new subsection (b), which provides that a person serving as a management official of a nondepository corporation and a depository organization is not prohibited from continuing to serve with both entities as a result of the nondepository corporation becoming a diversified savings and loan holding company, as defined in section 408(a) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). Without this express exemption, which expires on November 10, 1988, the transformation of a corporation into a depository organization would subject the official's dual service to the prohibitions of the Interlocks Act. Even if such dual service commenced prior to November 10, 1978, it would not be grandfathered under the Interlocks Act since section 206 grants grandfathered rights only to interlocks between depository organizations.

The statutory amendment left open the question of whether subsequent changes in circumstances could result in the termination of an individual's service prior to November 10, 1988. The agencies proposed amending their respective regulations to address that issue so as to provide that a person who was serving as a management official of a depository organization and a nondepository organization (or any subsidiary thereof) could maintain any interlocking service that existed when the nondepository organization became a diversified savings and loan holding company despite the occurrence of any subsequent changes in circumstances. This change would reflect the view of the agencies, which is supported by the legislative history, that section 206(b) of the Interlocks Act grants rights similar to those provided to grandfathered management officials by section 206(a). The commenters specifically urged the adoption of this amendment, and it is being adopted as proposed to satisfy the intent of Congress.

The amendment permits a management official who is serving, for example, at Bank A and nondepository corporation B to continue to serve both A and B after B becomes a diversified savings and loan holding company whether the acquisition of the savings and loan is direct or accomplished through a subsidiary (operating or shell) of B. If the acquisition is accomplished through B's subsidiary corporation, and that subsidiary had a pre-existing management official interlock with Bank A, the interlock between the subsidiary corporation and Bank A may also continue

The agencies in their earlier Federal Register notice indicated that pending consideration of the proposal no supervisory action would be taken with regard to section 206(b) interlocks arguably affected by changes in circumstances. In view of the fact that the agencies have determined that section 206(b) interlocks should receive similar treatment to grandfathered interlocks, i.e., not be subject to early termination due to changes in circumstances, the agencies are adding language that would expressly permit the continuance of interlocks that were the subject of changes in circumstances in the interim period prior to the effective date of this amendment.

6. *Agency Approval of Exceptions.* The proposal included an amendment revising the manner in which the agencies grant exceptions. Under previous regulations, an exception must be approved by both the federal supervisory agency of the institution in need of the exception and the supervisory agency of the other institution(s) involved in the interlocks. Frequently, the primary federal supervisory agency is not the same for each institution, and an applicant for the exception must apply to two or more agencies. In the interests of simplifying the procedure under the regulations and affording prompt relief to institutions in need of management expertise, the agencies proposed that approval by only the federal supervisory agency of the needy institution should be required for the exception to be granted, and the requirement for approval by the other supervisory agencies involved would be eliminated. In addition, the proposed amendment provided that if the depository institution seeking to qualify under one of the exceptions had no federal supervisory agency, the federal supervisory agency of the other institution involved in the proposed interlock would grant or deny the requested exception. This proposed amendment was supported by the commenters and is being adopted as proposed.

7. *Extension for Disruptive Management Loss.* Currently, the regulations provide that the agencies may extend for a period of up to 30 months the compliance period for

depository organizations losing 50 percent or more of their directors or total management officials as a result of changes in circumstances requiring the termination of interlocks. Based on the agencies' experience with these provisions, the agencies solicited comments on the following proposed changes:

(a) The current provision becomes operative when a depository institution faces the loss of 50 percent of either its dierctors or total management officials. Recognizing that the loss of a smaller percentage of management officials may also cause significant disruption to a depository organization, the agencies proposed to reduce to 30 percent the percentage necessary to qualify for the extension.

(b) Under current regulations, the 30-month extension becomes available only when the depository organization facing disruptive management loss experiences a change in circumstances. The proposal noted that it had come to the agencies' attention that a depository organization may experience a disruptive loss of management officals due to changes in circumstances involving other depository organizations but not the affected organization itself, or due to a series of changes in circumstances involving the organization and other depository organizations. Recognizing that these situations also may cause disruptive management loss, the agencies proposed to make the 30-month extension available when any change in circumstances circumstances or combination of changes in circumstances results in the potential loss of 30 percent or more of an organization's directors or total management officials. Under the amendments, which are being adopted as proposed, changes in circumstances that occur within a 15-month period will be viewed in the aggregate in order to determine whether the requisite percentage exists. The 30-month period would be measured from the date of the first change in circumstances that occurred within the 15-month period.

The following example illustrates how the new provision would operate: Bank A, located in SMSA 1, has ten directors. One of Bank A's directors serves as a director of Bank B in SMSA 2, one serves as director of Bank C in SMSA 3, and one serves as director of Bank D in SMSA 4. In Month 1, Bank B merges with a bank in SMSA 1. In Month 7, Bank A merges with a bank located in SMSA 4. In Month 13, Bank C merges with a bank in SMSA 1. As a result of these mergers, Bank A's interlocks with each of the other three banks become prohibited. Bank A's management officials may apply for an extension to terminate the prohibited interlocks, which would end 30 months from the first change in circumstance.

(c) Under the current reguations, an organization qualifying for the 30-month extension must experience a change in circumstances that "requires the termination of service" of its directors or management officals. When some of the directors whose interlocks become prohibited in fact intend to retain their positions with the depository organization experiencing the change in circumstances, the extension would not appear to be necessary to avoid unduly disrupting the affected organization. For this reason, the agencies proposed to limit the availability of the extension by requiring applicants to demonstrate the likelihood of disruptive management loss. The agencies do not believe this requirement would impose an undue regulatory burden; its purpose would be simply to ensure that the 30-month extension is granted only to organizations truly in need of relief. For purposes of demonstrating the likelihood of disruptive management loss, the agencies proposed to establish a rebuttable presumption that a director who is a full-time employee of the affected organization normally would not terminate interlocking service by resigning from that organization. The agencies believe that such a presumption is reasonable and would ease the regulatory burden in evaluating requests under this provision.

One commenter suggested a change in this proposed amendment. It was suggested that instead of using a percentage standard, the agencies process extensions for disruptive management loss on a case-by-case basis. The agencies believe that a 30-percent standard is a useful guideline which facilitates the delegation to staff of the authority to grant extensions thereby streamlining procedures. In addition, it is noted that the agencies can act pursuant to the exception for conditions endangering safety or soundness to alleviate problems caused when management loss of less than 30 percent threatens the viability of a depository institution or organization. Accordingly, as noted above, the agencies are adopting this provision as proposed.

8. *Changes in Circumstances—Nongrandfathered Interlocks.* The Interlocks Act authorizes the agencies to grant a period of time, not in excess of 15 months, for compliance with the Interlocks Act following changes in circumstances that cause interlocks to become prohibited. The current regulations provide that a management official with a nongrandfathered interlock that becomes prohibited as a result of a voluntary change in circumstances may continue to serve until the next regularly scheduled annual meeting of the institutions involved following a change in circumstances, unless the agencies impose a shorter time period. The management official may request an extension of the grace period not in excess of 15 months from the date of the change in circumstances. However, if the management official's nongrandfathered service becomes prohibited due to an involuntary change in circumstances, such as natural growth or a change in community or SMSA boundaries, the maximum 15-month grace period applies.

To simplify the grace period provision, the agencies are adopting, as proposed, an amendment which provides a maximum 15-month grace period for all changes in circumstances, whether voluntary or involuntary. This change will eliminate the necessity for institutions to apply for extensions of time. Since this change eliminates the need to distinguish between voluntary and involuntary interlocks, that distinction is being deleted from the change in circumstances provisions.

Since adopting the regulations, it has been the agencies' experience that other changes in circumstances, such as the termination of an affiliate relationship between two or more depository organizations, may cause nongrandfathered interlocks to become prohibited. The list of changes in circumstances specified in the regulations was intended to reflect the most commonly occurring changes and, as indicated when the regulations were originally adopted, was not intended to be exhaustive. To clarify their intent in this regard, the agencies proposed to amend the regulations to indicate that nongrandfathered interlocks that become prohibited due to changes in circumstances other than those enumerated in the regulation also will be eligible for the grace period. The amendment also will specifically include disaffiliation as a change in circumstances.

9. *Effect on Clayton Act.* The Board of Governors of the Federal Reserve System is adopting its proposal to make a technical change in its regulation by eliminating § 212.7 pertaining to the effect of the Interlocks Act on the Clayton Act. This section states that the Board of Governors regards the

provisions of the first three paragraphs of section 8 of the Clayton Act to have been supplanted by the Interlocks Act. The other agencies' regulations do not include this provision since only the Board of Governors had jurisdiction over management interlocks under the Clayton Act prior to enactment of the Interlocks Act. The substance of the section will be incorporated into the authority section of the regulation. This change will make the agencies' regulations more uniform in appearance.

In addition to the substantive changes described above, minor editorial changes were made in these final rules to improve clarity and readability.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration certify that the amendments will not have a significant economic impact on a substantial number of small entities. The amendments will ease the application of the existing regulations and do not have any particular effect on small entities. The effect of the amendments is expected to be beneficial rather than adverse, and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

Regulatory Impact Analysis. Pursuant to section 3(g)(1) of Excutive Order 12291 of February 17, 1981, it has been determined that the amendments do not constitute a major rule within the meaning of section 1(b) of the Executive Order. The amendments ease restrictions imposed by regulations implementing the Depository Institution Management Interlocks Act, 12 U.S.C. 3201 *et seq.*, in instances where the easing of such restrictions has no anticompetitive effect. The amendments have no adverse effect on the operations of the depository institutions subject to them. As such, the amendments will not have an annual effect on the economy of $100 million or more, will not effect costs or prices for consumers, individual industries, government agencies, or geographic regions, and will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects

12 CFR Part 26

National banks, Management official interlocks.

12 CFR Part 212

Antitrust, Holding companies.

12 CFR Part 348

Antitrust, Banks, Banking, Holding companies.

12 CFR Part 563f

Antitrust, Savings and loan associations.

12 CFR Part 711

Antitrust, Credit unions.

Accordingly, pursuant to their respective authority under section 209 of the Depository Institution Management Interlocks Act (12 U.S.C. 3207), the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration hereby amend Title 12 of the Code of Federal Regulations, Parts 26, 212, 348, 563f, and 711, respectively, as follows:

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

Management Official Interlocks

PART 563f—[AMENDED]

1. Revise paragraphs (f), (g) and (j) of § 563f.2, to read as follows:

§ 563f.2 Definitions.

* * * * *

(f)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(g) "Office" means a principal or branch office of a depository institution located in the United States. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(j) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all its subsidiary affiliates, except that "total assets" of a diversified savings and loan holding company as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

2. Revise pargraphs (a) and (b) of § 563f.3 to read as follows:

§ 563f.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a managment official of another depository organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the

other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

3. Amend § 563f.4 by revising the introductory language to paragraph (b), subparagraphs (b)(1), (2), (3) and (5), and paragraph (c), to read as follows:

§ 563f.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of an insured institution, a savings and loan holding company, or an affiliate of either may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the Board shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low-income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low-income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The relationship is necessary to provide management or operating expertise to the organization specified in paragraph (b)(1) (i) or (ii) of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly created organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, provided: (i) The relationship is necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 563f.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 563f.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization demonstrates that, absent a grant of relief in accordance with this paragraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a 15-month period; and (iv) the depository organization develops a plan for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating requests made pursuant to this subparagraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 563f.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)) and may continue to serve until November 10, 1988, despite the occurrence of any changes in circumstances, whether or not those changes in circumstances occurred prior to November 30, 1983.

4. Revise § 563f.6 to read as follows:

§ 563f.6 Changes in circumstances.

(a) *Nongrandfathered interlocks.* If a person's service as a management official is not grandfathered under § 563f.5 of this part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to established a shorter period.

(Secs. 206, 207, 209, 92 Stat. 3674, 3675 (12 U.S.C. 3205, 3206, 3207, *as amended by* International Banking Facility Deposit

Insurance Act, Pub. L. No. 97-110, 302 (December 26, 1981)); Reorg. Plan No. 3 of 1947; 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

[Docket No. 83-47]

Management Official Interlocks

For the reasons set out in the preamble, 12 CFR Part 26 is amended as follows:

PART 26—[AMENDED]

1. The authority citation for Part 26 reads as follows:

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 *et seq.*)

2. Section 26.2(h), (i) and (l) are revised as follows:

§ 26.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. § 3201(4)).

(i) "Office" means a principal or branch office of a depository institution located in the United States. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its subsidiary affiliates, except that "total assets" of a diversified savings and loan holding company as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

3. Section 26.3 (a) and (b) are revised as follows:

§ 26.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

4. Section 26.4 is amended by revising paragraph (b) introductory text paragraphs (b) (1), (2), (3), and (5) and paragraph (c) to read as follows:

§ 26.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of a national bank, bank located in the District of Columbia, or an affiliate of either may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the Comptroller shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) the relationship is necessary to provide management or operating expertise to the organization specified in paragraph (b)(1)(i) or (ii) of this section (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organizaton.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-chartered organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations

(or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, provided: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officals due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 26.6, the affected management officials may continue to serve in excess of the time periods specified in § 26.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization demonstrates that, absent a grant of relief in accordance with this paragraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a 15 month period; and (iv) the depository organization develops a plan for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating requests made pursuant to this paragraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 26.3, a person who serves as a management official of a depository organization and of non-depository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the non-depository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)) and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances, whether or not those changes in circumstances occurred prior to November 30, 1983.

5. Section 26.6 is revised as follows:

§ 26.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under § 26.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's non-grandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

Dated: September 28, 1983.

C. T. Conover,

Comptroller of the Currency.

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

Management Official Interlocks

12 CFR Part 212 is amended as follows:

PART 212—[AMENDED]

1. The authority citation for Part 212 reads as follows:

Authority: 12 U.S.C. 3201 *et seq.*

2. Section 212.1(h), (i) and (l) are revised as follows:

§212.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose managment functions relate principally to the business outside the United States of a foreign commerical bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office, located in the United States, of a depository institution. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The "total assets" of a depository holding company include the total assets of all of its subsidiary affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commerical bank means the total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commerical bank.

* * * * *

3. Section 212.3(a) and paragraph (b) introductory text, and paragraphs (b) (1) and (3) are revised to read as follows:

§ 212.3 General Prohibitions.

(a) *Community.* A management official of a depository organization

may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

* * * * *

(3) One is a depository institution that has an office in the same SMSA as a depository affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

4. Section 212.4 is amended by revising paragraph (b) introductory text, paragraphs (b)(1), (2), (3), and (5), and paragraph (c) to read as follows:

§ 212.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of a state member bank, bank holding company, or an affiliate of either, may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the Board shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The relationship is necessary to provide management or operating expertise to the organization specified in paragraph (b)(1) (i) or (ii) of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-chartered organization; (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 212.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 212.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization demonstrates that, absent a grant of relief in accordance with this paragraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization develops a plan for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency. In evaluating requests made pursuant to this paragraph, the appropriate Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 212.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances, whether or not those changes in circumstances occurred prior to November 30, 1983.

5. Section 212.6 is revised to read as follows:

§ 212.6 Changes in circumstances.

(a) *Nongrandfathered interlocks.* If a person's service as a management official is not grandfathered under § 212.5 of this part, the person's service must be terminated if a change in

circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

By order of the Board of Governors of the Federal Reserve System, effective October 21, 1983.

William W. Wiles,

Secretary of the Board.

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

Management Official Interlocks

Title 12 CFR Part 348 is amended as follows:

PART 348—[AMENDED]

1. The authority citation for Part 348 reads as follows:

Authority: Sec. 209, Pub L. No. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

2. Section 348.2 (h), (i), and (l) are amended to read as follows:

§ 348.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees *(e.g.,* a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management function relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisions of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office of a depository institution located in the United States. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its subsidiary affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

3. Paragraphs (a) and (b) of § 348.3 are revised as follows:

§ 348.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area* ("SMSA"). A management official of a depository organization may not serve at the same time as a management official or another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

(4) Paragraphs (b) introductory text, (b) (1), (2), (3), and (5), and (c) of § 348.4 are revised as follows:

§ 348.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of an insured nonmember bank or any affiliate thereof may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications set out below is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the FDIC shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low-income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low-income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The relationship is necessary to provide management or operating expertise to the organization specified in paragraph (b)(1) (i) or (ii) above; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or affiliates thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-created organization; (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to change in circumstance.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 348.6 of this part, the affected management officials may continue to serve in excess of the time periods specified in § 348.6, Provided That: (i) the depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization demonstrates that, absent a grant of relief in accordance with this paragraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization develops a plan for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating requests made pursuant to this paragraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 348.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any changes in circumstances, whether or not those changes in circumstances occurred prior to November 30, 1983.

5. Section 348.6 is revised to read as follows:

§ 348.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under § 348.5 of this part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger, or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation this 12th day of September 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

Management Official Interlocks

1. The authority citation for Part 711 reads as follows:

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3674 (12 U.S.C. 3201 et. seq.)

PART 711—[AMENDED]

2. Paragraphs (h), (i) and (l) of § 711.2 are revised as follows:

§ 711.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office of a depository institution located in the United States. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its subsidiary affiliates, except that "total assets" of a diversified savings and loan holding company as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

3. Paragraphs (a) and (b) of § 711.3 are revised as follows:

§ 711.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the despository institution affiliate has total assets of $20 million or more.

* * * * *

4. Section 711.4 is amended by revising the introductory language to paragraph (b), paragraphs (b) (1), (2), (3) and (5) and paragraph (c), to read as follows:

§ 711.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by Board order.* A management official or a prospective management official of an insured institution, a savings and loan holding company, or an affiliate of either may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlock Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the Board shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low-income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low-income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The relationship is necessary to provide management or operating expertise to the organization specified in paragraphs (b)(1) (i) or (ii) of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly created organization; (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, provided: (i) The relationship is necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 711.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 711.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization demonstrates that, absent a grant of relief in accordance with this paragraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a 15-month period; and (iv) the depository organization develops a plan for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating the request submitted pursuant to this paragraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not

resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 711.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in § 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)) and may continue to serve until November 10, 1988, despite the occurrence of any changes in circumstances, whether or not those changes in circumstances occurred prior to November 30, 1983.

5. Section 711.6 is revised to read as follows:

§ 711.6 Changes in circumstances.

(a) *Nongrandfathered interlocks.* If a person's service as a management official is not grandfathered under § 711.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

Dated: September 26, 1983.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

[FR Doc. 83-29472 Filed 10-31-83; 8:45 am]

BILLING CODE 7535-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 396

Regulations Under Section 106 of the Rock Island Railroad Transition and Employee Assistance Act

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule.

SUMMARY: The Railroad Retirement Board hereby adopts a new Part 396 of its regulations to provide for administration of the benefit schedules issued pursuant to section 106 of the Rock Island Railroad Transition and Employee Assistance Act. The benefit schedule, as prescribed by the Federal Railroad Administrator, provides for the payment of benefits of former employees of the Rock Island Railroad. The Railroad Retirement Board has the responsibility to administer the benefit schedule, including the adjudication of claims and award of benefits. This new Part explains the types of benefits that are available, the eligibility requirements for these benefits, and the procedures to be followed in claiming benefits.

EFFECTIVE DATE: November 1, 1983.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: James Verplaetse, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4830 (FTS 387-4830).

SUPPLEMENTARY INFORMATION: The Board is adopting this new Part as an interim final rule because there is not sufficient time to allow for public comment. Funds to pay benefits under the benefit schedule became available October 1, 1983, and under current law no benefits may be paid after April 1, 1984; therefore, it is necessary that this regulation become effective as soon as possible.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required.

List of Subjects in 20 CFR Part 396

Railroad employees.

Chapter II of Title 20 of the Code of Federal Regulations is amended by adding the following new Part under Subchapter I:

PART 396—REGULATIONS UNDER SECTION 106 OF THE ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT

Sec.

396.1 Purpose.
396.2 Definitions.
396.3 Application for benefits.
396.4 Benefit limit and payment.
396.5 Lump sum reimbursement.
396.6 Retroactive unemployment subsistence allowance.
396.7 Offers of employment.
396.8 Initial determinations and arbitration.
396.9 Recovery of benefits.
396.10 Employer reports.

Authority: 45 U.S.C. 362; 45 U.S.C. 1005; Pub. L. 96-254, 94 Stat. 401; Pub. L. 97-468, 96 Stat. 2543, 2546.

§ 396.1 Purpose.

The Railroad Retirement Board is delegated the responsibility for administering the benefit schedule prescribed by the United States Department of Transportation, Federal Railroad Administrator, on April 28, 1983 pursuant to section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005), as amended by the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982 (Title II of Pub. L. 97-468, 96 Stat. 2543, 2546). The benefit schedule sets forth what benefits are payable to employees of the Chicago, Rock Island and Pacific Railroad Company who are adversely affected as a result of reductions in service by that railroad. The regulations in this Part describe the benefits provided for in the benefit schedule, set forth the requirements for eligibility for such benefits, provide for the computation of benefits, and set forth the procedures to be followed in claiming benefits and in contesting any adverse determinations with respect to claims for benefits. Benefit schedules have been distributed to each Railroad Retirement Board district office and may be inspected at any of those offices.

§ 396.2 Definitions.

As used in this Part—

"Administrator" means the Federal Railroad Administrator, acting as the delegate of the Secretary of Transportation pursuant to section 1.49 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.49).

"Acquiring rail carrier" means (a) a carrier, as defined in Article I, section 1(a) of the March 4, 1980, Hiring Agreement, that purchased or entered into a long-term lease of a rail line of the Railroad prior to June 30, 1982, (b) the

operator of rail commuter service on the lines of the Railroad for the Regional Transportation Authority of Illinois, including an affiliate or subsidiary of such Authority or a contract operator.

"Adversely affected" means loss of employment or loss of future employment opportunities with the Railroad as a result of a reduction in service by the Railroad on or after December 4, 1979, provided however, that an employee who accepted a position with the Trustee and who remained employed by the Trustee through June 30, 1982, would not be considered adversely affected.

"Board" means the Railroad Retirement Board.

"Change of residence" means change of place of residence occasioned by a change in work location to a place that is more than 30 normal highway route miles from the residence and also farther from the residence than the former work location.

"Employee" means any person who had an active or residual employment relationship with the Railroad as of August 1, 1979, and who—

(a) performed compensated service at any time during the month of August 1979, or was on authorized vacation or military leave at any time during that month;

(b) was furloughed as of August 1, 1979 and claimed and was allowed railroad unemployment insurance benefits for at least one day during the month of August 1979;

(c) was not in active service on August 1, 1979, due to illness and received RUIA sickness benefits for at least one day of sickness in August 1979; or

(d) was on leave of absence from the Railroad as of August 1, 1979, in order to serve as a collective-bargaining representative elected by employees of the Railroad, including the estate of any employee described in paragraphs (i) through (iv), as represented by the administrator or executor of such estate appointed under the laws of the state of the employee's domicile at death, but not including any individual serving as president, vice president, secretary, treasurer, comptroller, counsel, member of the board of directors of the Railroad, or any other person performing such functions.

"Qualified institution" means an educational institution accredited for payment by the Veterans Administration under chapter 36 of title 38 of the United States Code or a State-accredited institution furnishing education for adults.

"Railroad" refers to the Chicago, Rock Island and Pacific Railroad Company, the estate of such Company in its reorganization proceeding, or the trustee appointed in such proceeding.

"RTA" means the operator of rail commuter service on the lines of the Railroad for the Regional Transportation Authority of Illinois, including an affiliate or subsidiary of such authority or a contract operator.

"RUIA" refers to the Railroad Unemployment Insurance Act, as amended, 45 U.S.C. 351 *et. seq.*

"Subsistence fund" means the amount appropriated for the payment of benefits under this schedule, less the amount estimated by the Board to be required for payment of lump sum reimbursements under section 4 of this schedule.

"Year of service" means each 12 months of service prior to January 1, 1980, creditable under the Railroad Retirement Act of 1974, as amended, as determined from the Board's record of the employee's service and compensation.

§ 396.3 Application for benefits.

(a) *Application.* An application for benefits is to be made on the form prescribed by the Board and shall be filed at any Board office within the time limits set forth in subsection (c) of this section. If an application is not filed on time, no benefits shall be paid or payable under the benefit schedule. The application form shall include a statement of the election and waiver described in subsection (b) of this section.

(b) *Election-Waiver.* The filing of an application for benefits shall be deemed to be an election by the employee to receive benefits under the benefit schedule prescribed by the Federal Railroad Administrator and a waiver of any employee protection benefits otherwise available to such employee (other than moving expenses) under the Bankruptcy Act, subtitle IV of Title 49 of the United States Codes, or any applicable contract or agreement, other than the March 4, 1980, Hiring Agreement.

(c) *Time limits.* An employee shall have until January 31, 1984, to file his or her application. An application shall be considered filed on the date that it is received at an office of the Board.

§ 396.4 Benefit limit and payment.

(a) Total benefits available under the benefit schedule are limited to $35 million or such other sum as may be appropriated for the purposes of the schedule, whichever is less. The United States (including any department, agency, or instrumentality thereof) assumes no liability under the benefit schedule beyond the express terms of the benefit schedule not in excess of funds appropriated and available for expenditure for benefits thereunder. No employee may receive benefits under the benefit schedule in excess of $20,000.

(b) If, for whatever reason, a benefit, due to an individual pursuant to the benefit schedule, is not paid on or before April 1, 1984, it cannot be paid.

§ 396.5 Lump sum reimbursement.

(a) *Maximum lump sum amount.* "Maximum lump sum amount" means, with respect to an employee with at least one year of service, $1,000; and with respect to an employee with less than one year of service, $500. No employee shall be eligible to receive more than the maximum lump sum amount ($1,000 or $500, as applicable) under this section.

(b) *Constructive reimbursement—no offer of employment.* An employee (other than an employee who received an offer of employment described in subsection (c) of this section) who was adversely affected shall be eligible to receive a payment in constructive reimbursement of expenses such as the following: retraining expenses, moving expenses, and health and welfare premiums or services. Such payment shall equal the maximum lump sum amount provided in subsection (a) of this section.

(c) *Constructive reimbursement—offer of employment.* An employee who, prior to June 30, 1982, received an offer of permanent employment in his or her craft or class from an acquiring rail carrier under the March 4, 1980, Hiring Agreement, or the RTA, shall—

(1) if such employee made a change of residence (from his or her place of residence as a Railroad employee) in order to accept rail employment, be eligible to receive a payment in the maximum lump sum amount in constructive reimbursement of expenses incurred in such relocation;

(2) if such employee, prior to receiving such offer of employment, claimed and received unemployment benefits under the RUIA for one or more registration periods that began on or after December 4, 1979, in which each day was claimed and allowed as a day of unemployment, be eligible to receive a payment equal to $125 multiplied by the number of such registration periods of unemployment, not to exceed the maximum lump sum amount; or

(3) if such employee, prior to receiving such offer of employment, entered upon a program of retraining for a new occupation and incurred actual expenses or obligations attendant to

such program, be eligible to receive a payment equal to the amount of actual expenses paid by such employee to a qualified institution, not to exceed the maximum lump sum amount.

An employee who is eligible to receive lump sum payments under both subparagraph (2) and subparagraph (3) of this subsection shall receive a payment equal to the aggregate of such payments not exceed the maximum lump sum amount.

§ 396.6 Retroactive unemployment subsistence allowance.

(a) *Eligibility.* An employee who was adversely affected and who claimed and was allowed unemployment insurance benefits for one or more days of unemployment under the RUIA with respect to the period December 4, 1979, through June 30, 1982, shall be eligible to receive a retroactive unemployment subsistence allowance to be paid, at the discretion of the Board, in one or more payments as necessary to assure prompt and equitable distribution of benefits. No employee may receive retroactive unemployment subsistence allowance benefits based on any day of RUIA unemployment after which the employee has received an offer of permanent employment in the employee's class or craft from an acquiring rail carrier under the March 4, 1980, Hiring Agreement, or had received and refused an offer of permanent employment with the RTA.

(b) *Computation.* The retroactive unemployment subsistence allowance shall be based on the number of days for which the applicant claimed and received unemployment benefits under the RUIA for registration periods beginning during the period December 4, 1979, through June 30, 1982. The daily benefit rate for an employee with less than 10 years of service shall be .75 times the rate of an employee with 10 or more years of service. The board shall compute allowable benefits by a method that takes into consideration the aggregate number of days of unemployment for all claimants and the amount available for payment of benefits in the Subsistence Fund. There shall be counted as a day or days of RUIA unemployment any uninterrupted period with respect to which an employee claims and is allowed sickness benefits under the RUIA that either immediately precedes or immediately follows a day of unemployment under the RUIA that is creditable for such computations. The Board shall not include in its computations of final benefit amounts under this section any day of unemployment with respect to which benefits paid have been determined by the Board to be recoverable.

§ 396.7 Offers of employment.

An employee shall not be deemed to have received an offer of employment for purposes of §§ 396.5 or 396.6 of this part if—

(a) in the case of an offer from the RTA, the employee declined such offer but had not previously declined any offer of employment under the March 4, 1980, Hiring Agreement; and

(b) in the case of an offer from an acquiring carrier under the March 4, 1980, Hiring Agreement, the employee declined such offer but (1) did not by such declination exhaust his or her rights to priority hiring under such Agreement, and (2) had not previously declined an offer of employment in his or her class or craft from the RTA.

§ 396.8 Initial determinations and arbitration.

(a) *Initial determinations with respect to applications and claims.* Each claim for benefits under this Part shall be adjudicated and the initial determination with respect thereto shall be made upon the basis of the application and any statement or supplements filed in connection therewith, the evidence submitted by the claimant, and evidence otherwise available.

(b) *Notice of initial determination.* Notice of an initial determination that denies in whole or in part a claim for benefits shall contain a brief statement of the reason for the denial and shall be communicated in writing to the claimant within 15 days after such initial determination is made. Such notice shall contain an explanation of the procedures to be followed by the claimant to contest such determination. Notice shall be deemed to have been communicated to the claimant when it is mailed to the claimant at the latest address furnished by him or her.

(c) *Arbitration.* (1) Within 15 days after notice of an initial determination has been issued pursuant to 396.8(b), any claimant who is dissatisfied with the decision may request resolution of the dispute by final and binding arbitration. As used in this section the term "dispute" refers to any dispute over an employee's eligibility or claim which involves factual issues or the construction of the benefit schedule and excludes issues which are solely computational in nature or only involve questions of law or the benefit schedule prescribed pursuant to the law. A claimant may request final and binding arbitration by mailing a letter to the Director of Unemployment and Sickness Insurance, stating the basis for the request. Unless a request for final and binding arbitration is filed by the claimant in the manner and within the time provided herein, all rights to review of the initial determination are forfeited.

(2) If the Director of Unemployment and Sickness Insurance finds that the request for final and binding arbitration involves issues which are solely computational in nature or only questions of law or the benefit schedule prescribed pursuant to the law, the Director of Unemployment and Sickness Insurance will review all evidence presented and decide whether to sustain or reverse the initial determination. Notice of the decision made upon the review shall be communicated to the claimant in writing within 15 days after such decision is made. Such decision upon review shall be final, binding and conclusive.

(3) As soon as possible after a claimant has filed a request for arbitration of a dispute, the Ordering Officer, who shall be named by the Director of Unemployment and Sickness Insurance, shall appoint an arbitrator to hear the dispute. Such arbitrator shall not have any interest in the parties or in the outcome of the proceeding, or have participated in the initial determination on the claim, or have any other interest that might prevent a fair and impartial hearing. Upon appointing an arbitrator and scheduling hearing on the dispute, the Ordering Officer shall provide written notice to the properly interested parties of the hearing identifying the appointed arbitrator and specifying the place and time of the hearing.

(4) The decision of the arbitrator shall be mailed to the Ordering Officer who shall within five days from acceptance of the decision mail a copy of the decision to the claimant and furnish a copy thereof to the Director of Unemployment and Sickness Insurance. The decision of the arbitrator shall be final, binding and conclusive.

§ 396.9 Recovery of benefits.

(a) *Authorization.* If it is determined by the Board that benefits under any provision of this Part have been paid erroneously, the erroneous payment shall be recovered in full unless a compromise is approved under subsection (c) of this section. An erroneous payment may be recovered by any one or a combination of the methods described in subsection (b) of this section.

(b) *Methods of recovery.*—(1) *Recovery by cash payment.* The Board shall have the right to require that amounts recoverable be immediately

and fully repaid in cash, and any debtor shall have the absolute right to repay such amount recoverable in this manner. However, if the debtor is financially unable to pay the indebtedness in a lump sum, payment may be accepted in regular installments. The amount and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. Whenever possible, installment payments should be sufficient in amounts and frequency to liquidate the debt in not more than three years.

(2) *Recovery by setoff.* An erroneous payment of benefits may be recovered by setoff against any benefit to which the employee is entitled under any Act administered by the Board. In the case of that individual's death, the erroneous payment may be recovered from any payments due under those Acts to his or her estate, designee, next of kin, legal representative, or surviving spouse. If full recovery is not effected by setoff, the balance due may be recovered by one or more of the other methods described in this Part. If the individual dies before recovery is completed, recovery shall be made from his or her estate or heirs.

(c) *Compromise of amounts recoverable.* (1) The Board or the Director of Unemployment and Sickness Insurance may compromise an amount recoverable, provided such amount does not exceed $20,000. Compromise of an amount recoverable may not be considered in any case in which there is an indication of fraud, the presentation of a false claim, or misrepresentation. Compromise is at all times within the discretionary authority of the Board or the Director of Unemployment and Sickness Insurance.

(2) The Board or the Director of Unemployment and Sickness Insurance shall compromise claims only pursuant to standards established by the Comptroller General and the Attorney General.

(d) *Suspension or termination of collection action.* Collection action on a Board claim may be suspended or terminated under the following conditions:

(1) Collection action on a Board claim may be suspended temporarily when the debtor cannot be located and there is reason to believe that future collection action may be productive or that collection may be effected by setoff in the near future.

(2) Collection action may be terminated when:

(i) the debtor is unable to make any substantial payment;

(ii) the debtor cannot be located and setoff is too remote to justify retention of the claim;

(iii) the cost of collection action will exceed the amount recoverable;

(iv) the claim is legally without merit or cannot be substantiated by the evidence.

§ 396.10 Employer reports.

Upon request, the Chicago, Rock Island and Pacific Railroad and any acquiring carrier shall provide any information in its possession that the Board might reasonably require to determine eligibility for benefits. The Board will restrict its request to just that information that it needs for proper administration. In the event of any refusal to provide relevant information, the provisions of sections 12 (a) and (b) of the Railroad Unemployment Insurance Act (45 U.S.C. 362 (a) and (b)) shall be available to the Board to enforce its request.

Dated: October 25, 1983.

By Authority of the Board.

Beatrice Ezerski,

Secretary.

[FR Doc. 83-29564 Filed 10-31-83; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 76N-0366]

Provisional Listing of D&C Yellow No. 10; Postponement of Closing Date and Stay of Effectiveness

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Yellow No. 10 for use as a color additive in drugs and cosmetics. The new closing date will be January 3, 1984. FDA is establishing a new closing date for D&C Yellow No. 10 to give the agency time to complete its evaluation of objections received in response to the final regulation approving the petition for the permanent listing of D&C Yellow No. 10. The final rule that permanently lists D&C Yellow No. 10 and that removes it from the provisional list is stayed until January 3, 1984.

DATES: Effective November 1, 1983, the new closing date for D&C Yellow No. 10 will be January 3, 1984. The amendments to 21 CFR 74.1710, 74.2710, 81.1, 81.25, 81.27, and 82.1710 that were published on August 30, 1983 (48 FR 39217) are stayed until January 3, 1984.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 30, 1983 (48 FR 39217), FDA published a final rule that would "permanently" list D&C Yellow No. 10 for use in drugs and cosmetics, except for use in the area of the eye. The final rule also amended § 81.1(b) (21 CFR 81.1(b) by removing D&C Yellow No. 10 from the provisional list of color additives, § 81.25 (21 CFR 81.25) by removing paragraphs (a)(1), (b)(1)(i), and (c)(1), and § 81.27(d) (21 CFR 81.27(d)) by removing D&C Yellow No. 10 from the conditions of provisional listing. Additionally, the final rule amended § 82.1710 (21 CFR 82.1710) for D&C Yellow No. 10 to reference § 74.1710(a)(1) and (b) (21 CFR 74.1710(a)(1) and (b)).

The agency stated that the final rule would become effective on September 30, 1983, unless stayed by the filing of proper objections. At the same time, to provide for the continued use of D&C Yellow No. 10 during the period established for receipt and evaluation of objections, FDA established the current closing date of November 1, 1983, for the provisional listing of D&C Yellow No. 10 for use in drugs and cosmetics (48 FR 39220).

FDA received three letters objecting to the listing regulation. Because of the objections, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(2)), the final rule (48 FR 39217) that permanently lists D&C Yellow No. 10 and that removes this color additive from the provisional list is stayed until the agency can rule on the objections. FDA expects that it will need only a brief time to complete its evaluation of the objections. Therefore, FDA concludes that only a brief postponement is necessary at this time. The regulation set forth below will postpone the November 1, 1983 closing date for the provisional listing of D&C Yellow No. 10 Until January 3, 1984.

Because of the short time until the November 1, 1983 closing date, FDA concludes that notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously concluded that D&C Yellow No. 10 is

safe for its intended uses. This regulation will permit the uninterrupted use of this color additive until January 3, 1984. To prevent any interruption in the provisional listing of D&C Yellow No. 10 and in accordance with 5 U.S.C. 553(d)(1) and (3), this final rule is being made effective on November 1, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

PARTS 74, 81 AND 82 [AMENDED]

§§ 74.1710 and 79.2710 [Effective date temporarily stayed]

§§ 81.1, 81.25 and 81.27 and 82.1710 [Effective dates temporarily stayed in part]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the effective date of the final rule (adding 21 CFR 74.1710 and 74.2710 and amending 21 CFR 81.1(b), 81.25(a)(1), (b)(1)(i), and (c)(1), and 81.27(d) and 82.1710), which published in the **Federal Register** of August 30, 1983 (48 FR 39217), is stayed until January 3, 1984, and Part 81, *General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics*, is amended as follows:

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Yellow No. 10" in paragraph (b) to read "January 3, 1984."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "D&C Yellow No. 10" in paragraph (d) to read "January 3, 1984."

Effective date. This final rule shall be effective November 1, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c) and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: October 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-29465 Filed 10-31-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1033-83]

Delegation of Authority To Deputize Marshals

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule.

SUMMARY: This Order authorizes the Director of the United States Marshals service to deputize employees of private security companies so that they may provide courtroom security for federal judges in any district designated by the Director.

EFFECTIVE DATE: October 24, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Hall, Director, United States Marshals Service Room 201, Tysons Corner Center Building, McLean, Virginia (285–1111).

SUPPLEMENTARY INFORMATION: The present delegation authority permits the Director to deputize employees of the federal government and state and local law enforcement officers. This Order expands the Director's authority so that he may also deputize employees of private security companies.

This Order is not a rule within the meaning of either Executive Order 12291, Section 1(a) or the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

The index term for Part 0 of Title 28 of the Code of Federal Regulations is as follows:

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies).

PART 0—[AMENDED]

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509, 510, 562 and 5 U.S.C. § 301, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

§ 0.112 [Amended]

1. Section 0.112 is amended by adding a sentence at the end, reading as follows:

* * * The Director is also authorized to deputize selected employees of private security companies to perform the functions of a U.S. Deputy Marshal in providing courtroom security for the Federal judiciary in any district designated by the Director.

Dated: October 24, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-29597 Filed 10-31-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Employment Standards Administration

29 CFR Parts 1 and 5

Procedures for Predetermination of Wage Rates; Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction and to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Technical amendments.

SUMMARY: This document amends certain sections of Department of Labor regulations relating to labor standards applicable to contracts for federally financed and assisted construction, in order to conform the regulations to recent changes in organizational subcomponents within the Wage and Hour Division of the Department's Employment Standards Administration.

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202–523–8305.

SUPPLEMENTARY INFORMATION: Pursuant to a recent reorganization in the national office of the Wage and Hour Division, certain functions relating to the administration of the labor standards provisions applicable to Federal and federally assisted construction contracts under the Davis-Bacon and Related Acts will no longer be performed by the Office of Government Contract Wage Standards (OGCWS). Procedural changes in the text of 29 CFR Parts 1 and 5 are therefore required. Moreover, because the designations of the organizational components or subordinate officials in the Wage and Hour Division have no effect on the vesting of the Wage and Hour Administrator's authority in a designee, it is unecessary to designate such components or subordinate officials in

the regulations. Accordingly, the current references to OGCWS, to the Deputy Administrator, and to the Assistant Administrator for Government Contract Wage Standards are being deleted.

Publication in Final

Since these revisions involve only procedural changes necessitated by agency reorganization and internal procedures and practices, notice of proposed rulemaking and public comment on this rule is found to be unnecessary. Futhermore, the Secretary has determined that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication. Therefore, these amendments to Parts 1 and 5 are adopted as a final rule without notice and comment and shall be effective immediately. See 5 U.S.C. 553(b) and 553(d).

Classification

This rule is not classified as a "rule" under Executive Order 12291 on Federal Regulations because it is a regulation relating to agency organization, management or personnel. See Section 1(a)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b) the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1165, 5 U.S.C. 601 et seq. pertaining to regulatory flexibility analysis, do not apply to this rule. See 5 U.S.C. 601(2).

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h), since it does not require the collection of information.

List of Subjects

29 CFR Part 1

Administrative practice and procedures, Government Contracts, Labor, Minimum wages, Wages.

29 CFR Part 5

Administrative practice and procedures, Government contracts, Investigations, Labor, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

Accordingly, 29 CFR Parts 1 and 5 are amended as set forth below.

Signed at Washington, D.C. on this 26th day of October 1983.

Robert B. Collyer

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division.

PART 1—PROCEDURES FOR PREDETERMINATION OF WAGE RATES

1. In § 1.2, paragraph (c) is revised to read as follows:

§ 1.2 Definitions.[1]

* * * * *

(c) The term "Administrator" shall mean the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative.

* * * * *

2. In § 1.5, paragraph (a)(1) is revised to read as follows:

* * * * *

§ 1.5 Procedure for requesting wage determinations.

(a)(1) Except as provided in paragraph (b) of this section, the Federal agency shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting Standard Form 308 to the Department of Labor at this address:

U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Branch of Construction Contract Wage Determination, Washington, D.C. 20210.

The agency shall check only those classifications on the applicable form which will be needed in the performance of the work. Inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient. Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form.

* * * * *

Authority: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; and the laws listed in Appendix A of this Part.

[1] * * *

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

3. In § 5.2, paragraph (b) is revised to read as follows:

§ 5.2 Definitions.

* * * * *

(b) The term "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative.

* * * * *

4. In § 5.12, paragraph (d)(3)(i) is revised to read as follows:

§ 5.12 Debarment proceedings.

* * * * *

(d) * * *

(3)(i) A request for a determination of interest (or substantial interest, as appropriate), may be made by any interested party, including contractors or prospective contractors and associations of contractor's representatives of employees, and interested Government agencies. Such a request shall be submitted in writing to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210.

Authority: 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of this part.

[FR Doc. 83-29633 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-27-M

VETERANS ADMINISTRATION

38 CFR Part 3

Ionizing Radiation Claims

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: A recent decision in the case of *Gott* v. *Nimmo* held that the texts of three documents, considered procedural by the Veterans Administration,

constituted rules and that they must be published in the **Federal Register** for public notice and comment before they could be used as a basis for adjudicating claims. The documents invalidated by the court were (1) a joint VA/Department of Defense memorandum of understanding concerning the processing of requests for information as to a veteran's exposure to ionizing radiation, (2) a VA program guide which provided background information on nuclear weapons testing and some general information on health effects of radiation, and (3) a portion of the Adjudication Procedure manual dealing with development of claims based on radiation exposure. Following standard rulemaking procedures, § 3.311 was created and is now set forth in final form, to replace the documents invalidated by the court. This section may now be used as the basis for development and adjudication of claims based on exposure to ionizing radiation. However, it should be noted that the decision in this case is being appealed, and if the Government is successful, this regulation may be rescinded.

EFFECTIVE DATE: October 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and Pension Service (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: On October 27, 1982 (47 FR 47602 to 47607) the VA published for comment three proposed regulations to comply with an order of the U.S. District Court for the District of Columbia. They consisted of the texts of three Agency documents relating to processing of claims for benefits based upon veterans' exposure to ionizing radiation in service. Based on the comments received, we have amended the original proposal and restructured it into one comprehensive regulation. The regulations previously proposed as 38 CFR 3.162, 3.163 and 3.164 have been consolidated into one regulation as § 3.311. Readers are reminded that the VA does not consider this informaton to be regulatory in nature and is appealing the court order which directed its publication. This regulation may be rescinded following appellate review of the underlying litigation.

Pursuant to court order, the regulations, as initially proposed, consisted of the verbatim texts of three documents which had originally been issued in 1979: a joint VA/Department of Defense memorandum of understanding concerning the processing of requests for information as to exposure of veterans to radiation during military service; a VA program guide providing background information to adjudication personnel concerning the atmospheric testing of atomic weapons and, generally, the health effects of exposure to ionizing radiation; and a section of a VA manual detailing procedures for procuring from claimants information concerning the circumstances of exposure.

The arrangement with the Department of Defense was formalized in response to the exigencies present in 1979 when, due to a recent increase in radiation claims activity, it was thought that the information-exchange procedure should be reduced to writing. At present, no documentary structure is needed; it is anticipated that DOD will continue to provide support in evidence development as it has for many years under existing statutory authority, i.e., 38 U.S.C. 3006. VA also considers it no longer necessary that there be VA issuances detailing much of the background information contained in the radiation program guide. This guide was originally promulgated in 1979, when claims based upon atomic-tests participation were relatively recent phenomena and only limited information was readily available to adjudication personnel. The circumstances of veterans' participation are by now more widely known, and detailed historical data are available from other authoritative sources. The program guide's very brief discussion of the health effects of radiation, limited to excerpts from a report by a Federal interagency study group, is no longer necessary in view of VA personnel's access to other, more comprehensive scientific compilations. In any event, inclusion of reference material of this type is not compatible with CFR formats.

The revised rule, condensed to one section to be added to title 38, Code of Federal Regulations, retains much of the procedural instruction from the manual provision, describes how conflicting information is to be resolved in a veteran's favor, and identifies criteria to be considered in adjudicating claims. With regard to subsection (c) of the current proposal, setting forth adjudication policies, it should be noted that VA policy of longstanding effect, 38 CFR 3.102, mandates the resolution of reasonable doubt in favor of any claimant. The policies set out with respect to presence near a nuclear detonation and degree of individual exposure merely reflect the application of the reasonable doubt doctrine in these aspects of radiation claims.

Publication of the initial proposal educed comments on behalf of five groups: The National Association of Atomic Veterans, the National Veterans Law Center, the Environmental Policy Institute, the National Center for Atmospheric Research, and the Natural Rights Center. One group, citing in part the outdated nature of some of the material in the October 27 proposal, recommended that it should be withdrawn. This recommendation appears anomalous, as it was the same group which, in its role as plaintiffs' counsel in the case of *Gott* v. *Nimmo*, No. 80-0906 (D. D.C. September 7, 1982), *appeal pending*, Nos. 82-1159, 82-1448, 82-1454 (D.C. Cir.), sought and obtained a court order that the proposal be published in its verbatim form. In any event, the Agency recognizes that the October 27 proposal, embodying as it did three documents issued in 1979 and rescinded in 1982, did not reflect current information in some respects. A caveat to that effect accompanied publication. We have, however, amended and restructured the original proposal to partially accommodate this comment.

All the groups responding to the proposal commented negatively as to the quality of dose information supplied VA by the DNA (Defense Nuclear Agency). The 1979 program guide addressed this concern by pointing out the recognized potential for variations in film badge and dosimeter readings, as well as the possibility that unrecorded radiation exposure might have been incurred due to inhalation or ingestion of radioactive particles. The new rule cautions VA personnel concerning the limitations of the data provided by DNA, and advises them to give due consideration to any other estimates provided by or on behalf of claimants. As before, official reports of recorded or estimated doses provide important input for determinations, and will be procured whenever available.

Another comment common to those received took issue with the fact that the program guide identified cancer as "the major disease associated with radiation exposure." Concern was expressed that VA thereby ruled out all other disabilities as potentially radiation related. This misapprehension is obviated by deletion of the reference.

One commentator offered the view that the proposal should include precise standards for determining whether particular diseases are caused by exposure to radiation at certain doses. Unfortunately, this is not yet feasible. The vast literature on the subject identifies acute and late somatic effects of exposure, both observed and suspected, but the dose responses (especially at low doses) are not well enough understood to permit the fashioning of hard rules to cover all of the variables known or believed to be

influential. We have chosen instead to list factors to be considered in making determinations of radiation causation. As is required in making decisions regarding service connection in other contexts, VA personnel will continue to apply sound medical principles derived from the scientific literature, notably (in these cases) dose-response findings reported by prestigious national and international scientific bodies. We are aware of two major efforts currently underway to develop disease-specific radiation-risk tables, and will scrutinize the results of these efforts to determine if any such tables should be incorporated into VA procedures.

Another comment was that VA, based upon preliminary findings of a study by the Centers for Disease Control noting that an increased incidence of leukemia has occurred among participants in one nuclear test explosion, should presume all cases of leukemia suffered by veterans of the nuclear weapon tests are service-connected. VA acknowledges the importance of these findings, but also the CDC's caveat that there is need for additional follow-up studies of persons present at other nuclear tests before conclusions can be formed regarding the health risks involved. The difficulty here is that the statistical significance of such findings is dependent upon the size of the population studied; CDC has cautioned that the cited study was not sufficiently large to yield useful conclusions. Fortunately, the group studied is part of a much larger cohort of former test participants whose death records are being reviewed by the Medical Follow-up Agency of the National Academy of Sciences. We await with great interest the findings of this study, due to be released within a few months.

Recognizing the frustration felt by many over the remaining scientific uncertainties in correlating radiation exposure and subsequent disability, VA nevertheless wishes to move responsibly and deliberately in this area. One commentator flatly asserted that it is "virtually certain from what is known today about the health effects of ionizing radiation exposure, that among the servicemen present at the above-ground atomic weapons tests, there will be an excess of cancers, leukemias, heart and lung diseases, and a wide spectrum of chronic, degenerative health problems." Consistent with that assertion, the commentator recommended that service-connected benefits be awarded "in all cases of medical disability or premature death where the serviceman was presumed present at a test site." We believe such an approach would be irresponsible, and would violate the Agency's statutory mandate to adjudicate disability claims on the merits of each individual veteran's situation.

Readers are advised that the regulation proposed herein relates solely to claims for service-connected disability and death benefits, and should be distinguished from Agency guidelines which have previously been issued to implement the veterans' health care provisions of Pub. L. 97–72.

It is again emphasized that this regulation is being published solely to comply with the court order. Should the Government position in this litigation be upheld on appeal, this document may be withdrawn.

Regulatory Flexibility Act

The Administrator hereby certifies that this regulation would not have a significant economic impact, in terms of compliance costs, paperwork and recordkeeping, or any other regulatory burden, on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this regulation would affect only individuals applying for VA disability or death benefits. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 12291

In accordance with Executive Order 12291, Federal Regulation, the administrator has determined that this regulation is nonmajor for the following reasons:

It will not have an effect on the economy of $100 million or more.

It will not cause a major increase in costs or prices.

It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Catalog of Federal Domestic Assistance Program Numbers are: 64.101, 64.109 and 64.110.

Approved: October 7, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, ADJUDICATION, is amended by adding a new § 3.311 to read as follows:

§ 3.311 Claims based on exposure to ionizing radiation.

(a) *Development of evidence in atmospheric nuclear weapons test participation cases.* (1) When a claim is made that disability or death resulted from a veteran's participation in the atmospheric testing of nuclear weapons a special search for radiation exposure data will be conducted through the Compensation and Pension Service. Before requesting this search, full evidentiary development will be undertaken to secure, in addition to complete service and post-service medical records, such information as the claimant can provide as to:

(i) Date(s) and location(s) of the test(s);

(ii) Number of tests witnessed;

(iii) Operation or test shot code name(s);

(iv) Veteran's organization or work unit (ship, task group, company, or squadron, etc.) and rank at time of test(s);

(v) Duty place and organizational unit from which the veteran may have been detailed for participation;

(vi) Detailed description of activities during the entire period of participation, including:

(A) How far was the veteran from the center or ground zero at the time of each explosion?

(B) At the time of each explosion, was the veteran in the open, under cover (building, closed vehicle, trench, etc.), in an aircraft, or aboard ship (on or below deck)?

(C) Did the veteran move to or toward ground zero after the explosion; if so, how soon thereafter, and how close?

(D) How long did the veteran remain in the vicinity of the explosion, initially and, if applicable, after advancing?

(E) Is the veteran aware of any peculiarity of the trials (unexpected wind change, severe dust conditions, etc.)?

(vii) Whether a film badge was issued and worn;

(viii) Names of other servicemembers with the veteran at time of participation; and

(ix) Known pre-service and/or post-service radiation exposure, including all medical and occupational sources, and

exposure to other known carcinogenic agents (tobacco, chemicals, etc.).

(2) When the foregoing development is completed, the information obtained as well as the following data will be telephoned to the Compensation and Pension Service:

(i) Name and file number of veteran;

(ii) Social Security number;

(iii) Service number;

(iv) Period(s) of service;

(v) Veteran's or other claimant's telephone number and address;

(vi) Veteran's date and place of birth, and, if applicable, date and place of death; and

(vii) Nature of disability.

(3) The Compensation and Pension Service will initiate the necessary contact with the appropriate Nuclear Test Personnel Review Office of the Department of Defense, and request a report of the veteran's participation and exposure. Final rating action will be deferred until a reply is received from the Compensation and Pension Service.

(4) Information relative to military bases where nuclear weapons may be located within the continental United States is classified Confidential whereas locations past or present outside the continental United States are classified Secret or Top Secret. The fact that a veteran inadvertently revealed such information in an application for benefits should not be compounded by further release within or without the VA in any manner.

(i) Such classified data will be cut out (rather than obliterated from such records or statements.

(ii) Documentation will be prepared for the claim file and signed by the Adjudication Officer or supervisory designee not lower than the Assistant Adjudication Officer, and will cite the kind of evidence removed, the reason for record expungement, and summarize or restate any other obliterated facts or statements not referring to specific military bases where nuclear exposure allegedly occurred.

(b) *Development of evidence in other cases.* When a claimant alleges exposure resulting from duties other than participation in atmospheric nuclear weapon testing, the following evidence will be developed:

(1) All service medical records and post-service records of treatment for the disability in issue;

(2) Such information as the claimant can provide to the circumstances of exposure;

(3) A request will be made for a copy of the veteran's Record of Occupational Exposure to Ionizing Radiation (DD Form 1141), if maintained, from the appropriate service department. (**Note:** These cases will not be developed through the Compensation and Pension Service.)

(c) *Adjudication policies.* (1) If development with the service department cannot establish the veteran's presence at or absence from a nuclear test site, the veteran's presence at the site will be conceded.

(2) Recorded radiation dose information furnished by service departments will be considered in the context of the known limitations of the particular recording devices employed. For example, consideration will be given to the fact that film badges worn by nuclear weapon test participants measured external gamma and high energy beta radiation, but would not have measured any direct neutron exposure or any dose commitment that may have occurred from inhalation or ingestion of radioactive particles. The possibility of error in the measured doses as a result of defects in either the manufacture or calibration of the dosimetry devices will be considered.

(3) When an individual dosimetry reading for a veteran is not available but the service department is able to supply or estimate a range of doses for the veteran's organizational unit over the corresponding time frame, exposure at the upper limit of the range provided will be conceded. Where the overall estimated exposure level of the veteran's unit, if available, is higher than the documented reading for the veteran, exposure at the estimated dose will be conceded.

(4) Due consideration will be given to any other estimates of dose supplied by or on behalf of claimants.

(5) In determining whether a disease was caused by radiation exposure, the actual or estimated dosage will not be the sole determining factor. All relevant factors will be considered including:

(i) Whether the disease is known to be capable of being induced by radiation;

(ii) In cancer cases, the relative sensitivity of the body site and type of cancer to radiation induction;

(iii) The gender of the exposed individual, age at time of exposure and approximate date of onset of the disease relative to the exposure;

(iv) Where available, such personal histories as would elicit information concerning exposure to other known carcinogens before, during, or after service.

(d) Nothing in this section will be construed to prevent the granting of service-connection with respect to any disease or disorder otherwise shown by sound judgement to have been incurred or aggravated as a result of exposure to radiation during active service.

(38 U.S.C. 210(c))

[FR Doc. 83-29567 Filed 10-31-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 2459-8; SC-004]

Designation of Areas for Air Quality Planning Purposes, South Carolina: Redesignation of TSP and O_3 Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces approval of a request by the South Carolina Department of Health and Environmental Control (DHEC) that a portion of Georgetown County (that portion of Georgetown County within the southern section of Georgetown) be redesignated attainment for the primary and secondary total suspended particulate (TSP) standards and that the Columbia area (Lexington and Richland Counties) be redesignated attainment for the ozone (O_3) standard. The DHEC also requested that the Charleston area be redesignated attainment for the primary and secondary TSP standards; although the ambient air quality data for the last eight quarters show no violations in that area, EPA is not acting on this request now.

EFFECTIVE DATE: This action will be effective on January 3, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESS: Copies of the material submitted by South Carolina may be examined during normal business hours at the following locations:

Air Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Bureau of Air Quality Control, SC Dept of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV, Air Management Branch, at the above address or phone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On March 31, 1983, South Carolina DHEC submitted a request for the redesignation of several areas in the State that had been designated as not meeting the national ambient air quality

standards (NAAQS) for O_3 and TSP. A review of the air quality data (January 1981 through December 1982) gathered at the ozone monitors in the Columbia area (Lexington and Richland County) shows that the concentration of O_3 in the area has not exceeded the NAAQS for ozone of 0.12 parts per million during the last two calendar years. This improvement is due to the effects of the Federal Motor Vehicle Control Program.

The submittal also contained a request for the redesignation of the Georgetown and Charleston TSP nonattainment areas. EPA reviewed the air quality data collected in the Georgetown nonattainment area during calendar years 1981 and 1982 and determined that the concentrations of TSP in the area had not exceeded the national annual standard of 75 $\mu g/m^3$ or the 24-hour standard of 150 $\mu/^3$. This improvement is due to the implementation of approved SLP strategies. The data support the redesignation of the Georgetown area.

EPA also reviewed the air quality data collected in the Charleston nonattainment area and determined that the concentrations of TSP in the area had not exceeded the national standards. However, the Charleston data do not provide evidence that the decrease in the ambient concentration of TSP in the Charleston area is a result of the control strategy applied at Macalloy, the major facility in the area. In fact, the data indicate that the decrease in the ambient concentration of particulates may be a result of lower production rates. Macalloy operated at full capacity for approximately 25% of the period being used in the State's redesignation request (February 1981 through January 1983). Since the attainment request may not adequately and accurately reflect future operating rates, EPA has determined that the submitted air quality data may not be a true representation of the future ambient concentrations in the vicinity and thus do not demonstrate that the area will continue to maintain the NAAQS for TSP. Therefore no action will be taken on the redesignation request for Charleston at this time.

Action. EPA today announces the redesignation of that portion of Georgetown County within the southern section of Georgetown as attainment for the primary and secondary total suspended particulate standards and the Columbia area—Lexington and Richland Counties—as attainment for the ozone standard.

This action is being taken without prior proposal because the redesignations are noncontroversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107 of the Clean Air Act, as amended (42 U.S.C. 7409))

Dated: October 24, 1983.

William D. Ruckelshaus,

Administrator

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designation

1. In § 81.341, the attainment status designation table for TSP is amended by removing the first entry for Georgetown County (that portion of Georgetown County within southern section of Georgetown) and by revising the remaining entry for Georgetown County to read as follows:

§ 81.341 South Carolina.

SOUTH CAROLINA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be Classified	Better than national standards
.	.	.	.	.
Georgetown County				X

SOUTH CAROLINA—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be Classified	Better than national standards
.	.	.	.	.

2. In § 81.341, the attainment status designation table for ozone (O_3) is amended by removing the entry for the Columbia area.

[FR Doc. 83-29450 Filed 10-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3E2849/R606; PH-FRL 2449-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N, N-Diethyl-2-(1-Naphthalenyloxy) Propionamide

Correction

In FR Doc. 83-27663 appearing on page 46310 in the issue of Wednesday, October 12, 1983, make the following correction: In column three, § 180.328, column two of the table "Parts per million", ".01" should read "0.1"

BILLING CODE 1505-01-M

40 CFR Part 228

[WH-FRL 2462-7]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates an ocean disposal site offshore of Tampa Harbor for a period of three years for the disposal of dredged material. This action is necessary to provide an ocean dumping site for the disposal of dredged material from the Tampa Harbor Project which will permit unrestricted access for interstate and foreign commerce to the Port of Tampa.

DATE: This site designation shall become effective December 1, 1983.

ADDRESSES: The Environmental Impact statement (EIS) and other material considered in this rulemaking are available for public inspection at the following locations:

EPA Public Information on Reference Unit (PIRU), Room 2404 (rear), 401 M Street, Southwest, Washington, D.C. 20460; and

Tampa-Hillsborough County Public Library, Special Collections Department, 900 North Ashley Street, Tampa, Florida 33602.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan E. Amson, 202/245–3036, Criteria and Standards Division, U.S. Environmental Protection Agency, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

I. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereinafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is made pursuant to that authority.

Under the Act, EPA is today designating a dredged material disposal site in the Tampa Bay area, known as Site 4. This site is approximately 18 nautical miles west of Egmont Key, positioned in a square with corner coordinates as follows:

27°32'27"N., 83°03'46"W.;
27°30'27"N., 83°03'46"W.;
27°30'27"N., 83°06'02"W.;
27°32'27"N., 83°06'02"W.

The site occupies an area of four nautical square miles. Water depths within this area range from 21.8 to 24.1 meters.

In the selection process for dredged material disposal sites in the Tampa Bay area, one of the important factors considered is the absence or minimal presence of hard bottom areas. Hard bottom areas are unsuitable for dredged material disposal because they may contain productive sponge and coral habitats. These habitats may have valuable recreational or commercial uses.

On January 11, 1977, EPA designated two interim sites in the Tampa Bay area for the disposal of dredged material. 42 FR 2461 et seq. One site ("Site A") is located approximately 13 miles west of Egmont Key at the mouth of Tampa Bay; the other site ("Site B") is located approximately 9 miles from Egmont Key. Dredged material was disposed of at Site B from 1969 to 1973; no dredged material has been disposed there since 1973. The U.S. Army Corps of Engineers ("the Corps") disposed of dredged material from a construction dredging project ("the Tampa Harbor Project") at Site A from June, 1980, until December 24, 1982.

The sites were designated for a three-year period, or until final site designation studies could be completed. On December 9, 1980, the interim designations were renewed until February 1983, pending completion of final site designation studies. 45 FR 81042.

In April 1982, Manatee County sued EPA and the Corps with respect to the interim designation and continuing use of Site A for the disposal of dredged material ("Manatee County v. Gorsuch," 82–248–Civ.–T–GC (M.D. Fla)). On December 21, 1982, the Court enjoined the Corps from disposing of additional dredged material at Site A after December 24, 1982, pending completion of required studies.

The Tampa Harbor Project is a major channel deepening project undertaken by the Corps which will provide deep draft access to parts of the Tampa and Hillsborough Bay system. As of December 24, 1982, the Corps had disposed of approximately 4,936,600 cubic yards of material at Site A from construction phases of the Tampa Harbor Project and two other projects. As a result of the Florida court's decision, the Corps terminated a contract for the dredging and disposal of material from a section of the Tampa Harbor Project, known as "Section 2C (Portion)." Approximately 1,200,000 cubic yards remain to be dredged from Section 2C (Portion). An additional 2,570,000 cubic yards remaining to be dredged from funded portions of the Tampa Harbor Project are not yet under contract.

To avoid delay to, and cost escalation of, the Tampa Harbor Project, EPA proposed to extend the interim designation of Site A for disposal of dredged material from Section 2C (Portion) of the Tampa Harbor Project. 47 FR 44122 (October 6, 1982.) EPA also proposed to designate Site 4 on an interim basis. Following public comment and the decision of the court in the Manatee County case, the Agency has decided not to proceed with the extension of the interim designation of Site A or the interim designation of Site 4. On October 29, 1982, EPA issued a Draft EIS (DEIS) on a proposed dredged material disposal site (Site 4) in the Tampa Bay area (47 FR 49074). On November 8, 1982, the Agency proposed the designation of Site 4 for the continuing disposal of dredged material (47 FR 50524). On September 9, 1983, EPA published a notice of the availability of the Final EIS (48 FR 40780). Today EPA takes final action to designate Site 4.

II. Site Designation Studies

Extensive studies have been made regarding the designation of an ocean disposal site for dredged material in the Tampa Bay area. The sites examined and their distances from Egmont Key at the mouth of Tampa Bay, are presented in Table 1.

TABLE 1

[Nautical miles from Egmont Key]

Site	Location
A (previously designated)	13
B (previously designated)	9
SWAS [1] 1	16.5
SWAS 2	13
SWAS 2A	14
SWAS 3	24
SWAS 4	18
Control Site	19
State Site X	27
State Site Y	28
State Site Z	30

[1] Shallow-water alternative site.

EPA entered into a contract with Interstate Electronics Corporation (IEC) in 1977 for the evaluation of interim-designated sites and the preparation of EIS's. The Corps joined this effort in 1978 by providing financial support, reviews, and consultation. The Tampa Bay interim-designated sites were included in the contractual effort along with a number of other interim-designated ocean dredged material disposal sites (ODMDS).

IEC initiated its studies of the Gulf of Mexico near Tampa Bay in 1979. Initial screening of historical data and information indicated that three general areas should be considered for the location of a permanently-designated ODMDS: Shallow-Water, Mid-Shelf, and Deepwater. The previously designated sites are located in the Shallow-Water area. Based on the initial screening, areas within three miles immediately north and west of the previously designated sites were eliminated from further consideration because of the presence of hard bottom areas and artifical reefs. Waters less than 10m deep also were eliminated because of potential shoaling.

IEC implemented surveys in September–October 1979 and January 1980 on Sites A and B and the immediately surrounding areas, and concluded that those sites might not be the most environmentally acceptable locations for dredged material disposal. IEC recommended that further studies be conducted on potential alternative sites.

In April 1981, Monte Marine Laboratory (MML) of Sarasota, Florida at the request of the Manatee County Board of County Commissioners, began

a study to evaluate the effects of offshore disposal of sediments dredged from Bayboro Harbor, St. Petersburg, Florida. The study was conducted at Site A. The study concluded that partially buried hard bottom habitats were present at the boundaries of the disposal site. Living hard bottom communities, including hard corals, soft corals, and sponges were observed beyond the limit of the disposal site. One of the recommendations of the MML report was that dredged material disposal at Site A be discontinued and efforts be directed toward locating an alternative site(s).

Subsequently, using the Ocean Survey Vessel *Antelope*, EPA performed a reconnaissance survey of potential alternative sites in the Tampa Bay area in October 1981. Using side scan sonar and fathometer tracings provided by IEC, EPA divers observed and photographed the bottoms of Alternative Shallow-Water Sites 1, 2, and 3. Evaluation of the divers' observations and photographs indicated that Alternative Site 1 contained hard bottom outcrops and numerous animal and plant communities. For this reason, Alternative Site 1 was eliminated from further detailed evaluation. Alternative Site 2 was determined to be only marginally acceptable, due to a finger of hard bottom communities extending into the site from the eastern boundary of the site. The western and southern portions of the site consisted of sandy bottoms. Alternative Site 3 appeared to be sandy-bottomed over its entire area.

Based on the results of the reconnaissance survey, more in-depth surveys were planned. In April 1982, the Corps planned and implemented a survey of the area southwest of Alternative Site 2, known as Site 2A. In May 1982, EPA planned and implemented surveys of the two previously designated sites, Alternative Site 3, and an area southwest of Site 2A identified as Alternative Site 4.

The Corps initiated its study in April 1982, and issued a report in May 1982. The report found that Alternative Site 2A was environmentally unacceptable due to the presence of extensive areas of hard-bottom. Based on this finding by the Corps, and on EPA's finding during its reconnaissance survey, Site 2 and 2A were eliminated from further detailed consideration.

The in-depth survey implemented by EPA in May 1982 included videotaping of the bottom of Site A, a transect of the ocean floor between Site A and Shallow-Water Alternative Site 3, and a transect of the ocean floor in a southwest direction from Alternative Site 2A. During the course of the videotaping, an extensive sandy-bottomed area southwest of Alternative Site 2 was discovered. This area, designated Alternative Site 4, was surveyed in addition to Alternative Site 3, and the two previously designated sites. Site 4 was found to be virtually barren of hard bottom areas or coralline growths over the area examined, which was a videocamera track 2.3 nautical miles in length from the northeast boundary of Site 4, through approximately the center of the site, to the southwest boundary of the site.

Examination of the videotape of Alternative Site 3 revealed many more hard bottom areas than had been found in the reconnaissance survey of October 1981. These new results led to the elimination of Alternative Site 3 from further detailed consideration.

Due in part to the public comments received in response to the Tampa Bay DEIS, EPA planned and implemented another survey in February, March, and April, 1983. This survey examined in intense detail Alternative Site 4, and a Control Site approximately five miles southeast of Alternative Site 4; Sites A and B were examined in lesser detail. The Survey consisted of extensive videotaping of the bottom of Alternative Site 4 and the Control Site, as well as side scan sonar mapping of both sites. Three other sites suggested by the State of Florida, and identified as State Sites X, Y, and Z, at approximate distances of 27, 28, and 30 nmi, respectively, west of Egmont Key, were also examined in briefer detail, with videotape recordings.

The February, March, and April 1983 EPA surveys collected over 35 nautical miles of videotape data within and immediately surrounding Site 4. Twenty-two transects, at approximately one-quarter mile intervals, were run within Site 4, providing an extraordinarily detailed view of the substratum of the site, as well as a full transect around the periphery of the site. In addition, approximately eight nautical miles of transects were run within the Control Site, and approximately two nautical miles of transects were run at each of the State Sites X, Y, and Z.

The videocamera transects revealed that the vast majority of Site 4 has a minimum of hard bottom areas, and is characterized by flat, barren, sandy areas occasionally interspersed with one- to six-inch high sand waves interdigitated with shell hash. No significant hard bottom areas were seen in Site 4; a limited and sparsely populated area of hard bottom was noted in the northwest quadrant of Site 4, running in a roughly northwest-southeast direction. Analysis of the videotape of all of Site 4 demonstrated that over 83 percent of the area viewed was virtually devoid of any form of coralline or sponge communities; approximately 17 percent of the site had sparsely covered hard bottom areas, and less than one percent of the site could be characterized as densely populated hard bottoms.

State Site Z was found to contain quite dense growths of hard bottom and associated coralline communities; denser coralline growth were seen at State Site Z than any other site surveyed previously in the Tampa Bay area, including the richly diverse and dense patches of coralline growth seen at Shallow-Water Alternative Site 3. Consequently, State Site Z was eliminated from further detailed consideration. State Site Y was characterized by the presence of immense quantities of the invertebrate *Melitta quinquiesperforata*, commonly known as san dollars. At no time during the survey of State Site Y were the sand dollars not seen; the average density was estimated to be over four animals per square meter. This site is apparently a rare and unique biological area, for this phenomenon has not been seen at any other site surveyed previously in the Tampa Bay area. Consequently, State Site Y was eliminated from further detailed consideration. State Site X was also characterized by the presence of sand dollars, although they were not as dense at Site X as at Site Y. Site X had flat uninterrupted sandy bottoms over the entire area examined, and minimal algal patches were seen in the videocamera transects. Although State Site X may be environmentally acceptable for the disposal of dredged material, more site-specific information would have to be obtained on the site to propose a designation for this purpose.

The February, March, and April 1983 surveys also collected data from a towed side scan sonar fish, geochemical and infaunal sediment analyses, and biochemical invertebrate and teleost tissue analyses.

III. Environmental Impact Statements

A draft environmental impact statement (DEIS) was filed with the EPA Office of Federal Activities on October 22, 1982, and a notice of availability for public review and comment was published in the **Federal Register** on October 29, 1982 (47 FR 49074).

EPA has prepared a "Final Environmental Impact Statement (FEIS) for Tampa Harbor, Florida Ocean Dredged Material Disposal Site Designation." The notice of availability of the FEIS was published in the **Federal Register** on September 9, 1983 (48 FR

40780). This FEIS evaluates the suitability for disposal of material dredged from the Tampa Harbor Project at the two previously designated sites (Sites A and B), as well as at four shallow-water alternative sites (Sites 1, 2, 3, and 4).

The FEIS includes the Agency's assessment of the comments received during the comment period on the DEIS. Comments presenting facts which corrected those in the DEIS were incorporated in the text; those comments which did not require text changes were responded to point by point, in Appendix G of the FEIS.

The FEIS analyzes all pertinent information gathered by EPA from all of its surveys as well as other pertinent information on these sites. Based on the information available to the Agency, Site 4 is an acceptable site from an environmental viewpoint because of its paucity of significant hard bottom areas which may be adversely affected by dredged material disposal.

The FEIS also contains an evaluation of the satutory factors contained in Section 102(a) of the Act, and Section 228.6 of the EPA Ocean Dumping Regulations (40 CFR Part 228). A discussion of the most important of the criteria as applied to Site 4 follows below.

Location in relation to beaches and other amenity areas. The nearest developed beaches are 18 nautical miles away; there is little or no recreational diving, sport or commercial fishing, and very limited hard bottom areas which might support sport or commercial fishing.

Dispersal, horizontal transport, and vertical mixing characteristics of the area, prevailing current direction and velocity, if any. Dispersion and horizontal transport will occur primarily to the north and south, resulting from wind-induced seasonal currents. Vertical mixing is inhibited only during strong late-summer stratification. Influence from waters flowing out of Tampa Bay is less than at Site A, with sediments less likely than those at Site A to be transported back into the entrance channel.

Existence and effects of current and previous discharges and dumping in the area. No disposal has occurred at this site.

Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. No interference is expected with recreational or commercial interests, nor with shipping, mineral extraction, desalination, fish and shellfish culture, or areas of special scientific importance.

Based on the analysis of these and other factors specified in EPA's regulations, the Agency has decided to designate Site 4 for the disposal of dredged material, for a period of three years. For a more complete discussion of the factors used to evaluate Site 4 and other sites in the area, please refer to Chapter 2 of the FEIS.

IV. Public Comment

On November 8, 1982, EPA proposed designation of this site for the continuing disposal of dredged material (47 FR 50524). The public comment period expired on January 3, 1983. Two comments were received in response to the proposed rule.

The first comment was from the Miami law firm representing the Manatee County Board of County Commissioners. The letter stated that Manatee County was opposed to the designation of Site 4 due to the inadequate information available on Site 4. The letter recommended three actions be taken:

(a) A site-specific survey of Site 4 be performed;

(b) A public hearing be scheduled to allow for public comment;

(c) Pending completion of the recommended environmental studies, no ocean disposal be allowed, and no further "interim" designation of ocean disposal sites be made.

The Agency has completed the site-specific studies of Site 4, which have provided an extraordinary amount of information about Site 4, and have shown it to be environmentally acceptable for the disposal of dredged material. The Agency has met with local, State, and Federal officials on January 26, 1983, in Jacksonville; on April 7, 1983, in Bradenton; on April 8, 1983, in Tampa; and on June 27, 1983, in Tampa. The discussions at these meetings allowed for full comment on the issues at hand. Finally, no ocean disposal of dredged material has occurred in the Tampa area since December 24, 1982; there is no intent on the part of the Agency to make any further interim designations of sites for ocean disposal of dredged material.

The second comment was from the Tampa Port Authority (TPA). The letter stated that the TPA supported the proposed designation of Site 4. The letter recommended that additional investigations of Site 4 be made, using either divers or underwater television to confirm the absence or limited presence of hard bottom communities.

As noted previously, the Agency has completed the additional investigations recommended by the TPA, and these studies have fully confirmed the virtual absence of hard bottom communities throughout the majority of Site 4, and the limited presence of hard bottom areas only in the northwest quadrant of the site.

Based on the above information, EPA is today designating Site 4 for the disposal of dredged material from the Tampa Harbor Project for a period of three years. Management authority of this site is delegated to the Regional Administrator of EPA Region IV.

The Agency fully intends to carefully monitor the effects of disposal operations at Site 4 to assure that no significant adverse environmental effects occur beyond the boundaries of the site. A monitoring plan, including the necessary parameters and their limits, is presently being developed by representatives of the Agency, the Corps, the TPA, and State and local Florida officials and scientists. This plan will be fully in place prior to the initiation of disposal operations, presently scheduled to begin in January 1984. Should the Agency, through its monitoring of disposal operations at Site 4, find that the dredged material is spreading beyond the limits of Site 4 causing significant adverse environmental effects, it will rapidly move to halt disposal operations until methods can be used to assure that the material remains within the site. Should such containment prove impossible, the EPA will terminate the designation or use of Site 4 and rapidly move toward designation of an environmentally acceptable site.

Further, the Agency has agreed to initiate survey operations with OSV *Antelope* in Fall 1983 to locate another ocean dredged material disposal site approximately 30 miles west of Egmont Key. It is the Agency's intention that complete site-specific studies, an EIS, and completion of rulemaking on a final site designation for this alternative 30-mile site be completed prior to the end of the three-year designation of Site 4.

The Agency expects that the Corps will use the diked disposal areas presently existing in Tampa Bay for the disposal of operational and maintenance dredging. It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must

evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

The State of Florida has determined that this site designation is consistent to the maximum extent practicable with the State's coastal zone management plan. For any comments by the State of Florida on the DEIS, interested persons should consult the public record, which may be found at the two locations identified in the beginning of this rulemaking.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities. The site designation will only have the effect of providing a disposal site for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more, or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this action does not necessitate preparation of a Regulatory Impact Analysis.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Authority: 33 U.S.C. 1412 and 1418.

Dated: October 27, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water

PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding paragraph (b)(14) to § 228.12 as follows:

§ 228.12 Delegation of management authority for ocean disposal sites.

* * * * *

(b) * * *

(14) Tampa Harbor Site 4—Region IV.

Location: 27°32'27"N., 83°03'46"W.; 27°30'27"N., 83°03'46"W.; 27°30'27"N., 83°06'02"W; 27°32'27"N., 83°06'02"W.

Size: 4 nautical square miles.

Depth: Ranges from 21.8 to 24.1 meters.

Primary Use: Dredged material.

Period of Use: Three years.

Restrictions: Disposal shall be limited to dredged material from the Tampa Harbor Project.

[FR Doc. 83-29719 Filed 11-1-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 434

[WH-FRL 2461-5]

Coal Mining Point Source Category; Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Corrections to the final rule.

SUMMARY: On October 13, 1982 EPA promulgated effluent limitations guidelines and standards under the Clean Water Act for the Coal Mining Industrial Category (47 FR 45382). This notice makes various corrections to that final rulemaking which involve typographical, spelling, and wording errors.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Phillips at the Environmental Protection Agency at (202) 382-7167.

SUPPLEMENTARY INFORMATION:

I. Corrections to the October 13, 1982 Rulemaking

Corrections are as follows:

1. On page 45382, column 1, second line of summary; "navigable" is deleted.

2. On page 45382, column 2, line 9 from the bottom; "Regulations" is replaced by "Discharges".

3. On page 45382, column 3, line 3 from the bottom; "to" is replaced by "is".

4. On page 45382, column 2, 16th line from the top; "487-6000" is replaced by "487-4600".

5. On page 45383, column 1, line 29 from the bottom; "(BMOs)" is replaced by "(BMPs)".

6. On page 45384, column 2, line 9 from the top; ")" is added after the word "required".

7. On page 45384, column 2, line 15 from the bottom; "This" is replaced by "These".

8. On page 45385, column 1, line 18 from the bottom; "metal" is replaced by "metals".

9. On page 45385, column 3, line 29 from the top; the comma after "system" is replaced by a period.

10. On page 45836, column 3, line 29 from the bottom; "May 29, 1982" is replaced by "May 29, 1981".

11. On page 45388, column 1, line 30 from the top; "for discharges" is added between "events" and "from".

12. On page 45388, column 2, line 8 from the top; "and" is deleted.

13. On page 45388, column 2, line 10 from the top of footnote 11.; "and" is deleted.

14. On page 45388, column 3, line 28 from the top; "this" is replaced by "these".

15. On page 45388, column 3, line 18 from the bottom; "suggests" is added between "surveyed" and "that".

16. On page 45389, column 1, line 19 from the bottom (not including footnote); "has" is replaced by "have".

17. On page 45389, column 2, line 21 from the bottom; "wordshops" is replaced by "workshops".

18. On page 45389, column 2, line 19 from the top; a comma is inserted after "event" and the words "and three others" is deleted. Lines 20 and 21 from the top are also deleted.

19. On page 45389, column 3, line 7 from the top; "of" is replaced by "or".

20. Page 45390, column 1, line 13 from the bottom; "EPA 440 2-82/006" is replaced by "EPA 440/2-82/006".

21. Page 45390, column 2, line 5 from the top; "were" is replaced by "was".

22. Page 45390, column 3, line 31 from the bottom; "analysis" is replaced by "analyses".

23. Page 45391, column 3, line 8 from the top; "540 R." is replaced by "540 F."

24. Page 45393, column 1, line 29 from the bottom; "Standard" is replaced by "Standards" in the entry for § 434.25 in the table of contents for Part 434.

25. Page 45393, column 2, line 9 from the top; "43.44" is replaced by "434.44" in the table of contents for Part 434.

26. Page 45394, column 1, line 4 from the top; "stope" is replaced by "slope" in § 434.11(i)(1)(ii)(D).

27. Page 45394, column 2, line 16 from the top; "S" is added to the beginning of the line in § 434.22(a).

28. Page 45395, column 1, line 10 from the bottom (not including table);

"sources" is replaced by "source" in § 434.25(c).

29. Page 45395, column 1, table at bottom in § 434.25(c): "( )" around the "1's" in the "pH row is added.

30. Page 45396, column 1, table at top of § 434.42(a): the numbers in the TSS column are changed to read "70.0" and "35.0" instead of "70." and "35.".

31. Page 45396, column 1, table at bottom in § 434.43(a): the vertical lines similar to those shown in the table at the top of the column are added.

32. Page 45396, column 2, tables at top and bottom of columm in §§ 434.45(a) and 434.52(a)(1): the vertical lines similar to those shown in the table at the top of column 1 are added.

33. Page 45397, column 3, line 2 from the bottom; "of" is replaced by "or" in § 434.63(b).

34. Page 45397, column 3, line 3 from the bottom in § 434.63(b): "or series of storms" is deleted.

35. Page 45398, column 1, line 34 from the bottom; "Appendixes" is replaced by "Appendices".

36. Page 45398, column 1, line 23 from the bottom: "[BAT]" is deleted.

37. Page 45398, column 1, line 20 from the bottom: "[BCT]" is deleted.

38. Page 45398, column 2, line 20 from the top: "gps" is replaced by "gpd".

Date: October 24, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-29275 Filed 10-31-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 439

[WH-FRL 2443-2]

Pharmaceutical Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

Correction

In FR Doc. 83-28778, beginning on page 49808, in the issue of Thursday, October 27, 1983, make the following corrections:

1. On page 49821, in the third column, the first section heading in the table of contents now reading "439 Applicability." should read "439.0 Applicability."

2. On page 49822, in the second column, the section heading now reading "§ 439 Applicability." should read "§ 439.0 Applicability."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6477

[F-81398]

Alaska; Partial Revocation; Opening of Lands Withdrawn by Public Land Order Nos. 399, 5170, 5179, 5180, and 5184, as Amended

Correction

In FR Doc. 83-27140 beginning on page 45395 of the issue of Wednesday, October 5, 1983, make the following corrections:

1. On page 45396, first column, "T. 21 N., R. 8 W.," should read "T. 26 N., R. 8 W.,".

2. On page 45397, middle column, in "T. 6 S., R. 9 W.," the third line should read "Sec. 6, W½NE¼, W½, and W½SE¼;".

3. On page 45398, middle column, "R. 6 S., R. 16 W.," the first "R" should be changed to "T".

4. On page 45399, first column, in "T. 4 S., R. 24 W.," the fifth line; "S½SW¼," should be added before the "and".

5. On the same page, second column, in "T. 4 S., R. 28 W.," the fifth line, "SW" should read "SE".

6. On the same page, third column, in "T. 6 S., R. 21 W.," fourth line, "NW" should read "NE".

7. On the same page, same column, in "T. 4 S., R. 23 W.," the figure "23" should read "24".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PARTS 2, 21, 74 and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497; FCC 83-392]

Use of Radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems for Provision of Digital Electronic Message and Other Specific Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission expands the eligibility for access to the 10.6 GHz DTS band to accommodate private licensees. This action is taken to allocate a portion of the 18 GHz band for use by digital termination systems (DTS) in the Common Carrier and Private Operational-Fixed Microwave services. Further, another portion of the 18 GHz band is rechannelized to accommodate stations more efficiently in the Broadcast, Common Carrier, and Private Radio Services. This action is in response to a Further Notice of Proposed Rule Making in this proceeding.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Murray, Office of Science and Technology, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653-8168.

List of Subjects

47 CFR Part 2

Frequency allocations, Radio.

47 CFR Part 21

Communications common carriers, Point-to-point microwave.

47 CFR Part 74

Communications equipment, Radio.

47 CFR Part 94

Radio.

Second Report and Order

In the matter of amendment of Parts 2, 21, 74 and 94 of the Commission's rules to allocate spectrum at 18 GHz for, and to establish other rules and policies pertaining to, the use of radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems of the provision of Digital Electronic Message Services, and for other Common Carrier, Private Radio, and Broadcast Auxiliary Services; and to establish rules and policies for the private radio use of Digital Termination Systems at 10.6 GHz. (General Docket No. 79-188, RM-3247, RM-3497, FCC 83-392).

Adopted: September 9, 1983.

Released: September 30, 1983.

By the Commission.

Introduction

1. On August 4, 1981, the Commission adopted a *Further Notice of Proposed Rulemaking* which proposes the allocation of spectrum at 18 GHz (specifically 18.36-19.04 GHz) for use by Digital Termination Systems (DTS) and by Point-to-Point Microwave Radio Systems.[1] This proposal was made in addition to the allocation at 10.6 GHz previously adopted.[2] Moreover, whereas that Order provided only for the licensing of DTS facilities and related internodal links under common carrier rules, the *Further Notice* proposed rules to make the frequencies at 10.6 and 18 GHz also available to private radio applicants.

[1] *Further Notice of Proposed Rulemaking* in Gen. Docket No. 79-188, 46 FR 45635 (September 14, 1981).

[2] *First Report and Order* in Gen. Docket No. 79-188, 46 FR 23428 (April 27, 1981); 86 FCC 2d 360 (1981). Also, *Memorandum Opinion and Order*, 90 FCC 2d 319 (1982).

2. Also, addressed in the *Further Notice* was a proposal to rechannelize certain segments of the 18 GHz band to permit narrower bandwidth channel assignments. It was stated that little use is made of this band due to its wideband channelization, poor cost competitiveness with other high capacity communications facilities, the shortened path lengths of several kilometers required for reliability of these systems of high channel density and problems with service restoration of such a high capacity system.[3] In contrast, lower capacity microwave systems at 18 GHz using narrowband channels could be attractive for telephone, utility, railroad, and oil companies, particularly because of the congestion at lower frequencies. Those reasons, coupled with the Commission's own projections of possible new uses of the 18 GHz band, led to the release of the *Further Notice* in this docket.

Summay of Decision

3. The *Further Notice* proposed a number of technical rules and requested comment on a wide range of policy issues in addition to proposing a rechannelization of the 18.360–19.040 GHz band. Comments were filed by twenty-four parties and reply comments by eight parties. All comments have been evaluated and considered in the preparation of the rules contained herein. A list of commenters is contained in Appendix A. On the basis of these comments and the record that has been established, this *Second Report and Order* sets forth our findings and conclusions. The key conclusions set forth are the following:

- We are allocating two 100 MHz bands consisting of 10 two-way channels each 10 MHz wide at 18.360–18.460 GHz and 18.940–19.040 GHz for DTS.
- We are rechannelizing the 18.460–18.940 GHz band to provide for both 10 MHz and 20 MHz channel widths.
- We are rechannelizing the 18.640–18.700 GHz and 18.880–18.940 GHz bands to provide for 12 pairs of 5 MHz wide channels.
- We are allowing private radio licensees under Part 94 to use the 10.6 GHz and 18 GHz bands for DTS.[4]
- We are adopting a frequency stability standard at 18 GHz of ±0.001% for DTS nodal stations. We are also adopting a frequency stability standard at 18 GHz of ±0.003% for DTS user stations, for narrowband internodal links, for operational-fixed point-to-point stations, and for other non-DTS operations.
- We are permitting the license of equipment with a modulation spectral efficiency at 18 GHz of 0.6 (bps)/Hz *only until* December 1, 1988 when new licensees must employ equipment with a modulation spectral efficiency no less than 1.0 (bps)/Hz.
- We are permitting MDS licensees to use the 18.460–18.940 GHz band with this new channelization for a return path in connection with their existing one-way channels to provide a two-way communications service.

Allocation Plan

4. In the *Further Notice* we indicated that it was our intent to formulate a comprehansive plan to satisfy an expected demand for services over DTS facilities that may exceed the channel capacity provided at 10.6 GHz and to accommodate the prospective need for narrowband channels for point-to-point uses. In restructuring the 18 GHz band, we proposed to place DTS omni-directional operations in two paired bands, 18.36–18.46 GHz and 18.94–19.04 GHz. The location of these two bands was chosen to avoid overlapping the 200 MHz allocated for passive sensor operation within 18.6-18.8 GHz. A channelization plan consisting of ten (10) MHz wide channels for each of the two bands was proposed.

5. With respect to the DTS proposed allocation at 18 GHz only AT&T and MCI Telecommunications Corporation outrightly opposed it. They desire that the Commission retain the existing channelization plan which consists of eight RF channels 220 MHz wide and a 240 MHz unchannelized segment in the 17.7–19.7 GHz band. They claim that the presently sparse use of these frequencies is not sufficient reason to ignore the bands potential and reallocate it to other services. AT&T and MCI contend that the demand for the proposed services is unknown.

6. In contrast, we received twenty-two comments supporting the proposed allocation for DTS. GTE Telenet indicated that because of the development of fiber optics technology, it is possible that extensive use of the remaining wideband 220 MHz channels in the 18 GHz band for intra and intercity communication may not come to pass. It recommended rechannelization of the entire 18 GHz band into narrower channels. The Farinon Division of the Harris Corporation suggested that four 220 MHz channels be retained, but the remaining spectrum be divided into narrower channels. It claimed that narrow-band operational fixed requirements are real and now exist whereas the wide-band 220 MHz requirements do not.

7. In our *Further Notice* we stated that we did not believe that the lack of use of 18 GHz necessarily justified a wholesale restructuring of the band. In support of this premise, we proposed to leave intact six of the eight 220 MHz paired channels in the 17.7–19.7 GHz band. We stated that a rechannelization of the entire 18 GHz band would be premature, based on an absence of use over a limited period of time and a customer interest in equipment not yet reflected in actual use of these frequencies. However, since the time the *Further Notice* was adopted, a number of other applications for narrow-band usage of this spectrum have been brought to our attention through comments received in Gen. Docket 82–334 (*Notice of Inquiry*, 47 Fed. Reg. 31959 July 23, 1982). The Commission subsequently adopted a *Notice of Proposed Rule Making* in Gen. Docket 82–334 (48 Fed. Reg. 6730, February 15, 1983). Concurrent with the adoption of the instant proceeding, the Commisson adopted a *First Report and Order* in Gen. Docket 82–334 addressing the rechannelization of that portion of the 17.7–19.7 GHz band not dealt with in the instant proceeding (viz., 17.70–18.36 GHz and 19.04–19.70 GHz)

8. For the instant proceeding, we are adopting the attached rules which allocate the 18.36–18.46 GHz band paired with the 18.94–19.04 GHz band for DTS facilities and the 18.46–18.94 GHz band for narrowband, point-to-point usage.

Rechannelization

DTS (18.36–18.46 GHz and 18.49–19.04 GHz)

9. In our proposal we requested the submission of comments on the appropriateness of a 10 MHz channel width for DTS wide-area coverage, which would allow for 10 pairs of two-way channels each 10 MHz wide, within the 200 MHz total proposed for DTS at 18 GHz. We received favorable comment in support of this channelization scheme for DTS; however, Contemporary Communications and Tymnet pointed

[3] At the time of the *Further Notice*, the 17.7–19.7 GHz band was channelized into eight RF channels 220 MHz wide to be used for common carriers on a cross-polarized basis to derive two communications channels per frequency assignment and a 240 MHz unchannelized segment for channels of 100 MHz or less.

[4] We are reallocating channel Nos. 4, 7, 9 and 19/20 from common carrier to private effective September 9, 1983 to achieve a measure of parity. No new applications for common carrier DTS operations on these channels will be accepted effective September 9, 1983.

out that the receive/transmit frequency separation of 580 MHz between the 18.36–18.46 MHz band and 18.940–19.040 MHz band, in contrast to the 65 MHz separation provided for DTS at the 10.6 GHz allocation may be a cause for some concern. This difference in frequency separation, they noted, might limit equipment commonality and subsequent cost savings. In its reply comments, M/A–COM indicated that a 65 MHz transmit/receive separation at 18 GHz could present substantial filtering problems and result in an increase in equipment cost that could outweigh any possible savings from equipment commonality.

10. We agree with the comments submitted by M/A–COM that a greater transmit/receive separation is necessary at 18 GHz, compared to operation at 10.6 GHz, to facilitate equipment design. We do not believe the 580 MHz transmit/receive separation will increase equipment costs as alleged; accordingly, we adopt the channelization plan for DTS facilities as proposed.

Point-to-Point Narrow-band (18.46–18.94 GHz)

11. With regard to our proposed rechannelization of the band 18.46–18.94 GHz, a large number of comments were received, several of which offered alternative channelizing plans. Those parties submitting detailed plans included MA/COM, Farinon Div. of Harris Corporation, and Loral Microwave Communications. There was no consensus of opinion that one plan was superior over another. Each commenter put forth its own analysis of what it perceived to be the marketplace demand. For example, Loral opined that additional 20 MHz channel pairs are needed to meet "widespread demand for medium density (100 to 300 voice and data circuits) microwave links." Its plan would provide for eight 20 MHz pairs, seven 10 MHz pairs and seven 5 MHz pairs interstitial to the 10 MHz channels. Farinon claimed "the demand is for 45 Mbit radios with 40 MHz bandwidths and 90 Mbit radios with 80 MHz bandwidth in excess of those needs for 274 Mbit radios with 220 MHz bandwidth. The 40 MHz and 80 MHz channels provide 672 [voice] channel and 1344 [voice] channel capabilities, respectively, which can be used in conjunction with longer haul digital microwave systems at lower frequencies." MA/COM supported the proposed channel bandwidth of 5, 10, 20, and 40 MHz but suggested that its revised plan would be more suitable to its perception of user demand. Its plan would provide for three pairs of 40 MHz channels, six pairs of 20 MHz channels, eleven pairs of 10 MHz channels, and twenty-two pairs of 5 MHz channels. The 20 MHz and 5 MHz channels would be derived by "splitting" the 40 MHz and 10 MHz channels. This approach, according to MA/COM, is consistent with the channelization of the 10.7–11.7 GHz common carrier microwave band which incorporates both 40 MHz and 20 MHz "half channels".

12. Another point raised by MA/COM was that the frequency spacing between each paired transmit and receive channel should be constant to minimize the number and complexity of components required in the design of the radio equipment. Its plan provides for a constant transmit/receive separation of 250 MHz for all paired channels.

13. Another concern raised was in regard to our proposal to require licensees to use antenna systems with orthogonal or cross polarization capability to double the utilization of spectrum. A number of commenters claim that at 18 GHz there is a significant depolarization effect by rain which would not provide the isolation necessary to reuse a channel on the same link. To require use of cross polarization on the same path for the same frequencies would necessitate employing shorter path lengths, higher power, larger antennas or other factors that would result in higher equipment costs to users. Moreover, additional hops would require use of additional frequencies as the same frequencies could not be used on adjacent hops.

14. From our analysis of the comments received in this proceeding and in Gen. Docket 82–334, there is a significant demand for channels of bandwidths 5 MHz, 10 MHz, 20 MHz, 40 MHz, and 80 MHz. From a spectrum management viewpoint we believe it is pragmatic to channelize the 480 MHz being allocated (i.e. 18.46–18.94 GHz) into channel bandwidths that have exhibited thus far, the greatest demand. Accordingly, the channeling plan being adopted herein provides for 12 pairs of 20 MHz, two-way channels. A second plan, superimposed on the first, is derived by using half-channels to provide for 24 pairs of 10 MHz, two-way channels. To allow for use of 5 MHz wide internodal links by DTS facilities and other narrow band users, we are further subdividing six pairs of 10 MHz channels, just described, to provide for 12 pairs of 5 MHz, two-way channels in the 18.64–18.70 GHz and 18.88–18.94 GHz bands.[5] Additionally, we are arranging the bands to provide for a common transmit/receive channel separation.

15. We concur with the commenters' points stated above and are not implementing the channelization plan which proposed use of interstitial frequencies to derive additional channels. We also concur with the comments regarding problems with implementing the varying frequency spacing between paired transmit and receive channels. In response, we have modified our proposal and are adopting a constant transmit/receive frequency separation of 240 MHz. Finally, we will permit licensees to use cross polarization on the channels being adopted herein when circumstances dictate that such usage would be beneficial. We agree with the comments that indicate difficulties in using cross polarization and have chosen not to make this a requirement.

Accommodation of Services

Common Carrier and Private

16. In addition to authorizing common carriers to provide Digital Electronic Message Service (DEMS) using DTS and associated facilities we proposed in the *Further Notice* authorization of applicants other than common carriers. We stated that different radio services should be authorized in common frequency bands based on the similarity of the radio facilities employed and their electromagnetic compatibility. In particular, we proposed rules under Part 94 to establish that DTS both at 10.6 GHz and 18 GHz be extended to include applicants under the Private Operational-Fixed Microwave Service. It was further proposed that private radio applicants obtaining DTS licenses and related internodal links comply with the same operational and technical standards established for common carriers. We intentionally avoided a proposal to allocate spectrum according to service category.

17. Comments representing various common carrier interest groups expressed the view that only common carriers should be permitted to engage in DEMS operations, as private entities would erode the potential market for smaller entities. They contend that DEMS common carrier operators can adequately serve all potential subscribers. If private radio entities are considered eligible for the DEMS, they continue, then a lower priority status should be given to non-common carrier licensees. At a minimum, they contend, to avoid issues of increased interference and mutual exclusivity of competing

[5] In the *Notice of Proposed Rule Making* in Gen. Docket 82–334, the Commission is proposing a further rechannelization of the 17.7–18.36 GHz and 19.04–19.70 GHz ban which includes a number of two-way paired channels with bandwidths of 40 MHz and 80 MHz.

application, the Commission should provide private operators with their own allocation.

18. Several private radio interests voiced opposition to our plan not to bifurcate the allocation. A suggestion was made to provide separate allocations for private and common carriers for a period of 5 years. This time period would enable the telecommunications requirements and preferences of the public to determine the utilization of these portions of the spectrum. A second channelization plan to be superimposed upon the existing channels at 10.6 GHz was also suggested to allow private users thirteen 10 MHz channels for analog transmissions. Also, a number of comments objected to our use of the term "preferred use" in proposed Sections 21.502(h) and 94.189 (d) and (h) as giving preferential treatment to DTS licensees for use of the narrower bandwidth channels.

19. We reiterate that the principal use we had in mind in this docket was to provide spectrum for facilities to handle the expected growth in data communications. As was indicated, past experience, dating back to the authorization of private terrestrial microwave systems, suggests that the public interest has been well served by allowing eligibles in the private services the option of obtaining their own facilities to satisfy private communications requirements. For this reason, we proposed that DTS should be available to satisfy private communications requirements on an equal basis with common carriers at 18 GHz, as well as at 10.6 GHz, previously allocated. However, since the release of the *Further Notice* in 1981, the Commission has received numerous applications from common carriers for nearly all available channels at 10.6 GHz to operate DTS facilities in most of the top 100 U.S. Standard Metropolitan Statistical Areas (SMSA's). As a consequence, there are only a few channels for which private carriers could now submit applications.

20. Consequently, we acknowledge the disparity that exists for private DTS carriers now being allowed access. In an attempt to give private DTS carriers some opportunity to apply for what remaining channels exist at 10.6 GHz, we are reallocating channel Nos. 4, 7, 9 and 19/20 at 10.6 GHz to private carriers effective September 9, 1983. No new applications for common carrier DTS operations on these designated channels will be accepted effective September 9, 1983. All existing common carrier DTS applicants, permittees and licensees on these channels at 10.6 GHz will be grandfathered indefinitely. (Of course, it is recognized that only those applicants that are eventually granted construction permits and authorizations will actually be permitted to continue to operate.) Consequently, these applicants, permittees and licensees will be able to renew their authorization or apply for additional nodal and associated user stations only in the standard metropolitan statistical area (SMSA) indicated on the original applications, permits or authorizations. Applications for private DTS carrier operations within 50 miles of these common carrier DTS operations (as indicated by the application, permit or authorization) must provide an analysis of the potential harmful interference to the common carrier operations. Private carrier DTS operations will not be permitted to cause harmful interference to other DTS oprations, private or common carrier, as currently required for all common carrier DTS operations.

21. At 18 GHz we are assenting to the suggestion to bifurcate the DTS band equally between common carrier and private users. As was raised in the comments, there are a number of technical and administrative problems that would act to impede our desire to implement "across-the board" sharing now. Recognizing these problems, we agree that it would be advantageous to allow the service to develop bifurcated for several years. As the service develops we can better analyze whether the allocation should remain bifurcated. In any case, we point out that either a common carrier or private carrier can request a waiver of the rules (See Section 1.3 of the Commission's Rules) to access the other's 18 GHz DTS channels where good cause is shown.

22. With respect to the 10.6 GHz allocation for DTS, we are not persuaded that an additional channeling scheme superimposed upon the present one would serve to contribute to further utilization of this spectrum. This spectrum is intended for use by DTS and their associated internodal links. Since DTS is effectively omnidirectional, it would not be advisable to mix point-to-point with omnidirectional operations. Moreover, implementation of another channeling plan would introduce additional problems of coordination and interference. In conclusion, we dismiss this suggestion as not being in the overall public interest.

23. In the Appendix to our *Further Notice* the proposed rules specifically stated that the use of the narrowband channels in the 18.46–18.94 GHz segment was preferred to provide internodal links for Digital Termination Systems.[6] Although our intention was to point out that we favored the assignment of DTS internodal stations to these channels, we now recognize that there is no documented reason to stray from our policy to allow similar services equal access to the same spectrum without distinction. To clarify, although these narrower channels have been particularly patterned for DTS operations, we will consider other applications without preferential treatment to DTS. However, because this band is considered an optimal choice for displaced licensees relocating from the 12.2–12.7 GHz band (see para. 29), we are temporarily limiting access for certain applications; these are, (1) Displaced, as well as new, Private Operational-fixed microwave stations, (2) Aural broadcast STL and intercity relay stations, (3) point-to-point return radio links for Multipoint Distribution Service stations, (4) Point-to-Point Microwave Service stations, and (5) internodal links for Digital Termination Systems. Once the displaced licensees from the 12.2–12.7 GHz band have been accommodated either in this band or elsewhere, we will revisit this band to determine if any remaining services can be allowed access.

24. Several comments were also received in regard to footnote 38 in the *Further Notice* which stated that non-common carriers intending to provide data services should apply for spectrum under Part 94. API, in its comments, suggested that there is no legal basis by which the Commission could authorize data service providers to apply under Part 94 to offer a DTS service on a non-carrier basis. A second reason cited by API for not permitting Part 94 licensees to provide data services to customers is that there is insufficient spectrum to accommodate existing private microwave systems.

25. We believe that API's conclusions are wrong. Under our decisions in Docket 19671, the Commission has concluded that the public interest is served by permitting private service licensees to deliver products and services to their customers. Thus, clearly a data service provider is eligible under Part 94 to offer its data services to its customers (See *First Report and Order* adopted May 7, 1981, 86 FCC 2d 299 and *Memorandum Opinion and Order* adopted May 26, 1983, 48 FR 32578 (July 18, 1983)).

[6] In proposed Sections 21.502(h) and 94.189(d)(h) we included a statement that read as follows: "The preferred use of these channels is to provide internodal communications for Digital Termination Systems."

MDS

26. In our *Further Notice* we requested comments on the feasibility and advisability of making a portion of the spectrum under consideration available for use by licensees in the Multipoint Distribution Service (MDS). It was suggested that MDS licensees could be given access to some spectrum for use in conjunction with their existing one-way channels to provide a two-way communication service. We received generally favorable comment supporting MDS access to 18 GHz. Typical of such comments was that of Tymnet. It said, "The simplex transmission capability imposed upon MDS licensees severely constrains the utility of MDS for non-video applications. Although 18 GHz is unsuitable for a universal return channel, there may be special situations based upon unique customer needs in which point-to-point links at 18 GHz could be utilized as an adjunct to a MDS-based data distribution system." Another commenter, Contemporary Communications Corporation (CCC) is currently developing, under authorization from the Commission, an MDS system in Atlantic City, New Jersey, to establish the possible parameters of service for two-way digital transmission within a single MDS channel. CCC contends, "The availability of frequency spectrum for reverse transmission would enhance this service, particularly in terms of the spectral efficiency that might be achieved. Separation of transmit and receive frequencies at a station lessens the requirements for filtering, as well as the requirement for guard bands to prevent interference, with such guard bands otherwise unused." Although CCC suggests that spectrum in the 2 GHz range would be more desirable for a return link, it supports the proposed availability at 18 GHz.

27. Presently, MDS licensees have access only to the band 2150–2162 MHz to provide one-way radio transmission (usually in an omnidirectional pattern) of subscriber supplied information from a stationary transmitter to multiple receiving facilities located at fixed points designated by the subscriber. (See Subpart K of Part 21). As we are rechannelizing the 18.46–18.94 GHz band into narrower channels for use in point-to-point applications, we are persuaded that MDS licensees should also have access to this spectrum to provide a point-to-point return path to be used in conjunction with their existing operations. We believe that MDS licensees will be enabled as a consequence of this action to increase their clientele, particularly as it relates to the growing demand for two-way data transmission. In summary, the appropriate rules are amended herein to make available the 18.46–18.94 GHz band to MDS for the puposes of providing a fixed point-to-point return radio path from a subscriber location to the MDS transmitting location.

Aural broadcast STL and Intercity Relay Stations

28. To provide room the long range growth of auxiliary broadcast stations [viz. aural studio-to-transmitter links (STL's) and intercity relay stations], we proposed in the *Further Notice* to permit this service to access a certain segment of the proposed allocation. In view of the few, but favorable, comments received, we are herein adopting rules to allow stations in this service to use 12 two-way paired frequencies, each 5 MHz wide. Applicants for these frequencies may use either a frequency pair for a two-way link or one frequency pair for a one-way link. As these frequencies are being shared with other fixed services, auxiliary broadcast stations are subject to the same requirements for frequency coordination and technical standards as set forth in the Rules in the Appendix B herein. Either analog or digital modulation is permissible.

Displaced licensees from the 12.2–12.7 GHz band

29. At the time the *Further Notice* was being written it was uncertain whether an additional need for 18 GHz spectrum would develop because of the consideration of possible broadcast-satellite service operation in the 12.2–12.7 GHz band. Since then, the Commission has set forth a course of action to provide for the use of the 12.2–12.7 GHz band by direct broadcast satellite (DBS) and to relocate the terrestrial microwave links in that band. Based on a detailed analysis of the current terrestrial microwave users in the 12.2–12.7 GHz band, the Commission estimates that between 50 to 85 percent of the links can be accommodated at 18 GHz and higher frequencies. Accordingly, we envision that the 5, 10, and 20 MHz channels in the 18.46–18.94 GHz band being allocated by this *Second Report and Order* could be used to accommodate at least 35 percent of the users relocating from 12.2–12.7 GHz band.[7] Moreover, in an associate proceeding being adopted today the Commission is providing many additional channels in other frequency bands to accommodate other displaced private radio licensees.[8]

Technical Standards

Frequency stability

30. A frequency stability standard of ±0.001% for DTS nodal stations and ±0.003% for DTS user stations, operational-fixed point-to-point and narrow band common carrier stations was proposed in our *Further Notice*. At least one commenter supported a looser frequency stability standard indicating that the cost penalties of tightening the standard are significant and would not provide any operational advantages. There were others who felt that a much tighter standard than what was proposed should be considered. The Microwave Communications Products division of Hughes Aircraft Company recommended a ±0.0005% standard claiming that implementation need not have an undue economic impact on manufacturer or user. However, most commenters expressed agreement that our proposed standards represent reasonable values that may be achieved at low cost.

31. At this time we expect use of a crystal reference will probably be needed to stabilize the equipment oscillator to meet the proposed performance standards. Any tighter standard would probably require the use of an oven to further stablize the crystal. Although a tighter frequency stability standard is apparently achievable, we do not now wish to unnecessarily limit use of the 18 GHz band by placing an economically burdensome requirement on potential users. Accordingly, we are adopting herein the standards for frequency stability as proposed.

Spectrum efficiency

32. In the *Further Notice* we discussed the need to require spectrally efficient modulation techniques as a means of obtaining a more effective use of the spectrum. Because the state-of-the-art has advanced to make achievement of a modulation spectral efficiency of 1.0 (bps)/Hz possible below 18 GHz, we felt this standard might be feasible to achieve also at 18 GHz. However, the majority of comments received did not support an across-the-board adoption of a 1.0 (bps)/Hz standard for the 18 GHz band. Submitting the most cogent set of comments, Local Digital Distribution Company ("LDD") brought to our attention a number of technical factors

[7] *Report and Order* in Gen. Docket 80-603 adopted June 23, 1982, 47 Fed. Reg. 3155 (July 21, 1982).

[8] *First Report and Order* in Gen. Docket 82-334.

that were not considered in the drafting of our *Further Notice*. LDD indicated that a radio design capable of achieving 1 (bps)/Hz is dependent on the availability of low cost 18 GHz GaAs power FETS. As technology has not yet sufficiently developed, such devices are not now readily available. However, LDD predicts within a few years GaAs FETS will be manufactured in quantity at low cost. Alternatively, the use of TWT amplifiers at 18 GHz has not gained wide acceptance due to their greater physical size and higher cost. Another factor concerns the generation of ocillator noise which, at higher frequencies (in this case, 18 GHz), contributes significant interference [at relatively greater bandwidths] compared to lower frequencies (i.e. 10 GHz). As a consequence, it is more difficult to attain a 1 (bps)/Hz efficiency factor given these technological problems.

33. Although LDD requests we hold in abeyance the adoption of any technical standards at 18 GHz, we are compelled based on the needs established earlier to make available this spectrum for public use in implementing the most reasonable plan to increase utilization and efficiency. Accordingly, we are going forward with the technical standards and are choosing to adopt a spectral efficiency factor of 0.6 (bps)/Hz for an interim period of 5 years. Accordingly, a 1.0 (bps)/Hz factor will become effective December 1, 1988. Stations authorized before December 1, 1988 using equipment with a spectral efficiency factor of 0.6 (bps)/Hz will be permitted to continue operating for an indefinite period of time. Adoption of these factors, we believe, will encourage the largest number of possible users to gain access to relatively virgin spectrum with minimal economic impact.

Antenna standards

34. Although we did not propose any changes to the current radiation suppression standards, we received several comments requesting a relaxation of these standards. At the present time, the main lobe of a fixed station's antenna (other than temporary fixed, Digital Termination Nodal Stations and Digital Termination User Stations), in areas not subjected to frequency congestion is required to have a minimum power gain of 38 dbi on frequencies above 5 GHz. M/A–COM claims that this standard should be eased to 36 or 37 dbi to permit the use of 2-foot parabolic dishes at 18 GHz. It contends that the surface tolerance requirements to achieve a 38 dbi power gain at that frequency prohibit the manufacture of a reasonably priced antenna. The Farinon Division of the Harris Corporation supported this view. Tymnet, Inc. and Microband Corporation of America, in their joint comments, suggested that the category B and standard B antennas be allowed without restriction by Digital Termination System users.[9] They pointed out that many users are reluctant to deploy category B or Standard B antennas as the Commission may require the replacement, at the licensee's expense, of any antenna system which does not meet the stricter category A or standard A performance upon a showing that such antenna causes or is likely to cause interference to any other authorized or proposed station which could be avoided by deployment of a category A or standard A antenna.

35. We are appreciative of Tymnet/Microband comments and agree that usage of category B and standard B antennas would definitely increase if there were no restrictions. However, because of increasing congestion of the radio frequency spectrum, it has become imperative to require the use of more directive antennas, particularly in areas of high usage. Although we recognize that this requirement mandates higher costs to the user, we must, of necessity, provide adequate interference protection in such congested areas through the implementation of standards that have been demonstrated to be in the greater public interest. As a consequence, we are not persuaded to revoke such requirements at this time.

36. To investigate the assertion that a category B or standard B antenna with a 2-foot diameter cannot be manufactured to meet the present requirements at a reasonable price, we contacted several manufacturers of antennas at 18 GHz. each one indicated it manufactures a 2 foot parabolic dish that exceeds all of the existing parameters. The price range of the antennas we surveyed was from $1430 to $1500. We also queried each manufacturer whether this price could be lowered if the required main lobe power gain were to be decreased to 36 dBi. Each responded that such reduction in gain would not influence its manufacturing costs and ultimate sale price. Accordingly, we conclude that the existing parameters for a standard B or category B antenna with a 2-foot diameter dish are reasonably obtainable. Therefore, we are maintaining the requirements as they presently appear in our Rules.

Other Issues

Cable

37. Several comments were received from parties representing cable television interests that said consideration should be given to their needs in this allocation proceeding. Comments indicated that the only band allocated to Cable Television Relay Service (CARS), 12.7–13.2 GHz, also shared by television auxiliary broadcast stations, is heavily congested in many metropolitan areas. Hughes Aircraft Company, Microwave Communications Products (Hughes-MCP), a major manufacturer and distributor of terrestrial microwave systems, requested that a segment of the 17.7–19.7 GHz band be set aside to accommodate 6 MHz bandwidth, vestigial sideband amplitude modulation (VSBAM) equipment. Hughes contends that such a 6 MHz channelization plan should be an adjunct to other channeling plans occupying the same allocation. Accordingly, each applicant would be able to choose whether to use conventional FM or VSBAM equipment depending on its needs, as is possible now in the 12.7–13.2 GHz band.[10] Hughes suggests that a minimum of 160 contiguous 6 MHz channels arranged in a fashion analogous to the present CARS channelization plan is needed particularly in the metropolitan areas. We acknowledge the concerns expressed by the commenters for an increased allocation for CARS. As we do not believe the allocation being adopted herein is able to support any further use such as suggested by Hughes, we are choosing to consider this request in Gen. Docket No. 82–334.[11]

Passive Sensors

38. In the *Further Notice* we pointed out that spectrum was allocated internationally at the World Administrative Radio Conference in 1979 (WARC–79) to provide for the operation of environmental passive sensors in the 18.6–18.8 GHz bands. In response, the Commission has proposed two footnotes in its implementation of WARC–79 which would restrict fixed

[9] Standard A and B antenna requirements are applicable to licensees under the Commission's Common Carrier Radio Service; whereas, category A and B refer to those under the Private Operational-Fixed Microwave Service.

[10] Hughes is the primary developer and manufacturer of such equipment. Under Part 78 of the Commission Rules, Cable Television Relay Service, a channeling plan consisting of 42 VSBAM channels is currently provided in the 12.7–13.2 GHz band. Other CARS channeling plans for 12.5 MHz and 25 MHz bandwidths for use by conventional FM Microwave Systems are also provided in the 12.7–13.2 GHz band.

[11] *Supra*, 8.

and mobile operation in the 18.6–18.8 GHz band.[12] These footnotes read as follows:

US254 In the band 18.6–18.8 GHz the fixed and mobile services shall be limited to maximum equivalent isotropically radiated power of +35 dBW and the power delivered to the antenna shall not exceed −3 dBW.

US255 In the band 18.6–18.8 GHz the fixed satellite service shall be limited to a power flux density at the Earth's surface of −101 dBW/M² in a 200 MHz band for all angles of arrival.

As we believe the adoption of these footnotes may take place within the coming year, it is prudent that applicants planning systems in this portion of the spectrum take into consideration the possible adoption of these proposed limitations

Existing Systems

39. The Farinon Division of Harris Corporation pointed out that the Commission had made no provision for relocation, compensation or grandfathering in respect to licensed stations now operating under the current channelization plan in the 18 GHz band. We admit this point was overlooked and have taken into account these systems in the Report and Order. A footnote to the Table of Frequency Allocations (Section 2.106 of the Commission's Rules) is added to "grandfather" all such systems on a co-equal basis for an indefinite time period.

Alaska

40. Alascom in its submission urged the Commission to leave questions regarding the provision of DEMS and DTS service for Alaska by non-common carriers for determination on individual applications in the light of the unique conditions that pertain in Alaska. As indicated in the *First Report and Order*,[13] we generally believe that Alaska should be treated no differently than the contiguous 48 states with the possible exception of MTS and WATS (see *MTS and WATS Market Structure Inquiry*, 81 FCC 2d 177 (1980)). *Also, see DHL Communications, Inc.*, File No. W-P-C 2000 (released Dec. 30, 1980); *See also Integration of Rates and Services*, 61 FCC 2d 380 (1976), *reconsideration*, 65 FCC 2d 324 (1977). We see no overall public interest benefit in establishing a different policy here. Accordingly, the action being taken in this *Order* will equally apply to Alaska as well as to the other areas under the jurisdiction of the Commission.

[12] *First Notice of Proposed Rule Making* in Gen. Docket 80-739, 48 Fed. Reg. 3790 (January 27, 1983).

[13] *Supra*, 2.

41. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need for and Purpose of the Rules

The Commission has concluded that an allocation at 18 GHz for Digital Termination Systems, a rechannelization of the 18.460–18.940 GHz band into smaller bandwidths, and allowing private DTS licensees to access channels at both 10.6 GHz and 18 GHz would enhance the public interest by providing increased opportunities for spectrum usage as well as by improving the efficiency of spectrum utilization.

II. Summary of issues raised by public comments in response to the initial regulatory flexibility analysis, Commission assessment, and changes made as a result

A. Issues raised

1. No issues or concerns were raised in response to the initial regulatory flexibility analysis.

B. Assessment

1. The Commission views the absence of specific claims of adverse impact with respect to its allocation proposals as indicative of their lack of potential for negative effects on small businesses. In actuality, we believe the actions taken herein will benefit many small businesses by allowing them access to spectrum previously set aside exclusively for common carriers.

C. Changes made as a result of such comments: None.

III. Significant Alternatives Considered and Rejected

The Commission's other alternatives were (1) not to allocate spectrum for DTS use and not to rechannelize the 18 GHz band or (2) to deny private access to DTS frequencies at 10.6 GHz due to the large number of common carrier applications on file. To deny the allocation would be to forego the beneficial objectives sought in this rule making. Similarly, to deny private access to DTS frequencies at 10.6 GHz would interfere with realization of the full potential and benefits the Commission desires by allowing different radio services in common frequency bands based on the similarity of the radio facilities employed and their electromagnetic compatibility.

Motion to Consolidate

42. The Hughes Aircraft Company, Microwave Communications Products ("Hughes-MCP"), filed on March 19, 1983, an item entitled *Motion to Consolidate or to Hold in Abeyance*. It requested that the Commission consolidate proceedings under the *Further Notice of Proposed Rulemaking* in Gen. Docket 79–188 with the proceedings in the *Notice of Proposed Rulemaking in Gen. Docket 82–334*. In the alternative, it requested that the Commission defer consideration and resolution of the issues raised in Gen. Docket No. 79–188 pending resolution of Gen. Docket No. 82–334. Hughes-MCP claims this latter docket effectively modifies the proposals contained in the *Further Notice of Proposed Rulemaking* in Gen. Docket 79–188. First, it states that a determination cannot be made as to the amount of spectrum to allocate for private-operational fixed service (POFS) use at 18 GHz without knowing through comments submitted in Gen. Docket 82–334 how much spectrum will be made available to POFS in other bands. Second, it argues that a channelization plan for the 18 GHz band cannot properly be developed without comprehensively considering the needs of all microwave users. Third, it claims the proposed channelization plan in Gen. Docket 79–188 does not take into consideration the impact of a number of technical rules being considered in Gen. Docket 82–334, such as minimum path length.

43. Comments supporting Hughes-MCP's *Motion* were filed by the Local Distribution Company ("LDD"), the New York Times Company ("The Times"), and the Farinon Division of the Harris Corporation ("Farinon"). While LDD recognizes a similarity in the issues in the two proceedings, it believes that a consolidation could result in delaying both proceedings. It is not opposed to a consolidation, but requests that the Commission not delay allocating frequencies for the Digital Electronic Message Service (DEMS). Since each proceeding addresses allocations and technical standards in the 18 GHz band, according to the Times, each should not be decided independently. Farinon supports a partial consolidation suggesting the Commission complete its action in Gen. Docket No. 79–188 and associate the results with the ultimate findings in Docket 82–334.

44. We agree with the comments that the reference dockets are related and we need to address the issues that are similar for the 18 GHz band. To consolidate the two dockets into a new, third docket, however, would further delay action. As an alternative, we are responding to the concerns of the petitioner and commenters by jointly considering the two proceedings together at the same Agenda meeting.

45. Accordingly, it is ordered, that pursuant to Sections 4(i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sec. 154(i), 302, and 303, the *Motion to Consolidate or to Hold in Abeyance* filed by the Hughes Aircraft Company, Microwave Communications Products is granted to the extent discussed above. Also, it is ordered, that the petition (designated by the Commission as RM–3497) submitted by Farinon Electric, a division of the Farinon Corporation, is granted to the extent discussed above.

46. Accordingly, it is ordered, That pursuant to the authority found in Section 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154(i), 301, 303(r)), Parts 2, 21, 74, and 94 of the Commission's Rules and Regulations are amended as specified in Appendix B. These amendments become effective November 1, 1983. It is further ordered that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

List of parties submitting comments in response to the Further Notice of Proposed Rule Making:

Aerospace and Flight Test Radio Coordinating Council
American Satellite Company
AT&T
American Transcommunication, Inc.
Central Committee on Telecommunications of the American Petroleum Institute
Citicorp
Contemporary Communications Corporation
County of Los Angeles
Cox Cable Communications, Inc.
Datapoint Corporation
Gill Industries
GTE Telenet
Harris Corporation-Farinon Division
Hughes Aircraft Company; Microwave Communications Products
ISA Communications Services, Inc.
Joint comments of Cable TV operators
Local Area Telecommunications, Inc.
Local Digital Distribution Company
M/A-COM, Incorporated
MCI
Rockwell International Corporation
Satellite Business Systems
Satellite Television Corporation
Southern Pacific Communications Company

Parties submitting Reply comments included the following:

Alascom, Inc.
Central Committee on Telecommunications of the American Petroleum Institute
Datapoint Corporation
GTE Telenet Communications Corporation
Harris Corporation-Farinon Division
Hughes Aircraft Company, Microwave Communications Products
ISA Communications Services, Inc.
Utilities Telecommunications Council

Loral Microwave submitted late comments received June 28, 1982.

Appendix B

Chapter I, Parts 2, 21, 74, and 94 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

In § 2.106, the Table of Frequency Allocation is amended for the frequency bands 10.55–10.68 GHz and 17.7–19.7 GHz in columns 7, 8, 9, 10, and 11 and a new footnote NG144 is added as follows:

FEDERAL COMMUNICATIONS COMMISSION

Band (GHz)	Service	Class of Station	Frequency	Nature of services of stations
7	8	9	10	11
*	*	*	*	*
10.5–10.55	* * *	* * *	* * *	* * *
10.55–10.565	Fixed	Fixed		Domestic public. Operational fixed.
10.565–10.615	Fixed	Fixed		Domestic public. Operational fixed. Digital Termination nodal stations.
10.615–10.63	Fixed	Fixed		Domestic public. Operational fixed.
10.63–10.68	Fixed	Fixed		Domestic public. Operational fixed Digital Termination user stations.
*	*	*	*	*
17.7 to 18.36 (NG140) (NG144).	* * *	* * *	* * *	* * *
18.36 to 18.46 (NG144).	Fixed. Fixed-satellite. Mobile.	Fixed. Space		Domestic public. Operational fixed. Digital Termination nodal stations.
18.46 to 18.94 (NG106) (NG144).	Fixed. Fixed-satellite. Mobile.	Fixed. Mobile. Space		Domestic fixed public. Operational fixed. Fixed-satellite. Aural studio-transmitter links and intercity relay broadcast.
18.94 to 19.04 (NG144).	Fixed. Fixed-satellite. Mobile.	Fixed. Space		Digital termination user stations. Fixed-satellite.

* * * * *

NG144 Stations authorized as of September 9, 1983 to use frequencies in the band 17.7–19.7 GHz may, upon proper application, continue to be authorized for such operation.

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE).

1. Section 21.101 is amended by revising the table for frequency tolerance in paragraph (a) for the frequency range "12,200–40,000 MHz" and adding a new footnote [5] to read as follows:

§ 21.101 Frequency tolerance.

(a) * * *

Frequency range (MHz)	Frequency tolerance (percent)		Mobile stations 3 watts or less [5]
	All fixed and base stations	Mobile stations over 3 watts	
12,200–18,360	0.03	0.03	0.03
18,360–18,460	0.001		
18,460–19,040 [5]	0.003		
19,040–40,000	0.03	0.03	0.03

[5] Existing type accepted equipment with a frequency tolerance of ±0.03% may be marketed until December 1, 1988. Equipment installed and operated prior to December 1, 1988 may continue to operate after that date with a minimum frequency tolerance of ±0.03%. However, the replacement of equipment requires that the ±0.003% tolerance be met.

2. Section 21.106 is amended by revising paragraphs (a)(3) (i) and (ii) to read as follows:

§ 21.106 Emission limitations.

(a) * * *

(3) * * *

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Electronic Message Service channel by more than 50 percent of the Digital Electronic Message Service channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band)

$$A = 50 + 0.12(F - 0.5B) + 10 \log_{10} N$$

(in the 17,700–19,700 MHz band)

$$A = 50 + 0.06(F - 0.5B) + 10 \log_{10} N$$

Where:

A = Attenuation (in decibels) below output power level contained within the Digital Electronic Message Service channel for a given polarization.

B = Bandwidth of Digital Electronic Message Service channel (in kHz).

F = Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the Digital Electronic Message Service channel (in kHz).

N = Number of active subchannels of the given polarization within the Digital Electronic Message Service channel.

(ii) In any 4 KHz band within the authorized Digital Electronic Message Service band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the frequency band 10,550–10,680 MHz) or 500 kHz (in the 17,700–19,700 MHz band) plus 50 percent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$$A = 80 + \text{Log}_{10} N \text{ decibels}$$

* * * * *

3. Section 21.108 is amended by revising that portion of paragraph (c) that appears before the table to read as follows:

§ 21.108 Directional antennas.

* * * * *

(c) Fixed stations (other than temporary fixed, Multipoint Distribution Service Stations, Digital Termination Nodal Stations and Digital Termination User Stations) operating at 2500 MHz or higher shall employ transmitting and receiving antennas meeting the appropriate performance Standard A indicated below, except that in areas not subjected to frequency congestion, antennas meeting performance Standard B may be used subject to the liabilities set forth in § 21.109(c). Additionally, the main lobe of each antenna operating below 5000 MHz shall have minimum power gain of 36 dBi over an isotropic antenna; at or above 5000 MHz the minimum gain shall be 38 dBi. Digital Termination User Station antennas operating in the 10,550–10,680 MHz band shall meet performance Standard B and have a minimum power gain of 34 dBi. The values indicated represent suppression required in the horizontal plane, without regard for the polarization plane of intended operation.

* * * * *

4. Section 21.122 is amended by adding paragraph (e) to read as follows:

§ 21.122 Microwave digital modulation.

* * * * *

(e) Microwave transmitters employing digital modulation techniques operating in the frequency band 18.36–19.04 GHz shall transmit at a bit rate, in bits per second, equal to or greater than the bandwidth specified by the emission designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

Note.—Paragraph (e) is effective December 1, 1988. Until that date, a minimum bit rate of 0.6 (bps)/Hz shall be permitted. Equipment installed and operated prior to December 1, 1988 may continue to operate after that date with a minimum bit rate of 0.6 (bps)/Hz. The replacement of equipment requires that the 1.0 (bps)/Hz be met.

5. Section 21.502 is amended by revising paragraph (a) and adding paragraphs (g) and (h) as follows:

§ 21.502 Frequencies.

(a) Each assignment in the 10,550–10,680 MHz band will be for either Extended network or for Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all DEMS applicants regardless of the size of any intended network an applicant chooses to construct. Assignments for Extended network operation will consist of a pair of 5 MHz channels as set out in paragraph (b) of this section plus internodal channels as set out in paragraph (d) of this section. Assignments for Limited network coverage will consist of a pair of 2.5 MHz channels as designated in paragraph (c) of this section plus internodal channels as set out in paragraph (d) of this section. Assignments in 17,700–19,700 MHz band will consist of a pair of 10 MHz channels as designated in paragraph (g) of this section plus internodal channels set out in paragraph (h) of this section. A Limited network applicant may apply for an additional channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial channel pair at or near the expected capacity.

Note.—(1) New applications for the assignment of channel nos. 4, 7, 9, and 19/20 in the 10,550–10,680 MHz band that have been reallocated for private DTS stations will not be accepted after September 9, 1983. Existing licensees, permittees and pending applicants are permitted to submit applications for renewal and for additional nodal and associated user stations within the SMSA for which they have applied or have been authorized for use.

(2) Applications for the assignment of frequencies in the 17,700–19,700 MHz band as indicated in subsection (g) will be accepted only for channels 6–A, 6–B, 7–A, 7–B, 8–A, 8–B, 9–A, 9–B, 10–A, and 10–B. Channel Nos. 1–A through 5–A and 1–B through 5–B are availabe for assignment to private DTS stations under Part 94 rules.

* * * * *

(g) Assignments in the 17,700–19,700 MHz band shall be made according to the following plan:

CHANNEL GROUP A

Channel No.	Frequency band limits MHz
6–A	18,410–18,420
7–A	18,420–18,430
8–A	18,430–18,440
9–A	18,440–18,450
10–A	18,450–18,460

CHANNEL GROUP B

Channel No.	Frequency band limits MHz
6–B	18,990–19,000
7–B	19,000–19,010
8–B	19,010–19,020
9–B	19,020–19,030
10–B	19,030–19,040

Each assignment will consist of one channel from Group A, used for the Digital Termination System Nodal Station transmitter, and one channel from Group B, used for the Digital Termination System User Station transmitter. These channels will be assigned in each SMSA starting with channel pair 6 and continuing numerically upward. These channel pairs may be subdivided as desired by the licensee.

(h) The band 18,460–18,940 MHz is available for assignment to Digital Termination Systems for internodal communications. As the band is also allocated to the Point-to-Point Microwave Radio Service (Subpart I of Part 21) and to Private Operational-fixed Microwave Service (Part 94), all applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d) and Subpart F of Part 94. Assignment in this

band shall be made according to the following frequency plan consisting of two-way channels, each 5 MHz wide:

PAIRED FREQUENCIES

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
18,642.5	18,882.5
18,647.5	18,887.5
18,652.5	18,892.5
18,657.5	18,897.5
18,662.5	18,902.5
18,667.5	18,907.5
18,672.5	18,912.5
18,677.5	18,917.5
18,682.5	18,922.5
18,687.5	18,927.5
18,692.5	18,932.5
18,697.5	18,937.5

6. Section 21.503 is amended by designating the present text as paragraph (a), by revising newly designated paragraph (a), and adding paragraph (b) to read as follows:

§ 21.503 Frequency stability.

(a) In the frequency band 10,550–10,680 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency stability of each Point-to-Point Microwave Rodio Station transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.0003%.

(b) In the frequency band 17,700–19,700 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.001%. The frequency stability of each Point-to-Point Microwave Radio Station Transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.003%.

7. Section 21.504 is amended by adding a new paragraph (d) to read as follows:

§ 21.504 Frequency interference.

* * * * *

(d) In addition a copy of the interference analysis submitted in response to paragraph (c)(1) of this section must be served on all applicants and/or grantees concerned within 5 days of its submission to the Commission.

8. Section 21.506 is amended by revising pargagrphs (a) and (b) and removing paragraphs (c) and (d) to read as follows:

§ 21.506 Transmitter power.

(a) For stations operating in the 10,550–10,680 MHz band, the following restrictions apply:

(1) The output power of a Digital Electronic Message Service nodal transmitter shall not exceed 0.5 watt per 250 kHz. Further, each application shall contain an analysis demonstrating compliance with § 21.107(a).

(2) The output power of a Digital Electronic Message Service user transmitter shall not exceed 0.04 watts per 250 kHz.

(3) The transmitter power in terms of the watts specified in this section is the peak envelope power of the emission measured at the associated antenna input port.

(4) Operating power shall not exceed the authorized power by more than ten (10) percent of the authorized power in watts at any time.

(b) For stations operating in the 17,700–19,700 MHz band the transmitter output power will be governed by § 21.107 of this rule part. Further, each application shall contain an analysis demonstrating compliance with § 21.107(a).

9. Section 21.701 is amended by revising the introductory text of paragraph (a); the table in paragraph (a) and footnote 10; by adding footnote 15 to the table in paragraph (a); and by revising paragraph (j). Paragraph (k) is redesignated as (l) and a new paragraph (k) is added as follows:

§ 21.701 Frequencies.

(a) Frequencies in the following bands are available for assignment to fixed radio stations in the Point-to-Point Microwave Radio Service:

2,110–2,130 MHz [1, 3, 7]
2,160–2,180 MHz [1, 2, 3]
3,700–4,200 MHz [5, 8]
5,925–6,425 MHz [5, 6, 8]
10,550–10,565 MHz [14]
10,615–10,630 MHz [14]
10,700–11,700 MHz [8, 9]
13,200–13,250 MHz [4]
17,700–18,360 MHz [5, 15]
18,460–18,940 MHz [5, 10, 14, 15]
19,040–19,700 MHz [5, 15]
21,200–22,000 MHz [4, 11, 13, 15]
22,000–23,600 MHz [4, 11, 12]
27,500–29,500 MHz [5]
31,000–31,200 MHz [4]
38,600–40,000 MHZ [4]

* * * * *

[10] The band segment 18,460–18,940 MHz is shared with operational-fixed stations and aural broadcast auxiliary and intercity relay stations. This band may be used for analog or digital modulation.

* * * * *

[15] Stations licensed as of September 9, 1983 to use frequencies in the 17.7–19.7 GHz band may, upon proper application, continue to be authorized for such operation.

(j) The bands 17,700–18,360 MHz and 19,040–19,700 MHz are available for assignment on the basis of the following frequency plan consisting of six two-way channels, each 220 MHZ wide ("V" indicates vertical polarization; "H" indicates horizontal polarization), designated channel group A and B:

CHANNEL GROUP A

Channel No.	Frequency band limits (MHz)
1-A	17,700–17,920 (V)
2-A	17,700–17,920 (H)
3-A	17,920–18,140 (V)
4-A	17,920–18,140 (H)
5-A	18,140–18,360 (V)
6-A	18,140–18,360 (H)

CHANNEL GROUP B

Channel No.	Frequency band limits (MHz)
1-B	19,480–19,700 (V)
2-B	19,480–19,700 (H)
3-B	19,260–19,480 (V)
4-B	19,260–19,480 (H)
5-B	19,040–19,260 (V)
6-B	19,040–19,260 (H)

(k) The 18,460–18,940 MHz band is available for assignment on the basis of the following frequency plans consisting of 12 two-way channels, each 20 MHz wide; 24 two-way channels, each 10 MHz wide; and 12 two-way channels, each 5 MHz wide.

(1) The frequency plan of the 12 two-way channels, each 20 MHz wide, is as follows:

Paired Frequencies

Transmit (or receive) (MHz)	Receive (or transmit) MHz)
18,470	18,710
18,490	18,730
18,510	18,750
18,530	18,770
18,550	18,790
18,570	18,810
18,590	18,830
18,610	18,850
18,630	18,870
18,650	18,890
18,670	18,910
18,690	18,930

(2) The frequency plan of the 24 two-way channels, each 10 MHz wide, is as follows:

Paired Frequencies

Transmit (or receive) (MHz)	Receive (or transmit) MHZ)
18,465	18,705
18,475	18,715
18,485	18,725
18,495	18,735
18,505	18,745
18,515	18,755
18,525	18,765
18,535	18,775
18,545	18,785
18,555	18,795
18,565	18,805
18,575	18,815
18,585	18,825
18,595	18,835
18,605	18,845
18,615	18,855

Paired Frequencies—Continued

Transmit (or receive) (MHz)	Receive (or transmit) MHZ)
18,625	18,865
18,635	18,875
18,645	18,885
18,655	18,895
18,665	18,905
18,675	18,915
18,685	18,925
18,695	18,935

(3) The frequency plan of the 12 two-way channels, each 5 MHz wide, is as follows:

Paired Frequencies

Transmit (or receive) (MHz)	Receive (or transmit) MHz)
18,642.5	18,882.5
18,647.5	18,887.5
18,652.5	18,892.5
18,657.5	18,897.5
18,662.5	18,902.5
18,667.5	18,907.5
18,672.5	18,912.5
18,677.5	18,917.5
18,682.5	18,922.5
18,687.5	18,927.5
18,692.5	18,932.5
18,697.5	18,937.5

10. Section 21.703 is amended by revising paragraph (g) as follows:

§ 21.703 Bandwidth and emission limitations.

* * * * *

(g) The maximum bandwidth authorized shall not exceed that reasonably necessary to provide the proposed service but in no event shall it exceed the limits set forth below:

Frequency band (MHz)	Maximum authorized bandwidth (MHz)
2,110 to 2,130	3.5
2,160 to 2,180	3.5
3,700 to 4,200	20.0
5,925 to 6,425	30.0
10,700 to 11,700	40.0
13,200 to 13,250	25.0
17,700 to 18,360	220.0
18,360 to 18,460	10.0
18,460 to 18,940	20.0
18,940 to 19,040	10.0
19,040 to 19,700	220.0
21,200 to 22,000	100.0
22,000 to 23,600	100.0
27,500 to 29,500	220.0
31,000 to 31,200	50.0
38,600 to 40,000	50.0

11. Section 21.901 is amended by adding new paragraph (e) as follows:

§ 21.901 Frequencies.

* * * * *

(e) Frequencies in the band 18.46–18.94 GHz are available for assignment to fixed stations in this service for a point-to-point return link from a subscriber's location to the MDS' transmitting location. As these frequencies are shared with the Point-to-Point Microwave Service, as well as several other services, the applicant is referred to Subpart I of Part 21 for rules governing operation in this band, 18.46–18.94 GHz.

12. Section 21.903 is amended by revising paragraph (a) to read as follows:

§ 21.903 Purpose and permissible service.

(a) Multipoint Distribution Service stations are generally intended to provide one-way radio transmission (usually in an omnidirectional pattern) of subscriber supplied information from a stationary transmitter to multiple receiving facilities located at fixed points designated by the subscriber. A point-to-point return radio link from the subscriber's location to the MDS' transmitting location may be authorized in this service on frequencies in the 18.46–18.94 GHz band. Rules governing such operation are contained in Subpart I of Part 21, the Point-to-Point Microwave Radio Service.

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In Section 74.502, paragraphs (b) and (c) are redesignated as (c) and (d), respectively and a new paragraph (b) is added as follows:

§ 74.502 Frequency assignment.

* * * * *

(b) The frequency bands 18.64–18.70 and 18.88–18.94 GHz are available for assignment to aural broadcast STL and intercity relay stations and are shared on a co-primary basis with stations in the Point-to-Point Microwave (Part 21), the Private-Operational Fixed Service (Part 94) and internodal stations used in connection with digital termination systems. The bands 18.64–18.70 and 18.88–18.94 GHz consist of 12 two-way channels, each 5 MHz wide.

PAIRED FREQUENCIES

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
18,642.5	18,882.5
18,647.5	18,887.5
18,652.5	18,892.5
18,657.5	18,897.5
18,662.5	18,902.5
18,667.5	18,907.5
18,672.5	18,912.5
18,677.5	18,917.5
18,682.5	18,922.5
18,687.5	18,927.5
18,692.5	18,932.5
18,697.5	18,937.5

Applicants may use either a two-way link or one frequency of a frequency pair for a one-way link and shall coordinate proposed operations pursuant to procedures required in Parts 21 and 94.

2. In § 74.534 the existing paragraph is designated as (a) and a new paragraph (b) is added as follows:

§ 74.534 Power Limitations.

* * * * *

(b) For the 18 GHz band the transmitter of an aural broadcast STL of an intercity relay station will be licensed with a power output not in excess of that necessary to render service and shall in no event exceed 10 watts.

3. In § 74.535 the phrase "For operation in the 947–952 MHz band:" is added at the beginning of paragraphs (a), (b), and (c); and new paragraphs (d), (e), and (f) are added as follows:

§ 74.535 Emission and bandwidth

(a) For operation in the 947–952 MHz band: * * *

(b) For operation in the 947–952 MHz band: * * *

(c) For operation in the 947–952 MHz band: * * *

(d) For operation in the 18 GHz band: Aural broadcast STL and intercity relay stations may be authorized to employ either digital or frequency modulation.

(e) For operation in the 18 GHz band: The mean power of emission shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) When using frequency modulation:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(iii) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least $43 + 10 \log_{10}$ (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(2) When using digital modulation:

(i) In any 1 MHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 11 decibels.

$A = 11 + 0.4 (P-50) + 10 \log 10^{B}$

Where:

A = Attenuation (in decibels) below the mean output power level.
P = Percent removed from the carrier frequency.
B = Authorized bandwidth in MHz.

(ii) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 + 10 $\log_{10}$ (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(f) For operation in the 18 GHz band: When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion require greater attenuation than specified above.

4. In § 74.536 the existing paragraph is designated as (a) and new paragraphs (b) and (c) is added as follows:

§ 74.536 Directional antenna required.

* * * * *

(b) An aural broadcast STL or intercity relay station operating in the 18 GHz band shall employ transmitting and receiving antennas meeting the appropriate performance Standard A indicated below, except, that in areas not subject to frequency congestion, antennas meeting performance Standard B may be used subject to paragraph (c) of this section. Additionally, the main lobe of each antenna shall have a minimum power gain of 38 dBi over an isotropic antenna. The values indicated represent the suppression required in the horizontal plane without regard for the polarization plane of intended operation.

Angle from center of main lobe	Minimum radiation suppression	
	Standard A (dB)	Standard B (dB)
5° up to, not including 10°	25	20
10° up to, not including 15°	29	24
15° up to, not including 20°	33	28
20° up to, not including 30°	36	32
30° up to, not including 100°	42	35
100° up to, not including 180°	55	36

(c) The Commission may require the replacement, at the licensee's expense, of any antenna or periscope antenna system of a permanent fixed station operating at 2500 MHz or higher which does not meet performance Standard A specified above upon a showing that said antenna causes or is likely to cause interference to (or receive interference from) any other authorized or proposed station whereas an antenna meeting performance Standard A is not likely to involve such interference.

5. A new § 74.550 is added to appear under the existing heading entitled *EQUIPMENT* to read as follows:

§ 74.550 Type acceptance.

Type acceptance is required by the Commission for all Aural broadcast STL and intercity station transmitters employed in the 18 GHz band. Requirements for obtaining type acceptance are contained in Subpart J of Part 2 of this chapter.

6. In § 74.561 the existing paragraph is designated (a) and a new paragraph (b) is added as follows:

§ 74.561 Frequency tolerance.

* * * * *

(b) For the 18 GHz band, the operating frequency of the transmitter shall be maintained within ±0.003% of the assigned frequency.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. Section 94.3 is amended by adding the following definitions in appropriate alphabetical order:

§ 94.3 Definitions.

* * * * *

Digital Termination Nodal Station—A fixed point-to-multipoint radio station in a Digital Termination System providing two-way communications with Digital Termination User Stations.

Digital Termination System—A fixed point-to-multipoint radio system consisting of Digital Termination Nodal Stations and their associated Digital Termination User Stations.

Digital Termination User Station—Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Digital Termination Nodal Station, and providing two-way digital communications with Digital Termination Nodal Station.

* * * * *

Extended Network—A group of interconnected Digital Termination Systems that provides service to users in at least 30 Standard Metropolitan Statistical Areas.

* * * * *

Internodal Link—The communications link between two point-to-point microwave radio stations used to provide two-way communications between Digital Termination Nodal Stations or to interconnect Digital Termination Systems to other communications media.

Limited Network—A group of interconnected Digital Termination Systems that provides service to users in fewer than 30 Standard Metropolitan Statistical Areas. A single Digital Termination System will be considered to be a Limited Network for frequency assignment purposes.

* * * * *

2. Section 94.9 is amended by adding paragraph (a)(5) and revising paragraph (b)(1) to read as follows:

§ 94.9 Permissibility of communications.

(a) * * *

(5) Communications on a commercial basis between the licensee and a customer, among different premises of a single eligible user, or from one eligible user to another as part of transmissions by Digital Termination Systems and associated internodal links on the frequencies provided for this purpose.

(b) * * *

(1) Rendition of a common carrier communications service, except stations carrying public correspondence associated with public coast stations licensed under Part 81 may continue in operation for the balance of the term of their licenses and for an additional five-year renewal term.

* * * * *

3. Section 94.15 is amended by adding paragraph (i) to read as follows:

§ 94.15 Policy governing the assignment of frequencies.

* * * * *

(i) Licensees and applicants for Digital Termination Systems will not be subject to the provisions of paragraphs (a) through (h) of this section. They shall comply with frequency assignment policies and procedures prescribed for Digital Termination Systems and associated internodal links in Subpart F of this Part and § 21.100(d) of this chapter.

4. The table in § 94.61 is amended by adding an entry for frequency band 10,550 to 10,680 MHz and by revising the entry for 18,360 to 19,040 MHz in paragraph (b), revising footnote (17), and by adding a new footnote (24) to read as follows:

§ 94.61 Applicability.

* * * * *

(b) Frequencies in the following bands are available for assignment to stations in the Private Operational-Fixed Microwave Service:

Frequency Band (MHz)	
* * * * *	
10,550 to 10,680	(24)
* * *	
18,360 to 18,460	(24)
18,460 to 18,940	(8), (10), (17), (21)
18,940 to 19,040	(24)

* * * * *

(17) Frequencies in this band are shared with (1) DTS internodal links, Point-to-Point Microwave Service stations and point-to-point return radio links for MDS stations under Part 21 rules and (2) aural broadcasts STL and intercity relay stations under Part 74 rules.

* * * * *

(24) Frequencies in this band are shared with the Common Carrier services for Digital Termination Systems. The channelization of this band is indicated in Section 94.189.

* * * * *

5. Section 94.63 is amended by revising paragraph (a) as follows:

§ 94.63 Interference protection criteria for operational fixed stations.

(a) Before filing an application for new or modified facilities under this part, the applicant must perform a frequency engineering analysis to assure that the proposed facilities will not cause interference to existing or previously applied-for stations in this service of a magnitude greater than that specified in the criteria set forth in paragraph (b) of this section, unless otherwise agreed to in accordance with § 94.15(b). In addition, when the proposed facilities are to be operated in the bands 10,550–10,680 MHz, 18,360–19,040 MHz, 21,200–21,800 MHz, 22,400–23,000 MHz, 31,000–31,200 MHz, or 38,600–40,000 MHz, applicants shall follow the prior coordination procedure specified in § 21.100(d) of this chapter or submit the interference analysis required by § 21.504 of this chapter where applicable as regards stations in the Domestic Public Radio Services and when the proposed facilities are to be operated in the bands 2655–2690 MHz or 12,500–12,700 MHz, applications shall also follow the procedures in § 21.706 (c) and (d) and the technical standards and requirements of Part 25 of this chapter as regards licensees in the Communication-Satellite Service. *See also* § 94.77.

* * * * *

6. Section 94.65 is amended by revising paragraph (i) and adding paragraphs (j) and (k) to read as follows:

§ 94.65 Frequencies.

* * * * *

(i) *10,550–10,680 MHz and 18,360–19,040 MHz.* Frequencies in the bands 10,550–10,680 MHz and 18,360–19,040 MHz authorized for Digital Termination Systems and associated internodal links are specified in Section 94.189. (Note, however, that stations authorized as of September 9, 1983 to use frequencies in the band 17.7–19.7 GHz may, upon proper application, continue to be authorized for such operation).

(j) *18,460–18,940 MHz*

(1) 20 MHz maximum bandwidth.

PAIRED FREQUENCIES

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
18,470	18,710
18,490	18,730
18,510	18,750
18,530	18,770
18,550	18,790
18,570	18,810
18,590	18,830
18,610	18,850
18,630	18,870
18,650	18,890
18,670	18,910
18,690	18,930

(2) 10 MHz maximum bandwidth.

PAIRED FREQUENCIES

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
18,465	18,705
18,475	18,715
18,485	18,725
18,495	18,735
18,505	18,745
18,515	18,755
18,525	18,765
18,535	18,775
18,545	18,785
18,555	18,795
18,565	18,805
18,575	18,815
18,585	18,825
18,595	18,835
18,605	18,845
18,615	18,855
18,625	18,865
18,635	18,875
18,645	18,885
18,655	18,895
18,665	18,905
18,675	18,915
18,685	18,925
18,695	18,935

(3) 5 MHz maximum bandwidth.

PAIRED FREQUENCIES

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
18,642.5	18,882.5
18,647.5	18,887.5
18,652.5	18,892.5
18,657.5	18,897.5
18,662.5	18,902.5
18,667.5	18,907.5
18,672.5	18,912.5
18,677.5	18,917.5
18,682.5	18,922.5
18,687.5	18,927.5
18,692.5	18,932.5
18,697.5	18,937.5

(k) Except as provided for in § 94.91 frequencies in bands authorized in § 94.61(b) above 21.2 GHz are not paired and will be specified as in the authorization.

7. Section 94.67(a) is amended by revising the table and adding a new footnote No. 7 and 8 to read as follows:

§ 94.67 Frequency tolerance.

* * * * *

Frequency band (MHz)	Tolerance as percentage of assigned frequency
928–929	0.0005
952–960 [1]	(5)
1850–1990	0.002
2130–2150	0.001
2150–2160	0.001
2180–2200	0.001
2450–2500	0.001
2500–2690	(2)
6525–6,875	0.005
10,550–10,680	(8)
12,200–12,700	[6] 0.005
12,700–18,360	[7] 0.03
18,360–18,460	0.001
18,460–19,040	[7] 0.003
19,040–40,000	[8] 0.03
Above 40,000	(4)

* * * * *

[1] Existing type accepted equipment with a frequency tolerance of ±0.03% may be marketed until December 1, 1988. Equipment installed and operated prior to December 1, 1988, may continue to operate after that date with a minimum frequency tolerance of ±0.03%. However, the replacement of equipment requires that the ±0.003% tolerance be met.

[6] Digital Termination System transmitters must maintain frequency tolerances in accord with Section 94.191 in this band.

* * * * *

8. Section 94.71 is amended by revising the introductory text of paragraph (b) and adding the frequency band "10,550–10,680 MHz". The band "18,360–19,040 MHz" is replaced by the bands "18,360–18460 MHz", "18,460–18,940 MHz" and "18,940–19,040 MHz". Also, a new paragraph (c)(3) is added as follows:

§ 94.71 Emission and bandwidth limitations.

* * * * *

(b) The maximum bandwidth that will be authorized per frequency assigned is as follows:

Frequency band (MHz)	Maximum authorized bandwidth (MHz [1])
* * * * *	
10,500–10,680	5
* * * * *	
18,360–18,460	10
18,460–18,940	20
18,940–19,040	10

* * * * *

(c) * * *

(3) For Digital Termination System channels and point-to-point microwave channels authorized for internodal communications:

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Termination System channel by more than 50 percent of Digital Termination system channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band) $A = 50 + 0.12[F-0.5B) + 10 \text{ Log}_{10}N$
(in the 17,700–19,700 MHz band) $A = 50 + 0.06[F-0.5B) + 10 \text{ Log}_{10}N$
Where:

A = Attenuation (in decibels) below mean output power level contained within the Digital Termination System channel for a given polarization.
B = Bandwidth of Digital Termination System channel (in kHz).
F = Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the Digital Termination System channel (in kHz).
N = Number of active subchannels of the given polarization within the Digital Termination System channel.

(ii) In any 4 kHz band within the authorized Digital Termination System band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band) plus 50 percent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$A = 80 + \text{Log}_{10}N$ decibels.

(iii) In any 4 kHz band the center frequency of which is outside the authorized Digital Termination System band: At least $43 + \text{Log}_{10}$ (mean output power in Watts) decibels.

* * * * *

9. Section 94.73 is amended by revising paragraph (a)(1) to add footnote 6 and by revising paragraph (a)(2) to add footnote 7 to read as follows:

§ 94.73 Power limitations

(a) * * *
(1)

Frequency band	Maximum transmitter output power (watts)
928–929 MHz	5.
952–960 MHz	20.[6]
1,850–6,875 MHz	20.
10,550–10,680 MHz	See footnote 6.
12,200–40,000 MHz	10.[6]
Above 40,000 MHz	As specified in authorization.

(2)

Frequency band	Maximum allowable—ERP[2] dbm
928–929 MHz	47.
952–960 MHz	70.[3]
1,850–2,690 MHz	75.[3,4]
6,525–40,000 MHz	80.[3,4,7]
Above 40,000 MHz	As specified in authorization.

* * * * *

* * *

[6] The output power of a Digital Termination System nodal transmitter shall not exceed 0.5 watts per 250 kHz. The output power of Digital Termination System user transmitter shall not exceed 0.04 watts per 250 kHz. The transmitter power in terms of the watts specified is the peak envelope power of the emission measured at the associated antenna input port.

[7] Except for Digital Termination Systems as provided in § 94.197.

§ 94.75 [Amended]

10. The table in § 94.75 is amended by revising the fourth element under the heading "Frequency band (megahertz)" to "10,550 to 12,700[3]," and by revising footnote 3 to read:

* * * * *

[3] Except as provided: in § 94.90, in § 94.199 for Digital Termination System antennas, and in § 21.108(c) for antennas employed at point-to-point stations in the 10,550–10,680 MHz band.

* * * * *

11. Section 94.94 is added to read as follows:

§ 94.94 Microwave digital modulation in the 10,550–10,680 MHz and 18,360–19,040 MHz bands

For transmitters operated in the 10,550–10,680 MHz and 18,360–19,040 MHz bands (including for Digital Termination Systems and point-to-point links) the bit rate, in bits per second, shall be equal to or greater than the bandwidth specified by the emission designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth of greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

Note.—Until December 1, 1988 a minimum bit rate of 0.6 (bps)/Hz shall be permitted for the 18,360–19,040 band. Equipment installed and operated prior to December 1, 1988 may continue to operate after that date with a minimum bit rate of 0.8 (bps)/Hz. The replacement of equipment requires that the 1.0 (bps)/Hz be met.

12. A new Subpart F of Part 94 on Digital Termination Systems is added to read as follows:

Subpart F—Digital Termination Systems

Sec.
94.181 Scope.
94.183 Permissible communications.
94.185 Applications.
94.187 Time in which station must be placed in operation.
94.189 Frequencies.
94.191 Frequency tolerance.
94.193 Interference.
94.195 Transmitter power.
94.197 Radiated power limitation in the 10,600–10,680 MHz band.
94.199 Antennas.

Authority: Secs. 4(i), 301, and 303(r), Communications Act of 1934 as amended (47 U.S.C. 154(i), 301, 303(r)).

§ 94.181 Scope.

Digital Termination Systems and associated internodal links are intended to provide for the exchange of digital information between fixed locations.

§ 94.183 Permissible communications.

Unless otherwise directed or conditioned in the applicable instrument of authorization, Digital Termination Systems and associated internodal links may be used to exchange any type of digital information consistent with the Commission's Rules.

§ 94.185 Applications.

(a) A separate application form must be filed for each Digital Termination System. When a set of related applications are filed to form a network of Digital Termination Systems, an exhibit must be included which contains a list of the Standard Metropolitan Statistical Areas (SMSA's) or service areas that will be served by the network and a proposed Digital Termination Nodal Station in the network. Applications proposing frequencies specified for Extended networks must contain at least 30 SMSA's

(b) all applicants for Digital Termination System frequencies must submit as part of the original application a detailed plan indicating how the bandwidth requested will be utilized. In particular the application must contain detailed descriptions of the modulation method, the channel time sharing method, any error detecting and/or correcting codes, any spatial frequency reuse system and the total data throughput capacity in each of the links in the system. Further, the application must include a separate analysis of the spectral efficiency including both information bits per unit bandwidth and the total bits per unit bandwidth.

(c) Only those applications which state an intent to provide interconnected service to users in at least 30 Standard Metropolitan Statistical Areas (SMSA's) within 60 months of the granting of the application will be eligible for assignment of any of the frequencies designated as Extended network frequencies in § 94.189(b). All other applications will be eligible for assignment of the frequencies designated for Limited network frequencies in § 94.189(c) or of the frequencies designated for all DTS applicants in § 94.189(g).

(d) Digital Termination Nodal Stations may be authorized only as a part of an intergrated communication system

wherein Digital Termination User Stations associated therewith also are licensed to the Digital Nodal Station licensee. Applications for Digital Nodal Station licenses should specify the maximum number of Digital Termination User Stations to be served by that nodal station. No separate authorization is required for Digital Termination User Stations.

§ 94.187 Time in which station must be placed in operation.

(a) For stations in an Extended network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 60 months thereafter as the latest time when all construction shall be completed and the station is ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensee must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

(b) For stations in a Limited network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 30 months thereafter as the latest time when all construction shall be completed and the stations ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensees must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

§ 94.189 Frequencies.

(a) Each assignment in the 10,550–10,680 MHz band will be for either Extended network or Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all applicants regardless of the size of the network that an applicant intends to construct.

(1) In the 10,550–10,680 MHz band, assignments for Extended network operations will consist of a pair of 5 MHz channels as set out in subsection (b) of this section plus internodal channels as set out in subsection (d) of this section. Assignment for Limited network operations will consist of a pair of 2.5 MHz channels as designated in subsection (c) plus internodal channels set out in subsection (d) of this section.

Note.—Application for the assignment of frequencies in the 10,550–10,680 MHz band will only be accepted for channel nos. 4, 7, 9, and 19/20. These channels are also used by common carrier licenses or are proposed for use by existing permittees and pending applications under common carrier rules in Part 21.

(2) In 17,700–19,700 MHz band, assignments will consist of a pair of 10 MHz channels as designated in subsection (g) of this section plus internodal channels set out in subsection (h) of this section.

Note.—Applications for the assignment of frequencies in the 17,700–19,700 MHz band will be accepted *only* for channels 1–A, 1–B, 2–A, 2–B, 3–A, 3–B, 4–A, 4–B, 5–A, and 5–B. Channel Nos. 6–A through 10–A and 6–B through 10–B are available for Common Carrier DTS stations under Part 21 rules.

(3) A Limited network applicant or an applicant for assignment in the 17,700–19,700 MHz band may simultaneously apply for more than one channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial channel pair at or near the expected capacity.

(b) Extended network assignments in the 10,550–10,680 MHz band shall be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
4–A (19/20)–A.	10,580–10,585 10,585–10,590	4–B (19/20)–B.	10,645–10,650 10,650–10,655

The channel from group A will be used for the Digital Termination Nodal Station transmitter and the channel from group B will be used for Digital Termination User Station Transmitters. The channel may be subdivided as desired by the licensee.

(c) Limited network assignments in the 10,550–10,680 MHz band shall be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
7–A	10,605.0–10,607.5	7–B	10,670.0–10,672.5
9–A	10,610.0–10,612.5	9–B	10,675.0–10,677.5

Each assignment will consist of one channel from Group A and the corresponding channel from Group B. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station transmitters. These channels may be subdivided as desired by the licensee.

(d) The bands 10,550–10,565 MHz and 10,615–10,630 MHz are available for internodal links and other point-to-point microwave facilities. Assignments in these bands will be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
11–A	10,550.0–10,552.5	11–B	10,615.0–10,617.5
12–A	10,552.5–10,555.0	12–B	10,617.5–10,620.0
13–A	10,555.0–10,557.5	13–B	10,620.0–10,622.5
14–A	10,557.5–10,560.0	14–B	10,622.5–10,625.0
15–A	10,560.0–10,561.25	15–B	10,625.0–10,626.25
16–A	10,561.25–10,562.5	16–B	10,626.25–10,627.5
17–A	10,562.5–10,563.75	17–B	10,627.5–10,628.75
18–A	10,563.75–10,565.0	18–B	10,628.75–10,630.0

The assignment of these channels will be in accord with the demonstrated requirement of the applicant. All applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d). Channels 11–14 will be assigned to Extended network licensees and Channels 15–18 will be assigned to Limited network licensees.

(e) The bands 10,585–10,600 MHz and 10,650–10,665 MHz will be available for Extended network applicants when all the available Extended network channels have been assigned or when applications have been accepted for all available Extended network channels. These bands will be available for Limited network applicants only after April 16, 1986. Assignments in these bands will be according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
21–A	10,590.0–10,592.5	21–B	10,655.0–10,657.5
22–A	10,592.5–10,595.0	22–B	10,657.5–10,660.0
23–A	10,595.0–10,597.5	23–B	10,660.0–10,662.5
24–A	10,597.5–10,600.0	24–B	10,662.5–10,665.0

(1) An Extended network licensee will be assigned one pair of channels from Group A and the corresponding pair of channels from Group B. These channels may be adjacent, if available as such. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station transmitters. Each pair of channels if adjacent may be used as a single channel by all Extended

network licensees. Extended network assignments will start with Channels 19 and 20 and continue numerically upward.

(2) A Limited network licensee will be assigned one channel from Group A and the corresponding channel from Group B. The channel from Group A is to be used for a Digital Termination Nodal Station transmitter and the channel from Group B is to be used for a Digital Termination User Station transmitter. Limited network assignments will start at Channel 24 and proceed numerically downward.

(f) After April 16, 1986, all unassigned Extended network channels will be rechannelized into 2.5 MHz channels. This spectrum, plus any unassigned Limited network channels, will then become available to either Limited or Extended network applicants.

(g) Assignments in the 17,700–19,700 MHz band shall be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
1-A	18,360–18,370	1-B	18,940–18,950
2-A	18,370–18,380	2-B	18,9950–18,960
3-A	18,380–18,390	3-B	18,960–18,970
4-A	18,390–18,400	4-B	18,970–18,980
5-A	18,400–18,410	5-B	18,980–18,990

Each assignment will consist of one channel from Group A, used for the Digital Termination System Nodal Station transmitter, and one channel from Group B, used for the Digital Termination System User Station transmitters. These channels will be assigned in each SMSA starting with Channel pair 1 and continuing numerically upward to channel pair 5. These channel pairs may be subdivided as desired by the licensee. (h) The band 18,460–18,940 MHz is available for assignment to Digital Termination systems for internodal communications. As the band is also allocated to the Point-to-Point Microwave Radio Service (Subpart I of Part 21) and to Private Operational-fixed Microwave Service (Part 94), all applicants for these channels shall follow the frequency coordination procedures of § 21.100(d) and Part 94. Assignments in this band shall be made according to the following frequency plan consisting of two-way channels, each 5 MHz wide:

PAIRED FREQUENCIES

Transmit (or receive)	Receive (or transmit)
MHz	MHz
18,642.5	18,882.5
18,647.5	18,887.5

PAIRED FREQUENCIES—Continued

Transmit (or receive)	Receive (or transmit)
18,652.5	18,892.5
18,657.5	18,897.5
18,662.5	18,902.5
18,667.5	18,907.5
18,672.5	18,912.5
18,677.5	18,917.5
18,682.5	18,922.5
18,687.5	18,927.5
18,692.5	18,932.5
18,697.5	18,937.5

§ 94.191 Frequency tolerance.

(a) In the frequency band 10,550–10,680 MHz the frequency tolerance of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency tolerance of each point-to-point operational-fixed transmitter and each Digital Termination User Station transmitter operated in the frequency band 10,550–10,680 MHz shall be ±0.0003%.

(b) In the frequency band 17,000–19,700 MHz, the frequency stability tolerance of each Digital Termination Nodal Station transmitter authorization this service shall be ±0.001%. The frequency tolerance of each point-to-point fixed transmitter and each Digital Termination User station transmitter in this band shall be ±0.003%.

§ 94.193 Interference.

(a) All harmful interference to other users and blocking of adjacent channel use in the same city and co-channel use in nearby Standard Metropolitan Statistical Areas is prohibited. In areas where SMSA's are in close proximity, careful consideration should be given to minimum power requirements and to the location, height, and radiation patten of the transmitter antenna. Licensees, permittees and applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

(b) As a condition for use of frequencies in this subpart each applicant is required to:

(1) engineer the system to be reasonably compatible with adjacent channel operations in the same city; and

(2) cooperate fully and in good faith to resolve whatever potential interference and transmission security problems may be present in adjacent channel operation.

(c) The following interference studies, as appropriate, shall be included with each application for a new or major modification in a Digital Termination Nodal Station:

(1) an analysis of the potential for harmful interference with other stations if the coordinates of any proposed station are located within 80 kilometers (50 miles) of the coordinates of any authorized, or previously proposed station(s) that utilizes, or would utilize, the same frequency or an adjacent potentially interfering frequency; and

(2) an analysis concerning possible adverse impact upon Canadian communications if the station's transmitting antenna is to be located within 55 kilometers (35 miles) of the Canadian border.

(d) In addition a copy of the interference analysis submitted in response to paragraph (c)(1) of this section must be served on all applicants and/or grantees concerned within 5 days of its submission to the Commission.

§ 94.195 Transmitter power.

(a) For stations operating in the 10,550—10,680 MHz band, the following restrictions apply:

(1) The output power of a Digital Termination Nodal Station transmitter shall not exceed 0.5 watt per 250 kHz. Further each application shall contain an analysis demonstrating compliance with §94.73(a).

(2) The output power of a Digital Termination User Station transmitter shall not exceed 0.04 watts per 250 kHz.

(3) The transmitter power in terms of the watts specified in this Section is the peak envelope power of the emission measured at the associated antenna input port.

(4) Operating power shall not exceed the authorized power by more than ten (10) percent of the authorized power in watts at any time.

(b) For stations operating in the 17,700–19,700 MHz band the transmitter output power will be governed by § 94.73(a) of this rule part. Further, each application shall contain an analysis demonstrating compliance with § 94.73(a).

§ 94.197 Radiated power limitation in the 10,600–10,680 MHz band.

The effective isotropic radiated power (EIRP) of stations in the 10,600–10,680 MHz band cannot exceed the following limits: (1) Digital Termination Stations: + 40 dBW. (2) Point-to-Point Microwave Stations used for internodal communications: = 40 dBW.

§ 94.199 Antennas.

(a) Nodal transmitting antennas may be omnidirectional or directional, consistent with coverage and interference requirements.

(b) The use of horizontal or vertical plane wave polarization, or right hand or left hand rotating elliptical polarization must be used to minimize harmful interference between stations.

(c) Directive antennas shall be used at all Digital Termination User Stations and shall be elevated no higher than necessary to assure adequate service. The Digital Termination User Station antennas shall meet the performance standards as specified in § 21.108(c) and have a minimum power gain of (1) 34 dBi in the 10,550–10,680 MHz band and (2) 38 dBi in the 17,700–19,700 MHz band. User antenna heights shall not exceed the height criteria of Part 17 of this chapter, unless authorization for use of a specific maximum antenna height (above ground and above sea level) for each location has been obtained from the Commission prior to the erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (*See* Part 17 of this chapter concerning the construction, marking and lighting of antenna structures).

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Proposed Rules

Federal Register
Vol. 48, No. 212
Tuesday, November 1, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 330 and 337

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 564

Brokered Deposits

AGENCIES: Federal Deposit Insurance Corporation and Federal Home Loan Bank Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") and the Federal Home Loan Bank Board ("Board") (as operating head of the Federal Savings and Loan Insurance Corporation) ("FSLIC") are interested in receiving comments on certain deposit-placement activities in the depository institutions industry. The FDIC and the Board are concerned that a growing dollar amount of brokered and brokered-type deposits is being placed in fully insured accounts at FDIC- or FSLIC-insured institutions ("insured institutions") without an adequate analysis of the managerial strength and financial stability of the insured institutions. The concern is that this lack of analysis facilitates a flow of funds into financially unstable or managerially poor depository institutions. The FDIC and the Board are seeking comment on the extent to which these practices exist and on whether or how to deal with these practices through either limiting the insurance coverage afforded in connection with these deposits or restricting the receipt of such funds by insured institutions.

Additionally, both agencies suspect that the multiple insurance coverage afforded in relation to pension and other custodial deposits also fails to encourage market and institution analyses in the placement of these deposits. Currently, the regulations of both the FDIC and the FSLIC provide that each beneficial owner of such accounts is insured up to $100,000. The Advance Notice also seeks comments regarding whether insurance on these accounts should be limited.

DATE: Comments must be received by November 28, 1983.

ADDRESSES: Comments should be directed to:

Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be delivered to Room 6108 on weekdays between 8:30 a.m. and 5:30 p.m.

Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be publicly available at this address.

FOR FURTHER INFORMATION CONTACT: Joseph A. DiNuzzo, Senior Attorney, Legal Division, (202) 389-4171, Room 4126B, 550 17th Street, NW., Washington, D.C 20429, Federal Deposit Insurance Corporation; or Robert H. Ledig, Attorney, (202) 377-7057, Office of General Counsel, 1700 G Street, NW., Washington, D.C. 20552, Federal Home Loan Bank Board.

SUPPLEMENTARY INFORMATION: The FDIC and the Board are concerned that the increased activity of deposit brokers and the emergence of innovative arrangements for the placement of deposits may disrupt market discipline by eliminating the need for risk-sharing by large depositors. These arrangements facilitate the placement of deposits with insured institutions within the insured amount regardless of the institutions' lending practices and financial soundness. Examples of existing brokering and brokering-type activities are as follows:

(1) *Simple Brokering.* The straight brokering of deposits to insured institutions operates in two basic ways. The money broker, acting on its own or at the request of an institution or institutions, solicits deposits from its customers. Under the first method, the interested customer sends funds directly to the institution which has been given prior notice by the broker of the impending purchase. Under the second method, the broker itself transfers the customer's funds to the institution and has the deposit registered at the institution in its name as nominee or agent for the customer. In turn, the broker maintains records reflecting the ownership interest of each customer in the deposit. According to current FDIC and FSLIC regulations, the broker's customers would each be insured on an individual basis under either brokering method. Secion 330.2(a) of the FDIC's regulations and § 564.3(a) of the FSLIC's regulations provide that deposits placed by an individual at an insured institution are insured up to $100,000. 12 CFR 330.2(a), 564.3(a). Sections 330.2(b) and 564.2(b) provide that deposits placed by an agent or nominee on behalf of an individual are insured as funds of the individual to $100,000 in the aggregate with any other deposits maintained by that same individual in his or her own capacity at the same institution. 12 CFR 330.2(a), 564.3(b). In order for this insurance coverage to be provided, however, the records of the institution must indicate that the deposits are being held in an agency capacity and the records of either the institution or the agent must indicate the ownership interest of the principal(s). 12 CFR 330.1, 564.2(b).

(2) *CD Participations.* Some brokers engage in the practice of "participating certificates of deposit to their customers. Under this arrangement a broker-dealer purchases a certificate of deposit issued by an insured institution and sells interests in it to customers. Upon sale of the participations in the deposit to its customer, the broker so informs the issuing institution and requests that the deposits be registered in its own name as nominee for others. The broker's records, in turn, reflect the ownership interest of each customer in the deposit. A CD participation program results in a "flow-through" of insurance coverage to each owner of the deposit. The ownership interest of each participant in the deposit is added to the individually owned deposits held by the participant at the same institution and the total is insured to a maximum of $100,000, provided the proper recordkeeping requirements are maintained. 12 CFR 330.2(b), 330.1(b), 564.3(b) & 564.2(b).

(3) *Deposit-Listing Services.* Deposit-listing services have been formed to facilitate the placing of deposits with insured institutions. Institutions call the listing service and state the quantities, rates and maturities of deposits they wish to offer. Purchasers phone the

listing service to obtain information on available deposits. An agent of the institution delivers the bearer-form deposit certificate to the purchaser's custodial agent subject to receipt of payment and the proceeds are forwarded to the institution. The insurance coverage regulations applicable in a typical principal/agent situation apply in this context. Each customer is insured to $100,000 per insured institution in which he or she has placed a deposit through the deposit-listing service. 12 CFR 330.2(b) & 564.3(b). For purposes of determining insurance coverage per institution, this amount includes any other deposits owned by the customer in the same capacity at each of the institutions.

The FDIC and the Board are concerned that the above-described deposit-placement practices enable virtually all institutions to attract large volumes of funds from outside their natural market area irrespective of the institutions' managerial and financial characteristics. The ability to obtain *de facto* one-hundred-percent deposit insurance through the parceling of funds eliminates the need for the depositor to analyze institutions' likelihood of continued financial viability. The availability of these funds to all institutions, irrespective of financial and managerial soundness, reduces market discipline. Although deposit brokering can provide a helpful source of liquidity to institutions, the practices described above make it possible for poorly-managed institutions to continue operating beyond the time at which natural market forces would have otherwise precipitated their failure. This impediment to natural market forces results in increased costs to the FDIC and the FSLIC in the form of either greater insurance payments or higher assistance expenditures if the institutions are subsequently closed because of insolvency.

The FDIC and the Board are also concerned about the statutory and regulatory provisions which afford multiple insurance coverage in connection with pension fund and other custodial deposits. Part 330 of the FDIC's regulations (12 CFR Part 330) and Part 564 of the FSLIC's regulations (12 CFR Part 564) provide, subject to recordkeeping and qualifying requirements, that deposits consisting of funds in which more than one individual has a beneficial interest are insured up to $100,000 per beneficiary or owner. The most typical of these situations is the deposit account maintained by the trustee of a pension plan. There a $1,000,000 deposit, for example, would be fully insured if ten participants in the plan each had an ascertainable interest in the deposited funds of $100,000. As with the other types of deposits described above, the "flow-through" insurance coverage (*i.e.*, the insurance "flows through" the trustee or agent to the beneficial owner(s) of the account) afforded in connection with trusteed or custodial accounts is effective irrespective of the managerial or financial characteristics of the institution in question, so long as it is insured. Trustees and custodians normally limit deposits in each insured institution in order to keep within the insurance limits of FDIC and FSLIC coverage. The FDIC and the Board are concerned that this provision of multiple insurance undermines market discipline by relieving fiduciaries of their normal obligation to ascertain the soundness of an institution in which they place funds. It is not the FDIC's or Board's intention to shift the risk of loss to the beneficiaries of trusteed or custodial accounts; rather, it is hoped that fiduciaries will be held to a higher standard of care in the placement of such funds.

In order to obtain comments on the matters set forth above, the FDIC and the Board are posing the following questions. Those commenting are also welcome to address related issues not included within the questions. The FDIC notes that, in soliciting comments on a possible revamping of the FDIC insurance coverage regulations, it is not questioning the legality of its current regulation. The agencies intend to consider all possible avenues available for remedying existing industry practices which may have a negative effect upon depository institutions and produce increased costs to the insurance funds as well as to the public. The questions are as follows:

1. Is the reduction in "market discipline" resulting from either brokerage activity or multiple insurance coverage of pension fund and other custodial deposits significant enough to warrant regulatory or legislative action? Why?

2. How should "deposit broker" and "deposit-brokerage activity" be defined?

3. Should the FDIC and the Board take any steps to limit the placement of deposits in insured institutions by a third-party intermediary? Why?

4. Should the FDIC and the Board amend their deposit insurance regulations to limit insurance coverage relative to deposits placed in an insured institution through any of the deposit-placement alternatives noted above or by any other method? Why and in what way?

5. Should the FDIC and the Board request that Congress amend the applicable provisions of the Federal Deposit Insurance Act (12 U.S.C. §§ 1811-31d) and the title IV of the National Housing Act (12 U.S.C. §§ 1724-30) to limit insurance coverage relative to deposits placed in an insured institution through any of the deposit-placement alternatives noted above or by any other method? Why and in what way?

6. Part 337 of the FDIC's regulations (12 CFR Part 337) prohibits certain prescribed activities which are deemed inherently unsafe or unsound banking practices. The Board similarly limits or prohibits certain transactions because they are potentially inconsistent with safe and sound operations. 12 CFR 563.34, 536.41, 563.43. Should the receipt of funds by an insured institution through a deposit-placement arrangement similar to the ones noted above be included within the prohibited activities in Part 337 and §§ 563.34, 563.41, and 563.43? Why?

7. Alternatively, should the FDIC and the Board either prohibit or limit the receipt of brokered deposits only by institutions experiencing financial or managerial problems by deeming such a practice to be inherently unsafe or unsound? Why?

8. Should the FDIC and the Board impose special reporting requirements on: (1) institutions whose deposits consist of a significant percentage of funds placed through intermediaries and/or (2) institutions which are experiencing financial or managerial problems? Why? What should be deemed a significant amount?

9. Should the FDIC require that each bank involved in an FDIC-related enforcement action or memorandum of understanding on certain of the bank's activities obtain approval from the FDIC for deposits placed through intermediaries, and similarly, should the Board require each FSLIC-insured institution covered by a supervisory agreement to obtain such approval from the Board? Why?

10. Should the FDIC and the Board request that Congress enact legislation to require deposit-placement firms to register with the FDIC and the Board and/or report on a regular basis the institutions to which they are channeling investors' funds and the dollar amounts involved? Why?

11. Should the FDIC and the Board request that Congress enact legislation requiring brokers engaged in the placement of deposits at insured

institutions to be registered with the Securities Exchange Commission? Why?

12. Should the FDIC and the Board request that Congress enact legislation requiring that the involved deposit-placement firm share part of the costs ultimately incurred by the insurance fund where funds have been placed with an institution within a specified time (e.g. thirty days) prior to the institution's failure for purposes of exploiting the deposit insurance system?

13. To what extent would any of the proposed limitations or restrictions on deposit-brokerage activities affect the availability of funds for well-run institutions?

14. Should the FDIC and the Board take any steps to limit the multiple insurance coverage of deposits owned by more than one individual, such as pension-fund, trust, agency and escrow deposits? If so, should this be done by amending current FDIC and FSLIC regulations or by requesting that Congress amend the applicable provisions of the Federal Deposit Insurance Act (12 U.S.C. 1811–31d) and title IV of the National Housing Act (12 U.S.C. 1724–30)? Why? To what extent would this shift the risk of loss to the beneficaries of such accounts as opposed to the fiduciaries?

15. To what extent has the placement of brokered funds been subject to a corresponding commitment to enter into a loan agreement with persons affiliated with or represented by a broker? Should such tie-ins be restricted or prohibited?

16. To what extent does the use of direct, nationwide advertising by insured institutions present problems similar to those arising from the acquisiton of brokered funds? To what extent could such practices serve as substitute for raising funds through the use of brokers?

17. Should the Board require FSLIC-insured institutions to establish additional reserves for liabilities secured through brokers? Should such a requirement be limited to institutions whose net worth falls below a specified level?

18. Should the FDIC and the Board afford different treatment to short term (one year or less) and long term brokered deposits? Why?

19 What effect does the use of brokered funds have on the cost of funds of institutions which use them and on the cost of funds for institutions in general?

List of Subjects

12 CFR Part 330

Bank deposit insurance, Banks, banking.

12 CFR Part 337

Banks, banking.

12 CFR Part 564

Savings and loan associations.

By order of the Board of Directors, October 24, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-29507 Filed 10-31-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-35-AD]

Airworthiness Directives; Pilatus Aircraft, Ltd., and Fairchild-Hiller PC-6 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This action supplements a notice proposing to adopt a new Airworthiness Directive (AD), applicable to Pilatus Aircraft, Ltd., PC-6 series (Up to Serial Number 815) airplanes manufactured in Switzerland. The notice, which would require replacement of the aileron/flap mount attachment fittings to prevent failure of these fittings and resultant loss of an aileron, was published in the **Federal Register** on April 11, 1983 (48 FR 15480, 15481). The FAA has now determined that the condition addressed by the notice may also exist on PC-6 series airplanes built by Fairchild-Hiller. Therefore the notice, as supplemented, includes these airplanes.

DATES: Comments must be received on or before December 5, 1983.

Proposed Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Aircraft, Ltd., Service Bulletin No. 138, dated December 1982, applicable to this AD may be obtained from Pilatus Aircraft, Ltd., C#6370—Stans, Switzerland, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-35-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or H. Belderok, Foreign FAR 23 Section, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this supplemental notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Supplemental Notice of Proposed Rulemaking by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-35-AD, Room 1558, 601 East 12th Street Kansas City, Missouri 64106.

Discussion: The manufacurer received two reports of fatigue cracks being found in the angle brackets which attach the aileron/flap mountings on Pilatus Aircraft, Ltd., PC-6 series airplanes. In one instance, the bracket failed, resulting in loss of an aileron. As a result, Pilatus Aircraft, Ltd., issued Service Bulletin No. 138 which requires replacement of aileron/flap mount attachment fittings. The Federal Office for Civil Aviation (FOA), who has the responsibility and authority to maintain the continuing airworthiness of these airplanes in Switzerland, classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Swiss registration, this

action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the FOA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA examined the available information related to the issuance of Service Bulletin No. 138 and the mandatory classification of this Service Bulletin as an Airworthiness Directive by the FOA and issued a Notice of Proposed Rulemaking (48 FR 15480, 15481), which proposed replacement of the aileron/flap mount attachment fittings on Pilatus, Ltd., PC-6 series airplanes manufactured in Switzerland and certificated for operation in the United States. Subsequently, the FAA determined that the condition may also exist on Model PC-6 airplanes built in the United States by Fairchild-Hiller.

Based on the foregoing, the FAA believes that the condition addressed by Service Bulletin No. 138 is an unsafe condition that may exist on additional products of this type design certificated for operation in the United States. Consequently, the proposed AD, as supplemented, would require replacement of the aileron/flap mount attachment fitting on Pilatus Aircraft, Ltd., PC-6 series airplanes (up to Serial Number 815) and on Fairchild-Hiller PC-6 series airplanes (Serial Numbers 2001 through 2092).

There are approximately 12 U.S. registered airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $21,000 to the private sector.

List of Subjects in 14 CFR 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 3913 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Pilatus Aircraft, Ltd., and Fairchild-Hiller: Applies to PC-6 series airplanes manufactured by Pilatus Aircraft, Ltd. (up to Serial No. 815), and to Model PC-6 airplanes manufactured by Fairchild-Hiller (Serial Numbers 2001 through 2092) (all variants) certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the aileron support structure, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD for airplanes having more than 2,000 hours time-in-service, or, within the next 200 hours time-in-service, after the effective date of this AD, for airplanes have more than 1,000 hours but less than 2,000 hours time-in-service, or; within the next 300 hours time-in-service after the effective date of this AD, for airplanes having 1,000 or less hours time-in-service, replace the aileron/flap mount attachment fittings in accordance with Pilatus Service Bulletin No. 138 dated December 1982.

(b) Compliance time of this AD can be adjusted up 10 percent to allow accomplishing these modifications concurrent with other scheduled maintenance of the airplane.

(c) Airplanes may be flown under FAR 21.197 to a place where repairs can be made to this AD.

(d) Equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Section 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—For reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contracting the Rules Docket at the location identified under the caption **"ADDRESSES."**

Issued in Kansas City, Missouri, on October 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-29494 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146

Amendments To Revise Customs Form 7501 and To Replace Other Forms

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501 and the elimination of other forms.

In addition to containing all of the data elements necessary for the assessment of duty and collection of import statistics, the revised Customs Form 7501, the "Entry/Entry Summary," would replace the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"

2. Customs Forms 7502, 7502A, 7502B, 7502c, the "Warehouse or Rewarehouse Entry;"

3. Customs Form 5101, the "Entry Record;"

4. Customs Form 5119-A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced.) The serially numbered Customs Form 5119-A would be retained; and

5. Customs Form 7500, the "Appraisement Entry."

This document includes a draft of the revised Customs Form 7501 and instructions as well as proposed regulations changes. Customes requests public comments on each aspect.

The purpose of this proposal is to improve the procedures used by Customs for the entry of imported merchandise and the collection of statistics, and to reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected.

DATE: Comments must be received on or before January 3, 1984.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229. Comments relating to information collection aspects of the proposal may be addressed to the Commissioner of Customs, as noted above, and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Attention: Desk Officer for U.S. Customs Services.

FOR FURTHER INFORMATION CONTACT: Herbert H. Geller, Duty Assessment Division, (202-566-5307); Dale F. Snell, Jr., Program Management Staff, (202-566-5865); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95-410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 (the "Act"), made

significant changes in the Customs law relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79–221 in the **Federal Register** on August 9, 1979 (44 FR 46794).

Section 102 of the Act amended secton 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), by providing that entry shall be made by filing that documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provided that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation, either when entry is made, or at any time within 10 working day thereafter. Furthermore, section 102 provided for the issuance of regulations to ensure the accuracy and timeliness of statistics under the new entry procedures, particularly statistics with regard to the classification and value of imports.

One of the changes made by T.D. 79–221 involved the revised entry concept. The entry of imported merchandise is a 2-part process consisting of (1) filing the documentation necessary to determine whether merchandise may be released from Customs custody, and (2) filing the documentation which contains information for duty assessment and statistical purposes.

Section 141.0a(a), Customs Regulations (19 CFR 141.0a(a)), defines "entry" to mean that documentation required by § 142.3, Customs Regulations (19 CFR 142.3), to be filed with the appropriate Customs officer to secure the release of imported merchandise from Customs custody, or the act of filing that documentation. Section 141.0a(b), Customs Regulations (19 CFR 141.0a(b)), defines "entry summary" to mean any other documentation necessary to enable Customs to assess duties and collect statistics on imported merchandise, and determine whether other requirements of law or regulation are met.

Entry summary documentation is required to be filed within 10 working days after the "time of entry" as defined in § 141.68, Customs Regulations (19 CFR 141.68).

Section 142.3(a)(1), Customs Regulations (19 CFR 142.3(a)(1)), provides that the entry documentation required to secure the release of merchandise shall consist of Customs Form 3461 (also used currently as an application for special permit for immediate delivery), appropriately modified, or Customs Form 7533, appropriately modified, in place of Customs Form 3461 for merchandise imported from a contiguous country.

Section 142.11(a), Customs Regulations (19 CFR 142.11(a)), states that entry summary shall be on (1) Customs Form 7501 for both merchandise formally entered for consumption, and formally entered under a temporary importation bond; (2) Customs Form 3311 for merchandise which may be entered free of duty; and (3) Customs Form 7502 for warehouse entries.

Section 142.3(b), Customs Regulations (19 CFR 142.3(b)), provides that when the entry summary is filed at the time of entry, Customs Form 3461 or 7533 shall not be required, and Customs Form 7501, 7502, or 3311 shall serve as both the entry and entry summary documentation.

For merchandise entitled to be entered under an informal entry, Customs Form 5119–A, or Customs Form 7501, appropriately modified, may be used.

Under the regulations, various Customs forms may be used for the entry of imported merchandise depending upon the circumstances. However, in light of the changes in the entry procedures necessitated by the Act, Customs believes it would be beneficial to the importing community and the Government if Customs Form 7501 were revised to improve the procedures for entering imported merchandise and at the same time, eliminate other Customs forms. The revised form would be a critical element in achieving national uniformity in entry processing.

Furthermore, revising Customs Form 7501 and eliminating other forms would be consistent with the objectives of the "Paperwork Reduction Act of 1980" (Pub. L. 96–511, December 11, 1980). In this regard, this project would help assure that Customs collects only necessary information from the public and eliminates those burdens which are found to be unnecessary and wasteful.

Therefore, this document proposes to amend various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501, the "Entry/Entry Summary," and the elimination of the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"

2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"

3. Customs Form 5101, the "Entry Record;"

4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained. All references in the regulations to Customs Form 5119–A would mean the serially numbered form); and

5. Customs Form 7500, the "Appraisement Entry."

This document also includes a draft of the revised Customs Form 7501 (Attachment A to this document) and instructions explaining the use of this form (Attachment B to this document).

Comments are requested on (1) the proposed amendments to the Customs Regulations to reflect the use of the revised form and elimination of the current forms; (2) the format of revised Customs Form 7501 and instructions explaining the use of this form; and (3) the information collection aspects of the proposal.

Change to the regulations necessitated by enactment of Pub. L. 97–446 (January 12, 1983), relating to importers of record and consignees, will be the subject of a separate document. However, the declaration appearing on he front of Customs Form 7051 has been revised to conform to the new provisions of this statute.

Prior Studies

On May 23, 1979, Customs published a notice in the **Federal Register** requesting comments on a revised Customs Form 7501 (T.D. 79–144, 44 FR 29916). Based upon the comments received and Customs review, on October 4, 1982, Customs published in the **Federal Register** (47 FR 43717), a revised Customs Forms 7501 and instructions explaining the use of this form. Commenters had until December 3, 1982, to submit their comments. After review of the comments received, it became clear that extensive changes to the form were necessary and that another notice of proposed rulemaking with a revised Customs Form 7501 and instructions would have to be published.

Discussion of Comments on October 4, 1982, Notice General Comments

Comment: The two question relating to "assists" and "rebates" appearing on the reverse side of the form should be eliminated. The following reasons were provided:

(a) There is no statutory or regulatory authority for the requirement;

(b) The requirement will cause significant difficulty in the automated preparation of the form;

(c) This requirement reinstates certain provisions of Customs Form 5515;

(d) The response to the questions in the declaration can impede the filing of the Customs Form 7501;

(e) The questions involve legal interpretations and could interfere with broker-importer relationships;

(f) The information can be obtained upon request;

(g) The questions will cause confusion for multi-invoice entries;

(h) Customhouse brokers do not have first-hand knowledge of all the facts to enable them to answer the questions;

(i) The questions unjustly expose the preparer to the risk of penalties and drastic legal consequences;

(j) The questions are an unnecessary trap;

(k) The questions should be a part of invoice requirements;

(l) The declaration on the front of Customs Form 7501 is sufficient;

(m) The questions are redundant of present invoice requirements;

(n) The questions increase the burden on the public in contravention with the Paperwork Reduction Act and;

(o) The questions should be answered by the seller, shipper, or their agent.

Response: That portion of the nominal consignee, consignee or agent declaration, which appeared on the back of the form has been removed and combined with the declaration on the front of the form to decrease the difficulty in automated preparation of the form.

With regard to the other comments, Customs notes that section 484(a)(1)(B), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(1)(B), requires the filing of "such other documentation as is necessary to enable such officer to assess properly the duties on the merchandise, collect accurate statistics with respect to the merchandise, and determine whether any other applicable requirement of law (other than a requirement relating to release from Customs custody) is met." Customs believes that these questions do provide such information and that, because the importer of record is liable for both submitting the above information and for the payment of duties, he should be required to answer the questions contained in declaration. While many of the above objections may have some merit, these comments would be true with almost all the information required on Customs Form 7501. The practical answer to the brokers' concerns is that they should obtain the information necessary to answer these questions in the same manner they obtain the other data for Customs Form 7501. To include the substance of the questions in the declaration on Customs Form 7501 does not increase the reporting burden on the public in contravention of the Paperwork Reduction Act. Customs has determined to continue requiring that a declaration be made concerning rebate and assists.

Comments concerning the format:

(a) Paper size should be 8½" by 11";

(b) Bureau of Census copy should be beige instead of salmon for reproduction purposes;

(c) The Census copy should be 16 to 20 pound weight paper;

(d) A "blip" mark (½" by ½") should appear in a consistent place on the form; and

(e) The sequence of the entry package should be altered so the Census copy is near the top.

Response:

Customs notes:

(a) The paper size will remain 8½"x11";

(b) For reproduction purposes, the Census copy will be yellow;

(c) Paper weight, for privately printed forms, must be approved by Customs. A standard 16 pound paper weight will be encouraged.

(d) A "blip" mark on the Census copy would create an additional cost to Customs and importers producing their own forms, especially in a continuous mode; and

(e) The Census copy will appear as the 3rd sheet in the set.

Comment: Customs should allow additional data to be placed in the body of the form.

Response: The instructions indicate that when a box cannot contain the required data, the data should be shown in a designated location in the body of the form, or on an attached sheet.

Comment: The canary colored Internal Revenue Service copy should not be required; it merely adds a cost to forms printing.

Response: Customs agrees. The requirement for an additional copy of Customs Form 7501 for the Internal Revenue Service is removed.

Comment: The Paperwork Reduction Act notice should be placed on the reverse of the form.

Response: All printing on the reverse side has been eliminated to reduce printing costs. There is adequate space on the front for the notice.

Comment: The permit copy should be eliminated or Customs should allow use of a regular copy of Customs Form 7501 or 3461 in place of the permit copy.

Response: Customs agrees. Customs will allow a copy of the Customs Form 7501 annotated "Permit" to be used for this purpose.

Comment: The revision may be premature in view of Customs new Automated Broker Interface (ABI) and Automated Commercial System (ACS) programs.

Response: Customs has considered the requirements of ABI and ACS in this revision project. The form has been designed to emphasize compatibility with current and future Customs requirements.

Comment: Customs should retain Customs Form 5101 because its elimination will cause internal processing problems. Furthermore, it should be retained for accelerated drawback.

Response: Customs believes that elimination of Customs Form 5101 will cause no internal processing problems. The elimination has been and is being tested in certain Customs districts with excellent results. A copy of the Customs Form 7501 would be used for accelerated drawback or unitl appopriate drawback forms can be modified. Instructions appended to this document will indicate the appropriate data required when a Customs Form 7501 is filed with a drawback entry.

Comment: A horizontal format would be more beneficial than the current and proposed vertical format.

Response: Customs considered this approach. Designs employing a horizontal format were developed. However, this approach was rejected as being inadequate.

Visa Numbers:

Comment: For imports of textile and apparel products, Customs should collect visa number (a quantity control number assigned by foreign governments to foreign manufacturers) by line item for the following reasons:

(a) Seventy percent of textiles/apparel are exported by countries with visa arrangements.

(b) Lack of reporting causes costly disruptions to trade;

(c) Visa number reporting will avoid unnecessary quota openings and closings;

(d) Reporting visa numbers will avoid law suits;

(e) Reporting will reduce the volume of entry retrievals and;

(f) Reporting will improve the ability to investigate fraudulent shipments.

Response: Customs believes this comment is valid. Accordingly, for imports of textile and apparel products, Customs intends to collect the visa number on the revised Customs Form 7501 when published as a final rule. A location for a visa number on the revised Customs Form 7501 appended to this document is provided in Column 34D. The instructions appended to this document provide information on this requirement.

Comment: It would cost too much to reprogram computers for the revised Customs Form 7501.

Response: Customs acknowledges the expense to reprogram. However, the benefits to be derived, (e.g., fewer forms, uniformity, less burden hours), will be beneficial and cost effective for both the Government and the importing community.

Comment: No provision has been made in the body of the form for inclusion of a manifest number, description, and ultimate consignee's name and address for consolidated shipments.

Response: The information required for consolidated shipments may appear in the body of Customs Form 7501 or may be shown on an attachment.

Comment: The form should provide for more vertical space.

Response: Customs believes adequate space is provided to accommodate the average Customs entry (1.8 line items).

Comment: Customs should eliminate Customs Form 7523 and use revised Customs Form 7501 in its place.

Response: Possible elimination or modification of this form will be considered as a separate project.

Comment:

(a) Proposed § 141.61(e)(1)(ii)(C)(1) should be amended for consistent coding of "P", "C", & "E";

(b) The second sentence of proposed § 141.61(d)(4) should be deleted because it is confusing;

(c) Proposed § 144.11(c) should indicate where on Customs Form 7501 the information should be shown; and;

(d) The second sentence of proposed § 144.41(d) should read, "However, no entry bond shall be required * * *"

Response: Customs has revised the proposed regulations to reflect comments (a), (b), and (d) above. The instructions, rather than the regulations, provide the requested information for (c) above.

Comment: The form should be arranged for ease of data input or there should be a change in E510 (Customs computer format).

Response: The E510 format used by Customs for data transcription will be modified to accommodate the revised Customs Form 7501.

Comment: Will the Immediate Delivery Control (IDC), release system in Detroit be eliminated?

Response: The IDC release system will not be affected by this project.

Comment: The requirement for a minimum of 2 copies (broker and importer) should be eliminated.

Response: Customs agrees. The number of additional copies for use by a broker or importer should be at the option of those parties.

Comment: All statements on the reverse of Customs Form 7501 should be eliminated.

Response: Customs agrees. All data on the revised form appears on one side.

Comment: Customs should provide space on the top of the form for privately printed information such as preparer's name, address, and box number.

Response: Customs notes that privately printed names, etc., are permissible; however, space for this printing is, of necessity, limited.

Comment: Withdrawals from warehouse could be accomplished by using the revised Customs Form 7501.

Response: To use the revised Customs Form 7501 for warehouse withdrawals would require space for additional bond information, withdrawal amounts, balances, name of party withdrawing, and authorizations. Space is not adequate to permit these additions. Furthermore, use of the Customs Form 7501 for withdrawals could cause significant confusion.

Data Elements

Comment: Box 1.

The "Census Use Only" box is unecessary.

Response: Customs agrees and has removed this box from the revised form.

Comment: Box 2.

The broker and importer reference number should appear in this box.

Response: The box is reserved for use by a broker or importer for his own internal control number or code. Therefore, Customs does not wish to dictate use of this box. For clarification, this box is now entitled "Broker/Importer File No."

Comment: Box 3.

(a) This box should be aligned with boxes 2 through 8;

(b) Month-day-year order sequence should be the required format;

(c) Instructions should show acceptable formats; and

(d) WANDA format (Customs automated random batch system), should be required for labels only and not required to be printed on document.

Response: Customs agrees and has so revised the document.

Comment: Box 4.

(a) The entry code should be adequate without spelling out entry type;

(b) An entry code should be assigned to informal entries;

(c) Abbreviations for entry type should be allowed; and

(d) In the last sentence of the instructions for this box, "name" should be deleted and replaced by "code."

Response: Customs agrees with suggestions (a), (b), and (d). The code "O" will be used to designate an informal entry. Concerning suggestion (c), an abbriviation of the type of entry will not be necessary. The code alone will suffice.

Comment: Box 6.

Customs should require a 5 digit numeric code to include region designations required for antidumping and countervailing duty report.

Response: Customs automated systems require only the 4 digit port code to be input. Increasing this field to 5 digits would lead to an increased error rate in data transcription. Since the region code is required only for a small percent of entries, the benefit to be derived would not be significant.

Comment: Box 8.

This should be changed to "Bond Number", rather than "Bond Code".

Response: Customs agrees.

Comment: Box 9.

The box is not sufficient to accommodate a name and address. It should be increased by reducing box 10 "importer number".

Response: The form has been aligned to the U.S. Standard Master/United Nations Layout Key, so that space is now adequate. The U.N. Layout Key is the international basis for the standardization of documents.

Comment: Box 10.

In the instructions, 2 digit suffixes should be added to acceptable formats.

Response: Customs agrees.

Comment: Box 11.

"Ultimate consignee" should be further defined to cover situations such as duty included sales, drop shipments, several ultimate consignees, and trading companies. Customs should provide for additional ultimate consignees to be shown in box 30 in the body of the form with a "see below" designation in box 11.

Response: The ultimate consignee is adequately defined in the instructions. When adequate space is available in the body of the form, information that cannot be contained in an appropriate box may be "shown below" instead of on a supplemental sheet. However a supplemental sheet may be used if desired and *must* be used if placement of additional data in the body of revised Customs Form 7501 will render that data unclear.

Comment: The word "consolidated" should be allowed in this box in accordance with § 141.61(d)(2).

Response: Customs agrees.

Comment: Box 13.

This box should be combined with box 29. Also, the location data should

not be required for goods released on immediate delivery procedure.

Response: Customs agrees. On goods released on entry or immediate delivery, this box need not be completed.

Comment: Box 14.

There is a need for more data concerning containerized cargo, such as the need for origin and ultimate State destination in the United States. Container information should be shown as line item data and the term "containerized" should be defined. A single box in the header portion of the revised Customs Form 7501 will distort statistics on containerized cargo.

Response: The suggestions to report additional data concerning containerized cargo would place a new requirement on the importing public. To require additional data by line item and to show destination State of shipments after unlading at a port of entry would cause an excessive burden on those required to file a Customs Form 7501. However, Customs can appreciate the usefulness of this information to the transportation community, and therefore, a line has been provided in block 9 to record the two character state abbreviation utilized by the Postal Service.

Customs also has discussed this particular subject matter in the "Specific Request For Comments" portion of this document.

Comment: Box 15.

This box should be aligned under boxes 10 and 12. It was noted that this information previously has been transmitted on Customs Form 4811.

Response: Customs believes the location of this element on revised Customs Form 7501 is satisfactory. This information, transmitted via Customs Form 4811, appears on the Entry Record, Customs Form 5101. The information is necessary only when refunds, bills, and notices are to be sent to a party other than the importer of record.

Comment: Box 16.

The date of summary filing should not be required; it cannot be predetermined and the date is normally stamped by the entry unit. This box should be placed with the entry identification information.

Response: The entry summary date box is for Customs use only. The "Entry Summary Date" box has been placed adjacent to entry identification information.

Comment: Box 17.

The bill of lading or air waybill number should be the number of the international carrier, not a domestic carrier. No bill of lading number is available or needed for imports by rail or truck. "Box 17" should read "Box 17, if applicable."

Response: Customs agrees with these comments. The instructions will clarify these points.

Comment: Box 18.

(a) Customs should add to the instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, leave blank;"

(b) Allow for schedule K code (foreign port) and 2-digit province or state code (Canada and Mexico) assigned by Bureau of Census;

(c) For shipments arriving by air, no port of lading should be required, as it is not used;

(d) For transshipments through Canada or Mexico, there is no meaningful port of lading, and one should not be required;

(e) Align box 18 over box 30; and

(f) Add "see below" to be allowed (in instructions).

Response: Customs agrees with comments (a), (b), (c), and (d). Concerning comment (e), Customs disagrees because the suggested alignment would serve no useful purpose. Lastly, the instructions have been modified to allow additional information to appear in the body of the form when space permits.

Comment: Box 20.

(a) The question was raised whether the flag, registration, and flight number are required for air shipments;

(b) Standard airline abbreviations should be allowed; and

(c) Instructions should provide, "For merchandise entering the United States territory from a U.S. foreign trade zone, insert 'FTZ' followed by the 'FTZ number'."

Response: Customs notes that the data listed in (a) above is not now needed. Customs agrees with suggestions (b) and (c).

Comment: Box 21.

(a) Information may not be known at inland port;

(b) Information is not required on Customs Form 7512;

(c) Information is the same as that in box 20; and

(d) Add to instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, specify other."

Response: (a) and (b). Information concerning mode of transportation is normally available or easily obtained for imported goods and Customs Form 7512 does require carrier information; (c) The name of an importing carrier does not always reveal mode of transportation; and (d) as indicated in the instructions appended to this document, Customs has determined to leave this box blank rather than use the word "other."

Comment: Box 22.

This box should be, "M (mandatory), if applicable."

Response: This box is eliminated.

Comment: Box 23.

Customs should:

(a) Add to instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, leave blank;"

(b) Require full date in all instances (MMDDYY) for uniformity; and

(c) Include the date of export from the country of origin for those entries in which country of export differs from country of origin for the proper allocation of quotas.

Response: Customs agrees with comments (a) and (b). The date of export is defined in the instructions.

Comment: Box 24.

Customs should:

(a) Add to instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, leave blank;" and

(b) Provide the option to use the country code from schedule C–1.

Response: Customs agrees with the first suggestion. The country code, included in International Standard ISO 3166, will be acceptable; Country codes included in Schedule C–1 will not be acceptable.

Comment: Box 25.

Customs should (a) Add to the instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, leave blank;" and (b) Require the port of unlading in all instances and add an additional box for the summary filing port code.

Response: Customs agrees with the first suggestion. The U.S. port of unlading is required only for goods arriving by vessel or air. The port code where the entry summary is filed will be collected in box 5.

Comment: Box 26.

The current requirement is to name the delivering in-bond carrier.

Response: This box has been eliminated.

Comment: Box 27.

Customs should (a) Add to the instructions, "For merchandise entering the U.S. Customs territory from a U.S. foreign trade zone, leave blank;" and (b) Require uniform date for this box, i.e., MMDDYY format.

Response: Customs agrees with both suggestions.

Comment: Box 28.

Customs should amend instructions to allow "see below" in this box; and

remove "(/)" between "shipper" and "relation" in instructions.

Response: This box requirement is eliminated.

Comment: Box 29.

This box should be combined with "location of goods".

Response: Customs agrees.

Comment: Box 30.

(a) The field is too small for standard 30 character description;

(b) The requirement for a description should be eliminated;

(c) Column 30a should be divided to provide for a separate column for country of origin and gross weight;

(d) The total value of foreign trade zone goods should be shown at bottom of column 30 (per FTZ Manual Supplement);

(e) Box 30 should not be required for informal entry; and

(f) The description should follow the invoice description of the goods.

Response:

(a) Sufficient space has been provided for recording a standard 30 character description.

(b) A description will not be required on informal entries nor will it be required on entries prepared by computer systems that validate the TSUSA number. It will be required on all other entries.

(c) Gross weight and country of origin fields have been expanded.

(d) Instructions related to goods originating in a Foreign Trade Zone have been addressed.

(e) Agree.

(f) To minimize the space devoted to the description of merchandise, only standard abbreviated descriptions will be accepted.

Comment: Box 31.

(a) The question was raised whether the code P, C, and E can be used and whether parentheses are required;

(b) Since "pext" is rarely different than entered value, it should be dropped; and

(c) The column should be removed and data placed in column 32.

Response: (a) This column has been eliminated; the data will be shown in the body of the form in accordance with the instructions.

Comment: Box 33.

The space is not adequate for the Harmonized System.

Response: The space is increased for future requirements.

Comment: Box 34.

The space shoudl be larger.

Response: Customs has increased the space.

Comment: Box 35.

The space provided is too small, and should be enlarged.

Response: Customs agrees.

Comment: Box 36.

The space should be reduced and allocated to other items requiring additional space. Liquidation data and liquidator code should be printed in this box for Customs liquidation processing.

Response: The space has been reduced but is necessary for Customs use. Customs agrees with the second comment.

Comment: Box 37.

The space will not accommodate multiple missing documents; it is out of alignment for computer printing.

Response: (a) Customs believes the space is adequate because codes will be used. The space is realigned for printing.

Comment: Box 38.

(a) The space is too small;

(b) The box is out of alignment for printing; and

(c) Boxes 38, 39, 41, and 44 should be consecutively numbered.

Response: Customs agrees with all of these comments.

Comment: Box 39.

(a) This block must be broken down for beer, wine, or distilled spirit; and (b) the space is not aligned for printing.

Response: (a) The reporting requirement remains unchanged.

(b) Customs agrees and has aligned the box.

Comment: Box 40.

(a) The space is out of alignment for printing;

(b) The space should be incorporated into box 36; and

(c) There should be a line between I.S. Team and Liq. Code.

Response: Customs notes that the I.S. Team Code has been eliminated and Liquidator Code is incorporated in "Customs Use Only" box.

Comment: Box 41.

(a) The use of this box should be defined. The space is out of alignment for printing.

Response: This space is used to record estimated total antdumping and countervailing duties or other charges or exactions not included in duties and tax. The space has been aligned.

Comment: Box 43.

The space is too small. The word "signature" should be used instead of "authentication."

Response: Customs has provided additonal space. The term "signature" will be used.

Comment: Box 44.

The space is too small.

Response: Customs has provided increased space.

Comment: Box 45.

This box should be combined with box 43. The question was raised as to what title is required?

Response: The box has been combined with the "Signature" box. The job title of person signing the form is require.

Comment: Box 46.

The space is inadequate; and this block duplicates information in box 9.

Response: The box is eliminated.

Comment: Box 47.

This box should be incorporated with box 16 or moved into box 45.

Response: The date is included in the "signature" box.

Specifications of Customs Form 7501

The Government-printed revised Customs Form 7501, the "Entry/Entry Summary," will consist of a carbon interleaved set of 5 pages, each page 8½" X 11". As a minimum, Customs will require the following pages to be filed for each entry:

Page 1. Original—white color for Customs.

Page 2. Cashier Copy—white color for Customs.

Page 3. Statistical Copy—yellow color for Bureau of Census.

The 4th and 5th pages may be used as a permit copy, receipt copy, or to fulfill a requirement of another agency such as in an antidumping duty or countervailing duty case.

The Government also will print a revised Customs Form 7501A, "Entry/Entry Summary Continuation Sheet" consisting of a carbon interleaved set of 5 pages, each page 8½" X 11". If all line items cannot be contained on Customs Forms 7501, the importer may use either (1) another Customs Form 7501 set and leave the header information blank, or (2) the continuation sheet Customs Form 7501A set.

The entry number must appear on each additional sheet.

When the Customs Form 7501 is used as an informal entry, only the following blocks and columns must be completed.

1, 2, 5, 11, 13, 15, 17, 18, 19, 23, 27, 28, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40 and 41.

In the October 4, 1982, notice, Customs advised that when Customs Form 7501 is used for an informal entry, only the blocks shaded on the form need be completed. Customs believes that because use of the "shaded block" concept is not entirely satisfactory, it has been eliminated from the present from.

In its place, Customs encircled the number of each block that must be completed for an informal entry.

Discussion of Customs Form 7501

The revised Customs Form 7501 and instructions appended hereto are part of

a continuing Customs effort to improve the procedures for entering imported merchandise and collecting statistics. The form would reduce the paperwork burden on the importing community and Customs by eliminating specified Customs forms and ensuring that only necessary data will be collected from the public.

Customs recognizes and appreciates the concern of members of the public and other agencies desiring Customs to collect additional data elements. However, Customs cannot adopt all of the suggestions and still be consistent with its objective of streamlining commercial procedures and the Administration's goal of reducing public reporting burdens and paperwork. This is especially so in this era of austerity when Customs is faced with an ever-increasing workload and declining resources. In fact, Customs has determined to eliminate some items on the Customs Form 7501 that are useful, but not essential, to the performance of its mission.

The revised Customs Form 7501 is aligned with the U.S. Standard Master/U.N. Layout Key. There are several advantages to this approach. Uniform sequence of data presentation provides a convenient link with computer processing, transmission, and output of information. Simplified standardized document preparation and processing provides savings of time, money, and effort. Standardized preparation of data, and multiple use of data, can result in document consolidation and elimination.

Customs continues to support the Administration's goals of furthering trade relations with our trading partners and reducing paperwork burdens. Adoption of this proposed form will emphasize Customs commitment to international treaties and conventions concerned with documentation simplification and standardization, such as the International Convention on the Simplification and Harmonization of Customs Procedures (the Kyota Convention), to which the United States Senate on June 21, 1983, give its advice and consent to U.S. accession.

The revised Customs Form 7501 has been redesigned to emphasize economy, and the instructions have been simplified and clarified. There will be an overall reduction in costs to brokers and importers because of the elimination of specified forms, and the reduction in the number of data element boxes and columns to 40 from the earlier 47 data element boxes and columns appearing on the form published in the October 4, 1982, notice. Removed data element boxes and columns include:

(a) I.T. port;
(b) I.T. carrier;
(c) Relationship, and
(d) Entry type name.

Production and printing costs will be reduced because there is a minimum number of copies required for each interleaved set of the form; all printing appears on one side; there is a minimum number of tab stops; and there are no spot carbons.

Data collection has been streamlined consistent with automation and the form is compatible with computer printers. Wherever possible, codes have been used in place of words.

The form addresses current requirements and future needs such as the Automated Commercial System (including ABI), the Harmonized System, and the proposed new bond system.

Specific Request for Comments

Containerized Cargo

In the October 4, 1982, notice, Customs Form 7501 had a box 14 designated "Containerized." In accordance with the instructions for that document, when merchandise was containerized, a "Yes" was to be placed in the box. When the merchandise was not containerized, a "No" was to be placed in box 14.

As noted in the analysis of comments portion of this document, the "Containerized" box has been removed.

Customs is aware of trade community interest in retention of this data element. As explained elsewhere in this document, Customs is interested in minimizing reporting burdens placed upon the private sector. Therefore, we request comments on the possibility of incorporating the containerized information with data element 20, "Mode of Transportation" (which is to specify the method of transportation by which the imported merchandise entered the first United States port from the last foreign country). For example, it may be desirable to record a "C" following the "Mode of Transportation" wherever any portion of the merchandise covered by an entry is containerized. Customs also will consider suggestions for alternative approaches.

Effective Date

Customs wishes to assure that sufficient time be provided to permit importers and brokers to reprogram computers, train personnel to use the revised form and use existing stock of current Customs Forms 7501, 7502, 5101, 5119-A, and 7500.

In this regard, the final regulations would not become effective until 6 months after the date of publication of the final rule as a Treasury Decision in the **Federal Register**. After that date, only the revised Customs Form 7501 will be accepted by Customs, and the other forms will be eliminated.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Regulatory Flexibility Act—Executive Order 12291

Customs has undertaken a review of the economic and financial implications of the proposal to determine the need for a (1) regulatory analysis in light of 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-353), and (2) regulatory impact analysis in light of section 1(b) of Executive Order 12291.

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act, it is hereby certified that the proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Accordingly, this document is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

The proposed amendments do not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Customs expects the proposal to result in a net cost reduction to small brokers and importers primarily because of the proposal's elimination of entry documents.

The major effect of the proposed revisions on brokers and importers will be to reduce the quantity of data currently required to be filed by the importing community. A number of

current Customs forms will be entirely eliminated under the proposal (e.g., 7501, 7501A, 7501B, 7501C, 7502, 7502A, 7502B, 7502C, non-serially numbered 5119A, 7500, 5101). In FY 1982, approximately 12.1 million of these above-mentioned documents were filed. As a result of the proposal, the filing of 7.3 million document filings would fulfill the same requirements. The proposal will thus eliminate 4.8 million document filings for an estimated documentation cost savings of $1.1 million to brokers and importers. The savings more than outweigh the broker-estimated reprogramming costs (estimated at hundreds of thousands of dollars), should the revised customs Form 7501 be adopted. Further, the number of required data element boxes and columns in this revised form has been reduced to 40 from the 47 data element boxes and columns appearing on the form published in the October 4, 1982, domument. This provides further costs benefits. Also, the proposed revision will allow further, as yet unspecified, time and cost savings, because data elements to be collected upon future implementation of the ABI system and the Harmonized System are incorporated in revised Customs Form 7501. Other operational costs are minimzed in the revision by requiring data on only one side of the proposed form.

Paperwork Reduction Act

This proposed project is subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Accordingly, this document has been transmitted to the Office of Management and Budget for review

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Wildlife.

19 CFR Part 19 and 144

Customs duties and inspection, Warehouse.

19 CFR Part 24

Customs duties and inspection, Accounting.

19 CFR Part 113

Customs duties and inspection, Surety bonds

19 CFR Part 125

Customs duties and inspection, Freight forwarders

19 CFR Part 141, 142 and 143

Customs duties and inspection, imports.

19 CFR Part 146

Customs duties and inspection, Foreign-trade zones.

Proposed Amendments

It is proposed to amend Parts 10, 19, 24, 113, 125, 141, 142, 143, 144 and 146, Customs Regulations (19 CFR 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146), in the following manner:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to revise § 10.91(a) to read as follows:

§ 10.91 Importation under item 306.00; entry or withdrawal under bond.

(a) The entry summary for wool or hair of the camel [82] imported for use in the manufacture of any of the articles enumerated in item 306.00, Tariff Schedules of the United States (TSUS),[83] shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter before the merchandise shall be released. If the merchandise is to be entered for warehouse, the entry summary also shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter. In either case, Customs Form 7501 shall serve as both the entry and the entry summary

* * * * *

PART 19—CUSTOMS WAREHOUSES CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

It is proposed to amend § 19.11(b) by removing "7502" and inserting, in its place, "7501".

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. It is proposed to revise the fourth sentence of §24.5(d) to read as follows:

§ 24.5 Filing identification number.

* * * * *

(d) *Optional additional identification.* * * * Transactions may be associated with a specific branch office or vessel by reporting the appropriate identification number, including the two-digit suffix code, on Customs Form 7501 or the request for services.

* * * * *

2. It is proposed to amend the first sentence of § 24.5(e) by removing "5101" and inserting, in its place, "7501".

PART 113—CUSTOMS BONDS

It is proposed to revise § 113.41 to read as follows:

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, the importer shall indicate in the "Missing Documents" box on Customs Form 7501 the missing document, whether the importer gives bond Customs Form 7551 or 7553, or other appropirate form, or stipulates to produce such document.

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

1. It is proposed to revise § 125.31(b) to read as follows:

§ 125.31 Documents used.

* * * * *

(b) Customs Form 7501, Entry/Entry Summary, annotated "Permit".

* * * * *

2. It is proposed to revise § 125.32 to read as follows:

§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.

When merchandise is carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, and countersign the document acknowledging receipt of the merchandise as listed thereon.

PART 141—ENTRY OF MERCHANDISE

1. It is proposed to revise § 141.61(a)(2) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

(a) *Preparation.* * * *

(2) An importer may omit from the warehouse withdrawal for consumption, Customs Form 7505 or 7519, the marks and numbers previously provided for packages released or withdrawn.

* * * * *

2. It is proposed to revise § 141.61(d) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(d) *Importer number.* The importer number shall be reported on Customs Form 7501 as follows:

(1) *Generally.* Except as provided in paragraph(d)(2) of this section, the importer number of the importer of record and the consignee number of the ultimate consignee shall be reported for each entry summary and for each drawback entry. When the importer of record and the ultimate consignee are the same, the importer number may be entered in both spaces provided on Customs Form 7501, or the importer number may be entered in the space provided for the importer and the word "SAME" may be entered in the space provided for the ultimate consignee.

(2) *Exception.* In the case of a consolidated entry summary covering the merchandise of more than one ultimate consignee, the importer number shall be reported on Customs Form 7501 and the notation "CONSOLIDATED" shall be made in the space provided for the consignee number.

(3) *When refunds, bills, or notices of liquidation are to be mailed to agent.* If an importer of record desires to have refunds, bills, or notices of liquidation mailed in care of his agent, the agent's importer number shall be reported on Customs Form 7501 in the box designated "Reference No." In this case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

(4) *Broker No.* If a broker is used, the broker's number shall be reported in the appropriate location on Customs Form 7501.

* * * * *

3. It is proposed to revise § 141.61(e)(1)(i)(A) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(e) *Statistical information.*—(1) *Information required on entry summary or withdrawal form.*—(i) *Where form provides space.*—(A) *Single invoice.* For each class or kind of merchandise subject to a separate statistical reporting number, the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated ("TSUSA"), shall be shown on the entry summary, Customs Form 7501; the transportation entry and manifest of goods, Customs Form 7512, when used to document an incoming vessel shipment proceeding to a third country by means of an entry for transportation and exportation, or immediate exportation; the rewarehouse entry, Customs Form 7519; the manufacturing warehouse entry, Customs Form 7521; the withdrawal form, Customs Form 7505 or 7506, in the space provided.

* * * * *

4. It is proposed to amend § 141.61(e)(1)(ii) by removing paragraph (B) and marking it "Reserved".

* * * * *

5. It is proposed to revise § 141.61(e)(1)(ii)(C)(1) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(e) * * *

(1) * * *

(ii) *Where the form does not provide space.* * * *

(C)*(1)* The charges, transaction value, and equivalent value shall be listed on Customs Form 7501 in column 33. The amounts shall be identified in the following order: C (aggregate cost of freight, insurance and all other charges), P (port of exportation transaction value), and E (equivalent port of exportation value). The charges, transaction value, and equivalent value shall be listed on Custom Forms 7505, 7506, and 7521 in column 4 immediately below the TSUSA reporting numbers. These amounts shall be identified by placing in the following order: C (aggregate cost of freight, insurance, and all other charges), P (port of exportation transaction value) and E (equivalent port of exportation value) in column 4 immediately to the left of each statistical value and charge.

* * * * *

6. It is proposed to revise the last sentence of § 141.61(f)(1)(iv) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(f) *Value of each invoice*—

(1) *Single invoice.* * * *

(iv) * * * The required information shall be shown on a worksheet attached to the form or placed across columns 30 and 31 on Customs Form 7501 and in the same general location on Customs Forms 7505, 7506, 7519, and 7521.

* * * * *

§ 141.68 [Amended]

7. It is proposed to amend the first sentence of § 141.68(h) by removing "7500" and inserting, in its place, "7501".

PART 142—ENTRY PROCESS

§ 142.3 [Amended]

1. It is proposed to amend § 142.3(b)(2) by removing "7502,".

2. It is proposed to revise § 142.11(a) to read as follows:

§ 142.11 Entry summary form.

(a) *Customs Form 7501.* The entry summary shall be on Customs Form 7501 unless a different form is prescribed elsewhere in this chapter. Customs Form 7501 shall be used for merchandise formally entered for consumption, formally entered for warehouse, or rewarehouse in accordance with § 144.11 of this chapter, and formally entered under a temporary importation bond under § 10.31 of this chapter. The entry summary for merchandise which may be entered free of duty in accordance with § 10.1 (g) or (h) of this chapter may be on Customs Form 3311 instead of on Customs Form 7501. For merchandise entitled to be entered under an informal entry, see § 143.23 of this chapter.

* * * * *

3. It is proposed to revise the last sentence of § 142.16(a) to read as follows:

§ 142.16 Entry summary documentation.

(a) *Entry summary not filed at time of entry.* * * * The entry summary documentation also shall include any other documents required for a particular shipment unless a bond for missing documents is on file, as provided in §1141.66 of this chapter.

* * * * *

4. It is proposed to revise the last sentence of § 142.16(b) to read as follows:

§ 142.16 Entry summary documentation.

* * * * *

(b) *Entry summary filed at time of entry.* * * * The importer also shall file any additional invoice required for a particular shipment.

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. It is proposed to revise § 143.12 to read as follows:

§ 143.12 Form of entry

Application for an entry by appraisement shall be made in triplicate on the entry summary, Customs Form 7501.

2. It is proposed to revise the heading and text of § 143.24 to read as follows:

§ 143.24 Preparation of Customs Form 7501 and Customs Form 5119–A.

Customs Form 7501 may be prepared by importers or their agents or by Customs officers when it can be presented to a Customs cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a Customs

officer. Where there is no Customs cashier, Customs Form 5119–A must be used, and it shall be prepared by a Customs officer unless the form can be prepared under his control by the importer or agent for immediate use in clearing merchandise under the informal entry procedure. The conditions for the preparation of Customs Form 7501 by importers or their agents, as described in the first sentence of this section, do not apply to the acceptance of these entries for shipments not exceeding $250 in value released under a special permit for immediate delivery in accordance with Part 142 of this chapter.

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

1. It is proposed to revise § 144.11 (a), (b), and (c) to read as follows:

§ 144.11 Form of entry.

(a) *Entry.* The documentation required by § 142.3 of this chapter shall be filed at the time of entry. If the entry summary, Customs Form 7501, is filed at the time of entry for merchandise to be entered for warehouse, it shall serve as both the entry and the entry summary, and Customs Form 3461 or 7533 shall not be required. If the entry summary is not filed at the time of entry, it shall be filed within the time limit prescribed by § 142.12 of this chapter. If merchandise is released before the filing of the entry summary, the importer shall have a bond on file, as prescribed by § 142.4 of this chapter.

(b) *Customs Form 7501.* The entry summary for merchandise entered for warehouse shall be executed in triplicate on Customs Form 7501, appropriately modified, and shall include all of the statistical information required by § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "Permit" for use in connection with delivery of the merchandise to the bonded warehouse.

(c) *Designation of warehouse.* The importer shall designate on the entry summary, Customs Form 7501, the bonded warehouse in which he desires his merchandise deposited.

* * * * *

§ 144.12 [Amended]

2. It is proposed to amend § 144.12 by removing "7502" and inserting, in its place, "7501".

§ 144.14 [Amended]

3. It is proposed to amend the introductory paragraph of § 144.14 by removing "7502" and inserting, in its place, "7501".

§ 144.36 [Amended]

4. It is proposed to amend the first sentence of § 144.36(b) by removing "7502" and inserting, in its place, "7501".

5. It is proposed to revise § 144.41 (b) and (d) to read as follows:

§ 144.41 Entry for rewarehouse.

* * * * *

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7501 and shall contain all of the statistical information as provided in § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "Permit," for use in connection with the delivery of the merchandise to the warehouse. No declaration is required on the entry.

* * * * *

(d) *Bond.* A bond on Customs Form 7555 or other appropriate form shall be filed before a permit is issued on Customs form 7501 for sending the merchandise to the bonded warehouse. However, no entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry, or if it is entered by a transferee who has established his right to withdraw the merchandise and has filed a bond in accordance with subpart C of this part.

PART 146—FOREIGN-TRADE ZONES

§ 146.21 [Amended]

It is proposed to amend § 146.21(c) introductory text by removing "7502" and inserting, in its place, "7501"

William von Raab,
Commissioner of Customs.

Approved: September 21, 1983.

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

BILLING CODE 4820-02-M

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ATTACHMENT A

ENTRY/ENTRY SUMMARY

(1) Entry No.	(2) Entry Type Code	3. Entry Summary Date
4. Entry Date	(5) Port Code	
6. Bond No.	7. Bond Type Code	8. Broker/Importer File No.

9. Ultimate Consignee Name and Address	10. Consignee No.	(11) Importer of Record Name and Address	12. Importer No.
		(13) Exporting Country	14. Export Date
		(15) Country of Origin	16. Missing Documents
State		(17) I.T. No.	(18) I.T. Date
(19) B/L or AWB No.	20. Mode of Transportation	21. Manufacturer I.D.	22. Reference No.
(23) Importing Carrier	24. Foreign Port of Lading	25. Location of Goods	
26. U.S. Port of Unlading	(27) Import Date		

(28) Line No.	29. Description of Merchandise: 30 (A) T.S.U.S.A. No. / (B) ADA/CVD Case No.	31 (A) Gross Weight / (B) Manifest Qty.	(32) Net Quantity in T.S.U.S.A. Units	33 (A) Entered Value / (B) CHGS	34 (A) T.S.U.S.A. Rate / (B) ADA/CVD Rate / (C) I.R.C. Rate / (D) Visa No.	(35) Duty and I.R. Tax: Dollars	Cents

(36) Declaration of Importer of Record (Owner or Purchaser) or Authorized Agent

I declare that I am the

☐ importer of record and that the actual owner or consignee for customs purposes is as shown above

OR ☐ owner or purchaser

I further declare that the merchandise

☐ was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoice are true,

OR ☐ was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoice as to value or price are true to the best of my knowledge and belief

I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate customs officer any information showing a different state of facts.

Notice required by Paperwork Reduction Act of 1980: This information is needed to ensure that importers/exporters are complying with U.S. customs laws, to allow us to compute and collect the right amount of money, to enforce other agency requirements, and to collect accurate statistical information on imports. Your response is mandatory.

▼ U.S. CUSTOMS USE ▼

		TOTALS	
	A. Ascertained Duty	(37) Duty	
	B. Ascertained Tax	(38) Tax	
	C. Ascertained Other	(39) Other	
	D. Ascertained Total	(40) Total	
	E. Liq. Code		

(41) Signature of Declarant, Title, and Date

(UN KEY)

Customs Form 7501 Proposal (10-17-83)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ENTRY/ENTRY SUMMARY CONTINUATION SHEET

(1) Entry No.

(28) Line No.	29 Description of Merchandise: 30 (A) T.S.U.S.A. No. (B) ADA/CVD Case No.	31 (A) Gross Weight (B) Manifest Qty.	(32) Net Quantity in T.S.U.S.A. Units	33. (A) Entered Value (B) CHGS	34. (A) T.S.U.S.A. Rate (B) ADA/CVD Rate (C) I.R.C. Rate (D) Visa No.	(36) Duty and I.R. Tax: Dollars	Cents

Customs Form 7501A Proposal (10-17-83)

BILLING CODE 4820-02-C

Attachment B—Instructions for Form 7501

1. *Entry No*

Record the 12 digit numeric code. Always begin with the three digit code assigned to importers and brokers, followed by the last two digits of the fiscal year and the six digit entry number, and finally, the one digit check digit. Importer and broker codes, entry numbers, and check digits are preassigned to importers and brokers by Customs or may be obtained individually from a Customhouse entry unit. The acceptable format is as follows:

NNN NNNNN NNN N
1 2 3

1. Importer/broker code number
2. Fiscal year and entry number
3. Check digit

Note.— A new series of eleven character entry numbers that will incorporate a three digit importer/broker filer code is planned. Until this series is adopted and due to space limitations in this block, the existing three digit importer/broker code numbers shall be recorded outside and immediately to the left of block #1.

Example:

NNN

1. Entry No.
NNNNNNNN N

2. *Entry Type Code*

Record the appropriate entry type code by selecting the one digit code for the type of entry summary being filed:

Entry type	Entry type code
Dutiable Consumption	1
Vessel Repair	2
Appraisement (see special instructions)	3
Warehouse, or	4
Rewarehouse	4
Bonded A/C Fuel	6
Free Consumption	7
Informal (see special instructions)	0

For all merchandise constructively transferred into the U.S. Customs territory from a U.S. Foreign Trade Zone (or subzone), the initial FTZ should follow the entry type code number

Note.—A new two digit entry type code is planned which will uniquely identify all entry types including informals, quota, TIB etc.

The new procedures for Entry Number and Entry Type Code discussed above will be the subject of a separate Federal Register document

3. *Entry Summary Date.*

This block is for Customs use only to record the date the entry/entry summary is filed (6 digit numeric code showing month, day, and year—MMDDYY).

4. *Entry Date*

Record the 6 digit numeric code; month, day, and year—MMDDYY. Normally, the date the goods are released except for immediate delivery, quota goods, or where importer/broker requests another date prior to release (see 19 CFR 141.68).

5. *Port Code*

Record the four digit numeric code of the port where the entry summary is filed. Port codes are to be found in Annex A of the TSUSA. The port code should be shown as follows:

NNNN (no spaces or hyphens)

Note.— Upon final acceptance of these instructions, they will be published in pamphlet form and the schedule D port codes (currently listed as Annex A of the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

6. *Bond No*

Record the 3 digit numeric code that identifies the surety company on the bond. The code number is obtained from the ADP report entitled "Surety Master File" which is updated periodically. For U.S. Government importations and other entry types not requiring surety, the code 999 should appear in this block.

7. *Bond Type Code*

Record the 1 digit numeric code as follows:

0 U.S. Government or Appraisement Entry Bond
1 Single Entry Bond
2 Consumption Term Bond
3 Temporary Importation Term Bond
4 Vessel Term Bond
5 General Term Bond

8. *Broker/Importer File No.*

This block is reserved for a broker's or importer's internal file number.

9. *Ultimate Consignee Name and Address*

Record the name and address, including zip code, of the individual or firm for whose account the merchandise is imported (if same as importer of record, record "SAME"), and enter the U.S. Postal Service's standard two-letter state or territory abbreviation in the space provided to identify the ultimate consignee state.

If entry summary represents a consolidated shipment, leave blank.

10. *Consignee No.*

Record the IRS, Customs assigned, or Social Security number (not required if the same as importer of record).

For consolidated shipments, enter the word "CONSOLIDATED" in capitals in this block.

Only the following formats shall be used:

IRS number	NN-NNNNNNN
IRS number with suffix	NN-NNNNNNNNN
Customs assigned number	NNNN-NNNNN
Social Security number	NNN-NN-NNNN

11. *Importer of Record Name and Address*

Record the name and address, including zip code. The importer of record is the individual or firm liable for payment of all duties and meeting all statutory and regulatory requirements incurred as a result of importation.

12. *Importer No.*

Record the IRS, Customs assigned, or Social Security number of the importer of record. For format, see instructions under "Consignee No."

13. *Exporting Country*

Record the exporting country utilizing ISO Alpha–2 country codes specified in the International Standard ISO 3166. (Note: Upon final acceptance of these instructions, they will be published in pamphlet form and the ISO Alpha–2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of exportation shall be the country of origin except when the merchandise while located in a third country is the subject of a new purchase. In which event, the third country shall be regarded as the exporting country.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

14. *Export Date*

For merchandise exported by vessel record the month, day, and year on which the carrier departed the last port in the exporting country (format: MMDDYY).

For mechandise exported by air, record the month, day and year in which the aircraft departed the last airport in the exporting country (format: MMDDYY).

For overland shipments from Canada or Mexico and shipments where the port of lading is located outside the exporting country (e.g., goods are exported from Switzerland but laden and shipped from Hamburg, West Germany), record the month, day, and year in which the goods crossed the border of the exporting

country (Switzerland in this example) (format: MMDDYY).

For mail shipments, record the date of export as noted on the Customs Form 3509, Notice to Addressee (format: MMDDYY).

For goods entering the U.S. Customs Territory from a U.S. Foreign Trade Zone, leave blank

15. *Country of Origin*

Record the country of origin utilizing the ISO country codes specified in International Standard ISO 3166. (Note: Upon final acceptance of these instructions, they will be published in pamphlet form and the ISO Alpha-2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of origin is the country of manufacture, production, or growth of any article of foreign origin. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin."

When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation.

When a single entry summary covers merchandise from more than one country of origin, record the word MULTI in this block and in column 28 directly below the line number, indicate a separate ISO code for the country of origin corresponding to each line item.

16. *Missing Documents*

Record the appropriate document code number(s) to indicate any documents not available at the time of filing the entry summary.

The following codes shall be used:

01. Commercial invoice
02. Form A
03. CF 3311
04. Assembly Declaration (C.F. 10.24 (a)(1))
05. Declaration of Foreign Shipper (C.R. 10.1., 10.9(e), 10.84)
06. Importer Declaration (C.R. 10.9(f), 10.24(a)(2), 10.84)
07. Repair Affidavit (C.R. 10.8)
08. CF 4455
09. CF 3321 (C.R. 10.43, 10.44, 10.52, 10.75)
10. CF 5523 (C.R. 141.89)
11. CF 3291 (C.R. 12.41)
12. Original Manufacturer's Purchase Order (C.R. 10.84(c))
13. Artist's Declaration (C.R. 10.48(b)(1))
14. Lease Statement (C.R. 10.108(b))
15. Re-melting Certificate (C.R. 54.6(a))
16. Corrected Commercial Invoice (C.R. 141.89, et al)
17. Other Agency Forms (C.R. Part 12)
18. Reserved
19. Reserved
20. Reserved
21. Reserved
22. Reserved
23. Reserved
24. Reserved
25. Reserved
26. Reserved

17. *I.T. Number*

Record the In Transit Entry number (CF 7512).

18. *I.T. Date*

Record the date of the In Transit Entry (CF 7512) (format: MMDDYY).

19. *B/L or AWB No.*

Record the number assigned on the manifest by the international ocean or air carrier delivery the goods to the United States.

For imports by rail or truck or any other means other than sea or air, leave blank.

20. *Mode of Transportation*

Record the method of transportation by which the imported merchandise entered the first U.S. port from the last foreign country utilizing the following 2 digit numeric codes:

10—Vessel (including all cargo at first U.S. port of unloading aboard a vessel regardless of later disposition. Lightered, land bridge, and LASH all included.)
20—Rail
30—Road (including all cargo via highway. Foot and animal borne are considered road.)
40—Air
50—Mail
60—Not used at this time
70—Fixed transport installation (includes pipeline, powerhouse, etc.)
80—Not used at this time
90—Unknown

For merchandise entering the U.S. territory from a U.S. Foreign Trade Zone, leave blank.

21. *Manufacturer I.D.*

This block is provided to accommodate a future reporting requirement.

Note.—For future reference, manufacturers will be identified by their telex number or if not available, their telephone number. Country codes used in conjunction with telex and telephone numbers (manufacturer's number) will then uniquely identify each foreign firm.

22. *Reference No.*

Record the IRS, Customs assigned, or Social Security number of the individual or firm to whom refunds, bills or notices of extension or suspension of liquidation are to be sent.

For correct format of number, see instructions under "Consignee No."

23. *Importing Carrier*

For merchandise arriving in the U.S. by vessel, record the name of the vessel which transported the merchandise from the foreign port of lading to the first U.S port of unlading (Note: Vessel identifier codes that are currently acceptable to the Bureau of the Census may be recorded in lieu of vessel name).

For merchandise arriving in the U.S. by air, record the IATA code corresponding to the name of the airline which transported the merchandise from the last airport of lading to the first U.S. airport of unlading.

For merchandise arriving in the U.S. by means of transportation other than by vessel or air, leave blank.

Do not record the name of a domestic carrier transporting merchandise after initial unlading in the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, insert "FTZ" followed by the "FTZ" number.

24. *Foreign Port of Lading*

For merchandise arriving in the U.S. by vessel, record the 5 digit numeric code listed in the Department of Commerce Schedule K for the foreign port at which the merchandise was actually laden on the vessel that carried the merchandise to the U.S.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

For merchandise transshipped abroad (except Canada and Mexico) in the course of shipment to the U.S. whether or not covered by a through bill of lading, do not record the code number for the foreign port of original lading or any port of lading other than the last foreign port of lading at which the merchandise was laden on the carrier which transported it to the first U.S. port of unlading.

When a single entry summary covers merchandise laden at more than one foreign port, place the word MULTI in this block, and record the foreign port of lading separately in the " Line No." column directly below the line number for each line item (or group of line items) for the merchandise laden at each foreign port (Where there are multiple ports of lading and also multiple countries of origin, see instructions

under block 15). If both code numbers will be required for one line item, place the country of origin code directly below the line number, and place the port of lading code directly under the country of origin code).

25. *Location of Goods*

Where the entry summary serves as entry/entry summary, record the pier or site where the goods are available for examination.

In the case of merchandise placed in general order record the number assigned by Customs.

In the case of goods placed in a bonded warehouse, record the name of the bonded warehouse where the goods will be delivered (or record the Customs assigned number for the bonded warehouse in this block when available).

26. *U.S. Port of Unlading*

For merchandise imported by vessel or air, record the four digit numeric Schedule D code which identifies the U.S. port at which the merchandise was unladen from the importing vessel or aircraft. (Note: Upon final acceptance of these instructions, they will be published in pamphlet form and the Schedule D port codes (currently listed as Annex A in the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

When the port of entry differs from the port of unlading, record the code number for the port of unlading and not the code number for the port where the entry is filed (for example, if entry is filed at the Port of Los Angeles for merchandise unladen at Long Beach, California, record code 2709 (Long Beach) as the port of unlading). The same principle applies when goods are unladen at a smaller port within a consolidated port of entry (for example, entry filed at the port of Houston for merchandise unladen at Galveston, record code 5310 (Galveston) as port of unlading).

For merchandise arriving in the U.S. by means of transportation other than vessel or air, leave blank.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

27. *Import Date*

For merchandise arriving in the U.S. by vessel, record the month, day, and year (MMDDYY) on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port with the intent to unlade.

For merchandise arriving in the U.S. other than by vessel, record the month, day, and year (MMDDYY) in which the merchandise arrived within the limits of the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

28. *Line No.*

Record the appropriate line item number, in sequence, beginning with the number 001.

A "line item" refers to a commodity from one country, covered by a line which includes a net quantity, entered value, TSUSA number, CHGS, PEXT/EPEX, and rate of duty and tax. However, some line items may actually include more than one TSUSA number and value. For example, many items found in schedule 8 require a dual TSUSA number. Articles assembled abroad with American components require the TSUSA number 807.00 along with the appropriate schedule 1 through 7 TSUSA number. Also, for certain steel products, there are additional duties for chromium, molybdenum, tungstun, and vanadium content which require that the individual TSUSA item numbers for these extra duties be reported in addition to the base TSUSA item number for the iron or steel product containing these alloys. In those cases where two or more TSUSA item numbers are required to be shown for one commodity, these dual reporting numbers shall be treated as one line number.

29. *Description of Merchandise* A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in the TSUSA.

30. *A. TSUSA Number*

Record the appropriate duty/statistical reporting number under which the article is classified in the Tariff Schedules of the U.S. Annotated.

If more than one TSUSA number is required, follow the reporting instructions in the statistical headnotes in the appropriate TSUSA schedule, part, or subpart.

B. Antidumping/Countervailing Duty Case Number (ADA/CVD)

Record, directly below the TSUSA number, the appropriate ADA/CVD case number(s) as assigned by the Department of Commerce, International Trade Administration.

31. *Gross Weight*

Record the gross shipping weight in pounds for articles imported in vessels or aircraft (do not report gross weight for merchandise arriving in the U.S. by other modes of transporation). The gross weight must be reported on the same line with the entered value. Supply separate gross weight information for each TSUSA item number. If the gross weight is not available for each number, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight.

In the case of containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such container should not be included in the gross weight of the merchandise covered by each line item.

B. Manifest Qty.

This space is provided to accommodate a future reporting requirement. The instruction will be to enter the manifest quantity and unit.

32. *Net Quantity in TSUSA Units*

When a unit of quantity is specified in the TSUSA for the item number, report the net quantity in the specified unit, and show the unit after the net quantity figure.

Give quantities in whole units unless fractions of units are required for other Customs purposes. When expressing fractions, decimals only shall be used.

If no unit of quantity is specified in the TSUSA for the item number, net quantity is not required to be reported and an "X" shall be recorded in the net quantity column.

If two units of quantity are shown for the item number in the TSUSA, report the net quantity in both units, with the unit indicated in each case. Insert the quantity in terms of the unit marked in the TSUSA with a superior "v" on the line with the entered value or the line immediately below. Put the quantity in terms of any other unit below the first quantity and enclose it in parentheses. Example: Shipment consists of 50 dozen all white T-shirts, weighing 2 pounds per dozen and valued at $10 per dozen.

Block 30	Block 32	Block 33
379.4010	50 doz (100 lbs)	500

33*A. Entered Value*

Record the U.S. dollar value in accordance with the definition in Section 402, Tariff Act of 1930, as amended, for all merchandise.

This value shall be shown for each TSUSA item number on the same line with the item number.

Report the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

B. CHGS

In accordance with TSUSA general statistical headnote 1(a)(xvi), record the aggregate cost (not including U.S. import duty, if any) in U.S. dollars of freight, insurance and all other costs, charges and expenses incurred in bringing the merchandise from alongside the carrier at the foreign port of lading in the exporting country and placing it alongside the carrier at the first U.S. port of entry.

This value shall be shown for each TSUSA item number beneath the entered value and identified with the letter "C" (e.g. C550).

Record the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

In the case of overland shipments (i.e., merchandise transported to the U.S. by means other than vessel or air) originating in Canada or Mexico both the foreign port of lading and the first U.S. port of entry will be the border crossing; and the costs to the border shall be included in the PEXT value. Expenses incurred in transporting merchandise beyond the Canada-U.S. or Mexico-U.S. borders, by means other than vessel or air (i.e. overland by automobile, truck, train, pipeline, parcel post or mail) are not required to be reported. Consequently, an "X" shall be shown for CHGS.

Immediately below CHGS, the following shall be shown for each line item:

PEXT (P)—In accordance with TSUSA general statistical headnote 1(a)(xiv), record the purchase price, in U.S. dollars, plus, when not included in such price, all charges, costs and expenses incurred in placing the merchandise alongside the carrier at the port of exportation in the country of exportation (or in the case of merchandise not acquired by purchase, the equivalent of such price, charges, costs, and expenses). The legend (P) shall precede the value shown (e.g., (P)5673).

Report the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

If the value is estimated, place the legend (E) after the amount of each value (e.g. (P)5673(E)).

EPEX (E)—In accordance with TSUSA general statistical headnote 1(a)(xiv) if the merchandise was acquired in a transaction between related parties, report the equivalent of the arms-length value thereof, in U.S. dollars, plus, when not included in such value, all charges, costs, and expenses incurred in placing the merchandise alongside the carrier at the port of exportation in the country of exportation.

Record the value for each TSUSA item number immediately beneath PEXT and identified with the legend (E) before the value (e.g., (E)5673).

Record the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

If the value is estimated, place and (E) after the amount of each value (e.g. (E)5673(E)).

34. *TSUSA, ADA/CVD, and/or I.R.C. Rate*

A. TSUSA rate—Record the rate(s) of duty for the classified item as designated in the TSUSA: free, ad volorem, specific, or compound.

B. ADA/CVD rate—Record the antidumping and/or countervailing duty rate(s) as designated by the Department of Commerce, International Trade Administration directly opposite the respective antidumping/countervailing duty case number(s) shown in column 30.

C. I.R.C. rate—Record the tax rate(s) for the classified item as designated in the TSUSA.

D. Visa Number—Record the visa number for each line of merchandise as it appears on the invoice. Visa numbers may currently be up to 9 alpha/numeric characters. Standardization is planned.

In the event there is any other charged or exaction (e.g. fees) not enumerated above, record the rate in this column and identify each charged or exaction immediately to the left of such rate.

35. *Duty and I.R. Tax*

Record the estimated TSUSA duty, antidumping and countervailing duty, I.R. tax, and other charges calculated by applying the rate times the dutiable quantity or value. The amount shown in this column must be directly opposit the appropriate TSUSA, antidumping, countervailing duty, I.R. tax rate and other charges.

Dollar signs commas shall be omitted.

36. *Declaration*

Self-explanatory

37. *Duty*

Record the total estimated duty paid (excluding antidumping or countervailing duty).

When the entry summary consists of more than one page, record on the first page, the total estimated duty paid.

38. *Tax*

Record the total estimated tax paid.

When the entry summary consists of more than one page, record on the first page, the total estimated tax paid.

39. *Other*

Record the total estimated antidumping or countervailing duties or other charges or exactions paid.

When the entry summary consist of more than one page, record on the first page, the total amount of antidumping or countervailing duties or other charges or exactions paid.

40. *Total*

Record the sum of blocks 37, 38, and 39.

41. *Signature of Delcarant, Title and Date*

Record the name and signatuare of the declarant, the job title of the owner, purchaser or agent who signs the declaration, and the month, day and year when the declaration is signed.

When the entry summary consists of more than one page, the signature of the declarant, title, and date must be recorded on the first page.

Facsimile signatures are acceptable when prior approval has been obtained from the district, area, or port director.

Appraisement Entry

When the CF 7501 is used as an appraisement entry, the same declaration which now appears on the CF 7500, requesting appraisement under Section 498(a) of the Tariff Act of 1930, as amended, should be added to the body of the CF 7501 or stapled on top of it in the left margin as follows:

I hereby request appraisement under Section 498(a)( ), Tariff Act of 1930, as amended. I declare, the best of my knowledge and belief, that this entry and the documents presented therewith set forth all the information in my possession, or in the possession of the owner of the merchandise described herein, as to the cost of such merchandise; that I am unable to obtain any further information as to the value of the said merchandise or to determine its value for the purpose of making formal entry thereof; that the information contained in this entry and in the accompanying documents is true and correct; and that the person(s) named above is the owner of the same merchandise.

Signature

Title

To the District Director: The merchandise described above has been examined and the contents and values are noted above.

Examiner

Date

Customs Officer

Date

Informal Entry

Informal entries previously made on the unnumbered CF 5119–A will be made on the CF 7501. The following blocks are to be completed for informal entries: 1, 2, 5, 11, 13, 15, 17, 18, 19, 23, 27, 28, 29, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40, and 41.

Block 25, Location of Goods, will be filled in only if merchandise has been placed in a general order warehouse.

Accelerated Drawback

When filing a drawback claim, on the appropriate drawback for,, requesting accelerated drawback payment, include with the drawback entry submission, two copies of CF 7501.

Only the following data need be shown as appropriate (block numbers appear in parentheses):

Entry No. (1); Entry Type Code (2); Entry Date (4); Bond No. (6); Bond Type Code (7); Consignee No. (10); Importer* No. (12); Duty (37); IR Tax (38); Total (40); Reference No. (22); Signature of Declarant (41).

All information above pertains to the Drawback entry being filed.

Permit Copy

When the entry summary serves as entry/entry summary, an additional copy of the CF 7501 will be provided. The additional copy will be prominently marked in red ink, "PERMIT" by means of a stamp. The stamp will be in block letters and at least three inches by one inch. The CF 7501 will be stamped in the center of the body of the form.

All appropriate CF 7501 information should be provided.

Multiple Data Elements

Except where specific instructions provide, where a data block wil involve more than one data element, write in the word "MULTI" and identify and list the data elements on a separate attachment to the CF 7501.

[FR Doc. 83–29601 Filed 10–31–83; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 207, 210, 225, 226, 501, 510, 514, and 558

[Docket No. 77N–0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures re Medicated Feed Applications; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on the tentative final rule that proposed to revise the current procedures and requirements concerning conditions of approval for the manufacture of animal feeds containing new animal drugs. FDA is extending the comment period because, elsewhere in this issue of the **Federal Register**, the agency is correcting several omissions and editorial errors. This extension will allow interested persons an opportunity to comment on those revisions.

DATE: Written comments by December 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: George Graber, Bureau of Veterinary Medicine (HFV–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4438.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 29, 1983 (48 FR 34574), FDA published a tentative final rule that proposed to revise the current procedures and requirements concerning conditions of approval for the manufacture of animal feeds containing new animal drugs. After publication of the tentative final rule, the agency discovered that the document included several inadvertent omissions and minor editorial errors. Elsewhere in this issue of the **Federal Register**, the agency is correcting the omissions and minor editorial errors.

FDA has concluded that additional time should be provided to allow interested persons an opportunity to comment on the changes published elsewhere in this issue of the **Federal Register**. Therefore, the agency is extending the comment period on the tentative final rule until December 1, 1983.

Interested persons may, on or before December 1, 1983, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 27, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–29688 Filed 10–28–83; 11:57 am]

BILLING CODE 4160–01–M

21 CFR Parts 207, 210, 225, 226, 501, 510, 514, and 558

[Docket No. 77N–0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures re Medicated Feed Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a tentative final rule that proposed to revise the current procedures and requirements concerning conditions of approval for the manufacture of animal feeds containing new animal drugs. This document corrects inadvertent omissions; corrects calculations which were in error, as indicated by an asterisk (*); and makes editorial corrections in the tentative final regulations. Elsewhere in this issue of the **Federal Register**, the agency is extending the comment period on the tentative final rule to allow interested persons the opportunity to comment on these changes. Because a large number of approvals for applications for medicated feeds containing new animal drugs have been granted since the proposal was issued (January 1, 1981; 46 FR 2456) and others are continuing to be granted on a day-to-day basis, Subpart B of 21 CFR Part 558 will be updated to reflect all such approvals at the time a final rule is issued.

FOR FURTHER INFORMATION CONTACT: George Graber, Bureau of Veterinary

Medicine (HFV-220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4438.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-20030 appearing at page 34574 in the issue for Friday, July 29, 1983, the following corrections are made:

1. On page 34583, in the second column, under § 225.142 *Components*, in the fourth line, the term "medicated feed articles" is corrected to read "medicated articles".

2. On page 34585:

a. In the first column, § 558.3(b)(4)(ii) is corrected to read as follows:

§ 558.3 Definitions and general considerations applicable to this part.

* * * * *

(b) * * *

(4) * * *

(ii) *Category II*—These drugs require a withdrawal period at the lowest use level for at least one species for which they are approved or are regulated on a "no residue" basis or with a "zero" tolerance because of a carcinogenic concern, regardless of whether a withdrawal period is required.

b. In the first, second, and third columns, the tables under paragraph (d) of § 558.4 *Medicated feed applications* are corrected to read as follows:

CATEGORY I

Drug	Type B maximum (200 ×)	Assay limits type B and type C [1]
Aklomide	22.75 g/lb (5.0%)	85 120
Ammonium chloride	4.0 oz/lb (*)	85-120
Amprolium with or without Ethopabate	22.7 g/lb (5.0%)	85-115
Bacitracin methylene disalicylate	20.0 g/lb (*)	70-130
Bacitracin zinc	5.0 g/lb (*)	70-130
Bambermycins	800 g/ton	70-130
Buquinolate	10 g/lb (2.2%)	85-120
Chlortetracycline	10 g/lb	70-130
Coumaphos	6.0 g/lb (*)	80-120
Decoquinate	2.72 g/lb (0.6%)	80-120
Dichlorvos	11.0 g/lb (2.4%) (*)	80-130
Erythromycin (thiocyanate salt)	9.25 g/lb	[2]
Ethylenediamine dihydriodide	1,250 g/lb (0.137%)	60-140
Iodinated casein	20 g/lb (4.4%)	75-125
Nequinate	1.83 g/lb (0.4%)	80-120
Nystatin	5.0 g/lb	75-125
Oleandomycin	1.125 g/lb	70-130
Oxytetracycline	20.0 g/lb	65-135
Penicillin	10.0 g/lb	65-135
Penicillin Streptomycin	1.5 g/lb	65-135
	7.5 g/lb	70-130
Poloxalene	12.0%	85-115
Salinomycin	6.0 g/lb	80-120
Tylosin	10.0 g/lb	75-125
Virginiamycin	10.0 g/lb	70-130
Zoalene	11.35 g/lb (2.5%) (*)	85-115

[1] Percent of labeled amount.
[2] <20 g/ton, 50-150; >20 g/ton, 75-125.

CATEGORY II

Drug	Type B maximum (100 X)	Assay limits type B and type C [1]
Arsanilate sodium	4.5 g/lb (1.0%)	75-125
Arsanilic acid	4.5 g/lb (1.0%)	75-125
Butynorate	17.0 g/lb (3.75%)	85-115
Butynorate	63.45 g/lb (14.0%)	81-115
Piperazine	49.85 g/lb (11.0%)	85-115
Phenothiazine	272.9 g/lb (58.0%)	85-115
Carbadox	2.5 g/lb (0.55%)	75-125
Carbarsone	17 g/lb (3.75%)	85-115
Clopidol	11.4 g/lb (2.5%)	80-120
Dimetridazole	9.1 g/lb (2.0%)	85-120
Famphur	5.5 g/lb (1.21%)	80-120
Furazolidone	10.0 g/lb (2.2%)	85-115
Griseofulvin (added)	16.0 g/lb (3.5%)	80-120
Hygromycin B	1200 g/ton	75-125
Ipronidazole	2.8 g/lb (0.624%)	75-125
Lasalocid	5.65 g/ton (1.24%)	75-125
Levamisole	113.5 g/lb (25%)	85-125
Lincomycin	10.0 g/lb	80-130
Melegestrol acetate	200 g/ton (0.022%)	70-120
Monesin	5.5 g/lb (1.21%) (*)	75-125
Morantel tartrate	22 g/lb (*)	90-110
Neomycin	7.0 g/lb	70-125
Oxytetracycline	10.0 g/lb	65-135
Nicarbazine	5.675 g/lb (1.25%)	80-120
Nitrasone	8.5 g/lb (1.875%)	85-115
Nitrofurazone	10.0 g/lb (2.2%)	80-120
Nitromide	11.35 g/lb (2.5%)	85-115
Sulfanitran	13.6 g/lb (3.0%) (*)	75-125
Nitromide	11.35 g/lb (2.5%)	85-115
Sulfanitran	5.65 g/lb (1.25%)	75-125
Roxarsone	2.275 g/lb (0.5%)	85-120
Novobiocin	17.5 g/lb	80-120
Phenothiazine	66.5 g/lb	85-115
Piperazine	165 g/lb (40.25%)	85-115
Pyrantel tartrate	4.8 g/lb (1.1%) (*)	85-115
Robenidine	1.5 g/lb (0.33%)	80-120
Ronnel	6.0%	80-120
Roxarsone	2.275 g/lb (0.5%)	85-120
Roxarsone	2.275 g/lb (0.5%)	85-120
Aklomide	11.35 g/lb (2.5%)	85-120
Roxarsone	2.275 g/lb (0.5%)	85-120
Clopidol	11.35 g/lb (2.5%)	80-120
Bacitracin methylene disalicylate	5 g/lb	70-130
Roxarsone	2.275 g/lb (0.5%)	85-120
Monensin	5.5 g/lb (1.21%)	75-125
Sulfadimethoxine with Ormetroprim	5.65 g/lb (1.25%)	75-125
Sulfaethoxypyridazine	50 g/lb (11.0%)	85-115
Sulfamerazine	10 g/lb (4.0%)	80-120
Sulfamethazine	5.0 g/lb (1.25%)	80-120
Chlortetracycline	5.0 g/lb	70-130
Penicillin	2.5 g/lb	65-135
Sulfamethazine	5.0 g/lb (1.25%)	80-120
Chloretetracycline	5.0 g/lb	70-130
Sulfamethazine	5 g/lb (1.25%)	80-120
Tylosin	5 g/lb	75-125
Sulfanitran	13.6 g/lb (3.0%)	75-125
Aklomide	11.29 g/lb (2.5%)	85-120
Sulfanitran	13.6 g/lb (3.0%)	75-125
Aklomide	11.2 g/lb (2.5%)	85-125
Roxarsone	2.715 g/lb (0.625%)	70-130
Sulfaquinoxaline	11.2 g/lb (2.5%)	80-120
Sulfathiazole	5 g/lb (1.25%)	80-120
Chlortetracycline	5 g/lb	70-130
Penicillin	2.5 g/lb	65-135
Thiabendazole	45.4 g/lb (10.0%)	85-115

[1] Percent of labeled amount.

3. On page 34586. In the first column, the introductory text of paragraph (g) is corrected to read as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals.

* * * * *

(g) The submission of applications and data required by paragraphs (a) and (b) of this section is not required for the continued manufacture of any Type A medicated article which is produced solely from another Type A medicated article that is in compliance with the requirements of this section, *Provided*, That the diluted Type A article contains no drug ingredient whose use in or on animal feed requires an approved application pursuant to section 512(m) of the act and/or where the Type A article is approved by regulation in this part.

* * * * *

Dated: October 27, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-29689 Filed 10-28-83; 11:57 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CCGD-83-10]

Anchorage Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice or proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the Anchorage Regulations on the Lower Mississippi River by reducing the Alliance Anchorage two tenths (.2) of a mile. This action is necessary because of a planned barge fleet installation.

DATE: Comments must be received on or before December 16, 1983.

ADDRESS: Comments should be mailed to Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117. The comments will be available for inspection or copying at the above address. Normal office hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR R. E. Ford, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel 504 589-7118.

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 [CCGD-83-10], the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt for comments will be acknowledged if a stamped self-

addressed postcard or envelope is enclosed.

These 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 be opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The principal persons involved in drafting this notice are Lt T. L. McCarty, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and LCDR R. W. Bruce, Jr., Project Attorney, c/o Commander, Eighth Coast Guard District (dl); Hale Boggs Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Proposed Rule: Currently the Alliance Anchorage is located at mile 63.6 to mile 65.8 above Head of Passes on the right descending bank.

There is a proposal now to establish a barge fleeting installation in the vicinity of the lower end of the anchorage, and this installation would extend into the anchorage. Such an arrangement would provide for more efficient use of the river in this area and provide positive economic effects from the barge fleeting. In order to accomodate this proposal, the Cost Guard proposes to relocate the lower limit of the anchorage two-tenths (.2) of a mile upriver. This relocation would reduce size of the anchorage but would not significantly reduce the capacity of the anchorage nor would it reduce the present level of navigation safety. The proposed new anchorage area would remain eight hundred (800) feet wide and with new limits of mile 63.8 to mile 65.8 above Head of Passes on the right descending bank.

Summary of Draft Evaluation: These proposed regulations are considered to be non-significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations [DOT Order 2100.5 or 5-22-80]. An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. As an existing anchorage is merly being shortened, no new costs will be imposed. It is also certified that in accordance with Section 605(b) of the Regulatory Flexibility Act, that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations as follows:

1. By revising 33 CFR 110.195(a)(6) as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including South and Southwest passes.

(a)* * *

(6) Alliance Anchorage. An area 2.0 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 63.8 mile 65.8 above Head of Passes.

* * * * *

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

W. H. Stewart,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 83-29812 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGDI-83-3R]

Enlargement of Special Anchorage Area in Marblehead Channel/Salem Harbor, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposed to enlarge the existing Special Anchorage Area in Salem Harbor by extending northward into Marblehead Channel and to establish another area in Cat Cove. Both Special Anchorage Areas have been requested by the Cities of Marblehead and Salem and are considered necessary to service the increased number of pleasure craft using Salem Harbor and Marblehead Channel. The establishment of Special Anchorage Areas would provide additional needed space for anchorage of small craft and relieve those vessels of the requirement that they carry and display anchor lights while in the Special Anchorage Area.

DATES: Comments must be received on or before December 16, 1983.

ADDRESS: Comments should be mailed to: Commanding Officer, U.S. Coast Guard, Marine Safety Office, 447 Commercial Street, Boston, Massachusetts. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Brad BALCH, U.S. Coast Guard, Marine Safety Office, 447 Commercial Street, Boston, Massachusetts 02109, Telephone No. (617) 223-1470.

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 (CGDI-83-3R) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed post card or envelope is enclosed.

The proposed 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 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 oral presentations will aid the rulemaking process.

Drafting Information

The persons responsible for drafting this notice are LCDR Theophilus MONIZ III, Project Officer, U.S. Coast Guard, Marine Safety Office, 447 Commercial Street, Boston, Massachusetts and LT Susan M. KRUPANSKI, Project Attorney, Commander (d1) First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

Discussion of Proposed Rule

The Coast Guard proposes to amend the Anchorage Regulations set forth in Title 33 Code of Federal Regulation 110.25(c) pertaining to Salem Harbor and to Marblehead Channel.

This proposed rule is in response to requests from the City of Salem and the City of Marblehead to establish Special Anchorage Areas in Salem Harbor and Marblehead Channel. The areas affected by the proposed rule are currently used as anchorage areas by a great number of pleasure craft both sail and power driven of varying lengths and drafts. The present anchorage areas are outside channels and do not affect marine traffic. Current regulations require that, except in special anchorage areas, boats over 24' in length must display anchor lights while at anchor. The sole effect at this proposed rule is to allow boats of less than 65' in length to anchor in these areas without displaying anchor lights. The designation of this special anchorage area will have no significant impact on the quality of the human

environment. This action is consistent to the maximum extent practicable with the Massachusetts Coastal Zone Management Plan. Environmental information can be obtained from Mr. P. V. Kaselis, Environmental Specialist, First Coast Guard District, 150 Causeway Street, Boston, MA 02114.

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 amendments imposes no economic burdens; small vessel owners will not have to carry or display anchor lights while anchored in the special anchorage. Based on 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 Regulations 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.

Proposed Regulations

In consideration of the above, the Coast Guard proposes to amend Part 110 of Title 33 Code of Federal Regulations, by revising § 110.25(c) to read as follows:

§ 110.25 Beverly and Salem Harbors; Mass.

* * * * *

Salem Harbor and Marblehead Channel.

(1) *Cat Cove.* Bounded by a line commencing at an abandoned lighthouse east of Fort Pickering at latitude 42°31'35.0" N., longitude 70°52'01.0" W.; thence southeasterly to a point at latitude 42°31'33.2" N., longitude 70°51'55.0" W.; thence southwesterly to a point at latitude 42°31'28.0" N., longitude 70°52'00.0" W.; thence southwesterly to a point at latitude 42°31'19.0" N., longitude 70°52'20.1" W. thence westerly to a point at latitude 42°31'20.0" N, longitude 70°52'31.1" W.

(ii) *Salem Harbor North.* Bounded by a line commencing at a position at latitude 42°31'17.1" N., longitude 70°52'57.0" W.; thence southeasterly to a point at latitude 42°31'08.6" N., longitude 70°52'47.9" W.; thence easterly to a point at latitude 42°31'06.2" N., longitude 70°52'21.4" W.; thence northeasterly to a point at latitude 42°31'14.8" N., longitude 70°52'15.1" W.; thence southwesterly to a point at latitude 42°31'13.0" N., longitude 70°52'24.2" W.; thence westerly to a point at latitude 42°31'14.5" N., longitude 70°52'48.1" W.; thence northwesterly to a point at latitude 42°31'17.4" N., longitude 70°52'52.2" W.

(3) *Salem Harbor South.* Bounded by a line commencing at a position off Derby Wharf at latitude 42°31'07.4" N., longitude 70°53'03.8" W.; thence southeasterly to a point at latitude 42°30'55.5" N., longitude 70°52'56.5" W.; thence easterly to a point at latitude 42°30'54.2" N., longitude 70°52'30.0" W.; thence northeasterly to a point at latitude 42°31'04.6" N., longitude 70°52'22.6" W.; thence westerly to point at latitude 42°31'07.1"; W; longitude 70°52'48.2" W.; thence northwesterly to a point at latitude 42°31'14.3" W.; longitude 70°52'56.6" W.

(4) *Palmer Cove.* Bounded by a line commencing at a position off Palmer Point at latitude 42°30'37.1" N., longitude 70°53'07.8" W.; thence northeasterly to a point at latitude 42°30'49.2" N., longitude 70°52'43.8" W.; thence northwesterly to a point at latitude 42°30'52.5" N., longitude 70°52'55.1" W.; thence southwesterly to a point in Palmer Cove at latitude 42°30'47.5" N., longitude 70°53'14.2" W.

(5) *Marblehead Channel.* Bounded by a line commencing at the northern most point of Peach Point at latitude 42°31'08.3" N., longitude 70°50'32.7" W.; thence westerly to a point at latitude 42°31'21.6" N., longitude 70°51'17.0" W.; thence westerly to a point at latitude 42°31'19.0" N., longitude 70°51'49.3" W.; thence southwesterly to a point at latitude 42°31'03.2" N., longitude 70°52'15.6" W.; thence to a point at latitude 42°30'53" N., longitude 70°52'28" W.; thence to a point at latitude 42°30'46.8" N., longitude 70°52'44.5" W.; thence to a point off Palmer Point at latitude 42°30'35.9" N., longitude 70°53'07.7" W.

Note.—The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

(33 U.S.C. 2030, 2035, and 2071; 49 CFR 1.46, 33 CFR 1.05-1(g))

Dated: October 24, 1983.

R. A. Bauman,

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

[FR Doc. 83-29015 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-10-FRL 2461-6]

Notice of Proposed Rulemaking—State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By this document, EPA proposes to revise the nonattainment boundaries for total suspended particulates (TSP) in Pocatello and Soda Springs, Idaho. The proposed reduction in the size of the two nonattainment areas is based on documentation submitted by the Idaho Department of Health and Welfare (IDHW) pursuant to Section 107(d) of the Clean Air Act. Air quality date and emission reductions achieved through control strategy implementation support these proposed boundary changes.

DATE: Comments must be received on or before December 1, 1983.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10 A-83-12), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101; and

State of Idaho, Department of Health and Welfare, 450 W. State Street, Boise, Idaho 83720.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Michael J. Schultz, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101; telephone (206) 442-1985, FTS 399-1985.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1978 (43 FR 8962) EPA designated, pursuant to the

requirements of Section 107(d) of the Clean Air Act (as amended), all areas of the country as "attainment," "nonattainment," or "unclassifiable" in terms of meeting National Ambient Air Quality Standards. At that time the Pocatello and Soda Springs areas of Idaho were designated "nonattainment" for primary TSP standards in 40 CFR Part 81, Section 313.

On March 18 and May 31, 1983 IDHW submitted a request for EPA to reduce the size of the subject nonattainment areas and provided documentation to justify these revisions.

II. Nonattainment Area Descriptions

A. *Pocatello*—The current TSP nonattainment area is approximately 336 square miles in size encompassing the towns of Pocatello and Inkom and four major stationary sources. There are four TSP monitors in the current nonattainment area. At the time the original designation was made in 1978, three of the four monitors were violating primary standards. The 1977 emissions inventory showed a total of 16,500 tons per year (tpy) of particulate matter being emitted in the nonattainment area with 10,100 tpy being emitted from the four major point sources.

Air quality has markedly improved due in large part to implementing the control strategy. During the two-year period of 1981 through 1982, two of the three original nonattainment monitors showed attainment for primary standards. Emissions decreased from 16,500 tpy total in 1977 to 9,000 tpy in 1983 with the four major point sources reducing emissions from 10,100 tpy to 3,500 tpy.

Only one TSP monitor continued to show violations of primary TSP standards in the 1981–1982 period. This violating monitor is located near the two largest industrial facilities in the area. The two monitors that were violating standards before 1981 but now show attainment of primary standards reflect the results of emission reductions from both point and area sources. Since only one monitor shows violations of TSP standards in the Pocatello area and that instrument is largely impacted by two nearby industrial sources, the current nonattainment boundaries no longer reflect the true air quality picture. Thus, IDHW has requested that the primary TSP nonattainment area be reduced to a 12 square mile area encompassing the monitor showing primary standards violations and the two industrial facilites impacting the monitor. A map of the new primary standard nonattainment area and complete legal description are contained in the docket (10A–83–12) and may be examined at the locations listed in the **"ADDRESSES"** section.

B. *Soda Springs*—The current TSP nonattainment area is approximately 96 square miles in size encompassing the towns of Soda Springs and Conda and four major stationary sources. There are three TSP monitors in the current nonattainment area. At the time the original designation was made, one of the three permanent network monitors showed violations of the primary standards as well as one of four additional monitors operated in conjunction with a special 12-month study. The 1977 emissions inventory showed a total of 6,900 tpy of particulate matter being emitted from all point and area sources; 4,600 tpy were emitted from the four major point sources in the area.

The original nonattainment designation was based largely on population distribution and industrial concentration as opposed to air quality. For example, the town of Soda Springs, the largest population center in the area, was included within the nonattainment boundaries even though no violations of primary standards were recorded at the TSP monitor. Soda Springs continues to attain primary standards.

The area between Soda Springs and Conda was designated as part of the nonattainment area because of two major stationary sources and limited data from one of the special study monitors. This instrument monitored air quality impact of fugitive emissions from the larger of the two sources and registered violations of the 24-hour primary standard but not annual standard during its 12 months of operation in 1978–1979.

Shortly after the original designation was made, the special study monitoring was discontinued. Thus, no recent air quality data is available for this industrialized area between Soda Springs and Conda. However, major emission reductions were achieved at the larger of the two facilities at this locale. Through implementation of the control strategy, emissions were reduced from 2,500 tpy in 1977 to 3300 tpy in 1983, largely due to controls on fugitive sources. Further, visual observations of fugitive plant emissions implacting nearby residences had been noted. The source of these specific fugitive emissions has since been eliminated.

The Conda area was included in the original nonattainment area due to the presence of two major stationary sources and recorded violations of both annual and 24-hour standards at a permanent network site. Violations of both 24-hour and annual TSP standards continued during 1981 and 1982 at this monitor. Further, the 1977 and 1983 emission inventories show a 23 percent or 460 tpy increase in particulate matter emissions from the two major industrial facilities in the Conda area.

Thus, IDHW has requested that the primary TSP nonattainment area be reduced to a 4.5 square mile area encompassing the town of Conda, the nearby permanent network monitor showing violations of the primary standards, and the two major stationary sources north and northeast of Conda. A map of the new primary standard nonattainment area and complete legal description are contained in the docket (10A–83–12) and may be examined at the locations listed in the **"ADDRESSES"** section.

III. Proposed Action

EPA proposes to reduce the size of the primary standard TSP nonattainment areas for Pocatello and Soda Springs, Idaho, as discussed in the above "Nonattainment Area Descriptions." This action also proposes to retain the existing TSP nonattainment boundaries in the Pocatello and Soda Springs areas to define the area of secondary standards nonattainment.

The net effect of this proposed rule would be to: (1) Reduce the size of areas that might be impacted by future EPA growth and funding restrictions policy, and (2) generally reduce the stringency of applicable emission requirements for new and modified major sources of particulate matter located in or impacting areas being redesignated to attainment for the primary TSP standard.

Interested parties are invited to comment on all aspects of this proposed promulgation. Comments would be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by December 1, 1983 will be considered in any final action EPA takes on this proposal.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the

requirements of a regulatory impact analysis. This regulation is not major because it is merely changing boundaries of nonattainment areas as requested by the State. There will be no additional regulatory burden.

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107.110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: August 19, 1983.

Ernesta B. Barne,

Regional Administrator.

[FR Doc. 83-29577 Filed 10-31-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2E2676/P313; PH-FRL 2449-5]

Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerance; Maleic Hydrazide

Correction

In FR Doc. 83-27661 beginning on page 46395, in the issue of Wednesday, October 12, 1983, make the following correction: In column three, paragraph two, line twenty-five, *"in vito"* should read *"in vitro"*.

BILLING CODE 1505-01-M

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40 CFR Part 180

[OPP-30078; PH-FRL 2449-2]

Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Exemptions From the Requirement of a Tolerance; Folic Acid, Nicotinamide, Pyridoxine, Cysteine, Glutamine, Methionine, Tryptophan, and Adenosine

Correction

In FR Doc. 83-27662 beginning on page 46396, in the issue of Wednesday, October 12, 1983, make the following correction:

§ 180.1001 [Corrected]

On page 46397, column two, § 180.1001(d), table, column three, "Uses," entry two, "Synergist of formulation" should read "Synergist".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 55a

Program Grants for Black Lung Clinics

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Public Health Service proposed to revise the regulations governing the grants program for black lung clinics established under section 427(a) of the Federal Mine Safety and Health Act of 1977. The revision is in keeping with the Department of Health and Human Services' desire to remove as many programmatic burdens and restrictions from grantees as possible, while maintaining program integrity.

DATE: Written comments must be received by December 16, 1983.

ADDRESS: Send comments to Mr. James J. Corrigan at the address lsited below under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Mr. James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857; (301) 443-2380.

SUPPLEMENTARY INFORMATION: The Public Health Service published revised final regulations (42 CFR Part 55a) for the Black Lung Clinics Program in the **Federal Register** on October 31, 1980 (45 FR 72160). This program, established by section 427(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(a)), assists public and private entities in constructing, purchasing and operating clinical facilities for the analysis, examination, and treatment respiratory and pulmonary impairments in coal miners.

The program supports 16 grantees with 72 delivery sites in 14 States which provide services to an estimated 50,000 coal miners. Funding for Fiscal Year 1982 was $3.22 million. Fiscal Year 1983 funding is $3.12 million. States which are grantees are Pennsylvania, West Virginia, Virginia, Tennessee, Alabama, and Ohio. Black lung grantees also are found in Kentucky, Illinois, Indiana, Michigan, New Mexico, Colorado, Utah, and Wyoming. The delivery sites are located within community health centers (CHCs), hospital outpatient departments, home care agencies, and local health departments.

Objectives of the program are: (1) To develop, in areas where there are significant numbers of active and inactive coal miners, high quality patient-oriented integrated systems of care which assure access to and continuity of care with maximum use of existing resources; and (2) to emphasize patient and family member education to maximize the patient's ability for self-care.

Clinics provide analysis, examinations, treatment, and patient education for miners and inactive miners with respiratory or pulmonary (black lung) impairments aimed at enabling them to maximize their pulmonary capacity and avoid debilitating and costly acute episodes.

The Department has proposed to the Congress that the Black Lung Clinics Program be placed in the Primary Care Block Grant Program established by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (42 U.S.C. 300y *et seq.*). The Department is proposing to revise these regulations in preparation for this transfer to the block grant, and to foster a greater role for States in the administration of the program.

Because of its interest in fostering broadened participation by States—six of which already are grantees—and in reducing the regulatory burden imposed upon grantees, the Department is publishing this notice of proposed rulemaking (NPRM) with a period of time allocated for public comment. Comments on this NPRM should be sent by (December 16, 1983) to Mr. James J. Corrigan whose address appears above in the section entitled **FOR FURTHER INFORMATION CONTACT.** All timely comments will be considered before the final regulations are published. Comments will be available for examination by the public between 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal holidays, at the address given in section above entitled **FOR FURTHER INFORMATION CONTACT.**

Highlights of the Changes

In keeping with its ongoing effort to reduce regulatory requirements imposed on the public, the Department has proposed to eliminate substantial portions of the black lung clinic regulations which were published in the **Federal Register** on October 31, 1980 (45 FR 72160).

A significant change in the regulations would provide that a preference be given to a State which applies for a Black Lung Clinics grant over other types of applicants (e.g., community health centers, local health departments hospitals), (see 55a.103(a)) in that State. State grantees will be free, as they have been in the past, to award grants to subgrantees or to contract for services.

The revised regulations are divided into the following three subparts: Subpart A—General Provisions; Subpart B—Grants to States; and Subpart C—Grants to Entities other than States.

Separate application requirements have been developed for States (see § 55a.201) and for entities other than States (§ 55a.301). States would only be required to submit an assurance that they will provide certain listed services.

The criteria for determining which grant applications the Secretary will fund have been simplified to reduce the burden on applicants and now reflect the preference for State grantees (See proposed § 55a.103).

Various subsections of the existing regulations would be deleted from the new regulations as unnecessary because the subject is adequately covered in the grant application.

The section on confidentiality requirements would be retained and would be applicable to all grantees. Non-discrimination provisions, covered in the application materials but not in these proposed revised regulations, would of course continue to apply.

Eligibility requirements for the program were broadened to permit applications from private "for profit" entities when the Department's policy of authorizing participation by such entities, when not precluded by statute, became effective on December 27, 1982 (47 FR 53007). The new policy is recognized at proposed § 55a.102.

The requirements that projects utilize a fee schedule would be retained for grants to entities other than States (see § 55a.301(a)(2)). While States would not be required to do so, they are encouraged to do so as we believe the established system is reasonable and has been successful in promoting greater third-party revenues. Section 427(a) of the Act recognizes the need for the development of specialized services required by miners applying for or receiving black lung benefits. Most required services for eligible miners are reimbursable under the Black Lung Benefits Program administered by the Department of Labor. It is expected that most ongoing project costs for these beneficiaries will be recovered from this source.

A provision for a waiver of any provisions of the regulations by the Secretary has been added (see § 55a.106). The Secretary will be able to waive any requirement for good cause shown.

Definitions of "applicant" and "nonprofit" would be eliminated from the regulations as unnecessary.

Attached as an appendix to this Supplementary Information is a table which shows black lung clinics grantees and delivery points by State, with information on budget period expiration and grant amounts.

States which apply under this regulation, if adopted in final as proposed below, will be required to assume responsibility for miners presently served by all grantees in the State on a phase-in basis, based on the renewal dates for grants in that State. (See § 55a.201(e).)

Information Collection Requirements

Sections 55a.201 and 55a.301 of this proposed rule contain information collection requirements. The information collection requirements in this proposed rule are presently contained in regulations at 42 CFR Part 55a and are in use without the Office of Management and Budget (OMB) control numbers. We have submitted the existing regulation for clearance under section 3507 of the Paperwork Reduction Act of 1980. Once OMB approves the information collection requirements as they appear in the existing regulations, we will include the OMB control numbers in the rule when it is published in final form.

Regulatory Flexibility Act and Executive Order 12291

The proposed rule is not expected to affect significantly the operation of existing clinics. There are 72 clinics operating under this program, whose 1983 funding is $3.12 million. It is expected that in most cases the existing clinics will continue to be funded. The changes included in this proposed rule would reduce unnecessary burdens on grantees. Therefore, the Department of Health and Human Services has determined that this notice of proposed rulemaking will not significantly impact on a substantial number of small entities and does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 96-354.

The Department also has determined that this notice of proposed rulemaking is not a "major rule" under Executive Order 12291. Thus, a regulatory impact analysis is not required because it will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 55a

Black lung benefits, Grant programs, Health care, Health facilities, Miners, Occpational safety and health.

Accordingly, Part 55a of Title 42, Code of Federal Regulations, is proposed to be revised as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.965 Coal Miners, Respiratory Impairment Treatment, Clinic and Services (Black Lung Clinc))

Dated: August 5, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: August 25, 1983.

Margaret M. Heckler,

Secretary.

BLACK LUNG CLINICS

[Fiscal year 1982 profile]

State	Grantee organization	Delivery points	Fiscal year 1982 award	
			Budget expiration date	Grants amounts
Alabama	Alabama Department of Public Health	1	Apr. 30, 1983	$50,000
	Jefferson Health Foundation	1	Sept. 30, 1983	103,456
Colorado	National Jewish Hospital	1	do	48,000
Illinois	Cook County Hospital	1	Jan. 31, 1983	100,000
	Shawnee Health Services and Development Corporation	6	Sept. 30, 1983	71,944
Indiana	Vincennes Good Samaritan Hospital	1	June 30, 1983	70,921
Kentucky	Muhlenberg Community Hospital	1	Aug. 31, 1983	164,432
Michigan	Henry Ford Hospital	1	Sept. 30, 1983	35,000
New Mexico	Miner's Hospital	1	do	35,607
Ohio	Ohio Department of Health	6	do	237,170
Pennsylvania	Commonwealth of Pennsylvania	32	do	745,000
Tennessee	Tennessee Department of Health	3	Dec. 31, 1983	420,077
Utah	Utah S.E. Health District	1	Mar. 31, 1983	68,000
Virginia	Virgina State Health Department	4	Sept. 30, 1983	169,000
West Virginia	Department of Health	11	do	890,000
Wyoming	Nowcap Black Lung Clinic	1	do	64,343
Totals	16 Grantees	72		3,227,960

PART 55a—PROGRAM GRANTS FOR BLACK LUNG CLINICS

Subpart A—General Provisions

Sec.
55a.101 Definitions.
55a.102 Who is eligible to apply for a black lung clinics grant?
55a.103 What criteria has HHS established for deciding which grant applications to fund?
55a.104 What confidentiality requirements must be met?
55a.105 How must grantees carry out their projects?
55a.106 Provision for waiver by the Secretary.
55a.107 What other regulations apply?

Subpart B—Grants to States

55a.201 What is required for a State application?

Subpart C—Grants to Entities Other Than States

55a.301 What is required for an application from an entity other than a State?

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

Subpart A—General Provisions

§ 55a.101 Definitions.

As used in this part, "Act" means the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 801 *et seq.*). "Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

"Miner" or "coal miner" means any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. The term also includes an individual who works or has worked in coal mine construction or transportation in or around a coal mine, to the extent that the individual was exposed to coal dust as a result of employment.

§ 55a.102 Who is eligible to apply for a black lung clinics grant?

Any State or public or private entity may apply for a grant under this part.

§ 55a.103 What criteria has HHS established for deciding which grant applications to fund?

(a) The Secretary will give preference to a State, which meets the requirements of this part and applies for a grant under this part, over other applicants in that State.

(b) Within the limits of funds available for these purposes the Secretary may award grants to assist in the carrying out of those programs which will in the Secretary's judgment best promote the purposes of section 427(a) of the Act, taking into account:

(1) The number of miners to be served and their needs; and

(2) The quality and breadth of services to be provided.

§ 55a.104 What confidentiality requirements must be met?

All information as to personal facts and circumstances obtained by the grantee's staff about recipients of services shall be held confidential and shall not be disclosed without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for audits with appropriate safeguards for confidentiality of patient records. Other wise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 55a.105 How must grantees carry out their projects?

Grantees must carry out their projects in accordance with their applications and the provisions of this part.

§ 55a.106 Provision for waiver by the Secretary.

The Secretary may, for good cause shown, waive provisions of these regulations.

§ 55a.107 What other regulations apply?

Other regulations which apply to the Black Lung Clinics Program include, but are not limited to, the following:

42 CFR Part 50, Subpart D—PHS grant appeals process;

42 CFR Part 50, Subpart E—Maximum allowable cost for drugs;

45 CFR Part 16—Department grants appeals process;

45 CFR Part 19—Limitations on payment or reimbursement of drugs;

45 CFR Part 74—Administration of grants;

45 CFR Part 75—Informal grant appeals procedures (indirect cost rates, and other cost allocations);

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare's implementation of Title VI of the Civil Rights Act of 1964;

45 CFR Part 81—Practice and procedure for hearing under Part 80;

45 CFR Part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; and

45 CFR Part 91—Nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance.

Subpart B—Grants to States

§ 55a.201 What is required for a State application?

An approvable State application must contain assurances that the State will:

(a) Provide the following services for active and inactive miners in the State:

(1) Primary care;

(2) Patient and family education and counseling;

(3) Outreach;

(4) Patient care coordination, including individual patient care plans for all patients;

(5) Antismoking advice; and

(6) Other symptomatic treatments.

(b) Provide medical services in consultation with a physician with special training or experience in the diagnosis and treatment of respiratory diseases.

(c) Meet all criteria for approval and designation by the Department of Labor under 20 CFR Part 725 to perform disability examinations and provide treatment under the Act.

(d) Use grant funds under this part to supplement and not supplant existing services of the State.

(e) Provide the services described above for those miners previously served by a Black Lung Clinic in the State for which grant support expires during the funding period of the State's grant.

(f) Audit its expenditures from amounts received under this part in accordance with the provisions of Attachment P, Audit Requirements, of Office of Management and Budget Circular A-102, Uniform Requirements for Assistance to State and Local Governments, as adopted for the Department of Health and Human Services by 45 CFR Part 74.

Subpart C—Grants to Entities Other Than States

§ 55a.301 What is required for an application from an entity other than a State?

An approvable application must contain the following:

(a) A plan for the provision of the services required by § 55a.201(a), consistent with the requirements of § 55a.201 (b) and (c). The plan must also contain at least the following elements:

(1) A description of the target population to whom services are to be provided, including a statement of the need for services;

(2) An assurance that charges shall be made for services rendered as follows:

(i) A schedule shall be maintained listing fees or payments for the

provision of services, designed to cover reasonable costs of operations;

(ii) A schedule of discounts adjusted on the basis of a patient's ability to pay shall be maintained. The schedule of discounts must provide for a full discount to individuals and families with annual incomes at or below the levels set forth in the most recent Poverty Income Guidelines at 45 CFR 1060.2 (except that nominal fees for service may be collected from individuals and families with annual incomes at or below those levels if imposition of the fees is consistent with project goals). No discounts shall be provided to individuals and families with annual incomes greater than twice those set forth in the Guidelines; and

(iii) Where third-party payors (including Government Agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment.

(b) An assurance that no person will be denied services because of inability to pay.

(c) An assurance that grant funds received under this part will be used to supplement and not supplant existing services of the grantee.

[FR Doc. 83-29570 Filed 10-31-83; 8:45 am]
BILLING CODE 4160-16-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6568]

National Flood Insurance Program; Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by §60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premimum rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67,

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
California	Riverside County (unincorporated areas)	Murrieta Creek at Temecula	100 feet upstream from center of Rancho California Road.	*1,009	*1,008
Maps are available for review at the Flood Control Department, 1995 Market Street, Riverside, California.					
Send comments to the Honorable Kay Ceniceros, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, Riverside, California 92501-3656.					
Illinois	(C) Northbrook, Cook County	Techny Drain	At downstream corporate limits	*648	*643
			Just downstream of School Foot Bridge	*649	*647
			About 140 feet upstream of School Foot Bridge	*650	*650
Maps available for inspection at Engineering Department, 1225 Cedar Lane, Northbrook, Illinois.					
Send comments to Honorable Robert Weidaw, Village Manager, Village of Northbrook, 1225 Cedar Lane, Northbrook, Illinois 60062.					
Illinois	(V) Palatine, Cook County	Salt Creek	About 1,200 feet downstream of Lalonde Avenue	*726	*727
			About 500 feet downstream of Michigan Avenue	*730	*728

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Arlington Heights Branch	Just upstream of Chicago and Northwestern Railroad	*716	*714
			Just downstream of Palatine Road	*718	*717
			Just upstream of Clark Road	*724	*722
			Just upstream of Tahoe Drive	*736	*735
			About 4,800 feet upstream of Smith Street	None	*758
Maps available for inspection at the Village Hall, 200 East Wood Street, Palatine, Illinois.					
Send comments to Honorable Robert Guss, Mayor, Village of Palatine, Village Hall, 200 East Wood Street, Palatine, Illinois 60067					
Illinois	(C) South Beloit, Winnebago County	Turtle Creek	Upstream of Dearborn Avenue (U.S. Route 51)	*755	*753
			Upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*750	*750
Maps available for inspection at City Hall, 519 Blackhawk Boulevard, South Beloit, Illinois.					
Send comments to Honorable Gary Pierce, Mayor, City of South Beloit, City Hall, 519 Blackhawk Boulevard, South Beloit, Illinois 61080.					
New York	Cheektowago, Town	Cayuga Creek	Approximately 300 feet upstream of Union Road	*610	*609
Maps available for inspection at the Town Hall, Broadway and Union Road, Cheektowaga, New York.					
Send comments to Honorable Kenneth J. Meyers, Town Supervisor of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227					
New York	New Paltz, Town, Ulster County	Walkill River	Approximately 4,500 feet downstream of the most upstream corporate limits.	*195	*194
			Downstream corporate limits of the Village of New Paltz.	*194	*193
			State Route 299 bridge	*194	*193
			Approximately 2,600 feet west of Springtown Road at the downstream corporate limits.	None	*192
			Approximately 400 feet west of State Route 32 at the downstream corporate limits.	None	*192
Maps available for inspection at the Town Hall, New Paltz, New York.					
Send comments to Honorable William Yeaple, Town Supervisory of New Paltz, P.O. Box 550, New Paltz, New York 12561.					
Tennessee	(C) Columbia, Maury County	Duck River	About 2.0 miles upstream of 5th Street	*590	*589
			About 1.6 miles downstream of Industrial Park Drive	None	*575
		Little Bigby Creek	At confluence with Duck River	*577	*577
			Just downstream of Hampshire Pike	*582	*580
			Just downstream of New Experiment Lane	*597	*595
			Just upstream of Louisville and Nashville Railroad	*600	*602
			Just upstream of Trotwood Avenue (U.S. 43)	*607	*610
			About 2.0 miles upstream of U.S Route 43	None	*627
Maps available for inspection at the Engineering Department, City Hall, 707 North Main Street, Columbia, Tennessee.					
Send comments to Honorable James L. Bailey, Mayor, City of Columbia, City Hall, 707 North Main Street, Columbia, Tennessee 38401.					

The proposed base flood elevations for selected locations are:

PROPOSED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Capitola (city), Santa Cruz County	Noble Creek	25 feet downstream from center of Kennedy Drive	*75
		Soquel Creek	At the intersection of Capitola Avenue and Southern Pacific Railroad.	*17
Maps available for inspection at the City Planning Department, 420 Capitola Avenue, Capitola, California.				
Send comments to Honorable Ron Graves, 420 Capitola Avenue, Capitola, California 95010.				
California	Concord (city), Contra Costa County	Galindo Creek	East side of Newhall Parkway 250 feet southeast of its intersection with Boxer Boulevard.	*247
			50 feet upstream from the center of Newhall Parkway	*249
		Pine Creek	Intersection of Arlington Road and Lexington Road	*38
			Intersection of the stream and the center of Treat Boulevard.	*92
		Ditch No. 2	Intersection of Newton Way and Markham Street	*53
			50 feet upstream from the center of Minert Road	*74
		Farm Bureau Road Drain	Intersection of stream and the center of Concord Boulevard.	*124
			50 feet upstream of the upstream culvert opening at Walnut Place.	*142
		Clayton Valley Drain	Intersection of Solano Way and Olivera Road	*18
			Intersection of the stream and center of Port Chicago Way.	*60
			Intersection of Huron Drive and Woodhaven Lane	*1
		Mt. Diablo Creek	40 feet upstream from the center of Ayers Road	*258
Maps available for inspection at the Department of Public Works, 1950 Parkside Drive, Concord, California.				
Send comments to the Honorable Diane Longshore, 1950 Parkside Drive, Concord, California 94519.				
Connecticut	Monroe, town, Fairfield County	Pequannock River	At downstream corporate limits	*299
			At confluence with West Branch Pequannaock River	*305

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1,600 feet upstream of confluence with West Branch Pequonnack River.	*308
		West Branch Pequonoock River	At confluence with Pequannock River	*305
		Downstream crossing of State Route 25 (upstream side)	*336	
		Upstream side of culvert at downstream crossing of Pepper Street	*343	
		Upstream side of culvert at private drive	*377	
		Approximately 100 feet upstream of upstream crossing of Pepper Street	*388	
		Copper Mill Brook	At confluence with Halfway River	*308
		Upstream side of culvert at Hammertown Road	*340	
		At confluence with Smith Pond Brook	*346	
		Smith Pond Brook	At confluence with Cooper Mill Brook	*346
			Dam (upstream side)	*372
			Approximately 25 feet upstream of Turkey Roost Road	*399
		Far Mill River	Downstream corporate limits	*394
		Dam (upstream side)	*411	
			Approximately 1,850 feet upstream of Jays Road	*423
		Beardsley Brook	At confluence with Far Mill River	*423
			Approximately 3,600 feet upstream of confluence with Beardsley Brook.	*459
		Meads Brook	At downstream corporate limits	*365
		Housatonic River	At downstream corporate limits	*52
			Stevenson Dam (downstream)	*57
		Halfway River	At confluence with Housatonic River	*109
			Confluence with unnamed Tributary No. 1	*201
			Approximately 620 feet upstream of Bagburn Road	*216

Maps available for inspection at the Town Hall, Monroe, Connecticut.

Send comments to Honorable Kenneth Heitezke, Chairman of the Monroe Town Council, Town Hall, 13 Fan Hill Road, Monroe, Connecticut 06468.

Idaho	Bonner County (Unincorporated areas)	Clark Fork	At the intersection of Stream and center of Light Duty Road.	*2,076
		Grouse Creek	10 feet upstream from center of Colburn-Culver Road	*2,149
		Lightning Creek	480 feet upstream from center of State Route 200	*2,105
		Pack River	50 feet upstream from center of Pack River Road	*2,175
		Priest River	At the intersection of River and center of State Route 200.	*2,070
			At the confluence of Priest River with East River	*2,240
			100 feet upstream from the center of Peninsula Road	*2,199
		Rapid Lightning Creek	50 feet upstream from the center of Rapid Lightning Creek Road, which is 70 feet dowstream of the confluence with Spring Creek.	*2,413
		Sand Creek North	50 feet downstream from center of Samuels Road	*2,129
		Sand Creek	50 feet upstream from the center of Schweitzer Basin Road.	*2,073
		Spring Creek	50 feet upstream from the center of Spring Creek Road.	*2,184
		Lake Cocolalla	100 feet west of the intersection of Cocolalla Creek and Burlington Northern Railroad.	*2,212
		Lake Kelso	Along entire lake shoreline	*2,154
		Lake Pend Oreille	At mouth of Pack River	*2,071

Maps available for inspection at County Clerk's Office, 2155 1st Avenue, Sandpoint, Idaho.

Send comments to Honorable Harold Anselmo, 2155 1st Avenue, Sandpoint, Idaho 83864.

Illinois	(V) Birds, Lawrence County	Brushy Creek	About 900 feet downstream Main Street (At downstream corporate limits).	*440
			About 1,350 feet upstream Main Street (At upstream corporate limits).	*442

Maps available for inspection inspection at the Post Office.

Send comments to honorable Mike Rigg, Mayor, Village of Birds, P.O. Box 94, Birds, Illinois 62415.

Iowa	(C) Sageville, Dubuque County	Little Maquoketa River	At confluence of Bloody Run Creek	*622
			About 0.64 mile upstream of U.S. Highway 52	*630
		Couler Valley	About 1,000 feet downstream of Chicago and North Western Railroad.	*629
			About 200 feet upstream of Chicago and North Western Railroad.	*629
		Couler Valley Tributary	Just upstream of Sageville Road	*622
			About 1,140 feet upstream of Sageville Road	*638
		Bloody Run Creek	At confluence with Little Maquoketa River	*622
			At upstream corporate limits	*622
		Union Park Hollow	About 300 feet downstream of U.S. Highway 52	*635
			Just upstream of County Road	*641
			At upstream corporate limits	*683

Maps available for inspection at Rt. 1, P.O. Box 245, Dubuque, Iowa.

Send comments to Honorable Joseph Kalvelage, Mayor, City of Sageville, Rt. 1, P.O. Box 245, Dubuque, Iowa 52001.

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Gretna, city, Jefferson Parish	Mississippi River	Entire shoreline within community	*18
		Rainfall-Runoff	Northwest of U.S. Route 90 below northern and southwestern corporate limits, east of Monroe Street, south to 5th Street, then southeast of 5th Street to Fried Street, then southeast of 9th Street to corporate limits.	*25
			East of Missouri Pacific Railroad, west of eastern corporate limits, and south of Hawkins Street extended.	*—1
			Southeast of 24th Street, and south of Belle Chasse Highway to southernmost corporate limits.	*—2
Maps available for inspection at the City Hall, Gretna, Louisiana.				
Send comments to Honorable William J. White, Mayor of the City of Gretna, City Hall, P.O. Box 404, Gretna, Louisiana 70054.				
Louisiana	Harahan, city, Jefferson Parish	Mississippi River	Downstream corporate limits	*20
			Upstrem corporate limits	*21
		Rainfall-Runoff Ponding	Between Jefferson Highway and Mississippi River levee, east of Colonial Club Drive to eastern corporate limits.	*12
			Between Jefferson Highway and Mississippi River levee, west of Colonial Club Drive to Woodlawn Avenue.	*11
			Between Jefferson Highway and Mississippi River levee, northwest of Woodlawn Avenue to northwestern corporate limits.	*8.5
			North of Suave Road to corporate limits	*2.5
			Between corporate limits, north of Grover Avenue, to a point approximately 900 feet north of Citrus Road.	*4
Maps available for inspection at the City Hall, Harahan, Louisiana.				
Send comments to Honorable Carlo R. Ferrara, Mayor of the City of Harahan, 6437 Jefferson Highway, Harahan, Louisiana 70123.				
Louisiana	Kenner, city Jefferson Parish	Lake Pontchartrain	Entire shoreline in Kenner back to levee	*16
		Mississippi River	Entire shoreline within community	*21
		Rainfall-Runoff Ponding	Various locations throughout community	*—2.5-*9
Maps available for inspection at the City Hall, Kenner, Louisiana.				
Send comments to Honorable Allan Broussard, Mayor of the City of Kenner, 1801 William Boulevard, Kenner, Louisiana 70062.				
Louisiana	Lake Charles, city Calcasieu Parish	Calcasieu River	Downstream corporate limits to Two O'Clock Point	*9
			Two o'clock Point to upstream corporate limits	*10
		Bayou Contraband	Confluence with Calcasieu River to Lake Street	*9
	Pithon Coulee	Confluence with Lake Charles	*9	
	English Bayou	Confluence with Calcasieu River	*10	
		Little Bayou	Confluence with Bayou Contraband	*9
Maps available for inspection at the City Hall, 326 Pujo, Lake Charles, Louisiana.				
Send comments to Honorable Paul Savoie, Mayor of the City of Lake Charles, 326 Pujo, Lake Charles, Louisiana 70602.				
Louisiana	City of Pineville, Rapides Parish	Red River	Just upstream of Murray Avenue	*94
		Tributary 3 of Lake Buhlow	Just upstream of U.S. Route 165	*95
		Bayou	Just upstream of State Highway 107	*92
			Just upstream of Susek Drive	*98
		Tributary 1 of Bayou Maria	Just downstream of Donahue Ferry Road	*110
		Tributary 4 of Bayou Maria	Just upstream of Susek Drive	*97
		Tributary 7 of Bayou Maria	Just upstream of State Highway 28	*92
			Just downstream of Iris Park Drive	*112
			Approximately 1,000 feet upstream of Iris Park Drive	*120
			Just downstream of Iris Road	*130
			Just upstream of Donahue Ferry Road	*135
		Tributary 8 of Bayou Maria	Just upstream of Pine Grove Drive	*92
			Just upstream of Fox Road	*92
		Tributary 13 of Bayou Maria	Just upstream of Highland Drive	*92
			Approximately 2,000 feet upstream of Highland Drive	*100
			Just upstream of Wainright Road	*110
Maps available for inspection at City Hall, 910 Main Street, Pineville, Louisiana 71360.				
Send comments to Mayor Fred H. Baden or Richard Brackney, Finance Officer, City Hall, P.O. Box 30, Pineville, Louisiana 71360.				
Louisiana	Unincorporated areas of Rapides Parish	Red River	Approximately 100 feet upstream of U.S. Highway 71, 165 and 167.	*94
		Bayou Rapides	Approximately 100 feet Plantation Road	*79
		Irish Ditch No. 2	Approximately 50 feet upstream of Texas and Pacific Railroad Spur.	*81
		Philip Bayou	Approximately 100 feet downstream of Missouri Pacific Railroad.	*75
			Approximately 100 feet upstream of Texas and Pacific Railroad.	*78
		Bayou Rapides Diversion Channel	Just upstream of U.S. Highway 165	*71
			Just upstream of State Highway 28 (Bayou Rapides Road).	*73
		Bayou Robert	Approximately 100 feet upstream of Texas and Pacific Railroad.	*79
		Chatlin Lake Canal	Just upstream of confluence with Hynson Bayou	*71

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Bayou Rigolette	Just upstream of the confluence with Tributary 2 of Bayou Rigolette.	*84
		Bayou Rigolette Tributary 2	Approximately 500 feet upstream of confluence with Bayou Rigolette Tributary 5.	*85
			Approximately 200 feet upstream of confluence with Bayou Rigolette Tributary 3.	*100
		Bayou Rigolette Tributary 3	Just downstream of confluence with Bayou Rigolette Tributary 4.	*100
			Approximately 300 feet downstream of Tabernacle Street.	*115
		Bayou Rigolette Tributary 5	Just upstream of Stonesway Road	*87
			Approximately 200 feet upstream of Florida Drive	*110
		Bayou Rigolette Tributary 7	Approximately 100 feet upstream of Secondary State Route 1203.	*86
		Bayou Rigolette Tributary 10	Approximately 500 feet upstream of Secondary Route 1203.	*88
		Bayou Rigolette Tributary 11	Approximately 100 feet downstream of Secondary State Route 1203.	*89
		Lake Buhlow Tributary 3	Approximately 50 feet upstream of confluence with Lake Buhlow Tributary 5.	
			Approximately 100 feet upstream of Kansas City Southern Railroad.	*120
		Lake Buhlow Tributary 4	Just upstream of Kansas City Southern Railroad	*106
		Lake Buhlow Tributary 5	Approximately 1,000 feet upstream of Kansas City Southern Railroad.	*102
		Bayou Maria	Just upstream of confluence with Bayou Maria Tributary 3.	*92
			Just upstream of Leonard Drive	*112
		Bayou Maria Tributary 1	Just upstream of Donahue Ferry Raod	*112
			Just upstream of Wonder Lane	*132
		Bayou Maria Tributary 3	Just upstream of confluence with Bayou Maria Tributary 4.	*93
		Bayou Maria Tributary 4	Just upstream of Molly Moore Drive	*112
		Bayou Maria Tributary 7	Just upstream of Iris Park Road	*114
		Haw Creek	Just upstream of confluence with Flagon Bayou	*117
			Just upstream of confluence with Haw Creek Tributary 4.	*133
		Haw Creek Tributary 5	Approximately 1,000 feet upstream of confluence with Haw Creek.	*127
		Haw Creek Tributary 4	Approximately 1,000 feet upstream of confluence with Haw Creek.	*137
		Haw Creek Tributary 6	Just upstream of confluence with Haw Creek Tributary 7.	*124
		Haw Creek Tributary 7	Just upstream of confluence with Haw Creek Tributary 6.	*124
		Flagan Bayou	Just upstream of confluence with Flagon Bayou Tributary 22.	*94
			Just upstream of Hooper Street	*149
		Flagan Bayou Tributary 2	Just upstream of Kansas City Southern Railroad	*142
		Flagon Bayou Tributary 3	Approximately 200 feet upstream of Kansas City Southern Railroad.	*140
		Flagon Bayou Tributary 6	Just upstream of State Road 623	*129
		Flagon Bayou Tributary 8	Just upstream of U.S. Highway 165	*116
			Just downstream of Kansas City Southern Railroad Spur.	*150
		Flagon Bayou Tributary 9	Just downstream of Kansas City Southern Railroad	*137
			Just downstream of U.S. Highway 165	*151
		Flagon Bayou Tributary 10	Just upstream of State Highway 116	*122
		Flagon Bayou Tributary 11	Approximately 800 feet upstream of State Highway 116.	*111
		Flagon Bayou Tributary 16	Just upstream of State Highway 116	*102
		Flagon Bayou Tributary 17	Just upstream of State Highway 116	*115
		Flagon Bayou Tributary 22	Just downstream of State Highway 116	*102
		Horseshoe Drainage Canal	Just upstream of U.S. Highway 71	*74
		East Prong Bayou	Just downstream of Cattle Crossing	*74

Maps available for inspection at the Parish Secretary's Office, Rapides Parish Courthouse, Alexandria, Louisiana 71301.

Send comments to Mr. L. B. Henry, Rapides Parish Police Jury President, or Angie Murry, Parish Secretary, Rapides Parish Courthouse, P.O. Box 1150, Alexandria, Louisiana 71301.

Louisiana	Westwego, city, Jefferson Parish	Mississippi River	Downstream corporate limits	*19
			Upstream corporate limits	*20
		Rainfall-Runoff Ponding	From western corporate limits along Old Spanish Trail to levee.	*4
			West of Texas and Pacific Railroad yard and north of Texas and Pacific Railroad to western corporate limits.	*2.5
			Along Southern Pacific Railroad to Pond Street extended.	*2
			East of Louisiana Avenue, south of 2nd Street, west of Patterson Street, and north of Texas and Pacific Railroad.	*3
			East of Patterson Street, south of River Road, west of Klein Street, and north of Texas and Pacific Railroad.	*3
			Along eastern corporate limits between River Road and Texas and Pacific Railroad.	*5

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			South of Texas and Pacific Railroad and north of West Bank Expressway, from western corporate limits to eastern corporate limits.	*3
			South of West Bank Expressway, west to levee, east to corporate limits, and south to corporate limits, over to Dugues Canal in eastern part of city.	*2.5
		Gulf of Mexico-Flooding Affecting Westwego	Western corporate limits east to levee, north to Otto Street extended.	*5
			In eastern part of city, from Lapalco Boulevard south to southernmost corporate limits, along Dugues Canal.	*5

Maps available for inspection at the City Hall, 419 Avenue A, Westwego, Louisiana.
Send comments to Honorable Ernest J. Tassin, Mayor of the City of Westwego, 419 Avenue A, Westwego, Louisiana 70094.

Michigan	(Chtd. Twp.) Buena Vista, Saginaw County	Saginaw River	About 600 feet upstream of Interstate 75 (At downstream corporate limits).	*588
			About 1.1 miles upstream of Interstate 75 (At upstream corporate limits).	*589
		Koehler Drain	At East Washington Road	*589
			Just upstream Chessie System	*596
		Cheboyganing Creek	Just downstream of Wadsworth Road	*598
			Within corporate limits	*586

Maps available for inspection at the Township Office.
Send comments to Honorable Leon S. Clark, Supervisor, Buena Vista Charter Township, 1160 S. Outer Drive, Saginaw, Michigan 48601.

Nebraska	(C) Kearney, Buffalo County	Platte River	About 2.9 miles downstream of State Highway 10 and State Highway 44.	*2,121
			Just downstream of State Highway 10 and State highway 44.	*2,143
			About 3.3 miles upstream of State Highway 10 and State Highway 44.	*2,164
		North Channel Platte River	About 700 feet downstream of County Highway 36	*2,116
			About 100 feet upstream of State Highway 10 and State Highway 44.	*2,142
			About 3.0 miles upstream of County Road X (just downstream of County Road).	*2,168
		Wood River	At confluence of Glenwood Park Creek	*2,139
			About 1,200 feet upstream of State Highway 10	*2,145
		Glenwood Part Creek	About 550 feet upstream of confluence with Wood River.	*2,139
			Just upstream of County Road D-V	*2,152
			Just upstream of Union Pacific Railroad	*2,159
			Just downstream of 17th Avenue	*2,188
			Just upstream of 17th Avenue	*2,195
			About 1,500 Feet upstream of 56th Street	*2,209
		Kearney Canal	At confluence with North Channel Platte River	*2,147
			About 1,400 feet upstream of U.S. Highway 30	*2,153
			About 1,425 feet upstream of U.S. Highway 30	*2,210
			About 3.8 miles upstream of Conifer Avenue	*2,220
		North Dry Creek Ditch	About 100 feet upstream of North Channel Platte River (just upstream of County Road).	*2,153
			About 3,500 fee upstream of County Road	*2,155
		Shallow Flooding (overflow from North Dry Creek Ditch).	Just east of North Dry Creek Ditch	1 foot

Maps available for inspection at City Hall, Kearney, Nebraska.
Send comments to Honorable Justus Dobesh, Mayor, City of Kearney, City Hall, Kearney, Nebraska 68847.

Nevada	Washoe County (unincorporated areas)	Truckee River	200 feet upstream from center of Clark Gypsum Plant Road.	*4,247
			At the intersection of River and Mayberry Drive	*4,614
		Steamboat Creek	At the intersection of Ellis Street and Sinello Drive	*4,393
			50 feet upstream from the center of Towne Road	*4,572
		Baily Canyon Creek	50 feet upstream from center of Toll Road	*4,586
		Boynton Slough	200 feet sough along South McCarran Boulevard from its intersection with Pembroke Drive.	*4,393
		North Truckee Drain	50 feet upstream from center of East Prater Way	*4,395
		Dry Creek	125 feet upstream from center of Timothy Drive	*4,577
		Galena Creek	At the intersection of U.S. Highway 395 and East Laramie Road.	#1
		Thomas Creek	At the intersection of Foothill Road and Thomas Creek Road.	#1
		Evans Creek	500 feet south along Lakeside Drive from intersection with Hash Lane	#1

Maps available at the County Engineering Department, 1201 Mill Street, Reno, Nevada.
Send comments to Honorable Bella Williams, P.O. Box 11130, Reno, Nevada 89520.

New Jersey	Atlantic Highlands, borough, Monmouth County	Sandy Hook Bay	Shoreline from western corporate limits to Bowne Avenue, extended.	*18
			Shoreline from Bowne Avenue (extended) to First Avenue (extended).	*17
			Shoreline of Atlantic Highlands Yacht Harbor	*15
			Shoreline from Ballinswood Road extended to eastern corporate limits.	*17

Maps available for inspection at the Borough Hall, 100 First Avenue, Atlantic Highlands, New Jersey.
Send comments to Honorable Everett J. Curry, Mayor of the Borough of Atlantic Highlands, Borough Hall, 100 First Avenue, Atlantic Highlands, New Jersey 07716.

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	Addison, town, Steuben County	Canisteo river	Downstream corporate limits	*977
			Downstream corporate limits between Town and Village of Addison.	*982
			Upstream corporate limits between Town and Village of Addison.	*991
			Upstream corporate limits	*994
		Tuscarora Creek	Downstream corporate limits	*996
			Approximately 350 feet upstream of upstream corporate limits	*1,000
	Maps available for inspection at the residence of the Town Clerk, Ms. Kathy Bliss, Rathman Road, Box 23, Addison, New York. Send comments to Honorable Paul Hendricks, Supervisor of the Town of Addison, R.D. 1, Addison, New York 14801.			
New York	Amsterdam, city, Montgomery County	Mohawk River	At downstream corporate limits	*269
			At confluence with South Chuctanunda Creek	*273
			At upstream corporate limits	*278
		North Chuctonunda Creek	Upstream side of culvert at CONRAIL crossing	*272
			State Route 67 (downstream side)	*352
			Prospect Street (upstream side)	*384
			Fourth Avenue (upstream side)	*448
			Second Avenue (upstream side)	*493
			Upstream side of upstream CONRAIL crossing	*525
			Upstream side of Clizbe Avenue	*606
			Upstream corporate limits	*646
		South Chuctonunda Creek	At confluence with Mohawk River	*273
			Florida Avenue crossing (upstream side) approximately 1,000 feet downstream of State Route 55.	*302
			Upstream corporate limits	*338
		Bunn Creek	At confluence with North Chuctanunda Creek	*378
			Upstream side of Brookside Avenue	*448
			Footbridge (upstream side)	*467
			Upstream side of dam approximately 750 feet upstream of Brookside Reservoir.	*597
			Upstream corporate limit	*638
		Dave Creek	Confluence with Mohawk River	*278
			Steadwell Avenue (upstream side)	*305
			Upstream corporate limits	*382
	Maps available for inspection at the City Hall, 61 Church Street, Amsterdam, New York. Send comments to Honorable Mario Villa, Mayor of the City of Amsterdam, 61 Church Street, Amsterdam, New York 12010.			
New York	Belmont, village, Allegany County	Genesee River	Downstream corporate limits	*1,364
			At CONRAIL	*1,373
			Upstream State Route 19	*1,380
			Upstream corporate limits	*1,388
		Phillips Creek	Confluence with Genesee River	*1,373
			Upstream corporate limits	*1,382
		Plum Bottom Creek	Confluence with Genesee River	*1,360
			Upstream John Street	*1,384
			Upstream corporate limits	*1,388
	Maps available for inspection at the Village Hall, One Schuyler Street, Belmont, New York. Send comments to Honorable John Jordan, Mayor of the Village of Belmont, One Schuyler Street, Belmont, New York 14813.			
New York	Cameron, town, Steuben County	Canisteo River	Downstream corporate limits	* 1,033
			Upsteam second crossing of County Route 432	* 1,059
			Upstream corporate limits	* 1,069
	Maps available for inspection at the residence of Dorothy O'Brien, Town Clerk, Depot Street, Cameron, New York. Send comments to Honorable Ronald Masti, Supervisor of the Town of Cameron, R.D. 1, Cameron, New York 14819.			
New York	Canisteo, town, Steuben County	Canisteo River	Downstream corporate limits	*1,068
			Upstream Catatunk Road	* 1,096
			Upstream corporate limits	* 1,131
	Maps available for inspection at the Town Hall, Canisteo, New York. Send comments to Honorable Carl Lamphier, Supervisor of the Town of Canisteo, R.D. 1, Canisteo, New York 14823.			
New York	Chautauqua, town, Chautauqua County	Chautauqua Lake	Entire shoreline within community	*1,310
		Big Inlet	Confluence with Chautauqua Lake	*1,315
			State Route 17	*1,315
			Approximately 1,170 feet upstream of Centralia Road	*1,318
	Maps available for inspection at the Chautauqua Town Hall, Mayville, New York. Send comments to Honorable Bradley C. Long, Supervisor of the Town of Chautuqua, Town Hall, Mayville, New York.			
New York	Clinton, town, Dutchess County	Crum Elbow Creek	Dowstream corporate limits	* 263
			Upstream of State Route 9G	* 280
			Upstream of Schultz Hill Road	* 298
			Upstream of Frost Road	* 321
			Upstream of downstream crossing Sipe Barracks Road	* 369
			At Private Drive upstream of State Quarry Road	* 417
		East Branch Wappinger Creek	At confluence with Wappinger Creek	* 254
			Upstream of dam	* 262
			Upstream corporate limits	* 263

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Wappinger Creek	Downstream corporate limits	*252
			Upstream of Halstead Road	*276
			Upstream of dam located just upstream of Hollow Road.	*305
			Approximately 600 feet upstream of Nine Partners Road.	*337
		Wappinger Creek	Downstream corporate limits	*243
			Upstream of Taconic State Parkway	*249
			Upstream corporate limits	*254
		Silver Lake	Entire shoreline within community	*376
		Long Pond	Entire shoreline	*346

Maps available for inspection at the Town Hall, Center Road, Clinton Corners, New York.
Send comments to Honorable Jeffrey Burns, Supervisor of the Town of Clinton, P.O. Box 108, Clinton Corners, New York 12514.

New York	East Fishkill, town, Dutchess County	Fishkill Creek	Downstream corporate limits	*224
			Upstream Palen Road	*232
			Upstream State Route 376	*240
			Upstream Carol Road	*252
			Upstream of third dam	*287
			Upstream Taconic State Parkway	*295
			Upstream corporate limits	*311
		Sprout Creek	Confluence with Fishkill Creek	*224
			Upstream State Route 82	*231
			Upstream Brown Road	*245
			Upstream Montfort Road	*257
			Upstream Robinson Lane	*279
			Upstream corporate limits	*290
		Whortlekill Creek	Confluence with Fishkill Creek	*234
			Upstream second CONRAIL crossing	*250
			Upstream Creamery Road	*279
			Upstream Taconic State Parkway Ramp	*332
		Sylvan Lake Outlet	Confluence with Fishkill Creek	*295
			Upstream Bogardus Lane	*309
			Upstream corporate limits	*320

Maps available for inspection at the East Fishkill Town Hall, Route 376, Hopewell Junction, New York.
Send comments to Honorable Wesley Virtue, Supervisor of the Town of East Fishkill,Town Hall, Route 376, Hopewell Juction, New York 12533.

New York	Esopus, town, Ulster County	Rondout Creek	Confluence with Hudson River	*9
			State Route 213 (upstream side)	*12
			Confluence of Wallkill River	*36
		Wallkill River	Approximately 125 feet downstream of Perrine's Bridge Road.	*179
			New York State Thruway	*187
			Upstream corporate limits	*192
		Hudson River	Entire shoreline within community	*9

Maps available for inspection at the Esopus Town Hall, Broadway and Sound Streets, Port Ewen, New York.
Send comments to Honorable Marilyn Coffey, Supervisor of the Town of Esopus, P.O. Box 700, Port Ewen, New York 12466.

New York	Fillmore, village, Allegany County	Cold Creek	Downstream corporate limits	*1,175
			1st upstream corporate limits	*1,176

Maps available for inspection at the Village Hall, Fillmore, New York.
Send comments to Honorable Royal Smith, Mayor of the Village of Fillmore, Village Hall, Fillmore, New York 14735.

New York	Fredonia, village, Chautauqua County	Canadaway Creek	Downstream corporate limits	*641
			Matteson Road (downstream side)	*650
			Approximately .38 mile upstream of Matteson Road	*661
			At Risley Street	*679
			Main Street (upstream side)	*703
			Approximately 700 feet upstream of Water Street	*715
			Approximately 2,900 feet downstream of Liberty Street	*730
			Liberty Street (upstream side)	*749
			Approximately .45 mile upstream of Liberty Street	*766
			Upstream corporate limits	*777

Maps available for inspection at the Village Hall, Fredonia, New York.
Send comments to Honorable Louis C. Mancuso, Mayor of the Village of Fredonia, Village Hall, Fredonia, New York 14063.

New York	Larchmont, village, Westchester County	Long Island Sound	Entire shoreline within community	*18

Maps available for inspection at the Office of the Village Clerk, Municipal Building, 120 Larchmont Avenue, Larchmont, New York.
Send comments to Honorable Martin S. Quigley, Mayor of the Village of Larchmont, 120 Larchmont Avenue, Larchmont, New York 10538.

New York	Queensbury, town, Warren County	Hudson River	Most downstream corporate limits	*211
			Downstream of Feeder Dam	*275
			Upstream of Feeder Dam	*290
		Halfway Creek	Approximately .6 mile downstream of Ridge Road	*288
			Upstream of Ridge Road	*293
			Upstream of Cronin Road	*306
			Upstream of Bay Road	*315
			Upstream of U. S. Route 9	*332
			Downstream of Dixon Road	*349

Maps available for inspection at the Town Hall, Glens Falls, New York.
Send comments to Honorable Frances Walter, Supervisor of the Town of Queensbury, R.D. 1, Bay Street, Glens Falls, New York 12801.

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Richmond, town, Ontario County	Hemlock Outlet	Confluence with Honeoye Creek	*791
			South Road (upstream side)	*794
			Pierpont Road (upstream side)	*799
			Reed Road (upstream side)	*837
			Approximately 5,000 feet upstream of Reed Road	*863
			Upstream corporate limits	*879
		Mill Creek	Confluence with Honeoye Creek	*806
			East Lake Road (upstream side)	*844
			Approximately 2,800 feet upstream of spillway	*878
		Honeoye Lake	Entire shoreline within corporate limits	*806

Maps available for inspection at the Town Hall, Route 20A, Honeoye, New York.
Send comments to Honorable Robert Belmont, Supervisor of the Town of Richmond, East Blake Road, Honeoye, New York 14471.

New York	Rosendale, town, Ulster County	Rondout Creek	Downstream corporate limits	*28
			New York State Thruway (upstream side)	*59
			Downstream crossing State Route 213 (upstream side)	*56
			James Street (upstream side)	*65
			Upstream crossing State Route 213 (upstream side)	*95
		Wallkill River	Approximately 125 feet downstream of Perrine's Bridge Road.	*179
			New York State Thruway (upstream side)	*187
			Upstream corporate limits	*192

Maps available for inspection at the Town Hall, Main Street, Rosendale, New York.
Send comments to Honorable Bea Habraneck, Supervisor of the Town of Rosendale, Town Hall, Main Street, Box 423, Rosendale, New York 12472.

New York	Schaghticoke, town, Rensselaer County	Hudson River	Downstream corporate limits	*36
			Lock No. 1 (upstream side)	*39
			Approximately 2 miles upstream of Lock No. 1	*41
			Lock No. 2 (upstream side)	*60
			Mechanicville Bridge (upstream side)	*63
			Lock No. 3 (upstream side)	*82
			Dam (upstream side)	*92
			Upstream corporate limits	*94
		Hoosic River	Confluence with Hudson River	*82
			Approximately 2 miles upstream of confluence with Hudson River.	*100
			Approximately .85 mile downstream of Concrete Arc bridge.	*120
			Concrete Arc bridge (upstream side)	*138
			Most upstream corporate limits within Village of Schaghticoke.	*277
			Fourth upstream corporate limits upstream of State Route 67.	*315
			County Route 111 (upstream side)	*323
			Dam (upstream side) upstream of County Route 111	*353
			Most upstream corporate limits	*356
		Tomhannock Creek	Confluence with Hoosic River	*105
			Approximately .7 mile upstream of Old Schaghticoke Road.	*113
			Approximately 720 feet downstream of Buttermilk Road.	*126

Maps available for inspection at the Office of the Town Supervisor, Town Hall, Schaghticoke, New York.
Send comments to Honorable Mark Zaretzki, Supervisor of the Town of Schaghticoke, Route 40, P.O. Box 180, Schaghticoke, New York 12151.

New York	Woodhull, village, Steuben County	Tuscarora Creek	Downstream corporate limits	*1,306
			Upstream corporate limits	*1,327
			Church Street (upstream side)	*1,318

Maps available for inspection at the Village Hall, Sherwood Street, Woodhull, New York.
Send comments to Honorable Jennings Sawyer, Mayor of the Village of Woodhull, Box 11, 1649 Jasper Street, Woodhull, New York 1488.

Ohio	(C) Cambridge Guernsey County	Wills Creek	About 0.7 mile downstream of Wills Creek Valley Road	*788
			About 2.2 miles upstream of Conrail	*797
		Leatherwood Creek	Mouth at Wills Creek	*796
			About 1,300 feet upstream of County Road 35	*797

Maps available for inspection at the Department of Community Development, City Hall, Cambridge, Ohio.
Send comments to Honorable Charles Schaule II, Mayor, City of Cambridge, 1131 Steubenville Avenue, Cambridge, Ohio 43725.

Ohio	(C) Chillicothe, Ross County	Scioto River	About 0.6 mile downstream of Norfolk Southeren Railroad.	*625
			About 1.2 miles upstream of U.S. Route 35	*631

Maps available for inspection at City Hall, 35 S. Paint Street, Chillicothe, Ohio.
Send comments to Honorable Clark S. Alexander, Mayor, City of Chillicothe, City Hall, 35 S. Paint Street, Chillicothe, Ohio 45601.

Ohio	(V) Mantua, Portage County	Cuyahoga River	About 0.8 mile downstream of Main Street	*1,084
			About 0.6 mile upstream of High Street	*1,088

Maps available for inspection at the Village Hall, East High Street, Mantua, Ohio.
Send comments to Honorable Rose Henniger, Mayor, Village of Mantua, Village Hall, East High Street, Mantua, Ohio 44255.

Oregon	Athena (city), Umatilla County	Waterman Gulch	At the intersection of Garfield Street and 2nd Street	*1,728

Maps available for inspection at City Planner's Office, Umatilla County Courthouse, Pendleton, Oregon.
Send comments to Honorable Bob Frink, P.O. Box 686, Athena, Oregon 97813.

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Canby (city), Clackamas County	Molalla River	70 feet upstream from center of northwest Knights Bridge Road.	*94
		Willamette River	500 feet east from center of intersection of Redwood Street and the sewage treatment plant access road.	*84
Maps are available at the Public Works Department, 182 N. Holly, Canby, Oregon.				
Send comments to the Honorable Michael L. Gabrion, P.O. Box 930, Canby, Oregon 97013.				
Oregon	Myrtle Point (city), Coos County	South Fork, Coquille River	50 feet upstream from center of Spruce Street	*40
Maps available for inspection at City Recorder's Office, 424 5th Street, Myrtle Point, Oregon.				
Send comments to Honorable Jean Coffman, 424 5th Street, Myrtle Point, Oregon 97458.				
Tennessee	City of Clarksville, Montgomery County	Cumberland River	Approximately 3,900 feet upstream of Louisville and Nashville Railroad.	*392
			Just upstream of New State Highway 13	*393
		Red River	Just downstream of U.S. Highway 79	*392
			Approximately 260 feet upstream of Warfield Boulevard.	*399
		Little West Fork	Approximately 250 feet downstream of Louisville and Nashville Railroad.	*406
			Approximately 1,000 feet upstream of U.S. Highway 41 Alternate.	*411
		Fletchers Fork	Approximately 950 feet upstream of downstream corporate limits (approximately 1.16 miles upstream of confluence with Little West Fork).	*425
Maps available for inspection at Clarksville-Montgomery County Regional Planning Commissioner's Office, or City Building Department or City Engineer's Office, City Hall, Public Square, Clarksville, Tennessee 37040.				
Send comments to Mayor Ted Crozier or Alvin Allen, Director, Clarksville-Montgomery County Regional Planning Commission, City Hall, Public Square, Clarksville, Tennessee 37040.				
Tennessee	City of LaVergne, Rutherford County	Finch Branch	Approximately 80 feet upstream of Minerva Drive	*554
			Just upstream of Murfreesboro Road	*556
		Hurricane Creek	Approximately 200 feet upstream of U.S. Highway 41	*554
		West Branch Hurricane Creek	Just upstream of Firestone Parkway	*581
		East Branch Hurricane Creek (Before Levee overtopping).	Approximately 700 feet upstream of Firestone Parkway	*579
		East Branch Hurricane Creek (After Levee overtopping).	Approximately 840 feet west of the intersection of Waldron Road and Firestone Parkway.	*579
Maps available for inspecton at City Hall, 5218 Murfreesboro Highway, LaVergne, Tennessee 37086.				
Send comments to Mayor A.C. Puckett or Mr. Richard Anderson, City Manager, Hall, P.O. Box 177, LaVergne, Tennessee 37086.				
Tennessee	City of Millersville, Sumner County	Slaters Creek	Approximately 200 feet downstream of Cart Wright Dirve extended.	*490
			Circle Drive extended	*492
		East Fork Slaters Creek	Approximately 200 feet downstream of Pole Hill Road	*526
Maps availabel for inspection at City Hall, 1379 Louisville Highway, Millersville, Tennessee 37072.				
Send comments to Mayor Steve Nichols of Mr. Robert Mayfield, City Mananger, City-Hall, P.O. Box 483, Goodlettsville, Tennessee 37072.				
Tennessee	Unincorporated areas of Montgomery County	Big West Fork	Approximately 530 feet upstream of Boy Scout Road	*398
			Approximately 700 feet upstream of Peachers Mills Road.	*407
		Little West Fork	Approximately 800 feet upstream of State Highway 41	*411
			Approximately 1,500 feet upstream of East End Road	*430
			Approximately 500 feet upstream of McNair Road	*437
		Red River	Approximately 600 feet upstream of Louisville and Nashville Railroad.	*392
			Approximately 850 feet upstream of northbound bridge of Interstate Highway 24.	*406
		Fletchers Fork	Approximately 400 feet upstream of Woodlawn Road	*456
			Approximately 250 feet upstream of Lafayette Road	*467
		Cumberland River	Just upstream of the confluence of Cumberland River and Red River.	*391
			Approximately 500 feet upstream of New State Route 13.	*393
Maps available for inspection at Montgomery County Executive's Office, County Courthouse, Commerce Street or Civil Defense Office, Commerce Street, Clarksville, Tennessee 37040.				
Send comments to Mr. Joel Plummer, Montgomery County Executive or Mr. Robert Thompson, Accounts and Budget Director, Montgomery County Courthouse, P.O. Box 368, Clarksville, Tennessee 37040.				
Mississippi	Unincorporated areas of Harrison County	Gulf of Mexico Mississippi Sound	Intersection of 3rd Street and Bayview Street	*13
		St. Louis Bay	Intersection of Jones Road and Menge Avenue	*12
		Back Bay of Biloxi	Intersection of Bay Shore Road and Lamey Bridge Road.	*11
Maps available for inspection at Harrison County Courthouse, 1601 23rd Avenue, Gulfport, Mississippi 39501.				
Send comments to Mr. Ernest Melvin, President, County Board of Supervisors or Mr. Hue B. Snowden, Vice President, County Board of Supervisors, Harrison County Courthouse, P.O. Box CC, Gulfport, Mississippi 39501.				
Tennessee	Unincorporated areas of Robertson County	Sulphur Fork	Just upstream of State Road 6279	*535
			At the confluence of Beaver Dam Creek	*563
			Approximately 100 feet upstream of White House road	*601
			Just upstream of St. U House Road	*620
			Just upstream of Mount Pleasant Rd	*647

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Beaver Dam Creek	Just downstream of Owens Chapel Road	*588
			Approximately 150 feet downstream of Louis Draughton Rd.	*600
		Wartrace Creek	Approximately 50 feet upstream of Oakland Road (County Road 6341).	*663
		Lons Branch	At the intersection of Still House Road and an unnamed road 1.56 miles above the confluence with Sulphur Fork).	*646
		Pole Bridge Branch	Just downstream of Kelley Willis road	*703
		Savage Branch	Approximately 50 feet downstream of Still House road	*664
		Carr Creek	Approximately 200 feet downstream of New Chapel Road.	*523
			Approximately 100 feet upstream of Burr Rd	*548
			Just upstream of New Cut road	*525
			Just upstream of Lights Chapel Road	*641
		Browns Fork	Just downstream of Ammato Larr Road	*524
		Millers Creek	Approximately 60 feet downstream of State Road 6280.	*548
		Unnamed Tributary of Millers Creek.	Approximately 40 feet downstream of State Road 6280.	*568
		Honey Run Creek	Just upstream of James Stone Road	*487
		Brush Creek	Just downstream of Edd Ross Road	*463
			Approximately 60 feet upstream of Stroudville Road	*550
			Just upstream of Charlie Maxie Road (State Road 6277).	*577
			Just downstream of Pinklet road	*617
		West Fork	Just downstream of Harmony Road	*567
		Red River	Approximately 150 feet upstream of Highland Road	*618
			Just upstream of State Highway 52	*630
			Approximately 200 feet downstream of Stacks Road	*634
			Approximately 350 feet downstream of Interstate Highway 65.	*651
		Unnamed Tributary of Red River	Just upstream of Durers Mill Road	*627
		Frey Branch	Just upstream of Pleasant Grove Road	*693

Maps available for inspection at Planning and Zoning Office, Robertson County Office Building, Springfield, Tennessee 37172.

Send comments to Mr. Emerson Meggs or Mrs. Martha Wilkinson, Director of Planning, Robertson County Courthouse, Room 108, Springfield, Tennessee 37172.

Tennessee	Unincorporated areas of Rutherford County	Stewart Creek	Approximately 350 feet upstream of Old Nashville Highway.	*527
			Just upstream of Interstate Highway 24, Eastbound Lake.	*541
			Just upstream of Burnt Knob Road	*569
		Finch Branch	Approximately 350 feet downstream of Fergus Road	*540
		Rock Spring Branch	Just upstream of Old Nashville Highway	*549
			Just upstream of Rock Spring Road, first crossing upstream of Interstate Highway 24.	*602
			Just upstream of Blair Road	*623
		Olive Branch	Just upsteam of Interstate Highway 24, East bound Exit Ramp.	*538
			Just upstream of Lee Road	*564
		West Fork Stones River	Approximately 500 feet upstream of Old Jefferson Pike	*502
			Just downstream of Sulphur Spring Road	*524
			Just upstream of Water Treatment Plant Road	*549
			Just upstream of State Highway 99	*594
			Just downstream of Barfield Road	*616
			Just downstream of Stones River Road	*656
		Overall Creek	Just upstream of Asbury Road	*556
			Approximately 200 feet upstream of State Highway 99	*596
		Puckett Creek	Approximately 500 feet upstream of Franklin Road (State Highway 96).	*596
			Just downstream of State Highway 99 (Eagleville Pike)	*627
		Lytle Creek	Just downstream of Manchester Pike (State Highway 2 and U.S. Highway 41).	*617
			Just upstream of Dilton Road	*645
		Unnamed Tributary of West Fork Stones River.	Just upstream of State Highway 99	*602
		Middle Fork Stones River	Just upstream of State Highway 10 (U.S. Highway 231).	*610
			Just downstream of Elam Mill Road	*631
		East Fork Stones River	Approximately 250 feet upstream of Old Jefferson Pike	*508
			Just downstream of U.S. Highway 231 (Lebanon Pike)	*534
			Approximately 300 feet downstream of Sandford Road	*551
			Just downstream of State Highway 96	*563
		Wades Branch	Approximately 4,000 feet upstream of Barlow Lane	*538
		Bear Branch	Just upstream of Veterans Hospital Road	*547
			Approximately 300 feet downstream of Oakland School Road.	*576
		Bushman Creek	Approximately 500 feet upstream of Osborne Road	*562
			Approximately 200 feed downstream of State Highway 96.	*588
		Bradley Creek	Just upstream of Browns Mill Road	*564
			Just downstream of State Highway 96 (Jefferson Pike)	*580
		East Branch Hurricane Creek	Just upstream of Paul Road (which is located just upstream of Interstate Highway 24).	*602

Maps available for inspection at Rutherford County Executive's Office or Building Commission Office, Rutherford County Courthouse, Maple Street, Murfreesboro, Tennessee 37130.

Send comments to John Mankin, Rutherford County Executive or Mr. Lloyd Hall, Building Commissioner, Rutherford County Courthouse, Maple Street, Murfreesboro, Tennessee 37130.

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Unincorporated areas of Wilson County	Bartons Creek	Just upstream of Coles Ferry Pike (FAS 6300)	*458
			Approximately 400 feet downstream of Hartman Drive	*503
			Just upstream of Hartman Drive	*508
			Just upstream of Tuckers Gap Road	*547
		Stoners Creek	Approximately 300 feet downstream of Baptist Church Road.	*514
			Just downstream of Rutland road	*568
		Cedar Creek	Approximately 200 feet upstream of U.S. Highway 70 and State Highway 24.	*477
			Just downstream of Louisville and Mashville Railroad	*520
			Just downstream of Leeville Road	*568
		Spring Creek	Approximately 200 feet downstream of Belotes Ferry road.	*459
			Approximately 100 feet downstream of State Highway 141 (Lebanon Hartsville Pike).	*501
			Approximately 100 feet upstream of Interstate Highway 40.	*559
			Approximately 500 feet upstream of Louisville and Nashville Railroad.	*602
		Suggs Creek	Approximately 400 feet downstream of Mount Juliet Road.	*516
			Just upstream of Mires Road	*545
			Approximately 100 feet downstream of Underwood Road.	*565
		Sinking Creek	Approximately 500 feet downstream of Sewage Plant road (extended).	*521
			Approximately 400 feet upstream of Interstate Highway 40.	*575
			Just downstream of Stumpy Lane	*594
		Cumberland River	Just upstream of the confluence of Cumberland River and Spencer Creek.	*452
			Just downstream of State Highway 2317	*459
Maps available for inspection at Planning Office, Wilson County Courthouse, Lebanon, Tennessee 37087.				
Send comments to Mr. Don Simpson, County Executive, or Mr. Sam Edwards, Director of Planning Department, Wilson County Courthouse, Lebanon, Tennessee 37087.				
Texas	Unincorporated areas of Bexar County	West Fork Olmos Creek	Just upstream of Huebner Road	*895
			Approximately 550 feet upstream of DeZavalla Road	*937
		Olmos Creek	Approximately 180 feet upstream of George Road	*867
			Just upstream of DeZavalla Road	*926
			Approximately 150 feet downstream of F.M. 1604	*978
		Martinez Creek	Approximately 500 feet upstream of Schuwirth Road	*602
			Approximately 200 feet upstream of Benz-Engleman Road.	*641
		Salitrillo Creek	Just upstream of FM 78	*679
			Just upstream of FM 1976	*690
		West Salitrillo Creek	Approximately 100 feet downstream of FM 1516	*646
			Just upstream of Southern Pacific Railroad	*696
		Calaveras Creek	Just upstream of U.S. Highway 87	*597
			Just downstream of Triple Trees Road	*616
		Indian Creek	Just upstream of Somerset Road	*595
			Just upstream of U.S. Highway 81	*624
		Medio Creek	Approximately 200 feet upstream of U.S. Highway 90	*696
			Approximately 150 feet upstream of FM 1957	*797
			Approximately 200 feet upstream of Talley Road	*850
		Caracol Creek	Just downstream of FM 1604	*800
		Slick Ranch Creek	Just upstream of FM 1957	*782
		Helotes Creek	Just downstream of Leslie Road (downstream crossing).	*914
			Approximately 150 feet upstream of Wagner Road	*1,088
		Los Reyes Creek	Just downstream of State Highway 16 (downstream-most crossing).	*1,095
			Just downstream of State Highway 16 (upstreammost crossing).	*1,236
		Culebra Creek	Approximately 170 feet upstream of State Road 471	*800
			Approximately 150 feet downstream of Loop 1604	*857
			Just upstream of Leslie Road	*866
			Approximately 300 feet downstream of Galm Road	*950
		Rosillo Creek	Approximately 250 feet upstream of Binz-Englemann Road.	*670
		Huesta Creek	Approximately 60a feet upstream of San Antonio Corporate Limits (Approximately 11,650 feet above mouth).	*996
		Salado Creek	Approximately 200 feet upstream of West Avenue	*806
			Approximately 500 feet upstream of Blanco Road	*848
		French Creek	Just downstream of San Antonio corporate limits (Approximately 22,200 feet above mouth).	*916
		Leon Creek	Just downstream of U.S. Highway 81	*611
			Approximately 90 feet upstream of Heath Road	*798
		Huebner Creek	Just upstream of Timber Hill	*786
		Mud Creek	Approximately 200 feet downstream of Jones Maltzburger Road.	*812

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		San Antonio River	Just downstream of San Antonio Corporate Limits (Approximately 2,400 feet downstream of Interstate highway 410).	*510
		Tributary A of Culebra Creek	Approximately 70 feet upstream of Timberwilde Drive	*818
			Just upstream of Tezel Road	*839
Maps available for inspection at Bexar County Department of Public Works, County Courthouse, San Antonio, Texas 78205.				
Send comments to Judge Albert Vustamante or Mr. Robert Tomasini, Bexar County Administrator of Public Works, or Mr. Bill Holchak, Assistant to the Commissioners, Bexar County Courthouse, San Antonio, Texas 78205.				
Texas	City of China Grove, Bexar County	Calaveras Creek	Just downstream of FM 1516	*641
Maps available for inspection at Hero's Ice and Feed Store, Highway 87E and Real Road, China Grove, Texas.				
Send comments to Mayor John Passano or Mr. Louis H. Heimer, City Councilman, P.O Box 367, Adkins, Texas 78101.				
Texas	Pearland, City Brazoria and Harris Counties	Clear Creek	Downstream corporate limits	*33
			Country Club Drive (upstream side)	*40
			Confluence of Hickory Slough	*45
			Upstream corporate limits	*48
		Marys Creek	Downstream corporate limits	*32
			John Lizer Road	*47
			Upstream corporate limits	*51
		Marys Creek By-Pass Channel	Downstream corporate limits	*32
			Confluence with Marys Creek	*43
Maps available for inspection at the City Hall, Pearland, Texas.				
Send comments to Honorable Thomas J. Reid, Mayor of the City of Pearland, P.O. Box 1157, Pearland, Texas 77581.				
Utah—	Cedar City (city) Iron County	Coal Creek	At the intersection of Creek and 100 East Street	*5,790
		Cross Hollow	At the intersection of LUND Highway and Cross Hollow Road.	#1
		Dry Canyon	At the intersection of 1050 North Street and 400 West Street.	#2
		Fiddlers Canyon	Approximately 3,000 feet North along State Highway 130 from its intersection with Fiddlers Canyon Road.	#1
		Stephens Canyon	At the intersection of North Field Road and 1750 North Street.	#1
Maps available for inspection at the Building Inspector's Office, 110 N. Main, Cedar City, Utah.				
Send comments to Honorable Robert Linford, 110 N. Main, Cedar City, Utah 84720.				
Utah—	St. George (city) Washington County	Virgin River	250 feet upstream from center of Interstate Highway 15.	*2,529
		Santa Clara River	200 feet upstream from center of Valley View Drive	*2,633
		Fort Pierce Wash	At the intersection of Creek and Fort Pierce Drive	*2,565
		Sand Hollow Wash	150 feet upstream from center of 2000 North Street	*2,821
		Halfway Wash	50 feet upstream from center of Dixie Downs Road	*2,710
		Middleton Wash	150 feet upstream from center of Middleton Drive	*2,865
Maps available at the City Engineer's Office, 175 E. 200 North, St. George, Utah.				
Send comments to Honorable Karl F. Brooks, 175 E. 200 North, St. George, Utah 84770.				
Washington—	Snoqualmie (town), King County	Snoqualmie River	At the intersection of King Street and North Maple Avenue.	*422
Maps available for inspection at the Town Hall, 109 River Street, Snoqualmie, Washington.				
Send comments to the Honorable Darwin Sukut, P.O. Box 337, Snoqualmie, Washington 98065.				
West Virginia	Clendenin, town, Kanawha County	Elk River	Downstream corporate limits	*629
			Confluence of Big Sandy Creek	*630
			Upstream corporate limits	*630
		Big Sandy River	Confluence with Elk River	*630
			Upstream corporate limits	*630
Maps available for inspection at the Mayor's Office, Town Hall, Maywood and 1st Avenues, Clendenin, West Virginia.				
Send comments to Honorable Paul Beighle, Mayor of the Town of Clendenin, Town Hall, P.O. Box 638, Clendenin, West Virginia 25405.				
West Virginia	Handley, town, Kanawha County	Kanawha River	Upstream corporate limits	*620
			Upstream of London Lock and Dam No. 3	*618
			Downstream corporate limits	*616
		Upper Creek	Upstream corporate limits	*736
			Confluence with Kanawha River	*620
		Lower Creek	Upstream corporate limits	*745
			Confluence with Kanawha River	*618
Maps available for inspection at the Town hall, Route 61, Handley, West Virginia.				
Send comments to Honorable Paul Evans, Mayor of the Town of Handley, P.O. Box 100, Handley, West Virginia 25102.				

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: October 24, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-29480 Filed 10-31-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 31026-209]

Foreign Fishing, Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA). Commerce.

ACTION: Proposed rule-related notice; 1984 initial specifications for groundfish, request for comments.

SUMMARY: NOAA proposes 1984 initial specifications for apportionment of optimum yield (OY) for each species of Gulf of Alaska groundfish among the domestic annual processing (DAP), joint venture processing (JVP), reserves, and total allowable level of foreign fishing (TALFF). This action is necessary to provide the pubic with the Secretary's preliminary determination of the amounts of initial apportionments and to obtain the public's comments on the appropriateness of those apportionments. On the basis of the comments received, the Secretary will make 1984 initial apportionments providing for proper and full utilization of the groundfish resources.

DATE: Comments on the notice are invited until December 1, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Fishery Biologist, NMFS, Alaska Region), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields (OYs) for various groundfish species are established by the FMP for Groundfish of the Gulf of Alaska. This FMP was developed under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by rules appearing at 50 CFR 611.92 and Part 672. The OYs are apportioned initially among DAP, JVP, reserves, and TALFF under 50 CFR 672.20 and 611.92(c).

DAP amounts are intended for harvest by United States (U.S.) fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen deliver their catches to foreign processors at sea. The reserves are for reapportionment to DAP and/or to JVP if those amounts are under specified. Reserves not reapportioned to DAP or JVP are for reapportionment to TALFF.

Under § 672.20(a)(2), the Secretary is required to publish this notice to propose the 1984 initial apportionments of the OYs among DAP, JVP, reserves, and TALFF. The proposed apportionments of DAP and JVP are the amounts harvested during 1983 plus additional amounts the Secretary has determined will be harvested by the U.S. industry (see table of 1983 U.S. harvests and 1984 proposed apportionments). These additional amounts reflect as accurately as possible the projected increases in U.S. processing and harvesting capacity and the extent to which U.S. processing and harvesting will occur during the coming year. Public comment on these amounts are invited by the Secretary untill [insert date 30 days after filing with Office of the Federal Register). In light of comments received, the Secretary will publish a second rule-related notice in the **Federal Register** by January 1 prescribing the initial apportionment of each OY among DAP, JVP, reserves, and TALFF. These amounts will replace the corresponding amounts for 1983 in § 672.20, Table 1, a revised version of which will be published as part of the notice.

TABLE OF 1983 ESTIMATED U.S. HARVESTS AND PROPOSED 1984 GULF OF ALASKA GROUNDFISH OY APPORTIONMENTS AMONG DOMESTIC ANNUAL PROCESSING (DAP) AND JOINT VENTURE PROCESSING (JVP), RESERVES AND TOTAL ALLOWABLE LEVEL OF FISHING (TALFF)

[All figures in metric tons]

Species, areas	OY	1983 estimated harvests		1984 proposed apportionments		Reserve	TALFF
		DAP	JVP	DAP	JVP		
Pollock:							
Western [1]	57,00	25	400	230	300	11,400	45,070
Central [1]	143,00	109	132,000	19,000	124,000		
Eastern [1]	16,600					3,320	3,280
Total	216,600					14,720	58,350
Pacific cod:							
Western	16,560	500	1,000	500	250	3,312	12,498
Central	33,540	4,680	2,700	11,683	8,621	6,708	6,528
Eastern	9,900	50		120		1,980	7,800
Total	60,000					12,000	26,826
Flounders:							
Western	10,400		700			2,080	8,320
Central	14,700	300	800	102	4,620	2,940	7,038
Eastern	8,400	200		60		1,680	6,600
Total	33,500					6,700	22,018
Pacific ocean perch [2]:							
Western	2,700		1,600		2,300	400	
Central	7,900	100	900	622	4,100	1,580	1,596
Eastern	875	50		460		175	240
Total	11,475					2,155	1,838
Other rockfish [3] (total)	7,600	200	300	374		1,520	5,706
Sablefish [4]:							
Western	1,670	120	150		1,100	334	236
Central	3,060	286	50	1,092	1,100	612	256
West Yakutat District [1]	1,680	200		530		336	814
East Yakutat District [1]	850	300		850-1,135		N/A	N/A
Southeast Outside [1]	470-1,435	2,100		470-1,435		N/A	N/A
Total	7,730-8,980					1,282	1,306
Atka mackerel:							
Western	4,678		750		400	936	3,342
Central	20,836		80			4,167	15,489
Eastern	3,186					637	2,549
Total	28,700					5,740	21,380
Squid (total)	5,000				10	1,000	3,990
Thornyhead rockfish (total)	3,750				50	750	2,950
Other Species [5] (total)	75,100			50	300	15,020	59,730

[1] See figures 1 of section 672.20 for description of regulatory areas and districts.

[2] The category "Pacific ocean perch" includes *Sebastes* species, *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (roughleye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 2 above and *Sebastolobus* (thornyhead rockfish).

[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.

[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. The OY is equal to 20% of the target species OYs, the high end of the OY range for sablefish is used in its calculation.

To best determine the intentions of the U.S. industry, the Alaska Regional Director of the National Marine Fisheries Service (Regional Director) conducted a survey during August and September 1983 to determine preliminarily the amounts of groundfish that U.S. processors intend to process or that domestic fishermen intend to deliver to foreign processors in joint ventures. The North Pacific Fishery Management Council (Council) reviewed the results of this survey at its September 28–29, 1983, meeting and recommended to the Regional Director preliminary apportionments of the OYs for 1984. The apportionments proposed by the Secretary by this notice are the same as those recommended by the Council with the following exceptions:

1. Rather than the zero amounts recommended by the Council, the Secretary is proposing DAP and JVP amounts for "other species" of 50 mt and 300 mt, respectively, and JVP amounts for thornyhead rockfish and squid of 50 mt and 10 mt respectively. These proposed amounts are estimates of the by-catches of those species in target fisheries for other fish.

2. The Council's recommendation for apportionments of the Central Regulatory Area pollock OY agreed with the survey results, which indicated DAP and JVP apportionments should be 19,000 mt and 225,000 mt, respectively. The sum of these amounts is 244,000 mt, or 101,000 mt more than the OY. To remain within the OY, DAP and JVP amounts of 19,000 mt and 124,000 mt, respectively, are proposed.

The FMP specifies that 20 percent of the OY for each target species and "other species" category be reserved for reapportionment to foreign or domestic fisheries as the season progresses on the basis of cumulative appraisals of DAH. Under 50 CFR 611.92(c)(ii)(A)(2) and 672.20(c)(ii), reserves may be reapportioned to DAH by the Secretary on such dates as he determines necessary. Under 50 CFR 611.92(c)(ii)(C)(4)(i) and 672.20(c)(iv)(A)(3), comments are invited on the proposed reapportionment when the Secretary determines that reapportionment is required on dates other than those specified. A survey shows that U.S. fishermen intend to harvest certain species in excess of the initial specifications of DAP and JVP that would result if a full 20 percent reserve were established. Accordingly, the Secretary makes these findings: (1) The entire reserve for pollock in the Central Regulatory Area will be harvested by U.S. fishermen and is reapportioned to JVP, effective January 1, 1984; (2) 140 mt of the reserve for Pacific Ocean perch in the Western Regulatory Area will be harvested by U.S. fishermen and is reapportioned to JVP, effective January 1, 1984, and (3) reserves for sablefish in the East Yakutat and Southeast Outside districts are not applicable, because no foreign fishing is permitted in these districts."

Comments are invited on these proposed apportionments. Any additional information on the actual plans for harvesting and processing U.S.-caught groundfish will be considered by the Secretary when making the final OY apportionments.

Other Matters

This action is taken under 50 CFR 611.92(C) and 672.20 and complies with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

Dated: October 26, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-29570 Filed 10-27-83; 11:37 am]

BILLING CODE 4160-16-M

Notices

Federal Register
Vol. 48, No. 212
Tuesday, November 1, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet November 22, 1983, at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The Agenda for the meeting will include: (1) Review range improvement needs on selected areas: (2) a discussion of the projects planned for FY 1984 utilizing range betterment funds; (3) discuss and receive advice and recommendations for the utilization of range betterment funds and development of allotment management plans for FY's 1985 and 1986.

The meeting will be open to the public. Persons who wish to attend and participate should notify Jim Webb, Routt National Forest (303–879–1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Dated: October 24, 1983.

Jack Weissling,

Forest Supervisory.

[FR Doc. 83–29598 Filed 10–31–83; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Order 83–10–41, Docket 41753]

Application of AFC International

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order of show cause.

SUMMARY: The Board proposes to deny authority to operate as a foreign freight forwarder in interstate and overseas air transportation to AFC International Co., a foreign air freight forwarder owned by a Romanian citizen, because the Government of Romania does not allow U.S. citizens to operate between Romanian domestic points.

Objections: All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, no later than November 3, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Ambassador of Romania in Washington, D.C., and to the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny the requested foreign freight forwarder registration to the applicant.

ADDRESSES:

Docket 41753, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

AFC International Co., c/o Constantin Florescu, 99 East First Street, Clifton, New Jersey 07011

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Dean L. Johnson, (202) 673–5134, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 11, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–29010 Filed 10–31–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41639]

Frontier Horizon, Inc.; Fitness Investigation; Notice of Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communication should be addressed to him.

Dated Washington, D. C., October 26, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–29609 Filed 10–31–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 40350]

North Pacific Airlines Fitness Investigation; Reopened Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a reopened hearing in the above-titled matter will commence on November 15, 1983, at 10:00 a.m. (local time), in Room 1012, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., October 26, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83–29608 Filed 10–31–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Collection of Information under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval of collection of information in Part 201 of the Board's Economic Regulations which establishes procedures for applications for certificates of public convenience and necessity for U.S. carriers to engage in air transporation, as required by section 401 of the Federal Aviation Act of 1958, as amended.

DATED: October 21, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

SUPPLEMENTARY INFORMATION: Agency clearance officer from whom a copy of the collection of information and supporting documents are available: Robin A. Caldwell (202) 673–5922—

How often the collection of information must be filed: On occasion
Who is asked or required to report: U.S. Air Carriers
Estimate of number of annual responses: 18
Estimate of number of annual hours needed to complete the collection of information: 1,440

List of Subjects in Part 201

Air carriers.

Phyllis T Kaylor,

Secretary.

[FR Doc. 83-29611 Filed 10-31-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on November 15, 1983, at Dekoven Community Center, 27 Washington Street, Middletown, Connecticut 06457. The purposes of the meeting are to discuss followup steps to the report on battered women and develop plans for a study of civil rights enforcement in the block grant program.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Judith H. Holmes, 24 Towne House Lane, Wethersfield, Connecticut 06109; (203) 247-9211, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 26, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-29475 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 8:30 p.m. on November 30, 1983, at the Maine Teachers Association, 35 Community Drive Augusta, Maine 04330. One purpose of the meeting is to discuss with representatives from the private and public sectors the civil rights aspects of the opening of a ship refitting facility in Portland. The Committee will also discuss the status of Maine's civil rights bill, the Committee's block grant study, and the State Education Department's survey of educational programs for refugees and immigrants.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine 04106; (207) 775-1451, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 26, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-29643 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m. on November 21, 1983, at U.S. Commission on Civil Rights, New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of the meeting is to discuss a proposed conference on affirmative action and other program ideas for the coming year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, East Falmouth, Massachusetts 02536; (617) 548-5123, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-29476 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on November 17, 1983, at the Merrimack College, RFD No. 4, Hackett Hill Road, Manchester, New Hampshire 03102. The purposes of this meeting are to discuss followup steps to the report on language minority students in Manchester and to develop plans for a study of civil rights enforcement in the block grant program.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire 03748; (603) 523-4882, or the New England Regional Office, 55 Summer Street, 8th Floor Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-29544 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

Florida Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee of the Commission will convene at 1:00 p.m. and will end at 6:00 p.m., on Nobember 21, 1983, at the Airport Regency Hotel, 100 N.W. 42nd Avenue, Miami, Florida 33126. The purpose of this meeting is to discuss followup plans for the Confronting Racial Isolation in Miami project and the State Advisory Chairpersons' conference.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Teresa Saldise, 815 South West 13th Court, Miami, Florida 33135, (305) 856-1363; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Rm. 362 Atlanta, Georgia 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-29000 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m. and again at 6:30 p.m. until 9:00 p.m. on November 14, 1983, at the Holiday Inn City Centre, 4th and Town Street, Columbus, Ohio. The purposes of the meetings are to receive a report on the status of the project on educational equity for Hispanic students and to discuss the feasibility of a project on energy and civil rights implications.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marian Spencer, 940 Lexington Avenue, Cincinnati, Ohio 45229, (513) 221-5656; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1983.

John I. Brinkley,

Advisory Committee Management Officer.

[FR Doc. 83-29099 Filed 10-31-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Intex et al.; Export Trade Certificates of Review

The Department of Commerce issued the first Export Trade Certificates of Review ("Certificates") under the Export Trading Company Act of 1982. Two certificates were awarded to two small businesses and a third to a consortium consisting of four individual firms and an agricultural association. These Certificates protect the holders from private treble damage actions and government suits under U.S. antitrust laws for their certified activities.

Intex International Trading Company, Inc., a Connecticut corporation ("Intex") will represent a group of several specialized consulting engineering firms for the purpose of competing overseas. Intex' certificate will allow Intex and its clients to exchange confidential business information while preparing bids on overseas projects.

International Marketing and Procurement Services, Inc. ("IMPS"), a Pennsylvania corporation, acts as a representative for U.S. manufacturers of sports and leisure equipment and services in the Middle East, Europe, Australia and the Far East. IMPS was certified to enter into exclusive sales and foreign distributorship agreements, to fix prices for exports, to allocate quantities for export and export markets among U.S. manufacturers and to refuse to deal with foreign competitors in the export markets

U.S. Farm-Raised Fish Trading Company, Inc., a Mississippi corporation ("Catfish") will engage in the export sale of farm-raised catfish in Europe and the Far East. This certificate protects the horizontal and vertical integration of domestically competitive catfish farmers and processors. Catfish was certified to fix purchase and export sale prices for its members, and to market through exclusive dealing arrangements with its members.

These companies are the first exporters to reduce antitrust uncertainties under a program provided by Title III of the Export Trading Company Act of 1982. Upon signing the Act into law a year ago, President Reagan stated:

> The Bill removes impediments to trade and permits companies to sell American products overseas more efficiently and effectively. It is an innovative idea based on team work and is designed to encourage joint efforts by manufacturers, export management companies, banks, freight forwarders, and others to enter foreign markets. More companies will seek the world of exports when they realize that government is not an adversary. It is your partner.

These first certificates symbolize this concept. Their holders represent the thousands of small and medium sized firms Secretary Baldrige has referred to as:

> Producing goods and services that are competitive overseas but are inhibited from exporting by their unfamiliarity with foreign markets, customers and laws. Individually they can't afford the costs and risks to develop the necessary expertise to penetrate those markets.

Armed with the protection of these certificates and benefiting from the economies of joint activity, IMPS, INTEX and CATFISH have the opportunity to compete on an equal footing with their counterparts in other countries.

Exporters will be interested in these first Certificates in order to learn what conduct is being granted immunity from Federal and State antitrustlaws. The presence of restrictions in a certificate does not necessarily mean that it is the Department of Commerce's or Justice's view that activities beyond those restrictions could not be certified under the Export Trading Act. Restrictions and conditions in a certificate may well result from the applicant's own plans or wishes. For example, the consulting engineers represented by INTEX are non-competing and each has no more than $100 million in annual gross billings. These conditions were not imposed on the applicant by Commerce or Justice but rather were contained in INTEX' description of its business operation in the application. Restrictions and conditions will be applied on a case by case basis where appropriate, rather than as a general rule.

Of particular note is a restriction in the Certificates which states that "this does not apply to sales to the United States Government or to any sale more than half of the cost of which is borne by the United States Government." The mere fact that unrestricted government-to-government foreign assistance ultimately is used to pay all or part of the price of goods or services sold in export trade will not exclude a transaction from protections a certificate would otherwise provide. Neither will the fact that the sale is financed by the Export-Import Bank exclude a transaction from the protections a certificate would otherwise provide.

For further information regarding the subject of this press release, please contact the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230, Mr. Charles S. Warner, Director, 202/377-5131.

This office offers pre-application counselling for exporters who wish to apply for an export trade certificate of review.

Dated: October 26, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-28582 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-DR-M

Intex; Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of export trade certificates of review.

SUMMARY: The Department of Commerce has issued export trade certificates of review to International Marketing and Procurement Services, Inc. (IMPS), U.S. Farm-Raised Fish Trading Company, Inc. (Company), and Intex International Trading Company, Inc. (Intex). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department request public comments on these certificates. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the applications as "Export Trade Certificate of Review, application number 83-00002, 83-00004 and/or 83-00008."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, Intenational Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Councel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act can be found at 48 FR 10596-10604 (March 11, 1983) (to be codified at 15 CFR Part. 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Description of Certified Conduct

IMPS—Application No. 83-00002

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from IMPS on June 9, 1983. The application was deemed submitted on June 13, 1983. A summary of the application was published in the **Federal Register** on June 24, 1983 (48 FR 29034-35 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by IMPS meet the four standards of the Act:

Export Trade

Sports and Leisure Equipment and Services (all sporting and athletic goods and goods that are intended as part of or are supplied to a recreation center or sports complex, including outdoor and public building furniture intended for a recreation center or sports complex; and the custom design and installation of Sports and Leisure Equipment and the provision of services that are intended as part of or are supplied to a recreation center or sports complex, such as the development, design, installation and management of sports and recreation facilities or programs on a "turn-key" basis or otherwise).

Export Markets

The Middle East (including Saudi Arabia, Oman, Kuwait, Bahrain, the United Arab Emirates, Qatar, Jordan, Iraq, Lebanon, Egypt, Sudan, Morocco and Syria); Europe (including the United Kingdom, Ireland, France, Belgium, the Netherlands, Germany, Switzerland, Greece, Itlay, Spain, Portugal, Denmark, Finland, Norway, Sweden, Austria, Poland, Czechoslovakia, and Yugoslavia); thje Far East (including China, Taiwan, Japan, Korea, the Phillippines, Indonesia, and Hong Kong); and Australia.

Export Trade Activities and Methods of Operation

(a) To enter into any number of non-exclusive agreements with U.S. manufacturers and suppliers ("Suppliers") or with buyers in the Export Markets to act as a Sales Representative or Broker. IMPS may enter into such agreements with Suppliers regardless of whether the Suppliers produce or sell similar or substitutable Sports and Leisure Equipment and Services.

(b) To enter into agreements with Suppliers wherein: as

(1) IMPS agrees to serve as the exclusive Sales Representative and , in addition, may agree not to represent any competitors of such Supplier unless authorized by Supplier; or

(2) The Supplier agrees not to sell, directly or indirectly through any other intermediary, into the Export Markets in which IMPS exclusively represents the Supplier and, if such sales do occur, to pay a commission to IMPS; or

(3) Both (1) and (2) above.

(c) To enter into nonexclusive agreements appointing distributors or sales agents in the Export Markets.

(d) To enter into exclusive agreements with persons in the Export Markets (including distributors and sales agents), wherein (1) IMPS agrees to deal in the Export Markets only through that person, or (2) that person agrees not to represent IMPS's competitors in the Export Markets or not buy from IMPS's competitors, or both (1) and (2).

(e) For itself or on behalf of Suppliers, to engage in any or all of the following activities as part of or in conjunction with or independent of Export Trade Services, whether by agreement with one or more Suppliers, with its distributors or agents in the Export Markets, or with Suppliers' distributors or agent in the Export Markets, or on the basis of its own determination:

(1) To establish prices at which Sports and Leisure Equipment and Services will be sold in the Export Markets,

(2) To establish quantities of Sports and Leisure Equipment and Services to be sold in the Export Markets,

(3) To allocate the foreign markets, territories or customers among such Suppliers and their distributors or agents in the Export Markets or among its distributors or agents in the Export Markets, or

(4) To refuse to quote prices or to market or sell such Sports and Leisure Equipment and Services to foreign purchasers in competition with IMPS in the Export Markets.

(f) To enter into exclusive or non-exclusive agreements with individual buyers in the Export Markets which agreements provide that IMPS will act as a Procuring Agent with respect to a particular transaction.

For purposes of this certificate, the following terms are defined:

(a) "Export Trade Services"—consulting, international market research; advertising, marketing, insurance, product research and design exclusively for export, transportation, trade documentation and freight forwarding, communication, processing, foreign orders, foreign exchange, financing, taking title to goods, providing warehouse facilities, buying, selling and assembling for export and appointing distributors or sales agents in the Export Markets.

(b) "Suppliers"—U.S. manufacturers and suppliers.

(c) "Sales Representative"—an intermediary who represents the Supplier in the Export Markets and who, in so acting, offers, provides or engages in some or all Export Trade Services.

(d) "Broker"—an intermediary who locates buyers in the Export Markets for the Supplier or who locates Suppliers of Sports and Leisure Equipment and Services for buyers in the Export Markets on a straight commission or cost-plus commission basis and who, in so acting, offers, provides or engages in some or all Export Trade Services.

(e) "Procuring Agent"—an intermediary who identifies and locates Sports and Leisure Equipment and Services for purchase, gives advice on or chooses among prospective Suppliers, advises on or negotiates prices, quantity and other purchase terms and conditions, and purchases for its own account or for the account of others Sports and Leisure Equipment and Services and who, in so acting, offers, provides or engages in some or all Export Trade Services.

Company—Application No. 83-00004

The office of Export Trading Company Affairs received an application for an export trade certificate of review from the Company on June 9, 1983. The application was deemed submitted on June 13, 1983 and a summary of the application was published in the **Federal Register** on June 24, 1983 (48 FR 10595-604 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by the Company meet the four standards of the Act:

Export Trade

Live or processed farm-raised catfish.

Export Markets All parts of the world except the United States.

Export Trade Activities and Methods of Operation

1.The Company will purchase live or processed catfish for export from its member catfish processing organizations, and will set purchase prices and allocate export orders among its member processors through a sealed bid procedure or a rotating bid system (in which the export orders would be allocated to one or more of the member processors in turn), or some combination of these two procedures.

2. The Company will set export prices and market the catfish in the Export Markets directly or indirectly through export intermediaries, on exclusive or nonexclusive basis.

3. The Company may enter into agreements with its member processors that prohibit them from exporting independently of the Company, either directly or indirectly through other export intermediaries.

4. The member processors may agree to export exclusively through the Company and may refuse to deal with other export intermediaries.

5. The Company may prescribe the following conditions for withdrawal of members from the Company: The withdrawing member must offer to sell its common stock to the Company at book value for 30 days, and after 30 days, for an additional 30 days to any other member of the Company. After the second 30-day period, the shares may be sold to anyone.

Intex—Application No. 83-00008

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Intex on June 15, 1983. The application was deemed submitted on June 20, 1983, and a summary of the application was published in the **Federal Register** on July 6, 1983 (48 FR 31060 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions and other information in their possession the Department of Commerce has determined and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Intex meet the four standards of the Act:

Export Trade. Consulting engineering services.

Export Markets. All parts of the world except the United States

Export Trade Activities and Methods of Operation. Intex will facilitate the export of consulting engineering services performed by U.S. firms by seeking to identify suitable overseas projects in which some or all of its client base of up to 15 noncompeting U.S. consulting engineering firms could participate. The services Intex may provide to its clients include elaborating on the Terms of Reference and scope of work, assisting in preparing a response to the project originator, assisting in the preparation and submission of the complete proposal, and monitoring the selection process until the contract has been awarded. Subject to certain limitations, Intex may provide its services to non-client consulting engineering firms.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of the certificates will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th street and Constitution Avenue, N.W., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Dated: October 26, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-29583 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Taking and Importing of Marine Mammals; Modification No. 1 to Permit No. 359

Notice is hereby given that pursuant to § 216.33(D) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 359 issued to Dr. John L. Bengtson, Department of Ecology and Behavioral Biology, University of Minnesota, on November 30, 1981 (46 FR 59283), is modified to extend the period of authorized taking for two years.

Accordingly, Section B–3 is deleted and replaced by:

"3. This permit is valid with respect to the taking authorized herein until December 31, 1985."

This modification becomes effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: October 27, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource, National Marine Fisheries Service.

[FR Doc. 83-29607 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to discuss: reports of the lobster, bluefish, surf clam, foreign fishing and groundfish oversight committees; reports on the Mid-Atlantic Council meeting and Joint Executive Committee meeting, the Chairmen/Executive Directors' meeting, Northeast Statistical Technical Committee meeting, NMFS Squid Hearings and PCB meeting in New Jersey; as well as other fishery management and administrative matters.

DATES: The meeting will convene on Wednesday, November 9, 1983 at approximately 10.00 a.m. and adjourn on Thursday, November 10, 1983 at approximately 5:00 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending on progress on the agenda.

ADDRESS: The meeting will take place at Howard Johnson's Motor Inn, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Rte. 1), Saugus, Massachusetts 01906, Telephone: 617–231–0422.

SUPPLEMENTARY INFORMATION: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Dated: October 27, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-29602 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-22-M

Deep Seabed Mining—Receipt of Amendments to Applications for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of receipt of amendments to applications for Deep Seabed Mining Exploration Licenses.

SUMMARY: On June 25, 1982, the National Oceanic and Atmospheric Administration (NOAA) published a notice, at 47 FR 27583, that it had received two applications from the Kennecott Consortium (KCON), 1515 Mineral Square, Salt Lake City, Utah 84147 for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. On September 16, 1983 and October 13, 1983 KCON filed amendments to its applications withdrawing certain areas of the deep seabed previously included in the application area and adding new areas not previously included in the application. The amendments reduce the size of the area included in one application from 150,000 km² to 73,000 km², and reduce the size of the second application area from 150,000 km² to 118,000 km². Subject to 15 CFR 970.902, which excludes confidential information from public disclosure, interested persons will be permitted to examine the materials relevant to these amendments and to provide comments to NOAA by January 3, 1983.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach on Nancy Carter, Division of Ocean Minerals and Energy, Office of Ocean and Coastal Resource Management, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Approved:

Dated: October 27, 1983.

Peter L. Tweedt,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-29628 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-12-M

Deep Seabed Mining—Receipt of Amendments to Applications for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of receipt of amendments to applications for Deep Seabed Mining Exploration Licenses.

SUMMARY: On June 25, 1982, the National Oceanic and Atmospheric Administration (NOAA) published a notice, at 47 FR 27583, that it has received two applications from the Ocean Mining Associates (OMA), P.O. Box 545, Gloucester Point, VA 23062 for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. On September 12, 1983, OMA filed an amendment to each of its applications withdrawing certain areas of the deep seabed previously included in the application areas and adding new areas not previously included in the application areas. The amendments reduce the size of the area included in one application from 150,000 km² to 88,600 km², and reduce the size of the second application area from 140,600 km² to 82,400 km². Subject to 15 CFR

970.902, which excludes confidential information from public disclosure, interested persons will be permitted to examine the materials relevant to these amendments and to provide comments to NOAA by January 3, 1983.

FOR FURTHER INFORMATION CONTACT:
Laurence J. Aurbach or Nancy Carter, Division of Ocean Minerals and Energy, Office of Ocean and Coastal Resource Management, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Approved:

Dated: October 27, 1983.

Peter L. Tweedt,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-29627 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-12-M

Deep Seabed Mining—Notice of Receipt of Amendments to Applications for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of receipt of amendment to applications for Deep Seabed Mining Exploration License.

SUMMARY: On June 25, 1982, the National Oceanic and Atmospheric Administration (NOAA) published a notice, at 47 FR 27583, that it had received four applications from Ocean Management, Inc. (OMI), One New York Plaza, New York, N.Y. 10004 for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. On September 19, 1983, OMI filed an amendment to its applications withdrawing certain areas of the deep seabed previously included in the application areas and adding new areas not previously included in the application areas. Subject to 15 CFR 970.902, which excludes confidential information from public disclosure, interested persons will be permitted to examine the materials relevant to these amendments and to provide comments to NOAA by January 3, 1983.

FOR FURTHER INFORMATION CONTACT:
Laurence J. Aurbach or Nancy Carter, Division of Ocean Minerals and Energy, Office of Ocean and Coastal Resource Management, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Approved:

Dated: October 27, 1983.

Peter L. Tweedt,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-29628 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-12-M

Deep Seabed Mining; Receipt of Amendments to Applications for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of receipt of amendments to applications for Deep Seabed Mining Exploration Licenses.

SUMMARY: On June 25, 1982, the National Oceanic and Atmospheric Administration (NOAA) published a notice, at 47 FR 27583, that it had received two applications from Ocean Minerals Company (OMCO), 465 N. Bernardo Avenue, Mountain View, California 94043 for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. On August 15, 1983, OMCO filed an amendment to each of its applications to add areas of the deep seabed to its applications. On September 14, 1983, OMCO filed a second amendment consolidating the applications, withdrawing certain areas of the deep seabed included in the application areas and adding new areas not previously included in the application areas. The amendment reduces the total size of the application areas from 299,881 km^2 to 165,506 km^2. Subject to 15 CFR 970.902, which excludes confidential information from public disclosure, interested persons will be permitted to examine the materials relevant to these amendments and to provide comments to NOAA by January 3, 1983.

FOR FURTHER INFORMATION CONTACT:
Laurence J. Aurbach or Nancy Carter, Division of Ocean Minerals and Energy, Office of Ocean and Coastal Resource Management, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Approved:

Date: October 27, 1983.

Peter L. Tweedt,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-29629 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Solicitation of Public Comment on Bilateral Textile Consultations With the Government of the People's Republic of China To Include a Review of Trade in Category 352 and Controlling Imports in That Category

October 27, 1983.

(1) Soliciting public comment on bilateral textile consultations with the Government of the People's Republic of China concerning trade in Category 352 and

(2) Controlling imports of cotton underwear in Category 352, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began in October 22, 1983 and extends through January 19, 1984.

A description of the textile categories in terms of T.S.U.S.A. members was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: On October 22, 1983, under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of cotton underwear in Category 352 exported from the People's Republic of China.

Anyone wishing to comment or provide data or information regarding the treatment of Category 352 under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of apparel included in this Category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspecton in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or

information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Under the consultation provision of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the ninety-day period to the following amount:

Category	90-day level of restraint (Oct. 22, 1983–Jan. 19, 1984)
352	248,521 dozen

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve months following the ninety-day consultation period to the following amount:

Category	12-mo. level of restraint (Jan. 20, 1984—Jan. 19, 1985)
352	739,786 dozen

The United States Government has decided, pending a mutually satisfactory solution, to control imports of cotton textile products in Category 352 for the ninety-day period, at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limit established for Category 352 for the ninety-day period is exceeded, such excess amount, if allowed to enter at the end of the restraint period, shall be charged to the level (described above) defined in the agreement for the subsequent twelve-month period.

EFFECTIVE DATE: November 2, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4121).

SUPPLEMENTARY INFORMATION: On August 19, 1983 there was published in the **Federal Register** (48 FR 37685) a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1983. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Category 352, which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 352, produced or manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of 248,521 dozen.

Walter C. Lenahan,

Chairman, Committee for the Implementation on Textile Agreements.

October 27, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 2, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 352, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on October 22, 1983 and extends through January 19, 1984, in excess of 248,521 dozen.[1]

Textile products in Category 352 which have been exported to the United States prior to October 22, 1983 shall not be subject to this directive.

Textile products in Category 352 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from the People's Republic of China has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-29630 Filed 10-31-83; 8:45 am]

BILLING CODE 3510-DR-M

[1] The level of restraint has not been adjusted to reflect any imports exported after October 21, 1983.

DEPARTMENT OF DEFENSE

Department of the Army

Army Advisory Panel on ROTC Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following panel meeting:

Name of Panel: Army Advisory Panel on ROTC affairs.

Date of Meeting: November 20–30, 1983.

Place: Secretary of the Army Conference Room (1A1071), Pentagon.

Time:

0800–1630, November 29, 1983
0600–1200, November 30, 1983

Proposed Agenda

The meeting will be conducted in both workshop and general sessions. The Panel will discuss major ROTC issues. This meeting is open to the public. Any interested person may appear before or file statements with the Panel at the time and in the manner permitted by the Panel.

John P. Prillaman,

Major General, GS, Deputy Chief of Staff for ROTC.

[FR Doc. 83-29592 Filed 10-31-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Availability of the 1983–84 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits

AGENCY: Department of Education.

ACTION: Notice of availability of 1983–84 Directory of low-income schools for cancellation of loans for teaching service.

SUMMARY: Borrowers under the National Defense and National Direct Student Loan Programs and other interested persons are advised that they may obtain information from, or copies of, the 1983–84 *National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits (Directory)*. The Directory identifies schools that qualify for teacher cancellation benefits under each of the loan programs.

DATE: A limited number of copies of the Directory will be available upon request on or after November 1, 1983.

ADDRESS: Copies of the 1983–84 *National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits* may be requested by institutions from the U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, 400 Maryland Avenue, S.W., [Room 4613, ROB–3] Washington, D.C. 20202, Telephone (202) 245–9640.

FOR FURTHER INFORMATION CONTACT: Inquiries concerning the Directory may be made to: (1) The appropriate State educational agency, (2) individuals listed in the ten (10) regional offices of the Department of Education (see Appendix to this notice for the addresses of the regional offices), or (3) Ronald Allen, Campus and State Grants Branch, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W., [Room 4613, ROB–3] Washington, D.C. 20202, Telephone (202) 245–9640.

SUPPLEMENTARY INFORMATION:

General

Borrowers under the National Defense and Direct Student Loan Programs authorized by Title IV–E of the Higher Education Act are entitled to have all or a portion of their loans cancelled for full-time teaching in qualifying elementary and secondary schools. Prior to the 1982–83 academic year, the Secretary annually published in the **Federal Register** a complete list of such qualifying schools.

Beginning with the 1982–83 academic year, the Secretary stopped publishing the complete list of qualifying schools and published instead a notice announcing that he had established a Directory of such schools. A Directory was provided to each institution participating in the National Direct Student Loan Program. Borrowers and other interested parties were advised to check with their lending insititution, the appropriate State Department of Education, regional offices of the Department of Education, or the Office of Student Financial Assistance of the Department of Education concerning the identity of qualifying schools for the 1982–83 academic year. Further, the notice provided that the Office of Student Financial Assistance had a limited number of copies of the Directory that were available upon request.

The Secretary announces that the procedures used for obtaining information concerning the schools that qualify for cancellation for the 1982–83 academic year and for obtaining copies of the Directory of those schools will continue in effect for obtaining information concerning the 1983–84 academic year qualifying schools and for obtaining copies of the Directory of such schools.

The Office of Student Financial Assistance will retain, on a permanent basis, copies of past, current and future Directories.

Defense Loans

Borrowers under the National Defense Student Loan Program may cancel the entire amount of their loan plus interest, if they teach full-time in one of the schools listed. For each complete year of full-time teaching, a borrower may cancel 15 percent of his or her loan and the interest on that amount.

The procedures used for selecting schools are described in the National Defense Student Loan Program regulations (34 CFR 674.53).

The Secretary has determined that for the 1983–84 academic year teaching service in the schools set forth in the Directory qualifies for cancellation in accordance with the above provision.

Direct Loans

Borrowers under the National Direct Student Loan Program may cancel the entire amount of their loan plus interest, if they teach full-time in one of the school listed. For the first two complete years of full-time teaching, the cancellation rate is 15 percent for each year; for the third and fourth complete years of full-time teaching, the cancellation rate is 20 percent for each year; for the fifth complete year, the cancellation rate is 30 percent.

The procedures used for selecting schools are described in the National Direct Student Loan Program regulations (34 CFR.674.54).

The Secretary has determined that for the 1983–84 academic year teaching service in the schools set forth in the Directory qualifies for cancellation in accordance with the above provision.

(Catalog of Federal Domestic Assistance Number 84.037: National Defense/Direct Student Loan Cancellations)

Dated: October 26, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

Appendix to Notice of Availability of 1983–84 Directory of Low-Income Schools for Cancellation of Loans for Teaching Service

Department of Education Regional Offices

Mr. Ted Jones, Training and Dissemination Officer—Region I, Office of Student Financial Assistance, U.S. Department of Education, J.W. McCormack Post Office and Court House, Boston, Massachusetts 02109, (617) 223–6895

Sister Bernadine Hayes, Training and Dissemination Officer—Region II, Office of Student Financial Assistance, U.S. Department of Education, 26 Federal Plaza, Room 3954, New York, New York 10278, (212) 264–4426

Ms. Beatrice Rosenfeld, Training and Dissemination Officer—Region III, Office of Student Financial Assistance, U.S. Department of Education, P.O. Box 13716, 3535 Market Street, Philadelphia, Pennsylvania 19101, (215) 596–0143

Ms. Judy Brantley, Assistant Regional Administrator—Region IV, Office of Student Financial Assistance, U.S. Department of Education, 101 Marietta Tower, 3rd Floor, Atlanta, Georgia 30323, (404) 221–4171

Dr. Morris Osburn, Assistant Regional Administrator—Region V, Office of Student Financial Assistance, U.S. Department of Education, 300 South Wacker Drive, 12th Floor, Chicago, Illinois 60606, (312) 353–8103

Mr. Lyndon Lee, Assistant Regional Administrator—Region VI, Office of Student Financial Assistance, U.S. Department of Education, 1200 Main

Tower Building, Room 1645, Dallas, Texas 75202, (214) 767-3569

Mr. Jerry Craft, Training and Dissemination Officer—Region VII, Office of Student Financial Assistance, U.S. Department of Education, 324 East 11th Street, 9th Floor, Kansas City, Missouri 64106, (816) 374-3136

Mr. Paul Tone, Training and Dissemination Officer—Region VIII, Office of Student Financial Assistance, U.S. Department of Education, Room 398, Federal Office Building, 1961 Stout Streets, 3rd Floor, Denver, Colorado 80294, (303) 837-3676

Ms. Mary Ann Faris, Training and Dissemination Officer—Region IX, Office of Student Financial Assistance, U.S. Department of Education, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-0137

Ms. Tammy Doherty, Training and Dissemination Officer—Region X, Office of Student Financial Assistance, U.S. Department of Education, 3rd and Broad Building, Mail Stop 102 2901 3rd Avenue, Seattle, Washington 98121, (206) 442-0493

[FR Doc. 83-29010 Filed 10-31-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6262(c)(1)(A)(i)), the following meeting notices are provided:

I. A joint meeting of Subcommittees A and C of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 7, 1983, at the offices of Ente Nazionale Idrocarburi, Piazza Enrico Mattei, Rome, Italy, beginning at 1:30 p.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. U.S. legislation and Plan of Action.
3. Future work program.

II. A meeting of the IAB will be held on November 8, 1983, at the offices of Ente Nazionale Idrocarburi, Piazza Enrico Mattei, Rome, Italy Beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Opening remarks:
(a) Adoption of th Agenda; and
(b) Approval of the Record Notes of the September 13, 1983, IAB meeting.
2. Correspondence and communication with the IEA and Reporting Companies.
3. Oil Supply and Demand:
(a) Last monthly oil assessment; and
(b) Quarterly oil forecast.
4. Pricing in an emergency including a proposed amendment to the Emergency Management Mannual (EMM).
5. Report of joint Subcommittee A and C meeting of November 7, 1983.
6. Application for legal clearance under the European Economic Community Treaty.
7. U.S. legislation and Plan of Action.
8. Fourth Allocation Systems Test (AST-4) matters, including:
(a) International aviation fuel demand restraint; and
(b) Internal price tests.
9. AST-5.
10. Industry Supply Advisory Group staffing.
11. IAB organization and next IAB meeting.

III. A meeting of the IAB will be held on November 10, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of members of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date. The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the draft agenda.
2. Summary record of the 45th meeting.
3. Oil supply and demand:
(a) End-October assessment;
(b) Quarterly oil forecast; and
(c) Base period final consumption.
4. AST-4 Matters:
(a) Draft report to the Governing Board;
(b) International aviation demand restraint; and
(c) Internal price tests.
5. Proposed EMM amendment—pricing in an emergency.
6. AST-5.

As permitted by 10 CFR 209.32, the usual 7-day notice period has been shortened because unanticipated procedural days prevented processing in sufficient time to provide such notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., October 28, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-29772 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

Idaho Operations Office; Trespassing on DOE Property

AGENCY: Department of Energy.

ACTION: Designation of Idaho Operations Office Properties as Off-Limits Areas.

SUMMARY: The Department of Energy hereby designates the Idaho National Engineering Laboratory, located approximately 50 miles west of Idaho Falls, Idaho, and the Idaho Laboratory Facility and the Computer Science Center, both located in Idaho Falls, as Off-Limits Areas in accordance with 10 CFR Part 860, thereby making it a federal crime under 42 U.S.C. 227 a for unauthorized persons to enter into or upon these Idaho Operations Office properties. If unauthorized entry into or upon these properties is into an area enclosed by a fence, wall, roof or other such standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the properties is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT:

William Luck, Office of General Counsel, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6975

S. L. Bradley, Office of Chief Counsel, Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401, (208) 526-0274

SUPPLEMENTARY INFORMATION: Pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a) and Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860, published in the **Federal Register** on July 9, 1975 (40 FR 28789-28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), the Department of Energy hereby gives notice that the Idaho National Engineering Laboratory (INEL), located approximately 50 miles west of Idaho Falls, Idaho, and the Idaho Laboratory Facility and the Computer Science Center, both located in Idaho Falls, are designated as Off-Limits Areas. Accordingly, the Department of Energy prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4, into and upon these Idaho Operations Office sites.

The Atomic Energy Commission (AEC), a predecessor of the Department of Energy, published a notice subjecting INEL (then called the National Reactor Testing Station) to the AEC's

trespassing regulations. That notice was published at 30 FR 13284–13285 (October 19, 1965). This present notice reflects a modification of the boundary description previously published for the INEL site. The Idaho Laboratory Facility and the Computer Science Center have not previously been designated as Off-Limits Areas. Descriptions of the three sites being designated at this time are as follows:

Idaho National Engineering Laboratory

Commence at a point which is the SW. corner of sec. 31, T. 2 N., R. 28 E.;
Thence N. approximately 11 miles to the NW. corner of sec. 7, T. 3 N., R. 28 E.;
Thence E. approximately 1 mile to the NE. corner sec. 7, T. 3 N., R. 28 E.;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile; to the NW. corner sec. 4, T. 3 N., R. 28 E.;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
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Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-fourth mile;
Thence N. approximately one-fourth mile;
Thence E. approximately one-half mile;
Thence N. approximately one mile;
Thence E. approximately one-fourth mile;
Thence N. approximately 1¼ miles;
Thence E. approximately one-fourth mile; to the NE. corner sec. 32, T. 5 N., R. 29 E.;
Thence N. approximately 1 mile to NW. corner, sec. 28, T. 5 N., R. 29 E.;
Thence E. approximately one-fourth mile;
Thence N. approximately 1 mile;
Thence E. approximately 3¾ miles to the NE. corner, sec. 24, T. 5 N., R. 29 E.;
Thence N. approximately 1½ miles;
Thence E. approximately 2 miles;
Thence N. approximately one-half mile to the NW. corner, sec. 9, T. 5 N., R. 30 E.;
Thence E. approximately 1 mile to the NE. corner, sec. 9, T. 5 N., R. 30 E.;
Thence N. approximately 7 miles to the NW. corner, sec. 3, T. 6 N., R. 30 E.;
Thence E. approximately 2 miles to the NE. corner, sec. 2, T. 6 N., R. 30 E.;
Thence N. approximately 9 miles to NW. corner, sec. 24, T. 8 N., R. 30 E.;
Thence E. approximately 10½ miles;
Thence S. approximately 5 miles;
Thence E. approximately one-half mile to the NE. corner, sec. 18, T. 7 N., R. 33 E.;
Thence S. approximately one-half mile;
Thence E. approximately 1 mile;
Thence S. approximately one-half mile to the SE. corner, sec. 17, T. 7 N., R. 33 E.;
Thence E. approximately 1 mile to the NE. corner, sec. 21, T. 7 N., R. 33 E.;
Thence S. approximately 2 miles to the SW. corner, sec. 28 T. 7 N., R. 33 E.;
Thence W. approximately one-half mile;
Thence S. approximately one-half mile;
Thence W. approximately one-fourth mile;
Thence S. approximately 2½ miles;
Thence E. approximately 3½ miles;
Thence S. approximately one-fourth mile;
Thence E. Approximately one-fourth mile;
Thence SE. parallel to Idaho Highway No. 28 approximately 1¼ miles to the SE. corner of sec. 18, T. 6 N., R. 34 E.;
Thence W. approximately 2 miles;
Thence S. approximately 1 mile;
Thence E. approximately 1 mile;
Thence S. approximately 2 miles;
Thence E. approximately 1 mile;
Thence S. approximately 1 mile;
Thence E. approximately 1¾ mile;
Thence S. approximately 9½ mile;
Thence W. approximately one-fourth mile;
Thence S. approximately 4 mile;
Thence W. approximately one-half mile;
Thence S. approximately one-fourth mile;
Thence W. approximately one-fourth mile to the SW. corner, sec. 16, T. 3 N., R. 34 E.;
Thence S. approximately 1 mile to the SE. corner, sec. 20, T. 3 N., R. 34 E.;
Thence W. approximately one-half mile;
Thence S. approximately three-fourths mile;
Thence W. approximately 2¾ mile;
Thence S. approximately one-eighth mile;
Thence in a westerly direction approximately 4¾ mile; parallel to U.S. Highway No. 20 to the point of intersection with the W. boundary line of sec. 31, T. 3 N., R. 33 E.;
Thence S. approximately 7 mile to the SE. Corner sec. 36, T. 2 N., R. 32 E.;
Thence W. approximately 8¼ mile;
Thence N. approximately one-half mile;
Thence W. approximately one-fourth mile;
Thence S. approximately one-fourth mile;
Thence W. approximately one-fourth mile;
Thence S. approximately one-fourth mile;
Thence W. approximately 1½ mile;
Thence N. approximately one-eight mile;
Thence W. approximately one-fourth mile;

Thence S. approximately one-eighth mile;

Thence W. approximately 16½ mile to the point of beginning at the SW. corner, sec. 31, T. 2 N., R. 28 E.

Idaho Laboratory Facility

Beginning at the center of Section 7, Township 2 North, Range 38 of the Boise Meridian; a point that is N. 0°27'51" E. 2602.42 feet from the South Quarter of said Section 7; running thence S. 0°27'51" W. along the North-South center of said Section 1273.66 feet; thence N. 89°32'09" W. 642.19 feet; thence S. 0°22'28" W. 54.15 feet; thence S. 88°05'30" W. 748.37 feet to the North right-of-way line of the Union Pacific Railroad; thence N. 62°57'30" W. along the North right-of-way line of said railroad 214.72 feet to the Easterly right-of-way of Highway 20; thence N. 33°23'17" E. along said highway right-of-way 1474.50 feet to the East-West center of Section line of said Section 7; thence N. 88°37'36" E. 780.83 feet along said center of Section line to the point of beginning. Containing 35.54 acres, more or less. Subject to the existing road right-of-way along the East side of said tract.

Computer Science center

Beginning at a point that is N. 0° 03'37" W. 1305.49 feet along the Section line to the NW Cor. of Airport Industrial Park Div. No. 4 to the City of Idaho Falls, and S. 89°25'46" E. 466.87 feet along the North line of said Addition, and S. 1°54'23"W. 719.81 feet along the East line of said Addition and S. 89°58'04" E. 180.22 feet from the West ¼ corner of Section 13, T2N, R37 E.B.M. and running thence S. 89°58'04" E. 399.00 feet; thence N. 24°31'56" E. 338.86 feet to a point of curve with radius of 570 feet; thence to the left along said curve a distance of 86.19 feet to a point of compound curve with a radius of 20.00 feet; thence to the left along said curve a distance of 36.944 feet; thence N. 89°58'04" W. 348.54 feet to a point curve with a radius of 753.39 feet; thence to the right along said curve a distance of 164.83 feet to a point of reverse curve with a radius of 708.85 feet; thence to the left along said curve a distance of 24.48 feet; thence S. 1°51'23" W. 437.72 feet to the point of beginning containing 4.655 acres.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are being posted at all entrances of the referenced areas and at intervals along their perimeters, as provided in 10 CFR 860.6.

Dated at Washington, D.C., this 26th day of September 1983.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 83-29571 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Fish and Wildlife Consultation Procedures

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to Adopt Procedures and Notice of Proposed Procedures. *BPA File No.:* FW-1.

SUMMARY: BPA intends to adopt procedures for consultation in the exercise of BPA's fish and wildlife responsibilities in the management and operation of Federal Columbia River Power System hydroelectric facilities. The Pacific Northwest Electric Power Planning and Conservation Act directs BPA to consult with Columbia River Basin fish and wildlife agencies, Indian tribes, and hydroelectric project operators in discharging these responsibilities. BPA seeks comments on the proposed porcedures. BPA will conduct two public information and comment forums on the proposed procedures during the comment period.

Responsible Official: John R. Palensky, Director, Division of Fish and Wildlife, Office of Power and Resources Management, is the responsible official for the development of the fish and wildlife consultation procedures.

DATES: BPA will accept comments through December 9, 1983. BPA will hold a public information and comment forum Thursday, November 17, 1983, at 1:30 p.m. in the Empire Room, Airport Ramada Inn, Spokane, Washington. BPA will hold a second public information and comment forum Friday, November 18, 1983, at 9 a.m., in Room 464 of BPA's Headquarters Bldg., 1002 NE., Holladay Street, Portland Oregon.

ADDRESS: Comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, at the above address or 503-230-3478. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE., Irvine Street, Portland, Oregon 97232, 503-230-4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington, 99201, 509-456-2518

Mr. George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379

Mr. Richard D. Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington, 98109, 206-442-4130

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Popular, Walla Walla, Washington, 99362, 509-525-5500, extension 701

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Loma Street, Idaho Falls, Idaho 83401, 208-523-2706

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9138

SUPPLEMENTARY INFORMATION:

I. Background

In addition to introducing many changes in electric power planning and development, the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501, 94 Stat. 2697 (16 U.S.C. 839, et seq.)) (the Act), created new fish and wildlife responsibilities within the region. It authorized the Northwest Power Planning Council to adopt the Columbia River Basin Fish and Wildlife Program to "protect, mitigate, and enhance" fish and wildlife affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. The Council adopted the program on November 15, 1982. The Act also defined the fish and wildlife responsibilities of the Federal agencies which manage and operate Federal Columbia River Power System hydroelectric facilities. These agencies include the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and BPA. The Act directed these agencies to "protect, mitigate, and enhance" affected fish and wildlife in a manner that provides "equitable treatment" with other system purposes, and to do so "taking into account at

each relevant stage of decisionmaking processes to the fullest extent practicable" the Fish and Wildlife Program. BPA and the other Federal agencies are implementing this responsibility at present by planning for enhanced river flows to aid spring salmon and steelhead migration and other measures called for in the Fish and Wildlife Program.

In exercising these fish and wildlife responsibilities, the Act directs the affected Federal agencies to consult with "the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators." (16 U.S.C. 839b(h)(11)(B).) Since enactment of the Act, BPA has met this consultation duty by convening meeting to which all consultation parties have been invited. BPA has described proposed actions at these meetings and solicited comments. This procedure has been unsatisfactory. Consultation parties have had to travel from elsewhere in the region to learn whether a proposed action warrants their concern. At times, lengthy meetings have yielded few comments or recommendations. The proposed consultation procedures would replace this approach. The proposed procedures are intended to expedite notice to consultation parties of issues for consultation and to permit tailoring how consultations are conducted to the significance and complexity of a proposed action. They also are intended to permit consultation parties to select the means by which they communicate their views to BPA.

In addition to defining the fish and wildlife responsibilities of BPA and the other Federal agencies that manage and operate the Federal Columbia River Power System hydroelectric system, the Act assigns two related fish and wildlife responsibilities to BPA. It directs BPA to fund and carry out measures to "protect, mitigate, and enhance" fish and wildlife affected by hydroelectric projects on the Columbia River and its tributaries (16 U.S.C. 839b(h)(10)). It also requires that BPA provide for fish and wildlife protection, mitigation, and enhancement in the purchase of power to meet regional electric power demand (16 U.S.C. 839d). However, under the terms of the Act, the consultation duties applicable to the management and operation of Federal Columbia River Power System hydroelectric facilities, for which the proposed procedures provide, do not apply to these additional fish and wildlife responsibilities.

Some issues for which BPA will use the proposed consultation procedures will also be major regional power policies. In these cases, BPA's "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 2636, May 12, 1981) will apply in addition to the consultation procedures. As provided in subsection 5(b) of the proposed consultation procedures, BPA will coordinate the two procedures.

II. Explanation of Proposed Procedures

Section 1, Purpose and Scope. This section delineates the BPA fish and wildlife responsibilities to which the consultation procedures apply. For clarity, the section also lists four areas of BPA responsibility to which the procedures do not apply:

1. BPA is developing policies and procedures for compensating costs and power losses at non-Federal electric power projects pursuant to Sec. 4(h)(11)(A)(ii) of the Act (16 U.S.C. 839b(h)(11)(A)(ii)). See 48 FR 20117, May 4, 1983. The policies and procedures BPA is developing will address consultation on such compensation.

2. In addition to requiring consultation, Sec. 4(h)(11)(B) of the Act (16 U.S.C. 839b(h)(11)(B)) directs BPA, the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, and the Federal Energy Regulatory Commission to coordinate with one another in discharging their fish and wildlife responsibilities under Sec. 4(h)(11)(A) of the Act (16 U.S.C. 839b(h)(11)(A). BPA is accomplishing this coordination through existing mechanisms.

The proposed consultation procedures do not apply to BPA's responsibility to fund and implement fish and wildlife measures under Sec. 4(h)(10) of the Act (16 U.S.C. 839b(h)(10)). BPA's public participation procedures apply to policy issues in the exercise of these responsibilities, and BPA's procurement regulations apply to the award of funds.

4. Separate procedures will apply to fish and wildlife considerations in BPA purchases of electric power to meet regional demand and in related actions. Because of the current regional electric power surplus, BPA has no immediate plans to establish procedures for such purchases. However, BPA has established procedures for "billing credits," through which BPA supports electric power conservation and generation undertaken by others. See 48 FR 43484, September 23, 1983.

Section 2, Definitions.

Section 2(c), Fish and Wildlife Agencies. This definition identifies the fish and wildlife agencies with whom Sec. 4(h)(11)(B) of the Act (16 U.S.C. 839b(h)(11)(B)) directs BPA to consult. Sec. 4(h)(11)(B) of the Act directs BPA to consult with "the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region. . ." BPA is seeking confirmation that the Secretary of the Interior and the Administrator of the National Marine Fisheries Service have delegated authority to represent them to the Pacific Northwest regional directors of the U.S. Fish and Wildlife Service and National Marine Fisheries Service, respectively.

Section 2(d), Indian Tribes. BPA believes that "appropriate Indian tribes," as used in Sec. 4(h)(11)(B) of the Act (16 U.S.C. 839b(h)(11)(B)), means federally recognized tribes located in the Columbia River Basin. Tribes recognized by the Federal government are listed at 47 FR 53130, November 24, 1982.

Section 2(e), Project Operators. As applied to BPA, BPA interprets the phrase "affected project operators," as used in Sec. 4(h)(11)(B) of the Act (16 U.S.C 839(h)(11)(B)), to mean non-Federal operators of hydroelectric facilities on the Columbia River or its tributaries which could be affected by the exercise of BPA's fish and wildlife responsibilities in the management and operation of Federal Columbia River Power System hydroelectric facilities. BPA proposes to define "affected project operators" as the operators of hydroelectric projects on the Columbia River and its tributaries which are subject to the terms of the Pacific Northwest Coordination Agreement or located downstream from a Coordination Agreement project. Parties to the Pacific Northwest Coordination Agreement agree to operate their projects as if part of a single system. All Federal hydroelectric projects on the Columbia River and its tributaries are subject to the agreement. Consequently, BPA actions can affect all hydroelectric projects on the Columbia River and its tributaries which are subject to the Coordination Agreement. In turn, BPA actions can affect non-Federal projects operators whose project are located downstream from projects which are subject to the Coordination Agreement. BPA actions are not expected to affect upstream projects.

Section 3, Use of Procedures. The purpose of this section is to define the actions and policies on which BPA will consult. The exercise of BPA's responsibilities in the management and operation of Federal Columbia River Power System hydroelectric facilitities ranges from the establishment of broad

policies to hour-by-hour power production scheduling. BPA markets both power and such services as the storage of energy by holding water in reservoirs, the use of hydroelectric power production to displace higher cost generation, the provision of backup capability for power plant outages, and the purchase and storage of energy for industrial customers.

Under the proposed criteria, BPA would consult on actions or policies which implement the directives of Sec. 4(h)(11)(A) of the Act. For example, BPA has consulted on establishing the Water Budget as a firm operating constraint in coordinated hydroelectric system planning to provide flows for spring salmon and steelhead migration. BPA would consult on the establishment of other fish and wildlife constraints on hydroelectric system operation. Similarly, BPA would consult on power marketing policies and actions that could affect hydroelectric system impacts on fish and wildlife. For example, BPA would consult on policies governing hydroelectric system services, such as energy storage, and on power marketing actions, such as the execution of energy storage agreements with individual customers. However, BPA would not consult on such actions and policies if they were subject to pre-established policies applying the fish and wildlife directives of Sec. 4(h)(11)(A) of the Act. Thus, for example, if a power marketing policy's or action's potential fish and wildlife impacts were confined to flows for spring salmon and steelhead migration, for which the Water Budget will provide protection pursuant to Sec. 4(h)(11)(A) of the Act, BPA would not consult on the policy or action. If the policy or action had pontential fish and wildlife impacts other than on flows for spring salmon and steelhead migration, BPA would consult on the other impacts.

Section 4. Consultation Procedures. The proposed procedures are intended to improve consultation party opportunities to participate in BPA decisionmaking on fish and wildlife issues in hydroelectric system management and operation. The proposed procedures are designed to achieve three objectives: (1) To avoid unnecessary formality; (2) to enable tailoring the manner in which consultations are conducted to the significance and complexity of a proposed action or policy and the amount of time available; and (3) to permit consultation parties to select the means by which they communicate their views to BPA

Section 4(a), Notice. The intent of the procedures is to afford consultation parties as much time as is practicable given BPA's decisionmaking timetable for an action or policy. If the amount of time available to make a decision is less than 30 calendar days, BPA expects normally to follow the expedited procedures in section 4(f) of the procedures.

Section 4(b), Copies of Notices. The Act confines BPA's duty to consult to the consultation parties identified in section 2 of the proposed procedures. BPA recognizes that others are interested in BPA policies and actions in hydroelectric system management and operation affecting fish and wildlife. This section provides for courtesy copies of consultation notices to other interested parties.

Section 4(c), Opportunity to Express Views. This section leaves to consultation parties the choice of how they wish to consult with BPA. BPA expects to accommodate consultation party requests for meetings unless an unreasonable burden on BPA would result.

Section 4(d), Annual Meeting. This section provides for an annual meeting. Several consultation party representatives have recommended an annual meeting to address fish and wildlife issues in hydroelectric system management and operation.

Section 4(e), Other Means. Sections 4(a)–4(d) are intended as minimum procedures; section 4(e) makes it clear that BPA may elect to use additional means of consultation.

Section 4(f), Expedited Procedures. Available time will not always permit BPA to follow the procedures in sections 4(a)–4(c). Unanticipated hydrological, power system, and market conditions sometimes require BPA to take action on short notice. In addition, emergencies sometimes occur. BPA expects the procedures in sections 4(a)–4(c) to take a minimum of 21 to 30 calendar days. The procedures in section 4(f) are intended to provide for consultation when time is short.

Section 5. General Provisions.

Section 5(a), Records. This section identifies the contents of consultation records. BPA does not intend to prepare detailed materials unless needed to aid decisionmaking by the complexity of an action and policy. The aim is to avoid unnecessary formality and to control the administrative burden associated with the procedures. When BPA follows both the consultation procedures in section 4 and the Procedure for Public Participation in Major Regional Power Policy Formulation, the consultation record will be made part of the Official Record under the public participation procedure.

Section 5(b), Relationship to Procedure for Public Participation in Major Regional Power Policy Formulation. A major regional power policy is defined as:

> An agency statement of future effect and general applicability designed to implement or prescribe policy which the Administrator identifies as involving major regional power issues. Major Regional Power Policy does not include the development and execution of particular agreements, contracts, or other instruments between BPA and its customers. (46 FR 26368, May, 12, 1981, section 2(g).)

BPA will follow both the consultation procedures in section 4 and the Major Regional Power Policy Formulation Procedure on policies which qualify for both. Consultation parties may both participate in public information and public comment forums and submit written comments pursuant to the Public Participation Procedure, and meet with BPA pursuant to section 4(c).

Section 5(c), Coordination with National Environmental Policy Act (NEPA) Procedures. The Council on Environmental Quality's regulations for implementing NEPA urge Federal agencies to "integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all procedures run concurrently rather than consecutively." (40 CFR 1500.2(c).) BPA expects to conduct combined NEPA and consultation meetings, when appropriate, and to integrate BPA's NEPA procedures with the proposed consultation procedures in other ways.

Section 5(d), Use of Representatives. This provision is designed to leave to individual consultation parties the choice of using a representative. BPA would always send the written notices provided for in sections 4(a) and 4(d) to individual consultation parties. It would be the option of the consultation party to respond on its own behalf or though an association or other representative. BPA would notify a representative instead of a consultation party only for purposes of the expedited consultation procedures provided for by section 4(f), and only if authorized. This is intended to permit use of the Water Budget managers called for by section 304(b) of the Columbia River Basin Fish and Wildlife Program as channels of communication between BPA and the fish and wildlife agencies and Indian tribes identified in section 2 of the procedures.

Proposed Procedures

1. *Purpose and Scope.* BPA seeks by these procedures to foster an expanded role for fish and wildlife agencies, Indian tribes, and hydroelectric project operators in Federal Columbia River Power System hydroelectric facility management and operation. The purpose of these procedures is to define how BPA will discharge its consultation duties under Sec. 4(h)(11)(B) of the Act. Sec. 4(h)(11)(A) directs BPA to exercise its role in the management and operation of hydroelectric facilities on the Columbia River and its tributaries consistently with the purposes of the Act and other applicable laws to adequately protect, mitigate, and enhance affected fish and wildlife in a manner that provides fish and wildlife equitable treatment with other hydroelectric system purposes. In so doing, BPA must take into account to the fullest extent practicable the Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council. Sec. 4(h)(11)(B) of the Act directs BPA to exercise these responsibilities in consultation with the Pacific Northwest's Federal and State fish and wildlife agencies, appropriate Indian tribes, and affected project operators.

These procedures do not apply to: (1) Consultation under Sec. 4(h)(11)(B) of the Act on compensation of costs and power losses at non-Federal electric power projects pursuant to Sec. 4(h)(11)(A)(ii) of the Act; (2) BPA's coordination with other Federal agencies under Sec. 4(h)(11)(B) of the Act, except for coordination of consultation procedures; (3) the use of the BPA Fund and BPA authorities to protect, mitigate, and enhance fish and wildlife affected by hydroelectric facilities on the Columbia River and its tributaries pursuant to Sec. 4(h)(10)(A) of the Act; or (4) BPA's fish and wildlife responsiblities in electric power resource acquisition and development under Sec. 6 of the Act. Other procedures apply to these responsibilities.

2. *Definitions.*

a. *Director.* The Director of BPA's Division of Fish and Wildlife.

b. *Consultation Parties.* The fish and wildlife agencies, Indian tribes, and project operators defined and identified in this section.

c. *Fish and Wildlife Agencies.* The Pacific Northwest's Federal and State fish and wildlife agencies. Agencies within this category are the:

—National Marine Fisheries Service
—U.S. Fish and Wildlife Service
—Idaho Department of Fish and Game
—Montana Department of Fish, Wildlife, and Parks
—Oregon Department of Fish and Wildlife
—Washington Department of Fisheries
—Washington Department of Game

d. *Indian Tribes.* Any Indian tribe or band located in the Comumbia River Basin which has a governing body which is recognized by the Secretary of the Interior. Indian tribes and bands within this category are the:

—Burns Paiute Indian Colony
—Confederated Tribes of the Colville Reservation
—Coeur d'Alene Tribe of the Coeur d'Alene Reservation
—Shoshone-Paiute Tribes of the Duck Valley Reservation
—Kalispel Indian Community of the Kalispel Reservation
—Kootenai Tribe of Idaho
—Nez Perce Tribe of Idaho
—Confederated Salish and Kootenai Tribes of the Flathead Reservation
—Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
—Spokane Tribe of the Spokane Reservation
—Confederated Tribes of the Umatilla Reservation
—Confederated Tribes of Warm Springs Reservation of Oregon
—Confederated Tribes and Bands of the Yakima Indian Nation of the Yakima Reservation

e. *Project Operators.* Utilities and other non-Federal entities which operate hydroelectric facilities on the Columbia River or its tributaries within the United States which are (1) subject to the Pacific Northwest Coordination Agreement; and/or (2) downstream of at least one Federal or non-Federal hydroelectric facility which is subject to the Pacific Northwest Coordination Agreement. Project operators in this category are the:

—Chelan County PUD No. 1
—Cowlitz County PUD No. 1
—Douglas County PUD No. 1
—Eugene Water and Electric Board
—Grant County PUD No. 2
—City of Idaho Falls
—Idaho Power Company
—Montana Power Company
—Pacific Power & Light Company
—Pend Oreille County PUD No. 1
—Portland General Electric Company
—Seattle City Light
—City of Spokane
—Tacoma City Light
—Washington Water Power Company

f. *Program.* The Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council pursuant to Sec. 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 16 U.S.C. 839 et seq.

3. *Use of Procedures.* BPA will consult, as provided in this section, on policies and actions applying the directives of Sec. 4(h)(11)(A) of the Act to adequately protect, mitigate, and enhance fish and wildlife and to provide fish and wildlife equitable treatment in the management and operation of Federal Columbia River Power System hydroelectric facilities. BPA will not consult when the provisions of Sec. 4(h)(11)(A) of the Act have already been implemented through other policies and actions, such as the provision of adequate flows for spring salmon and steelhead migration, which the Water Budget addresses.

4. *Consultation Procedures.*

a. *Notice.* Except as stated in subsection 4(f), for all policies or actions on which BPA consults, BPA will send notice of the contemplated policy or action by mail to all consultation parties. BPA will mail notices to the chairperson, director, or chief executive officer of each consultation party, or, upon written request, such person's designee. Notices will describe the contemplated policy or action, identify its potential impacts on Federal Columbia River Power System hydroelectric facility management and operation and fish and wildlife, solicit comments and recommendations, and specify a date by which BPA must receive comments and recommendations. BPA will mail such notices sufficiently in advance of its decision or action to permit consultation parties to respond and to permit BPA to consider their comments and recommendations.

b. *Copies of Notices.* Upon request, BPA will regularly mail courtesy copies of the notices provided for in subsection 4(a) to any person, including employees or members of consultation parties and any other person.

c. *Opportunity to Express Views.* Consultation parties may express their views and make recommendations to BPA through written comments, meetings with appropriate BPA representatives, or both. Consultation parties may meet with BPA either individually or in groups.

d. *Annual Meeting.* In addition to other consultation procedures, BPA will conduct an annual meeting with all consultation parties to discuss BPA policies and actions pursuant to Sec. 4(h)(11)(A) of the Act. BPA will invite from consultation parties recommendations for the agenda of these meetings. BPA will send notices of such meetings to all consultation parties

and will send courtesy copies of such notices to any person who has requested copies of notices pursuant to subsection 4(b).

e. *Other Means.* If necessary or appropriate to achieve the purpose of these procedures, BPA will use additional means for consultation. Such means may include, but are not limited to, meetings convened by BPA, the dissemination of information and analyses, educational activities, and group problem solving techniques.

f. *Expedited Procedures.*

(1) BPA will follow expedited consultation procedures when BPA determines that an emergency or unanticipated immediate power marketing opportunity requires prompt action by BPA so that the time available is insufficient to permit BPA to follow the procedures in subsections (a) through (c) of this section. An emergency is a condition threatening safety or the reliability of the Pacific Northwest electric power system. An immediate power marketing opportunity is a use of the Federal Columbia River Power System which improves the efficiency or economy of the Pacific Northwest electric power system and on which BPA must promptly take action or forego.

(2) Expedited consultation procedures will consist of notice by telephone to interested consultation parties and opportunity for those notified to express their views. For the purpose of this paragraph, an interested consultation party is a consultation party which, as determined by BPA, actively participates in Federal Columbia River Power System management and operation fish and wildlife issues or whose fish and wildlife interests the contemplated action would particularly affect.

5. *General Provisions.*

a. *Records.* The Director will compile and maintain records on actions and policies to which these procedures are applied. Records will contain: (1) Notices issued under these procedures; (2) writtten submittals to BPA and BPA's replies, if any; (3) meeting notes; (4) if prepared, meeting transcripts, summaries or evaluations of comments, and records of decision; and (5) other information the Director determines is appropriate. Such records will be available for inspection and copying.

b. *Relationship to Procedure for Public Participation in Major Regional Power Policy Formulation.* For fish and wildlife policies which qualify as major regional power policies under BPA's Procedure for Public Participation in Major Regional Power Policy Formulation (4€ FR 26368, May 12, 1981), BPA will follow both these consultation procedures, if applicable, and the Procedure for Major Regional Power Policy Formultion. BPA will combine and coordinate the two procedures to the extent practicable.

c. *Coordination with National Environmental Policy Act (NEPA) Procedures.* To the extent practicable, BPA will coordinate these procedures with NEPA procedures by combining notices and meetings and by using NEPA documents as sources of information on proposed actions or policies.

d. *Use of Representatives.* Use of individuals or associations to represent consultation parties under these procedures is at the discretion of the party represented. BPA will cooperate with such representatives, and, if a representative is so authorized, BPA will consider the views expressed by the representative as the views of the party represented. Unless authorized to do so for the purpose of the expedited consultation procedures in subsection 4(f), BPA will not substitute notice to a representative for notice to a consultation party under these procedures.

e. *Coordination With the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and Federal Energy Regulatory Commission.* To the extent practicable, BPA will coordinate these procedures with the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, and the Federal Energy Regulatory Commission when addressing a subject or issue on which BPA shares responsibility with one or more of these agencies.

Issued in Portland, Oregon, October 21, 1983.

Marvin Klinger,

Acting Administrator.

[FR Doc. 83-29572 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

[Docket Nos. CAS-RM-80-509 and CAS-RM-79-505]

Grant Program for Schools and Hospitals and for Buildings and Public Care Institutions; Energy Extension Service; Intention To Grant Waivers

AGENCY: Department of Energy.

ACTION: Notice of Intention to Grant Waivers.

SUMMARY: Notice is given that the Department of Energy (DOE) intends to grant waivers from the requirement of the Grant Program for Schools and Hospitals and for Buildings and Public Care Institutions and from the requirement of the Energy Extension Service that recipients of grants under these programs provide matching funds. DOE intends to grant these waivers to the Virgin Islands, Guam, and American Samoa for both programs, and to the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands for the EES program only. DOE requests comments respecting this intention.

DATES: Written comments (five copies) must be received no later than December 1, 1983 to ensure their consideration.

ADDRESSES: Send written comments to Department of Energy, Office of Conservation and Renewable Energy, Hearings and Dockets Unit, Room 6B-025, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252-9319.

FOR FURTHER INFORMATION CONTACT:

Susan McElhaney, Office of State and Local Assistance Programs, Department of Energy, Mail Stop CE-24, Room 6A087, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8298

Ted Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6G-094, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW., (202) 252-9507.

SUPPLEMENTARY INFORMATION: Section 501(d) of the Omnibus Territories Act of 1977, as amended, Pub. L. 95-134, 91 Stat. 1159 (48 U.S.C. 1469a(d)), allows an agency to waive any requirement for matching funds otherwise required by law to be provided by the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (hereafter collectively referred to as "the Insular Areas"). This subsection also requires an agency to grant such waivers for a matching fund requirement of under $100,000 for American Samoa and the Commonwealth of the Northern Mariana Islands.

The Grant Program for Schools and Hospitals and for Buildings and Public Care Institutions was established by Title III of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3238 (42 U.S.C. 6371) and implemented by regulations in 10 CFR Part 455. This program provides funds to schools, hospitals, public care

institutions, and local governments for energy conservation audits; to schools and hospitals for energy conservation installations; and to States for expenses in administering the program. Under that program the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands must provide matching funds in the amount of 50% of the amount of their administrative grants in order to be eligible to receive the grant.

The Energy Extension Service was established by the National Energy Extension Service Act, Title V of Pub. L. 95-39, 91 Stat. 191 (42 U.S.C. 7001). It was amended by Section 1007(b) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 611 (42 U.S.C. 7270 Note) and implemented by regulations in 10 CFR 465. The most recent revision of these regulations was published in the **Federal Register** on July 18, 1983 (48 FR 32722). This program provides funds to States to develop and implement comprehensive programs for developing, demonstrating, and disseminating energy conservation information, techniques, and materials. Under this program the 50 States, the District of Columbia, Puerto Rico, and the Insular Areas are required to provide matching funds in the amount of 20% of the amount of their grants.

DOE intends to use the authority granted to it under the Omnibus Territories Act, as amended, to waive on behalf of the Insular Areas eligible for each program the requirements that they provide matching funds. Because the Insular Areas have scarce revenues from which they can provide matching funds for these energy conservation programs, their ability to participate in the programs is endangered. Participation in energy conservation programs is especially important to the Insular Areas because they are located in areas remote from fuel sources. Because of their location their expenses for importing fuel can be especially costly, and their sources of fuel in the event of an interruption of normal supplies can be very problematic.

For these reasons, it is the intention of DOE to waive the matching fund requirements for the Insular Areas. DOE invites comments concerning this intention.

Issued in Washington, D.C., October 26, 1983.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-29638 Filed 10-31-83; 8:45 am]

Economic Regulatory Administration

Crysen Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Crysen Corporation as a final order of the Department.

EFFECTIVE DATE: September 27, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127, (918) 581-7781.

SUPPLEMENTARY INFORMATION: On August 12, 1983, 48 FR 36643, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Crysen Corporation on June 23, 1983 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The proposed Consent Order resolves certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations, 10 CFR Parts 205, 211 and 212, in connection with Crysen Corporation's transactions involving crude oil during the period August 1979 through January 27, 1981. The proposed Consent Order stated that the sum of $7,114,287 plus interest was to be paid to the United States Department of Energy for ultimate disposition by DOE. The monies are to be paid in six equal annual installments of $1,500,000 each and the initial payment is due on the first day of the calendar month following 60 days after the effective date of the Consent Order.

Comments were received from nineteen entities. None of the comments objected to the Consent Order. All of the comments focused on the proposed distribution of funds. Sixteen commenters advocated that the Consent Order proceeds, after payment to identifiable injured customers, should be distributed on a pro rata basis to the various states to finance energy related projects. One of the entities further suggested specific guidelines for restricting the use of such funds received by each state. Additionally, one commenter suggested that the funds be used to reduce entitlements obligations as part of any final settlement of the entitlements program; while another indicated that it might be an injured party qualified for a refund.

DOE has not yet determined an appropriate distribution for the refunded amount. The ultimate distribution of these funds will depend upon several factors, including the type of alleged violations underlying the Consent Order and the ability of the DOE to identify persons who may have been harmed by the alleged violations. Until an appropriate distribution is determined, the refunded amount will be placed in a DOE interest bearing escrow account.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Crysen Corporation should be made final. The Consent Order was adopted as a final order of DOE by written notice to Crysen Corporation on September 27, 1983.

Issued in Tulsa, Oklahoma, on the 13th day of October 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-29568 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

Mobil Oil Corp.—General Crude Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mobil Oil Corporation at 3225 Gallows Road, Fairfax, Virginia 22037, which acquired General Crude Oil Company from International Paper Company on July 6, 1979. This Proposed Remedial Order alleges pricing violations in the amounts of $2,928,942 and $1,846,054 plus interest in connection with General Crude Oil Company's sale of NGLs/NGLPs and crude oil, respectively, at prices in excess of those permitted by the Mandatory Petroleum Price Regulations during the time period August 1973 through June 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200-E, Dallas, Texas 75247, or by calling (214)

767–7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 3rd day of October 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-29569 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-314 and ERA Docket No. 83-CERT-319]

Aluminum Company of America and Armstrong World Industries, Inc.; Certifications of Eligible Use of Natural Gas to Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979).

Notice of these applications, along with pertinent information contained in the applications, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, S.W., Washington D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	Federal Register notice of application
Aluminum Co. of America, Pittsburgh, Pa., Lancaster and Lebanon, Pa. plants.	Sept. 22, 1983	83-CERT-314	48 FR 46609 Oct. 13, 1983.
Armstrong World Industries, Inc., Lancaster Pa., Lancaster and Beaver Falls, Pa. plants.	Sept. 30, 1983	83-CERT-319	48 FR 47049 Oct. 17, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on October 24, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-29642 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-021 OFP Case No. 66015-9239-20-24]

Power Systems Engineering, Inc.; Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Order Granting to Power Systems Engineering, Inc. Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On August 15, 1983, Power Systems Engineering, Inc. (Power Systems), Houston, Texas, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the powerplant and Industrial Fuel Use Act of 1978, (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Criteria governing the cogeneration exemption are contained in 10 CFR 503.37.

Power Systems requested an exemption for a proposed 450 megawatt (net) powerplant consisting of five self contained 73 megawatt combustion gas turbines; five unfired, topping cycle heat recovery steam generators producing 378,400 lbs./hr. of process steam each; and one condensing steam turbine producing 95 megawatts of electric power. The cogeneration facility will: (1) Produce both high pressure and low pressure process steam which will be purchased by ARCO Chemical Company; and (2) produce electric power for sale to Houston Lighting & Power Company (HLPC). The sale of virtually all of the net annual electric power produced by the cogenerator to HLPC makes the cogeneration facility an electric powerplant pursuant to the definitions contained in 10 CFR 500.2. The five combustion gas turbines are the only fuel-consuming equipment in the facility and will use natural gas as the primary fuel, with propane as an emergency stand-by fuel.

Pursuant to section 212(c) of the Act and 10 CFR 503.37, ERA hereby grants a permanent cogeneration exemption for Power Systems' afore-described powerplant. The basis for ERA's Order is provided in the SUPPLEMENTARY INFORMATION section, below.

DATES: In accordance with section 702(a) of FUA, this Order shall take effect on January 3, 1984.

The public file containing a copy of this Order as well as other documents and supporting materials on this proceeding are available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m. except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Anthony Wayne, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–073C, Washington, D.C. 20585, Phone (202) 252–1730

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–235, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Power Systems plans to install a cogeneration facility, which it will own and operate, in Channelview, Harris County, Texas, adjacent to the ARCO Chemical Company's Lyondell Plant (ARCO). The

Lyondell Cogeneration Project will (1) produce both high pressure and low pressure process steam for sale to ARCO for use in the plant's chemical process units, and (2) generate electric power to sell to HLPC. The proposed system will consist of five General Electric PG7111(E), 73 megawatt combustion gas turbines; five unfired, topping cycle heat recovery steam generators producing 378,400 lbs./hr. of steam each; and one condensing steam turbine. Under normal design conditions, the Lyondell facility will produce 450 megawatts (net) of electric power and 950,000 pounds per hour of process steam, and will produce up to 850,000 pounds per hour of process steam during planned or emergency shutdown of any two of the five gas turbines. The five combustion gas turbines, which will be the only fuel-consuming equipment in the facility, will use natural gas as the primary fuel, with propane as an emergency stand-by fuel.

Power Systems expects to sell all of the net annual electric power from the turbine generators to HLPC. The sale of in excess of 50 percent of the facility's net annual electric power generation causes it to be classified as an electric powerplant under FUA (10 CFR 500.2). It is therefore subject to the Title II construction and fuel use prohibitions contained in the Act.

Pursuant to 10 CFR 503.37(a)(1), Power Systems certified that the natural gas or oil to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of such cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and that the use of mixtures is not feasible, as required under 10 CFR 503.9.

Documentary evidence submitted by Power Systems in support of its petition under 10 CFR 503.37(a)(1) includes: (1) The duly executed certifications required under the subparagraph; (2) exhibits containing the basis for the certification, including supporting factual and analytical materials; and (3) an environmental impact analysis, as required under 10 CFR 503.13(a).

After review of Power Systems' environmental impact analysis and other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

In accordance with 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to Power Systems in the **Federal Register** on August 25, 1983 (48 FR 38666), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the petition to the Evironmental Protection Agency for comments. During the 45-day public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on October 11, 1983. No comments were received and no hearing was requested.

Decision and Order

Based upon the entire record of this proceeding, ERA has determined that Power Systems has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(a)(1) and, pursuant to section 212(c) of FUA, ERA hereby grants Power Systems a permanent cogeneration exemption for the proposed powerplant to be located in Channelview, Harris County, Texas, adjacent to the ARCO Chemical Company's Lyondell Plant.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this Order may petition for judicial review thereof at any time before the 60th day following the publication of this Order in the **Federal Register.**

Issued in Washington, D.C., on October 25, 1983.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-29041 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Notice of Form EIA-826, "Electric Utility Company Monthly Statement," and Solicitation of Comments

AGENCY: Energy Information Administration, DOE.

ACTION: Notice.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) announces a proposed extension of Form EIA–826, "Electric Utility Company Monthly Statement," and invites comments on the survey and contents of the form.

DATES: Written comments must be submitted on or before December 1, 1983.

ADDRESSES: Comments should be sent to Mrs. Charlene Harris-Russell at the address listed below.

FOR FURTHER INFORMATION CONTACT: Mrs. Charlene Harris-Russell (EI–541), Energy Information Administration, Department of Energy, Mail Station: 2F–021, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–2029.

SUPPLEMENTARY INFORMATION:

I. Background
II. Request for Comments

I. Background

The EIA announces a proposed extension of the Form EIA–826, "Electric Utility Company Monthly Statement." The form superseded FERC Form No. 5 with the same title in December 1982 and continued the electricity sales data series. The form is required of all privately owned electric utilities with annual operating revenues of $100,000,000 or more in addition to a sample of other selected electric utilities. The form provides the EIA with the means to produce data on electricity sales by state and sector (residential, commercial, industrial, and other), collects electric consumption projection information, and provides the Department of Commerce information used to compile the Gross National Product.

The EIA–826 data appear in the *Electric Power Monthly, Monthly Energy Review, Electric Power Annual, Annual Energy Review,* and the *Short-Term Energy Outlook.* These publications have extensive circulation and are used by electric utilities, industry, the general public, DOE, and other Federal and State Government agencies.

II. Request for Comments

A copy of the Form EIA–826 and Instructions has been reproduced and appears following this notice. The EIA invites prospective respondents to comment within 30 days of the publication of this notice. The following general guidelines are provided to assist in the responses:

(As a potential data provider)

a. Are the instructions and definitions clear and sufficient? If not, what instructions require clarification?

b. Can the data be submitted using the definitions included in the instructions?

c. Can the data be submitted in accordance with the response time specified in the instructions?

d. How many hours, including time for preparation and administrative review, will your organization require to complete and submit the form?

e. What is the estimated cost of completing the form, including the direct and indirect costs associated with the data collection? Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP, and other administrative costs directly attributable to providing this information.

f. Do you know of other Federal, state or local agencies that collect similar data? (If yes, please identify.)

g. How can the form be improved?

(As a potential user)

h. Do you need data at the levels of detail indicated on the form?

i. For what purpose would you use these data? (Be specific)

j. How could the form be improved to better meet your specific data needs?

k. Are there alternative sources of data and do you use them? What are their deficiencies?

DOE is also interested in receiving comments from persons as to their views on the need for the collection of this information.

Comments submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. October 27, 1983.

Yvonne M. Bishop

Director, Statistical Standards, Energy Information Administration.

BILLING CODE 6450-01-M

U.S. DEPARTMENT OF ENERGY
ENERGY INFORMATION ADMINISTRATION
Washington, D.C. 20585
ELECTRIC UTILITY COMPANY MONTHLY STATEMENT

Form Approved. OMB No. 1905-0144
Expires 12/31/83

Company Code Number
Month Being Reported 19_____

This report is mandatory under Public Law 93-275. Failure to respond may result in criminal fines, civil penalties, and other sanctions as provided by law. Data reported on EIA-826 are not considered confidential.

PART I: IDENTIFICATION

1. Name of Company

2. Address of Company *(Number, Street, City, State and Zip Code)*

3. Signature of Person Authorized to Sign This Report	4. Phone Number (Including Area Code)

PART II: ELECTRIC ENERGY INFORMATION

Line No. (a)	Items (b)	Revenues *(In thousands of dollars)* (c)	Sales *(In megawatt-hours)* (d)	Number of Customers (e)	Footnote (f)
5	Sales of Electric Energy: Residential, including space heating (440)				
6	Smaller or Commercial (See note A of Account 442)				
7	Larger or Industrial (See note A of Account 442)				
8	Other Sales to Ultimate Consumers (444-446, 448)				
9	Total Sales to Ultimate Consumers (Enter total of lines 5 thru 8)				
10	Sales for Resale (447)				
11	Total Sales of Electric Energy (Enter total of lines 9 thru 10)				
12	Other Electric Revenues (450, 451, 453-456)				
13	Depreciation and Amortization of Property, Plant and Equipment (403-407)				
14	Allowance for all Funds Used During Construction (419.1, 432)				
15	Net Income (433) Before Extraordinary Items (434, 435), Income Taxes (409.1, 409.2, 409.3, 410.1, 410.2, 411.1, 411.2), and Investment Tax Credits (411.4, 411.5, 420)				
16	Gross Additions to Construction Work in Progress (107) for This Month Being Reported				

PART III: FOOTNOTES

Line No.	Column Alpha	Explanation

Form EIA-826 (Formerly FERC Form No. 5)
(10/82)

[FR Doc. 83-29639 Filed 10-31-83; 8:45 am]
BILLING CODE 6450-01-C

U.S. DEPARTMENT OF ENERGY
ENERGY INFORMATION ADMINSITRATION (EI-541)
WASHINGTON, D.C. 20585
EQUAL EMPLOYMENT OPPORTUNITY

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF ENERGY

U.S. Department of Energy
Energy Information Administration (EI-541)
Mail Station: BE-079 Forrestal (Form EIA-826)
Washington, D.C. 20585

INSTRUCTIONS FOR FILING EIA-826

General Information

1. This form is designed to obtain information concerning sales of electric energy and certain other selected items of income and the plant.
2. All privately or publicly owned electric utilities listed below must submit the EIA-826.
3. Submit this report within 40 days after the end of each month being reported. For example, the report for the month of February is due April 9.
4. Submit one Form EIA-826 to the address printed above. This form is a self-mailer and may be used as such.

General Instructions

1. Report the sales of electric energy as outlined in accounts 440 through 456 of the Uniform System of Accounts for Public Utilities and Licenses (U.S. of A.) (18 CFR Part 101).
2. Report amounts related to unbilled revenues in with the class of sales giving rise to the unbilled revenues (accounts 440 to 448). Do not report unbilled revenues as a separate line item.
3. Indicate negative amounts by enclosing the figures in parenthesis ( ).
4. Provide, by footnotes, a brief description of any adjustments significantly affecting this report. Mark an "x" in Footnote Column (f) to indicate a footnote has been entered in Part III of the form.
5. Estimates subject to later revision are permissible, provided such revisions are highlighted by footnote. Identify in a footnote revisions to data reported one year prior to the month being reported. For example, you may revise data reported in February, 1982, by footnoting the corresponding data reported for February, 1983.

Specific Instructions

Line No.	Instruction
1 to 14, 16	Report the items as described and in accordance with the U.S. of A. (Reference Account Numbers to the U.S. of A. are provided in parenthesis beside the data items in Part II.)
15	Report Net Income (433) Before Extraordinary Items (434, 435), Income Taxes (409.1, 409.2, 409.3), Provisions for Deferred Income Taxes (410.1, 410.2, 411.1, 411.2), and Investment Tax Credits (411.4, 411.5, 420).

WHO MUST SUBMIT EIA-826

1. All privately owned electric utilities with annual electric operating revenues of $100,000,000 or more, and in addition the following utilities:

Alaska Electric Light and Power Company
Central Vermont Public Service Corporation
Cheyenne Light, Fuel and Power Company
Northwestern Public Service Company
Otter Tail Power Company

2. The following selected publicly owned electric utilities:

Jacksonville Electric Authority, Florida
City of Lincoln Electric System, Nebraska
Los Angeles, Department of Water and Power, Power System of City, California
Nebraska Public Power District, Nebraska
Omaha Public Power District, Nebraska
Orlando Utilities Commission, Florida
Power Authority, State of New York
Salt River Project, Arizona
City Public Service Board of San Antonio, Texas
Department of Lighting, City of Seattle, Washington
Tacoma, Light Division, Department of Public Utilities, Washington

3. Other selected electric utilities:

Bonneville Power Administration
Chugach Electric Association, Inc.
Golden Valley Electric Association, Inc.
Tennessee Valley Authority

4. The information collected on this form is used in various Energy Information Administration publications. These publications are used by electric utilities, industry, the general public, and the U.S. Department of Energy.

Federal Energy Regulatory Commission

[Docket No. CP84-2-000]

Columbia Gas Transmission Corp.; Application

October 27, 1983.

Take notice that on October 3, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-2-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas under revised service agreements with Acme Natural Gas Company (Acme), Bluefield Gas Company (Bluefield), Cincinnati Gas and Electric Company (CG&E), City of Lancaster, Ohio (Lancaster), Columbia Gas of Kentucky, Inc. (Columbia of Kentucky), Columbia Gas of Maryland, Inc. (Columbia of Maryland), Columbia Gas of New York, Inc. (Columbia of New York), Columbia Gas of Ohio, Inc. (Columbia of Ohio), Columbia Gas of Pennsylvania, Inc. (Columbia of Pennsylvania), Columbia Gas of Virginia Inc. (Columbia of Virginia), Columbia Gas of West Virginia, Inc. (Columbia of West Virginia), Dayton Power & Light Company (Dayton), and National Fuel Gas Supply Corporation (National Fuel), all existing wholesale customers of Columbia, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia requests authorization to sell natural gas under

1. A revised service agreement with Acme effectuating a decrease in its contract demand under Rate Schedule CDS of 1,600 dt per day, from 22,900 dt per day to 21,300 dt per day; a decrease in its maximum daily quantity under Rate Schedule WS of 1,000 dt per day, from 4,200 dt per day to 3,200 dt per day; and a reduction in its winter contract quantity, under Rate Schedule WS of 50,000 dt from 235,600 dt to 185,600 dt in Zone 6.

2. A revised service agreement with Bluefield effectuating a decrease in its contract demand under Rate Schedule CDS of 700 dt per day, from 5,900 dt per day to 5,200 dt per day; a decrease in its maximum daily quantity under Rate Schedule WS of 300 dt per day, from 4,300 dt per day to 4,000 dt per day; and a reduction in its winter contract quantity, under Rate Schedule WS of 18,000 dt from 258,000 dt to 240,000 dt in Zone 1.

3. A revised service agreement with CF&G effectuating a decrease in its contract demand under Rate Schedule CDS of 50,000 dt per day from 362,000 dt per day to 312,000 dt per day; in Zone 3; and a decrease of 10,000 dt per day from 100,800 dt per day to 90,800 dt per day in Zone 4.

4. A revised service agreement with Lancaster effectuating a decrease in its contract demand under Rate Schedule CDS of 2,000 dt per day from 14,300 dt per day to 12,300 dt per day in Zone 4.

5. A revised service agreement with Columbia of Kentucky effectuating a decrease in its contract demand under Rate Schedule CDS of 17,400 dt per day from 38,700 dt per day to 21,300 dt per day; in Zone 1; a decrease of 14,800 dt per day from 110,300 dt per day to 95,500 dt per day in Zone 3; a decrease in its mixmum daily quantity under Rate Schedule WS of 3,400 dt per day, from 27,900 dt per day to 24,500 dt per day; and a reduction in its winter contract quantity under Rate Schedule WS of 204,000 dt from 1,674,000 dt to 1,470,000 dt in Zone 1.

6. A revised service agreement with Columbia of Maryland effectuating a decrease in its contract demand under Rate Schedule CDS of 9,300 dt per day from 42,600 dt per day to 33,300 dt per day in Zone 6.

7. A revised service agreement with Columbia of New York effectuating a decrease in its contract demand under Rate Schedule CDS of 7,600 dt per day from 90,600 dt per day to 83,000 dt per day in Zone 7.

8. A revised service agreement with Columbia of Ohio effectuating a decrease in its contract demand under Rate Schedule CDS of 15,800 dt per day from 46,200 dt per day to 30,400 dt per day in Zone 1; a decrease in 435,400 dt per day from 1,441,000 dt per day to 1,005,600 dt per day in Zone 4; and a decrease 20,900 dt per day from 103,000 dt per day to 82,100 dt of in Zone 6.

9. A revised service agreement with Columbia of Pennsylvania effectuating a decrease in its contract demand under Rate Schedule CDS of 55,400 dt per day from 571,800 dt per day to 516,000 dt per day in Zone 6.

10. A revised service agreement with Columbia of Virginia effectuating a decrease in its contract demand under Rate Schedule CDS of 13,900 dt per day from 71,400 dt per day to 57,500 dt per day in Zone 2.

11. A revised service agreement with Columbia of West Virginia effectuating a decrease in its contract demand under Rate Schedule CDS of 33,000 dt per day from 157,300 dt per day to 124,300 dt per day in Zone 1; and a decrease of 73,000 dt per day from 159,100 dt per day to 86,100 dt per day in Zone 6.

12. A revised service agreement with Dayton effectuating a decrease in its contract demand under Rate Schedule CDS of 20,420 dt per day from 317,600 dt per day to 297,180 dt per day in Zone 4.

13. A revised service agreement with National Fuel effectuating a decrease in its contract demand under Rate Schedule CDS of 10,100 dt per day from 32,100 dt per day to 22,000 dt per day in Zone 6.

The service revisions requested by Columbia's customers are said to have been made pursuant to the provisions of Columbia's FERC Gas Tariff, Original Volume No. 1. Columbia states that the effects of conservation, fuel switching and permanent loss of markets resulting from the severe economic downturn in recent years have resulted in a situation in which the contract demands of these customers no longer reflect their actual needs.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 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 povided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-29649 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI84-18-000, et al.]

Elms Brothers & Co. Ltd., et al.; Application for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

October 26, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest reference to said application should on or before November 2, 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, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants 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 petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 furhter notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review fo the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not povide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI84-18-000, B, Oct. 14, 1983	Elms Brothers & Co., Ltd., 234 E. Greene St., Waynesburg, Pa. 15370.	Columbia Gas Transmission Corp., N. Franklin Township, Washington County, Pa.	(1)	
CI84-19-000, B, Oct. 14, 1983	do	Columbia Gas Transmission Corp., Grey Township, Green County, Pa.	(1)	
CI84-23-000, B, Oct. 17, 1983	E. J. Brumage, 155 Dark Hollow Rd., Waynesburg, Pa. 15370.	do	(1)	

[1] Present purchaser unable to utilize full production of wells. Applicant's are requesting only limited abandonment until such time as Columbia Gas Transmission Corporation is once again able to accept full delivery of the NGPA gas.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 83-29550 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-13-000]

Michigan Consolidated Gas Co., Interstate Storage Division; Proposed Changes in FERC Gas Tariff

October 26, 1983.

Take notice that on October 21, 1983, Michigan Consolidated Gas Company—Interstate Storage Division (ISD) tendered for filing proposed changes to the following tariff sheets in its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2:

	Rate Schedule
Original Volume No. 1:	
Fourth Revised Sheet Nos. 63 & 64	X-7.
Fourth Revised Sheet Nos. 87 & 94	X-9.
Fourth Revised Sheet Nos. 110 & 111	X-11.
Fourth Revised Sheet Nos. 132 & 139	X-13.
Fourth Revised Sheet Nos. 155 & 162	X-15.
Seventh Revised Sheet No. 192	X-19.
Fifth Revised Sheet No. 193	X-19.
Sixth Revised Sheet No. 216	X-20.
Fifth Revised Sheet No. 217	X-20.
Third Revised Sheet No. 240	X-21.
Fourth Revised Sheet No. 241	X-21.
Original Volume No. 2:	
Third Revised Sheet Nos. 6 & 7	X-23.
Third Revised Sheet No. 29	X-24.
Fifth Revised Sheet No. 30	X-24.
Third Revised Sheet Nos. 51 & 52	X-25.
Third Revised Sheet Nos. 73 & 74	X-26.
Third Revised Sheet No. 96	X-27.
Third Revised Sheet Nos. 117 & 118	X-28.
Second Revised Sheet No. 154	X-30.

The proposed changes reflect an increase in cost of service of $4,375,000 over that underlying its presently filed rates.

ISD states that the proposed rates are necessary because the currently effective rates, exclusive of Rate Schedule X-30 are based on a cost of service experienced during the twelve months ended June 30, 1980, as adjusted. In the three years since that time ISD's cost of service has increased because of increased investment in facilities, increased operating expenses, increased *ad valorem* and other taxes, increased return and income tax requirements and changes in contractual storage services. ISD's proposed rates include an overall return of 12.40 percent reflecting its imbedded debt cost of 9.19 percent and a return on equity of 16.50 percent.

Also included in the filing are proposed general storage service and general transportation service rates in compliance with the Commission's order in Docket No. CP82-532 dated November 24, 1982.

ISD requests that its proposed rates become effective on November 21, 1983. ISD states that copies of its filing have been served upon its customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 3, 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. 83-29551 Filing 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-7-000]

Montana-Dakota Utilities Co.; Application

October 27, 1983.

Take notice that on October 17, 1983, Montana-Dakota Utilities Co. (Applicant), filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order (a) exempting the Applicant from the competitive bidding requirements and (b) authorizing the issuance of up to $50,000,000 of promissory notes due no later than December 31, 1988.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before November 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-29552 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-1-000]

Natural Gas Pipeline Company of America; Application

October 27, 1983.

Take notice that on October 3, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60703, filed in Docket No. CP84-1-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to its existing sales customers under its proposed Incremental Industrial Service (IIS) rate schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish Rate Schedule IIS which would be restricted to sales customers under Applicant's Rate Schedules DMQ-1 and G-1. Applicant indicates that service under Rate Schedule IIS would prevent load loss and allow Applicant's customers to retain industrial sales that would otherwise be lost because of price competition from alternative fuels or alternative gas suppliers. Applicant explains that its distribution customers are unable to benefit from Applicant's low commodity cost since their customers' rates are based on the rolled-in cost of gas purchases. Applicant avers that when its lower gas price is rolled in with the other, higher cost sources of supply, the result is a unit gas cost which may be too high to allow the distributor to compete with alternative fuels or with alternative suppliers who can sell directly to the industrial end-use customer. Applicant states that Rate Schedule IIS would allow its sales customers to establish rates based on Applicant's effective commodity rate rather than a rolled-in rate. Applicant maintains that Rate Schedule IIS would not increase the volumes or change the rates otherwise available to the distribution custromers and that the service would not impose additional costs on Applicant's customers.

Applicant does not propose a special rate or charge for this service. Applicant explains that each distribution customer would be billed a monthly charge computed by multiplying the volumes sold under Rate Scehdule IIS by the effective commodity rate to the customer set out in Sheet No. 5 of the Third Revised Volume No. 1 of Applicant's FERC Gas Traiff. This rate would be the effective commodity rate the customer pays pursuant to its long term firm service agreement with Applicant.

Applicant states that a purchaser of gas pursuant to Rate Schedule IIS must certify that the cost of gas component of the rate asssessed to the end-user is at the unit cost level for gas purchased under Rate Schedule IIS and that the purchaser must obtain an affidavit from the end-user stating that unless the purchaser can flow through directly to that end-user the cost of gas paid to Applicant, the end-user would switch to an alternative fuel or alternative gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 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 portests 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 neccessity. 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. 83-29553 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-12-000]

Northern Border Pipeline Co.; Proposed Changes in FERC Gas Tariff

October 26, 1983.

Take notice that on October 21, 1982, Northern Border Pipeline Company (Northern Border) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. By this filing, Northern Border proposes to revise its currently effective provisions pertaining to delivery pressure.

Northern Border's currently effective minimum delivery pressure provisions

require it to deliver gas to its Shippers at the points of delivery at the existing pipeline pressure provided that Northern Border shall not deliver gas to a Shipper at a pressure less than the minimum pressure specified in the Exhibit A to such shipper's Service Agreement at a point of delivery.

Northern Border proposes to change Subsection 2.2 of the General Terms and Conditions in Original Volume Nos. 1 and 2 of its FERC Gas Tariff. Such change would provide that Northern Border could deliver, and its Shippers accept, gas at pressure below the minimum pressure if the Shippers so desire. Northern Border states that under certain operating circumstances the proposed change will reduce the amount of fuel required from its Shippers and enhance its operational efficiency.

Northern Border states that a copy of the filing has been mailed to all of its Shippers.

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 November 3, 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. 83-29554 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-10-000]

Peoples Natural Gas Co.; Filing

October 26, 1983.

Take notice that on October 19, 1982, Peoples Natural Gas Company, a Division of InterNorth, Inc. (Peoples) requested an extension of time to submit the required annual filing to reflect changes in the cost of purchased gas pending the outcome of the proposal pending in Docket No. CP83-377. Peoples states that, pursuant to FPC Gas Tariff, Original Volume No. 4 of Northern Natural Gas Company, Paragraph 19 of the general terms and Conditions, Peoples should have submitted by August 15, 1983, a report showing: the gas purchased cost actually experienced during the twelve month period ending June 30; a cost of Purchased Gas for the ensuing year; a revised Base Average Cost of Purchased Gas for the ensuing year; and the appropriate tariff sheet entitled "Original PGA-1, Statement of Effective Rates".

Peoples states that the following factors have delayed its ability to make the required filing on a timely basis: (1) Peoples has recently contracted for alternate short-term supply of natural gas for this portion of its market area. This alternate supply is lower cost gas which will accrue to the benefit of our jurisdictional customers and is a composite of a number of contracts with various producers. The monthly change in the mix of deliveries from various producers has made it very difficult to determine a Base Average Cost of Purchased Gas for the ensuing year. (2) Peoples is a joint applicant at Docket No. CP83-377 to divest itself of these properties by sale to West Texas Gas, Inc. Accordingly, Peoples believes that it would be most advantageous to all parties if the next reconciliation of the gas cost actually experienced and the revised Base Average Cost for the ensuring year could coincide with the date of the proposed sale and transfer of the properties.

Peoples further states that, under the Purchase Gas Adjustment Clause (PGA) regulations of the Federal Energy Regulatory Commission (FERC), found in 18 CFR Section 154.38, Peoples' Base Tariff Rates must be "restated" every 36 months. This means that all PGA adjustments approved since the last time Base Tariff Rates were restated must be "rolled in". The total of those PGA adjustments is set forth on currently effective Substitute Thirtieth Revised Sheet No. 3a in the above referenced tariff Original Volume No. 4.

Peoples' Base Tariff Rates were last restated on October 30, 1980, when the rates in Docket No. RP80-94 went into effect. New Base Tariff Rates should be established to be effective by October 30, 1983. A cursory comparison of annual revenues and cost of service based on the twelve month period ending June 1983, indicated that revenues exceeded the unadjusted cost of service by less than $10,000. Based on a per book revenue of $3.5 million, the excess is less than three-tenths (3/10) of one percent prior to any annualization or normalization adjustments. The cost of service was computed using an overall rate of return of 10.87%, which was authorized three years ago in Docket No. RP80-94. If Peoples were to use the overall rate of return authorized for Northern Natural Gas Company at Docket No. RP82-71, the annual excess would be less than $4.000.

Peoples states that the proposed new distributor for the market probably will have a cost of capital substantially different than Peoples and will probably experience different O&M costs, etc. than were experienced under Peoples. Peoples states that it might not be in the best public interest of its Texas customers for Peoples to have to expend funds to prepare and prosecute a rate case at this time. Accordingly, Peoples requests an opportunity to discuss alternatives with members of the Commission's Staff. If the pending sales is not consumated, Peoples will proceed on its own to statisfy the the requirement of 154.38 using the most recent data available.

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 November 3, 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. 83-29555 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-510-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

October 27, 1983.

Take notice that on September 13, 1983, Texas Eastern Transmission Corporation (Tetco), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-510-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Tetco proposes to modify its maximum daily delivery obligation (MDDO) at certain sales delivery points pursuant to the terms of a superseding service agreement dated September 7, 1983, under the authorization issued in Docket No. CP82-535-000 pursuant to Section 7 of

the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tetco and Columbia Gas Transmission Corporation (Columbia Gas) have entered into a superseding service agreement providing for the sale by Tetco of quantities of natural gas to Columbia Gas. Pursuant to Section 157.212(a) and 157.212(b) of the Regulations, Tecto proposes to modify its MDDO at certain of its delivery points to its existing customer, Columbia Gas. Deliveries under this agreement will be for Columbia Gas' general system supply.

Tetco states that its existing tariff does not prohibit the proposed changes in MDDO and that the changes will have no effect on its peak day or annual deliveries. Total volumes covered under the current service agreement with Columbia Gas will not be changed, it is alleged.

The proposed changes are as follows:

Tetco intends to modify MDDO's at the following delivery points:

Points of delivery	Current MDDO	Proposed MDDO	Change
A. Delivery Points in Applicant's Zone C:			
1. M&R Station No. 521 located in Butler County, Ohio, on Applicant's 24-inch Line No. 1 at mile post 776.93	103,809	150,000	+46,191
2. M&R Station No. 041, located in Warren County, Ohio, on Applicant's 24-inch Line No. 1 at mile post 784.20	259,523	215,332	−46,191
3. DM&R Station No. 468, located in Warren County, Ohio on Applicant's 24-inch Line No. 1 at mile post 791.43	934	1,200	+266
4. M&R Station No. 984, located in Fayette County, Ohio, on Applicant's 24-inch Line No. 1 at mile post 836.98	1,038	722	−266
B. Points in Tetco's Rate Zone D:			
1. M&R Station No. 579, located in Somerset County, Pennsylvania on Applicant's 24-inch Line No. 1 at mile post 1069.16	5,190	7,500	+2,310
2. M&R Station No. 068, located in Lancaster County, Pennsylvania on Applicant's 24-inch Line No. 1 at mile post 1203.66	40,485	10,000	−30,485
3. M&R Station No. 070, located in Lancaster County, Pennsylvania on Applicant's 24-inch Line No. 1 at mile post 1218.58	13,495	43,000	+29,505
4. M&R Station No. 519, located in Dauphin County, Pennsylvania on Applicant's 24-inch Line No. 12 at mile post 150.26	33,219	48,600	+15,381
5. M&R Station No. 321, located in Lebanon County, Pennsylvania on Applicant's 24-inch Line No. 12 at mile post 179.90	11,419	17,000	+5,581
6. M&R Station No. 466, located in Berks County, Pennsylvania on Applicant's 24-inch Line No. 12 at mile post 187.32	5,190	6,500	+1,310

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-29556 Filed 10-31-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $1 million obtained by the DOE under the terms of a consent order entered into with Apco Oil Corporation. This money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Office of Special Counsel.

DATE AND ADDRESS: Comments must be filed on or before December 1, 1983 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0008.

FOR FURTHER INFORMATION CONTACT: Richard T. Tedrow, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-5510.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties a total of $1 million obtained by the DOE under the terms of a consent order entered into with the Apco Oil Corporation. The funds were provided to the DOE by the firm to settle all claims and disputes between Apco and the DOE regarding the manner in which Apco applied the Federal price and allocation regulations with respect to its sales of refined petroleum products during the period January 1, 1973 through January 27, 1981. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V.

The DOE has tentatively decided that Applications for Refund should be accepted from firms and individuals who purchased motor gasoline, middle distillates or other covered products from Apco during the consent order period. The Proposed Decision and Order provides that in order to be entitled to receive a portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that it was injured by the alleged unlawful prices for motor gasoline, middle distillates, or other covered products charged by Apco, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The refund process suggested in the Proposed Decision and Order would take place in two separate stages. In the first stage, all meritorious claims for refunds to persons such as the initial purchasers would be paid. For the second stage, which would take place after the claims procedure is completed, the Proposed Decision and Order suggests that the remainder of the consent order funds might be distributed through rate regulated utilities or other regulated industries to persons who are

likely to have been injured by the alleged overcharges. The determination also proposes, alternatively, to distribute the settlement funds to the governments of the cities or states in which products sold by Apco were marketed.

As another alternative, the DOE proposes to deposit all remaining funds directly into the United States Treasury. The Proposed Decision emphasizes that no procedure for the second stage will be adopted until the claims process is completed.

It should be pointed out that until final procedures are adopted for the first stage, no claims for refunds will be accepted. Applications for Refund therefore should not be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the submission of claims is authorized. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Ave., S.W., Washington, D.C. 20585.

Issued in Washington, D.C. on October 20, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 20, 1983.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

October 20, 1983.

Name of Petitioner: Office of Special Counsel, Economic Regulatory Administration: In the Matter of Apco Oil Corporation.

Date of Filing: December 16, 1982.

Case Number: HEF-0008.

The procedural regulations of the Department of Energy (DOE) permit the Economic Regulatory Administration's Office of Special Counsel (OSC) to request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures for refunds to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with those regulatory provisions, the OSC filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with the Apco Liquidating Trust, as successor to the Apco Oil Corporation (Apco). Under the terms of the consent order, Apco agreed to make refunds in settlement of its alleged violations of the DOE petroleum price and allocation regulations during the period January 1, 1973 through January 27, 1981. As part of the settlement, DOE agreed to release Apco from any civil claims regarding Apco's compliance with the DOE regulations. Apco has remitted $1 million to the DOE and those funds are now being held in an escrow account (1) under the DOE's jurisdiction pending instructions from the Office of Hearings and Appeals regarding their distribution. With respect to distribution of the funds remitted by Apco, the consent order contains one qualification. Firms which receive any distribution will be required to execute an appropriate release and waiver of all claims against Apco concerning Apco's compliance with the Federal petroleum regulations prior to January 28, 1981.

I. Background

During the relevant time periods, Apco was an active "refiner" as that term was defined in 10 CFR 212.31 and 212.83. Apco was subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212, Subpart E. That Subpart governed the maximum prices that could lawfully be charged by refiners in the sale of fuel oil, motor gasoline, and other covered products. In addition, Apco was subject to the Mandatory Petroleum Allocation Regulations set forth in 10 CFR Part 211. At the time DOE commenced the underlying compliance effort which preceded this refund proceeding, Apco was a corporation in the process of final legal dissolution following liquidation of its assets. Apco sold its refinery located in Arkansas City, Kansas, to Total Petroleum, effective April 1, 1978, and sold its other refinery, located at Cyril, Oklahoma, to Oklahoma Refining Corporation, effective July 1, 1978.

In connection with its compliance activities, the OSC audited Apco's price and allocation practices, including the manner in which the firm applied the Federal petroleum price and allocation regulations to its business activities during the period January 1, 1973 through January 27, 1981 (hereinafter referred to as the "Consent Order Period" or "Settlement Period"). Among its business activities, Apco refined crude oil and unfinished oils into gasoline, middle distillates, and other covered products and sold those finished products to various customers. Subsequently, Apco and the DOE entered into the consent order involved in this proceeding. The consent order resolves all of the issues raised during the OSC's audit relating to the firm's compliance with the petroleum regulations administered by the DOE during the consent order period. In settlement of the DOE's claims against the firm, Apco agreed to deposit $1 million in an escrow account to be disbursed as directed by the DOE. In exchange, DOE agreed to terminate the compliance proceedings.

The consent order was executed on August 5 and August 7, 1982 by the Trustees of The Apco Liquidating Trust and on August 12, 1982 by the Department of Energy. It was published for public comment in the **Federal Register** on August 24, 1982. *See* 47 FR 36885 (1982). The OSC received comments from the States of Indiana, Maine, North Carolina, Oregon and Vermont, as well as from the American Association of Railroads concerning the proposed consent order and after considering those comments concluded that it should adopt the consent order as a final order on October 5, 1982. *See* 47 FR 43998 (1982).

II. Jurisdiction and Authority to Fashion Refund Procedures

The OSC filed a Petition for the Implementation of Special Refund Procedures under Subpart V in connection with the Apco consent order on December 16, 1982. The Subpart V process is used in situations where the DOE is unable to readily identify persons who are entitled to refunds as a result of enforcement proceedings or to readily ascertain the amounts that such persons are entitled to receive. 10 CFR 205.280. Subpart V also authorizes the OHA, upon request by an appropriate DOE enforcement official, to fashion special procedures to distribute moneys obtained as part of a settlement agreement. 10 CFR 205.281, 205.282.

Special refund procedures are part of an overall regulatory program which is intended to implement several different statutes. Congress provided for mandatory allocation and price ceilings for crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). The authority to enforce regulations issued under the EPAA was granted by Section 5 of the EPAA, which incorporated enforcement authorities established in the Economic

Stabilization Act (ESA), 12 U.S.C. 1904 note (19070). EPAA, 5(a), 15 U.S.C. 754(a). The statutory authority to enforce the regulations governing the allocation and pricing of petroleum products was delegated to the Administrator of the Federal Energy Administration, and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA) 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), 201(a), 42 U.S.C. 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration and the DOE have provided throughout the existence of the price control program for the issuance of notices of probable violation that state one or more alleged violations of the regulations and remedial orders requiring a person to cease a violation or to compensate for the effects of a violation, or both. *See* 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "notice of probable violation" and "remedial order").

In order to implement these statutory and regulatory goals, the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, and refunds to persons injured by the regulatory violation. *See generally Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereinafter referred to as *Vickers*); *Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunds to overcharged persons—furthers the specific EPAA goal of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 USC 753(b)(1)(F). Until recently, the comprehensive price regulation scheme for crude oil and refined petroleum products could be utilized to facilitate the channeling of refunds to adversely affected purchasers through price rollbacks. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, price rollbacks can no longer be used to refund moneys to purchasers who were overcharged in the past. Therefore, to make restitution to the persons affected by the alleged overcharges, a determination must be made regarding the extent to which the first purchasers of the refined products involved absorbed the overcharges or passed the higher costs through to their customers by raising their own sales prices. In such cases, the persons entitled to refunds are not readily identifiable, and the amount of the refunds that any particular person should receive is not readily ascertainable. In such circumstances, we believe that Subpart V provides the most useful mechanism to effect restitution to persons who were likely to have been injured by alleged pricing violations. In several recent cases we have accepted jurisdiction over funds received by the DOE in settlement of enforcement proceedings underlying Petitions for Implementation of Special Refund Procedures. *See, e.g., Office of Enforcement*, 8 DOE ¶82,515 (1981); *Office of Enforcement* 8 DOE ¶82,516 (1981).

After reviewing the record developed in the Apco case, we have concluded that the implementation of Subpart V proceedings is also appropriate here. In view of Apco's defunct corporate status, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges and ascertaining the level of refunds that such persons should receive. The Office of Hearings and Appeals therefore has decided to exercise Subpart V jurisdiction over the funds received from Apco in settlement of the enforcement proceeding which led to the Petition for Implementation of Special Refund Procedures filed by the OSC on December 16, 1982.

III. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed previously, and the Apco consent order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amount to parties who were adversely affected by the alleged violations.

As we have stated before, refunding moneys obtained through DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR 205.180; *see Coline; Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Subpart V offers a means of compensating many individuals who, because they either lack the resources or do not have a sufficient financial stake in the outcome to institute private lawsuits under section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning alleged overcharges to injured parties because it eliminates the need for long and costly court actions.

A. Refunds to Identifiable Purchasers

During the first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of covered products by Apco. We note that the first purchasers of the relevant products from the firm are likely to be claimants in this proceeding. First purchasers can generally be categorized as follows: (1) Resellers of petroleum products, (2) firms or individuals who used the product in question for the production or distribution of goods and services which were purchased by the public, or (3) entities which were the ultimate consumers of the product they purchased.

To the extent that first purchasers who are resellers or who are involved in the production or distribution of goods and services can establish that they absorbed the alleged overcharges rather than passed them on to their customers, they will be entitled to receive a portion of the consent order funds. In order to qualify for a refund, these first purchasers will be required to demonstrate that during the period covered by the consent order they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. While there are a variety of means by which a claimant could make this showing, a reseller or firm engaged in the production or distribution of goods and services generally should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. In addition, a reseller of petroleum products must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.

With respect to first purchasers who are ultimate consumers, we believe that the above showing should not be necessary in order for a firm to qualify for a refund. The types of organizations and individuals that would be included in this group include home owners, schools, religious institutions, federal, state, and local government entities, research foundations, and any other individual or organization which is not engaged in the direct sale of goods or services to other consumers. In order to establish a claim, this type of first purchaser need demonstrate only that it purchased a specific quantity of product which was sold by Apco during the consent order period.

In addition, refund applications from firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement will not be required to demonstrate that the firm absorbed the alleged Apco overcharges. In the case of regulated firms, e.g., public utilities, any overcharges incurred as a result of Apco's alleged violations of the DOE regulations would routinely be passed through to their customers. Similarly, any refund receive by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives will likewise directly influence the prices charged to their member customers. Consequently, such firms will be added to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel (Tenneco),* 9 DOE ¶ 82,538 (1982); and *Office of Special Counsel (Pennzoil),* 9 DOE ¶ 82,545 at 85,244 (1982). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money.

In the event that the first purchasers are unable to make the showing described above, firms and individuals who purchased products from first purchaser may be eligible to receive a portion of the funds. In order to establish an entitlement to a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the consent order period, a specific quantity of products which were sold by Apco. Privity with either Apco or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimant flowed through a chain of distribution leading back to Apco. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through the cost increases resulting from the alleged overcharges to its own customers. For example, a purchaser who resold the identified product should be in a position to show that market conditions did not permit it to raise prices charged to downstream customers, and that consequently it was forced to absorb the cost increases that are represented by the alleged overcharges. In the absence of that showing we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, in the *Vickers* decision, we noted that the nature of the showing required could be too complicated for those individuals and firms who might otherwise be entitled to apply for refunds and who purchased relatively small amounts of products. We also observed that many of those purchasers might lack the type of records required to support such a showing. We therefore established a 50,000 gallons per month (or 600,000 gallons per year) threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who claim less than that level of purchases, we require only proof of the amount of product purchased by the applicant during the consent order period. We propose to use the same type of procedure for smaller claimants in this proceeding. *See Vickers; Office of Special Counsel for Compliance,* 4 DOE ¶ 82,511 at 85,043–44 (1979); and *Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,245 (1982).

In addition, as in previous cases, we propose that there is a class of potential claimants who may be presumed to have suffered no injury from Apco's regulatory practices. Those parties are firms who made spot purchases of Apco products. As we stated in *Vickers:*

> * * * these customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of Vickers motor gasoline at increased prices unless they were able to pass through the full amount of Vickers' quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. We believe that the same rationale applies in this case. Consequently, we will not consider applications for refund from firms who made only spot purchases from Apco.

In *Vickers,* we utilized a "pure" volumetric method of allocating refunds to claimants, i.e., refunds were based on the proportion of product purchased by the applicant to the total amount of product sold by the supplier during the relevant audit period. When the *Vickers* decision was issued in July 1981, we believed that this method of distribution was appropriate for allocating the Vickers settlement funds because: (1) It is an administratively efficient method for determining what proportion of the settlement fund should go to each successful claimant; (2) it serves as a useful approximation of injury in the treatment of overcharged claimants who are unable to quantify their alleged injury; and (3) it allows applicants to recover a significant refund for each gallon of product they purchased.

Based on our experience in Subpart V cases since that time, however, we now believe that the adoption of the "pure" volumetric plan of distribution used in *Vickers* would not be the best mechanism for allocating the Apco consent order funds. There are a number of factors leading to this conclusion. First, we note that the size of the monetary settlements which are involved in Subpart V proceedings are arrived at through negotiations between the DOE and the firms charged with the alleged regulatory violations. In a recent decision that addressed this issue, *Office of Special Counsel (Pennzoil),* 9 DOE ¶82,545 (1982), we noted that the size of a settlement fund is based upon both the magnitude of the violations alleged by the government and other factors such as each party's views as to the probable length, expenses and success of litigation. Those factors would have particular relevance in this case, in view of the uncertainty as to Apco's corporate status. In *Vickers,* the settlement fund happened to be relatively large in proportion to the volume of product covered by the consent order and would therefore yield a significant per gallon refund. In *Pennzoil,* however, the settlement fund was small in relation to the total volume of products involved, and successful claimants would have recovered a refund of only $.000375 per gallon if the settlement fund were distributed on a "pure" volumetric basis. Moreover, we believe that as a general proposition many claimants in these cases will be unable to provide the type of evidence necessary to support the approval of a refund application. For example, it may be difficult and costly for potential claimants to demonstrate that the effects of alleged regulatory violations were not passed through to their downstream customers. As a result, the total amount for which meritorious claims are submitted may be far less than the amount of the settlement funds available for distribution. *See Pennzoil* at 85,246–7.

In this proceeding,we will follow *Pennzoil* and adopt an alternative mechanism of distribution based on a modified version of the "pure" volumetric distribution scheme used in *3Vickers.* As noted above, the size of the fund available for distribution is likely to be less than the amount needed to make full restitution to the injured claimants involved in this proceeding, and the use of a "pure" volumetric mechanism would have the undesirable

effect of placing a further artificial limitation on the amount of the refunds that are eventually received by successful claimants. We therefore believe that it is fully consistent with the restitutionary objectives of the present proceeding to distribute more than a pure volumetric share of the available Apco funds to successful claimants. First, we will establish a "floor" or minimum amount a successful claimant could receive which will assist a potential applicant in deciding whether or not to apply for a refund. In this proceeding the minimum amount that a successful claimant will recover can be determined by multiplying its total covered product purchases (in gallons) by $.000490 per gallon.[2] However, after the minimum refund amount has been determined for each successful claimant, the OHA will also give consideration to the following factors in determining individual refunds: (1) The amount of interest accumulated in the escrow account since the DOE received the settlement from Apco; (2) the number of qualified claimants, and the aggregate volume of their purchases compared to the amount of products sold by Apco during the consent order period; (3) the impact of the alleged violations on the claimant's business; (4) market conditions prevalent during the consent order period; (5) the claimant's position in the distribution chain, i.e., whether it is a refiner, reseller or ultimate consumer; and (6) the manner in which the claimant's business is governed by federal, state or local regulatory agencies, or other relevant private contractual agreements such as those affecting agricultural cooperatives. A weighing and balancing of these factors will enable us to further the restitutionary goals of Subpart V and the underlying statutory objectives.

Any purchaser claiming a portion of the refund amount should file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers.* Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in publications in the area in which Apco marketed its products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all meritorious claimants have received the share of the settlement fund to which they are entitled, the settlement fund provided by Apco pursuant to the consent order, while diminished, may not be exhausted. Any remainder of the settlement funds should be distributed during a second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. In this decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers:*

> [Such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme.

8 DOE at 85,397. As in that case, we intend to set forth a number of second-stage alternatives in this proposed decision. We will consider any comments received and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and will solicit another round of comments on the distribution of the funds that may remain after payment of claims in the first stage. In this way, we will have adequate opportunity to consider the outstanding issues before reaching a final decision on the second stage.

Since refunding money to injured persons is the primary concern of Subpart V proceedings, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Apco. In view of the relatively small sum of money likely to be involved in claims by many ultimate consumers, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove during the first stage of the refund process that they are entitled to refunds. See Vickers. The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

If a second stage should prove necessary, refunds might be made in the form of lowered energy or energy related costs in areas where the products associated with the alleged overcharges by Apco were marketed. For example, in *Office of Special Counsel for Compliance,* No. DFF-0003 (March 13, 1981) (proposed decision), 46 FR 17643 (1981) we proposed that the second-stage refund to consumers who were likely to have been overcharged be effected by using rate-regulated utilities to pass through the remaining funds to consumers through fuel adjustment clauses or other appropriate mechanisms. We observed that it is likely that the person who purchased motor gasoline or heating oil in a particular area would reside there as well and would ultimately be consumers of electricity. They would therefore benefit from the proposed rate reduction. We further suggested that state governments in the affected areas may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their direct control. County and local governments are also candidates for distributing the refund amount to affected citizens. Although we cannot yet determine what actions we will take in the second stage, we will consider these types of restitutionary schemes as possible alternatives.

In the event that the distribution schemes discussed above prove to be inappropriate because of administrative costs or the lack of accurate information, we propose that the portion of the settlement fund which would otherwise go undistributed be deposited in the United States Treasury. We also propose as an alternative to the distribution scheme outlined above, that any funds remaining after the first stage claims procedure be deposited directly in the United States Treasury. Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.287(c),

and direct payment to the Treasury may well be appropriate in cases where other remedies would be ineffectual or administratively burdensome. *See Golden Eagle Oil Co.*, 6 DOE ¶83,005 at 86,065 (1980); cf. *Chana's Auto Service Center*, 8 DOE ¶83,002 (1981). However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate disposition of those funds.

It Is Therefore Ordered That:

The $1 million refund amount supplied by Apco Oil Corporation will be distributed in accordance with the foregoing Decision.

Footnotes

[1] The escrow account is an interest bearing account, and as of September 30, 1983 the Apco funds have earned $83,747.61, which is also available for distribution.

[2] This per gallon factor is computed by dividing the $1 million available for distribution under the Apco consent order by 2,039,552,000 gallons, which represents Apco's total sales of all covered products during the consent order period.

[FR Doc. 83-29640 Filed 10-31-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50608; PH-FRL 2449]

Pesticides; Issuance of Experimental Use Permits; BASF/Wyandotte Corp.

Correction

In FR Doc. 83-27659 beginning on page 46428 in the issue of Wednesday, October 12, 1983, make the following correction: In column three, **SUPPLEMENTARY INFORMATION,** paragraph one, line six, "N-cyclohexyul-N-methoxy-2" should read "N-cyclohexyl-N-methoxy-2".

BILLING CODE 1505-01-M

[OPTS-51489; TSH-FRL 2455-5]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-28706 beginning on page 48863 of the issue of Friday, October 21, 1983, make the following corrections:

1. On page 48865, third column, in PMN 84-35, second line of *Toxicity Data*, change "12,000" to "2,000".

2. On page 48866, first column, in PMN 84-37, first line of *Chemical*, "-1m2-" should read "-1,2-".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed; Pacific Westbound Conference

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. 57-128.

Title: Pacific Westbound Conference.

Parties:

American President Lines, Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Mitsui O.S.K. Lines, Ltd.
Moller-Maersk Line A. P.
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line Ltd.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: Agreement No. 57-128 would amend the basic agreement by amending the secret ballot provisions contained in Appendix Article 7, paragraph 6, to insert the words, "except as to proposals to amend the Conference Agreement."

Filing party: Charles L. Coleman, III, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. T-4144.

Title: New York/USL Lease Agreement.

Parties: City of New York (City)/ United States Lines, Inc. (USL).

Synopsis: Agreement No. T-4144 is an amendment and restatement of a lease agreement between City and USL. Under the agreement City agrees to lease approximately 200 acres of land and terminal facilities to USL at the Howland Hook Terminal for an initial term expiring on August 30, 2006, with additional renewal options of 66½ years.

Filing agent: John Gerhard, General Counsel, The City of New York, Department of Ports and Terminals, Battery Maritime Building, New York, New York 10004.

Agreement No. 9055-3.

Title: Department of Transportation of the State of Hawaii and Matson Navigation Company, Inc. Terminal Lease Modification.

Parties: Department of Transportation of the State of Hawaii (State) and Matson Navigation Company, Inc. (Matson).

Synopsis: The basic agreement would be modified to withdraw Parcel 2A (4,000) square feet from the leased premises at Hilo Harbor to allow the State to construct a shop and warehouse facility and to add Parcel 2B (4,000) square feet to the premises covered by the Agreement in exchange for withdrawal of Parcel 2A.

Filing party: Ryokichi Higashionna, Director of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. 9055-A-5.

Title: Matson Navigation Company, Inc. and Hilo Transportation and Terminal Company, Limited, Restated Terminal Agreement for Loading Sugar on Vessels.

Parties: Matson Navigation Company, Inc. (Matson) and Hilo Transportation and Terminal Company, Limited (Hilo).

Synopsis: The purpose of Agreement No. 9055-A-5 is to restate Agreement No. 9055-A, dated January 1, 1962, in its entirety to reflect in a single document all of the terms and provisions of said Agreement as provided by various approved amendments.

Filing party: Ryokichi Higashionna, Director of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

By Order of the Federal Maritime Commission.

Dated: October 27, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-29819 Filed 10-31-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York (financing and insurance activities; Maryland, South Carolina, Tennessee and Virginia): To continue to engage through its subsidiary, Sunamerica Corporation, in the previously approved activities of making or acquiring for its own account loans and other extensions of credit and servicing loans and other extensions of credit, including but not limited to, making or acquiring loans to consumers; making or acquiring loans and other extensions of credit to businesses (including inventory financing); making or acquiring extensions of credit secured by personal property least contracts; acting as agent or broker for the sale of credit related insurance directly related to such activities. Any credit life and credit accident and health insurance sold in connection with the proposed activities may be reinsured through Sun States Life and Great Lakes Insurance Companies which are indirect subsidiaries of the Applicant. These activities will be conducted from an office in Winston-Salem, North Carolina, serving the states of Maryland, South Carolina, Tennessee and Virginia. Comments on this application must be received not later than November 25, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinios 60690:

1. *Charleston Bancorp, Inc.*, Springfield, Illinois (insurance activities; Illinois): To act, in the offices of its subsidiary, The Bank of Charleston, as a broker in the sale of credit life and credit accident and health insurance. These activities would be performed in Charleston, Illinois, serving Coles County, Illinois. Comments on this application must be received not later than November 16, 1983.

2. *Charleston Bancorp, Inc.*, Springfield, Illinois (insurance activities; Illinois): To engage in general insurance activities in a community that has a population not exceeding 5,000. This activity will be performed from offices in Lewistown, Illinois, serving Fulton County, Illinois. Comments on this application must be received not later than November 16, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Area Financial Corporation*, Redwood City, California (insurance premium financing activities; California): To engage *de novo* through its subsidiary, Iasurance Premium Finance Corporation, in the activity of making or acquiring loans to policy holders for the purpose of financing premiums. These activities would be conducted from an office in Redwood City, California, serving the State of California. Comments on this application must be received not later than November 25, 1983.

Board of Governors of the Federal Reserve System, October 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-29548 Filed 10-31-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Union Bancorp, Inc.

The companies listed in this notice have applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become band 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 Rank indicated for the 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 Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Union Bancorp., Inc.*, West Mansfield, Ohio; to become a bank holding company by acquiring 80 percent or more of the voting shares of the Union Banking Company, West Mansfield, Ohio. Comments on this application must be received not later than November 23, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens Express Company*, Gainesville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Gainesville, Georgia. Comments on this application must be received not later than November 22, 1983

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Countryside Financial Services, Inc.*, Walworth, Wisconsin; to become a bank holding company by acquiring 80 percent or more of the voting shares of Walworth State Bank, Walworth,

Wisconsin. Comments on this application must be received not later than November 21, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *VH Bancorporation, Inc.*, Minneapolis, Minnesota; to become a bank holding company by acquiring 80.2 percent of the voting shares of Grand Marais State Bank, Grand Marais, Minnesota. Comments on this application must be received not later than November 25, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *State Financial Investment, Inc.*, Winfield, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The State Bank, Winfield, Kansas. Comments on this application must be received not later than November 25, 1983.

Board of Governors of the Federal Reserve System, October 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-29647 Filed 10-31-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Average of the Total Wages for 1982, Contribution and Benefit Base, Quarter of Coverage Amount, Retirement Test Exempt Amounts, Formulas for Computing Benefits, and Extended Table of Benefit Amounts for 1984

AGENCY: Social Security Administration, HHS.

ACTION: Social Security; Notice of Average of the Total Wages for 1982, Contribution and Benefit Base, Quarter of Coverage Amount, Retirement Test Exempt Amounts, Formulas for Computing Benefits, and Extended Table of Benefit Amounts for 1984.

SUMMARY: The Secretary has determined—

(1) The average of the total wages for 1982 to be $14,531.34;

(2) The Social Security contribution and benefit base to be $37,800 for remuneration paid in 1984 and self-employment income earned in taxable years beginning in 1984;

(3) The amount of earnings a person must have to be credited with a quarter of coverage in 1984 to be $390; and

(4) The monthly exempt amount under the Social Security retirement test for taxable years ending in calendar year 1984 to be $580 for beneficiaries age 65 and over and $430 for beneficiaries under age 65.

The formulas we use to compute the benefits for a worker and his or her family who first become eligible for benefits in 1984 are also described below.

Finally, a table reflecting the new higher average monthly wage and related benefit amounts made possible by the higher contribution and benefit base is also published. The table will be used primarily to compute the retirement benefits of workers who reached age 62 before 1979.

FOR FURTHER INFORMATION CONTACT: Eli Donkar, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-3365.

SUPPLEMENTARY INFORMATION: Sections 203(f)(8), 213(d) and 230(a) of the Social Security Act (42 U.S.C. 403(f)(8), 413(d) and 430(a)) require the Secretary of Health and Human Services to publish in the **FEDERAL REGISTER** on or before November 1, 1983, the contribution and benefit base, the amount of earnings required for a quarter of coverage, and the retirement test exempt amounts, for calendar year 1984. In addition, section 215(a)(1)(D) requires that the Secretary publish by November 1, 1983, the formula for computing a primary insurance amount for workers who first become eligible for benefits or die in 1984, and section 203(a)(2)(c) requires that the Secretary publish by November 1, 1983, the formula for computing a family's maximum benefits for families of workers who first become eligible for old-age benefits or die in 1984.

Average of the Total Wages for 1982

The determination of the average wage figure for 1982 is based on the 1981 average wage figure of $13,773.10 announced in the **Federal Register** on November 10, 1982 (47 FR 51003) along with the percentage increase in average wages from 1981 to 1982 measured by annual wage data tabulated by the Internal Revenue Service (IRS). The average amounts of wages calculated directly from IRS data were $14,144.50 and $14,923.19 for 1981 and 1982, respectively. To determine an average wage figure for 1982 at a level that is consistent with the series of average wages for 1951–1977 (published December 29, 1978 at 43 FR 61016), we multiplied the 1981 average wage figure of $13,773.10 by the percentage increase in average wages from 1981 to 1982 (based on IRS data) as follows (with the result rounded to the nearest cent): Average wage for 1982 = $13,773.10 × $14,923.19 ÷ $14,144.50 = $14,531.34. Therefore, the average wage for 1982 is determined to be $14,531.34.

Contribution and Benefit Base

General. The 1984 contribution and benefit base is $37,800.

The contribution and benefit base serves two purposes:

(1) It is the maximum annual amount of earnings on which Social Security taxes are paid.

(2) It is the maximum annual amount used in figuring a person's Social Security benefits.

Computation. Section 230(c) of the Social Security Act provides a table with the contribution and benefit base for each year 1978, 1979, 1980, and 1981. For years after 1981, section 230(b) of the Social Security Act contains a formula for determining the contribution and benefit base. Under the prescribed formula, the contribution and benefit base for 1984 shall be equal to the 1983 base of $35,700 multiplied by the ratio of (1) the average amount, per employee, of total wages for the calendar year 1982 to (2) the average amount of those wages for the calendar year 1981. Section 230(b) further provides that if the amount so determined is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

Average Wages. The average wage for calendar year 1981 was previously determined to be $13,773.10. The average wage for calendar year 1982 has been determined to be $14,531.34, as stated herein.

Amount. The ratio of the average wage for 1982, $14,531.34, compared to that for 1981, $13,773.10, is 1.055052. Multiplying the 1983 contribution and benefit base of $35,700 by the ratio 1.055052 produces the amount of $37,665.36 which must then be rounded to $37,800, accordingly, the contibution and benefit base for 1984 is $37,800.

Quarter of Coverage Amount

General. The 1984 amount of earnings required for a quarter of coverage is $390. A quarter of coverage is the basic unit for determining whether a worker is insured under the Social Security program. For years before 1978, an individual generally was credited with a quarter of coverage for each quarter in which wages of $50 or more were paid, or for which $100 or more of self-employment income were credited, to the individual. Beginning in 1978, wages generally are no longer reported on a quarterly basis; instead, annual reports

are made. With the change to annual reporting, section 352(b) of the Social Security Amendments of 1977 (Pub. L. 95–216) amended section 213(d) of the Social Security Act to provide that a quarter of coverage would be credited for each $250 of an individual's total wages and self-employment income for calendar year 1978 (up to a maximum of 4 quarters of coverage for the year). Section 213(d) also provides that this amount shall be redetermined each year and many change published in the Federal Register no later than November 1 of the year preceding the year for which the change is effective.

Computation. Under the prescribed formula, the quarter of coverage amount for 1984 shall be equal to the 1978 amount of $250 multiplied by the ratio of (1) the average amount, per employee, of total wages for calendar year 1982 to (2) the average amount of those wages reported for calendar year 1976. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Average Wages. The average wage for calendar year 1976 was previously determined to be $9,226.48. This was published in the Federal Register on December 29, 1978, at 43 FR 61016. The average wage for calendar year 1982 has been determined to be $14,531.34 as stated herein.

Quarter of Coverage Amount. The ratio of the average wage for 1982, $14,531.34, compared to that for 1976, $9,226.48, is 1.57496. Multiplying the 1978 quarter of coverage amount of $250 by the ratio of 1.57496 produces the amount of $393.74 which must then be rounded to $390. Accordingly, the quarter of coverage amount for 1984 is $390.

Retirement Test Exempt Amounts

(a) *Beneficiaries Aged 70 or Over.* Beginning with months after December 1982, there is no limit on the amount an individual aged 70 or over may earn and still receive Social Security benefits. The age at which the retirement test ceases to apply is reduced from age 72 to age 70 by Public Law 97–35, which amended section 203(c)(1) of the Social Security Act.

(b) *Beneficiaries Aged 65 through 69.* The retirement test monthly exempt amount for beneficiaries over age 65 is stated in the Social Security Act at section 203(f)(8)(D) for years 1978 through 1982. A formula is provided in section 203(f)(8)(B) for computing the exempt amount applicable for years after 1982. The monthly exempt amount of 1983 was determined by this formula to be $550. Under the formula, the exempt amount for 1984 shall be the 1983 exempt amount multiplied by the ratio of (1) the average amount, per employee, of the total wages for calendar year 1982 to (2) the average amount of those wages for calendar year 1981. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Average Wages. Average wages for this purpose are determined in the same way as for the contribution and benefit base. Therefore, the ratio of the average wages for 1982, $14,531.34 compared to that for 1981, $13,773.10 is 1.055052.

Exempt Amount for Beneficiaries Aged 65 through 69. Multiplying the 1983 retirement test montly exempt amount of $550 by the ratio of 1.055052 produces the amount of $580.28. This must then be rounded to $580. The retirement test monthly exempt amount for beneficiaries aged 65 through 69 is determined to be $580 for 1984. The corresponding annual retirement test exempt amount for these beneficiaries is $6,960.

(c) *Beneficiaries Under Age 65.* Section 203 of the Social Security Act provides that beneficiaries aged 65 and over have a higher retirement test monthly exempt amount than those beneficiaries under age 65. The exempt amount for beneficiaries under age 65 is determined by a formula provided in section 203(f)(8)(B) of the Social Security Act. Under the formula, the monthly exempt amount for beneficiaries under age 65 is $410 for 1983. The formula provides that the exempt amount for 1984 shall be the 1983 exempt amount for beneficiaries under age 65 multiplied by the ratio of (1) the average amount, per employee, of the total wages for calendar year 1982 to (2) the average amount of those wages for calendar year 1981. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Average Wages. Average wages for this purpose are determined in the same way as for the contribution and benefit base. Therefore, the ratio of the average wages for 1982, $14,531.34 compared to that of 1981, $13,773.10 is 1.055052.

Exempt Amount for Beneficiaries Under Age 65. Multiplying the 1983 retirement test monthly exempt amount of $410 by the ratio 1.055052 produces the amount of $432.57. This must then be rounded to $430. The retirement test monthly exempt amount for beneficiaries under age 65 is determined to be $430 for 1984. The corresponding annual retirement test exempt amount for these beneficiaries is $5,160.

Computing Benefits After 1978

The Social Security Amendments of 1977 changed the formula for determining an individual's primary insurance amount after 1978. This basic new formula is based on "wage indexing" and was fully explained with interim regulations published in the Federal Register on December 29, 1978 at 43 FR 60877. It generally applies when a worker after 1978 attains age 62, becomes disabled, or dies before age 62. This formula uses the worker's earnings after they have been adjusted, or "indexed," in proportion to the increase in average wages of all workers. Using this method, we determine the worker's "average indexed monthly earnings." We then compute the primary insurance amount, using the worker's "average indexed monthly earnings" and also adjust the computation formula to reflect changes in general wage levels.

Average Indexed Monthly Earnings. To assure that a worker's future benefits reflect the general rise in the standard of living that occurs during their working lifetime, we adjust or "index" the worker's past earnings to take into account the change in general wage levels that has occurred during the worker's years of employment. These adjusted earnings are then used to compute the worker's primary insurance amount.

For example, to compute the average indexed monthly earnings for a worker attaining age 62, becoming disabled, or dying before attaining age 62, in 1984, we divide the average of the total wages for 1982, $14,531.34, by the average of the total wages for each year prior to 1982 in which the worker had earnings. We then multiply the actual wages and self-employment income credited for those years by this ratio to obtain the worker's adjusted earnings for that year. After determining the number of years we must use to compute the primary insurance amount, we pick those years with highest indexed earnings, total those indexed earnings and divide by the total number of months in those years. This figure is rounded down to the next lower dollar amount, and becomes the average indexed monthly earnings figure to be used in computing the worker's primary insurance amount for 1984.

Computing the Primary Insurance Amount. The primary insurance amount is the sum of three separate percentages of portions of the average indexed monthly earnings. In 1979 (the first year the formula was in effect), these portions were the first $180, the amount between $180 and $1,085, and the

amount over $1,085. The amounts for 1984 are obtained by multiplying the 1979 amounts by the ratio between the average of the total wages for 1982, $14,531.34, and for 1977, $9,779.44. These results are then rounded to the nearest dollar. For 1984, the ratio is 1.48591. Multiplying the 1979 amounts of $180 and $1,085 by 1.48591 produces the amounts of $267.46 and $1,612.21. These must then be rounded to $267 and $1,612. Accordingly, the portions of the average indexed monthly earnings to be used in 1984 are determined to be the first $267, the amount between $267 and $1,612, and the amount over $1,612.

Consequently, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 1984 or who die in 1984 before becoming eligible for benefits, we will compute their primary insurance amount by adding the following:

(a) 90 percent of the first $267 of their average indexed monthly earnings, plus

(b) 32 percent of the average indexed monthly earnings over $267 and through $1,612, plus

(c) 15 percent of the average indexed monthly earnings over $1,612.

This amount is then rounded to the next lower multiple of $.10 if it is not already a multiple of $.10. This formula and the adjustments we have described are contained in section 215(a) of the Social Security Act (42 U.S.C. 415(a)) as amended by Public Law 97–35.

Maximum Benefits Payable to a Family

The 1977 Amendments continued the long established policy of limiting the total monthly benefits which a worker's family may receive based on his or her primary insurance amount. Those amendments also continued the then existing relationship between maximum family benefits and primary insurance amounts but did change the method of computing the maximum amount of benefits which may be paid to a worker's family. The 1980 Amendments (Pub. L. 96–265) established a new formula for computing the maximum benefits payable to the family of a disabled worker. This new formula is applied to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980 and who first become eligible for these benefits after 1978. The new formula was explained in a Final Rule published in the National **Federal Register** on May 8, 1981 at 46 FR 25601. For disabled workers initially entitled to disability benefits before July 1980, or whose disability began before 1979, the family maximum payable is computed the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum. The formula used to compute the family maximum is similar to that used to compute the primary insurance amount. It involves computing the sum of four separate percentages of portions of the worker's primary insurance amount. In 1979, these portions were the first $230, the amount between $230 and $332, the amount between $332 and $433, and the amount over $433. The amounts for 1984 are obtained by multiplying the 1979 amounts by the ratio between the average of the total wages for 1982, $14,531.34, and the average for 1977, $9,779.44. This amount is then rounded to the nearest dollar. For 1984, the ratio is 1.48591. Multiplying the amounts of $230, $332, and $433 by 1.48591 produces the amounts of $341.76, $493.32, and $643.40. These amounts are then rounded to $342, $493, and $643. Accordingly, the portions of the primary insurance amounts to be used in 1984 are determined to be the first $342, the amount between $342 and $493, the amount between $493 and $643, and the amount over $643.

Consequently, for the family of a worker who becomes age 62 or dies in 1984, the total amount of benefits payable to them will be computed so that it does not exceed:

(a) 150 percent of the first $342 of the worker's primary insurance amount, plus

(b) 272 percent of the worker's primary insurance amount over $342 through $493, plus

(c) 134 percent of the worker's primary insurance amount over $493 through $643, plus

(d) 175 percent of the worker's primary insurance amount over $643.

This amount is then rounded to the next lower multiple of $.10 if it is not already a multiple of $.10. This formula and the adjustments we have described are contained in section 203(a) of the Social Security Act (42 U.S.C. 403(a)) as amended by Pub. L. 97–35.

Extension of Benefit Table Effective January 1984

The following is an extension of the Table for Determining Primary Insurance Amount and Maximum Family Benefits provided in section 215(a)(5) of the Social Security Act. This extension reflects the higher average monthly wage and related benefit amounts now possible under the increased contribution and benefit base published by this Notice effective January 1984 in accordance with section 215(i) of the Social Security Act. The extended portion of the benefit table shown here will apply primarily to benefits based on earnings of workers who reached age 62 before 1979.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–13.805, and 13.807 Social Security Programs)

Dated: October 27, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING JANUARY 1984

I (Primary insurance benefit under 1939 act, as modified)—If an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for December 1983)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits) and the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least	But not more than—		
			2975	2980	1471.50	2575.10
			2981	2985	1472.50	2576.80
			2986	2990	1473.50	2578.60
			2991	2995	1474.50	2580.30
			2996	3000	1475.50	2582.10
			3001	3005	1476.50	2583.80
			3006	3010	1477.50	2585.60
			3011	3015	1478.50	2587.30
			3016	3020	1479.50	2589.10
			3021	3025	1480.50	2590.80
			3026	3030	1481.50	2592.60
			3031	3035	1482.50	2594.30
			3036	3040	1483.50	2596.10
			3041	3045	1484.50	2597.80
			3046	3050	1485.50	2599.60
			3051	3055	1486.50	2601.30
			3056	3060	1487.50	2603.10
			3061	3065	1488.50	2604.80
			3066	3070	1489.50	2606.60
			3071	3075	1490.50	2608.30
			3076	3080	1491.50	2610.10
			3081	3085	1492.50	2611.80
			3086	3090	1493.50	2613.60

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING JANUARY 1984—Continued

I (Primary insurance benefit under 1939 act, as modified)—If an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (primary insurance amount effective for December 1983)—or his primary insurance amount (as determined under subsec. (c)) is—	III (average monthly wage)—or his average monthly wage (as determined under subsec. (b)) is—		IV (primary insurance amount)—the amount referred to in the preceding paragraphs of this subsection shall be—	V (maximum family benefits) and the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least	But not more than—		
			3091	3095	1494.50	2615.30
			3096	3100	1495.50	2617.10
			3101	3105	1496.50	2618.80
			3106	3110	1497.50	2620.60
			3111	3115	1498.50	2622.30
			3116	3120	1499.50	2624.10
			3121	3125	1500.50	2625.80
			3126	3130	1501.50	2627.60
			3131	3135	1502.50	2629.30
			3136	3140	1503.50	2631.10
			3141	3145	1504.50	2632.80
			3146	3150	1505.50	2634.60

[FR Doc. 83-29717 Filed 10-31-83; 8:45 am]
BILLING CODE 4190-11-M

Public Health Service

National Center for Health Services Research; Notice of Assessment of Medical Technology

The Public health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use of the argon laser trabeculoplasty procedure. Specifically, we are interested in the medical indications for (1) argon laser trabeculoplasty; (2) optimal levels of laser energy and optimal number of laser spots; (3) contraindications and side effects that potentially result from the application of this procedure, and (4) information on the near- and long-term outcomes resulting from this procedure.

For the purposes of this announcement the laser trabeculoplasty is defined as an alternative procedure that has been used in lieu of conventional surgery for the management of open-angle glaucoma. This procedure has been proposed for the treatment of patients who have been diagnosed as having primary open-angle glaucoma, pigmentary glaucoma, and for cases associated with pseudoexfoliation. The posterior portion of the trabecular meshwork is treated with the laser and is generally provided as an outpatient procedure. Laser trabeculoplasty has been utilized in some settings as a method for the treatment of uncontrolled intraocular pressures (IOP) not managed adequately by medical therapy and where some form of surgical intervention is required.

The PHS assessment consists of synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than December 21, 1983 or within 30 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1975 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

Written material should be submitted to: National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Dr. Joel H. Broida, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: October 21, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-29578 Filed 10-31-83; 8:45 am]
BILLING CODE 4160-17-M

Food and Drug Administration

[Docket No. 80P-0234/P]

In Vitro Screening Devices; Safety, Effectiveness, and Utility; Public Meeting of Advisory Committee Representatives

AGENCY: Food and Drug Administration.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public meeting of the chairpersons or their representatives of the Immunology Device Section and the Microbiology Device Section of the Immunology and Microbiology Devices Panel and of the Clinical Chemistry Device Section, the Clinical Toxicology Device Section, and the Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel. The purpose of the meeting is to solicit the views of these individuals and of interested persons regarding the establishment of guidelines for evaluating the safety, effectiveness, and utility of in vitro screening devices. The meeting is related to an earlier FDA proceeding on gonorrhea antibody screening test kits (GAT's).

DATES: Written notices of participation or comments to be considered at the meeting should be filed by November 16, 1983. The meeting will begin at 9 a.m. on November 18, 1983. Comments on matters discussed at the meeting should be submitted by December 30, 1983.

ADDRESSES: Written notices of participation and comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The meeting will be held in Rm. 1207, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Thomas M. Tsakeris, National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On January 4, 1983, the Deputy Commissioner of Food and Drugs issued a final decision denying a petition of the Health Research Group requesting FDA

to withdraw premarket approval of three gonorrhea antibody screening test kits (Docket No. 80P-0234/P; see 48 FR 335). Among other things, the decision directed the Office of Medical Devices (OMD) of the National Center for Devices and Radiological Health (NCDRH) to articulate the factors to be considered in assessing the adequacy of the performance of particular screening devices. Among the possible factors are the prevalence and seriousness of the disease or condition that is the subject of the screening; whether the disease or condition is acute, chronic, or progressive; and the availability of other diagnostic tools.

Consistent with this directive, NCDRH has sent to the panel chairpersons listed in the summary of this notice a letter listing important questions respecting the assessment of the safety, effectiveness, and utility of in vitro screening devices. These questions will be discussed at a public meeting sponsored by NCDRH beginning at 9 a.m. on November 18, 1983. NCDRH has asked the panel chairpersons, or their representatives, to present their views on the matters raised in the letter. Copies of the letter and any responses to it are on file in the dockets Management Branch, under the docket number appearing in the heading of this notice, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday. Single copies of the letter and any responses to it may be requested from the contact person named above.

Although the primary purpose of this meeting is to obtain the scientific advice of the panel members, NCDRH also is interested in hearing the views of members of the public. Accordingly, the public meeting will include a brief period for public participation by interested persons who wish to present information, data, and comments on the subjects mentioned in the letter concerning the safety, effectiveness, and utility of in vitro screening devices. Persons who wish to participate are requested to file a notice of participation with the Dockets Management Branch (address above) on or before November 16, 1983. To assure timely handling, any outer envelope should be clearly marked with Docket No. 80P-0234/P and the statement "In Vitro Screening Devices Meeting". Such notice of participation should contain the interested person's name, address, telephone number, any business affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the approximate time requested for the presentation. NCDRH requests that presentations be limited to 15 minutes, if possible, and that groups having similar interests consolidate their comments and present them through a single representative. NCDRH will allocate the time available for the meeting among the persons who properly file notices of participation. If time permits, NCDRH may allow interested persons attending the meeting who did not submit a written notice of participation to make an oral presentation at the conclusion of the meeting.

After reviewing the notices of participation and accompanying information, NCDRH will schedule each appearance and notify each participant by telephone of the time allotted to the person and of the approximate time the person's oral presentation is scheduled to begin. The meeting schedule will be available at the meeting, and after the meeting it will be placed on file in the Dockets Management Branch under Docket No. 80P-0234/P.

Persons who do not wish to make an oral presentation but who wish to provide written information, data, and comments for consideration at the meeting should file such materials with the Dockets Management Branch (address above) by November 16, 1983. To assure timely handling, any outer envelope should be clearly marked with Docket No. 80P-0234/P and the statement "In Vitro Screening Devices Meeting". In addition to the opportunity for interested persons to submit written or oral comments for consideration at the meeting, interested persons may submit written comments on the matters discussed at the public meeting. These comments should be submitted to the Dockets Management Branch by December 30, 1983.

Because this public meeting is being held in response to the final decision of the Deputy Commissioner in the GAT's proceeding the agency's resolution of the issues discussed at the meeting will be made public through a report that will be placed in the docket. FDA will publish in the **Federal Register** a notice of the availability of any such report.

Dated: October 27, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 83-29690 Filed 10-28-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 83-70]

Sunnyside Combined Hydrocarbon Lease Conversion; Availability of the Draft Environmental Impact Statement (DEIS)

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a DEIS for the proposed Sunnyside Combined Hydrocarbon Lease Conversion. The DEIS will be available November 7, 1983.

DATE: Comments will be accepted until January 6, 1984.

ADDRESS: Comments should be sent to: Gene Nodine, District Manager, Moab District, Bureau of Land Management, 125 West 200 South, P.O. Box 970, Moab, Utah 84532.

SUPPLEMENTARY INFORMATION: The BLM has prepared a DEIS on tar sand lease conversions in the Sunnyside area of east-central Utah. These lease conversions are proposed by five applicants—Amoco Production Company; Chevron USA Inc.—GNC Energy Corporation; Enercor; Mono Power Company; and Sabine Production Company. Each applicant has submitted a plan of operations for converting these leases. The EIS addresses the cumulative and collective impacts of the projects plus other interrelated projects planned for development in the sunnyside area during the analysis period.

This EIS may result in amendments to the Price River Management Framework Plan.

A limited number of the draft statements are available upon request at the following offices:

Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

Moab District Office, 125 West 200 South, P.O. Box 970, Moab, Utah 84532

Public reading copies are also available in public libraries in the Sunnyside area, Salt Lake City, and Denver.

A public meeting to receive oral and/or written comments on the proposed conversions will be held at 7:00 p.m. December 14, 1983, at the Price River

Resource Area Office, 900 North 7th East, Price, Utah.

FOR FURTHER INFORMATION CONTACT: Robert Pizel, Project Leader, EIS Services, Bureau of Land Management, 555 Zang Street, First Floor East, Denver, Colorado 80228 (303) 234-6737.

Dated: October 24, 1983.

Kenneth V. Rhea,

Associate District Manager.

[FR Doc. 83-29652 Filed 10-31-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the Collection of information listed below has been submitted to the Office of Management and Budget for approval under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the collection of information requirement and supporting documentation may be obtained by contacting Jane A. Roberts at 703/860-7916. Comments and suggestions on the Collection of information should be made directly to the Office of Information and Regulatory Affairs; Attention: Desk Officer for the Department of the Interior, Office of Management and Budget, Washington, D.C. 20503; with copies to Jane A. Roberts, Legislative and Regulatory Specialist, Offshore Rules and Operations Division, Mail Stop 646, Room 6A110, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Title: Applying for Permits and Filing Notices

Bureau Form No.: None

Frequency: On Occasion

Description of Respondents: Federal Offshore Permittees

Annual Responses: 504

Annual Burden Hours: 8,032.

Dated: October 14, 1983.

Andrew V. Bailey,

Acting Associate Director for Offshore Minerals Managment.

[FR Doc. 83-29565 Filed 10-31-83; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operation on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Availability of Environmental Documents Prepared for OCS Mineral Pipeline Rights-of-Way Application Proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the MMS for the following oil and gas pipeline rights-of-way applications proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/Operator	Location	FONSI date
Trunkline Gas Company, OCS-G 5238	High Island Area, East Addition, South Extension, Blocks A-356, A-355, A-364, A-365, and A-376; (7.18 mi. of 10" gas pipeline).	July 12, 1983.
Transcontinental Gas Pipe Line Corporation, OCS-G 5257	Vermilion Area, South Addition, Blocks 330 and 331; (4.19 miles of 6" gas pipeline)	Aug. 16, 1983.
Transcontinental Gas Pipe Line Corporation, OCS-G 5258	Brazos Area, Blocks A-23, A-24, A-21, and A-20; (8.14 miles of 12" gas pipeline)	Do.
Transcontinental Gas Pipe Line Corporation, OCS-G 5260	Brazos Area, Blocks A-7 and 541; (2.92 miles of 12" gas pipelines)	Aug. 12, 1983.
Transcontinental Gas Pipe Line Corporation, OCS-G 5261	Brazos Area, South Addition, Blocks A-133 and A-104; (3.91 miles of 8" gas pipeline)	Do.
Transcontinental Gas Pipe Line Corporation, OCS-G 5265	Mississippi Canyon Area, Blocks 260, 279, 278, and 277; South Pass Area, Blocks 92 and 93; (15.38 miles of 10" gas pipeline).	July 20, 1983.
Michigan Wisconsin Pipeline Company, OCS-G 5266	High Island Area, East Addition, South Extension, Blocks A-368, A-369, and A-370; (5.26 miles of 12" gas pipeline).	Aug. 19, 1983.
InterNorth, Inc., OCS-G 5267	Matagorda Island Area, Blocks 623 and 624; (3.52 miles of 24" gas pipeline)	Aug. 1, 1983.
InterNorth, Inc., OCS-G 5268	Matagorda Island Area, Blocks 624 and 623; (0.41 Miles of 10" gas pipeline)	Do.
Transcontinental Gas Pipe Line Corporation, OCS-G 5925	West Cameron Area, Blocks 215 and 222; (3.33 miles of 10" gas pipeline)	Aug. 25, 1983.
Transcontinental Gas Pipe Line Corporation, OCS-G 5926	Ship Shoal Area, South Addition, Block 238 and Ship Shoal Area, Blocks 233 and 232; (3.45 miles of 16" gas pipeline).	Aug. 26, 1983.
SONAT Oil Transmission Inc., OCS-G 5927	East Cameron Area, Blocks 231, 232, and 233; East Cameron Area, South Addition, Blocks 238, 237, and 236; Vermilion Area, Block 242; Vermilion Area, South Addition, Blocks 261, 260, 259, 258, and 265; (23.01 miles of 6" oil pipeline).	July 20, 1983.
The Superior Oil Company, OCS-G 5928	South Marsh Island Area, North Addition, Blocks 243, 244, 245, and 246 and Vermilion Area, Block 71; (12.24 miles of 12" gas pipeline).	July 25, 1983.
Conoco Inc., OCS-G 5929	South Marsh Island Area, Blocks 108 and 107; (0.24 miles of 6" oil pipeline)	Aug. 16, 1983.
Mesa Offshore Company, OCS-G 5930	Vermilion Area, South Addition, Blocks 381, 382, and 397; (1.67 miles of 6" gas pipeline)	Aug. 1, 1983.
Pennzoil Company, OCS-G 5931	Eugene Island Area, South Addition, Blocks 337, 338, and 330; (4.59 miles of 6" oil pipeline)	Aug. 12, 1983.
Pennzoil Company, OCS-G 5932	Eugene Island Area, South Addition, Blocks 337, 338, and 330; (4.01 miles of 6" gas pipeline)	Do.
Tenneco Inc., OCS-G 5933	Vermilion Area, Blocks 122, 123, 120, and 119; (7.80 miles of 8" gas pipeline)	Aug. 19, 1983.
Southern Natural Gas Company, OCS-G 5934	Mustang Island Area, East Addition, Blocks A-90 and 760; Mustang Island Area, Blocks 759, 737, and 738; (9.25 miles of 12" gas pipeline).	Sept. 29, 1983.
Tenneco Inc., OCS-G 5937	South Marsh Island Area, South Addition, Blocks 160, 161, and 156; (4.40 miles of 6" gas pipeline)	Sept. 7, 1983.
Exxon Corporation, OCS-G 5938	Eugene Island Area, Blocks 182 and 174; (1.74 miles of 6" oil pipeline)	Aug. 16, 1983.
Tesoro-Questor Pipeline Company, OCS-G 5940	High Island Area, East Addition, South Extension, Blocks A-376, A-377, A-364, A-363, A-362, A-361, A-360, A-359, and A-546; (20.10 miles of 6" oil pipeline).	Sept. 6, 1983
Tenneco Inc., OCS-G 6381	Brazos Area, Blocks A-22 and A-23; (1.16 miles of 6" gas pipeline)	Sept. 20, 1983.
Samedan Oil Corporation, OCS-G 6383	East Cameron Area, Blocks 215, 214, 221, and 222; (7.05 miles of 6" gas pipeline)	Sept. 28, 1983.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Acting Regional Supervisor, Leasing and Environment, Gulf of Mexico Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, Phone 504/838-2755.

SUPPLEMENTAL INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA & 102(2)(C). A FONSI is prepared

in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: October 21, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-29593 Filed 10-31-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 22, 1983. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 16, 1983.

Beth Grosvenor,

Acting Chief of Registration, National Register.

ALABAMA

Greene County

Eutaw, *Pierce, William F., House*, 309 Womack Ave.

Talladega County

Talladega, *First Presbyterian Church*, 130 North St. E

ALASKA

Juneau Division

Juneau vicinity, *Taku Lodge*, NE of Juneau

ARIZONA

Maricopa County

Phoenix, *Anderson, Helen, House (Roosevelt Neighborhood MRA)*, 801 N. 1st Ave.

Phoenix, *Celora Stoddard/Lon Harmon House (Roosevelt Neighborhood MRA)*, Roughly bounded by W.

Phoenix, *Chelsa Place Historic District (Roosevelt Neighborhood MRA)*, Roughly bounded by W. Lynwood and W. Willetta Sts. between Central and 3rd Aves.

Phoenix, *Concrete Block House (Roosevelt Neighborhood MRA)*, 640 N. 6th Ave.

Phoenix, *Concrete Block House (Roosevelt Neighborhood MRA)*, 618—620 N. 4th Ave.

Phoenix, *Concrete Block House (Roosevelt Neighborhood MRA)*, 614 N. 4th Ave.

Phoenix, *Dunlap, Charles H., House (Roosevelt Neighborhood MRA)*, 650 N. 1st Ave.

Phoenix, *Elizabeth Seargeant/Emery Oldaker House (Roosevelt Neighborhood MRA)*, 649 N. 3rd Ave.

Phoenix, *Ellis/Shackelford House (Roosevelt Neighborhood MRA)*, 1242 N. Central Ave.

Phoenix, *Greystone Apartments (Roosevelt Neighborhood MRA)*, 645—649 N. 4th Ave.

Phoenix, *Kenilworth Historic District (Roosevelt Neighborhood MRA)*, Roughly bounded by W. Lynwood and W. Willetta Sts. between 3rd and 7th Aves., and W. Culver between 5th and 7th Aves.

Phoenix, *Phoenix LDS Second Ward Church (Roosevelt Neighborhood MRA)*, 1120 N. 3rd Ave.,

Phoenix, *Pierce, Harry E., House (Roosevelt Neighborhood MRA)*, 32 N. 3rd Ave.

Phoenix, *Portland Street Historic District (Roosevelt Neighborhood MRA)*, W. Portland St. between 3rd and 7th Aves.

Phoenix, *Roosevelt Historic District (Roosevelt Neighborhood MRA)*, Roughly bounded by Roosevelt St. between 1st and 7th Aves., 6th Ave. between Roosevelt and McKinley, 5th Ave. between Roosevelt and Fillmore, and Portland St. between Central and 3rd Aves.

FLORDIA

Gulf County

White City vicinity, *U.S. Snagboat MONTGOMERY*, S of White City on Intracoastal Waterway

Putnam County

Palatka, *Palatka North Historic District*, Roughly bounded by St. John's River, Bronson, N. 1st, N. 5th, and Main Sts.

Palatka, *Palatka South Historic District*, Roughly bounded by St. John's River, Oak, S. 9th, and Morris Sts.

MISSISSIPPI

Adams County

Natchez, *Upriver Residential District*, Roughly bounded by Pine, Monroe, Elm/Bishop, and Ridge/Maple Sts.

Amite County

Gloster vicinity, *Talbert-Cassels House*, Off MS 574

Liberty vicinity, *Butler, Decatur N., House*, Off MS 567

Liberty vicinity, *Webb, George, House*, E of Old Zion Hill Rd.

Hinds County

Raymond vicinity, *Magnolia Vale*, Off MS 18

Madison County

Tilda Bouge

Warren County

Vicksburg, *1300 Grove Street House*, 1300 Grove St.

Vicksburg, *Shlenker House*, 2212 Cherry St.

NEW JERSEY

Essex County

Newark, *Mutual Benefit Life Insurance Company*, 300 Broadway and 2nd St.

Monmouth County

Roosevelt, *Jersey Homesteads Historic District*, All that area within the corporate boundaries of the Borough of Roosevelt

NEW MEXICO

Rio Arriba County

Leaf Water Pueblo

Tsama Pueblo

PUERTO RICO

Aquadilla County

Isabela, *Hermitage of San Antonio de Padua de la Tuna*, Bo. Coto, Sector Pueblo Viejo

TENNESSEE

Davidson County

Nashville, *Cummins Station*, Demonbreun and 10th Ave. S

Nashville, *Glen Oak*, 2012 25th Ave. S

Pasquo, *Smith Farmhouse*, TN 100

Knox County

Knoxville, *Knoxville YMCA Building*, 605 Clinch Ave.

Warren County

McMinnville, *Black House*, 301 W. Main St.

WASHINGTON

Pierce County

Tacoma, *Fireboat No. 1*, 302 E. 11th St.

[FR Doc. 83-29604 Filed 10-31-83; 8:45 am]

BILLING CODE 4310-70-M

Yukon Charley Rivers National Preserve, Alaska

AGENCY: National Park Service, Interior

ACTION: Notice of availability of Draft General Management Plan/Environmental Assessment for Yukon-Charley Rivers National Preserve, Alaska.

SUMMARY: This notice announces the availability of a Draft General Management Plan/Environmental Assessment for Yukon-Charley Rivers National Preserve, Alaska.

DATES: Comments should be received no later than January 15, 1984. Public meetings are being scheduled and a subsequent notice will be published for these dates and locations.

ADDRESS: Comments on the Draft General Management Plan/Environmental Assessment should be addressed to the Alaska Regional Director, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503. Public reading copies will be available for review at the following locations:

Parks and Forest Information Center, 2525 Gambell Street, Anchorage, Alaska

Headquarters, Yukon-Charley Rivers National Preserve, Eagle, Alaska.
Elmer E. Rasmuson Library, University of Alaska, Fairbanks, Alaska
Alaska State Library Juneau, Alaska
Denver Public Library, Denver, Colorado
Department of the Interior Central Library, Washington, D.C.
U.S. Geological Survey Library, 1526 Cole Boulevard, Golden, Colorado
Seattle Public Library, Seattle, Washington
Interior Resources Library, Federal Building, 701 C Street, Anchorage, Alaska

FOR FURTHER INFORMATION CONTACT:
Mr. David Mihalic Superintendent, Yukon-Charley Rivers National Preserve, Box 64, Eagle, Alaska 99738 (telephone: 907/459–8001), or Ms. Linda Nebel, Chief, Division of Planning and Design, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503 (tlelphone: 907/271–4637).

SUPPLEMENTARY INFORMATION: The Preserve was established December 2, 1980, by the Alaska National Interest Lands Conservation Act, ANILCA, Pub. Law 96–487 (16 U.S.C. 1301 et seq.). Subsequently, the National Park Service conducted informal scoping to determine management and environmental concerns of the public, state, and federal agencies. Considering the issues raised within the framework of ANILCA, park policies, resource information, environmental concerns, and the needs of the visitors, four alternatives were developed for consideraton for the preservation and use of the Preserve over the next five to ten years.

Dated: October 19, 1983.

Robert Peterson,

Acting Regional Director

[FR Doc. 83–29605 Filed 10–31–83; 8:45 am]

BILLING CODE 4310–70–M

Martin Luther King, Jr., National Historic Site and Preservation District Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:00 a.m. on Wednesday, November 16, 1983, at The Martin Luther King, Jr., Center for Non-Violent Social Change, Inc., Freedom Hall, Room 261, 449 Auburn Avenue, N.E., Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr. National Historic Site. The purpose of this meeting will be to update the Advisory Commission on park planning and operations.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman
Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. C. Randy Humphrey
Mrs. Christine King Farris
Mr. Handy Johnson, Jr.
Mr. James Patterson
Mrs. Freddye Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs Coretta Scott King, Ex-Officio Member
Director, National Park Service, Ex-Officio Member.

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue, N.E., Atlanta, Georgia 30312; Telephone 404/221–5190. Minutes of the meeting will be available approximately 4 weeks after the meeting.

Dated: October 21, 1983.

C. W. Ogle,

Acting Regional Director Southeast Region.

[FR Doc. 83–29603 Filed 10–31–83; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of a loan or loans for up to Eighteen Million Dollars ($18,000,000) to the Central American Bank for Economic Integration (Borrower) as part of A.I.D.'s development assistance program. The proceeds of these loans will be used to finance shelter projects for low income families in Central America. The following is the name, address, telex number, and telephone number of the representative of the Borrower to be contacted by interested U.S. lenders or investment bankers:

Central American Bank for Economic Integration

Project: 596–HG–005—$18,000,000, Banco Centro Americano de Integracion Economica, Apartado 772, Tegucigalpa, Honduras, Attention: Victoria A. de Diaz, General Financial Manager, Cable: BANCADIE, Telex: 1103 HT, Phone: 011–504–223–119

The Borrower is soliciting counsel from U.S. lenders or investment bankers regarding current market conditions in the United States. Investors should contact the Borrower as soon as possible and indicate their interest in providing financing for this Housing Guaranty project. Following its discussions with interested investors, the Borrower will decide upon a procedure for selecting an investor and will inform interested investors of the procedures to be followed.

Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty covering the loans. Disbursements under the loans will be subject to certain conditions required of the Borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to the authority of Section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose capital share is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. Housing Guaranty Program can be obtained from: Director, Office of Housing and Urban Programs, Agency for International Development, Room

625, SA-12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: October 21, 1983.

John T. Howley,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 83-29594 Filed 10-31-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30228]

Toledo, Peoria and Western Railroad Company—Exemption From 49 U.S.C. 10901 and 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts Toledo, Peoria and Western Railroad Company (TP&W) from the requirements of prior approval under 49 U.S.C. 10901 for the construction and operation of a connection of track between itself and Norfolk and Western Railway Company (N&W) to replace the existing crossing west of the East Peoria Yard in Tazewell County, IL and (2) 49 U.S.C. 11343 for N&W to exercise trackage rights over TP&W's main line for 1.0 miles west of the east Peoria Yard and for TP&W to exercise trackage rights over N&W's main line for approximately 8.0 miles from the East Peoria Yard, subject to labor protective conditions.

DATES: This exemption will be effective on November 1, 1983. Petitions to reopen must be filed by November 21, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30228 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative: Milton E. Nelson, Jr., 80 East Jackson Blvd., Chicago, IL 60604

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: October 21, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-29556 Filed 10-31-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form
The title of the form
The OMB and Agency form numbers, if applicable
How often the form must be filled out
Who will be required to or asked to report
Whether small businesses or organizations are affected
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
The number of forms in the request for approval
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

NEW

Bureau of Labor Statistics
January 1984 Displaced Workers supplement
CPS-1
On occasion
Individuals or households
58,000 responses; 2320 hours; 1 Form

The January 1984 Displaced Workers supplement will be collected to obtain accurate information on the labor force status of displaced workers, the reasons for displacement, and health unemployment benefits status. This collection is authorized under Title IV of the Job Training Partnership.

Employment and Training Administration
Unemployment Insurance Random Audit
RC-63
Quarterly
State or local governments
848 responses; 183,000 hours

A sample of individual unemployment insurance benefit payments will be examined to assure they are made properly. The program will assess operating effectiveness of State agencies to reduce errors, save money, and assure benefit payment integrity.

Extension

Employment Standards Administration
Maintenance of Receipts for Benefits Paid by a Coal Mine Operator
1215-0124; CM-200
Monthly
Businesses or Other For-Profit
150 recordkeepers; 1 hour

CFR 725.131 requires self-insured operators or insurance carriers who make benefit payments to black lung beneficiaries to maintain receipts for those payments for five years. Cancelled checks will suffice.

Employment and Training Administration
Interstate Arrangement for Combining Employment and Wages—Interstate Forms
1205-0170; IB-4, IB-5, IB-6
Quarterly; other

State or local governments

619,589 responses; 216,856 hours; 3 forms

These forms are used for administrative purposes to transmit information between the paying State and transferring State with respect to individual claims for Unemployment Compensation filed under the Interstate arrangement for combining employment and wages.

Employment and Training Administration

Job Corps Placement and Assistance Record

1205–0035; ETA 678

On occasion

88,000 responses; 44,000 hours; 1 form

The information is used for evaluating overall program effectiveness. Job Corps Centers complete part of the form and Placement Agencies complete part. The authority for the placement activity is derived from 20 CFR 684.40.

Signed in Washington, D.C., this 27th day of October 1983

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-29622 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-30-M

Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veterans' Employment was established under Section 308, Title III, Pub. L. 97–306, "Veterans Compensation, Education and Employment Amendments of 1982," to bring to attention of the Secretary problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Tuesday, November 15, 1983, at 11:00 A.M., in the Secretary's Conference Room, S2508–FPB.

Items to be discussed are:

- Reorganization of the Office of Assistant Secretary for Veterans' Employment
- Reports of Committee Participants
- Implementation of Job Training Partnership Act and the Emergency Veterans Job Training Act of 1983
- Review of Disabled Veterans Outreach Program.

The Public is invited.

For additional information contact: Mr. Vicent B. Pagano, 200 Constitution Avenue NW., Room S1315–FPB, Washington, D.C. 20210, (202) 523–9116.

Official records of the meeting will be available for public inspection in Room S1315–FPB, 200 Constitution Avenue, NW., Washington, D.C.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 83-29621 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-79-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; California Portland Cement

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 17, 1983–October 21, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or porportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–14,445; California Portland Cement Co., Colton, CA

TA–W–14,538; Unilectric, Inc., Frankfort, IN

TA–W–14,518; Republic Steel Corp., Steel & Tubes Div., Cleveland, OH

TA–W–14,517; Republic Steel Corp., Steel & Tubes Div., Elyria, OH

TA–W–14,643; Bristol Steel & Iron Works, Bessemer Works, Bessemer, AL

TA–W–14,754; Par III, Dunmore, PA

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–14,696; Kalamazoo Stamping & Die Co., Kalamazoo, MI

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–14,490; Duquesne Electric & Manufacturing Co., Pittsburgh, PA

Aggregate U.S. imports of complete industrial control systems for steelmaking are negligible.

TA–W–14,656; Bethlehem Steel Corp., Key Highway Shipyard, Baltimore, MD

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–14,885; Belva Coal Co., Man, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA–W–14,881; Pollock Co., Youngstown, OH

Aggregate U.S. imports of blast furnaces and related equipment did not increase as required for certification.

TA–W–14,950; Sewell Coal Co., #4 Mine, Nettie, WV

Aggregate U.S. imports of coal did not increase as required for certification.

TA–W–14,943; Chafin Coal Co., Logan, WV

Aggregate U.S. imports of coal did not increase as required for certification.

TA–W–14,954; Amherst Coal Co., Paragon Mine #1, Rum Creek, WV

Aggregate U.S. imports of coal did not increase as required for certification.

Affirmative Determinations

TA–W–14,553; Eric Mann International, Inc., New York, NY

A certification was issued covering all workers separated on or after November 1, 1982 and before January 31, 1983.

TA–W–14,762; Harris Pillow Supply, Inc., Beaufort, SC

A certification was issued covering all workers separated on or after June 15, 1983.

TA–W–14,636; E. I. du Pont de Nemours & Co., Inc., Newport, DE

A certification was issued covering all workers separated on or after April 1, 1983 and before July 1, 1983.

TA–W–14,714; Ohio Ferro Alloys Corp., Philo, OH

A certification was issued covering all workers separated on or after June 2 1982 and before February 28, 1983.

TA-W-14,715; Philadelphia, Bethlehem & New England Railroad Co., Bethlehem, PA

A certification was issued covering all workers separated on or after May 27, 1982.

TA-W-14,727; Bethlehem Mines Corp., #105 Mine, Century, WV

A certification was issued covering all workers separated on or after May 27, 1982.

TA-W-14,710; Bethlehem Mines Corp., Boone Div., Mines #131 and #132, Boone County, WV

A certification was issued covering all workers separated on or after June 1, 1982.

I hereby certify that the aforementioned determinations were issued durng the periods October 17, 1983–October 21, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D. Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 25, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 28-29623 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Caterpillar Tractor Co. et al.

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 14, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 14, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 24th day of October 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Caterpillar Tractor Co., Milwaukee Plant (Allied Industrial Workers)	Peoria, IL	10/3/83	9/22/83	TA-W-15,064	Steel fabrications.
Cleveland Cliffs Iron Co., General Shops (USWA)	Ishpeming, MI	10/20/83	10/17/83	TA-W-15,065	Service center—rebuild, repair metal fabricating—mining equipment.
Cordis Dow Corp (workers)	Hialeah, FL	10/7/83	10/5/83	TA-W-15,066	Plastic blood line (arterial & venous) and kidney dialyzers.
Evon Industries (IBT)	Camden, NJ	10/4/83	9/26/83	TA-W-15,067	Steel fabrications for construction industry.
Farmland Industries, Inc. (OCAW)	Fort Dodge, IA	10/13/83	10/10/83	TA-W-15,068	Ammonia.
Giddings & Lewis Machine Tool Co. (workers)	Fond du Lac, WI	10/19/83	10/15/83	TA-W-15,069	Large machine tools.
Great Lakes Carbon Corp. (USWA)	Niagara Falls, NY	10/19/83	10/14/83	TA-W-15,070	Graphite electrodes and nipples.
Milwaukee Solvay Coke Co. (ICWU)	Milwaukee WI	10/14/83	10/7/83	TA-W-15,071	Metallurgical coke.
National Steel Pillet Co., The Hanna Mining Co. Agent (USWA)	Hibbing, MI	10/20/83	10/17/83	TA-W-15,072	Iron ore pellets.
Thompson Steel Co., Inc. (USWA)	Worcester, MA	10/20/83	10/17/83	TA-W-15,073	Oil tempered brush wire, wire drawing, card wire.
Central Appalachian Coal Co. (UMWA)	Montgomery, WV	10/7/83	10/5/83	TA-W-15,074	Coal, steam—mining.
DaMille Handbag Co. (Leather Goods Union)	Middlesex, NJ	10/17/83	10/12/83	TA-W-15,075	Leather handbags.
Hayes Albion Corp., (Jackson Division (UAW)	Jackson MI	10/4/83	9/29/83	TA-W-15,076	Automobile cooling fans and windows.
Jones & Laughin Steel Corp. (USWA)	Warren, MI	10/17/83	10/12/83	TA-W-15,077	Stainless steel slabs.
Lamb Technicon (workers)	Marysville, MI	10/12/83	10/7/83	TA-W-15,078	Transfer machines & conveyors also small automation equipment.
Laredo Manufacturing Inc. (workers)	Laredo TX	10/5/83	9/28/83	TA-W-15,079	Girl's dresses, pre-teen dresses.
Pittsburgh Pacific Company (USWA)	Hibbing, MI	10/20/83	10/17/83	TA-W-15,080	Mine soft ore.
Rexnord Heavy Machinery Sector (USWA)	Milwaukee WI	10/12/83	10/5/83	TA-W-15,081	Railroad right-of-way repair equipment mining & rock crushing equipment.

[FR Doc. 83-29624 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facillities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being establishing with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient

demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, N.W., Room 8000, Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C., this 27th day of October 1983.

Joseph Seiler,

Director, Office of Program Operations.

Applications Received During the Week Ending October 29, 1983

Name of Applicant, Location of Enterprise, and Prinicpal Product or Activity

Computest, Inc., Titusville, Florida. Manufacture of automatic testing equipment for computer circuits.

[FR Doc. 83-29579 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

Chemical New York Corp. et al.; Proposed Exemptions

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Chemical New York Corporation (Chemical) Located in New York, New York

[Application No. D-4725]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 (a) and (b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code shall not apply, effective October 1, 1983, to the reinsurance of risks and the receipt of premiums therefrom by Sun States Life Insurance Company (Sun States Life) from the insurance contracts sold by Metropolitan Life Insurance Company (Metropolitan) to Chemical's Group Life Insurance Plan (the Life Insurance Plan) and from the annuity contracts sold by Credit Life Insurance Company (Credit Life) to the Sunamerica Corporation Retirement Plan (the Retirement Plan), provided the following conditions are met:

(a) Sun States Life—

(1) Is a party in interest with respect to the Life Insurance Plan and Retirement Plan by reason of stock or partnership affiliation with the employers maintaining those Plans that is described in section 3(14) (E) or (G) of the Act.

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia.

(3) Has obtained a Certificate of Authorization and Deposit from the Insurance Director of its domiciliary state, Arizona, which has neither been revoked nor suspended; and

(4)(A) Has undergone and examination by an independent certified public accountant for its last completed

taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Arizona) by the Insurance Commissioner of the State of Arizona within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurs.

(b) The Life Insurance Plan and the Retirement Plan pay no more than adequate consideration for the group life insurance and annuity contracts;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after September 30, 1983; and

(d) For each taxable year of Sun States Life, the gross premiums and annunity consideration received in that taxable year by Sun States Life for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which Sun States Life is a party-in-interest by reason of a relationship to such employer described in section 3(14)(E) or (G) of the Act do not exceed 50 percent of the gross premiums and annunity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by Sun States Life. For purposes of this condition (d):

(1) The term "gross premiums and annunity considerations received" means as to the numerator the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale or other reinsurance or life insurance, health insurance, or annuity contracts to such plans (and their employers) by Sun States Life. This total has been reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by Sun States Life.

(2) All premiums and annuity considerations written by Sun States Life for plans which it alone maintains are to be excluded from both the numerator and the denominator of the fraction.

Effective Date: If this proposed exemption it granted, it will be effective October 1, 1983.

Preamble

On August 7, 1979, the Department published a class exemption (Prohibited Transaction Exemption 79–41 (PTE 79–41), 44 FR 46365) which permits insurance companies that have substantial stock or partnership affiliations with emplyers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79–41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79–41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part of all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

1. Chemical is a bank holding company incorporated under the laws of Delaware and registered under the Bank Holding Company Act of 1956, as amended. Chemical is the sponsor of the Life Insurance Plan. Its principal subsidiary is Chemical Bank, a New York banking corporation. Sunamerica Corporation, a wholly owned subsidiary of Chemical, is the sponsor of the Retirement Plan.

2. The Life Insurance Plan is a group life insurance plan which has approximately 18,200 participants. The Life Insurance Plan provides life insurance and survivor's income to active and certain retired employees of Chemical, Chemical Bank and certain of its subsidiaries. The majority of the Life Insurance Plan's participants are employees or former employees of Chemical Bank. The benefits under the Life Insurance Plan are funded by Metropolitan. Mefropolitan currently has reinsurance agreements with Equitable, Home Life and Aetna for a portion of the group term life benefit provided by the Life Insurance Plan. The benefits under the Life Insurance Plan are provided unconditionally by Metropolitan. The Life Insurance Plan is not a party to the reinsurance transactions.

3. The Retirement Plan is a pension plan that has approximately 369 participants. It provides retirement benefits to active and certain retired employees of Sunamerica Corporation and its subsidiaries. The benefits under the Retirement Plan are funded by and provided unconditionally by Credit Life. Credit Life currently has no reinsurance agreements in existence.

4. Sun States Life, a wholly owned subsidiary of Sunamerica Financial Corporation, is organized under the laws of the State of Arizona, with its principal offices located in Cleveland, Ohio. Sunamerica Financial Corporation is wholly owned by Sunamerica Corporation. Sun States Life was incorporated in 1956. Its current activities are limited to acting as an insurer in Arizona for group life insurance and disability insurance and to acting as a reinsurer in Florida and South Carolina for group life insurance and disability insurance. As of December 31, 1981, Sun States Life had total assets of $10,664,684.

5. Metropolitan and Sun States Life are currently in the process of negotiating a reinsurance agreement to replace the reinsurance agreements with Equitable, Home Life and Aetna. The proposed reinsurance agreement will involve 55% of the Life Insurance Plan's group term life benefit and will contain a cap on the amount of liability per claim for Sun States Life. The maximum claim to Metropolitan is $600,000 per Life, and the maximum liability to Sun States Life would be 55% of any paid claim. It is intended that the effective date of the proposed reinsurance agreement will be October 1, 1983. Credit Life and Sun States Life have not yet begun negotiating a reinsurance agreement. However, it is intended that any reinsurance agreement will involve up to 95% of the Retirement Plan's retirement benefit provided by annuity payments.

6. The applicants represent that the subject reinsurance transactions will meet all of the conditions of PTE 79–41 covering direct insurance transactions:

(a) Sun States Life is a party in interest within the meaning of section 3(14)(G) of the Act with respect to the Plans by reason of stock affiliation with Chemical and Sunamerica Corporation, the employers sponsoring and primarily contributing to the Life Insurance Plan and Retirement Plan.

(b) Sun States Life is organized and licensed to sell insurance in the State of

Arizona and has authority to act as reinsurer in South Carolina and Florida.

(c) Sun States Life received a certificate of Authorization and Deposit from the State of Arizona Department of Insurance on July 21, 1979. The Certificate of Authorization and Deposit is renewed by the Department of Insurance each year. Sun States Life's Certificate of Authorization and Deposit has never been revoked or suspended.

(d) Sun States Life underwent a financial examination by the Department of Insurance of the State of Arizona at the end of 1981. A similar examination will be required every three years.

(e) The Life Insurance Plan and the Retirement Plan pay no more than adequate consideration for the insurance contracts and annuity contracts. Because Metropolitan and Credit Life are two of the largest group insurance underwriters in the country and enjoy substantial economies of scale in overall policy administration, the premium charge and annuity consideration to the Life Insurance Plan and Retirement Plan are highly competitive. The reinsurance transactions are not a factor in Metropolitan's and Credit Life's premium and annuity consideration computations and, thus, do not in any way affect the cost to the Life Insurance Plan and the Retirement Plan.

(f) No commissions will be paid with respect to the direct sale of the group life insurance or annuity contracts or with respect to the proposed reinsurance agreements between Metropolitan and Sun States Life and between Credit Life and Sun States Life after September 30, 1983.

(g) For each taxable year of Sun States Life, the gross premiums and annuity considerations received by Sun States Life for life and health insurance or annuity contracts for all employee benefits plans (and their employers) with respect to which Sun States Life is a party-in-interest by reason of a relationship to such employer described in Sections 3(14) (E) or (G) of the Act do not exceed 50% of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by Sun States Life. The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the proposed reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts, to such plans (and their employers) by Sun States Life. This total has been reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by Sun States Life. All premiums and annuity considerations written by Sun States Life for plans which it alone maintains are to be excluded from both the numerator and denominator of this fraction.

7. In summary, the applicants represent that the subject transactions meet the criteria of section 408(a) of the Act because: (1) the insurance could not be purchased directly from Sun States Life more economically then it is purchased from Metroplitan and Credit Life; (2) participants and beneficiaries of the Retirement Plan and the Life Insurance Plan are afforded insurance protection by Metropolitan and Credit Life, two of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations; (3) Sun States Life is a sound, viable insurance company which has been in business for several years, and which does a substantial amount of business outside its affiliated group of companies; and (4) each of the protections provided by PTE 79–41 to the Plans will be met under the subject reinsurance transactions.

Notice to Interested Persons

Notice will be provided to interested persons in the manner agreed upon by the Department and the applicants within 30 days of the date of publication of this proposed exemption. Comments and request for a public hearing are due within 60 days of the date of publication.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does in affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including satutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 26th day of October 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-29830 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-29-M

The Alaska Carpenters Retirement Plan; Grant of Individual Exemptions

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit

comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-174; Exemption Application No. D-2348]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) though (D) of the Code, shall not apply to Carr-Gottstein Properties, Inc. (CGP), by reason of the Plan's participation in a mortgage loan made by the Alaska Pacific Bank to CGP on August 16, 1976.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36702.

Effective Date: This exemption is effective August 16, 1976.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to CGP. Thus, CGP is relieved of its excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation on the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-175; Exemption Application No. D-2349]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) though (D) of the Code, shall not apply to C&C, Inc., Edna Cox, Vernon W. Hickel and Louis G. Palmer (the Borrowers), by reason of the Plan's participation in a mortage loan made by the National Bank of Alaska to the Borrowers on April 30, 1975.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36703.

Effective Date: This exemption is effective April 30, 1975.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting form the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to the Borrowers. Thus, the Borrowers are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of the transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation on the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-176; Exemption Application No. D-2350]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Harold Bonner d/b/a Bonner Electric Co. (Bonner), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska to Bonner on September 10, 1974.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36703.

Effective Date: This exemption is effective January 1, 1975.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to Bonner. Thus, Bonner is relieved of his excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-177; Exemption Application No. D-2351

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply

to Brown Jug, Inc. (Brown Jug), and Ed O'Neill, Diana O'Neill, Michael O'Neill and Onnalee O'Neill (the O'Neill's), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska to Brown Jug and the O'Neill's on March 18, 1977.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36704.

Effective Date: This exemption is effective March 18, 1977.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to Brown Jug and the O'Neills. Thus Brown Jug and O'Neill's are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

[Prohibited Transaction Exemption 83-178 Exemption Application No. D-2352]

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to Anchorage Refuse, Inc. (ARI) and John P. Culhane (Culhane), by reason of the Plan's participation in a mortgage loan made by the National Bank of Alaska to ARI and Culhane on January 14, 1975.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36704.

Effective Date: This exemption is effective January 14, 1975.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to ARI and Culhane. Thus, ARI and Culhane are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

[Prohibited Transaction Exemption 83-179 Exemption Application No. D-2353]

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to Allerton H. and Helen K. Willis (the Willises), by reason of the Plan's participation in a mortgage loan made by the Home Federal Savings & Loan to the Willises for the period beginning January 8, 1975 through November 24, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36704.

Effective Date: This exemption is effective from January 8, 1975 through November 24, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to the Willises. Thus, the Willises are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan (the Plan) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-180; Exemption Application No. D-3322]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to RaMar Construction Company (RaMar) and Raymond and Martha Young (the Youngs) by reason of the Plan's participation in a mortgage loan originated by the First National Bank of Fairbanks on December 26, 1974 to the Youngs.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36705.

Effective Date: This exemption is effective January 1, 1975 through January 31, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to RaMar and the Youngs. Thus, RaMar and the Youngs will be relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspects of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

For further Information Contact: Gary H. Lefkowitz of the Department,

telephone (202) 523-8881. (This is not a toll-free number.)

The Alaska Carpenters Retirement Plan and the Alaska Electrical Pension Fund (Together, the Plans) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83-181; Exemption Application Nos. D-3548 and D-3551]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to Baugh Construction and Engineering Company (BCE) and Gary M. and Barbara L. Baugh (the Baughs), by reason of the Plans' participation in a mortgage loan originated by Washington Mortgage Company on June 17, 1975 to Anchorage Distribution Associates.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36706.

Effective Date: This exemption is effective December 5, 1975.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, with respect to BCE and the Baughs. Thus, BCE and the Baughs are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspects of the transaction, or for any other parties to the extent such parties may have enaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plans to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold participations in the subject loan to the Plans.

For further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 26th day of October 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-29635 Filed 10-31-83; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts; St. Charles Parish, Louisiana

October 24, 1983.

The Legal Services Corporation, the national, independent organization charged with implementing the federally funded system of legal services for low income people, announces the availability of grant funds for the provision of legal services to eligible Louisiana clients in the St. Charles Parish.

The annualized level of Legal Services Corporation funding for the service area was $36,623.00 for calendar year 1983. The exact level of funding will be contingent on staff recommendations concerning the successful applicant's needs, Legal Services Corporation Board action, and Congressional action concerning the amount and allocation of Legal Services Corporation's Appropriation in 1984.

All groups and persons interested in applying for this grant should request a grant application no later than November 30, 1983, from the Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Georgia 30308. The application submission deadline is December 31, 1983. Two copies of the application should be submitted to the Regional Office and one copy of the application should be submitted to the Director of Field Services, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005.

Any grant application recommended by the Legal Services Corporation will, pursuant to Section 1007(f) of the LSC Act, be announced in the **Federal Register**, and additional comments and recommendations will be requested at least thirty (30) days prior to final approval.

Gregg Hartley,

Director, Office of Field Services.

[FR Doc. 83-29557 Filed 10-31-83; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[83-89]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force on space Commercialization.

DATE: November 16, 1983, 8:30 a.m. to 5 p.m.

ADDRESS: McDonnell Douglas Astronautics, Room 205, Building 106, McDonnell Boulevard, St. Louis, Missouri 63166.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546; (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force on Space Commercialization was established under the NASA Advisory Council to conduct a study of the directions NASA might consider to foster private ventures in space. The

Task Force is chaired by Robert L. Johnson and has a total of 10 members.

The meeting will be closed to the public from 8:30 a.m. to 10 a.m. on November 16, 1983, for a review of McDonnell Douglas's work in electrophoresis. Because this session involves proprietary matters, it has been determined that this session should be closed to the public under 5 U.S.C. 552.(c)(4).

The meeting will also be closed from 1 p.m. to 5 p.m. because of a discussion on the types of candidates that should be considered in estblishing a NASA advisory group to counsel NASA in its research into the phenomenology of processes as affected by space. Specific individuals and their characteristics will be discussed in establishing the criteria for membership on the proposed advisory group, as well as a possible list of candidates, because this session involves matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

For the open session, visitors will be admitted to the meeting room up to its capacity, which is approximately 20 persons, including Task Force members and other participants. Visitors will be requested to sign a visitor register.

Type of Meeting: Open—except for the closed sessions as noted in the following agenda.

Agenda

November 16, 1983

8:30 a.m.—McDonnell Douglas's Electrophoresis Program (closed)
10 a.m.—Understanding the Phenomenology and Potential of Materials Processing in Space
1:00 p.m.—Planning Session (closed)
5:00 p.m.—Adjourn

Dated: October 26, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-29540 Filed 10-31-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMUNICATION SYSTEM

National Security Telecommunications Advisory Committee; Open Meeting

A joint meeting of the Resource Enhancement Working Group (REWG) and the Emergency Response Procedures Working Group (ERPWG) of the National Security Telecommunications Advisory Committee (NSTAC) will be open to the public and begin at 9:00 a.m. on Wednesday, November 9, 1983. The meeting will be held in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The subject of the meeting will be Telecommunications System Survivability (TSS). The agenda is as follows:

A. Opening Remarks
B. Statement of the Issue
C. Review of NSDD-97 Implementation Process
D. Review of National Academy of Sciences Study on National Security/Emergency Preparedness (NS/EP) Telecommunications
E. Proposed TSS Study Elements
F. Proposed Work Plan
G. Resolution of Survivable System Characteristics
H. Adjournment

Any person desiring information about the meeting may telephone (Area Code 202-692-9274) or write to the Manager, National Communications System, Washington, D.C. 20305.

Dated: October 27, 1983.

Joseph C. Wheeler,

Colonel, USAF, NCS Joint Secretariat.

[FR Doc. 83-29587 Filed 10-31-83; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Interdisciplinary Arts Projects Section) to the National Council on the Arts will be held on November 15 and 16, from 9:00 a.m.-6:30 p.m.; November 17, from 9:00 a.m.-8:00 p.m.; and on November 18, from 9:00 a.m.-6:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Ave., NW., Washington, D.C.

A portion of this meeting will be open to the public on November 18, from 1:30-3:30 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on November 15 and 16, from 9:00 a.m.-6:30 p.m.; November 17, from 9:00 a.m.-8:00 p.m.; November 18, from 9:00 a.m.-1:30 p.m.; and on November 18, from 3:30-6:30 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on application for financial assistance under the National Foundation on the Arts and 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 session 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.

[FR Doc. 83-29617 Filed 10-31-83; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Collection Maintenance/Conservation Section) to the National Council on the Arts will be held on November 15-17, 1983, from 9:00 a.m.-5:30 p.m., in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

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 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 session will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: October 24, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-29606 Filed 10-31-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Chorus Section) to the National Council on the Arts will be held on November

14, from 9:00 a.m.–6:30 p.m.; November 15, from 9:00 a.m.–9:00 p.m.; and November 16, from 9:00 a.m.–5:30 p.m. in room M–07 and room 527 of the Nancy Hanks Center, 1100 Pennsylvania Ave., NW., Washington, D.C.

A portion of this meeting will be open to the public on November 16, from 2:00–4:00 p.m. to discuss FY 85 Chorus Guidelines and policy and future directions.

The remaining sessions of this meeting on November 14, from 9:00 a.m.–6:30 p.m.; November 15, from 9:00 a.m.–9:00 p.m.; November 16, from 9:00 a.m.–2:00 p.m.; and on November 16, from 4:00–5:30 p.m. are for the purpose of Council 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** on 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.

[FR Doc. 83–29618 Filed 10–31–83; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Humanities Advisory Committee; Meeting

October 25, 1983.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on November 16–18, 1983.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. The afternoon sessions on November 16th and a portion of the morning and afternoon sessions on November 17, 1983 will not be open to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 5, 1978.

The agenda for the sessions on November 16 and 17, 1983 will be as follows:

November 16

Committee Meetings—Challenge Grants—Room 430

1:30 p.m.–2:30—(Open to the Public)—Policy Discussion
2:30 p.m.–5:00—(Closed to the Public)—Discussion of specific grant applications before the Council
3:00—Adjourn—Jefferson Lecture Committee—Room 706
(Closed to the Public)—Discussion of Jefferson Lecture Nominees

November 17

(Open to the Public)

8:30–9:30—Coffee for Council Members—Room 502
9:30–10:30—Committee Meetings—Policy Discussion
Education and State Programs—Room M–07 (W)
Fellowship Programs—Room 315
General Programs—Room 415
Research and Planning—Room M–07 (E)
10:30–Adjourn—(Closed to the Public for the reasons stated above)
Committee Meetings (Continued)—Consideration of specific applications

The morning session on November 18, 1983 will convene at 8:30 a.m. in the 1st Floor Council Room M–04 and will be open to the public. The Agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.)

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Eligibility of State Humanities Councils as Applicants to the Endowment
E. The Endowment and Internal Operations of Institutions
F. Committee Reports on Policy and General Matters
  a. Planning and Assessment Studies
  b. Fellowship Programs
  c. Education Programs
  d. State Programs
  e. General Programs
  f. Challenge Grants
  g. Research Programs
  h. Jefferson Lecture
G. Election of Vice Chairman
H. Congressional Reauthorization of NFAH
I. Application Report
J. Gifts and Matching Report
K. Final Obligations of FY 1983 Funds
L. FY 1984 Appropriations and Program Allocations

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83–29585 Filed 10–31–83; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

NRC Concurrence in High-Level Waste Repository Safety Guidelines Under the Nuclear Waste Policy Act of 1982

Order

By Memorandum and Order of August 24, 1983, the Commission determined that representatives of interested Indian tribes, State and local governments, Federal agencies, industry groups, public interest groups, and individual citizens would have the opportunity to address the Commission on the Department of Energy's General Guidelines for Recommendation of Sites for Nuclear Waste Repositories, and on whether the NRC should concur in those guidelines.

The Commission has extended the opportunity to participate to only those organizations, governmental entities, and individuals which filed comments with the Department of Energy (DOE) on the proposed guidelines, as well as to DOE itself.

To help the Commission prepare for that public meeting, the Commission

hereby designates the following consolidated groups: Federal agencies, Indian tribes, State and local governments, industry groups, and public interest groups. Any of the groups designated above which wish to participate in the oral presentation should identify their representatives to the extent practicable. Individuals who have commented to DOE and are not affiliated with any of the above designated groups, and who wish to participate in the oral presentation should also inform the Commission of their interest in appearing.

All participants should file their notices to the NRC Office of the Secretary no later than two weeks after the date of this Order. The date of the oral presentation and its procedural format will be announced in a subsequent Order.

It is so ordered.

Dated at Washington, DC, this 26th day of October, 1983.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-29620 Filed 10-31-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of information collection from the public submitted to OMB for clearance.

SUMMARY: In accordance with the "Paperwork Reduction Act of 1980" (Title 44 U.S.C. Chapter 35), this notice announces a collection of information from the public which has been submitted to OMB for clearance. It is an extension of an existing form (OPM Form 1453-A, Federal Junior Fellowship Program, Individual Nominee Evaluation) which is completed by high school officials when nominating students for positions under the Federal Junior Fellowship Program. The form assists agencies in deciding which students to select for their vacancies. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, D.C. 20415

and

Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632-7720, Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-29584 Filed 10-31-83; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

Visit; Connecticut

October 26, 1983.

Notice is hereby given that Chairman Steiger, Vice Chairman Crutcher, Commissioner Bright, Commissioner Duffy, Commissioner Folsom and several staff members will visit the Advo-Systems, Inc. plant at 239 West Service Road, Hartford, Connecticut 06101 on November 16, 1983. After a tour of the facility, Advo-Systems employees will answer questions from the Commission party. Further details concerning this visit may be obtained from the Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268, telephone (202) 254-3880. A report of the visit will be filed in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 83-29591 Filed 10-31-83; 8:45 am]

BILLING CODE 7715-01-M

Notice of Visit

October 27, 1983.

Notice is hereby given that members of the Commission and a number of advisory staff members will visit Donnelley Marketing in Nevada, Iowa on November 3, 1983, and Meredith Corp., 1716 Locust Street, Des Moines, Iowa on November 4, 1983. The purpose of the visit will be to gain general knowledge and understanding of mailer operations. A report of the visit will be filed in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 83-29625 Filed 10-31-83; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB October 3-October 20, 1983

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period October 3-October 20, 1983, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatments of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following

information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration of Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "**FOR FURTHER INFORMATION CONTACT**" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "**FOR FURTHER INFORMATION CONTACT**" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from October 3–October 20, 1983:

DOT No: 2239.
OMB No: New.
By: Office of Secretary—Planning.
Title: Florida/Arizona Trucking Deregulation Study—Phase II.
Forms: Questionnaire.
Frequency: One-time survey/study.
Respondents: Each carrier member of Florida & Arizona Trucking Associations. 500 to 600 shipper/receivers will also be questioned, based on Dun & Bradstreet's "Million Dollar Directory of Business."
Need/Use: Survey is part of DOT's research to assess the impact of deregulation on the trucking industry. Both states deregulated intra-state trucking simultaneously with Motor Carrier Act of 1980, bringing reduced Federal regulations on the trucking industry.

DOT No: 2240.
OMB No: DOT 2240.
By: Research and Special Programs Administration.
Title: Approval of Bulk Portable Container for Special Services.
Forms: None.
Frequency: On occasion.
Respondents: Shippers of liquid nitrogen dioxide, peroxide, tetroxide, and of dry cyanides and cyanide mixtures
Need/Use: to ascertain that handling procedures and packaging of the above materials are such that they may be transported without posing a threat to the general public.

DOT No: 2241.
OMB No: 2133–0006.
By: Maritime Administration.
Title: Documentation, Charter, or Transfer of Vessels.
Forms: MA–29, MA–2913.
Frequency: On occasion.
Respondents: Vessel Owners, Operators.
Need/Use: Monitor control of U.S. flag vessels chartered to noncitizens of the U.S.A.

DOT No: 2242.
OMB No: 2133–0004.
By: Maritime Administration.
Title: Manual of General Procedures for Determining Operating-Differential Subsidy Rates.
Forms: MA–344, MA–421, MA–422, MA–790.
Frequency: On occasion, Annually.
Respondents: Ship Operators.
Need/Use: Operating differential subsidy payments to ship operators are based upon subsidy rates developed from the report forms and the rules in the manual.

DOT No: 2243.
OMB No: None.
By: Maritime Administration.
Title: Suspension of "Operating Subsidy Agreement" for All or a Portion of the Vessels Included Therein.
Forms: None
Frequency: On occasion.
Respondents: Contractors receiving subsidy.
Need/Use: Allows operating differential subsidy contractors to suspend an agreement and operate in foreign trade with greater flexibility and reduced dependency on Maritime subsidies.

DOT No: 2244.
OMB No: 2133–0025.
By: Maritime Administration.
Title: Mandatory Position Reporting System for Vessels (Mandatory AMVER).
Forms: None.
Frequency: On occasion.
Respondents: vessels at sea.
Need/Use: For expediting "Search and Rescue" for Vessels in Emergencies and for Use in Connection with National Defense.

DOT No: 2245.
OMB No: 2133–0008.
By: Maritime Administration.
Title: Statement of Shipbuilder or Ship Operator in Compliance with Section 807 of the Merchant Marine Act, 1936.
Forms: MA–807–1, MA–807–2
Frequency: On occasion.
Respondents: Shipbuilders, ship operators and others presenting matters before the Maritime Subsidy Board.
Need/Use: Disclosure of certain business relationships.

DOT No: 2246.
OMB No: New.
By: Maritime Administration.
Title: Merchant Marine Medals and Awards.
Forms: None.
Frequency: On occasion.
Respondents: Current or former merchant seamen.
Need/Use: To issue medals and decorations for outstanding and meritorious conduct and service in the United States Merchant Marine.

DOT No: 2247.
OMB No: 2115–0056.
By: United States Coast Guard.
Title: Various International Agreement Safety Certificates.
Forms: CG–3347, 3347A, 4359, 4359A, 4761, 967, 969, 969A, Passenger Ship Safety & Nuclear Passenger Ship Safety.
Frequency: Semiannually and biennually.
Respondents: Owners of U.S. flag merchant vessels, over 500 gross tons engaged in international voyages
Need/Use: This is a recordkeeping requirement. Owners of U.S. flag merchant vessels over 500 gross tons engaged in international voyages are required to have evidence of compliance with the "International Convention for the Safety of Life at Sea," of 1974. These certificates attest to the vessel meeting the applicable requirements of the convention to the satisfaction of the Government of the United States when calling on foreign ports. Without these certificates, vessels could be detained or harassed as being "unsafe."

DOT No: 2248.
OMB No: 2115–0080.
By: United States Coast Guard.
Title: Applications for Formal Admeasurement and subapplications.
Forms: None.
Frequency: On occasion.
Respondents: Owners, maritime design consulting firms, builders and shipyards.
Need/Use: The respondents are required by law to notify the local admeasurement offices when new or altered vessels are ready for admeasurement. This information

collection is needed to determine the register tonnages, gross and net, and legal description of a vessel before documentation. If a documented vessel is reconstructed and changes its tonnage, an application for readmeasurement is needed.

DOT No: 2249.

OMB No: 2115-0073.

By: United States Coast Guard.

Title: Certificate of Alternative Compliance with 72 COLREGS.

Forms: None.

Frequency: On occasion.

Respondents: Vessel owners, operators, builders or agents whose vessel cannot fully comply with international regulations for preventing collisions at sea (72 COLREGS).

Need/Use: Vessel owners, operators, builders, and agents, whose vessel cannot fully comply with equipment requirements of 72 COLREGS without interference with special functions of the vessel, may apply for an alternative compliance. This information collection is needed to determine that the alternative compliance is justified, and to determine the conditions thereof.

DOT No: 2250.

OMB No: 2115-0074.

By: United States Coast Guard.

Title: Alternative Compliance with Inland Navigation Rules.

Forms: None.

Frequency: On occasion.

Respondents: Vessel owners, operators, builders and agents.

Need/Use: Vessel owners, operators, builders and agents whose vessel cannot fully comply with equipment requirements of Inland Rules without interference with special functions of the vessel may apply for a waiver. This information collection is needed to determine the necessity of the waiver and to further determine the conditions of the waiver if found necessary.

Issued in Washington, D.C., on October 24, 1983.

Jon Seymour,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 83-29590 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 83-060]

Coast Guard Academy Advisory Committee; Meeting.

October 26, 1983.

AGENCY: Coast Guard, DOT.

ACTION: Open meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Tuesday and Wednesday, November 15-16, 1983. The sessions on Tuesday will be held from 1:00 to 2:00 p.m. An open session will also be held on Wednesday from 10:00 to 11:30 a.m. The agenda for this meeting consists of the following items:

1. Faculty
2. Curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify the U.S. Coast Guard Academy not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Capt. David A. Sandell, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275.

Dated: October 26, 1983.

J. S. Gracey,

Admiral, Coast Guard, Commandant.

[FR Doc. 83-29613 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-14-M

[CGD 83-061]

Houston/Galveston Navigation Safety Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the fifth meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, November 17, 1983 in the Wortham Auditorium at the Rosenberg Library, 2310 Sealy, Galveton, Texas. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of previous recommendations made by the Committee.
3. Reports of Subcommittees.
   A. Houston/Galveston Vessel Traffic Service.
   B. Aids to Navigation.
   C. Inshore Waterway Management.
   D. Offshore Waterway Management.
   E. Environmental.
4. Discussion of Subcommittee Reports.
5. Presentation of any additional new items for consideration to the Committee.
6. Adjournment.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander R. A. Brunell, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA., 70130, telephone number (504) 589-6901.

Dated: October 26, 1983.

W. H. Stewart,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 83-29614 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Philadelphia County, Pennsylvania

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 the city of Philadelphia, Philadelphia County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Robert L. Rowland, P.E., District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087, Telephone: (215) 687-1600.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an

Environmental Impact Statement (EIS) on a proposal to construct access ramps to and from Interstate Route 95 between the Walt Whitman Bridge and the Vine Street (I-676) Interchange north of the Ben Franklin Bridge. This project is being developed in response to a Consent Decree signed to resolve previous citizen litigation on this project in the United States District Court. Completion of the access ramps will provide more direct access between I-95 and the Philadelphia Central Business District (CBD).

The proposed alternatives being considered are not expected to require acquisition of occupied structures or residential relocations, the physical taking of any parklands, recreational facilities, or properties either on, or eligible for, the National Register of Historic Places. Consequently, preparation of an evaluation under Section 4(f) of the Department of Transportation Act is not anticipated.

Various ramp access alternatives will be considered. They are (1) the *No-Action Alternative* which includes no physical improvements other than those already stated to occur; namely, the construction of the Vine Street Expressway and the opening of the on-ramp at Race Street from Delaware Avenue to I-95 northbound lanes, (2) The *Limited Action Alternative* which includes the two planned improvements as described in the No-Action Alternative, as well as the opening of the I-95 southbound on-ramp at Morris Street for traffic from Delaware Avenue and the completion of the construction of a northbound off-ramp onto Delaware Avenue at Queen Street, (3) The *Flyover Alternative* which is consistent with the consent decree and includes the two planned improvements as described in the No-Action Alternative, as well as the construction of a flyover ramp from the southbound lanes of I-95 crossing over I-95 to Delaware Avenue in the Penns Landing area, (4) the *Single Slide Under Alternative* which includes the two planned improvements mentioned in the No-Action Alternative, the construction opening of both ramps included in the Limited Action Alternative, and the construction of a ramp from the southbound lanes of I-95 that would "slide under" existing I-95 northbound lanes onto Delaware Avenue in the Penns Landing area. Also included in this alternative is the construction of an on-ramp at Front and Market Streets to I-95 southbound lanes, and (5) the Double Slide Under Alternative which includes all of the improvements and ramps listed under the Single Slide Under Alternative, as well as a proposal to reconstruct an existing on-ramp to I-95 northbound from Delaware Avenue at Lombard Street as a second "slide under" ramp to provide access to the westbound lanes of I-95. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies in late November or December 1983. A series of public meetings will be held in the city of Philadelphia in the winter and spring of 1983 and 1984. In addition, a public hearing will be held. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comment. To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 83-29595 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Proposed Guidelines for the Consideration of ODS Contract Amendments and Terminations; Extension of Comment Period

AGENCY: Maritime Administration, DOT.

ACTION: Extension of time to file comments on proposed guidelines.

SUMMARY: On October 17, 1983, the Maritime Subsidy Board/Maritime Administration published in the **Federal Register** (48 FR 47093) a notice seeking comments by November 4, 1983, on proposed guidelines for considering the applications of subsidized operators for operating-differential subsidy contract amendments or terminations. A request has been received for an extension of the comment period. Notice is hereby given that the closing date for comments concerning the notice of proposed guidelines is extended to the close of business on November 18, 1983.

By Order of the Maritime Subsidy Board/ Maritime Administration.

Dated: October 27, 1983.

Murray A. Bloom,

Assistant Secretary.

[FR Doc. 83-29631 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review.

On October 24, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and the Treasury Department Clearance Officer, Room 309, 1625 "I" Street NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0086
Form Number: 1040C
Type of Review: Revision
Title: U.S. Departing Alien Income Tax Return
OMB Reviewer: Norman Frumkin (202) 395-6880, Office of the Managment and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Customs Service

OMB Number: 1515-0083
Form Number: CF 5520
Type of Review: Extension
Title: Special Summary Steel Invoice

OMB Number: None.
Form Number: None.
Type of Review: Extisting Regulation
Title: Triennial Reports of Active or Inactive Status by Customhouse Brokers
OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Mangement and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: October 26, 1983.

Rita A. DeNagy,

Department Reports Management Office.

[FR Doc. 83-29588 Filed 10-31-83; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Public Inspection of Written Determinations; Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of intention to disclose.

SUMMARY: This document provides notices that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Persons not responding to any earlier **Federal Register** notice of intention to disclose who wish to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice are requested to contact the Service by November 16, 1983.

Requests for additional deletions must be submitted by December 6, 1983. A petition in the United States Tax Court must be filed by January 25, 1984. Except for the disputed portion of any document that is the subject of an action brought in the Unites States Tax Court, the written determinations described in this notice will be made open to public inspection on February 27, 1984.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Internal Revenue Service, Attention: CC:IND:S:3, Ben Franklin Station, Post Office Box 7604, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Wayne Thomas of the Bulletin and Disclosure Group, Individual Tax Division, Office of the Associate Chief Counsel (Technical); 202–566–4378 or 202–566–3129.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection certain written determinations issued by the Internal Revenue Service. The written determinations to be made open to public inspection pursuant to this notice have been described in more detail in one of the **Federal Register** notices of intention to disclose published on February 21, 1978, March 31, 1978, May 3, 1978, May 30, 1978, August 2, 1978, November 9, 1978, January 31, 1979, or on April 5, 1979. This notice applies to written determinations that fall within the description of one of these earlier notices but which were not available for processing for public inspection at an earlier date.

Deletions

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to the public inspection pursuant to this notice. These persons may request a copy of their written determinations with proposed deletions indicated. Such requests should be submitted by November 16, 1983. Such requests must indicate the specific name of the party to which the written determination pertains, for example, a corporation acting on behalf of one or more subsidiaries must indicate the name of such subsidiary or subsidiaries. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional delections must be submitted by (35 days after this notice is published in the **Federal Register**) and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by January 18, 1984.

Additional Disclosure

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination to open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

Background File Documents

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received.

Any notice regarding background file documents or requests for additional disclosure and any other correspondence relating to public inspection of written determinations, will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1569, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. on February 27, 1984, preceding the 121st day after this notice is published in the **Federal Register**. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

Effect of Earlier Requests

Persons who contacted the Internal Revenue Service in response to an earlier notice need not contact the Service again. The Service will automatically respond to any person who inquired in response to an earlier notice if the written determination or determinations about which that person inquired will be made open to public inspection in accordance with this notice. That person will be forwarded a proposed deleted copy of any such written determination, and will have the rights with respect to requesting additional deletions that are described in this notice.

October 26, 1983.

James I. Owens,

Acting Commissioner of Internal Revenue.

[FR Doc. 83-29634 Filed 10-31-83; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 212
Tuesday, November 1, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Monday, November 21, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eight Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1530-83 Filed 10-28-83; 12:28 am]

BILLING CODE 6351-01-M

2

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-46]

TIME AND DATE: 3 p.m. Monday, November 7, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Certain glass-tempering systems, including frictinally driven oscillating roller hearth furnaces [Docket No. 976].
5. Investigations 731-TA-146/147 (Preliminary) (Flat-Rolled Carbon Steel Products from Belgium and the Federal Republic of Germany—briefing and vote.
6. Investigation 731-TA-148 (Preliminary) (Fresh Cut Roses from Colombia—briefing and vote.
7. Any item left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1531-83 Filed 10-28-83; 1:50 pm]

BILLING CODE 7020-02-M

federal register

Tuesday
November 1, 1983

Part II

Department of Transportation

Research and Special Programs Administration

Cryogenic Liquids; Final Rule Corrections and Revisions; Delay of Effective Date

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 176, 177, 178, and 179

[Docket No. HM-115, Amdt. Nos. 171-74, 172-82, 173-166, 174-43, 176-17, 177-60, 178-77, and 179-32]

Cryogenic Liquids; Final Rule Corrections and Revisions; Delay of Effective Date

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule, corrections and revisions.

SUMMARY: This document makes corrections and revisions to a final rule, Docket HM-115, in **Federal Register** Document 83-15211, beginning on page 27674 in the issue of Thursday, June 16, 1983, which amended the Hazardous Materials Regulations (49 CFR Parts 171-179) by establishing requirements for the transportation of specifically identified cryogenic liquids.

EFFECTIVE DATE: The effective date, published in the **Federal Register** for Amendment Nos. 171-74, *et seq.* (48 FR 27674) on June 16, 1983, is changed to read "October 1, 1984". The corrections and revisions in this document are also effective October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell, Office of Hazardous Materials Regulation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On June 16, 1983, MTB published a final rule in the **Federal Register** which amended the Hazardous Materials Regulations to establish requirements for the transportation of certain cryogenic liquids and also authorize the transportation of certain gases that are transported in cold liquid form. The final rule carried an effective date of January 1, 1984, with voluntary compliance authorized on and after September 15, 1983. A 90-day period for filing petitions for reconsideration was provided in place of the 30-day period specified by 49 CFR 106.35.

MTB received 18 petitions. Several commenters requested reconsideration of the effective date, proper shipping names and the identification numbers. MTB believes that these issues warrant immediate handling prior to publication of the 1983 edition of Title 49, Code of Federal Regulations, Parts 100-199. Other issues raised in these and other petitions will be handled in a later publication of the **Federal Register** in the near future.

In the final rule, MTB added several new entries to the Hazardous Material, Table in § 172.101. The new cryogenic liquid descriptions contain the descriptor "cryogenic liquid" as part of the proper shipping name. The descriptions for other gases, such as carbon dioxide, nitrous oxide, and hydrogen chloride, which are transported in cold liquid form, contain the descriptor "liquid (*refrigerated*)". The identification numbers for these new descriptions are preceded by an "NA" prefix.

Unlike the international system for describing gases, the compressed gas descriptions for the atmospheric gases and helium in 49 CFR 172.101 do not include the word "compressed" in the proper shipping name. A final rule issued under HM-126A (45 FR 34560, May 22, 1980) listed the identification numbers for these compressed gases preceded by a "UN" prefix. In the final rule under HM-115, the prefix was changed from "UN" to "NA" because the descriptions in 49 CFR 172.101 are not exactly the same as the international descriptions.

The changes made under HM-115 are consistent with the premise under which the numerical identification system was adopted under HM-126A. In the NPRM under HM-126A (44 FR 32976; June 7, 1979), MTB stated that identification numbers would be preceded by "UN" if the description preceding it is exactly the same or sufficiently similar to the international description and, if the description in § 172.101 is significantly different but addresses the same material as a UN entry, it would be given the same number but preceded by "NA". The term "significantly different" was intended to cover differences such as the omission of words appearing in an international description or the addition of required words not appearing in the international description. The term "exactly the same or significantly similar" was intended to cover differencies such as the singular and plural forms in a description.

Six commenters objected to the "cryogenic liquid" and the "liquid (*refrigerated*)" descriptors used in the final rule. Four of these commenters supported the international descriptor "refrigerated liquid". Two other commenters objected to the use of "liquid (*refrigerated*)" and "refrigerated liquid" in the shipping descriptions for the cold form gases. One of these commenters indicated a preference for the descriptor "cold" or some other appropriate term to describe these gases.

Commenters also objected to the change to the "NA" prefix for compressed gases. In its comments, the Compressed Gas Association stated, in part:

> Without Administrative Procedure Act notice, HM-115 revised column (3A) in Section 172.101 by assigning to these gases a new identification number prefix NA, to replace the UN prefix assigned in DOT Docket HM-126A, May 22, 1980 (Display of Hazardous Materials by Identification Numbers; Improved Emergency Response Final Rule). If DOT wishes to revise the identification number prefix for the above listed gases (to conflict with HM-126A), it should publish a separate Notice of Proposed Rulemaking, giving the public an opportunity to comment.

After further consideration, MTB agrees with commenters that the international descriptions should be used when possible. Therefore, MTB is revising the proper shipping names for the cryogenic liquids and cold form gases to include the international descriptor, "refrigerated liquid", and the associated "UN" prefix. The cryogenic liquid descriptions are being specifically named (in italics) in § 172.101 to distinguish these gases from the cold form gases

For compressed gases, MTB agrees with CGA that a change in the prefix should be handled by a proposed rule. Therefore, MTB is revising the final rule to provide for continued use of the descriptions as presently found in 49 CFR 172.101 and also for the optional use of the international descriptions. Shippers are advised that shipping descriptions without the word "compressed" are not acceptable for transport of gases in international commerce.

The six commenters who addressed the effective date requested extension periods from one to two years. Most of the commenters maintained that additional time was needed to exhaust existing stocks of shipping documents and product labels and to permit remarking of packagings to conform with the new shipping descriptions and prefix markings. Since fewer changes will be required for shipping documents and package markings, MTB believes that the extension of the effective date until October 1, 1984, is appropriate. Corresponding changes are made to other dates appearing in the final rule.

This document does not impose additional requirements and has the net result of reducing costs imposed under the final rule. A regulatory evaluation and environmental assessment of the

final rule is available for review in the docket. The regulatory evaluation will not be modified to include the changes made under this document.

In consideration of the foregoing, the final rule published on June 16, 1983, in Federal Register Document 83-15211, beginning on page 27674, is corrected and amended as follows:

1. On page 27683, second column, fourth paragraph, in the penultimate line, "§ 173.11" is corrected to read "§ 171.11".

2. On page 27691, in § 171.101, in columns 2 and 3A of the Hazardous Materials Table, entries are revised to read as follows:

Present		Revise to	
(2) Hazardous materials descriptions and proper shipping names	(3A) Identification No.	(2) Hazardous materials descriptions and proper shipping names	(3A) Identification No.
Revise			
Argon	NA1006	Argon *or* Argon, compressed	UN1006
Ethane	NA1035	Ethane *or* Ethane, compressed	UN1035
Ethylene	NA1962	Ethylene *or* Ethylene, compressed	UN1962
Helium	NA1046	Helium *or* Helium, compressed	UN1046
Hydrogen	NA1049	Hydrogen *or* Hydrogen, compressed	UN1049
Hydrogen chloride (*RQ-5000/2270*)	NA1050	Hydrogen chloride (*RQ-5000/2270*) *or* Hydrogen chloride, anhydrous (*RQ-5000/2270*).	UN1050
Methane	NA1971	Methane *or* Methane, compressed	UN1971
Neon	NA1065	Neon *or* Neon, compressed	UN1065
Nitrogen	NA1066	Nitrogen *or* Nitrogen, compressed	UN1066
Nitrous oxide	NA1070	Nitrous oxide *or* Nitrous oxide, compressed	UN1070
Oxygen	NA1072	Oxygen *or* Oxygen, compressed	UN1072
Add			
Argon, cryogenic liquid	NA1951	Argon, refrigerated liquid (*cryogenic liquid*)	UN1951
Carbon dioxide, liquid (*refrigerated*)	NA2187	Carbon dioxide, refrigerated liquid	UN2187
Ethane, liquid (*refrigerated*)	NA1961	Ethane, refrigorated liquid	UN1961
Ethane-Propane mixture, liquid (*refrigerated*)	NA1961	Ethane-Propane mixture, refrigerated liquid	UN1961
Ethylene, cryogenic liquid	NA1038	Ethylene, refrigerated liquid (*cryogenic liquid*)	UN1038
Helium, cryogenic liquid	NA1963	Helium, refrigerated liquid (*cryogenic liquid*)	UN1963
Hydrogen, cryogenic liquid	NA1966	Hydrogen, refrigerated liquid (*cryogenic liquid*)	UN1966
Hydrogen chloride, liquid (*refrigerated*) (*RQ-5000/2270*)	NA2186	Hydrogen chloride, refrigerated liquid (*RQ-5000/2270*)	UN2186
Methane, cryogenic liquid	NA1972	Methane, refrigerated liquid (*cryogenic liquid*)	UN1972
Natural gas, cryogenic liquid	NA1972	Natural gas, refrigerated liquid (*with high methane content*) (*cryogenic liquid*)	UN1972
Neon, cryogenic liquid	NA1913	Neon, refrigerated liquid (*cryogenic liquid*)	UN1913
Nitrogen, cryogenic liquid	NA1977	Nitrogen, refrigerated liquid (*cryogenic liquid*)	UN1977
Nitrous oxide, liquid (*refrigerated*)	NA2201	Nitrous oxide, refrigerated liquid	UN2201
Oxygen, cryogenic liquid	NA1073	Oxygen, refrigerated liquid (*cryogenic liquid*)	UN1073

3 References in Parts 173, 174, 178 and 179 to the cold form gas names which appear in the June 16, 1983 document, pages 27690–27713, are changed as listed below under "present" to read as shown in the "Revised to" column.

Present	Revise to
Carbon dioxide, liquid (*refrigerated*)	Carbon dioxide, refrigerated liquid.
Ethane, liquid (*refrigerated*)	Ethane, refrigerated liquid.
Ethane-Propane mixture, liquid (*refrigerated*)	Ethane-Propane mixture, refrigerated liquid.
Hydrogen chloride, liquid (*refrigerated*) (*RQ-5000/2270*)	Hydrogen chloride, refrigerated liquid (*RQ-5000/2270*).
Nitrous oxide, liquid (*refrigerated*)	Nitrous oxide, refrigerated liquid.

4. On page 27691, in § 172.203, paragraph (g)(3) is corrected to read "The shipping paper for each Class DOT-113 tank car containing, a flammable gas must contain an appropriate notation, such as "DOT-113A," and the statement "Do Not Hump or Cut Off Car While in Motion."

5. On page 27692, in § 173.11, paragraph (c)(1), "July 1 and August 31, 1984" is revised to read "January 1 and February 28, 1985"; in paragraph (c)(2), second line, the word "even" is revised to read "odd", and in the last line, "1984" is revised to read "1985".

6. On page 27692, in § 173.31, paragraph (a)(8), fourth line "January 1, 1984" is revised to read "October 1, 1984"; in the seventeenth line, "December 31, 1983" is revised to read "September 30, 1984", and in the last line, "January 1, 1984" is revised to read "October 1, 1984".

7. On page 27693, in § 173.31(c)(13)(iv), in the penultimate line, "pressure relief value" is corrected to read "pressure relief valve".

8. On page 27693, in § 173.33(b), seventh line, "§ 178.340," is corrected to immediately precede "178.341", and in the last line, "§ 178-342-5" is corrected to read "§ 178.342-5"; in paragraph (b)(2), fourth line, "January 1, 1984" is revised to read "October 1, 1984"; in the nineteenth line, "December 1, 1983" is revised to read "September 30, 1984"; in the last line, "January 1, 1984" is revised to read "October 1, 1984"; in paragraph (b)(3), fourth line, "January 1, 1984" is revised to read "October 1, 1984", and in the last line "December 31, 1983" is revised to read "September 30, 1984".

9. On page 27694, the Table in § 173.33(d)(2) is corrected to read as follows:

Specification	Ratio [1]
MC-330, MC-331	1⅓
MC-338	1¼

[1] Ratio of test pressure to the design pressure (maximum allowable working pressure or rerated pressure) of the tank.

10. On page 27694 in § 173.314(c), in the fifth line, "paragraphs (b) and (h)" is corrected to read "paragraphs (b) through (h)".

11. On page 27695, in the Table in § 173.315(a), the entry for "Hydrogen chloride, liquid (*refrigerated*)" is corrected to read as follows:

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see par. (f) of this section)	Type (see note 2)	Minimum design pressure (psig)
Hydrogen chloride, refrigerated liquid	103.0	See Note 7	MC-331, MC-338	100; see Note 11.
	91.6	do	do	300; see Note 11.
	86.7	do	do	450; see Note 11.

12. On page 27696, in § 173.318(b)(1)(iii), fifth line, "paragraph 4.3.4" is corrected to read "paragraph 5.3.4.4."

13. On page 27697, in § 173.318(b)(2)(iii), second line, "dics" is corrected to read "discs".

14. On page 27697, in § 173.318(b)(5)(ii), eighth line, "valve" is corrected to read "value".

15. On page 27698, the second entry in the Table in § 173.318(f)(3) is corrected to read as follows:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Carbon monoxide	Ethylene	Hydrogen	Methane or natural gas
15	75.0	.....	6.6	40.5

16. On page 27698, in § 173.318(g)(2)(i), the formula is corrected to read "OWTT=(MRHT–24)/2".

17. On page 27699, in § 174.83(b), the beginning of the sentence is corrected to read "Any car placarded. . . ."

18. On page 27699, in § 176.76(h), second line, "vesel" is corrected to read "vessel".

19. On page 27699, in Part 177, the Table of Sections, the section heading "177.86 Training" is corrected to read "177.816 Training".

20. On page 27700, in § 177.818(a), second line, "vehcile" is corrected to read "vehicle".

21. On page 27700, in § 177.824(e)(2), seventh line, "§ 173.338–16(a)" is corrected to read "§ 178.338–16(a)".

22. On page 27700, in § 177.826, paragraph (c)(1), "1984" is revised to read "1985"; in paragraph (c)(2), the word "even" is revised to read "odd", and in the last line "1984" is revised to read "1985".

23. On page 27703, in the Table in § 178.338–1(e), the entry for "Aluminum" is corrected to read as follows:

Type metal	Jacket evacuated		Jacket not evacuated	
	Gauge	Inches	Gauge	Inches
Aluminum	.....	0.125	.....	0.100

24. On page 27704, in § 178.338–9(b)(2), in the penultimate line, "§ 178.318(b)(9)" is corrected to read "§ 178.338–18(b)(9)".

25. On page 27709, in § 179.400–8(c), the formula is corrected to read "$t=[PL(3+\sqrt{(L/r)})]/(8SE)$".

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A. to Part 1)

Note.—The Materials Transportation Bureau has determined that this document 1) will not result in a "major rule" under the terms of Executive Order 12291, 2) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), and 3) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). The original regulatory evaluation and environmental assessment is available for review in the docket.

Issued in Washington, D.C., on October 25, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-29447 Filed 10-31-83; 8:45 am]

BILLING CODE 4910-60-M

Federal Register

Tuesday
November 1, 1983

Part III

Department of Transportation

Research and Special Programs Administration

Hazardous Materials Regulations; Editorial Corrections and Clarifications

DEPARTMENT OF TRANSPORTATION

49 CFR Parts 171, 172, 173, 174, and 175

[Docket No. HM-189; Amdt. Nos. 171-76, 172-85, 173-16, 174-44, 175-29, 176-18, 177-61]

Hazardous Materials Regulations; Editorial Corrections and Clarifications

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to change or delete certain incorrect references, to correct certain editorial errors, and to make minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Exemptions and Regulations Termination Branch, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 472-2726.

SUPPLEMENTARY INFORMATION: In its maintenance of the HMR, MTB performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in Title 48, Code of Federal Regulations (CFR), Parts 100-199, revised as of October 1, 1982, include incorrect references to other rules and regulations in the CFR, inadvertent omissions of information, and misstatements of certain regulatory requirements. Also, in response to inquiries which MTB has received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties as to their meaning.

Since these amendments do not impose new requirements, public notice has not been provided and these amendments are effective without the customary 30 day delay following publication.

The MTB has determined that this rule, as promulgated, is not a "major rule" under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment was not prepared as these amendments are not substantive changes to the HMR.

Based on limited information available concerning size and nature of entities likely to be effected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments.

Section 171.7 is amended to give the current address of certain organizations listed in paragraph (c).

Section 172.101 is amended by removing paragraph (k) since the affected entries to the Hazardous Materials Table are no longer protected by this grandfather clause.

The Hazardous Materials Table is amended by correcting and adding the following entries:

"Battery, *electric storage*, wet, or *filled with* alkali, with automobile *(or specifically named self-propelled vehicle or mechanical apparatus)*" is now assigned identification number NA 2795.

"Chloropicrin and nonflammable, nonliquefied compressed gas mixture" must be labeled with the "NONFLAMMABLE GAS" label.

"Dichlorvos mixture, dry" is subject to the specification packaging requirements of § 173.365 for solid materials.

"Formic acid" and "Formic acid solution" are subject to the specification packaging prescribed in § 173.289 only.

"Pyroxylin plastic, scrap" and "Pyroxylin plastic, rods, sheets, rolls, *or* tubes" are now assigned identification number NA 1325.

"Thiophenol". *See* "Phenyl mercaptan" is added. This entry was proposed in Docket No. HM-166N; Notice No. 82-7 (47 FR 33288, August 2, 1982) but inadvertently omitted from the final rule published June 20, 1983 (48 FR 28095).

Appendix A to Subpart B of Part 172 is revised to update the cross reference of hazardous materials identification numbers to proper shipping names.

Section 172.203 is amended to remove an authorization in paragraph (f) which permitted use of the words "cargo-only aircraft". That authorization expired July 1, 1983.

Paragraph (g) is amended to remove the requirement specified in subparagraph (2) since all DOT 112 and 114 tank cars used to transport flammable compressed gases are now required to have tank head protection.

Section 172.324 is amended by removing the provision in paragraph (c) which delayed the effective date of this section until July 1, 1983.

Section 172.330 is amended by removing the provision in paragraph (h) which permitted, until July 1, 1983, multi-unit tank car tanks to be offered for transportation without the identification numbers being affixed.

Section 172.332 is amended to clarify that the required display of identification numbers on orange panels or placards is limited to portable tanks, cargo tanks, tank cars and multi-unit tank car tanks, and vehicles or freight containers used for the transportation of these bulk containers.

Section 172.336 is amended to reflect in paragraph (b)(1) the correct citation for requirements pertaining to the display of identification numbers on placards.

Paragraph (c)(7) which permitted, until July 1, 1983, multi-unit tank car tanks to be offered for transportation and transported without the display of identification numbers on the multi-unit tank car tanks is removed.

Section 172.402 is amended by removing the provision in paragraph (a)(10) which permitted, until July 1, 1983, certain multiple hazard materials to be offered for transportation and transported without the display of each hazard warning label.

Section 172.403 is amended by removing the provision in paragraph (h) which permitted until July 1, 1983, the continued use of RADIOACTIVE labels which were required prior to November 20, 1980.

Section 172.519 is amended in paragraph (f) to show the correct reference for the authorization to display identification numbers on placards.

Section 173.7 is amended by changing a reference to the Energy Research and Development Administration in paragraph (b) to its successor, the Department of Energy.

Section 173.23 is amended to redesignate paragraph (d) which was added by amendment 173-165 (48 FR 28095, June 20, 1983) as paragraph (e) since another paragraph (d) was already added by amendment 173-166 (48 FR 27692, June 16, 1983).

Section 173.31 is amended by removing the provision in footnote "c" to Retest Table 2 which granted, until December 31, 1971, an exemption from the quinquennial hydrostatic retest requirement.

Section 173.33 is amended by adding paragraph (d)(12) as another reference in paragraph (d)(15) for which a record of inspections is required.

Section 173.69 is amended to reflect the correct citation for requirements pertaining to radioactive materials.

Section 173.86 is amended to reflect a transfer of functional responsibilities at the Naval Sea Systems Command.

Section 173.114a is amended to reflect a transfer of functional responsibilities at the Naval Sea Systems Command.

Section 173.283 is amended to remove paragraph (b)(3) since the IM 101 portable tank is already specified under provisions of paragraph (b)(1).

Section 173.292 is amended to remove paragraph (a)(3) since the IM 101 portable tank is already specified under provisions of paragraph (a)(1).

Section 173.314 is amended to specify in the table to paragraph (c) that all DOT 114 tank cars used to transport anhydrous ammonia must have tank head protection (S class) as intended by Docket No. HM-174 (46 FR 8005, January 26, 1981).

The entry "Bromotrifluoromethane (R-13B1 or H-1301)" in the table to paragraph (c) is amended to specify the DOT-110A800W multi-unit tank car tank as a suitable container.

The entry "Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s." in the table to paragraph (c) fails to distinguish flammable gases from nonflammable gases. It is, therefore, necessary to revise this entry so that properly equipped tank cars are specified for the flammable gases.

Note 26 to the table in paragraph (c) is amended to clearly indicate that DOT-112T340W and 112J340W tank cars are required for the flammable gases referenced.

Note 27 to the table in paragraph (c) is removed since the specification 112A tank cars are no longer permitted. In addition, the reference to Note 27 is removed from the materials dimethylamine, anhydrous; monomethylamine, anhydrous; and trimethylamine, anhydrous.

Note 28 to the table in paragraph (c) is amended to clearly indicate that DOT-114T340W and 112J340W tank cars are required for the flammable gases referenced.

Note 29 to the table in paragraph (c) is amended to clearly indicate that DOT-114T340W and 114J340W tank cars used to transport the flammable gases referenced may have a maximum safety relief valve setting of 280.5 psig.

Section 173.348 is amended to remove paragraph (a)(5) since the IM 101 portable tank is already specified under provisions of paragraph (a)(1).

Section 173.349 is amended to remove paragraph (a)(4) since the IM 101 portable tank is already specified under provisions of paragraph (a)(1).

Sections 173.386 through 173.388 are amended to show the correct citation of certain requirements specified in 42 CFR.

Section 173.422 is amended to reflect the continuity of requirements specified in paragraphs (e) through (h).

Section 173.427 is amended to cite the correct reference for maximum permissible contamination levels.

Section 173.465 is amended to clearly indicate in Table 11 the free-fall distance required for packages whose weight is precisely at a breakpoint of the Table.

Section 173.510 is amended to show the correct citation of certain requirements specified in 40 CFR.

Section 173.605 is amended to clearly indicate that the name "1,1,1-trichloroethane" is the preferred description of the material "methyl chloroform".

Section 174.25 is amended to clearly indicate in the Table to paragraph (a)(2) that the placard notation for "Blasting agent" is *"Placarded BLASTING AGENTS"*.

Section 175.45 is amended to show a correct references.

Section 175.75 is amended to show correct reference.

Throughout Parts 171, 172, 173 and 175 amendments are made to reflect a change in terminology from "cargo-only aircraft" to "cargo aircraft only".

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Imports.

49 CFR Part 172

Hazardous materials transportation.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

In consideration of the foregoing, Parts 171, 172, 173, 174 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraphs (c)(7), (c)(10)–(14), and (c)(20) are revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(7) API: American Petroleum Institute, 1801 K Street, NW., Washington, D.C. 20037.

* * * * *

(10) CMA: Chemical Manufacturers Association, 2501 M Street, NW., Washington, D.C. 20037.

(11) NFPA: National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269.

(12) Aluminum Association: The Aluminum Association, 818 Connecticut Ave., NW., Washington, D.C. 20006.

(13) NACE: National Association of Corrosion Engineers, 1440 South Creek, Houston, Texas 77084.

(14) IME: Institute of Makers of Explosives, 1575 Eye Street, NW., Washington, D.C. 20005.

* * * * *

(20) AWWA: American Water Works Association, 1010 Vermont Ave., NW., Washington, D.C. 20005.

* * * * *

§ 171.8 [Amended]

2. Section 171.8 is amended by removing the defined term "Cargo-only aircraft" and inserting, in its place, the term "Cargo aircraft only"; the definition itself remains unchanged.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 [Amended]

3. In § 172.101, paragraph (k) is removed; column (6)(b) of the Hazardous Materials Table (HMT) is amended by removing the table heading "Cargo only aircraft" and inserting, in its place, the table heading "Cargo aircraft only"; and the HMT is amended by adding and revising the following entries to read as follows:

§ 172.101 Hazardous Materials Table.

+ E A W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not exempted)	Packaging		Maximum net quality in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3A)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	(b)	7(c)
	ADD										
	Thiophenol. See Phenyl mercaptan.										
	REVISE										
	Battery, *electric storage, wet, filled with alkali, with automobile (or specifically named self-propelled vehicle or mechanical apparatus)*	Corrosive material	NA2795	Corrosive	173.250	173.260	No limit	No limit	1,2	1,2	Keep dry
+	Chloropicrin and nonflammable, nonliquefied compressed gas mixture	Poison A	NA1955	Poison gas nonflammable gas	None	173.329	Forbidden	Forbidden	1	5	Keep cool
E	Dichlorvos mixture, dry *(RQ- 10/4.54)*	Poison B	NA2783	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E	Formic acid *(RQ-5000/2270)*	Corrosive material	UN1779	Corrosive	173.244	173.289	1 quart	5 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck
E	Formic acid solution *(RQ-5000/2270)*	Corrosive material	UN1779	Corrosive	173.244	173.289	1 quart	5 gallons	1,2	1,2	
	Pyroxylin plastic, scrap	Flammable solid	NA1325	Flammable solid	None	173.196	Forbidden	Forbidden	1	5	Shade from radiant heat
	Pyroxylin plastic, rods, sheets, rolls, *or* tubes	Flammable solid	NA1325	Flammable solid	173.197	173.197	50 pounds	350 pounds	1,3	1	

3a. In Part 172 Subpart B, Appendix A is revised to read as follows:

APPENDIX A—IDENTIFICATION NUMBER CROSS REFERENCE TO PROPER SHIPPING NAMES IN § 172.101 AND § 172.102

This listing is provided for information purposes only.

(1) Identification Number	(2) Source 172.***	(3) Description
UN 0001	102	Alarm devices, explosive
UN 0004	102	Ammonium picrate
UN 0005	102	Cartridges for weapons
UN 0006	102	Cartridges for weapons
UN 0007	102	Cartridges for weapons
UN 0009	102	Ammunition, incendiary
UN 0010	102	Ammunition, incendiary
UN 0012	102	Cartridges for weapons
UN 0014	102	Cartridges for weapons, blank *or* Cartridges, safety, blank
UN 0015	102	Ammunition, smoke
UN 0016	102	Ammunition, smoke
UN 0018	102	Ammunition, tear producing
UN 0019	102	Ammunition, tear producing
UN 0020	102	Ammunition, toxic
UN 0021	102	Ammunition, toxic
UN 0027	102	Black powder
UN 0028	102	Black powder, compressed
UN 0029	102	Detonators, non-electric
UN 0030	102	Detonators, electric
UN 0033	102	Bombs
UN 0034	102	Bombs
UN 0035	102	Bombs
UN 0037	102	Bombs, photo-flash
UN 0038	102	Bombs, photo-flash
UN 0039	102	Bombs, photo-flash
UN 0042	102	Boosters
UN 0043	102	Bursters
UN 0044	102	Primers, cap type
UN 0048	102	Charges, demolition
UN 0049	102	Cartridges, flash
UN 0050	102	Cartridges, flash
UN 0054	102	Cartridges, signal
UN 0055	102	Cases, cartridges, empty, with primer
UN 0056	102	Charges, depth
UN 0059	102	Charges, shaped, commercial
UN 0060	102	Charges, supplementary, explosive
UN 0065	102	Cord, detonating
UN 0066	102	Cord, igniter
UN 0070	102	Cutters, cable, explosive
UN 0072	102	Cyclotrimethylenetrinitramine, wetted
UN 0073	102	Detonators for ammunition
UN 0074	102	Diazodinitrophenol
UN 0075	102	Diethyleneglycol dinitrate, desensitized
UN 0076	102	Dinitrophenol
UN 0077	102	Dinitrophenates
UN 0078	102	Dinitroresorcinol
UN 0079	102	Hexanitrodiphenylamine
UN 0081	102	Explosives, blasting, Type A
UN 0082	102	Explosives, blasting, Type B
UN 0083	102	Explosives, blasting, Type C
UN 0084	102	Explosives, blasting, Type D
UN 0092	102	Flares, surface
UN 0093	102	Flares, aerial
UN 0094	102	Photo-flash powder
UN 0096	102	Photo-flash powder
UN 0099	102	Fracturing devices, explosive
UN 0101	102	Fuse, instantaneous, non-detonating
UN 0102	102	Cord, detonating
UN 0103	102	Fuse, igniter
UN 0104	102	Cord, detonating, mild-effect
UN 0105	102	Fuse, safety
UN 0106	102	Fuzes, detonating
UN 0107	102	Fuzes, detonating
UN 0110	102	Grenades, practice
UN 0113	102	Guanyl nitrosamino guanylidene hydrazine
UN 0114	102	Guanyl nitrosamino guanyl tetrazone
UN 0118	102	Hexolite
UN 0121	102	Igniters
UN 0124	102	Jet perforating guns, charged
UN 0129	102	Lead azide
UN 0130	102	Lead styphnate
UN 0131	102	Lighters, fuse
UN 0132	102	Deflagrating metal salts of aromatic nitro-derivatives, n.o.s.
UN 0133	102	Mannitol hexanitrate
UN 0135	102	Mercury fulminate
UN 0136	102	Mines
UN 0137	102	Mines
UN 0138	102	Mines
UN 0143	102	Nitroglycerine, desensitized
UN 0144	102	Nitroglycerine, spirit of
UN 0146	102	Nitrostarch
UN 0147	102	Nitro urea
UN 0150	102	Pentaerythrite tetranitrate, wetted
UN 0151	102	Pentolite
UN 0153	102	Trinitro-aniline
UN 0154	102	Trinitrophenol
UN 0155	102	Trinitrochlorobenzene
UN 0158	102	Potassium salts of nitro-aromatic derivatives
UN 0159	102	Powder cake, wetted
UN 0160	102	Powder, smokeless
UN 0161	102	Powder, smokeless
UN 0167	102	Projectiles
UN 0168	102	Projectiles
UN 0169	102	Projectiles
UN 0171	102	Ammunition, illuminating
UN 0173	102	Release devices, explosive
UN 0174	102	Rivets, explosive
UN 0180	102	Rockets
UN 0181	102	Rockets
UN 0182	102	Rockets
UN 0183	102	Rockets
UN 0186	102	Rocket motors
UN 0190	102	Samples, explosive
UN 0191	102	Signal devices, hand
UN 0192	102	Signals, railway track, explosive
UN 0193	102	Signals, railway track, explosive
UN 0194	102	Signals, distress
UN 0195	102	Signals, distress
UN 0196	102	Signals, smoke
UN 0197	102	Signals, smoke
UN 0203	102	Sodium salts of nitro-aromatic derivatives, n.o.s.
UN 0204	102	Sounding devices, explosive
UN 0206	102	Squibs
UN 0207	102	Tetranitro-aniline
UN 0208	102	Trinitrophenylmethylnitramine
UN 0209	102	Trinitrotoluene
UN 0212	102	Tracers for ammunition
UN 0213	102	Trinitroanisole
UN 0214	102	Trinitrobenzene

(1) Identification Number	(2) Source 172.***	(3) Description
UN 0215	102	Trinitrobenzoic acid
UN 0216	102	Trinitro-m-cresol
UN 0217	102	Trinitronaphthalene
UN 0218	102	Trinitrophenetole
UN 0219	102	Trinitroresorcinol
UN 0220	102	Urea nitrate
UN 0221	102	Warheads, torpedo
UN 0222	102	Ammonium nitrate
UN 0223	102	Ammonium nitrate fertilizers
UN 0224	102	Barium azide
UN 0225	102	Boosters, with detonator
UN 0226	102	Cyclotetramethylenetetranitramine, wetted
UN 0234	102	Sodium dinitro-o-cresolate
UN 0235	102	Sodium picramate
UN 0236	102	Zirconium picramate
UN 0237	102	Charges, shaped, flexible, linear
UN 0238	102	Rockets, line throwing
UN 0240	102	Rockets, line throwing
UN 0241	102	Explosives, blasting, Type E
UN 0242	102	Charges, propelling, for cannon
UN 0243	102	Ammunition, incendiary, white phosphorus
UN 0244	102	Ammunition, incendiary, white phosphorus
UN 0245	102	Ammunition, smoke, white phosphorus
UN 0246	102	Ammunition, smoke, white phosphorus
UN 0247	102	Ammunition, incendiary
UN 0248	102	Contrivances, water-activated
UN 0249	102	Contrivances, water-activated
UN 0250	102	Rocket motors
UN 0254	102	Ammunition, illuminating
UN 0255	102	Detonators, electric
UN 0257	102	Fuzes, detonating
UN 0266	102	Octolite
UN 0267	102	Detonators, non-electric
UN 0268	102	Boosters, with detonator
UN 0271	102	Charges, propelling, for rocket motors
UN 0272	102	Charges, propelling, for rocket motors
UN 0273	102	Charges, propelling, for rocket motors
UN 0274	102	Charges, propelling, for rocket motors
UN 0275	102	Cartridges, power device
UN 0276	102	Cartridges, power device
UN 0277	102	Cartridges, oil well
UN 0278	102	Cartridges, oil well
UN 0279	102	Charges, propelling, for cannon
UN 0280	102	Rocket motors
UN 0281	102	Rocket motors
UN 0282	102	Nitroguanidine
UN 0283	102	Boosters
UN 0284	102	Grenades
UN 0285	102	Grenades
UN 0286	102	Warheads, rocket
UN 0287	102	Warheads, rocket
UN 0288	102	Charges, shaped, flexible, linear
UN 0289	102	Cord, detonating
UN 0290	102	Cord, detonating
UN 0291	102	Bombs
UN 0292	102	Grenades
UN 0293	102	Grenades
UN 0294	102	Mines
UN 0295	102	Rockets
UN 0296	102	Sounding devices, explosive
UN 0297	102	Ammunition, illuminating
UN 0299	102	Bombs, photo-flash
UN 0300	102	Ammunition, incendiary
UN 0301	102	Ammunition, tear-producing
UN 0303	102	Ammunition, smoke
UN 0305	102	Photo-flash powder
UN 0306	102	Tracers for ammunition
UN 0312	102	Cartridges, signal
UN 0313	102	Signals, smoke
UN 0314	102	Igniters
UN 0315	102	Igniters
UN 0316	102	Fuzes, igniting
UN 0317	102	Fuzes, igniting
UN 0318	102	Grenades, practice
UN 0319	102	Primers, tubular
UN 0320	102	Primers, tubular
UN 0321	102	Cartridges for weapons
UN 0322	102	Rocket motors
UN 0323	102	Cartridges, power device
UN 0324	102	Projectiles
UN 0325	102	Igniters
UN 0326	102	Cartridges for weapons, blank
UN 0327	102	Cartridges for weapons, blank
UN 0328	102	Cartridges for weapons, with inert projectile
UN 0329	102	Torpedoes
UN 0330	102	Torpedoes
UN 0331	102	Explosives, blasting, Type B
UN 0332	102	Explosives, blasting, Type E
UN 0333	102	Fireworks, Type A
UN 0334	102	Fireworks, Type B
UN 0335	102	Fireworks, Type C
UN 0336	102	Fireworks, Type D
UN 0337	102	Fireworks, Type D
UN 0338	102	Cartridges for weapons, blank
UN 0339	102	Cartridges for weapons, with inert projectile
UN 0340	102	Nitrocellulose
UN 0341	102	Nitrocellulose
UN 0342	102	Nitrocellulose, wetted
UN 0343	102	Nitrocellulose, plasticized
UN 0344	102	Projectiles
UN 0345	102	Projectiles
UN 0346	102	Projectiles
UN 0347	102	Projectiles
UN 0348	102	Cartridges for weapons
UN 0349	102	Articles, explosive, n.o.s.
UN 0350	102	Articles, explosive, n.o.s.
UN 0351	102	Articles, explosive, n.o.s.
UN 0352	102	Articles, explosive, n.o.s.
UN 0353	102	Articles, explosive, n.o.s.
UN 0354	102	Articles, explosive, n.o.s.
UN 0355	102	Articles, explosive, n.o.s.
UN 0356	102	Articles, explosive, n.o.s.
UN 0357	102	Substances, explosive, n.o.s.
UN 0358	102	Substances, explosive, n.o.s.
UN 0359	102	Substances, explosive, n.o.s.
UN 0360	102	Detonator assemblies, non-electric
UN 0361	102	Detonator assemblies, non-electric
UN 0362	102	Ammunition, practice
UN 0363	102	Ammunition, proof
UN 0364	102	Detonators for ammunition
UN 0365	102	Detonators for ammunition
UN 0366	102	Detonators for ammunition
UN 0367	102	Fuzes, detonating
UN 0368	102	Fuzes, igniting
UN 0369	102	Warheads, rocket
UN 0370	102	Warheads, rocket
UN 0371	102	Warheads, rocket
UN 0372	102	Grenades, practice
UN 0373	102	Signal devices, hand
UN 0374	102	Sounding devices, explosive
UN 0375	102	Sounding devices, explosive
UN 0376	102	Primers, tubular
UN 0377	102	Primers, cap type
UN 0378	102	Primers, cap type
UN 0379	102	Cases, cartridge, empty, with primer
UN 0380	102	Articles, pyrophoric
UN 0381	102	Cartridges, power device
UN 0382	102	Components, explosive train, n.o.s.
UN 0383	102	Components, explosive train, n.o.s.
UN 0384	102	Components, explosive train, n.o.s.
UN 0385	102	5-Nitrobenzotriazol
UN 0386	102	Trinitrobenzenesulfonic acid
UN 0387	102	Trinitrofluorenone
UN 0388	102	Trinitrotoluene and hexanitrostilbene mixtures *or* Trinitrotoluene and trinitrobenzene mixtures
UN 0389	102	Trinitrotoluene mixtures containing trinitrobenzene and hexanitrostilbene
UN 0390	102	Tritonal
UN 0391	102	Cyclotrimethylenetrinitramine and cyclotetramethylenetetranitramine, mixtures, wetted
UN 0392	102	Hexanitrostilbene
UN 0393	102	Hexatonal, cast
UN 0394	102	Trinitroresorcinol
UN 0395	102	Rocket motors, liquid fueled
UN 0396	102	Rocket motors, liquid fueled
UN 0397	102	Rockets, liquid fueled
UN 0398	102	Rockets, liquid fueled
UN 0399	102	Bombs, containing flammable liquid
UN 0400	102	Bombs, containing flammable liquid
UN 0401	102	Dipicryl sulfide
UN 0402	102	Ammonium perchlorate
UN 0403	102	Flares, aerial
UN 0404	102	Flares, aerial
UN 0405	102	Cartridges, signal
UN 0406	102	Dinitrosobenzene
UN 0407	102	Tetrazol-1-acetic acid
UN 0408	102	Fuzes, detonating
UN 0409	102	Fuzes, detonating
UN 0410	102	Fuzes, detonating
UN 0411	102	Pentaerythrite tetranitrate
UN 0412	102	Cartridges for weapons
UN 0413	102	Cartridges for weapons, blank
UN 0414	102	Charges, propelling, for cannon
UN 0415	102	Charges, propelling, for rocket motors
UN 0416	102	Charges, propelling, for rocket motors
UN 0417	102	Cartridges for weapons, with inert projectile
UN 0418	102	Flares, surface
UN 0419	102	Flares, surface
UN 0420	102	Flares, aerial
UN 0421	102	Flares, aerial
UN 0422	102	Squibs
UN 0423	102	Squibs
UN 0424	102	Projectiles
UN 0425	102	Projectiles
UN 0426	102	Projectiles
UN 0427	102	Projectiles
UN 1001	101	Acetylene
UN 1002	102	Air
UN 1002	101	Air, compressed
UN 1003	102	Air
UN 1005	102	Ammonia
UN 1005	101	Ammonia, anhydrous
UN 1006	102	Argon
NA 1006	101	Argon *or* Argon, compressed
UN 1008	101	Boron trifluoride
UN 1009	101	Bromotrifluoromethane
UN 1010	102	Butadiene
UN 1010	101	Butadiene, inhibited
UN 1011	102	Butane *or* butane mixtures
UN 1012	102	Butylene
UN 1013	101	Carbon dioxide
UN 1014	102	Carbon dioxide and oxygen
UN 1014	101	Carbon dioxide-oxygen mixture
UN 1015	102	Carbon dioxide and nitrous oxide
UN 1015	101	Carbon dioxide-nitrous oxide mixture
UN 1016	101	Carbon monoxide
UN 1017	101	Chlorine
UN 1018	101	Chlorodifluoromethane
UN 1020	101	Chloropentafluoroethane
UN 1021	101	Chlorotetrafluoroethane
UN 1022	101	Chlorotrifluoromethane
UN 1023	102	Coal gas
UN 1026	102	Cyanogen
UN 1026	101	Cyanogen gas
UN 1027	101	Cyclopropane
UN 1027	102	Cyclopropane, liquefied
UN 1028	101	Dichlorodifluoromethane
UN 1029	102	Dichloromonofluoromethane
UN 1030	102	1,1-Difluoroethane
UN 1030	101	Difluoroethane
UN 1032	102	Dimethylamine
UN 1032	101	Dimethylamine, anhydrous
UN 1033	101	Dimethyl ether
UN 1035	102	Ethane
NA 1035	101	Ethane *or* Ethane, compressed
UN 1036	102	Ethylamine
UN 1036	101	Monoethylamine
UN 1037	101	Ethyl chloride
UN 1038	102	Ethylene
NA 1038	101	Ethylene, refrigerated liquid
UN 1039	101	Ethyl methyl ether
UN 1040	101	Ethylene oxide
UN 1041	102	Carbon dioxide and ethylene oxide mixtures
NA 1043	101	Crude nitrogen fertilizer solution
UN 1043	101	Fertilizer ammoniating solution
NA 1043	101	Nitrogen fertilizer solution
UN 1044	101	Fire extinguisher
UN 1044	102	Fire extinguishers
UN 1045	101	Fluorine
UN 1046	102	Helium
NA 1046	101	Helium *or* Helium, compressed
UN 1048	101	Hydrogen bromide
UN 1048	102	Hydrogen bromide, anhydrous
UN 1049	102	Hydrogen
NA 1049	101	Hydrogen *or* Hydrogen, compressed
NA 1050	101	Hydrogen chloride, anhydrous
UN 1050	102	Hydrogen chloride, anhydrous
NA 1051	101	Hydrocyanic acid, liquefied

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1051	102	Hydrogen cyanide, anhydrous, stabilized
UN 1052	101	Hydrogen fluoride
UN 1052	102	Hydrogen fluoride, anhydrous
UN 1053	101	Hydrogen sulfide
UN 1053	102	Hydrogen sulphide
UN 1055	102	Isobutylene
UN 1056	102	Krypton
UN 1057	101	Cigarette lighter
UN 1057	102	Lighters for cigars and cigarettes
NA 1058	101	Liquefied nonflammable gas
UN 1058	102	Liquefied non-flammable gases
UN 1060	102	Methyl acetylene and propadiene
UN 1060	101	Methylacetylene-propadiene, stabilized
UN 1061	102	Methylamine
UN 1061	101	Methylamine, anhydrous
UN 1062	102	Methyl bromide
UN 1062	101	Methyl bromide, liquid
UN 1063	101	Methyl chloride
UN 1064	101	Methyl mercaptan
UN 1064	102	Methylmercaptan
UN 1065	102	Neon
NA 1065	101	Neon *or* Neon, compressed
UN 1066	102	Nitrogen
NA 1066	101	Nitrogen *or* Nitrogen, compressed
UN 1067	102	Nitrogen dioxide
UN 1067	101	Nitrogen dioxide, liquid
NA 1067	101	Nitrogen peroxide, liquid
NA 1067	101	Nitrogen tetroxide, liquid
UN 1069	101	Nitrosyl chloride
UN 1070	102	Nitrous oxide
NA 1070	101	Nitrous oxide *or* Nitrous oxide, compressed
UN 1071	102	Oil gas
UN 1072	102	Oxygen
NA 1072	101	Oxygen *or* Oxygen, compressed
UN 1073	102	Oxygen
NA 1073	101	Oxygen, refrigerated liquid
UN 1075	101	Liquefied petroleum gas
UN 1075	102	Petroleum gases, liquefied
UN 1076	101	Phosgene
UN 1077	102	Propylene
UN 1078	102	Refrigerant gases, n.o.s.
UN 1078	101	Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.
UN 1079	101	Sulfur dioxide
UN 1079	102	Sulphur dioxide
UN 1080	101	Sulfur hexafluoride
UN 1080	102	Sulphur hexafluoride
UN 1081	101	Tetrafluoroethylene, inhibited
UN 1082	101	Trifluorochloroethylene
UN 1082	102	Trifluorochloroethylene, inhibited
UN 1083	101	Trimethylamine, anhydrous
UN 1085	102	Vinyl bromide
UN 1086	101	Vinyl chloride
UN 1087	101	Vinyl methyl ether
UN 1088	101	Acetal
UN 1089	101	Acetaldehyde
UN 1090	101	Acetone
UN 1091	101	Acetone oil
UN 1091	102	Acetone oils
UN 1092	101	Acrolein, inhibited
UN 1093	101	Acrylonitrile
UN 1093	102	Acrylonitrile, inhibited
UN 1098	101	Allyl alcohol
UN 1099	101	Allyl bromide
UN 1100	101	Allyl chloride
UN 1101	102	Diethylaluminium chloride
UN 1102	102	Triethylaluminium
UN 1103	102	Trimethylaluminium
UN 1104	101	Amyl acetate
UN 1104	102	Amyl acetates
UN 1105	102	Amyl alcohols
UN 1106	101	Amylamine
UN 1107	101	Amyl chloride
UN 1108	101	Amylene
UN 1108	102	n-Amylene
UN 1109	101	Amyl formate
UN 1109	102	Amyl formates
UN 1110	102	Amyl methyl ketone
UN 1110	101	Methyl amyl ketone
UN 1111	101	Amyl mercaptan
UN 1112	102	Amyl nitrate
UN 1113	101	Amyl nitrite
UN 1114	101	Benzene
UN 1115	101	Benzine
UN 1118	102	Brake fluid
UN 1120	102	Butanol
NA 1120	101	Butyl alcohol
UN 1120	102	sec-Butanol
UN 1120	102	tert-Butanol
UN 1123	101	Butyl acetate
UN 1123	102	Butyl acetates
UN 1125	101	Butylamine
UN 1125	102	n-Butylamine
UN 1126	101	Butyl bromide
UN 1126	102	n-Butyl bromide
UN 1127	101	Butyl chloride
UN 1127	102	Chlorobutanes
UN 1128	101	Butyl formate
UN 1128	102	n-Butyl formate
UN 1129	101	Butyraldehyde
UN 1130	101	Camphor oil
UN 1131	101	Carbon bisulfide, *or* Carbon disulfide
UN 1131	102	Carbon disulphide
UN 1132	102	Carbon remover
UN 1132	101	Carbon remover, liquid
UN 1133	101	Adhesive
UN 1133	102	Adhesives
NA 1133	101	Cement
NA 1133	101	Cement, container, linoleum, tile, *or* wallboard, liquid
NA 1133	101	Cement, leather
NA 1133	101	Cement, pyroxylin
NA 1133	101	Cement, roofing, liquid
NA 1133	101	Cement, rubber
UN 1134	101	Chlorobenzene
UN 1135	101	Ethylene chlorohydrin
UN 1136	101	Coal tar distillate
NA 1136	101	Coal tar light oil
NA 1136	101	Coal tar oil
UN 1137	101	Coal tar distillate
NA 1137	101	Coal tar light oil
NA 1137	101	Coal tar oil
UN 1139	101	Coating solution
NA 1142	101	Antifreeze compound, liquid
NA 1142	101	Antifreeze preparation, liquid
NA 1142	101	Compound, polishing, liquid
NA 1142	101	Compound, vulcanizing, liquid
NA 1142	101	Dressing, leather
UN 1142	102	Flammable liquid preparations, n.o.s.
NA 1142	101	Leather bleach *or* dressing
NA 1142	101	Polish, metal, stove, furniture *or* wood, liquid
NA 1142	101	Rust preventive coating
UN 1143	101	Crotonaldehyde
UN 1143	102	Crotonaldehyde, inhibited
UN 1144	101	Crotonylene
UN 1145	101	Cyclohexane
UN 1146	101	Cyclopentane
UN 1147	101	Decahydronaphthalene
UN 1148	102	Diacetone alchohol
UN 1148	101	Diacetone alcohol
UN 1149	101	Butyl ether
UN 1149	102	Dibutyl ethers
UN 1150	101	Dichloroethylene
UN 1152	101	Dichloropentane
UN 1152	102	Dichloropentanes
UN 1153	101	Ethylene glycol diethyl ether
UN 1154	101	Diethylamine
UN 1155	102	Diethyl ether
UN 1155	101	Ethyl ether
UN 1156	101	Diethyl ketone
UN 1157	101	Diisobutyl ketone
UN 1158	101	Diisopropylamine
UN 1159	101	Diisopropyl ether
UN 1160	101	Dimethylamine, aqueous solution
UN 1160	102	Dimethylamine, solution
UN 1161	101	Dimethyl carbonate
UN 1162	101	Dimethyldichlorosilane
UN 1163	101	Dimethylhydrazine, unsymmetrical
UN 1164	101	Dimethyl sulfide
UN 1164	102	Dimethyl sulphide
UN 1165	101	Dioxane
UN 1166	101	Dioxolane
UN 1167	101	Divinyl ether
UN 1167	102	Divinyl ether, inhibited
UN 1168	102	Driers
UN 1168	101	Driers, paint *or* varnish, liquid, n.o.s.
UN 1169	102	Extracts, aromatic, liquid
UN 1170	101	Alcoholic beverage
NA 1170	101	Cologne spirits
UN 1170	102	Ethanol *or* Ethanol solutions
UN 1170	101	Ethyl alcohol
UN 1171	101	Ethylene glycol monoethyl ether
UN 1172	101	Ethylene glycol monoethyl ether acetate
UN 1173	101	Ethyl acetate
UN 1175	101	Ethyl benzene
UN 1175	102	Ethylbenzene
UN 1176	101	Ethyl borate
UN 1177	102	Ethylbutyl acetate
UN 1177	101	Ethyl butyl acetate
UN 1178	102	2-Ethylbutyraldehyde
UN 1178	101	Ethyl butyraldehyde
UN 1179	101	Ethyl butyl ether
UN 1180	101	Ethyl butyrate
UN 1181	101	Ethyl chloroacetate
UN 1182	101	Ethyl chloroformate
UN 1183	101	Ethyl dichlorosilane
UN 1183	102	Ethyldichlorosilane
UN 1184	101	Ethylene dichloride
UN 1185	102	Ethyleneimine
UN 1185	101	Ethylene imine, inhibited
UN 1188	101	Ethylene glycol monomethyl ether
UN 1189	101	Ethylene glycol monomethyl ether acetate
UN 1190	101	Ethyl formate
UN 1191	102	Ethyl hexaldehyde
UN 1191	101	Ethylhexaldehyde
UN 1192	101	Ethyl lactate
UN 1193	101	Ethyl methyl ketone
UN 1193	101	Methyl ethyl ketone
UN 1194	101	Ethyl nitrite (nitrous ether)
UN 1194	102	Ethyl nitrite, solutions
UN 1195	101	Ethyl propionate
UN 1196	101	Ethyl trichlorosilane
UN 1196	102	Ethyltrichlorosilane
UN 1197	101	Extract, liquid, flavoring
UN 1197	102	Extracts, flavouring, liquid
UN 1198	101	Formaldehyde solution
UN 1198	102	Formaldehyde solutions
UN 1199	101	Furfural
UN 1201	101	Fusel oil
UN 1202	102	Gas oil
UN 1203	101	Gasoline
(UN 1203)	102	Motor fuel, n.o.s.
NA 1203	101	Motor fuel, n.o.s.
UN 1204	102	Nitroglycerin solution, in alcohol
NA 1204	101	Spirits of nitroglycerin
NA 1204	101	Spirits of nitroglycerin, not exceeding 1% nitroglycerin by weight
UN 1205	102	Gutta percha solution
UN 1206	101	Heptane
UN 1207	101	Hexaldehyde
UN 1208	101	Hexane
UN 1208	101	Neohexane
UN 1210	101	Ink
UN 1210	102	Ink, printers
UN 1212	102	Isobutanol
UN 1213	101	Isobutyl acetate
UN 1214	101	Isobutylamine
UN 1216	101	Isooctene
UN 1218	101	Isoprene
UN 1218	102	Isoprene, inhibited
UN 1219	101	Isopropanol
UN 1220	101	Isopropyl acetate
UN 1221	101	Isopropylamine
UN 1222	101	Isopropyl nitrate
UN 1223	101	Kerosene
UN 1224	102	Ketones, liquid, n.o.s.
UN 1226	101	Cigarette lighter
UN 1226	101	Lighter fluid
UN 1226	102	Lighter fuels
UN 1226	102	Lighters
NA 1228	101	Mercaptan mixture, aliphatic
UN 1228	102	Mercaptans, liquid, n.o.s. *or* Mercaptan mixtures, liquid, n.o.s.
UN 1229	101	Mesityl oxide
NA 1230	101	Columbian spirits
UN 1230	102	Methanol
UN 1230	101	Methyl alcohol
UN 1231	101	Methyl acetate
UN 1232	101	Methyl acetone
UN 1233	101	Methylamyl acetate
UN 1234	101	Methylal
UN 1235	101	Methylamine, aqueous solution
UN 1237	101	Methyl butyrate
UN 1238	101	Methyl chloroformate
UN 1239	102	Methylchloromethyl ether
UN 1239	101	Methylchloromethyl ether, anhydrous
UN 1242	101	Methyl dichlorosilane
UN 1242	102	Methyldichlorosilane
UN 1243	101	Methyl formate
UN 1244	101	Methylhydrazine
UN 1245	102	Methyl isobutyl ketone

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1246	102	Methyl isopropenyl ketone
UN 1246	101	Methyl isopropenyl ketone, inhibited
UN 1247	102	Methyl methacrylate
UN 1247	101	Methyl methacrylate monomer, inhibited
NA 1247	101	Methyl methacrylate monomer, uninhibited
UN 1248	101	Methyl propionate
UN 1249	101	Methyl propyl ketone
UN 1250	101	Methyltrichlorosilane
UN 1251	102	Methyl vinyl ketone
UN 1251	101	Methyl vinyl ketone, inhibited
UN 1255	102	Naphtha, petroleum
UN 1255	101	Petroleum naphtha
UN 1256	101	Naphtha, solvent
UN 1257	102	Casinghead gasoline
UN 1259	101	Nickel carbonyl
UN 1261	101	Nitromethane
UN 1262	101	Isooctane
UN 1262	101	Octane
UN 1263	101	Lacquer base *or* Lacquer chips, plastic
UN 1263	101	Paint
NA 1263	101	Paint related material
UN 1263	102	Paints, enamels, lacquers, stains, shellac
UN 1264	101	Paraldehyde
UN 1265	101	Isopentane
UN 1265	101	Pentane
UN 1265	102	Pentanes
UN 1266	102	Perfumery products
UN 1267	101	Crude oil, petroleum
UN 1267	102	Petroleum crude oil
NA 1268	101	Naphtha distillate
UN 1268	101	Petroleum distillate
UN 1268	102	Petroleum distillates, n.o.s.
NA 1268	101	Road oil
NA 1270	101	Oil
UN 1270	102	Petroleum oil
UN 1271	101	Petroleum ether
UN 1271	102	Petroleum spirit
UN 1272	101	Pine oil
UN 1274	102	Propanol
UN 1274	101	Propyl alcohol
UN 1275	101	Propionaldehyde
UN 1276	102	n-Propyl acetate
UN 1276	101	Propyl acetate
UN 1277	102	Monopropylamine
UN 1277	101	Propylamine
UN 1278	101	Propyl chloride
UN 1279	101	Propylene dichloride
UN 1280	101	Propylene oxide
UN 1281	101	Propyl formate
UN 1281	102	Propyl formates
UN 1282	101	Pyridine
UN 1286	102	Rosin oil
UN 1287	102	Rubber solution
UN 1288	102	Shale oil
NA 1289	101	Sodium methylate, alcohol mixture
UN 1289	102	Sodium methylate, solutions
UN 1292	101	Ethyl silicate
UN 1292	102	Tetraethyl silicate
UN 1293	102	Tinctures, medicinal
UN 1294	101	Toluene
UN 1295	101	Trichlorosilane
UN 1296	101	Triethylamine
UN 1297	102	Trimethylamine
UN 1297	101	Trimethylamine, aqueous solution
UN 1298	101	Trimethylchlorosilane
UN 1299	101	Turpentine
UN 1300	101	Turpentine substitute
UN 1301	101	Vinyl acetate
UN 1302	102	Vinyl ethyl ether
UN 1302	101	Vinyl ethyl ether, inhibited
UN 1303	102	Vinylidene chloride
UN 1303	101	Vinylidene chloride, inhibited
UN 1304	101	Vinyl isobutyl ether
UN 1305	101	Vinyl trichlorosilane
UN 1305	102	Vinyl trichlorosilane, inhibited
UN 1307	101	Xylene
UN 1307	102	Xylenes
UN 1308	102	Zirconium
UN 1308	101	Zirconium, metal, liquid, suspensions
UN 1309	102	Aluminium powder, coated
UN 1310	101	Ammonium picrate, wet
UN 1310	102	Ammonium picrate, wetted
UN 1312	102	Borneol
UN 1313	101	Calcium resinate
UN 1314	101	Calcium resinate, fused
UN 1318	102	Cobalt resinate
UN 1318	101	Cobalt resinate, precipitated
UN 1320	102	Dinitrophenol, wetted
UN 1321	102	Dinitrophenolates, wetted
UN 1322	102	Dinitroresorcinol, wetted
UN 1323	102	Ferrocerium
NA 1324	101	Film
UN 1324	102	Film, motion picture
NA 1325	101	Antimony sulfide, solid
NA 1325	101	Burnt cotton, not repicked
NA 1325	101	Cosmetics, n.o.s.
NA 1325	101	Drugs, n.o.s.
UN 1325	101	Flammable solid, n.o.s.
UN 1325	102	Flammable solids, n.o.s.
NA 1325	101	Fusee
NA 1325	101	Garbage tankage
NA 1325	101	N-Methyl-N'-nitro-N-nitrosoguanidine
NA 1325	101	Paper stock, wet
NA 1325	101	Pyroxylin plastic, rods, sheets, rolls, *or* tubes
NA 1325	101	Pyroxylin plastic, scrap
NA 1325	101	Rags, wet
NA 1325	101	Rough ammoniate tankage
NA 1325	101	Smokeless powder for small arms
NA 1325	101	Tankage fertilizer
NA 1325	101	Tankage, rough ammoniate
NA 1325	101	Waste paper, wet
UN 1326	102	Hafnium
UN 1326	101	Hafnium metal, wet
UN 1327	102	Bhusa
UN 1327	101	Hay
UN 1327	101	Hay or straw
UN 1327	102	Straw
UN 1328	102	Hexamine
UN 1330	102	Manganese resinate
UN 1331	102	Matches
UN 1331	101	Matches, strike anywhere
UN 1332	102	Metaldehyde
UN 1333	102	Cerium, crude
UN 1334	102	Naphthalene, crude *or* refined
UN 1334	101	Naphthalene *or* Naphthalin
UN 1336	102	Nitroguanidine, wetted
UN 1336	101	Nitroguanidine, wet with not less than 20% water
UN 1337	102	Nitrostarch, wetted
UN 1337	101	Nitrostarch, wet with not less than 20% water
NA 1337	101	Nitrostarch, wet with not less than 30% alcohol *or* solvent
UN 1338	102	Phosphorus, amorphous
UN 1338	101	Phosphorus, amorphous, red
UN 1339	101	Phosphorus heptasulfide
UN 1339	102	Phosphorus heptasulphide
UN 1340	101	Phosphorus pentasulfide
UN 1340	102	Phosphorus pentasulphide
UN 1341	101	Phosphorus sesquisulfide
UN 1341	102	Phosphorus sesquisulphide
UN 1343	101	Phosphorus trisulfide
UN 1343	102	Phosphorus trisulphide
NA 1344	101	Picric acid, wet, with not less than 10% water
UN 1344	102	Trinitrophenol, wetted
UN 1345	102	Rubber scrap
UN 1345	101	Rubber scrap *or* Rubber buffings
UN 1345	101	Rubber shoddy *or* Rubber, regenerated *or* Rubber, reclaimed
UN 1346	102	Silicon powder
UN 1347	102	Silver picrate, wetted
UN 1348	102	Sodium dinitro-o-cresolate, wetted
UN 1349	101	Sodium picramate, wet
UN 1349	102	Sodium picramate, wetted
UN 1350	101	Sulfur, solid
UN 1350	102	Sulphur
UN 1352	102	Titanium
UN 1352	101	Titanium metal powder, wet with 20% or more water
UN 1353	102	Toe puffs
UN 1354	101	Trinitrobenzene, wet
UN 1354	102	Trinitrobenzene, wetted
UN 1355	101	Trinitrobenzoic acid, wet
UN 1355	102	Trinitrobenzoic acid, wetted
UN 1356	101	Trinitrotoluene, wet
UN 1356	102	Trinitrotoluene, wetted
UN 1357	101	Urea nitrate, wet
UN 1357	102	Urea nitrate, wetted
UN 1358	102	Zirconium
UN 1358	101	Zirconium metal, wet
UN 1359	102	Bags
UN 1359	101	Bags, sodium nitrate, empty and unwashed
UN 1360	101	Calcium phosphide
UN 1361	102	Carbon
NA 1361	101	Charcoal briquettes *or* briquets
NA 1361	101	Charcoal screenings, made from 'pinon' wood
NA 1361	101	Charcoal, shell
NA 1361	101	Charcoal, wood, ground, crushed, granulated, *or* pulverized
NA 1361	101	Charcoal, wood, lump
NA 1361	101	Charcoal wood screenings, other than 'pinon' wood screenings
NA 1361	101	Coal, ground bituminous, sea coal, coal facings
UN 1362	102	Carbon, activated
UN 1362	101	Charcoal, activated
UN 1363	101	Copra
UN 1364	101	Cotton waste, oily
UN 1365	102	Cotton
UN 1366	102	Diethylzinc
UN 1367	102	Diethylmagnesium
UN 1368	102	Dimethylmagnesium
UN 1369	102	p-Nitrosodimethylaniline
UN 1370	102	Dimethylzinc
UN 1371	102	Driers
NA 1372	101	Burnt fiber
NA 1372	101	Fibers
NA 1372	101	Fibers, burnt
UN 1372	102	Fibres, animal or vegetable
NA 1372	101	Hair, wet
NA 1373	101	Fibers *or* fabric, containing more than 5% animal *or* vegetable oil
UN 1373	102	Fibres *or* Fabric, animal *or* vegetable
UN 1374	102	Fishmeal *or* fishscrap
NA 1374	101	Fish meal *or* fish scrap containing less than 6% or more than 12% water
UN 1375	102	Fuel, pyrophoric, n.o.s.
UN 1376	101	Iron mass *or* sponge, spent
UN 1376	102	Iron oxide
UN 1378	101	Nickel catalyst, wet
UN 1378	102	Nickel catalyst, wetted
UN 1379	102	Paper, unsaturated oil treated
UN 1380	101	Pentaborane
UN 1381	102	Phosphorus
UN 1381	101	Phosphorus, white *or* yellow, dry
UN 1381	101	Phosphorus, white *or* yellow, in water
UN 1382	101	Potassium sulfide
UN 1382	102	Potassium sulphide, anhydrous *or* Potassium sulphide
NA 1383	101	Iron mass *or* sponge
UN 1383	102	Pyrophoric metals, n.o.s. *or* Pyrophoric alloys, n.o.s.
UN 1384	102	Sodium dithionite
UN 1384	101	Sodium hydrosulfite
UN 1385	101	Sodium sulfide, anhydrous
UN 1385	102	Sodium sulphide, anhydrous *or* Sodium sulphide
UN 1386	102	Seed cake
UN 1387	101	Waste wool, wet
UN 1387	102	Wool waste
UN 1389	102	Alkali metal amalgams, n.o.s.
UN 1390	102	Alkali metal amides, n.o.s.
UN 1391	102	Alkali metal dispersions, n.o.s. *or* Alkali earth metal dispersions, n.o.s.
UN 1392	102	Alkaline earth metal amalgams, n.o.s.
UN 1393	102	Alkaline earth metal alloys, n.o.s.
UN 1394	102	Aluminium carbide
UN 1395	102	Aluminium ferrosilicon
UN 1396	102	Aluminium, powder, uncoated
UN 1396	101	Aluminum, metallic, powder
UN 1397	102	Aluminium phosphide
UN 1397	101	Aluminum phosphide
UN 1398	102	Aluminium silicon
UN 1399	102	Barium
UN 1400	102	Barium
UN 1401	102	Calcium
UN 1401	101	Calcium, metal
NA 1401	101	Calcium, metal, crystalline
UN 1402	101	Calcium carbide
UN 1403	102	Calcium cyanamide
UN 1403	101	Calcium cyanamide, not hydrated
UN 1404	102	Calcium hydride
UN 1405	102	Calcium silicide
UN 1406	101	Calcium silicon

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1407	102	Caesium
UN 1407	101	Cesium metal
UN 1408	101	Ferrosilicon
UN 1409	102	Hydrides
UN 1410	102	Lithium aluminium hydride
UN 1410	101	Lithium aluminum hydride
UN 1411	102	Lithium aluminium hydride
UN 1411	101	Lithium aluminum hydride, ethereal
UN 1412	102	Lithium amide
UN 1412	101	Lithium amide, powdered
UN 1413	101	Lithium borohydride
UN 1414	101	Lithium hydride
UN 1415	102	Lithium
UN 1415	101	Lithium metal
UN 1415	101	Lithium metal, in cartridges
UN 1417	101	Lithium silicon
UN 1418	102	Magnesium powder *or* Magnesium alloys, powder
UN 1419	102	Magnesium aluminium phosphide
UN 1419	101	Magnesium aluminum phosphide
UN 1420	102	Potassium, metal alloys
UN 1420	101	Potassium, metal liquid alloy
UN 1421	102	Alkali metal alloys, liquid
NA 1421	101	Sodium, metal liquid alloy
UN 1422	102	Potassium-sodium
UN 1422	101	Sodium potassium alloy, liquid
UN 1422	101	Sodium potassium alloy, solid
UN 1423	102	Rubidium
UN 1423	101	Rubidium metal
UN 1423	101	Rubidium metal, in cartridges
UN 1424	102	Sodium amalgam
UN 1425	101	Sodium amide
UN 1426	102	Sodium borohydride
UN 1427	101	Sodium hydride
UN 1428	102	Sodium
UN 1428	101	Sodium, metal *or* metallic
UN 1429	102	Sodium
UN 1429	101	Sodium, metal dispersion in organic solvent
UN 1431	102	Sodium methylate
UN 1431	101	Sodium methylate, dry
UN 1432	101	Sodium phosphide
UN 1433	101	Stannic phosphide
UN 1433	102	Stannic phosphides
UN 1434	102	Strontium
UN 1435	102	Zinc ashes
UN 1436	102	Zinc powder *or* zinc dust
UN 1437	101	Zirconium hydride
UN 1438	102	Aluminium nitrate
UN 1438	101	Aluminum nitrate
UN 1439	101	Ammonium dichromate
UN 1442	101	Ammonium perchlorate
UN 1444	102	Ammonium persulphate
UN 1445	101	Barium chlorate
NA 1445	101	Barium chlorate, wet
UN 1446	101	Barium nitrate
UN 1447	101	Barium perchlorate
UN 1448	101	Barium permanganate
UN 1449	102	Barium peroxide
UN 1449	101	Barium peroxide
UN 1450	102	Bromates, inorganic, n.o.s.
UN 1451	102	Caesium nitrate
UN 1452	101	Calcium chlorate
UN 1453	101	Calcium chlorite
UN 1454	101	Calcium nitrate
UN 1455	102	Calcium perchlorate
UN 1456	101	Calcium permanganate
UN 1457	101	Calcium peroxide
UN 1458	101	Chlorate and borate mixture
UN 1458	102	Chlorate and borate, mixtures
UN 1459	101	Chlorate and magnesium chloride mixture
UN 1459	102	Chlorate and magnesium chloride, mixture
UN 1461	101	Chlorate, n.o.s.
NA 1461	101	Chlorate, n.o.s., wet
UN 1461	102	Chlorates, inorganic, n.o.s.
UN 1462	102	Chlorites, inorganic, n.o.s.
NA 1463	101	Chromic acid mixture, dry
NA 1463	101	Chromic acid, solid
UN 1463	102	Chromium trioxide, anhydrous
UN 1465	102	Didymium nitrate
UN 1466	101	Ferric nitrate
UN 1467	101	Guanidine nitrate
UN 1469	101	Lead nitrate
UN 1470	102	Lead perchlorate
UN 1471	101	Lithium hypochlorite compound, dry
UN 1471	102	Lithium hypochlorite, dry *or* Lithium hypochlorite mixtures
UN 1472	101	Lithium peroxide
UN 1473	102	Magnesium bromate
UN 1474	101	Magnesium nitrate
UN 1475	101	Magnesium perchlorate
UN 1476	102	Magnesium peroxide
UN 1476	101	Magnesium peroxide, solid
NA 1477	101	Ammonium sulfate nitrate
NA 1477	101	Nitrate, n.o.s.
UN 1477	102	Nitrates, inorganic, n.o.s.
UN 1478	102	Sodium nitrate and potash, mixtures
NA 1479	101	Compound, tree *or* weed killing, solid
NA 1479	101	Cosmetics, n.o.s.
NA 1479	101	Cupric nitrate
NA 1479	101	Drugs, n.o.s.
UN 1479	101	Oxidizer, n.o.s. *or* Oxidizing material, n.o.s.
UN 1479	102	Oxidizing substances, n.o.s.
NA 1479	101	Potassium dichromate
NA 1479	101	Sodium dichromate
NA 1481	101	Perchlorate, n.o.s.
UN 1481	102	Perchlorates, inorganic, n.o.s.
NA 1482	101	Permanganate, n.o.s.
UN 1482	102	Permanganates, inorganic, n.o.s.
UN 1483	102	Peroxides, inorganic, n.o.s.
UN 1484	101	Potassium bromate
UN 1485	101	Potassium chlorate
UN 1486	101	Potassium nitrate
UN 1487	102	Potassium nitrate and sodium nitrite, mixture
UN 1487	101	Sodium nitrite mixed with potassium nitrate
NA 1487	101	Sodium nitrite mixture
UN 1488	101	Potassium nitrite
UN 1489	101	Potassium perchlorate
UN 1490	101	Potassium permanganate
UN 1491	101	Potassium peroxide
UN 1492	102	Potassium persulphate
UN 1493	101	Silver nitrate
UN 1494	101	Sodium bromate
UN 1495	101	Sodium chlorate
UN 1496	101	Sodium chlorite
UN 1498	101	Sodium nitrate
UN 1499	102	Sodium nitrate and potassium nitrate
UN 1500	101	Sodium nitrite
UN 1502	101	Sodium perchlorate
UN 1503	101	Sodium permanganate
UN 1504	101	Sodium peroxide
UN 1505	102	Sodium persulphate
UN 1506	101	Strontium chlorate
UN 1506	101	Strontium chlorate, wet
UN 1507	101	Strontium nitrate
UN 1508	102	Strontium perchlorate
UN 1509	101	Strontium peroxide
UN 1510	101	Tetranitromethane
UN 1511	102	Urea hydrogen peroxide
NA 1511	101	Urea peroxide
UN 1512	101	Zinc ammonium nitrite
UN 1513	101	Zinc chlorate
UN 1514	101	Zinc nitrate
UN 1515	101	Zinc permanganate
UN 1516	101	Zinc peroxide
UN 1517	101	Zirconium picramate, wet
UN 1517	102	Zirconium picramate, wetted
UN 1541	101	Acetone cyanohydrin
UN 1544	102	Alkaloids, n.o.s. *or* Alkaloid salts, n.o.s.
UN 1545	102	Allyl isothiocyanate
UN 1546	102	Ammonium arsenate
UN 1546	101	Ammonium arsenate, solid
UN 1547	102	Aniline
UN 1547	101	Aniline oil, liquid
UN 1548	102	Aniline hydrochloride
UN 1549	102	Antimony compounds, inorganic, n.o.s.
NA 1549	101	Antimony tribromide, solid
NA 1549	101	Antimony tribromide solution
NA 1549	101	Antimony trifluoride, solid
NA 1549	101	Antimony trifluoride solution
UN 1550	102	Antimony lactate
UN 1550	101	Antimony lactate, solid
UN 1551	102	Antimony potassium tartrate
UN 1551	101	Antimony potassium tartrate, solid
UN 1553	102	Arsenic acid, liquid
UN 1553	101	Arsenic acid solution
UN 1554	101	Arsenic acid, solid
UN 1555	102	Arsenic bromide
UN 1555	101	Arsenic bromide, solid
UN 1556	101	Arsenical compound, liquid, n.o.s., *or* Arsenical mixture, liquid, n.o.s.
UN 1556	102	Arsenic compounds, liquid, n.o.s.
NA 1556	101	Methyldichloroarsine
NA 1556	101	Phenyldichloroarsine
UN 1557	101	Arsenical compound, solid, n.o.s., *or* Arsenical mixture, solid, n.o.s.
NA 1557	101	Arsenical dip, liquid
UN 1557	102	Arsenic compounds, solid, n.o.s.
NA 1557	101	Arsenic iodide, solid
NA 1557	101	Arsenic sulfide, solid
NA 1557	101	Arsenic trisulfide
UN 1558	102	Arsenic
UN 1558	101	Arsenic, solid
UN 1559	102	Arsenic pentoxide
UN 1559	101	Arsenic pentoxide, solid
UN 1560	102	Arsenic trichloride
UN 1560	101	Arsenic trichloride, liquid
UN 1561	102	Arsenic trioxide
UN 1561	101	Arsenic trioxide, solid
UN 1562	101	Arsenical dust
UN 1564	102	Barium compounds, n.o.s.
UN 1565	102	Barium cyanide
UN 1565	101	Barium cyanide, solid
NA 1566	101	Beryllium chloride
UN 1566	101	Beryllium compound, n.o.s.
UN 1566	102	Beryllium compounds
NA 1566	101	Beryllium fluoride
UN 1567	102	Beryllium
UN 1569	102	Bromoacetone
UN 1569	101	Bromoacetone, liquid
UN 1570	102	Brucine
UN 1570	101	Brucine, solid
UN 1571	101	Barium azide, wet
UN 1571	102	Barium azide, wetted
UN 1572	102	Cacodylic acid
UN 1573	102	Calcium arsenate
UN 1573	101	Calcium arsenate, solid
UN 1574	102	Calcium arsenate and arsenite
NA 1574	101	Calcium arsenite, solid
UN 1575	102	Calcium cyanide
UN 1575	101	Calcium cyanide, solid *or* Calcium cyanide mixture, solid
UN 1577	102	Chlorodinitrobenzene
UN 1577	101	Dinitrochlorobenzene
UN 1578	102	Chloronitrobenzenes
UN 1578	101	Nitrochlorobenzene, meta *or* para, solid
UN 1578	101	Nitrochlorobenzene, ortho, liquid
UN 1579	101	4-Chloro-o-toluidine hydrochloride
UN 1580	102	Chloropicrin
UN 1580	101	Chloropicrin, liquid
UN 1581	102	Chloropicrin and methyl bromide
NA 1581	101	Methyl bromide and more than 2% chloropicrin mixture, liquid
UN 1582	102	Chloropicrin and methyl chloride
UN 1582	101	Chloropicrin and methyl chloride mixture
NA 1583	101	Chloropicrin, absorbed
UN 1583	101	Chloropicrin mixture
UN 1583	102	Chloropicrin mixtures, n.o.s.
UN 1584	102	Cocculus
UN 1584	101	Cocculus, solid
UN 1585	102	Copper acetoarsenite
UN 1585	101	Copper acetoarsenite, solid
UN 1586	102	Copper arsenite
UN 1586	101	Copper arsenite, solid
UN 1587	101	Copper cyanide
UN 1588	101	Cyanide *or* cyanide mixture, dry
UN 1588	102	Cyanides, inorganic, n.o.s.
UN 1589	101	Cyanogen chloride
UN 1590	102	Dichloroanilines
UN 1591	101	Dichlorobenzene, ortho, liquid
UN 1591	102	o-Dichlorobenzene
UN 1592	101	Dichlorobenzene, para, solid
UN 1592	102	p-Dichlorobenzene
UN 1593	102	Dichloromethane
UN 1593	101	Dichloromethane *or* Methylene chloride
UN 1594	102	Diethyl sulphate
UN 1595	101	Dimethyl sulfate
UN 1595	102	Dimethyl sulphate
UN 1596	102	Dinitroanilines
UN 1597	102	Dinitrobenzenes
UN 1597	101	Dinitrobenzene, solid, *or* Dinitrobenzol, solid
UN 1597	101	Dinitrobenzene solution
UN 1598	102	Dinitro-o-cresol
UN 1599	101	Dinitrophenol solution

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1599	102	Dinitrophenol, solution
UN 1600	101	Dinitrotoluene, liquid
UN 1600	102	Dinitrotoluenes, molten
UN 1601	101	Disinfectant, liquid
UN 1601	102	Disinfectants, n.o.s.
UN 1601	101	Disinfectant, solid
UN 1602	102	Dyes, n.o.s. *or* Dye intermediates, n.o.s.
UN 1603	102	Ethyl bromoacetate
UN 1604	101	Ethylenediamine
UN 1605	101	Ethylene dibromide
UN 1606	102	Ferric arsenate
UN 1606	101	Ferric arsenate, solid
UN 1607	102	Ferric arsenite
UN 1607	101	Ferric arsenite, solid
UN 1608	102	Ferrous arsenate
UN 1608	101	Ferrous arsenate, solid
UN 1610	102	Halogenated irritating liquids, n.o.s.
UN 1611	102	Hexaethyl tetraphosphate
UN 1611	101	Hexaethyl tetraphosphate, liquid
UN 1612	102	Hexaethyl tetraphosphate and compressed gas
UN 1612	101	Hexaethyl tetraphosphate and compressed gas mixture
UN 1613	102	Hydrocyanic acid, aqueous solutions
UN 1613	101	Hydrocyanic acid solution
UN 1613	101	Hydrocyanic acid solution, less than 5% hydrocyanic acid
UN 1614	102	Hydrogen cyanide, anhydrous, stabilized
UN 1616	101	Lead acetate
UN 1617	102	Lead arsenates
UN 1617	101	Lead arsenate, solid
UN 1618	102	Lead arsenites
UN 1618	101	Lead arsenite, solid
UN 1620	101	Lead cyanide
UN 1621	102	London purple
UN 1621	101	London purple, solid
UN 1622	102	Magnesium arsenate
UN 1622	101	Magnesium arsenate, solid
UN 1623	102	Mercuric arsenate
UN 1624	102	Mercuric chloride
UN 1624	101	Mercuric chloride, solid
UN 1625	101	Mercuric nitrate
UN 1626	102	Mercuric potassium cyanide
UN 1626	101	Mercuric potassium cyanide, solid
UN 1627	102	Mercurous nitrate
UN 1627	101	Mercurous nitrate, solid
UN 1628	101	Mercurous sulfate, solid
UN 1628	102	Mercurous sulphate
UN 1629	101	Mercuric acetate
UN 1629	101	Mercurous acetate, solid
UN 1629	102	Mercury acetate
UN 1630	101	Mercuric ammonium chloride, solid
UN 1630	102	Mercury ammonium chloride
UN 1631	101	Mercuric benzoate, solid
UN 1631	102	Mercury benzoate
UN 1633	102	Mercury bisulphate
UN 1634	101	Mercuric bromide, solid
UN 1634	101	Mercurous bromide, solid
UN 1634	102	Mercury bromides
UN 1636	101	Mercuric cyanide, solid
UN 1636	102	Mercury cyanide
UN 1637	101	Mercurous gluconate, solid
UN 1637	102	Mercury gluconate
UN 1638	101	Mercuric iodide, solid
UN 1638	101	Mercuric iodide, solution
UN 1638	101	Mercurous iodide, solid
UN 1638	102	Mercury iodide
UN 1639	101	Mercurol *or* Mercury nucleate, solid
UN 1639	102	Mercury nucleate
UN 1640	101	Mercuric oleate, solid
UN 1640	102	Mercury oleate
UN 1641	101	Mercuric oxide, solid
UN 1641	101	Mercurous oxide, black, solid
UN 1641	102	Mercury oxide
UN 1642	101	Mercuric oxycyanide, solid
UN 1642	102	Mercury oxycyanide
UN 1643	101	Mercuric potassium iodide, solid
UN 1643	102	Mercury potassium iodide
UN 1644	101	Mercuric salicylate solid
UN 1644	102	Mercury salicylate
UN 1645	101	Mercuric sulfate, solid
UN 1645	102	Mercuric sulphate
UN 1646	101	Mercuric sulfocyanate, solid *or* Mercuric thiocyanate, solid
UN 1646	102	Mercury thiocyanate
UN 1647	102	Methyl bromide and ethylene dibromide mixtures, liquid
UN 1647	101	Methyl bromide - ethylene dibromide mixture, liquid
NA 1648	101	Acetonitrile
UN 1648	102	Methyl cyanide
UN 1649	101	Motor fuel antiknock compound *or* Antiknock compound
UN 1649	102	Motor fuel anti-knock mixtures
NA 1649	101	Tetraethyl lead, liquid
UN 1650	102	Naphthylamine
UN 1651	102	alpha-Naphthylthiourea
UN 1652	102	Naphthylurea
UN 1653	102	Nickel cyanide
UN 1653	101	Nickel cyanide, solid
UN 1654	102	Nicotine
UN 1654	101	Nicotine, liquid
UN 1655	102	Nicotine compounds, n.o.s. *or* Nicotine preparations, n.o.s.
UN 1656	101	Nicotine hydrochloride
UN 1656	102	Nicotine hydrochloride, *or* Nicotine hydrochloride solutions
UN 1657	101	Nicotine salicylate
UN 1658	101	Nicotine sulfate, liquid
UN 1658	101	Nicotine sulfate, solid
UN 1658	102	Nicotine sulphate, solid *or* solution
UN 1659	101	Nicotine tartrate
UN 1660	101	Nitric oxide
UN 1661	101	Nitroaniline
UN 1661	102	Nitroanilines
UN 1662	102	Nitrobenzene
UN 1662	101	Nitrobenzene, liquid *or* Nitrobenzol, liquid
UN 1663	101	Nitrophenol
UN 1663	102	Nitrophenols
UN 1664	101	Nitrotoluene
UN 1664	102	Nitrotoluenes
UN 1665	102	Nitroxylenes
NA 1665	101	Nitroxylol
UN 1669	102	Pentachloroethane
UN 1670	101	Perchloromethyl mercaptan
UN 1671	101	Phenol
UN 1672	102	Phenylcarbylamine chloride
UN 1673	101	Phenylenediamine, meta *or* para, solid
UN 1673	102	Phenylenediamines
UN 1674	102	Phenylmercuric acetate
UN 1677	102	Potassium arsenate
UN 1677	101	Potassium arsenate, solid
UN 1678	102	Potassium arsenite
UN 1678	101	Potassium arsenite, solid
UN 1679	102	Potassium cuprocyanide
UN 1680	102	Potassium cyanide
UN 1680	101	Potassium cyanide, solid
UN 1680	101	Potassium cyanide solution
UN 1681	102	Rodenticides, n.o.s.
UN 1683	102	Silver arsenite
UN 1684	101	Silver cyanide
UN 1685	101	Sodium arsenate
UN 1686	102	Sodium arsenite, aqueous solutions
UN 1686	101	Sodium arsenite, liquid
UN 1687	101	Sodium azide
UN 1688	102	Sodium cacodylate
UN 1689	102	Sodium cyanide
UN 1689	101	Sodium cyanide, solid
UN 1689	101	Sodium cyanide solution
UN 1690	101	Sodium fluoride, solid
UN 1690	101	Sodium fluoride, solution
UN 1691	102	Strontium arsenite
UN 1691	101	Strontium arsenite, solid
UN 1692	102	Strychnine
UN 1692	101	Strychnine salt, solid
UN 1692	101	Strychnine, solid
NA 1693	101	Irritating agent, n.o.s.
NA 1693	101	ORM-A, n.o.s.
UN 1693	102	Tear gas
NA 1693	101	Tear gas device
UN 1694	102	Bromobenzyl cyanides
UN 1695	102	Chloroacetone
UN 1695	101	Monochloroacetone, stabilized *or* inhibited
UN 1697	102	Chloroacetophenone
UN 1697	101	Chloroacetophenone, gas, liquid, *or* solid
UN 1698	101	Diphenylaminechloroarsine
UN 1699	102	Diphenylchloroarsine
UN 1700	101	Tear gas candle
UN 1700	102	Tear gas candles
UN 1701	101	Xylyl bromide
UN 1702	102	1,1,2,2-Tetrachloroethane
UN 1702	101	Tetrachloroethane
UN 1703	101	Tetraethyl dithiopyrophosphate and compressed gas mixture
UN 1703	102	Tetraethyl dithiopyrophosphate with gases
UN 1704	101	Tetraethyl dithiopyrophosphate, liquid
UN 1704	102	Tetraethyl dithiopyrophosphate, liquid *or* mixtures
UN 1704	101	Tetraethyl dithiopyrophosphate mixture, dry
UN 1704	101	Tetraethyl dithiopyrophosphate mixture, liquid
UN 1705	102	Tetraethyl pyrophosphate and compressed gas
UN 1705	101	Tetraethyl pyrophosphate and compressed gas mixture
UN 1707	102	Thallium compounds, n.o.s.
NA 1707	101	Thallium salt, solid, n.o.s.
NA 1707	101	Thallium sulfate, solid
UN 1708	102	Toluidines
UN 1709	102	2,4-Toluylenediamine
NA 1709	101	Toluenediamine
UN 1710	101	Trichloroethylene
UN 1711	102	Xylidines
UN 1712	101	Zinc arsenate
UN 1712	102	Zinc arsenate *or* Zinc arsenite, *or* mixtures
UN 1712	101	Zinc arsenite, solid
UN 1713	101	Zinc cyanide
UN 1714	101	Zinc phosphide
UN 1715	101	Acetic anhydride
UN 1716	101	Acetyl bromide
UN 1717	101	Acetyl chloride
UN 1718	101	Acid butyl phosphate
UN 1718	102	Butyl acid phosphate
NA 1719	101	Alkaline liquid, n.o.s.
UN 1719	102	Caustic alkali liquids, n.o.s.
UN 1722	101	Allyl chlorocarbonate
UN 1722	102	Allyl chloroformate
UN 1723	102	Allyl iodide
UN 1724	101	Allyl trichlorosilane
UN 1725	102	Aluminium bromide, anhydrous
UN 1725	101	Aluminum bromide, anhydrous
UN 1726	102	Aluminium chloride, anhydrous
UN 1727	101	Ammonium hydrogen fluoride, solid
UN 1728	102	Amyl trichlorosilane
UN 1728	101	Amyl trichorosilane
UN 1729	101	Anisoyl chloride
UN 1730	101	Antimony pentachloride
UN 1731	102	Antimony pentachloride
UN 1731	101	Antimony pentachloride solution
UN 1732	101	Antimony pentafluoride
UN 1733	102	Antimony trichloride
UN 1733	101	Antimony trichloride, solid
UN 1733	101	Antimony trichloride solution
UN 1736	101	Benzoyl chloride
UN 1737	101	Benzyl bromide
UN 1738	101	Benzyl chloride
UN 1739	101	Benzyl chloroformate
UN 1740	102	Bifluorides, n.o.s.
UN 1741	101	Boron trichloride
UN 1742	102	Boron trifluoride acetic acid complex
UN 1742	101	Boron trifluoride-acetic acid complex
UN 1743	102	Boron trifluoride propionic acid complex
UN 1744	101	Bromine
UN 1745	101	Bromine pentafluoride
UN 1746	101	Bromine trifluoride
UN 1747	101	Butyltrichlorosilane
UN 1748	102	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures
UN 1748	101	Calcium hypochlorite mixture
UN 1749	101	Chlorine trifluoride
UN 1750	102	Chloroacetic acid
UN 1750	101	Chloroacetic acid, liquid *or* solution
UN 1751	101	Chloroacetic acid, solid
UN 1752	101	Chloroacetyl chloride
UN 1753	102	Chlorophenyl trichlorosilane
UN 1753	101	Chlorophenyltrichlorosilane
UN 1754	101	Chlorosulfonic acid
UN 1754	101	Chlorosulfonic acid-sulfur trioxide mixture
UN 1754	102	Chlorosulphonic acid
UN 1755	102	Chromic acid
UN 1755	101	Chromic acid solution
UN 1756	101	Chromic fluoride, solid
UN 1757	101	Chromic fluoride solution
UN 1757	102	Chromic fluoride, solution
UN 1758	102	Chromium oxychloride

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1758	101	Chromium oxychloride *or* Chromyl chloride
UN 1759	101	Corrosive solid, n.o.s.
UN 1759	102	Corrosive solids, n.o.s.
NA 1759	101	Cosmetics, solid, n.o.s.
NA 1759	101	Drugs, solid, n.o.s.
NA 1759	101	Ferrous chloride, solid
NA 1759	101	Stannous chloride, solid
NA 1760	101	2-(2-Aminoethoxy) ethanol
NA 1760	101	2,2-Dichloropropionic acid
NA 1760	101	Acid, liquid, n.o.s.
NA 1760	101	Aluminum phosphate solution
NA 1760	101	Aluminum sulfate solution
NA 1760	101	Aminopropyldiethanolamine
NA 1760	101	bis (Aminopropyl) piperazine
NA 1760	101	Boiler compound, liquid
NA 1760	101	Chemical kit
NA 1760	101	Compound, cleaning, liquid
NA 1760	101	Compound, rust preventing *or* Compound, rust removing
NA 1760	101	Compound, tree *or* weed killing, liquid
NA 1760	101	Compound, vulcanizing, liquid
UN 1760	101	Corrosive liquid, n.o.s.
UN 1760	102	Corrosive liquids, n.o.s.
NA 1760	101	Cosmetics, liquid, n.o.s.
NA 1760	101	Drugs, liquid, n.o.s.
NA 1760	101	Ethyl phosphonothioic dichloride, anhydrous
NA 1760	101	Ethyl phosphorodichloridate
NA 1760	101	Ferrous chloride, solution
NA 1760	101	Flame retardant compound liquid
NA 1760	101	Hexanoic acid
NA 1760	101	Isopentanoic acid
NA 1760	101	Memtetrahydro phthalic anhydride
NA 1760	101	Methyl phosphonothioic dichloride, anhydrous
NA 1760	101	Morpholine, aqueous, mixture
NA 1760	101	N-Aminopropylmorpholine
NA 1760	101	Nitric acid, 40% or less
NA 1760	101	ORM-B, n.o.s.
NA 1760	101	Paint *or* paint related material
NA 1760	101	Textile treating compound *or* mixture, liquid
NA 1760	101	Titanium sulfate solution
NA 1760	101	Valeric acid
NA 1760	101	Water treatment compounds, liquid
NA 1760	101	White acid
UN 1761	101	Cupriethylene-diamine solution
UN 1761	102	Cupriethylenediamine, solution
UN 1762	101	Cyclohexenyl trichlorosilane
UN 1763	101	Cyclohexyl trichlorosilane
UN 1764	101	Dichloroacetic acid
UN 1765	101	Dichloroacetyl chloride
UN 1766	102	Dichlorophenyl trichlorosilane
UN 1766	101	Dichlorophenyltrichlorosilane
UN 1767	101	Diethyl dichlorosilane
UN 1768	102	Difluorophosphoric acid
UN 1768	101	Difluorophosphoric acid, anhydrous
UN 1769	101	Diphenyl dichlorosilane
UN 1770	102	Diphenylmethyl bromide
UN 1770	101	Diphenyl methyl bromide, solid
UN 1770	101	Diphenyl methyl bromide solution
UN 1771	101	Dodecyl trichlorosilane
UN 1773	102	Ferric chloride, anhydrous
UN 1773	101	Ferric chloride, solid
UN 1774	101	Fire extinguisher charge containing sulfuric acid
UN 1774	102	Fire extinguisher charges
UN 1775	101	Fluoboric acid
UN 1776	102	Fluorophosphoric acid
UN 1776	101	Monofluorophosphoric acid, anhydrous
UN 1777	101	Fluorosulfonic acid *or* Fluosulfonic acid
UN 1777	102	Fluorosulphonic acid
UN 1778	102	Fluosilicic acid
NA 1778	101	Hydrofluorosilicic acid
UN 1779	101	Formic acid
UN 1779	101	Formic acid solution
UN 1780	101	Fumaryl chloride
UN 1781	102	Hexadecyl trichlorosilane
UN 1781	101	Hexadecyltrichlorosilane
UN 1782	101	Hexafluorophosphoric acid
UN 1783	101	Hexamethylenediamine, solution
UN 1784	102	Hexyl trichlorosilane
UN 1784	101	Hexyltrichlorosilane
UN 1786	102	Hydrofluoric acid and sulphuric acid mixtures
UN 1786	101	Hydrofluoric and sulfuric acid mixture
UN 1787	101	Hydriodic acid
UN 1787	102	Hydriodic acid, solution
UN 1788	101	Hydrobromic acid
UN 1788	101	Hydrobromic acid not more than 49% strength
UN 1788	102	Hydrobromic acid, solution
NA 1789	101	Compound, cleaning, liquid (containing hydrochloric (muriatic) acid)
UN 1789	101	Hydrochloric acid
NA 1789	101	Hydrochloric acid mixture
UN 1789	102	Hydrochloric acid, solution
UN 1789	101	Hydrochloric acid solution, inhibited
NA 1790	101	Compound, cleaning, liquid (containing hydrofluoric acid)
NA 1790	101	Etching acid, liquid, n.o.s.
UN 1790	101	Hydrofluoric acid solution
UN 1790	102	Hydrofluoric acid, solution
UN 1791	101	Hypochlorite solution
NA 1791	101	Hypochlorite solution containing not more than 7% available chlorine
UN 1791	102	Hypochlorite, solutions
UN 1792	101	Iodine monochloride
UN 1793	101	Isopropyl acid phosphate, solid
UN 1793	102	Isopropyl acid phosphatic
NA 1794	101	Lead dross
UN 1794	101	Lead sulfate, solid
UN 1794	102	Lead sulphate
UN 1796	102	Nitrating acid, mixtures
UN 1796	101	Nitrating acid, mixture (with more than 50% nitric acid)
UN 1796	101	Nitrating acid, mixture (with not more than 50% nitric acid)
UN 1798	101	Nitrohydrochloric acid
UN 1798	101	Nitrohydrochloric acid, diluted
UN 1799	102	Nonyl trichlorosilane
UN 1799	101	Nonyltrichlorosilane
UN 1800	102	Octadecyl trichlorosilane
UN 1800	101	Octadecyltrichlorosilane
UN 1801	102	Octyl trichlorosilane
UN 1801	101	Octyltrichlorosilane
UN 1802	102	Perchloric acid
UN 1802	101	Perchloric acid, not over 50% acid
UN 1803	102	Phenolsulphonic acid
UN 1804	102	Phenyl trichlorosilane
UN 1804	101	Phenyltrichlorosilane
UN 1805	101	Phosphoric acid
UN 1806	102	Phosphorus pentachloride
UN 1806	101	Phosphorus pentachloride, solid
NA 1807	101	Phosphoric anhydride
UN 1807	102	Phosphorus pentoxide
UN 1808	101	Phosphorus tribromide
UN 1809	101	Phosphorus trichloride
UN 1810	101	Phosphorus oxychloride
UN 1811	102	Potassium bifluoride
NA 1811	101	Potassium hydrogen fluoride solution
UN 1812	101	Potassium fluoride
UN 1812	101	Potassium fluoride solution
NA 1813	101	Battery
UN 1813	101	Potassium hydroxide, dry solid, flake, bead, *or* granular
UN 1813	102	Potassium hydroxide, solid
UN 1814	101	Potassium hydroxide, liquid *or* solution
UN 1814	102	Potassium hydroxide, solution
UN 1815	102	Propionyl chloride
UN 1816	101	Propyl trichlorosilane
UN 1817	101	Pyrosulfuryl chloride
UN 1817	102	Pyrosulphuryl chloride
UN 1818	101	Silicon chloride *or* Silicon tetrachloride
UN 1818	102	Silicon tetrachloride
UN 1819	101	Sodium aluminate solution
UN 1819	102	Sodium aluminate, solution
UN 1821	101	Sodium hydrogen sulfate, solid
UN 1821	102	Sodium hydrogen sulphate, solid
UN 1823	101	Sodium hydroxide, dry solid, flake, bead, *or* granular
UN 1823	102	Sodium hydroxide, solid
UN 1824	101	Sodium hydroxide, liquid *or* solution
UN 1824	102	Sodium hydroxide, solution
UN 1825	102	Sodium monoxide
UN 1825	101	Sodium monoxide, solid
UN 1826	102	Acid mixtures, spent, nitrating
NA 1826	101	Nitrating acid, spent
UN 1827	102	Stannic chloride, anhydrous
UN 1827	101	Tin tetrachloride, anhydrous
UN 1828	101	Sulfur chloride
UN 1828	102	Sulphur chlorides
UN 1829	101	Sulfur trioxide
UN 1829	102	Sulphur trioxide
UN 1830	101	Sulfuric acid
UN 1830	102	Sulphuric acid
NA 1831	101	Oleum
UN 1831	102	Sulphuric acid, fuming
UN 1832	101	Sulfuric acid, spent
UN 1832	102	Sulphuric acid, spent
UN 1833	101	Sulfurous acid
UN 1833	102	Sulphurous acid
UN 1834	101	Sulfuryl chloride
UN 1834	102	Sulphuryl chloride
UN 1835	102	Tetramethylammonium hydroxide
UN 1835	101	Tetramethylammonium hydroxide, liquid
UN 1836	101	Thionyl chloride
UN 1837	101	Thiophosphoryl chloride
UN 1838	101	Titanium tetrachloride
UN 1839	101	Trichloroacetic acid, solid
UN 1840	101	Zinc chloride solution
UN 1840	102	Zinc chloride, solution
UN 1841	101	Acetaldehyde ammonia
UN 1843	102	Ammonium dinitro-o-cresolate
UN 1845	102	Carbon dioxide, solid
UN 1845	101	Carbon dioxide, solid, *or* Dry ice, *or* Carbonice
UN 1846	101	Carbon tetrachloride
UN 1847	102	Potassium sulphide, hydrated
UN 1848	101	Propionic acid
UN 1848	101	Propionic acid, solution
UN 1849	102	Sodium sulphide, hydrated
UN 1850	101	Eradicator, paint *or* grease, liquid
UN 1850	102	Eradicators
UN 1851	101	Medicines, liquid, n.o.s.
UN 1851	101	Medicines, n.o.s.
UN 1851	101	Medicines, solid, n.o.s.
UN 1854	102	Barium alloys, pyrophoric
UN 1855	102	Calcium, pyrophoric *or* Calcium alloys, pyrophoric
UN 1856	102	Rags
UN 1856	101	Rags, oily
UN 1857	101	Textile waste, wet
UN 1857	102	Textile waste, wet, n.o.s.
UN 1857	101	Waste textile, wet
UN 1858	101	Hexafluoropropylene
UN 1859	101	Silicon tetrafluoride
UN 1860	102	Vinyl fluoride
UN 1860	101	Vinyl fluoride, inhibited
UN 1862	101	Ethyl crotonate
UN 1863	102	Fuel, aviation
UN 1863	101	Fuel, aviation, turbine engine
UN 1864	102	Gas drips
UN 1864	101	Gas drips, hydrocarbon
UN 1865	102	n-Propyl nitrate
UN 1866	101	Resin solution
UN 1867	102	Cigarettes
UN 1967	101	Self-lighting cigarette
UN 1868	101	Decaborane
UN 1869	101	Magnesium, metal
UN 1869	102	Magnesium *or* Magnesium alloys
NA 1869	101	Magnesium scrap
UN 1870	102	Potassium borohydride
UN 1871	102	Titanium hydride
UN 1872	102	Lead dioxide
UN 1872	101	Lead peroxide
UN 1873	101	Perchloric acid
UN 1884	101	Barium oxide
UN 1885	101	Benzidine
UN 1886	102	Benzylidene chloride
UN 1887	101	Bromochloromethane
UN 1888	101	Chloroform
UN 1889	101	Cyanogen bromide
UN 1891	102	Ethyl bromide
UN 1892	102	Ethyl dichloroarsine
UN 1894	102	Phenylmercuric hydroxide
UN 1895	102	Phenylmercuric nitrate
UN 1896	102	Resin solution, poisonous
UN 1897	102	Tetrachloroethylene
UN 1897	101	Tetrachloroethylene *or* Perchloroethylene
UN 1898	101	Acetyl iodide
NA 1902	101	Di-(2-ethylhexyl) phosphoric acid
UN 1902	101	Diisooctyl acid phosphate
UN 1903	101	Disinfectant, liquid
UN 1903	102	Disinfectants, corrosive, liquid, n.o.s.
UN 1905	102	Selenic acid
UN 1905	101	Selenic acid, liquid
UN 1906	101	Acid, sludge

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1906	102	Sludge acid
UN 1907	102	Soda lime
UN 1907	101	Soda lime, solid
UN 1908	101	Sodium chlorite solution
UN 1908	102	Sodium chlorite, solution
UN 1910	101	Calcium oxide
UN 1911	102	Diborane
UN 1911	101	Diborane *or* diborane mixtures
UN 1912	102	Methyl chloride and methylene chloride, mixtures
UN 1912	101	Methyl chloride-methylene chloride mixture
NA 1913	101	Neon, refrigerated liquid
UN 1913	102	Neon, refrigerated liquid
UN 1914	102	Butyl propionate
UN 1915	102	Cyclohexanone
UN 1916	102	Dichloroethyl ether
UN 1917	102	Ethyl acrylate
UN 1917	101	Ethyl acrylate, inhibited
UN 1918	102	Isopropylbenzene
UN 1919	102	Methyl acrylate
UN 1919	101	Methyl acrylate, inhibited
UN 1920	102	Nonane
UN 1921	102	Propyleneimine
UN 1921	101	Propyleneimine, inhibited
UN 1922	101	Pyrrolidine
UN 1923	102	Calcium hydrosulphite
UN 1924	102	Ethyl aluminium dichloride
UN 1925	102	Ethyl aluminium sesquichloride
UN 1926	102	Methyl aluminium sesquibromide
UN 1927	102	Methyl aluminium sesquichloride
UN 1928	101	Methyl magnesium bromide in ethyl ether
UN 1928	102	Methyl magnesium bromide, in ethyl ether
UN 1929	102	Potassium hydrosulphite
UN 1930	102	Triisobutyl aluminium
UN 1931	101	Zinc hydrosulfite
UN 1931	102	Zinc hydrosulphite
UN 1932	102	Zirconium
UN 1932	101	Zirconium scrap
UN 1935	101	Cyanide solution, n.o.s.
UN 1935	102	Cyanide, solutions
UN 1936	102	Bromoacetic acid
UN 1936	101	Bromoacetic acid, solid
UN 1938	101	Bromoacetic acid solution
UN 1939	101	Phosphorus oxybromide
UN 1939	102	Phosphorus oxybromide, solid
UN 1940	101	Thioglycolic acid
UN 1941	101	Dibromodifluoromethane
UN 1942	102	Ammonium nitrate
UN 1942	101	Ammonium nitrate (no organic coating)
NA 1942	101	Ammonium nitrate (organic coating)
UN 1944	101	Matches, safety
UN 1945	102	Matches
UN 1950	102	Aerosol dispensers
NA 1951	101	Argon, refrigerated liquid
UN 1951	102	Argon, refrigerated liquid
UN 1952	102	Carbon dioxide and ethylene oxide mixtures
UN 1953	102	Compressed *or* liquefied gases, flammable, toxic, n.o.s.
NA 1953	101	Poisonous liquid *or* gas, flammable, n.o.s.
UN 1954	101	Compressed gas, n.o.s.
UN 1954	102	Compressed *or* liquefied gases, flammable
NA 1954	101	Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.
NA 1954	101	Refrigerating machine
NA 1955	101	Chloropicrin and nonflammable, nonliquefied compressed gas mixture
UN 1955	102	Compressed *or* liquefied gases
NA 1955	101	Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid
NA 1955	101	Organic phosphate, Organic phosphate compound, *or* Organic phosphorus compound; mixed with compressed gas
NA 1955	101	Poisonous liquid *or* gas, n.o.s.
(UN 1955)	102	Tetrafluorohydrazine
NA 1956	101	Accumulator, pressurized
UN 1956	101	Compressed gas, n.o.s.
UN 1956	102	Compressed *or* liquefied gases
NA 1956	101	Hexafluoropropylene oxide
NA 1956	101	Mine rescue equipment containing carbon dioxide
NA 1956	101	Water pump system
UN 1957	102	Deuterium
UN 1958	102	Dichlorotetrafluoroethane
UN 1959	102	1,1-Difluoroethylene
UN 1960	101	Engine starting fluid
UN 1961	102	Ethane
NA 1961	101	Ethane-Propane mixture, refrigerated liquid
NA 1961	101	Ethane, refrigerated liquid
UN 1962	102	Ethylene
NA 1962	101	Ethylene *or* Ethylene, compressed
NA 1963	101	Helium, refrigerated liquid
UN 1963	102	Helium, refrigerated liquid
UN 1964	102	Hydrocarbon gases, compressed, n.o.s. *or* Hydrocarbon gases, mixtures, compressed, n.o.s.
UN 1964	101	Hydrocarbon gas, nonliquefied
UN 1965	102	Hydrocarbon gases, liquefied, n.o.s. *or* Hydrocarbon gases, mixtures, liquefied, n.o.s.
UN 1965	101	Hydrocarbon gas, liquefied
UN 1966	102	Hydrogen
NA 1966	101	Hydrogen, refrigerated liquid
UN 1967	102	Insecticide gases
NA 1967	101	Insecticide, liquefied gas, containing Poison A material *or* Poison B material
NA 1967	101	Parathion and compressed gas mixture
UN 1968	102	Insecticide gases
NA 1968	101	Insecticide, liquefied gas
UN 1969	102	Isobutane *or* Isobutane mixtures
UN 1970	102	Krypton, refrigerated liquid
NA 1971	101	Methane *or* Methane, compressed
UN 1971	102	Methane *or* Natural gases
UN 1972	102	Methane *or* Natural gases
NA 1972	101	Methane, refrigerated liquid
NA 1972	101	Natural gas, refrigerated liquid
UN 1973	102	Chlorodifluoromethane and chloropentafluoroethane
UN 1974	102	Chlorodifluorobromomethane
UN 1975	102	Nitric oxide and nitrogen tetroxide mixtures
UN 1976	102	Octafluorocyclobutane
NA 1977	101	Nitrogen, refrigerated liquid
UN 1977	102	Nitrogen, refrigerated liquid
UN 1978	102	Propane
UN 1979	102	Rare gases
NA 1980	101	Helium-oxygen mixture
UN 1980	102	Rare gases
UN 1981	102	Rare gases
UN 1982	102	Tetrafluoromethane
UN 1983	102	Chlorotrifluoroethane
UN 1984	102	Trifluoromethane
UN 1986	102	Alcohols, toxic, n.o.s.
NA 1986	101	Denatured alcohol
NA 1986	101	Propargyl alcohol
NA 1986	101	Rum, denatured
UN 1987	101	Alcohol, n.o.s.
UN 1987	102	Alcohols, n.o.s.
UN 1988	102	Aldehydes, toxic, n.o.s.
UN 1989	102	Aldehydes, n.o.s.
NA 1989	101	Benzaldehyde
UN 1991	101	Chloroprene, inhibited
UN 1992	101	Flammable liquid, poisonous, n.o.s.
UN 1992	102	Flammable liquids, poisonous, n.o.s.
NA 1993	101	Combustible liquid, n.o.s.
NA 1993	101	Compound, cleaning, liquid
NA 1993	101	Compound, tree *or* weed killing, liquid
NA 1993	101	Cosmetics, n.o.s.
NA 1993	101	Creosote, coal tar
NA 1993	101	Disinfectant, liquid, n.o.s.
NA 1993	101	Drugs, n.o.s.
NA 1993	101	Ethyl nitrate
UN 1993	101	Flammable liquid, n.o.s.
UN 1993	102	Flammable liquids, n.o.s.
NA 1993	101	Fuel oil
NA 1993	101	Fuel oil, No. 1, 2, 4, 5 *or* 6
NA 1993	101	Heater for refrigerator car, liquid fuel type
NA 1993	101	Insecticide, liquid, n.o.s.
NA 1993	101	Organic peroxide, liquid *or* solution, n.o.s.
NA 1993	101	Plastic solvent, n.o.s.
NA 1993	101	Refrigerating machine
NA 1993	101	Solvent, n.o.s.
NA 1993	101	Wax, liquid
UN 1994	102	Iron pentacarbonyl
NA 1999	101	Asphalt
NA 1999	101	Asphalt, cut back
UN 1999	102	Cut-backs
UN 1999	101	Tar, liquid
UN 2000	102	Celluloid
UN 2001	102	Cobalt naphthenates
UN 2002	102	Celluloid, scrap
UN 2003	102	Metal alkyls, n.o.s.
UN 2004	102	Magnesium diamide
UN 2005	102	Magnesium diphenyl
UN 2006	102	Plastics, nitrocellulose-based, spontaneously combustible, n.o.s.
UN 2008	102	Zirconium
UN 2008	101	Zirconium metal, dry
UN 2009	102	Zirconium
UN 2010	102	Magnesium hydride
UN 2011	102	Magnesium phosphide
UN 2012	102	Potassium phosphide
UN 2013	102	Strontium phosphide
UN 2014	102	Hydrogen peroxide, aqueous solutions
UN 2014	101	Hydrogen peroxide solution (8% to 40% peroxide)
UN 2014	101	Hydrogen peroxide solution (40% to 52% peroxide)
UN 2015	101	Hydrogen peroxide solution (over 52% peroxide)
UN 2015	102	Hydrogen peroxide, stabilized, *or* Hydrogen peroxide, aqueous solutions, stabilized
UN 2016	102	Ammunition
UN 2016	101	Chemical ammunition, nonexplosive
NA 2016	101	Grenade
UN 2017	102	Ammunition, tear producing, non-explosive
UN 2017	101	Chemical ammunition, nonexplosive
NA 2017	101	Grenade, tear gas
UN 2018	102	Chloroanilines
UN 2019	102	Chloroanilines
UN 2020	102	Chlorophenols, solid
NA 2020	101	Pentachlorophenol
NA 2020	101	Trichlorophenol
UN 2021	102	Chlorophenols, liquid
UN 2022	102	Cresylic acid
NA 2022	101	Mining reagent, liquid
UN 2023	101	Epichlorohydrin
UN 2024	102	Mercury compounds, liquid, n.o.s.
NA 2025	101	Mercuric subsulfate, solid
UN 2025	101	Mercury compound, solid, n.o.s.
UN 2025	102	Mercury compounds, solid, n.o.s.
UN 2026	102	Phenylmercuric compounds, n.o.s.
UN 2027	102	Sodium arsenite, solid
UN 2028	102	Bombs, smoke
UN 2029	101	Hydrazine, anhydrous
UN 2029	102	Hydrazine, anhydrous *or* Hydrazine aqueous solutions
UN 2030	101	Hydrazine, aqueous solution
UN 2030	102	Hydrazine hydrate *or* Hydrazine aqueous solutions
UN 2031	101	Nitric acid
UN 2032	101	Nitric acid, fuming
UN 2032	102	Nitric acid, red fuming
UN 2033	102	Potassium oxide
UN 2034	102	Hydrogen and methane mixtures, compressed
UN 2035	102	Trifluoroethane
UN 2036	101	Xenon
UN 2037	102	Receptacles
UN 2038	101	Dinitrotoluene, solid
UN 2038	102	Dinitrotoluenes, solid
UN 2044	102	2,2-Dimethylpropane
UN 2045	102	Isobutyraldehyde
UN 2046	102	Cymenes
UN 2047	101	Dichloropropene
NA 2047	101	Dichloropropene and propylene dichloride mixture
UN 2048	102	Dicyclopentadiene
UN 2049	102	Diethylbenzene
UN 2050	102	Diisobutylene
UN 2051	102	Dimethylethanolamine
UN 2052	102	Dipentene
UN 2053	102	Methyl isobutyl carbinol
UN 2054	101	Morpholine
NA 2054	101	Morpholine, aqueous, mixture
UN 2055	101	Styrene monomer, inhibited
UN 2056	101	Tetrahydrofuran
UN 2057	102	Tripropylene

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2058	102	Valeraldehyde
UN 2059	101	Box toe gum
NA 2059	101	Collodion
UN 2059	102	Nitrocellulose
NA 2059	101	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% alcohol *or* solvent, *or* block, wet with not less than 25% alcohol
NA 2059	101	Pyroxylin solution
NA 2059	101	Pyroxylin solvent, n.o.s.
UN 2060	101	Box toe gum
UN 2067	101	Ammonium nitrate fertilizer
UN 2067	102	Ammonium nitrate fertilizers
UN 2068	101	Ammonium nitrate-carbonate mixture
UN 2069	101	Ammonium nitrate mixed fertilizer
UN 2070	101	Ammonium nitrate-phosphate
UN 2071	102	Ammonium nitrate fertilizers
UN 2072	102	Ammonium nitrate fertilizers, n.o.s.
UN 2073	101	Ammonia solution
UN 2073	102	Ammonia solutions
UN 2074	102	Acrylamide
UN 2075	102	Chloral
UN 2076	101	Cresol
UN 2076	102	Cresols
UN 2077	102	Naphthylamine
UN 2078	101	Toluene diisocyanate
UN 2079	102	Diethylenetriamine
UN 2080	101	Acetyl acetone peroxide
UN 2081	101	Acetyl benzoyl peroxide
UN 2081	101	Acetyl benzoyl peroxide solution
UN 2082	101	Acetyl cyclohexanesulphonyl peroxide
UN 2082	102	Acetyl cyclohexane sulphonyl peroxide
UN 2083	101	Acetyl cyclohexanesulphonyl peroxide
UN 2083	102	Acetyl cyclohexane sulphonyl peroxide
UN 2084	101	Acetyl peroxide
UN 2084	101	Acetyl peroxide solution
NA 2085	101	Benzoyl peroxide
UN 2085	101	Benzoyl peroxide
UN 2086	102	Benzoyl peroxide
UN 2087	101	Benzoyl peroxide
UN 2088	101	Benzoyl peroxide
UN 2089	101	Benzoyl peroxide
UN 2090	101	Benzoyl peroxide
UN 2091	101	tert-Butyl cumyl peroxide
NA 2091	101	tert-Butyl isopropyl benzene hydroperoxide
UN 2092	101	tert-Butyl hydroperoxide
UN 2093	101	tert-Butyl hydroperoxide
UN 2094	101	tert-Butyl hydroperoxide
UN 2095	101	tert-Butyl peroxyacetate
UN 2096	101	tert-Butyl peroxyacetate
UN 2097	101	tert-Butyl peroxybenzoate
UN 2098	101	tert-Butyl peroxybenzoate
UN 2099	102	tert-Butyl monoperoxymaleate
UN 2099	101	tert-Butyl peroxymaleate
UN 2100	102	tert-Butyl monoperoxymaleate
UN 2100	101	tert-Butyl peroxymaleate
UN 2101	102	tert-Butyl monoperoxymaleate
UN 2101	101	tert-Butyl peroxymaleate
UN 2102	101	Di-tert-butyl peroxide
UN 2103	101	tert-Butyl peroxyisopropyl carbonate
UN 2103	102	tert-Butyl peroxy isopropyl carbonate
UN 2104	102	tert-Butyl peroxy-3,5,5-trimethyl hexanoate
UN 2104	101	tert-Butyl peroxy-3,5,5-trimethylhexanoate *or* tert-Butyl peroxyisononanoate
UN 2105	102	tert-Butyl monoperoxyphthalate
UN 2105	101	tert-Butyl peroxyphthalate
UN 2106	101	Di-(tert-butylperoxy)phthalate
UN 2107	101	Di-(tert-butylperoxy)phthalate
UN 2108	101	Di-(tert-butylperoxy)phthalate
UN 2110	101	tert-Butyl peroxypivalate
UN 2111	101	2,2-Di-(tert-butylperoxy)butane
UN 2111	102	2,2-Di-(tert-butylperoxy) butane
UN 2112	101	1,3-Di-(2-tert-butylperoxyisopropyl) benzene
UN 2112	101	1,3-Di-(2-tert-butylperoxyisopropyl) benzene and 1,4-Di-(2-tert-butylperoxyisopropyl) benzene mixture
UN 2112	101	1,4-Di-(2-tert-butylperoxyisopropyl) benzene
UN 2112	102	1,4-Di-(2-tert-butylperoxy isopropyl) benzene, *or* 1,3-di-(2-tert-butylperoxy isopropyl) benzene, *or* mixtures
UN 2113	102	Di-(4-chlorobenzoyl) peroxide
UN 2113	101	p-Chlorobenzoyl peroxide
UN 2114	102	Di-(4-chlorobenzoyl) peroxide
UN 2114	101	p-Chlorobenzoyl peroxide
UN 2115	102	Di-(4-chlorobenzoyl) peroxide
UN 2115	101	p-Chlorobenzoyl peroxide
UN 2116	101	Cumene hydroperoxide
UN 2116	102	Cumyl hydroperoxide
UN 2117	102	Cyclohexanone peroxides
UN 2118	101	Cyclohexanone peroxide
UN 2118	102	Cyclohexanone peroxides
UN 2119	101	Cyclohexanone peroxide
UN 2119	102	Cyclohexanone peroxides
UN 2120	101	Decanoyl peroxide
UN 2120	102	Didecanoyl peroxide
NA 2121	101	Dicumyl peroxide
UN 2121	101	Dicumyl peroxide
UN 2121	101	Dicumyl peroxide, dry
UN 2122	101	Di-(2-ethylhexyl) peroxydicarbonate
UN 2123	101	Di-(2-ethylhexyl) peroxydicarbonate
UN 2124	102	Dilauroyl peroxide
UN 2124	101	Lauroyl peroxide
UN 2125	101	Paramenthane hydroperoxide
UN 2125	101	p-Menthane hydroperoxide
UN 2126	102	Isobutyl methyl ketone peroxide
UN 2126	101	Methyl isobutyl ketone peroxide
UN 2127	102	Ethyl methyl ketone peroxide(s)
UN 2128	102	Di-(3,5,5-trimethylhexanoyl)peroxide
UN 2128	101	Isononanyl peroxide
NA 2129	101	Caprylyl peroxide solution
UN 2129	102	Di-n-octanoyl peroxide
UN 2129	101	n-Octanoyl peroxide
UN 2130	102	Di-n-nonanoyl peroxide
UN 2130	101	Pelargonyl peroxide
NA 2131	101	Peracetic acid solution
UN 2131	101	Peroxyacetic acid
UN 2132	102	Dipropionyl peroxide
UN 2132	101	Propionyl peroxide
UN 2133	102	Diisopropyl peroxydicarbonate
NA 2133	101	Isopropyl percarbonate, unstabilized
UN 2133	101	Isopropyl peroxydicarbonate
UN 2134	102	Diisopropyl peroxydicarbonate
NA 2134	101	Isopropyl percarbonate, stabilized
UN 2134	101	Isopropyl peroxydicarbonate
UN 2135	102	Disuccinic acid peroxide
UN 2135	101	Succinic acid peroxide
UN 2136	101	Tetralin hydroperoxide
UN 2137	101	2,4-Dichlorobenzoyl peroxide
UN 2137	102	Di-2,4-dichlorobenzoyl peroxide
UN 2138	101	2,4-Dichlorobenzoyl peroxide
UN 2138	102	Di-2,4-dichlorobenzoyl peroxide
UN 2139	101	2,4-Dichlorobenzoyl peroxide
UN 2139	102	Di-2,4-dichlorobenzoyl peroxide
UN 2140	101	n-Butyl-4,4-di-(tert-butylperoxy)valerate
UN 2140	102	n-Butyl-4,4-di-(tert-butyl-peroxy) valerate
UN 2141	101	n-Butyl-4,4-di-(tert-butylperoxy)valerate
UN 2141	102	n-Butyl-4,4-di-(tert-butyl-peroxy) valerate
UN 2142	101	tert-Butyl peroxyisobutyrate
UN 2143	101	tert-Butyl peroxy-2-ethylhexanoate
UN 2143	102	tert-Butyl peroxy-2-ethyl hexanoate
UN 2144	101	tert-Butyl peroxydiethylacetate
UN 2145	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2146	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2147	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2148	102	Di-(1-hydroxy cyclohexyl) peroxide
UN 2148	101	Di-(1-hydroxycyclohexyl) peroxide
UN 2149	101	Dibenzyl peroxydicarbonate
UN 2150	101	Di-sec-butyl peroxydicarbonate
UN 2151	101	Di-sec-butyl peroxydicarbonate
UN 2152	101	Dicyclohexyl peroxydicarbonate
UN 2153	101	Dicyclohexyl peroxydicarbonate
UN 2154	101	Di-(4-tert-butylcyclohexyl)peroxydicarbonate
UN 2154	102	Di-(4-tert-butylcyclohexyl) peroxydicarbonate
UN 2155	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane
UN 2156	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane
UN 2157	102	2,5-Dimethyl-2,5-di -(2-ethylhexanoylperoxy) hexane
UN 2157	101	2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane
UN 2158	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3
UN 2159	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3
UN 2160	101	1,1,3,3-Tetramethylbutyl hydroperoxide
UN 2160	102	1,1,3,3-Tetramethyl butyl hydroperoxide
UN 2161	102	1,1,3,3-Tetramethyl butyl peroxy-2-ethyl hexanoate
UN 2161	101	1,1,3,3-Tetramethylbutyl peroxy-2-ethylhexanoate
UN 2162	101	Pinane hydroperoxide
UN 2162	101	Pinane hydroperoxide solution
UN 2162	102	Pinanyl hydroperoxide
UN 2163	101	Diacetone alcohol peroxide
UN 2163	102	Diacetone alcohol peroxides
UN 2164	101	Dicetyl peroxydicarbonate
UN 2165	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane
UN 2166	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononsne
UN 2167	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane
UN 2168	101	2,2-Di-(4,4-di-tert-butylperoxycyclohexyl)propane
UN 2169	101	n-Butyl peroxydicarbonate
UN 2170	101	n-Butyl peroxydicarbonate
UN 2171	101	Diisopropylbenzene hydroperoxide
UN 2171	101	Diisopropylbenzene hydroperoxide solution
UN 2172	101	2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane
UN 2173	101	2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane
UN 2174	101	2,5-Dimethyl-2,5-dihydroperoxy hexane
UN 2174	101	Dimethylhexane dihydroperoxide, (with 18% or more water)
UN 2175	101	Diethyl peroxydicarbonate
UN 2176	101	Di-n-propyl peroxydicarbonate
UN 2177	101	tert-Butyl peroxyneodecanoate
UN 2178	101	2,2-Dihydroperoxy propane
UN 2179	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2179	102	1,1-Di-(tert-butylperoxy) cyclohexane
UN 2180	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2180	102	1,1-Di-(tert-butylperoxy) cyclohexane
UN 2181	101	1,2-Di-(tert-butylperoxy)cyclohexane
UN 2182	101	Diisobutyryl peroxide
UN 2182	102	Isobutyryl peroxide
UN 2183	101	tert-Butyl peroxycrotonate
UN 2184	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2184	102	Ethyl-3,3-di-(tert-butylperoxy) butyrate
UN 2185	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2185	102	Ethyl-3,3-di-(tert-butylperoxy) butyrate
NA 2186	101	Hydrogen chloride, refrigerated liquid
NA 2187	101	Carbon dioxide, refrigerated liquid
UN 2187	102	Carbon dioxide, refrigerated liquid
UN 2188	101	Arsine
UN 2189	102	Dichlorosilane
UN 2190	102	Oxygen difluoride
UN 2191	101	Sulfuryl fluoride
UN 2191	102	Sulphuryl fluoride
UN 2192	101	Germane
UN 2193	102	Hexafluoroethane
UN 2194	102	Selenium hexafluoride
UN 2195	102	Tellurium hexafluoride
UN 2196	101	Tungsten hexafluoride
UN 2197	102	Hydrogen iodide, anhydrous
UN 2198	102	Phosphorus pentafluoride
UN 2199	101	Phosphine
UN 2200	102	Propadiene, inhibited
NA 2201	101	Nitrous oxide, refrigerated liquid
UN 2201	102	Nitrous oxide, refrigerated liquid
UN 2202	101	Hydrogen selenide
UN 2203	102	Silane
UN 2204	102	Carbonyl sulfide
UN 2205	102	Adiponitrile
UN 2206	102	Isocyanates, n.o.s. *or* Isocyanate solutions, n.o.s.

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2207	102	Isocyanates, n.o.s. *or* Isocyanate solutions, n.o.s.
UN 2208	101	Bleaching powder
UN 2208	102	Calcium hypochlorite mixtures, dry
UN 2209	101	Formaldehyde solution
UN 2209	102	Formaldehyde, solutions
UN 2210	102	Maneb, *or* maneb preparation(s)
NA 2210	101	Pesticide, water reactive
UN 2211	102	Plastics moulding materials evolving flammable vapours
UN 2212	102	Asbestos, blue
UN 2213	101	Paraformaldehyde
UN 2214	102	Phthalic anhydride
NA 2215	101	Maleic acid
UN 2215	101	Maleic anhydride
UN 2216	102	Fishmeal *or* fishscrap
NA 2216	101	Fish meal *or* fish scrap containing 6% to 12% water
UN 2217	102	Seed cake
UN 2218	101	Acrylic acid
UN 2218	102	Acrylic acid, inhibited
UN 2219	102	Allyl glycidyl ether
UN 2220	102	Aluminium alkyl halides
UN 2221	102	Aluminium alkyl halides
UN 2222	102	Anisole
UN 2224	101	Benzonitrile
UN 2225	102	Benzene sulphonyl chloride
UN 2226	102	Benzotrichloride
UN 2227	102	n-Butyl methacrylate
UN 2228	102	Butylphenols, liquid
UN 2229	102	Butylphenols, solid
UN 2232	102	Chloroacetaldehyde
UN 2233	102	p-Chloro-o-anisidine
UN 2234	102	Chlorobenzotrifluorides
UN 2235	102	p-Chlorobenzyl chloride
UN 2236	102	3-Chloro-4-methylphenyl isocyanate
UN 2237	102	Chloronitroanilines
UN 2238	102	Chlorotoluenes
UN 2239	102	Chlorotoluidines
UN 2240	102	Chromosulphuric acid
UN 2241	102	Cycloheptane
UN 2242	102	Cycloheptene
UN 2243	102	Cyclohexyl acetate
UN 2244	102	Cyclopentanol
UN 2245	102	Cyclopentanone
UN 2246	102	Cyclopentene
UN 2247	102	n-Decane
UN 2248	102	Di-(n-butyl)amine
UN 2249	102	Dichlorodimethyl ether, symmetrical
UN 2250	102	Dichlorophenyl isocyanates
UN 2252	102	1,2-Dimethoxyethane
UN 2253	102	N,N-Dimethylaniline
UN 2254	102	Matches
UN 2255	101	Organic peroxide, sample, n.o.s.
UN 2255	102	Organic peroxides, n.o.s., samples
UN 2256	102	Cyclohexene
UN 2257	102	Potassium metal
UN 2257	101	Potassium, metal *or* metallic
UN 2258	101	Propylenediamine
UN 2259	102	Triethylenetetramine
UN 2260	102	Tripropylamine
UN 2261	101	Xylenol
UN 2261	102	Xylenols
UN 2262	102	N,N-Dimethylcarbamoyl chloride
UN 2263	101	1,4-Dimethylcyclohexane
UN 2263	102	Dimethylcyclohexanes
UN 2264	102	N,N-Dimethylcyclohexylamine
UN 2265	102	N,N-Dimethylformamide
UN 2266	102	Dimethyl-N-propylamine
UN 2267	102	Dimethyl thiophosphoryl chloride
UN 2269	102	3,3'-Iminobispropylamine
UN 2269	101	Iminobispropylamine
UN 2270	102	Ethylamine solution
UN 2271	102	Ethyl amyl ketone
UN 2272	102	N-Ethylaniline
UN 2273	102	2-Ethylaniline
UN 2274	102	N-Ethyl-n-benzylaniline
UN 2275	102	2-Ethylbutanol
UN 2276	102	2-Ethylhexylamine
UN 2277	102	Ethyl methacrylate, inhibited
UN 2278	102	n-Heptene
UN 2279	102	Hexachlorobutadiene
UN 2280	101	Hexamethylenediamine, solid
UN 2281	102	Hexamethylenediisocyanate
UN 2282	102	Hexanols
UN 2283	102	Isobutyl methacrylate
UN 2284	102	Isobutyronitrile
UN 2285	102	Isocyanatobenzotrifluorides
UN 2286	102	Pentamethylheptane
UN 2287	102	Isoheptene
UN 2288	102	Isohexene
UN 2289	102	Isophoronediamine
UN 2290	102	Isophorone diisocyanate
NA 2291	101	Lead chloride
UN 2291	102	Lead compounds, soluble, n.o.s.
NA 2291	101	Lead fluoborate
NA 2291	101	Lead sulfate
NA 2291	101	Lead sulfide
NA 2291	101	Lead thiocyanate
UN 2293	102	4-Methoxy-4-methylpentan-2-one
UN 2294	102	N-Methylaniline
UN 2295	102	Methyl chloroacetate
UN 2296	102	Methyl cyclohexane
UN 2296	101	Methylcyclohexane
UN 2297	102	Methyl cyclohexanone
UN 2298	101	Cyclopentane, methyl
UN 2298	102	Methyl cyclopentane
UN 2298	101	Methylcyclopentane
UN 2299	101	Methyl dichloroacetate
UN 2300	102	2-Methyl-5-ethylpyridine
UN 2300	101	Methyl ethyl pyridine
UN 2301	102	2-Methylfuran
UN 2301	101	Methylfuran
UN 2302	102	5-Methylhexan-2-one
UN 2303	102	Isopropenylbenzene
UN 2304	102	Napthalene, molten
UN 2305	102	Nitrobenzenesulphonic acid
UN 2306	102	Nitrobenzotrifluorides
UN 2307	102	3-Nitro-4-chlorobenzotrifluoride
UN 2308	102	Nitrosylsulphuric acid
UN 2309	102	Octadiene
UN 2310	102	2,4-Pentanedione
UN 2311	102	Phenetidines
UN 2312	102	Phenol, molten
UN 2313	102	Picolines
UN 2315	101	Polychlorinated biphenyls
UN 2316	102	Sodium cuprocyanide
UN 2317	102	Sodium cuprocyanide solution
UN 2318	101	Sodium hydrosulfide, solid
UN 2318	102	Sodium hydrosulphide
UN 2319	102	Terpene hydrocarbons n.o.s.
UN 2320	102	Tetraethylenepentamine
UN 2321	102	Trichlorobenzenes
UN 2322	102	Trichlorobutene
UN 2323	102	Triethyl phosphite
UN 2324	102	Triisobutylene
UN 2325	102	1,3,5-Trimethylbenzene
UN 2326	102	Trimethylcyclohexylamine
UN 2327	102	Trimethylhexamethylene diamines
UN 2328	102	Trimethylhexamethylene diisocyanate
UN 2329	102	Trimethyl phosphite
UN 2330	102	Undecane
UN 2331	102	Zinc chloride, anhydrous
UN 2331	101	Zinc chloride, solid
UN 2332	102	Acetaldehyde oxime
UN 2333	102	Allyl acetate
UN 2334	102	Allylamine
UN 2335	102	Allyl ethyl ether
UN 2336	102	Allyl formate
UN 2337	101	Phenyl mercaptan
UN 2338	102	Benzotrifluoride
UN 2339	102	2-Bromobutane
UN 2340	102	2-Bromoethyl ethyl ether
UN 2341	102	1-Bromo-3-methylbutane
UN 2342	102	Bromomethylpropanes
UN 2343	102	2-Bromopentane
UN 2344	102	Bromopropanes
UN 2345	102	3-Bromopropyne
UN 2346	102	Butanedione
UN 2346	101	Diacetyl
UN 2347	101	Butyl mercaptan
UN 2348	102	Butylacrylate, inhibited
UN 2350	102	Butyl methyl ether
UN 2351	102	Butyl nitrite
UN 2352	102	Butyl vinyl ether
UN 2353	102	Butyryl chloride
UN 2354	102	Chloromethyl ethyl ether
UN 2356	102	2-Chloropropane
UN 2357	101	Cyclohexylamine
UN 2358	102	Cyclooctatetraene
UN 2359	102	Diallylamine
UN 2360	102	Diallylether
UN 2361	102	Diisobutylamine
UN 2362	102	1,1-Dichloroethane
UN 2363	101	Ethyl mercaptan
UN 2364	102	Propyl benzene
UN 2366	102	Diethyl carbonate
UN 2367	102	alpha-Methyl valeraldehyde
UN 2368	102	alpha-Pinene
UN 2368	101	Pinene
UN 2369	102	Ethylene glycol monobutyl ether
UN 2370	102	Hex-1-ene
UN 2371	102	Isopentenes
UN 2372	102	1,2-Di-(dimethylamino)-ethane
UN 2373	102	Diethoxymethane
UN 2374	102	3,3-Diethoxypropene
UN 2375	102	Diethyl sulfide
UN 2376	102	2,3-Dihydropyran
UN 2376	101	Dihydropyran
UN 2377	102	1,1-Dimethoxyethane
UN 2378	102	2-Dimethylaminoacetonitrile
UN 2379	102	1,3-Dimethylbutylamine
UN 2380	102	Dimethyldiethoxysilane
UN 2381	102	Dimethyl disulfide
UN 2382	102	Dimethylhydrazine
UN 2383	102	Dipropylamine
UN 2384	102	Dipropyl ether
UN 2385	102	Ethylisobutyrate
UN 2386	102	1-Ethyl piperidine
UN 2387	102	Fluorobenzene
UN 2388	102	Fluorotoluenes
UN 2389	101	Furan
UN 2390	102	2-Iodobutane
UN 2391	102	Iodomethylpropanes
UN 2392	102	Iodopropanes
UN 2393	102	Isobutyl formate
UN 2394	102	Isobutyl propionate
UN 2395	102	Isobutyryl chloride
UN 2396	102	Methacraldehyde
UN 2397	102	3-Methyl butan-2-one
UN 2398	102	Methyl-tert-butyl ether
UN 2399	102	1-Methylpiperidine
UN 2400	102	Methylisovalerate
UN 2401	102	Piperidine
UN 2402	102	Propanethiols
UN 2403	102	Isopropenyl acetate
UN 2404	102	Propionitrile
UN 2405	102	Isopropyl butyrate
UN 2406	102	Isopropyl isobutyrate
UN 2407	102	Isopropyl chloroformate
UN 2409	102	Isopropyl propionate
UN 2410	102	1,2,3,6-Tetrahydropyridine
UN 2411	102	Butyronitrile
UN 2412	102	Tetrahydrothiophene
UN 2413	102	Tetrapropylorthotitanate
UN 2414	102	Thiophene
UN 2416	102	Trimethyl borate
UN 2417	102	Carbonyl fluoride
UN 2418	102	Sulphur tetrafluoride
UN 2419	102	Bromotrifluoroethylene
UN 2420	102	Hexafluoroacetone
UN 2421	102	Nitrogen trioxide
UN 2422	102	Octafluorobut-2-ene
NA 2422	101	Perfluoro-2-butene
UN 2424	102	Octafluoropropane
UN 2426	101	Ammonium nitrate, solution
UN 2427	102	Potassium chlorate
UN 2428	102	Sodium chlorate
UN 2429	102	Calcium chlorate
UN 2430	102	Alkyl phenols, n.o.s.
UN 2431	102	o-Anisidine
UN 2432	102	N,N-Diethylaniline
UN 2433	102	Chloro-o-nitrotoluene
UN 2434	102	Dibenzyldichlorosilane
UN 2435	101	Ethyl phenyl dichlorosilane
UN 2435	102	Ethylphenyldichlorosilane
UN 2436	102	Thioacetic acid
UN 2437	102	Methylphenyldichlorosilane
UN 2438	101	Trimethylacetyl chloride
UN 2439	101	Sodium bifluoride, solid
UN 2439	101	Sodium bifluoride, solution
UN 2439	102	Sodium hydrogen fluoride
UN 2440	102	Stannic chloride pentahydrate
UN 2441	102	Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric
UN 2442	102	Trichloroacetyl chloride
UN 2443	102	Vanadium oxitrichloride
UN 2443	101	Vanadium oxytrichloride
NA 2443	101	Vanadium oxytrichloride and titanium tetrachloride mixture
UN 2444	101	Vanadium tetrachloride
UN 2445	102	Lithium alkyls
UN 2446	102	Nitrocresols
UN 2447	102	Phosphorus, white, molten
UN 2448	102	Sulphur, molten

(1) Identification Number	(2) Source 172.***	(3) Description
NA 2449	101	Ammonium oxalate
NA 2449	101	Cupric oxalate
UN 2449	102	Oxalates
UN 2451	101	Nitrogen trifluoride
UN 2452	102	Ethyl acetylene, inhibited
UN 2453	102	Ethyl fluoride
UN 2454	102	Methyl fluoride
UN 2456	101	2-Chloropropene
UN 2457	101	2,3-Dimethylbutane
UN 2458	101	Hexadiene
UN 2459	102	2-Methyl-1-butene
UN 2460	102	2-Methyl-2-butene
UN 2460	101	Methyl butene
UN 2461	101	Methylpentadiene
UN 2462	101	Methyl pentane
UN 2462	102	Methylpentanes
UN 2463	102	Aluminum hydride
UN 2463	101	Aluminum hydride
UN 2464	101	Beryllium nitrate
UN 2465	102	Dichloroisocyanuric acid, dry *or* Dichloroisocyanuric acid salts
NA 2465	101	Potassium dichloro-s-triazinetrione
UN 2465	101	Sodium dichloro-s-triazinetrione
UN 2466	101	Potassium superoxide
UN 2467	102	Sodium percarbonates
NA 2468	101	(mono-(Trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry
UN 2468	102	Trichloroisocyanuric acid, dry
UN 2468	101	Trichloro-s-triazinetrione
UN 2469	102	Zinc bromate
UN 2470	102	Phenylacetonitrile, liquid
UN 2471	102	Osmium tetroxide
UN 2472	102	Pindone
UN 2473	102	Sodium arsanilate
UN 2474	101	Thiophosgene
UN 2475	102	Vanadium trichloride
UN 2477	102	Methyl isothiocyanate
UN 2478	102	Isocyanates, n.o.s. *or* Isocyanate solutions, n.o.s.
UN 2480	101	Methyl isocyanate
UN 2480	102	Methyl isocyanate *or* Methyl isocyanate solutions
UN 2481	102	Ethyl isocyanate
UN 2482	102	n-Propyl isocyanate
UN 2483	102	Isopropyl isocyanate
UN 2484	102	tert-Butyl isocyanate
UN 2485	101	n-Butyl isocyanate
UN 2486	102	Isobutyl isocyanate
UN 2487	102	Phenyl isocyanate
UN 2488	102	Cyclohexyl isocyanate
UN 2489	102	Diphenylmethane-4,4'diisocyanate
UN 2490	101	Dichloroisopropyl ether
UN 2491	102	Ethanolamine *or* Ethanolamine solutions
UN 2491	101	Monoethanolamine
UN 2493	101	Hexamethyleneimine
UN 2495	101	Iodine pentafluoride
UN 2496	101	Propionic anhydride
UN 2497	101	Sodium phenolate, solid
UN 2498	101	1,2,3,6-Tetrahydrobenzaldehyde
UN 2501	101	Tris-(1-aziridinyl) phosphine oxide
UN 2501	102	Tris-(1-aziridinyl)phosphine oxide, solution
UN 2502	101	Valeryl chloride
UN 2502	102	Valeryl chlorides
UN 2503	102	Zirconium tetrachloride
UN 2503	101	Zirconium tetrachloride, solid
UN 2504	101	Acetylene tetrabromide
UN 2504	102	Tetrabromoethane
UN 2505	101	Ammonium fluoride
UN 2506	101	Ammonium hydrogen sulfate
UN 2506	102	Ammonium hydrogen sulphate
UN 2507	101	Chloroplatinic acid, solid
UN 2508	101	Molybdenum pentachloride
UN 2509	101	Potassium hydrogen sulfate, solid
UN 2509	102	Potassium hydrogen sulphate
UN 2511	102	Chloropropionic acid
UN 2512	102	Aminophenols
UN 2513	102	Bromoacetyl bromide
UN 2514	101	Bromobenzene
UN 2515	102	Bromoform
UN 2516	102	Carbon tetrabromide
UN 2517	101	Chlorodifluoroethane
UN 2517	102	Chlorodifluoroethanes
UN 2518	102	1,5,9-Cyclododecatriene
UN 2520	102	Cyclooctadienes
UN 2521	102	Diketene, inhibited
UN 2522	102	Dimethylaminoethyl methacrylate
UN 2524	102	Ethyl orthoformate
UN 2525	102	Ethyl oxalate
UN 2526	102	Furfurylamine
UN 2527	102	Isobutyl acrylate
UN 2528	102	Isobutyl isobutyrate
UN 2529	101	Isobutyric acid
UN 2530	101	Isobutyric anhydride
UN 2531	102	Methacrylic acid, inhibited
UN 2533	102	Methyl trichloroacetate
UN 2534	102	Methyl chlorosilane
UN 2535	102	Methylmorpholine
UN 2536	102	Methyltetrahydrofuran
UN 2538	102	Nitronaphthalene
UN 2541	102	Terpinolene
UN 2542	102	Tributylamine
UN 2545	102	Hafnium
UN 2545	101	Hafnium metal, dry
UN 2546	102	Titanium
UN 2546	101	Titanium metal powder, dry *or* wet
UN 2547	101	Sodium superoxide
UN 2548	102	Chlorine pentafluoride
UN 2550	102	Ethyl methyl ketone peroxide(s)
UN 2550	101	Methyl ethyl ketone peroxide
UN 2551	102	tert-Butyl peroxydiethylacetate
UN 2551	101	tert-Butyl peroxydiethylacetate, with tert-Butyl peroxybenzoate
UN 2552	102	Hexafluoroacetone hydrate
UN 2553	102	Coal tar naphtha
NA 2553	101	Coal tar naptha
UN 2553	101	Naphtha
UN 2554	102	Methyl allyl chloride
UN 2555	102	Nitrocellulose
NA 2555	101	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% water
NA 2555	101	Nitrocellulose, wet with not less than 20% water
(UN 2556)	102	Nitrocellulose
UN 2556	102	Nitrocellulose
NA 2556	101	Nitrocellulose, wet with not less than 30% alcohol *or* solvent
NA 2557	101	Lacquer base, *or* Lacquer chips, dry
UN 2557	102	Nitrocellulose
UN 2558	102	Epibromohydrin
UN 2560	102	2-Methylpentan-2-ol
UN 2561	102	3-Methyl-1-butene
UN 2562	101	tert-Butyl peroxyisobutyrate
UN 2564	102	Trichloroacetic acid
UN 2564	101	Trichloroacetic acid solution
UN 2565	102	Dicyclohexylamine
UN 2567	101	Sodium pentachlorophenate
NA 2570	101	Cadmium acetate
NA 2570	101	Cadmium bromide
NA 2570	101	Cadmium chloride
UN 2570	102	Cadmium compounds
UN 2571	102	Ethylsulphuric acid
UN 2572	102	Phenylhydrazine
UN 2573	102	Thallium chlorate
UN 2574	102	Tricresylphosphate
UN 2576	102	Phosphorus oxybromide, molten
UN 2577	102	Phenylacetyl chloride
UN 2578	102	Phosphorus trioxide
UN 2579	102	Piperazine
UN 2580	102	Aluminium bromide solution
UN 2581	102	Aluminium chloride solution
UN 2582	101	Ferric chloride solution
UN 2582	102	Ferric chloride, solution
UN 2583	102	Alkyl, Aryl *or* Toluene sulphonic acid, solid
UN 2584	101	Alkanesulfonic acid
UN 2584	102	Alkyl, Aryl *or* Toluene sulphonic acid, liquid
NA 2584	101	Dodecylbenzenesulfonic acid
UN 2584	101	Toluene sulfonic acid, liquid
UN 2585	102	Alkyl, Aryl *or* Toluene sulphonic acid, solid
UN 2586	102	Alkyl, Aryl *or* Toluene sulphonic acid, liquid
UN 2587	102	Benzoquinone
NA 2588	101	Insecticide, dry, n.o.s.
UN 2588	102	Pesticides, solid, toxic, n.o.s.
UN 2589	102	Vinyl chloroacetate
UN 2590	102	Asbestos, white
UN 2591	102	Xenon, refrigerated liquid
UN 2592	101	Distearyl peroxydicarbonate
UN 2592	102	Distearyloeroxydicarbonate
UN 2593	101	Di-(2-methylbenzoyl)peroxide
UN 2594	101	tert-Butyl peroxyneodecanoate
UN 2595	101	Dimyristyl peroxydicarbonate
UN 2595	102	Dimyristylperoxydicarbonate
UN 2596	101	3-tert-Butyl peroxy-3-phenylphthalide
UN 2596	102	3-tert-Butylperoxy-3-phenyl phthalide
UN 2597	101	Di-(3,5,5-trimethyl-1,2-dioxolanyl-3)peroxide
UN 2598	102	Ethyl-3,3-di(tert-butylperoxy)butyrate
UN 2598	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2599	102	Chlorotrifluoromethane and trifluormethane azeotropic mixture
UN 2600	102	Carbon monoxide and hydrogen mixture
UN 2601	102	Cyclobutane
UN 2602	102	Dichlorodifluoromethane and difluoroethane, azeotropic mixture
UN 2603	102	Cycloheptatriene
UN 2604	102	Boron trifluoride diethyletherate
UN 2605	102	Methoxymethyl isocyanate
UN 2606	102	Methyl orthosilicate
UN 2607	102	Acrolein dimer
UN 2608	102	Nitropropanes
UN 2609	102	Triallyl borate
UN 2610	102	Triallylamine
UN 2611	102	Propylene chlorohydrin
UN 2612	102	Methyl propyl ether
UN 2614	102	Methallyl alcohol
UN 2615	102	Ethyl propyl ether
UN 2616	102	Triisopropyl borate
UN 2617	102	Methyl cyclohexanol
UN 2618	102	Vinyl toluenes
UN 2619	102	Benzyl dimethylamine
UN 2620	102	Amyl butyrates
UN 2621	102	Acetyl methyl carbinol
UN 2622	102	Glycidaldehyde
UN 2623	102	Firelighters
UN 2624	102	Magnesium silicide
NA 2626	101	Chloric acid
UN 2626	102	Chloric acid solution
UN 2627	102	Nitrites, inorganic, n.o.s.
UN 2628	102	Potassium fluoroacetate
UN 2629	102	Sodium fluoroacetate
UN 2630	102	Selenates, n.o.s. *or* Selenites, n.o.s.
UN 2630	101	Sodium selenite
UN 2642	102	Fluoroacetic acid
UN 2643	102	Methyl bromoacetate
UN 2644	102	Methyl iodide
UN 2645	102	Phenacyl bromide
UN 2646	101	Hexachlorocyclopentadiene
UN 2647	102	Malononitrile
UN 2648	102	1,2-Dibromobutan-3-one
UN 2649	102	1,3-Dichloroacetone
UN 2650	102	1,1-Dichloro-1-nitroethane
UN 2651	102	4,4'-Diaminodiphenyl methane
UN 2653	102	Benzyl iodide
UN 2655	102	Potassium silicofluoride
UN 2656	101	Quinoline
UN 2657	102	Selenium disulphide
UN 2658	102	Selenium
UN 2659	102	Sodium chloroacetate
UN 2660	102	Mononitrotoluidines
UN 2661	102	Hexachloroacetone
UN 2662	102	Hydroquinone
UN 2664	102	Dibromomethane
UN 2666	102	Ethyl cyanoacetate
UN 2667	102	Butyl toluenes
UN 2668	102	Chloroacetonitrile
UN 2669	102	Chlorocresols
UN 2670	102	Cyanuric chloride
UN 2671	102	Aminopyridines
UN 2672	102	Ammonia solutions
NA 2672	101	Ammonium hydroxide
UN 2673	102	2-Amino-4-chlorophenol
UN 2674	102	Sodium silicofluoride
UN 2676	102	Stibine
UN 2677	102	Rubidium hydroxide, solution
UN 2678	102	Rubidium hydroxide, solid
UN 2679	102	Lithium hydroxide, solution
UN 2680	102	Lithium hydroxide monohydrate
UN 2681	102	Caesium hydroxide, solution
UN 2682	102	Caesium hydroxide, solid
NA 2683	101	Ammonium hydrosulfide solution
UN 2683	101	Ammonium sulfide solution
UN 2683	102	Ammonium sulphide, solution
UN 2684	102	3-(Diethylamino) propylamine
UN 2685	102	N,N-Diethylene diamine
UN 2686	102	Diethylaminoethanol
UN 2687	102	Dicyclohexylammonium nitrate
UN 2688	102	1-Chloro-3-bromopropane
UN 2689	102	Glycerol-alpha-monochlorohydrin
UN 2690	102	N-n-Butyl imidazole

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2691	102	Phosphorus pentabromide
UN 2692	101	Boron tribromide
NA 2693	101	Ammonium bisulfite, solid
NA 2693	101	Ammonium bisulfite solution
UN 2693	102	Bisulphites, inorganic, aqueous solution, n.o.s.
NA 2693	101	Calcium hydrogen sulfite solution
NA 2693	101	Potassium metabisulfite
NA 2693	101	Sodium hydrogen sulfite, solid
NA 2693	101	Sodium hydrogen sulfite, solution
NA 2693	101	Sodium metabisulfite
UN 2698	102	Tetrahydrophthalic anhydrides
UN 2699	102	Trifluoroacetic acid
UN 2703	101	Isopropyl mercaptan
UN 2704	101	Propyl mercaptan
UN 2705	102	1-Pentol
UN 2706	102	Diethylcarbinol
UN 2707	102	Dimethyldioxanes
UN 2708	102	Butoxyl
UN 2709	102	Butyl benzenes
UN 2710	102	Dipropylketone
UN 2711	102	Dibromobenzene
UN 2713	102	Acridine
UN 2714	102	Zinc resinate
UN 2715	102	Aluminium resinate
UN 2716	102	1,4-Butynediol
UN 2717	102	Camphor
UN 2718	102	Tripropylaluminum
UN 2719	102	Barium bromate
UN 2720	102	Chromium nitrate
UN 2721	102	Copper chlorate
UN 2722	102	Lithium nitrate
UN 2723	102	Magnesium chlorate
UN 2724	102	Manganese nitrate
UN 2725	101	Nickel nitrate
UN 2726	102	Nickel nitrite
UN 2727	102	Thallium nitrate
UN 2728	101	Zirconium nitrate
UN 2729	102	Hexachlorobenzene
UN 2730	102	Nitroanisoles
UN 2732	102	Nitrobromobenzenes
UN 2733	102	Alkylamines and polyamines
UN 2734	102	Alkylamines and polyamines
UN 2735	102	Alkylamines and polyamines
UN 2738	102	N-n-Butylaniline
UN 2739	102	Butyric anhydride
UN 2740	102	n-Propyl chloroformate
UN 2741	102	Barium hypochlorite
UN 2742	102	Chloroformates, n.o.s.
UN 2743	102	n-Butylchloroformate
UN 2744	102	Cyclobutylchloroformate
UN 2745	102	Chloromethylchloroformate
UN 2746	102	Phenylchloroformate
UN 2747	102	tert-Butylcyclohexylchloroformate
UN 2748	102	2-Ethylhexylchloroformate
UN 2749	102	Tetramethylsilane
UN 2750	102	1,3-Dichloropropanol-2
UN 2751	102	Diethylthiophosphoryl chloride
UN 2752	102	1,2-Epoxy-3-ethyloxy propane
UN 2753	102	N-ethylbenzyltoluidines
UN 2754	102	N-Ethyltoluidines
UN 2755	101	3-Chloroperoxybenzoic acid
UN 2756	101	Organic peroxide, mixture.
UN 2756	102	Organic peroxides, mixture
UN 2757	101	Carbamate pesticide, liquid, n.o.s.
UN 2757	101	Carbamate pesticide, solid, n.o.s.
UN 2757	102	Carbamate pesticides, solid, toxic, n.o.s.
NA 2757	101	Carbanyl
NA 2757	101	Carbofuran
NA 2757	101	Carbofuran mixture, liquid
NA 2757	101	Mercaptodimethur
NA 2757	101	Mexacarbate
UN 2758	101	Carbamate pesticide, liquid, n.o.s.
UN 2758	102	Carbamate pesticides, liquid, flammable, toxic, n.o.s.
UN 2759	101	Arsenical pesticide, liquid, n.o.s.
UN 2759	101	Arsenical pesticide, solid, n.o.s.
UN 2759	102	Arsenical pesticides, solid, toxic, n.o.s.
NA 2759	101	Bordeaux arsenite, liquid
NA 2759	101	Bordeaux arsenite, solid
UN 2760	101	Arsenical pesticide, liquid, n.o.s.
UN 2760	102	Arsenical pesticides, liquid, flammable, toxic, n.o.s.
NA 2761	101	Aldrin
NA 2761	101	Aldrin, cast solid
NA 2761	101	Aldrin mixture, dry
NA 2761	101	Aldrin mixture, dry, with 65% or less aldrin
NA 2761	101	DDT or Dichlorodiphenyltrichloroethane
NA 2761	101	Dichlone
NA 2761	101	Dieldrin
NA 2761	101	Endosulfan
NA 2761	101	Endosulfan mixture, liquid
NA 2761	101	Endrin
NA 2761	101	Endrin mixture, liquid
NA 2761	101	Heptachlor
NA 2761	101	Kelthane
NA 2761	101	Kepone
NA 2761	101	Lindane
NA 2761	101	Methoxychlor
UN 2761	101	Organochlorine pesticide, liquid, n.o.s.
UN 2761	101	Organochlorine pesticide, solid, n.o.s.
UN 2761	102	Organochlorine pesticides, solid, toxic, n.o.s.
NA 2761	101	TDE
NA 2761	101	Toxaphene
NA 2762	101	Aldrin mixture, liquid
NA 2762	101	Aldrin mixture, liquid, with 60% or less aldrin
NA 2762	101	Chlordane, liquid
UN 2762	101	Organochlorine pesticide, liquid, n.o.s.
UN 2762	102	Organochlorine pesticides, liquid, flammable, toxic, n.o.s.
UN 2763	101	Triazine pesticide, liquid, n.o.s.
UN 2763	101	Triazine pesticide, solid, n.o.s.
UN 2763	102	Triazine pesticides, solid, toxic, n.o.s.
UN 2764	101	Triazine pesticide, liquid, n.o.s.
UN 2764	102	Triazine pesticides, liquid, flammable, toxic, n.o.s.
NA 2765	101	2,4,5-Trichlorophenoxyacetic acid
NA 2765	101	2,4,5-Trichlorophenoxyacetic acid amine, ester, or salt
NA 2765	101	2,4,5-Trichlorophenoxypropionic acid
NA 2765	101	2,4,5-Trichlorophenoxypropionic acid ester
NA 2765	101	2,4-Dichlorophenoxyacetic acid
NA 2765	101	2,4-Dichlorophenoxyacetic acid ester
UN 2765	102	Phenoxyl pesticides, solid, toxic, n.o.s.
UN 2765	101	Phenoxy pesticide, liquid, n.o.s.
UN 2765	101	Phenoxy pesticide, solid, n.o.s.
NA 2765	101	Propargite
UN 2766	101	Phenoxy pesticide, liquid, n.o.s.
UN 2766	102	Phenoxy pesticides, liquid, flammable, toxic, n.o.s.
NA 2767	101	Diuron
UN 2767	101	Phenylurea pesticide, liquid, n.o.s.
UN 2767	101	Phenylurea pesticide, solid, n.o.s.
UN 2767	102	Phenyl urea pesticides, solid, toxic, n.o.s.
UN 2768	101	Phenylurea pesticide, liquid, n.o.s.
UN 2768	102	Phenyl urea pesticides, liquid, flammable, toxic, n.o.s.
UN 2769	101	Benzoic derivative pesticide, liquid, n.o.s.
UN 2769	101	Benzoic derivative pesticide, solid, n.o.s.
UN 2769	102	Benzoic derivative pesticides, solid, toxic, n.o.s.
NA 2769	101	Dicamba
NA 2769	101	Dichlobenil
UN 2770	101	Benzoic derivative pesticide, liquid, n.o.s.
UN 2770	102	Benzoic derivative pesticides, liquid, flammable, toxic, n.o.s.
UN 2771	101	Dithiocarbamate pesticide, liquid, n.o.s.
UN 2771	101	Dithiocarbamate pesticide, solid, n.o.s.
UN 2771	102	Dithiocarbamate pesticides, solid, toxic, n.o.s.
NA 2771	101	Thiram
UN 2772	101	Dithiocarbamate pesticide, liquid, n.o.s.
UN 2772	102	Dithiocarbamate pesticides, liquid, flammable, toxic, n.o.s.
UN 2773	101	Phthalimide derivative pesticide, liquid, n.o.s.
UN 2773	101	Phthalimide derivative pesticide, solid, n.o.s.
UN 2773	102	Phthalimide derivative pesticides, solid, toxic, n.o.s.
UN 2774	101	Phthalimide derivative pesticide, liquid, n.o.s.
UN 2774	102	Phthalimide derivative pesticides, liquid, flammable, toxic, n.o.s.
UN 2775	101	Copper based pesticide, liquid, n.o.s.
UN 2775	101	Copper based pesticide, solid, n.o.s.
UN 2775	102	Copper based pesticides, solid, toxic, n.o.s.
UN 2776	101	Copper based pesticide, liquid, n.o.s.
UN 2776	102	Copper based pesticides, liquid, flammable, toxic, n.o.s.
UN 2777	101	Mercury based pesticide, liquid, n.o.s.
UN 2777	101	Mercury based pesticide, solid, n.o.s.
UN 2777	102	Mercury based pesticides, solid, toxic, n.o.s.
UN 2778	101	Mercury based pesticide, liquid, n.o.s.
UN 2778	102	Mercury based pesticides, liquid, flammable, toxic, n.o.s.
UN 2779	101	Substituted nitrophenol pesticide, liquid, n.o.s.
UN 2779	101	Substituted nitrophenol pesticide, solid, n.o.s.
UN 2779	102	Substituted nitrophenol pesticides, solid, toxic, n.o.s.
UN 2780	101	Substituted nitrophenol pesticide, liquid, n.o.s.
UN 2780	102	Substituted nitrophenol pesticides, liquid, flammable, toxic, n.o.s.
UN 2781	101	Bipyridilium pesticide, liquid, n.o.s.
UN 2781	101	Bipyridilium pesticide, solid, n.o.s.
UN 2781	102	Bipyridilium pesticides, solid, toxic, n.o.s.
NA 2781	101	Diquat
UN 2782	101	Bipyridilium pesticide, liquid, n.o.s.
UN 2782	102	Bipyridilium pesticides, liquid, flammable, toxic, n.o.s.
NA 2783	101	Azinphos methyl
NA 2783	101	Azinphos methyl mixture, liquid
NA 2783	101	Chlorpyrifos
NA 2783	101	Coumaphos
NA 2783	101	Coumaphos mixture, liquid
NA 2783	101	Diazinon
NA 2783	101	Dichlorvos
NA 2783	101	Dichlorvos mixture, dry
NA 2783	101	Disulfoton
NA 2783	101	Disulfoton mixture, dry
NA 2783	101	Disulfoton mixture, liquid
NA 2783	101	Ethion
NA 2783	101	Ethion mixture, dry
NA 2783	101	Hexaethyl tetraphosphate mixture, dry
NA 2783	101	Hexaethyl tetraphosphate mixture, liquid
UN 2783	101	Hexaethyl tetraphosphate mixture, liquid
NA 2783	101	Malathion
NA 2783	101	Methyl parathion, liquid
NA 2783	101	Methyl parathion mixture, dry
NA 2783	101	Methyl parathion mixture, liquid
NA 2783	101	Methyl parathion mixture, liquid, (containing 25% or less methyl parathion)
NA 2783	101	Mevinphos
NA 2783	101	Mevinphos mixture, dry
NA 2783	101	Mevinphos mixture, liquid
UN 2783	101	Mipafox
NA 2783	101	Naled
NA 2783	101	Organic phosphate mixture, Organic phosphate compound mixture, or Organic phosphorus compound mixture; liquid
NA 2783	101	Organic phosphate mixture, Organic phosphate compound mixture, or Organic phosphorus compound mixture; solid or dry
NA 2783	101	Organic phosphate, Organic phosphate compound, or Organic phosphorus compound; liquid
NA 2783	101	Organic phosphate, Organic phosphate compound, or Organic phosphorus compound; solid or dry
UN 2783	101	Organophosphorus pesticide, liquid, n.o.s.

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2783	101	Organophosphorus pesticide, solid, n.o.s.
UN 2783	102	Organophosphorus pesticides solid, toxic, n.o.s.
NA 2783	101	Parathion, liquid
NA 2783	101	Parathion mixture, dry
NA 2783	101	Parathion mixture, liquid
NA 2783	101	Phencapton
NA 2783	101	Tetraethyl pyrophosphate, liquid
NA 2783	101	Tetraethyl pyrophosphate mixture, dry
NA 2783	101	Tetraethyl pyrophosphate mixture, liquid
NA 2783	101	Trichlorfon
UN 2784	101	Organophosphorus pesticide, liquid, n.o.s.
UN 2784	102	Organophosphorus pesticides, liquid, flammable, toxic, n.o.s.
UN 2785	102	4-Thiapentanal
UN 2786	101	Organotin pesticide, liquid, n.o.s.
UN 2786	101	Organotin pesticide, solid, n.o.s.
UN 2786	102	Organotin pesticides, solid, toxic, n.o.s.
UN 2787	101	Organotin pesticide, liquid, n.o.s.
UN 2787	102	Organotin pesticides, liquid, flammable, toxic, n.o.s.
UN 2788	102	Organotin compounds, n.o.s.
UN 2789	101	Acetic acid, glacial
UN 2789	102	Acetic acid, glacial *or* Acetic acid solution
UN 2790	101	Acetic acid
UN 2790	102	Acetic acid solution
NA 2791	101	Aircraft rocket engine
UN 2791	102	Aircraft thrust device
UN 2792	101	Aircraft rocket engine igniter
UN 2792	102	Igniter for aircraft thrust device
UN 2793	102	Ferrous metal borings, shavings, turnings, *or* cuttings
UN 2793	101	Metal borings, shavings, turnings, *or* cuttings
UN 2794	102	Batteries, wet, filled with acid
NA 2794	101	Battery
UN 2794	101	Battery
UN 2795	102	Batteries, wet, filled with alkali
NA 2795	101	Battery
UN 2795	101	Battery
UN 2796	101	Battery fluid, acid
NA 2796	101	Battery fluid, acid, with battery
NA 2796	101	Battery fluid, acid, with electronic equipment *or* actuating device
UN 2796	102	Sulphuric acid
UN 2797	101	Battery fluid, alkali
UN 2797	101	Battery fluid, alkali, with battery
NA 2797	101	Battery fluid, alkali, with electronic equipment *or* actuating device
UN 2798	101	Benzene phosphorus dichloride
UN 2798	102	Phenyl phosphorus dichloride
UN 2799	101	Benzene phosphorus thiodichloride
UN 2799	102	Phenyl phosphorus thiodichloride
UN 2800	102	Batteries, wet, non-spillable
NA 2801	101	Coal tar dye, liquid
UN 2801	101	Dye intermediate, liquid
UN 2801	102	Dyes, n.o.s. *or* Dye intermediates, n.o.s.
UN 2802	101	Copper chloride
UN 2803	102	Gallium
UN 2803	101	Gallium metal, liquid
UN 2803	101	Gallium metal, solid
UN 2805	102	Lithium hydride, fused solid
UN 2805	101	Lithium hydride in fused solid form
UN 2806	101	Lithium nitride
UN 2807	101	Magnetized material
UN 2809	102	Mercury
NA 2809	101	Mercury, metallic
NA 2810	101	Arsenious and mercuric iodide solution
NA 2810	101	Compound, tree *or* weed killing, liquid
NA 2810	101	Drugs, liquid, n.o.s.
UN 2810	101	Poisonous liquid, n.o.s. *or* Poison B, liquid, n.o.s.
UN 2810	102	Poisonous liquids, n.o.s.
NA 2811	101	Drugs, solid, n.o.s.
NA 2811	101	Flue dust, poisonous
NA 2811	101	Lead fluoride
NA 2811	101	Lead iodide
NA 2811	101	Lead stearate
UN 2811	101	Poisonous solid, n.o.s. *or* Poison B, solid, n.o.s.
UN 2811	102	Poisonous solids, n.o.s.
NA 2811	101	Selenium oxide
UN 2812	101	Sodium aluminate, solid
NA 2813	101	Lithium acetylide-ethylene diamine complex
UN 2813	102	Substances which, in contact with water, emit flammable gases, n.o.s.
UN 2813	101	Water reactive solid, n.o.s.
NA 2814	101	Etiologic agent, n.o.s.
UN 2814	101	Infectious substance, human, n.o.s.
UN 2815	101	N-Aminoethylpiperazine
UN 2817	101	Ammonium hydrogen fluoride solution
UN 2817	102	Ammonium hydrogen fluoride, solution
UN 2818	101	Ammonium polysulfide solution
UN 2818	102	Ammonium polysulphide, solution
UN 2819	101	Amyl acid phosphate
UN 2820	101	Butyric acid
UN 2820	102	n-Butyric acid
NA 2821	101	Phenol, liquid *or* solution
UN 2821	102	Phenol solutions
UN 2822	102	2-Chloropyridine
UN 2823	101	Crotonic acid
UN 2825	102	N,N-Diisopropyl ethanolamine
UN 2826	101	Ethyl chlorothioformate
UN 2830	101	Lithium ferrosilicon
UN 2831	101	1,1,1-Trichloroethane
UN 2831	102	1,1,1,-Trichloroethane
UN 2834	102	Phosphorous acid, ortho
UN 2835	102	Sodium aluminium hydride
UN 2835	101	Sodium aluminum hydride
UN 2837	101	Sodium hydrogen sulfate solution
UN 2837	102	Sodium hydrogen sulphate, solution
UN 2838	102	Vinyl butyrate, inhibited
UN 2839	102	Aldol
UN 2840	102	Butyraldoxime
UN 2841	102	Di-n-amylamine
UN 2842	102	Nitroethane
UN 2844	102	Calcium manganese silicon
UN 2845	101	Pyrophoric liquid, n.o.s. *or* Pyroforic liquid, n.o.s.
UN 2845	102	Pyrophoric liquids, n.o.s.
UN 2846	102	Pyrophoric solids, n.o.s.
UN 2849	102	3-Chloropropanol-1
UN 2850	102	Propylene tetramer
UN 2851	102	Boron trifluoride dihydrate
UN 2852	102	Dipicryl sulphide, wetted
UN 2853	102	Magnesium silicofluoride
UN 2854	101	Ammonium silicofluoride
UN 2855	101	Zinc silicofluoride
UN 2856	102	Silicofluorides, n.o.s.
UN 2857	101	Refrigerating machine
UN 2857	102	Refrigerating machines
UN 2858	102	Zirconium
UN 2859	102	Ammonium metavanadate
UN 2860	102	Vanadium trioxide
UN 2861	102	Ammonium polyvanadate
UN 2862	101	Vanadium pentoxide
UN 2863	102	Sodium ammonium vanadate
UN 2864	102	Potassium metavanadate
UN 2865	102	Hydroxylamine sulphate
UN 2867	101	Ink
UN 2868	101	Resin solution
UN 2869	102	Titanium trichloride mixtures
UN 2870	102	Aluminium borohydride *or* Aluminium borohydride in devices
UN 2871	102	Antimony powder
UN 2872	102	1,2-Dibromo-3-chloropropane
UN 2873	102	N,N-Di-n-butylaminoethanol
UN 2874	102	Furfuryl alcohol
UN 2875	102	Hexachlorophene
UN 2876	101	Resorcinol
UN 2877	102	Thiourea
UN 2878	102	Titanium sponge granules *or* Titanium sponge powders
UN 2879	102	Selenium oxychloride
UN 2880	102	Calcium hypochlorate, hydrated *or* Calcium hypochlorite, hydrated mixtures
UN 2880	101	Calcium hypochlorite, hydrated
UN 2881	102	Nickel catalyst, dry
UN 2883	101	2,2-Di-(tert-butylperoxy)propane
UN 2883	102	2,2-Di-(tert-butylperoxy) propane
UN 2884	101	2,2-Di-(tert-butylperoxy)propane
UN 2884	102	2,2-Di-(tert-butylperoxy) propane
UN 2885	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2885	102	1,1-Di-(tert-butylperoxy) cyclohexane
UN 2886	102	tert-Butyl peroxy-2-ethylhexanoate
UN 2886	101	tert-Butyl peroxy-2-ethylhexanoate, with 2,2-Di-(tert-butylperoxy)butane
UN 2887	101	tert-Butyl peroxy-2-ethylhexanoate
UN 2888	101	tert-Butyl peroxy-2-ethylhexanoate
UN 2889	102	Diisotridecyl peroxidicarbonate
UN 2889	101	Diisotridecyl peroxydicarbonate
UN 2890	101	tert-Butyl peroxybenzoate
UN 2891	102	tert-Amyl peroxyneodecanoate
UN 2891	101	tert- Amyl peroxyneodecanoate
UN 2892	101	Dimyristyl peroxydicarbonate
UN 2892	102	Dimyristylperoxydicarbonate
UN 2893	102	Dilauroyl peroxide
UN 2893	101	Lauroyl peroxide
UN 2894	101	Di-(4-tert-butylcyclohexyl)peroxydicarbonate
UN 2894	102	Di-(4-tert-butylcyclohexyl) peroxydicarbonate
UN 2895	101	Dicetyl peroxydicarbonate
UN 2896	101	Cyclohexanone peroxide
UN 2896	102	Cyclohexanone peroxides
UN 2897	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2897	102	1,1-Di-(tert-butylperoxy) cyclohexane
UN 2898	101	tert-Amyl peroxy-2-ethylhexanoate
UN 2899	102	Organic peroxides, n.o.s., trial quantities
UN 2899	101	Organic peroxide, trial quantity, n.o.s.
UN 2901	102	Bromine chloride
NA 2902	101	Allethrin
NA 2902	101	Insecticide, liquid, n.o.s.
UN 2902	102	Pesticides, liquid, toxic, n.o.s.
UN 2903	102	Pesticides, liquid, toxic, flammable, n.o.s.
UN 2904	102	Chlorophenates, liquid
UN 2905	102	Chlorophenates, solid
UN 2906	102	Triisocyanatoisocyanurate of isophoronediisocyanate, solution
UN 2907	102	Isosorbide dinitrate mixture
UN 2908	101	Radioactive material, empty packages
UN 2909	101	Radioactive material, articles, manufactured from natural *or* depleted uranium *or* natural thorium
UN 2910	101	Radioactive material, limited quantity, n.o.s.
UN 2911	101	Radioactive material, instruments *and* articles
UN 2912	101	Radioactive material, low specific activity *or* LSA, n.o.s.
UN 2918	101	Radioactive material, fissile, n.o.s.
UN 2920	102	Corrosive liquids, flammable, n.o.s.
UN 2921	102	Corrosive solids, flammable, n.o.s.
UN 2922	101	Corrosive liquid, poisonous, n.o.s.
UN 2922	102	Corrosive liquids, poisonous, n.o.s.
NA 2922	101	Dimethyl chlorothiophosphate
NA 2922	101	Sodium hydrosulfide, solution
UN 2923	102	Corrosive solids, poisonous, n.o.s.
NA 2923	101	Sodium hydrosulfide, solid
NA 2924	101	Dichlorobutene
UN 2924	101	Flammable liquid, corrosive, n.o.s.
UN 2924	102	Flammable liquids, corrosive, n.o.s.
UN 2925	101	Flammable solid, corrosive, n.o.s.
UN 2925	102	Flammable solids, corrosive, n.o.s.
UN 2926	101	Flammable solid, poisonous, n.o.s.
UN 2926	102	Flammable solids, poisonous, n.o.s.
UN 2927	102	Poisonous liquids, corrosive, n.o.s.
UN 2928	101	Poisonous solid, corrosive, n.o.s.
UN 2928	102	Poisonous solids, corrosive, n.o.s.
NA 2929	101	Chloropicrin mixture, flammable
UN 2929	102	Poisonous liquids, flammable, n.o.s.
UN 2930	102	Poisonous solids, flammable, n.o.s.
UN 2931	102	Vanadyl sulphate
UN 2933	102	Methyl-2-chloropropionate
UN 2934	102	Isopropyl-2-chloropropionate
UN 2935	102	Ethyl-2-chloropropionate
UN 2936	102	Thiolactic acid
UN 2937	102	alpha-Methylbenzyl alcohol
UN 2938	102	Methylbenzoate
UN 2940	102	9-Phosphabicyononanes
UN 2941	102	2-Fluoroaniline
UN 2942	102	2-Trifluoromethyl aniline
UN 2943	102	Tetrahydrofurfurylamine
UN 2944	102	4-Fluoroaniline
UN 2945	102	N-Methylbutylamine
UN 2946	102	2-Amino-5-diethylaminopentane
UN 2947	102	Isopropyl chloroacetate

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2948	102	3-Trifluoromethyl aniline
UN 2949	102	Sodium hydrosulphide
UN 2950	101	Magnesium granules coated
UN 2950	102	Magnesium granules, coated
UN 2952	102	Azodiisobutyronitrile
UN 2953	102	2,2'-Azodi-(2,4-dimethylvaleronitrile)
UN 2954	102	Azodi-(1,1'-hexahydrobenzonitrile)
UN 2955	102	2,2'-Azodi-(2,4-dimethyl-4-methoxyvaleronitrile)
UN 2957	102	tert-Amyl peroxypivalate
UN 2958	102	Diperoxyazelaic acid
UN 2959	102	2,5-Dimethyl-2,5-di-(benzoylperoxy) hexane
UN 2960	102	Di-(2-ethylhexyl) peroxydicarbonate
UN 2961	102	2,4,4-Trimethylpentyl-2-peroxy phenoxy acetate
UN 2962	102	Disuccinic acid peroxide
UN 2963	102	Cumyl peroxyneodecanoate
UN 2964	102	Cumyl peroxypivalate
UN 2965	102	Boron trifluoride dimethyl etherate
UN 2966	102	Thioglycol
UN 2967	102	Sulphamic acid
UN 2968	102	Maneb, *or* Maneb preparation(s)
UN 2969	102	Castor beans, Castor meal, Castor pomace *or* Castor flake
UN 2974	101	Radioactive material, special form, n.o.s.
UN 2975	101	Thorium metal, pyrophoric
UN 2976	101	Thorium nitrate
UN 2977	101	Uranium hexafluoride, fissile
UN 2978	101	Uranium hexafluoride, low specific activity
UN 2979	101	Uranium metal, pyrophoric
UN 2980	101	Uranyl nitrate hexahydrate solution
UN 2981	101	Uranyl nitrate, solid
UN 2982	101	Radioactive material, n.o.s.
UN 2983	102	Ethylene oxide and propylene oxide mixtures
UN 2984	102	Hydrogen peroxide, aqueous solutions
UN 2985	102	Dicetyl peroxydicarbonate
UN 2989	102	Lead phosphite dibasic
UN 2991	102	Carbamate pesticides, liquid, toxic, flammable, n.o.s.
UN 2992	102	Carbamate pesticides, liquid, toxic, n.o.s.
UN 2993	102	Arsenical pesticides, liquid, toxic, flammable, n.o.s.
UN 2994	102	Arsenical pesticides, liquid, toxic, n.o.s.
UN 2995	102	Organochlorine pesticides, liquid, toxic, flammable, n.o.s.
UN 2996	102	Organochlorine pesticides, liquid, toxic, n.o.s.
UN 2997	102	Triazine pesticides, liquid, toxic, flammable, n.o.s.
UN 2998	102	Triazine pesticides, liquid, toxic, n.o.s.
UN 2999	102	Phenoxy pesticides, liquid, toxic, flammable, n.o.s.
UN 3000	102	Phenoxy pesticides, liquid, toxic, n.o.s.
UN 3001	102	Phenyl urea pesticides, liquid, toxic, flammable, n.o.s.
UN 3002	102	Phenyl urea pesticides, liquid, toxic, n.o.s.
UN 3003	102	Benzoic derivative pesticides, liquid, toxic, flammable, n.o.s.
UN 3004	102	Benzoic derivative pesticides liquid, toxic, n.o.s.
UN 3005	102	Dithiocarbamate pesticides, liquid, toxic, flammable, n.o.s.
UN 3006	102	Dithiocarbamate pesticides, liquid, toxic, n.o.s.
UN 3007	102	Phthalimide derivative pesticides, liquid, toxic, flammable, n.o.s.
UN 3008	102	Phthalimide derivative pesticides, liquid, toxic, n.o.s.
UN 3009	102	Copper based pesticides, liquid, toxic, flammable, n.o.s.
UN 3010	102	Copper based pesticides, liquid, toxic, n.o.s.
UN 3011	102	Mercury based pesticides, liquid, toxic, flammable, n.o.s.
UN 3012	102	Mercury based pesticides, liquid, toxic, n.o.s.
UN 3013	102	Substituted nitrophenol pesticides, liquid, toxic, flammable, n.o.s.
UN 3014	102	Substituted nitrophenol pesticides, liquid, toxic, n.o.s.
UN 3015	102	Bipyridilium pesticides, liquid, toxic, flammable, n.o.s.
UN 3016	102	Bipyridilium pesticides, liquid, toxic, n.o.s.
UN 3017	102	Organophosphorus pesticides, liquid, toxic, flammable, n.o.s.
UN 3018	102	Organophosphorus pesticides, liquid, toxic, n.o.s.
UN 3019	102	Organotin pesticides, liquid, toxic, flammable, n.o.s.
UN 3020	102	Organotin pesticides, liquid, toxic, n.o.s.
UN 3021	102	Pesticides, liquid, flammable, toxic, n.o.s.
NA 9011	101	Camphene
NA 9018	101	Dichlorodifluoroethylene
NA 9026	101	Dinitrocyclohexylphenol
NA 9035	101	Gas identification set
NA 9037	101	Hexachloroethane
NA 9053	101	Oiled material
NA 9069	101	Tetramethylmethylenediamine
NA 9077	101	Adipic acid
NA 9078	101	Aluminum sulfate, solid
NA 9079	101	Ammonium acetate
NA 9080	101	Ammonium benzoate
NA 9081	101	Ammonium bicarbonate
NA 9083	101	Ammonium carbamate
NA 9084	101	Ammonium carbonate
NA 9085	101	Ammonium chloride
NA 9086	101	Ammonium chromate
NA 9087	101	Ammonium citrate, dibasic
NA 9088	101	Ammonium fluoborate
NA 9089	101	Ammonium sulfamate
NA 9090	101	Ammonium sulfite
NA 9091	101	Ammonium tartrate
NA 9092	101	Ammonium thiocyanate
NA 9093	101	Ammonium thiosulfate
NA 9094	101	Benzoic acid
NA 9095	101	n-Butyl phthalate
NA 9096	101	Calcium chromate
NA 9097	101	Calcium dodecylbenzenesulfonate
NA 9099	101	Captan
NA 9100	101	Chromic sulfate
NA 9101	101	Chromic acetate
NA 9102	101	Chromous chloride
NA 9103	101	Cobaltous bromide
NA 9104	101	Cobaltous formate
NA 9105	101	Cobaltous sulfamate
NA 9106	101	Cupric acetate
NA 9109	101	Cupric sulfate
NA 9110	101	Cupric sulfate, ammoniated
NA 9111	101	Cupric tartrate
NA 9117	101	Ethylenediaminetetraacetic acid
NA 9118	101	Ferric ammonium citrate
NA 9119	101	Ferric ammonium oxalate
NA 9120	101	Ferric fluoride
NA 9121	101	Ferric sulfate
NA 9122	101	Ferrous ammonium sulfate
NA 9125	101	Ferrous sulfate
NA 9126	101	Fumaric acid
NA 9127	101	Isopropanolamine dodecylbenzenesulfonate
NA 9134	101	Lithium chromate
NA 9137	101	Naphthenic acid
NA 9138	101	Nickel ammonium sulfate
NA 9139	101	Nickel chloride
NA 9140	101	Nickel hydroxide
NA 9141	101	Nickel sulfate
NA 9142	101	Potassium chromate
NA 9145	101	Sodium chromate
NA 9146	101	Sodium dodecylbenzenesulfonate
NA 9147	101	Sodium phosphate, dibasic
NA 9148	101	Sodium phosphate, tribasic
NA 9149	101	Strontium chromate
NA 9151	101	Triethanolamine dodycylbenzenesulfonate
NA 9152	101	Vanadyl sulfate
NA 9153	101	Zinc acetate
NA 9154	101	Zinc ammonium chloride
NA 9155	101	Zinc borate
NA 9156	101	Zinc bromide
NA 9157	101	Zinc carbonate
NA 9158	101	Zinc fluoride
NA 9159	101	Zinc formate
NA 9160	101	Zinc phenolsulfonate
NA 9161	101	Zinc sulfate
NA 9162	101	Zirconium potassium fluoride
NA 9163	101	Zirconium sulfate
NA 9180	101	Uranyl acetate
NA 9183	101	Organic peroxide, liquid *or* solution, n.o.s.
NA 9184	101	Pyrethrins
NA 9187	101	Organic peroxide, solid, n.o.s.
NA 9188	101	Hazardous substance, liquid *or* solid, n.o.s.
NA 9189	101	Hazardous waste, liquid *or* solid, n.o.s.
NA 9190	101	Ammonium permanganate
NA 9191	101	Chlorine dioxide hydrate, frozen
NA 9193	101	Oxidizer, corrosive, liquid, n.o.s.
NA 9194	101	Oxidizer, corrosive, solid, n.o.s.
NA 9195	101	Metal alkyl, solution, n.o.s.
NA 9199	101	Oxidizer, poisonous, liquid, n.o.s.
NA 9200	101	Oxidizer, poisonous, solid, n.o.s.
NA 9201	101	Antimony trioxide
NA 9202	101	Carbon monoxide, cryogenic liquid
NA 9206	101	Methyl phosphonic dichloride

§ 172.203 [Amended]

4. In § 172.203, paragraph (f) is amended by removing the last sentence, paragraph (g)(2) is removed, and paragraph (g)(3) is redesignated (g)(2).

§ 172.204 [Amended]

5. In § 172.204, paragraph (c)(3) is amended by removing the words "cargo-only aircraft" and inserting, in their place, the words "cargo aircraft only".

§ 172.324 [Amended]

6. In § 172.324, paragraph (c) is removed.

§ 172.330 [Amended]

7. In § 172.330, paragraph (h) is removed.

8. In § 172.332, paragraph (a) is revised to read as follows:

§ 172.332 Identification number markings.

(a) *General:* When required by §§ 172.326, 172.328, 172.330 of this subpart, identification numbers shall be displayed on orange panels or placards as specified in this section.

* * * * *

§ 172.336 [Amended]

9. In § 172.336, paragraph (b)(1) is amended by removing the reference "§ 172.332 (c)(2) and (c)(3)" and inserting, in its place, the reference "§ 172.332 (c)(1) and (c)(2)"; and paragraph (c)(7) is removed.

§ 172.402 [Amended]

10. In § 172.402, paragraph (a)(10) is removed.

§ 172.403 [Amended]

11. In § 172.403, paragraph (h) is removed.

§ 172.519 [Amended]

12. In § 172.519, paragraph (f) is amended by removing the reference "§ 172.334" and inserting, in its place, the reference "§ 172.332".

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

§ 173.7 [Amended]

13. In § 173.7, paragraph (b) is amended by removing the words "Energy Research and Development Administration" and inserting, in their place, the words "Department of Energy".

13a. In § 173.23 paragraph (d) is revised and paragraph (e) is added as set forth below. This amendment supersedes the amendments to § 173.23(d) published on June 16, 1983, at 48 FR 27692 and on June 20, 1983, at 48 FR 28099.

§ 173.23 Previously authorized packaging.

* * * * *

(d) Cylinders (spheres) manufactured and marked DOT-E 6616 prior to January 1, 1983, may be continued in use if marked before or at the time of the next retest with the specification identification "4BA" near the exemption marking.

(e) After October 1, 1984, cylinders manufactured for use under exemptions DOT-E6668 or E-8404 may be continued in use, and must be marked "DOT-4L" in compliance with Specification 4L (§ 178.57 of this subchapter) before or at the time of the first required retest. The "DOT-4L" marking must appear in proximity to other required specification markings.

§ 173.31 [Amended]

14. In § 173.31, paragraph (d)(6) is amended by having footnote "c" to Retest Table 2 removed and reserved.

§ 173.33 [Amended]

15. In § 173.33, paragraph (d)(15) is amended by removing the reference "paragraphs (d)(10) and (d)(11)" and inserting, in its place, the reference "paragraphs (d)(10), (d)(11), and (d)(12)".

§ 173.69 [Amended]

16. In § 173.69, Note 1 to paragraph (a) is amended by removing the reference "§§ 173.389 through 173.398" and inserting, in its place, the reference "Subpart I of this Part".

§ 173.86 [Amended]

17. In § 173.86, paragraph (b)(2) is amended by removing the code "(NAVSEA 04H)" and inserting, in its place, the code "(NAVSEA 06H)".

§ 173.114a [Amended]

18. In § 173.114a, paragraph (d)(3)(ii) is amended by removing the code "(NAVSEA 04H)" and inserting, in its place, the code "(NAVSEA 06H)".

§ 173.283 [Amended]

19. In § 173.283, paragraph (b)(3) is removed.

§ 173.292 [Amended]

20. In § 173.292, paragraph (a)(3) is removed.

§ 173.314 [Amended]

21. In § 173.314, the Table in paragraph (c) is amended by revising the following entries; note 27 is removed and reserved; and notes 26, 28, and 29 are revised to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a)(2) and (3)
* *	*	* *
Anhydrous ammonia	58.8	DOT-112S400F, 112S340W, 114S340-W, Note 15.
* *	*	* *
Bromotrifluoromethane (R-13B1 or H-1301).	124	DOT-110A800W, Notes 13 and 25.
* *	*	* *
Dimethylamine, anhydrous.	61	DOT-112T340W, 112J340W, Note 26.
* *	*	* *
Monomethylamine, anhydrous.	61	DOT-112T340W, 112J340W, Notes 4 and 26.
* *	*	* *
Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s. (classed as a flammable gas) Note 13.	Note 21	DOT-106A500X, 110A500W, Note 25. DOT-105A300W, Note 23. DOT-112T340W, 112J340W, 114T340W, 114J340W, Notes 26 and 29.
Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s. (classed as a nonflammable gas) Note 13.	Note 21	DOT-106A500X, 110A500W, Note 25. DOT-105A300W, DOT-112A340W, 114A340W, Note 29.
* *	*	* *
Trimethylamine, anhydrous.	58	DOT-112T340W, 112J340W, Note 26.

* * * * *

Note 26: For these materials only, Specifications 105A300W, and 112T340W or 112J340W tank cars may be equipped with safety relief devices with a start-to-discharge pressure setting of 247.5 psi and 280.5 psi respectively.

Note 27: [Reserved].

Note 28: DOT-114T340W and 114J340W tank cars may be equipped with bottom outlets, except that the bottom outlets must be rendered inoperative and effectively sealed to preclude bottom unloading when transporting flammable gases.

Note 29: A maximum safety relief valve setting of 280.5 psig is authorized on DOT Specification 114A340W, 114T340W, and 114J340W tank car tanks.

* * * * *

§ 173.348 [Amended]

22. In § 173.348, paragraph (a)(5) is removed.

§ 173.349 [Amended]

23. In § 173.349, paragraph (a)(4) is removed.

§ 173.386 [Amended]

24. In § 173.386, paragraph (a)(1) is amended by removing the reference "42 CFR 72.3(c)" and inserting, in its place, the reference "42 CFR 72.3"; and paragraph (c) is amended by removing the reference "42 CFR 72.25" and inserting, in its place, the reference "42 CFR Part 72".

§ 173.387 [Amended]

25. In § 173.387, paragraph (b) is amended by removing the reference "42 CFR 72.25(c)" and inserting, in its place, the reference "42 CFR Part 72".

§ 173.388 [Amended]

26. In § 173.388, paragraph (a) is amended by removing the reference "42 CFR 72.25(c)(4)" and inserting, in its place, the reference "42 CFR 72.3(d)".

27. In § 173.422, paragraph (g) is reserved, and paragraphs (3) and (f) are revised to read as follows:

§ 173.422 Exception for instruments and articles.

* * * * *

(e) The nonfixed (removable) radioactive surface contamination on the external surface of the package does not exceed the limits specified in § 173.443(a);

(f) Except as provided in § 173.424, the package does not contain more than 15 grams of uranium-283; and

(g) [Reserved].

* * * * *

§ 173.427 [Amended]

28. In § 173.427, paragraph (c) is amended by removing the reference "§ 173.433(a)" and inserting, in its place, the reference "§ 173.443(a)".

29. In § 173.465, Table 11 in paragraph (c)(2) is revised to read as follows:

§ 173.465 Type A packaging tests.

* * * * *

(c) * * *

(2) * * *

TABLE 11—FREE-FALL DISTANCE FOR PACKAGINGS WEIGHING MORE THAN 5,000 KILOGRAMS

Packaging weight		Free-fall distance	
Kilograms	Pounds	Feet	Meters
>5,000 to 10,000	>11,000 to 22,000	3	0.9
>10,000 to 15,000	>22,000 to 33,000	2	0.6
More than 15,000	More than 33,000	1	0.3

* * * * *

§ 173.510 [Amended]

30. In § 173.510, paragraph (a)(1) is amended by removing the reference "40 CFR 761.10 and 761.42" and inserting, in its place, the reference "40 CFR 761.60 and 761.65".

§ 173.605 [Amended]

31. In § 173.605, the section heading and introductory text of paragraph (a) are amended by removing the name "methyl chloroform" and inserting, in its place, the name "1,1,1-trichloroethane".

32. In addition to the amendments set forth above, Part 173 is amended by removing the words "cargo-only aircraft" and inserting, in their place, the words "cargo aircraft only" in the following sections:

§ 173.3(b)
§ 173.6(a)
§ 173.9(a); (d)(5); and (g)
§ 173.118(b)
§ 173.123(c)
§ 173.124(b)
§ 173.448(g)(3)
§ 173.620(a)
§ 173.645(b)
§ 173.655(b)
§ 173.850(a)
§ 173.945(b)

PART 174—CARRIAGE BY RAIL

§ 174.25 [Amended]

33. In § 174.25, the Table to paragraph (a)(2) is amended by removing the entry "Blasting agent—Do—Do" and inserting, in its place, the entry "Blasting agent—Placarded BLASTING AGENTS—Do".

PART 175—CARRIAGE BY AIRCRAFT

§ 175.45 [Amended]

34. In § 175.45, paragraph (a)(6) is amended by removing the reference "paragraph (b)(1), (2), or (3)" and inserting, in its place, the reference "paragraph (a)(1), (2), or (3)".

§ 175.75 [Amended]

35. In § 175.75, paragraph (a) is amended by removing the reference "§ 175.85(b)" and inserting, in its place, the reference "§ 175.85(c)(3)"; and paragraph (a)(3)(ii) is amended by removing the reference "§ 175.702(b)(3)" and inserting, in its place, the reference "§ 175.702(b)(2)(iv)".

36. In addition to the amendments set forth above, Part 175 is amended by removing the words "cargo-only aircraft" and inserting, in their place, the words "cargo aircraft only" in the following sections:

§ 175.75(a)(2)(iii); and (a)(3)(ii)
§ 175.85(c)(1); (c)(2); and (c)(3)
§ 175.320(b)(8)
§ 175.702 Heading; and (b)
§ 175.703(c)(1)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C., on October 24, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-29334 Filed 10-31-83; 8:45 am]
BILLING CODE 4910-60-M

federal register

Tuesday
November 1, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 988]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 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
107-DP: 15,000 feet or deeper
Section 107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 988

ISSUED OCTOBER 27, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-MID LOUISIANA GAS COMPANY				RECEIVED:	09/30/83	JA: LA			
8357677	83-0788	1711123086		108		MLGC FEE GAS #1032	MONROE GAS FIELD	11.9	MID LOUISIANA GAS
8357678	83-0795	1711123697		108		MLGC FEE GAS #1142	MONROE GAS FIELD	12.5	MID LOUISIANA GAS
8357679	83-0773	1711123783		108		MLGC FEE GAS #1170	MONROE GAS FIELD	10.7	MID LOUISIANA GAS
-MOE & WOODS				RECEIVED:	09/30/83	JA: LA			
8357676	83-767	1711123489		108		UNION A 85	MONROE GAS	19.0	DEVON CORP
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:	10/03/83	JA: ND			
8400008	831	3310500778		103		STATE "E" 32-16	HOFFLUND DEEP	73.0	MONTANA DAKOTA UT
-ENERGETICS INC				RECEIVED:	10/03/83	JA: ND			
8400010	828	3305301199		102-2		G TANK 22-22	E DIMMICK LAKE	111.0	AMINOIL USA INC
8400011	827	3305301595		102-2		TANK 24-15	CAMEL BUTTE	141.0	
-GETTY OIL COMPANY				RECEIVED:	10/03/83	JA: ND			
8400006	833	3305301442		102-2		BOB CREEK #36-1	LONE BUTTE	10.0	KOCH HYDROCARBON
8400002	837	3300700391		102-2		MYSTERY CREEK "A" #36-12	TR FIELD	20.0	KOCH HYDROCARBON
-MILESTONE PETROLEUM INC				RECEIVED:	10/03/83	JA: ND			
8400003	836	3300700874		102-2		BN 23-27	WHISKEY JOE	1.9	WESTERN GAS PROCE
-MONSANTO COMPANY				RECEIVED:	10/03/83	JA: ND			
8400007	832	3301300332		103		BEARD #1	NORTHEAST FOOTHILLS	2.0	CITIES SERVICE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/03/83	JA: ND			
8400001	838	3310501055		102-2		V J OSTER #1	EIGHTMILE	33.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	10/03/83	JA: ND			
8400004	835	3305301653		103		BLUE BUTTES MADISON UNIT #M305	BLUE BUTTES	55.0	AMERADA HESS CORP
8400005	834	3305301128		102-3		C M LOOMER #11	BLUE BUTTES SOUTH	131.0	MONTANA-DAKOTA UT
-TXO PRODUCTION CORP				RECEIVED:	10/03/83	JA: ND			
8400009	829	3301300838		103		FAAREN #1	RIVAL	20.0	NORTHWEST CENTRAL
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BAY ENERGY CO #1				RECEIVED:	08/22/83	JA: NY			
8357814	5213	3102915842		108		WILK UNIT 80-E101-31029-15842	ORCHARD PARK	3.1	NATIONAL FUEL GAS
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	09/29/83	JA: PA			
8357686	20788	3712922158		103		BENNIE MARTIN #1	SALTSBURG	25.0	T W PHILLIPS GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	09/29/83	JA: PA			
8357705	21064	3703321040		108		JOSEPH D TONKIN #3 WN-1832	BURNSIDE	12.0	GENERAL SYSTEM PU
-DOC-MCC SERVICE CO				RECEIVED:	09/29/83	JA: PA			
8357683	19800	3712921384		108		E C BAKER B846-1	WINSLOW	13.7	TEXAS EASTERN TRA
8357684	19804	3712922038		108		FRANK L SMITH 1590-1	WINSLOW	13.7	TEXAS EASTERN TRA
-DONALD W DEITZ				RECEIVED:	09/29/83	JA: PA			
8357681	18954	3705300008		108		WT 2993 COLLINS #1	HOWE	7.8	UGI CORP
-DONAN & ASSOCIATES INC				RECEIVED:	09/29/83	JA: PA			

BILLING CODE 6717-01M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8357685	20764	3706521773		103		HOWARD KNARR #1 KL-161	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8357687	20945	3703320768		103		MARY ZOLD #1 KG-9	UPPER DEVONIAN SANDS	29.0	CONSOLIDATED GAS
-HAMILTON-RICHARDS				RECEIVED:	09/29/83	JA: PA			
8357692	20971	3700500000		108		BLAIR RUPERT #1	ELDERS RIDGE	4.1	PEOPLES NATURAL G
8357693	20973	3700500000		108		C T CULP #1	FREEPORT	3.5	PEOPLES NATURAL G
8357691	20970	3700500000		108		C T CULP #2	FREEPORT	0.8	PEOPLES NATURAL G
8357694	20974	3700500000		108		IDA RUPERT #1	ELDERS RIDGE	2.5	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:	09/29/83	JA: PA			
8357703	21052	3706324104		108		LOUIS ZAMBOTTI #2	YOUNG	0.0	T W PHILLIPS GAS
8357682	19112	3706322603		103		R & P COAL CO #46 (595A)	WINSLOW	0.0	COLUMBIA GAS TRAN
8357704	21058	3706324502		108		R & P COAL COMPANY #5 221A	WHITE	0.0	COLUMBIA GAS TRAN
8357702	21051	3706521323		108		W ZIMMERMAN #1	BELL	0.0	T W PHILLIPS GAS
-J C ENTERPRISES				RECEIVED:	09/29/83	JA: PA			
8357696	20983	3706522801		103		BURTON MOTTERN # 206-1 JEF-22801	TIMBLIN	45.0	
8357699	20986	3706522779		103		CH OF J C OF I D S #202 JEF - 22779	TROUT RUN	43.0	
8357700	20987	3706522637		103		CLARENCE A REDDINGER #201 JEF-22637	NORTH POINT	48.0	
8357698	20985	3706522790		103		DENNIS WOODROW #204-1 JEF-22790	FROSTBURG	50.0	
8357697	20984	3706522802		103		RAYMOND REDDINGER #205-1 JEF-22802	NORTH POINT	42.0	
-KEPCO INC				RECEIVED:	09/29/83	JA: PA			
8357710	21030	3705921840		102-4		FRANKLIN L HART #1 (PK-115)	KHEDIVE	9.0	TEXAS EASTERN TRA
8357706	21026	3705921837		102-4		FRANKLIN L HART #2 (PK-111)	KHEDIVE	14.0	TEXAS EASTERN TRA
8357707	21707	3705921843		102-4		FRANKLIN L HART #3 (PK-112)	KHEDIVE	7.5	TEXAS EASTERN TRA
8357708	21028	3705921838		102-4		FRANKLIN L HART #4 (PK-113)	KHEDIVE	17.5	TEXAS EASTERN TRA
8357709	21029	3705921839		102-4		FRANKLIN L HART #5 (PK-114)	KHEDIVE	7.5	TEXAS EASTERN TRA
8357711	21031	3705921836		102-4		GEORGE A WILLIS #1 (PK-118)	KHEDIVE	10.0	TEXAS EASTERN TRA
8357712	21032	3705921845		102-4		J K WILLISON #3 (PK-38)	GUMP	9.0	TEXAS EASTERN TRA
8357714	21034	3705921791		102-4		ROY L LEMLEY #1 (PK-76)	GUMP	14.0	TEXAS EASTERN TRA
8357713	21033	3705921792		102-4		WILBUR ORNDORFF #3 (PK-75)	GUMP	11.0	TEXAS EASTERN TRA
-M & E ASSOCIATES				RECEIVED:	09/29/83	JA: PA			
8357701	21044	3706325612		108		CLAYTON SUNDERLAND #1	CANOE	16.0	T W PHILLIPS GAS
-PENN PROJECTS LTD DRILLING PROGRAM				RECEIVED:	09/29/83	JA: PA			
8357688	20962	3712922127		102-4		JOSEPH M PIPER #2	EAST HUNTINGTON	25.0	
-RICHARDS & FLEMING				RECEIVED:	09/29/83	JA: PA			
8357690	20969	3706321336		108		GENO CRIVELLI #1	ELDERTON	2.0	PEOPLES NATURAL G
-RICHARDS JOSEPH L				RECEIVED:	09/29/83	JA: PA			
8357695	20975	3706320505		108		JOSEPH CANALE #2	ELDERTON	1.7	PEOPLES NATURAL G
-S T JOINT VENTURE 82-D				RECEIVED:	09/29/83	JA: PA			
8357689	20966	3706522741		103		ELLINGER #1	WINSLOW	25.0	NATIONAL FUEL GAS

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UTAH DIVISION OF OIL,GAS, & MINING

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-AMOCO PRODUCTION CO				RECEIVED:	10/03/83	JA: UT			
8400022	K-121-19	4304330161		102-2		ISLAND RANCHING "D" #1	ANSCHUTZ RANCH-NUGGET	1.2	COLORADO INTERSTA
-COASTAL OIL & GAS CORP				RECEIVED:	10/03/83	JA: UT			
8400019	K-136-13	4304731268		103		NBU 213-36	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8400018	K-136-12	4304731268		107-TF		NBU 213-36	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8400021	K-136-11	4304731282		103		NBU 217-2	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8400020	K-136-14	4304731282		107-TF		NBU 217-2	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-LOMAX EXPLORATION COMPANY				RECEIVED:	10/03/83	JA: UT			
8400017	K-152-4	4301330748		102-2		GILSONITE STATE #6-32	MONUMENT BUTTE	0.0	MOUNTAIN FUEL SUP

****

** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO

****

-ALTA ENERGY CORP				RECEIVED:	10/03/83	JA: CO 1			
8400015	CD-0113-83	0507708516		103	107-TF	FEDERAL 32-5	SHIRE GULCH	100.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:	10/04/83	JA: CO 1			
8400024	CD-0164-83	0510300000		102-2		FEDERAL #13-1-15-102	RANGELY SOUTH	146.1	SOUTHWEST GAS COR
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	10/03/83	JA: CO 1			
8400014	CD-0158-83	0510308978		107-TF		#21-16 FEDERAL	PHILADELPHIA CREEK	0.0	NORTHWEST PIPELIN
-M PEYTON BUCY				RECEIVED:	10/04/83	JA: CO 1			
8400025	CD-0165-83	0504506330		102-2		FEDERAL 32-1	SOUTH CANYON AREA	365.0	WESTERN SLOPE GAS
-NATOMAS NORTH AMERICA INC				RECEIVED:	10/04/83	JA: CO 1			
8400023	CD-0162-83	0506706243		102-2		PINE RIVER #1-30	IGNACIO BLANCO	0.0	EL PASO NATURAL G
-NORRIS OIL CO				RECEIVED:	10/03/83	JA: CO 1			
8400013	CD-0147-83	0507708148		108		FEDERAL 36-3	SHIRE GULCH	0.0	ROCKY MOUNTAIN NA

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA

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-TEXACO INC				RECEIVED:	07/18/83	JA: CA 2			
8346007B	OCS-P-10-83	0431120487		102-5		PITAS POINT UNIT #A-1 LOWER	CHANNEL ISLANDS AREA	2193.0	PACIFIC INTERSTAT
-UNION OIL COMPANY OF CALIF				RECEIVED:	09/30/83	JA: CA 2			
8357680		0431120544		102-5		SANTA CLARA UNIT 5-14	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
-UNION OIL COMPANY OF CALIF				RECEIVED:	10/03/83	JA: CA 2			
8400016	OCS-P 19-83	0431120546		102-5		SANTA CLARA UNIT 5-19	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM

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-AMOCO PRODUCTION CO				RECEIVED:	09/30/83	JA: NM 4			
8357715	NM 0643-83	3004525544		103		FEDERAL GAS COM "L" #1E	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8357748	NM-0163-83	3003923067		103		JICARILLA APACHE 102 #13R	BASIN DAKOTA	40.0	NORTHWEST PIPELIN
8357735	NM 0562-83	3003922844		103		SAN JUAN UNIT 29-4 #24	EAST BLANCO - PICTURE	20.0	NORTHWEST PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357730	NM 0697-83	3004525339		103		ATLANTIC C #101	EAST AZTEC	170.0	NORTHWEST PIPELIN
8357811	NM 0696-83PB	3004520443		108-PB		MARRON WN FED COM #7	SOUTH BLANCO PICTURED	16.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	09/30/83	JA: NM 4			
8357753	NM-0526-83	3004522528		108		NORTHEAST BLANCO UNIT #65	BLANCO MESAVERDE	18.0	EL PASO NATURAL G
-CHACE OIL COMPANY INC				RECEIVED:	09/30/83	JA: NM 4			
8357736	NM 0568-83	3003923124		103		JICARILLA 47-3-JV	SOUTH LINDRITH GALLUP	8.0	NORTHWEST PIPELIN
-CONSOLIDATED OIL & GAS INC				RECEIVED:	09/30/83	JA: NM 4			
8357738	NM-0535-83	3003921521		108		CHAMPLIN 3-A	BLANCO MESAVERDE	7.0	NORTHWEST PIPELIN
-DIETRICH RESOURCES CORP				RECEIVED:	09/30/83	JA: NM 4			
8357785	NM-0421-83	3004523748		108		DIETRICH RESOURCES 2& J-2	WAW PICTURED CLIFF	0.0	EL PASO NATURAL G
8357783	NM-0424-83	3004523012		108		FEDERAL 27-7	WAW PICTURED CLIFF	0.0	EL PASO NATURAL G
8357784	NM-0422-83	3004523013		108		FEDERAL 34-1	WAW PICTURED CLIFF	0.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	09/30/83	JA: NM 4			
8357725	NM 0678-83	3004523502		103		ELWOOD P DOWD #1	WILDCAT-PICTURED CLIF	10.0	EL PASO NATURAL G
8357737	NM 0539-83	3003922962		103		HILL #1	GAVILAN PICTURED CLIF	30.0	NORTHWEST PIPELIN
8357726	NM 0618-83	3004526154		103		LAVA FALLS #1 WELL	UNDESIGNATED GALLUP	10.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357791	NM-0248-83PB	3004505844		108-PB		BALLARD #10	BALLARD	0.0	EL PASO NATURAL G
8357796	NM-0688-83PB	3003920543		108-PB		CANYON LARGO UNIT #180	BALLARD	0.0	EL PASO NATURAL G
8357763	NM-0487-83	3003920888		108		CANYON LARGO UNIT #279	BASIN - DAKOTA	23.0	EL PASO NATURAL G
8357759	NM-0187-83PB	3003906059		108-PB		CANYON LARGO UNIT #29	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357777	NM-0442-83	3004510495		108		ELLIOTT A #1	BLANCO - MESA VERDE	11.0	EL PASO NATURAL G
8357767	NM-0463-83	3004509140		108		GOEDE #3	BLANCO - PICTURED CLI	17.0	EL PASO NATURAL G
8357811	NM-0677-83PB	3004506332		108-PB		GORDON #5	FULCHER KUTZ	0.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8357768	NM-0462-83	3004524078		108		HANCOCK B #5 E	BASIN - DAKOTA	14.0	EL PASO NATURAL G
8357809	NM-0679-83PB	3004522883		108-PB		HORTON #2	BLANCO	0.0	EL PASO NATURAL G
8357800	NM-0686-83PB	3004521458		108-PB		HUBBELL #13	AZTEC	0.0	EL PASO NATURAL G
8357774	NM-0449-83	3004520792		108		HUBBELL #6	AZTEC - PICTURED CLIF	9.6	EL PASO NATURAL G
8357805	NM-0600-83PB	3004520883		108-PB		HUBBELL #9	BLOOMFIELD	0.0	EL PASO NATURAL G
8357773	NM-0453-83	3004500000		108		HUERFANITO UNIT #75	BASIN - DAKOTA	16.0	EL PASO NATURAL G
8357788	NM-0687-83PB	3004511944		108-PB		HUERFANO UNIT #159	BASIN	0.0	EL PASO NATURAL G
8357739	NM-0534-83	3004511945		108		HUERFANO UNIT #160	ANGELS PEAK - GALLUP	21.0	EL PASO NATURAL G
8357810	NM-0678-83PB	3004505743		108-PB		HUERFANO UNIT NP #23	HUERFANO	0.0	EL PASO NATURAL G
8357789	NM-0699-83PB	3003906001		108-PB		JICARILLA E #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357801	NM-0682-83PB	3003966504		108-PB		JICARILLA F #13	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357803	NM-0684-83PB	3004507220		108-PB		LACKEY B #6 MV & CH	BLANCO & HARRIS MESA	0.0	EL PASO NATURAL G
8357769	NM-0459-83	3004507258		108		LACKEY B #9	AZTEC - PICTURED CLIF	0.0	EL PASO NATURAL G
8357792	NM-0692-83PB	3003922381		108-PB		LINDRITH UNIT #100	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357793	NM-0691-83PB	3003922385		108-PB		LINDRITH UNIT #103	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357794	NM-0690-83PB	3003921107		108-PB		LINDRITH UNIT #55	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357795	NM-0689-83PB	3003922067		108-PB		LINDRITH UNIT #96	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357776	NM-0443-83	3004505991		108		LUTHY A #2	SOUTH BLANCO - PICTUR	14.0	EL PASO NATURAL G
8357765	NM-0480-83	3004505696		108		MCCONNELL #6	BALLARD - PICTURED CL	14.0	EL PASO NATURAL G
8357772	NM-0455-83	3004505564		108		MCMANUS #10	BALLARD - PICTURED CL	18.0	EL PASO NATURAL G
8357807	NM-0681-83PB	3004513208		108-PB		MUDGE #20	BASIN	0.0	EL PASO NATURAL G
8357770	NM-0458-83	3004505505		108		QUITZAU #6	BALLARD - PICTURED CL	0.0	EL PASO NATURAL G
8357804	NM-0675-83PB	3003906537		108-PB		RINCON UNIT #94	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357775	NM-0445-83	3003906859		108		SAN JUAN 27-5 UNIT #28 PC & MV	TAPACITO - PICTURED C	11.0	EL PASO NATURAL G
8357759	NM-0495-83	3003906962		108		SAN JUAN 27-5 UNIT #43 PC & MV	TAPACITO-PICTURED CLI	15.0	EL PASO NATURAL G
8357771	NM-0456-83	3003982363		108		SAN JUAN 27-5 UNIT #80	TAPACITO - PICTURED C	0.0	EL PASO NATURAL G
8357808	NM-0680-83PB	3003907397		108-PB		SAN JUAN 28-5 UNIT #39	BLANCO	0.0	EL PASO NATURAL G
8357761	NM-0493-83	3003920872		108		SAN JUAN 28-6 UNIT #192	SOUTH BLANCO - PICTUR	10.0	EL PASO NATURAL G
8357778	NM-0441-83	3003907189		108		SAN JUAN 28-6 UNIT #40	BLANCO - MESA VERDE	11.0	EL PASO NATURAL G
8357812	NM-0676-83PB	3003920960		108-PB		SAN JUAN 28-7 NP UNIT #202 CH & PC	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8357806	NM-0543-83PB	3003920624		108-PB		SAN JUAN 28-7 UNIT #193	BASIN	0.0	EL PASO NATURAL G
8357760	NM-0494-83	3003920990		108		SAN JUAN 28-7 UNIT #228	BASIN - DAKOTA	20.0	EL PASO NATURAL G
8357758	NM-0496-83	3003920777		108		SAN JUAN 30-4 UNIT #34	EAST BLANCO - PICTURE	12.0	EL PASO NATURAL G
8357779	NM-0438-83	3003907844		108		SAN JUAN 30-6 UNIT #66	BLANCO - MESA VERDE	10.0	EL PASO NATURAL G
8357790	NM-0700-83PB	3004506406		108-PB		SCHWERDTFEGER A #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357762	NM-0489-83	3003920603		108		SJ 28-6 UNIT #174	SOUTH BLANCO - PICTUR	14.0	EL PASO NATURAL G
8357802	NM-0683-83PB	3004506953		108-PB		STOREY C #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8357757	NM-0497-83	3004521265		108		TAPP #11	SOUTH BLANCO - PICTUR	16.0	EL PASO NATURAL G
8357798	NM-0062-83PB	3004507497		108-PB		WARREN #1	BLANCO	0.0	EL PASO NATURAL G
8357797	NM-0257-82	3004507497		108-PB		WARREN #1	BLANCO	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357742	NM-0385-83	3004506459		108		G R GENTLE #1	SOUTH BLANCO PICTURED	20.0	EL PASO NATURAL G
-HIXON DEVELOPMENT COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357747	NM-0229-83	3004523717		108		KA DA PAH #1-R	WAW-FRUITLAND-PC	12.5	EL PASO NATURAL G
-JEROME P MCHUGH				RECEIVED:	09/30/83	JA: NM 4			
8357744	NM 0380-83	3003922945		103		GALLO RED #1	UNDESIGNATED GALLUP	27.0	NORTHWEST PIPELIN
8357743	NM 0381-83	3003922944		103		GALLO WHITE #1	UNDESIGNATED GALLUP	38.0	NORTHWEST PIPELIN
8357750	NM 0100-83	3003922962		103		HILL #1	GAVILAN P C	50.0	NORTHWEST PIPELIN
8357749	NM 0101-83	3004525532		103		LITTLE STINKER #1	BASIN DAKOTA	500.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	09/30/83	JA: NM 4			
8357724	NM 0621-83	3003923091		103		SALAZAR G COM #22-3	DEVILS FORK GALLUP	33.0	EL PASO NATURAL G
8357744	NM-0484-83	3004523595		108		SOUTHLAND #4	WAW FRUITLAND/PICTURE	1.0	EL PASO NATURAL G
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED:	09/30/83	JA: NM 4			
8357740	NM-0408-83	3003920162		108		JICARILLA 'B' #5	TAPACITO PICTURED CLI	15.5	NORTHWEST PIPELIN
8357745	NM-0273-83	3003920167		108		JICARILLA 'D' #13-PC	GAVALIN PICTURED CLIF	15.1	NORTHWEST PIPELIN
8357741	NM-0407-83	3003907044		108		JICARILLA 'E' #3	BLANCO MESAVERDE GAS	19.6	NORTHWEST PIPELIN
8357746	NM-0265-83	3003906540		108		JICARILLA 'H' #10	GAVALIN PICTURED CLIF	11.2	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	09/30/83	JA: NM 4		*	
8357782	NM-0429-83	3003921114		108		ROSA UNIT 56	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8357754	NM 0525-83	3003922751		103		SAN JUAN 31-6 UNIT 28	BASIN DAKOTA	81.8	NORTHWEST PIPELIN
8357732	NM 0576-83	3003922750		103		SAN JUAN 31-6 UNIT 41	BASIN	86.9	NORTHWEST PIPELIN
8357755	NM 0524-83	3003923158		103		SAN JUAN 31-6 UNIT 49	BASIN DAKOTA	86.9	NORTHWEST PIPELIN
8357756	NM 0523-83	3004525392		103		SAN JUAN 32-7 UNIT COM 81	BLANCO MESAVERDE	111.2	NORTHWEST PIPELIN
8357781	NM-0431-83	3004511184		108		SAN JUAN 32-8 UNIT 25	BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
-SCHALK DEVELOPMENT COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357780	NM 0433-83	3003920929		108		SCHALK 52-6	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	09/30/83	JA: NM 4			
8357734	NM 0569-83	3003923049		103		CAPULIN MESA #2	GAVILAN	42.0	NORTHWEST PIPELIN
8357733	NM 0571-83	3003923055		103		CAT DRAW #1E	BLANCO	150.0	NORTHWEST PIPELIN
8357752	NM-0527-83	3004511669		108		THOMPSON #9	BASIN AND BLANCO	16.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	09/30/83	JA: NM 4			
8357766	NM-0465-83	3004525519		103		DAYLE	BASIN DAKOTA	42.0	NORTHWEST PIPELIN
8357729	NM 0608-83	3004525467		103		LUCWICK A 1E	BASIN DAKOTA	71.0	NORTHWEST PIPELIN
8357727	NM 0610-83	3004525554		103		OMLER A-16	OTERO CHACRA	81.0	
8357728	NM 0609-83	3004525539		103		OMLER A-17	OTERO CHACRA	111.0	
-UNICON PRODUCING CO				RECEIVED:	09/30/83	JA: NM 4			
8357787	NM-0410-83	3004507995		108		ALBRIGHT #7	BASIN DAKOTA	38.0	EL PASO NATURAL G
8357719	NM 0633-83	3004525529		103		ANGEL PEAK #24	WILDCAT GALLUP	115.0	SOUTHERN UNION GA
8357716	NM 0637-83	3004525491		103		ANGEL PEAK 'B' 32	WILDCAT GALLUP	131.0	SOUTHERN UNION GA
8357717	NM 0635-83	3004525492		103		ANGEL PEAK 'B' 34	WILDCAT GALLUP	145.0	SOUTHERN UNION GA
8357722	NM 0630-83	3004525512		103		CONGRESS #11	WILDCAT GALLUP	115.0	SOUTHERN UNION GA
8357723	NM 0629-83	3004525513		103		CONGRESS #12	UNDESIGNATED GALLUP	165.0	GAS CO OF NEW MEX
8357720	NM 0632-83	3004525538		103		CONGRESS LACHMAN 4-E	WILDCAT GALLUP	118.0	SOUTHERN UNION GA
8357718	NM 0634-83	3004525511		103		CONGRESS 13	UNDESIGNATED GALLUP	111.0	SOUTHERN UNION GA
8357786	NM-0413-83	3003922419		108		JICARILLA "J" #20	S BLANCO PICTURED CLI	52.0	GAS CO OF NEW MEX
8357751	NM-1558-82	3004524025		108		NEWSOM A-7E	BASIN DAKOTA & BALLAR	17.9	EL PASO NATURAL G
8357721	NM 0631-83	3004525268		103		SUMMIT 10	WILDCAT CHACRA	407.0	GAS CO OF NEW MEX
-SUPERIOR OIL CO				RECEIVED:	09/30/83	JA: UT 4			
8357731	UA 0589-83	4303730747		103		SENTINEL PEAK #27-21	SENTINEL PEAK	0.0	EL PASO NATURAL G

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, TULSA,OK

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-TXO PRODUCTION CORP				RECEIVED:	10/03/83	JA: OK 6			
8400012	OK-T-3-83	3504321762		103		THUNDERBULL #1	NW CANTON	0.0	

[FR Doc. 83-29658 Filed 10-31-83; 8:45 am]

[Volume 989]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 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 application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 989

ISSUED OCTOBER 27, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ADA OIL EXPLORATION CORP				RECEIVED:	10/03/83	JA: TX			
8400157	F-03-069447	4205100000		102-2		BIRCH CREEK PARK #2	GIDDINGS AUSTIN CHALK	0.0	PHILLIPS PETROLEU
8400118	F-03-068077	4205100000		102-2		BIRCH CREEK PARK #3	GIDDINGS	0.0	PHILLIPS PETROLEU
-ALPAR RESOURCES INC				RECEIVED:	10/03/83	JA: TX			
8400059	F-10-065317	4221131361		103		ISAACS 4-91	GEM HEMPHILL (DOUGLAS	36.0	NORTHWEST CENTRAL
-ANDERSON PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400033	F-7C-057228	4241331190		103	107-TF	VIOLA FINNIGAN UNIT 2-29	ELDORADO N (CANYON B)	300.0	PRODUCERS GAS CO
-ANDRESS PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400189	F-02-070939	4239131531		102-4		J F WELDER HEIRS #3	DEVILS RUN (5050)	0.0	TENNESSEE GAS PIP
-ARCO OIL AND GAS COMPANY				RECEIVED:	10/03/83	JA: TX			
8400109	F-04-067875	4221531280		102-4		A E EWING #1	DONNA (7100 PROPOSED)	300.0	TENNESSEE GAS PIP
8400188	F-04-070926	4213136213		102-4		ARCO ET AL HUMBLE FEE GAS UNIT #5	E SEVEN SISTERS (0-55	500.0	TEXAS EASTERN TRA
-B & B FARM INDUSTRIES INC				RECEIVED:	10/03/83	JA: TX			
8400145	F-10-069111	4206500000		103		BURNET "A" #10-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400143	F-10-069106	4206500000		103		BURNET "A" #10-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400146	F-10-069112	4206500000		103		BURNET "A" #11-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400142	F-10-069105	4206500000		103		BURNET "A" #11-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400147	F-10-069113	4206500000		103		BURNET "A" #12-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400141	F-10-069104	4206500000		103		BURNET "A" #12-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400140	F-10-069103	4206500000		103		BURNET "A" #13-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400149	F-10-069115	4206500000		103		BURNET "A" #14-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400139	F-10-069102	4206500000		103		BURNET "A" #14-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400138	F-10-069101	4206500000		103		BURNET "A" #7-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400137	F-10-069100	4206500000		103		BURNET "A" #8-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400136	F-10-069099	4206500000		103		BURNET "A" #9-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400144	F-10-069107	4206500000		103		BURNET "A" #9-73 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
8400148	F-10-069114	4206500000		103		BURNET "A" NO 13-72 (04258)	PANHANDLE CARSON COUN	100.0	PANHANDLE EASTERN
-BAGNALL & BARBER INC				RECEIVED:	10/03/83	JA: TX			
8400226	F-02-071762	4246931891		102-4		HEDWIG DENTLER #1	DENTLER (FRIO)	0.0	HOUSTON PIPE LINE
-BANAM CORP				RECEIVED:	10/03/83	JA: TX			
8400085	F-7B-067004	4215131614		102-4		BIRDIE CROWDER #1-6	SATURDAY EAST (CANYON	252.0	CONOCO INC
-BARBEE INC				RECEIVED:	10/03/83	JA: TX			
8400216	F-7B-071476	4225332523		102-4		ALLRED #1	JEFFERIES LUCK (BROWN	22.0	CONOCO INC
8400218	F-7B-071479	4225332522		102-4		SHANNON #3	JEFFERIES LUCK (BROWN	30.0	CONOCO INC
8400105	F-7B-067818	4225300000		102-4		SHIELDS #1	JEFFERIES LUCK (PALO	12.6	CONOCO INC
8400217	F-7B-071478	4225332524		102-4		SHIELDS #3	JEFFERIES LUCK	3.6	CONOCO INC
-BEST PETROLEUM EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400112	F-09-067929	4223734365		103		SANDERS #1	DEARING (CADDO)	0.0	LONE STAR GAS CO
-BJB EXPLORATION CO				RECEIVED:	10/03/83	JA: TX			
8400158	F-02-069533	4246900000		103		J SALINAS #1	COLOGNE (1550)	85.0	
-BOGE CO				RECEIVED:	10/03/83	JA: TX			
8400190	F-7B-070987	4208300000		103		D D SMITH #2	COLEMAN COUNTY REGULA	25.0	UNION TEXAS PETRO
-BRABBIN OIL & GAS				RECEIVED:	10/03/83	JA: TX			
8400069	F-7B-066059	4204932736		103		BRABBIN #1 (096643)	BROWN COUNTY REGULAR	6.0	EL PASO HYDROCARB
-BUCK WHEAT RESOURCES INC				RECEIVED:	10/03/83	JA: TX			
8400194	F-7B-071053	4213331315		103		L W TUCKER #1	EASTLAND COUNTY REGUL	0.0	EL PASO HYDROCARB

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400223	F-7B-071621	4213334321		102-4		T P SIMPSON #1	HANK-EYE (ADAMS BRANC	5.0	SOUTHWESTERN GAS
-BURNS - MOORE OIL CO				RECEIVED:	10/03/83	JA: TX			
8400065	F-09-065643	4207732768		102-4		SIMONS #1	SHANNON W (CONGL)	40.0	LONE STAR GAS CO
-CAG PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400046	F-03-063334	4205132355		102-2		KARISCH "A" #3	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CAL ENERGY PROPERTIES INC				RECEIVED:	10/03/83	JA: TX			
8400062	F-7B-065415	4242933392		102-4		VAN WINKLE #1 (19161)	VAN WINKLE (CADDO)	30.0	WARREN PETROLEUM
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/03/83	JA: TX			
8400073	F-03-066356	4204130886		102-2		CHARLES PATRANELLA "A" #1	KURTEN (BUDA)	87.0	FERGUSON CROSSING
8400100	F-04-067746	4235531668		103		G P WARDNER #152	SIRATTON (K-33)	0.0	TENNESSEE GAS PIP
-CHARLES F HAAS				RECEIVED:	10/03/83	JA: TX			
8400124	F-02-068444	4223900800		102-4	103	W J A JACOBS #1	EDNA SOUTH (WILDCAT)	0.0	LONE STAR GAS CO
-CHARLES PITTS CO				RECEIVED:	10/03/83	JA: TX			
8400082	F-7B-066684	4204933388		102-4		PITTS BROTHERS #3	GROSVENOR SW (DUFFER)	46.0	EL PASO HYDROCARB
-CHESAPEAKE BAY GAS GATH & CROCKETT				RECEIVED:	10/03/83	JA: TX			
8400196	F-7C-071085	4210534385		103	107-TF	ADAMS #5-114	ADAMS-BAGGETT FIELD	80.0	DETROIT-TEXAS GAS
-CHESTER R UPHAM JR				RECEIVED:	10/03/83	JA: TX			
8400051	F-7B-063828	4236300000		102-4		CALABRIA ESTATE #7	CALABRIA (CONGL 3700)	0.0	SOUTHWESTERN GAS
8400102	F-7B-067769	4236700000		102-4		JONES ESTATE #1	LAZY BEND (STRAWN 195	0.0	LIQUID ENERGY COR
8400103	F-7B-067771	4236700000		102-4		KERBY #1	LAZY BEND (STRAWN 195	0.0	LIQUID ENERGY COR
8400110	F-7B-067905	4236700000		102-4		SMITH HEIRS #1	ARTEBURN (CONGL)	0.0	SOUTHWESTERN GAS
-CONOCO INC				RECEIVED:	10/03/83	JA: TX			
8400169	F-04-070146	4247933561		102-2	107-TF	P M FROST #2	RAPTURE (LOBO - WALKE	0.0	
-COURSON OIL & GAS INC				RECEIVED:	10/03/83	JA: TX			
8400250	F-10-071881	4235731193		107-TF		FIRST NATIONAL TRUST #3-571	ELLIS RANCH (CLEVELAN	126.0	TRANSWESTERN PIPE
-CREST RESOURCES & EXPL CORP				RECEIVED:	10/03/83	JA: TX			
8400256	F-03-071962	4207131398		103		JACKSON HEIRS #1	LAKE STEPHENSON (FRIO	200.0	WINNIE PIPELINE C
-CRYSTAL OIL & LAND CO				RECEIVED:	10/03/83	JA: TX			
8400259	F-06-071972	4236531243		108		E DOUGLAS ESTATE #1	PANOLA	3.9	UNITED GAS PIPELI
8400258	F-06-071971	4236530593		108		E DOUGLAS ESTATE #2	PANOLA	3.9	UNITED GAS PIPELI
8400257	F-06-071970	4236530946		108		REAVIS #1	PANOLA	3.3	UNITED GAS PIPELI
-D K BOYD OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			
8400253	F-8A-071939	4216532564		103		JONES ESTATE #30-2	RUSSEL (CLEARFORK 700	18.8	CITIES SERVICE OI
8400255	F-8A-071941	4216532458		103		JONES ESTATE #497-1	RUSSEL (CLEARFORK 700	8.0	CITIES SERVICE OI
8400254	F-8A-071940	4216532166		103		JONES ESTATE #498-1	RUSSEL (CLEARFORK 700	18.3	CITIES SERVICE OI
-DALLAS SUNBELT OIL & GAS INC				RECEIVED:	10/03/83	JA: TX			
8400088	F-7B-067063	4213333503		102-4		CARVER "B" #3 (18178)	SNOW (DUFFER)	7.0	LONE STAR GAS CO
8400089	F-7B-067197	4213332222		102-4		SNEED #1	R E B (MARBLE FALLS)	47.0	LONE STAR GAS CO
-DISCOVERY OPERATING INC				RECEIVED:	10/03/83	JA: TX			
8400133	F-08-068884	4232931054		103		WIMBERLEY "A" #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-DIXON N D				RECEIVED:	10/03/83	JA: TX			
8400098	F-08-067690	4232100000		108		WHITE & BAKER "Q" LEASE #6	WHITE & BAKER	0.0	DBH GAS INC
-DYNEX ENERGY INC				RECEIVED:	10/03/83	JA: TX			
8400195	F-06-071081	4238531564		102-4	103	R G RICHARDSON ET AL #1 PER #185918	ITEX PETTET	24.0	EASTEX GAS TRANSM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	10/03/83	JA: TX			
8400246	F-10-071854	4208726203		108		HENKIRK #2	PANHANDLE - EAST	16.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400198	F-09-071092	4219730556		103		J L POTTS #1	REPRIEVE	164.0	
8400026	F-09-020682	4249700000		108-SA		W J DURHAM #1	BOONSVILLE	0.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400117	F-03-068068	4207131420		103		BROUSSARD-HEBERT A/C/#37	ANAHUAC (FB D-1 FRIO	182.5	ARMCO STEEL CORP
8400168	F-08-069850	4200333200		103		FULLERTON CLEARFORK UNIT #535	FULLERTON	15.0	PHILLIPS PETROLEU
8400132	F-06-068862	4242330634		102-4	107-TF	GRADY B WILSON	OVERTON (COTTON VALLE	352.0	ARMCO STEEL CORP
8400218	F-08-071338	4200333467		103		J S MEANS A/C 4 #333	MEANS SOUTH (WOLFCAMP	15.0	
8400106	F-03-067840	4247330388		103		KATY GAS FIELD UNIT 1 W-54	KATY (FIRST WILCOX)	1460.0	ARMCO STEEL CORP
8400129	F-08-068824	4200333426		103		MEANS/SAK ANDRES/UNIT #6272	MEANS	15.0	PHILLIPS PETROLEU
8400209	F-8A-071335	4216532536		103		ROBERTSON CLEARFORK UNIT #8001	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8400207	F-7C-071312	4233932725		103		SALLIE ODOM E #96	FORT CHADBOURNE (GARD	102.0	EL PASO HYDROCARB
8400243	F-7C-071636	4233932724		103		SALLIE ODOM E #97	FORT CHADBOURNE (GARD	22.0	EL PASO HYDROCARB
8400123	F-06-068721	4204330587		102-2	107-TF	SALLY M WARREN HEIRS #1	OVERTON (COTTON VALLE	290.0	ARMCO STEEL CORP
8400192	F-04-071017	4227331454		103		SEELIGSON ZONE 21-B 1204-CT 105563	ZONE 21-B TREND	204.0	ARMCO STEEL CORP
8400244	F-08-071837	4200333329		103		STATE UNIVERSITY HUTEX CONS #23	HUTEX (DEVONIAN)	4.0	PHILLIPS PETROLEU
8400116	F-03-068067	4207131421		103		TRINITY BAY STATE UNIT #1 #120	TRINITY BAY WEST (FRI	58.0	HOUSTON PIPELINE
-F W BURGER INC				RECEIVED:	10/03/83	JA: TX			
8400215	F-7C-071362	4233932643		103		GOETZ #1A (10146)	HRD (CAPPS)	85.0	UNION TEXAS PETRO
-FARGO ENERGY CORP				RECEIVED:	10/03/83	JA: TX			
8400040	F-03-066764	4214930970		108		CASPER #1 RRC #14235	GIDDINGS (AUSTIN CHAL	1.8	PHILLIPS PETROLEU
-FIREROCK CO				RECEIVED:	10/03/83	JA: TX			
8400043	F-7B-062600	4204933258		102-4		HEARN-SMITH #2	LIL' AUDREY (COMYN) L	353.0	EL PASO HYDROCARB
-FLYNN ENERGY CORP				RECEIVED:	10/03/83	JA: TX			
8400075	F-02-066465	4217531552		103		DENNIS REITZ #1 ID#104580	GOTTSCHALT (CROCKETT	82.5	UNITED GAS PIPE L
-FRED G BROWN INC				RECEIVED:	10/03/83	JA: TX			
8400233	F-7C-071779	4232730116		102-2	103	BOBBY R SYKES #1	BAR-F (CROSS CUT)	301.0	CIBOLO GAS INC
8400232	F-7C-071778	4232730297		102-2	103	BOBBY R SYKES #2	BAR-F (CROSS CUT)	360.0	CIBOLO GAS INC
8400231	F-7C-071777	4232730341		102-2		BOBBY R SYKES #3	BAR-F (CROSS CUT)	499.3	CIBOLO GAS INC
8400230	F-7C-071776	4232730525		102-2	103	BOBBY R SYKES #5	BAR-F (CROSS CUT)	338.9	CIBOLO GAS INC
8400229	F-7C-071775	4232730520		102-2	103	BOBBY R SYKES #6	BAR-F (CROSS CUT)	320.5	CIBOLO GAS INC
8400234	F-7C-071780	4232730399		102-2	103	SPECK ESTATE #6	BAR-F (CROSS CUT)	384.3	CIBOLO GAS INC
-GALAXY ENERGIES INC				RECEIVED:	10/03/83	JA: TX			
8400049	F-04-063721	4240900000		102-4		HERNANDEZ #2 ID NO 099589	SINTON WEST (1750)	26.0	UNITED GAS PIPELI
-GILLRING OIL CO				RECEIVED:	10/03/83	JA: TX			
8400181	F-04-070671	4235500000		102-4		RODDY RIPPLE #1	BRAYTON N	140.0	HOUSTON PIPELINE
-GOLDKING PRODUCTION COMPANY				RECEIVED:	10/03/83	JA: TX			
8400173	F-03-070522	4248100000		102-4	103	POOLE #3	S LISSIE	0.0	TENNESSEE GAS PIP
-GRAHAM PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400167	F-03-069844	4248132347		102-4		KOSTKA UNIT #1	WHARTON SOUTH (FRIO S	100.0	HOUSTON PIPE LINE
-GULF OIL CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400164	F-08-069690	4247532764		103		UNIVERSITY 18-31 #7	QUITO EAST (CHERRY CA	807.0	TEXACO INC
-GUS EDWARDS CO				RECEIVED:	10/03/83	JA: TX			
8400094	F-8A-067508	4210130329		102-4	103	PEARL ARMSTRONG #1	ARMSTRONG (ATOKA CONG	0.0	LONE STAR GAS CO
-HANSON MINERALS CO				RECEIVED:	10/03/83	JA: TX			
8400176	F-03-070587	4208931388		102-4		RALPH S FULLER #1	STARR-LITE (WILCOX A-	255.5	DELHI GAS PIPELIN
-HENRY PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400170	F-8A-070253	4211500000		103		KIEFER 82-1Y	TEX-HAMON (DEAN)	0.0	GETTY OIL CO
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400030	F-06-041920	4240100000		103	107-TF	JOHN G MINOR #4	OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN
8400029	F-06-041887	4240100000		103	107-TF	W C STRONG #2	OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN
-HLH PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400083	F-7B-066695	4225300000		102-4		TINER ZUMWALT #1-279	LOS COLINAS (CANYON R	54.0	CONOCO INC
-HNG OIL COMPANY				RECEIVED:	10/03/83	JA: TX			
8400087	F-04-067039	4250500000		103	107-TF	SAN YGNACIO UNIT #1	J C MARTIN (LOBO)	100.0	HOUSTON PIPE LINE
-HOWELL DRILLING INC				RECEIVED:	10/03/83	JA: TX			
8400037	F-02-058497	4228500000		102-4	107-TF	LEON BARNES "B" GAS UNIT #1	HALLETTSVILLE	0.0	VALERO TRANSMISSI
-HUNTER BROTHERS				RECEIVED:	10/03/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400084	F-7B-066934	4213300000		102-4		L P HAMMOND 100870	CADDO	300.0	NORTHERN GAS PROD
-HURLEY PETROLEUM CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400183	F-06-070753	4236531548		102-4		SCOTT MCGEE #4 NOT ASSIGNED	BETHANY (PALMER SAND)	150.0	TENNESSEE GAS PIP
-INTERNORTH INC				RECEIVED:	10/03/83	JA: TX			
8400200	F-08-071204	4243100000		102-4		CHAPPELL 62 #4	ROSE CREEK N	18.0	SUN EXPLORATION &
-JACKSON EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400035	F-7C-058238	4244330259		107-TF		INGHAM "A" #1	MESA GRANDE (DEVONIAN	69.0	LINK SYSTEMS INC
8400036	F-7C-058241	4244330272		107-TF		RUTH WHITE "B" #1	MESA GRANDE (DEVONIAN	100.0	LINK SYSTEMS INC
-JAY-LIN ENTERPR SES INC				RECEIVED:	10/03/83	JA: TX			
8400086	F-02-062028	4217500000		103		RENFRO #2	BOMBA (YEGUA)	100.0	HOUSTON PIPELINE
-JEM PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400197	F-08-071088	4222733019		102-4		COWDEN #2	MOORE (WOLFCAMP)	60.0	EL PASO HYDROCARI
-JOHN L COX				RECEIVED:	10/03/83	JA: TX			
8400161	F-7C-069600	4238332547		103		ROCKER B "B" #8 RRC#064449	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8400162	F-7C-069603	4238332546		103		ROCKER B "N" #22 (#051442)	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8400093	F-08-067385	4232931134		103		WILLIS "B" #2-X (#225843)	SPRABERRY (TA)	10.0	EL PASO NATURAL G
-K S HARVEY OIL & GAS				RECEIVED:	10/03/83	JA: TX			
8400034	F-04-057396	4224900000		102-4		LAURIE MCNEILL ID #101040 #2	SANDIA S (KML SD)	73.0	NUE WELLS PIPE LI
-KILROY CO OF TEXAS				RECEIVED:	10/03/83	JA: TX			
8400123	F-03-068366	4236130445		102-4		C W LANIER #1-T	RED LINE (HARTBURG)	438.0	HOUSTON PIPE LINE
8400060	F-03-065375	4270430220		102-4		STATE TRACT 367-L #3-U	MIDDLE BANK REEF (MIO	1186.0	FLORIDA GAS PIPEL
-KINGWOOD ENERGY INC				RECEIVED:	10/03/83	JA: TX			
8400071	F-7B-066262	4204933308		103		BEN H MOORE #1	BROWN COUNTY REGULAR	9.3	SIOUX PIPELINE CO
-LEONARD BROTHERS OPERATING CO				RECEIVED:	10/03/83	JA: TX			
8400108	F-7B-067851	4214330506		102-4		C L SMITH #1 (19756)	BYRNES (DUFFER)	60.0	CORONADO TRANSMIS
-M BRAD BENNETT INC & RKH LTD				RECEIVED:	10/03/83	JA: TX			
8400191	F-08-071003	4238900000		102-4		TRAVIS #1	COLLIE (DELAWARE)	23.7	INTRATEX GAS CO
-MARINE CONTRACTORS & SUPPLY INC				RECEIVED:	10/03/83	JA: TX			
8400052	F-03-063889	4232100000		102-4		CEST #1	MELLON	150.0	TENNESSEE GAS PI
-MARK PRODUCING INC				RECEIVED:	10/03/83	JA: TX			
8400206	F-03-071308	4219931853		103		SCHNEIDER #1 (ID# NOT ASSIGNED)	PROPOSED OLIVE FIELD	350.0	
-MAY PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400219	F-10-071521	4229530790		102-4		ALTMILLER #1	BROWN (TONKAWA)	14.6	ENDEVCO INC
8400220	F-10-071522	4229530616		102-4		C R BROWN #1	BROWN (TONKAWA)	73.0	ENDEVCO INC
8400155	F-10-069316	4229530619		103		NEUMAN #1	LIPSCOMB (TONKAWA)	182.5	ENDEVCO INC
-MCCANN CORP				RECEIVED:	10/03/83	JA: TX			
8400180	F-8A-070656	4211531765		103		F H FUHRMAN "2" #1	ACKERLY NORTH (CANYON	32.0	GETTY OIL CO
-MCDONALD PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400193	F-7B-071052	4215731547		103		J G WARSHAW #1 (106338)	CLAYTONVILLE WILDCAT	36.5	TIPPERARY CORP
-MCMORAN PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400046	F-04-065846	4221530902		102-4		WIESEHAN #1-C	MCALLEN SOUTH	350.0	TRANSCONTINENTAL
8400067	F-04-065847	4221530902		102-4		WIESEHAN #1-T	MCALLEN SOUTH	350.0	TRANSCONTINENTAL
-MEWBOURNE OIL COMPANY				RECEIVED:	10/03/83	JA: TX			
8400249	F-10-071860	4229531196		102-4	103	BELL #1 ID # N/A	BOOKER EAST (MORROW U	0.0	CALICHE PIPELINE
-MITCHELL ENERGY CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400150	F-09-069558	4249732515		103		EARL MOONEY #2	BOONSVILLE (BEND CONG	397.4	NATURAL GAS PIPEL
8400127	F-09-068781	4249700000		108		S F PEEKS #2 8028775	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8400027	F-09-036045	4249700000		108-ER		WIRT DAVIS #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
-N D MCINTYRE				RECEIVED:	10/03/83	JA: TX			
8400056	F-7C-065049	4243532866		103	107-TF	BAKER "A" #1	INTERSTATE (CANYON)	36.0	PRODUCERS GAS CO
-NATURAL RESOURCES CORP				RECEIVED:	10/03/83	JA: TX			
8400072	F-03-066317	4208900000		102-4		PRIESMEYER-POOLE UNIT 2 WELL #1	RAMSEY EAST (WILCOX 1	0.0	AMOCO PRODUCTION
-NEUMIN PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400114	F-02-068022	4229731879		102-4	103	M E GRAY INGERSOLL #2	OAKVILLE E (WILCOX 7.	0.0	ALUMINUM CO OF AM
-NORTH CENTRAL OIL CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400135	F-09-069015	4249732516		103		J G THOMPSON UNIT #2	BOONESVILLE (BEND CON	0.0	NATURAL GAS PIPEL
-O I L ENERGY INC				RECEIVED:	10/03/83	JA: TX			
8400175	F-7C-070583	4245131198		103		HOHENSEE #2	S S R (CANYON UPPER)	0.0	EL PASO HYDROCARB
-OGE DRILLING				RECEIVED:	10/03/83	JA: TX			
8400184	F-08-070775	4243231316		102-4		SELLERS 66 #1	TRIPLE M (FUSSELMAN)	55.0	PHILLIPS PETROLEU
-ORLA PETCO INC				RECEIVED:	10/03/83	JA: TX			
8400211	F-08-071339	4238931382		102-4		BRO SELTZER #1	JESS BURNER (DELAWARE	0.0	
8400213	F-08-071341	4238931388		102-4		GRACE #1	JESS BURNER (DELAWARE	0.0	
8400212	F-08-071340	4238931395		102-4		WYCHE #1	JESS BURNER (DELAWARE	0.0	
-OUTLINE OIL CORP				RECEIVED:	10/03/83	JA: TX			
8400104	F-03-067780	4240700000		102-4		ELLISOR UNIT 1 WELL #2	OLD WAVERLY (YEGUA 40	125.0	TEXAS EASTERN TR/
-OZARK EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400039	F-7C-060725	4210534031		102-4	107-TF	BEAN JOE #1-50	UNIVERSITY 31 (STRAWN	675.0	INTRATEX GAS CO
-PALMER PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400081	F-06-066622	4240100000		102-2	107-TF	S S LAIRD "B" #4	HENDERSON NORTH (COTT	650.0	LONE STAR GAS CO
-PALO PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400080	F-7C-066587	4238332408		103		MERTZ "2" #1	SPRABERRY (TREND AREA	0.0	
8400078	F-7C-066585	4238300000		103		MERTZ "2" #3	SPRABERRY (TREND AREA	0.0	
8400079	F-7C-066586	4238300000		103		POWELL "31" #2	SPRABERRY (TREND AREA	0.0	
8400077	F-7C-066584	4238300000		103		SCHNEEMANN "31" #1	SPRABERRY (TREND AREA	0.0	
-PANHANDLE PRODUCING COMPANY				RECEIVED:	10/03/83	JA: TX			
8400053	F-10-064273	4206500000		103		BOONE #2-85	PANHANDLE CARSON COUN	0.0	GETTY OIL CO
8400057	F-01-065226	4206500000		103		CRUMPACKER #3-84	PANHANDLE	0.0	GETTY OIL CO
8400179	F-10-070651	4223300000		108		WHITTENBURG #3 (023804)	WEST PANHANDLE	9.0	COLORADO INTERSTA
-PATTERSON PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400128	F-03-068805	4214931505		102-2		SPECKELS #1	GIDDINGS AUSTIN CHALK	292.0	PHILLIPS PETROLEU
-PAUL DE CLEVA				RECEIVED:	10/03/83	JA: TX			
8400134	F-09-068969	4219730460		103		WORD #1	THEISS (MISS)	20.0	SHELL OIL CO
-PETRO-TEX PETROLEUM CO				RECEIVED:	10/03/83	JA: TX			
8400155	F-03-069312	4220131544		102-4		SMITH GAS UNIT #1	OLCOTT (3950' MIOCENE	2.7	TERMAC GATHERING
-PHILLIPS OIL CO				RECEIVED:	10/03/83	JA: TX			
8400111	F-06-067908	4242330650		102-4		SALLY WALTON #1	CHAPEL HILL N E	54.8	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/03/83	JA: TX			
8400151	F-10-069249	4242100000		108		GILMORE #2	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
-POOD PRODUCING COMPANY				RECEIVED:	10/03/83	JA: TX			
8400172	F-08-070442	4237133191		107-DP		PAGE ROYALTY #1	ROJO CABALLOS	0.0	
-PROSPECTIVE INVESTMENT & TRADING CO				RECEIVED:	10/03/83	JA: TX			
8400171	F-09-070284	4218100000		102-4		BROOKS 1-A	WILDCAT	0.0	UNION TEXAS PRODU
-R A W ENERGY CORP				RECEIVED:	10/03/83	JA: TX			
8400121	F-7B-068197	4236700000		102-4		ECHO VALLEY #1	KUZELL (CONGLOMERATE)	200.0	EMPIRE PIPELINE C
8400240	F-7B-071832	4236732513		102-4		HIGHTOWER #2	MINERAL WELLS S (STRA	100.0	LIQUID ENERGY COR
8400247	F-7B-071857	4236332963		102-4		RICHARDSON "B" #1	RICHARDSON	200.0	SOUTHWESTERN GAS
8400239	F-7B-071831	4208333446		102-4		SEALY-SMITH #4	LAKE COLEMAN (GARDNER	150.0	PERMIAN CORP
-RANDALL LEE				RECEIVED:	10/03/83	JA: TX			
8400225	F-10-071726	4234130869		103		TEALA #1	PANHANDLE-MOORE COUNT	0.0	PHILLIPS PETROLEU
-RANKIN OIL CO				RECEIVED:	10/03/83	JA: TX			
8400163	F-7C-069651	4208130670		108		CALLA MAE "A" #1	ARLEDGE	4.0	SUN GAS CO
8400224	F-08-071673	4200332591		108		SAVAGE STATE #3	SHAFTER LAKE	1.0	PHILLIPS PETROLEU
8400252	F-08-071918	4200332590		108		SAVAGE STATE #4	SHAFTER LAKE	1.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400177	F-88-070603	4200332589		108		SAVAGE STATE #5	SHAFTER LAKE	1.9	PHILLIPS PETROLEU
-RED-TEX PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400166	F-78-069707	4208300000		102-4		BILLIE MCCORD #1	GLEN COVE S (PALO PIN	0.0	UNION TEXAS PETRO
8400165	F-78-06970	4208300000		102-4		R HAMON #1	GLEN COVE S (PALO PIN	10.0	UNION TEXAS PETRO
-RIDGE OIL CO				RECEIVED:	10/03/83	JA: TX			
8400701	F-78-071210	4213334925		102-4	105	HAGAMAN (SOUTH) #2	HAGAMAN (3500)	105.1	COMPRESSOR RENTAL
-ROME EXPLORATION CO INC				RECEIVED:	10/03/83	JA: TX			
8400038	F-81-058549	4250700000		102-4		CHAPARROSA SECTION 37 #1	HIGH LONESOME EAST (E	0.0	VALERO TRANSMISSI
-SAGE ENERGY CO				RECEIVED:	10/03/83	JA: TX			
8400160	F-7C-069591	4238332589		103		PHILLIPS STATE #1 RRC #00149	FARMER (SAN ANDRES)	0.7	NORTHERN NATURAL
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	10/03/83	JA: TX			
8400156	F-82-069349	4229733232		102-2		BRYSCH-OWENS G/U #1 WELL #1	GEORGE WEST WEST (830	500.0	UNITED TEXAS TRAN
8400061	F-83-065391	4207131396		102-4		C T WANGENSTEEN #1 42 071 31396	WEST ANAHUAC AREA	500.0	CENTRAL POWER & L
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	10/03/83	JA: TX			
8400047	F-83-063468	4228700000		102-2	105	BIGON #2	GIDDINGS (AUSTIN CHAL	109.0	PERRY PIPELINE CO
8400048	F-83-063546	4228700000		103		PRELLOP #3	GIDDINGS (BUDA)	109.0	PERRY PIPELINE CO
-SHA JAM OPERATING CORP				RECEIVED:	10/03/83	JA: TX			
8400222	F-83-071607	4214931453		102-2		MAXINE #1	GIDDINGS (AUSTIN CHAL	18.2	SOUTH CEN-TEX GAS
-SHELL OIL CO				RECEIVED:	10/03/83	JA: TX			
8400092	F-84-067340	4250531566		107-DP		PAULA DEGARZA ESTATE #1	FANDANGO (WILCOX 1550	500.0	TENNESSEE GAS PIP
8400099	F-84-067741	4250531405		107-DP		R J WORLEY #1	FALCON LAKE E (WILCOX	500.0	UNITED TEXAS TRAN
-SNOW OIL CO				RECEIVED:	10/03/83	JA: TX			
8400096	F-78-067606	4213334378		102-4		AIKINS #1	SNOW (DUFFER)	0.0	LONE STAR GAS CO
8400214	F-78-071358	4213300000		102-4		MONROE WALKER #3	REB (MARBLE FALLS)	0.0	LONE STAR GAS CO
-SOUTHEASTERN RESOURCES CORP				RECEIVED:	10/03/83	JA: TX			
8400221	F-78-071573	4213300000		102-4		M K COURTNEY "A" #8	LEE RAY (DUFFER LIME	0.9	EL PASO HYDROCARB
-SPENCER PETROLEUM CO				RECEIVED:	10/03/83	JA: TX			
8400115	F-78-068035	4208331772		103		O C BERTRAND #2 (15268)	GLEN COVE S (PALO PIN	5.0	UNION TEXAS PETRO
-SUBURBAN PROPANE EXPLORATION CO INC				RECEIVED:	10/03/83	JA: TX			
8400074	F-7C-066409	4210534169		103		HENDERSON "20" #1	LIVE OAK DRAW N/STRAW	0.0	INTRATEX GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400125	F-84-068516	4242731319		102-4		FROST NATL BANK IND EX -B- #34	GARCIA	1068.0	
8400237	F-7C-071790	4246131991		103		GUTHRIE-DUNBAR UNIT #1	HELUMA SE (DEVONIAN)	122.0	PHILLIPS PETROLEU
8400205	F-8A-071304	4221933671		103		HOBGOOD-LOPER UNIT #1	ANTON WEST	8.0	
8400236	F-7C-071789	4210533974		103	107-TF	INEZ HUDSPETH -A- #1	ADAMS-BAGGETT RANCH	55.0	TEXAS INTRA-MARK
8400182	F-83-070672	4207131878		102-4		JACOBSON UNIT #3	WILLIE M	28.0	TEXAS EASTERN TRA
8400070	F-84-066234	4213136180		103		L WIEDERKEHR #205	GOVT WELLS N	19.0	VALERO INTERSTATE
8400028	F-84-057219	4242700000		108-ER		MARRS MCLEAN #13L	LOCKHART	0.0	TENNESSEE GAS PIP
8400204	F-8A-071300	4207931672		103		WRIGHT UNIT #7-21A	LEVELLAND	5.0	CITIES SERVICE CO
-SUPERIOR OIL CO				RECEIVED:	10/03/83	JA: TX			
8400122	F-84-068244	4221500000		102-4	103	F I JOHNSON #14	MONTE CHRISTO (5950)	38.3	FLORIDA GAS TRANS
-TEE OPERATING CO				RECEIVED:	10/03/83	JA: TX			
8400152	F-83-069252	4216730940		102-4		HALLS BAYOU RANCH #3	GREENS LAKE EAST (MIO	0.0	AMOCO GAS CO
-TENNECO OIL COMPANY				RECEIVED:	10/03/83	JA: TX			
8400068	F-84-065929	4221531284		103	107-TF	A A MCALLEN #13	MCALLEN RANCH	850.0	CHANNEL INDUSTRIE
8400032	F-7C-056947	4210533943		102-4		MITCHELL I02-1X	J M N (ELLENBURGER)	0.0	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	10/03/83	JA: TX			
8400131	F-88-068855	4232931144		102-4		C M TURNER #1	BRADFORD RANCH	36.5	EL PASO NATURAL G
8400090	F-83-067217	4213500000		108		O B HOLT NCT-1 #95	NORTH CONDEN	0.6	AMOCO PRODUCTION
8400241	F-88-071833	4243231246		103		STERLING "O" FEE #6	CONGER (PENN)	0.0	VALERO TRANSMISSI
8400041	F-83-061663	4203931857		103		W T BELCHER "A" #50	MANVEL	365.0	TEXACO INC
8400050	F-83-063779	4226531599		102-4	103	WALTER CO NCT-1 #2	CONSTITUTION SOUTH	547.5	WINNIE PIPELINE
8400242	F-8A-071834	4216532547		103		WHARTON UNIT #123	HARRIS	0.0	PHILLIPS PETROLEU
-TEXAS CRUDE INC				RECEIVED:	10/03/83	JA: TX			
8400238	F-83-071802	4236100000		102-4		ORANGE COUNTY DEVELOPMENT CO INC #1	ECHO (9910)	1095.0	
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:	10/03/83	JA: TX			
8400045	F-7C-062883	4210500000		102-4	107-TF	UNIVERSITY 32-6 #1	UNIVERSITY 31 (STRAWN	0.0	PRODUCERS GAS CO
-TOKA INC				RECEIVED:	10/03/83	JA: TX			
8400251	F-78-071897	4236332984		102-4	103	BELLE STARR #1	SANTO SE (CONGL)	58.0	INTRASTATE GATHER
-TRANSCO EXPLORATION COMPANY				RECEIVED:	10/03/83	JA: TX			
8400248	F-84-071858	4224731283		102-4		E M CALDWELL #2	LAS VIVORITAS	182.0	TRANSCONTINENTAL
-TXO PRODUCTION CORP				RECEIVED:	10/03/83	JA: TX			
8400031	F-86-052689	4240131064		102-4	103	BOLTON "A" #3	MINDEN E (TRAVIS PEAK	0.0	FERGUSON CROSSING
8400101	F-82-067753	4212331284		103		DOEHRMANN #1	DOEHRMANN (YEGUA 5200	0.0	DELHI GAS PIPELIN
8400064	F-86-065566	4240131289		102-4		GRADY SANDERS #1	RUFUS (PETTIT UPPER)	0.0	DELHI GAS PIPELIN
8400042	F-86-061942	4240131542		102-4		HALE "F"	W DANVILLE (PETTIT LO	283.0	DELHI GAS PIPELIN
8400058	F-86-065256	4234730801		103		HOLT "B" #1	DOUGLASS (PETTIT)	0.0	
8400208	F-85-071322	4216100000		103	107-TF	MIDDLETON "E" #1	MIMMS CREEK (BOSSIER)	0.0	DELHI GAS PIPELIN
8400044	F-86-062735	4220331000		103		MIKE #1	BETHANY	0.0	UNITED GAS PIPELI
8400174	F-86-070525	4231530612		102-4		MITCHELL "J" #2	AVINGER (PETTIT)	0.0	DELHI GAS PIPELIN
8400154	F-85-069313	4216130775		103	107-TF	QRAND #1-2	REED N (COTTON VALLEY	0.0	DELHI GAS PIPELIN
8400130	F-85-068848	4216130794		103	107-TF	STEWARDS MILL GAS UNIT #4-2	STEWARDS MILL (COTTON	0.0	DELHI GAS PIPELIN
8400097	F-82-067626	4217531065		102-4		VINION #1	DANFORTH (2960')	0.0	TRANSCONTINENTAL
8400107	F-88-067845	4237100000		107-PE		WOODWARD "64" #1	CHENOT (WOLFCAMP)	175.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	10/03/83	JA: TX			
8400245	F-83-071849	4247730499		102-2		MIRIAM #1 RRC ID #N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8400235	F-83-071783	4228731352		102-2		MOZELLE #1 RRC ID # N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8400202	F-83-071242	4228731333		103		PHYLLIS #1 RRC ID # N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION HILL DRILLING CO				RECEIVED:	10/03/83	JA: TX			
8400203	F-78-071269	4236732462		103		WHALIN #1	ALEDO SE (1200 STRAWN	19.0	SOUTHWESTERN GAS
-UNION TEXAS PETROLEUM				RECEIVED:	10/03/83	JA: TX			
8400185	F-7C-070792	4223532074		103		SUGG "15" #2	ANDREW A (CANYON)	256.0	FARMLAND INDUSTRI
8400063	F-88-065554	4249531456		102-4		UNIVERSITY 21-16-A #1		2.0	
-W B D OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			
8400150	F-10-069181	4234130920		103		JONATHAN #5 (IDN 05148)	PANHANDLE MOORE	79.0	PHILLIPS PETROLEU
-W C S PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400113	F-83-067984	4228700000		102-2		JPB CAMERON #1	GIDDINGS (AUSTIN CHAL	0.0	PERRY GAS PRODUCI
8400091	F-83-067243	4205132372		102-2		MILLIE PAGE! #2	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-W J WHITT				RECEIVED:	10/03/83	JA: TX			
8400076	F-78-066534	4242[illegible]426		102-4		HOLLAND BONEY #1-A	RANGER NW (MARBLE FAL	57.0	LONE STAR GAS CO
-WARRIOR OIL & GAS CORP				RECEIVED:	10/03/83	JA: TX			
8400178	F-82-070619	4246900000		102-4		N F JANSSEN #4-A	NURSERY SE (900) - PR	50.0	CJW CORP
-WESSELY ENERGY CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400187	F-85-070912	4239530280		103	107-TF	MITCHELL UNIT III #1	BALD PRAIRIE (COTTON	650.0	TEXAS UTILITIES F
-WHEELER OIL COMPANY				RECEIVED:	10/03/83	JA: TX			
8400199	F-10-071136	4223331567		103		MCCONNELL #1	PANHANDLE E (ALBANY D	765.0	PHILLIPS PETROLEU
-WILLIFORD ENERGY CO				RECEIVED:	10/03/83	JA: TX			
8400186	F-10-070890	4229531271		102-4		D SELL #2-10	BOOKER NORTH (MORROW	148.9	PHILLIPS PETROLEU
-WINN EXPLORATION/DULCE CO				RECEIVED:	10/03/83	JA: TX			
8400055	F-81-064382	4250731803		102-4		PRYOR RANCH #125-C	WINN-DULCE	0.0	NORTHERN NATURAL
8400054	F-81-064301	4250731803		102-4		PRYOR RANCH #125-T	WINN-DULCE	0.0	NORTHERN NATURAL
8400095	F-81-067524	4250731836		102-4		PRYOR RANCH #141-C	WINN-DULCE	0.0	NORTHERN NATURAL
8400120	F-81-068096	4250700000		102-4		PRYOR RANCH #175-C	WINN-DULCE	0.0	NORTHERN NATURAL
8400119	F-81-068095	4250731946		102-4		PRYOR RANCH #175-T	WINN-DULCE	0.0	NORTHERN NATURAL
-WYOMING RESOURCES-KEYSTONE				RECEIVED:	10/03/83	JA: TX			
8400228	F-7C-071773	4238332430		103		PALOMINO "36" #1	SPRABERRY (TREND AREA	106.2	UNION TEXAS PETRO
8400227	F-7C-071772	4238332431		103		PALOMINO "41" #1	SPRABERRY (TREND AREA	21.6	UNION TEXAS PETRO

[FR Doc. 83-29559 Filed 10-31-83; 8:45 am]

[Volume 990]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 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–FT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS

VOLUME 990

ISSUED OCTOBER 27, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A N NORWOOD INC				RECEIVED:	10/03/83	JA: TX			
8400431	F-7C-072722	4223531036		103		HENRY #1	ROCK PEN (CANYON)	8.8	FARMLAND INDUSTRI
8400461	F-08-072894	4210333070		103		VAN COURT #1	LEA (CLEARFORK)	6.6	WARREN PETROLEUM
8400462	F-08-072895	4210333295		103		VAN COURT #2	LEA (CLEARFORK)	27.2	WARREN PETROLEUM
-ADOBE OIL & GAS CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400329	F-8A-072435	4216932068		103		D B FRANKLIN #5-G	PHD GLORIETA	21.9	MID PLAINS PIPELI
-AMERADA HESS CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400473	F-8A-072952	4216500000		108		MANN GAS UNIT #1	SEMINOLE	21.6	WESTAR TRANSMISSI
8400467	F-08-072913	4222730064		108		W K FURRH "A" #1	HUNTO SOUTH	2.3	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400324	F-8A-072405	4230330918		103		ANTON IRISH CLEARFORK UNIT #461	ANTON IRISH	56.0	WESTAR TRANSMISSI
8400403	F-8A-072708	4230330913		103		ANTON IRISH CLEARFORK UNIT #463	ANTON IRISH	0.0	WESTAR TRANSMISSI
8400404	F-8A-072709	4221933644		103		EAST RKM UNIT #52	SLAUGHTER	0.3	EL PASO NATURAL G
8400405	F-08-072711	4200333501		103		FRANK COWDEN R/A "D" #31	COWDEN NORTH	0.6	AMOCO PRODUCTION
8400406	F-08-072712	4200333502		103		FRANK COWDEN R/A "D" #33	COWDEN NORTH	0.1	AMOCO PRODUCTION
8400539	F-03-073071	4224531646		103		KEITH & DOWLEN #31	BEAUMONT WEST	20.0	AMOCO GAS CO
8400325	F-8A-072406	4221933693		103		MAY MONTGOMERY UNIT #49	LEVELLAND	42.0	AMOCO PRODUCTION
8400265	F-8A-072031	4221933695		103		MAY MONTGOMERY UNIT #57	LEVELLAND	0.0	AMOCO PRODUCTION
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	10/03/83	JA: TX			
8400512	F-06-072996	4206700000		108		BOSTWICK #1	RODESSA (NORTH HILL)	2.0	BRECKENRIDGE GASO
8400511	F-06-072995	4206700000		108		EVA FIELDS #2	RODESSA (ANHYDRITE LO	19.0	BRECKENRIDGE GASO
8400513	F-06-072997	4206700000		108		J W LAND #1	RODESSA (DEES YOUNG)	2.0	BRECKENRIDGE GASO
8400408	F-06-072718	4206700000		108		J W LAND #213	RODESSA (DEES YOUNG)	6.0	BRECKENRIDGE GASO
-ARCO OIL AND GAS COMPANY				RECEIVED:	10/03/83	JA: TX			
8400331	F-04-072440	4235504341		108		PERKINS GAS UNIT #3	WEST MINNIE BOCK (22)	18.3	TENNESSEE GAS PIP
8400330	F-04-072438	4235530589		108		STATE 438 GAS UNIT #3	REDFISH BAY - MUSTANG	19.4	TENNESSEE GAS PIP
-ARGENT PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400355	F-06-072623	4240131600		103-4		106532 ALFORD #1	MINDEN W (TRAVIS PEAK	365.0	TEXAS UTILITIES F
-AUDAX ENERGY CORP				RECEIVED:	10/03/83	JA: TX			
8400412	F-08-072736	4213534185		103		MILLARD "15" #1	PENWELL	9.1	PHILLIPS PETROLEU
-BARBEE & CO INC				RECEIVED:	10/03/83	JA: TX			
8400292	F-09-072223	4250336045		102-4		BOOZER #1 (106212)	BARBEE (ATOKA)	900.0	DAMSON GAS PROCES
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400420	F-08-072749	4249531398		103		M J HILL A/C 3 #37	HALLEY (CLEARFORK)	26.0	TRANSWESTERN PIPE
-BOB BLACK OPERATING				RECEIVED:	10/03/83	JA: TX			
8400379	F-7C-072663	4239932793		102-4		B I MAYO #4 (09087)	JOYCE ANN (LOWER GARD	98.0	UNION TEXAS PETRO
-BTA OIL PRODUCERS				RECEIVED:	10/03/83	JA: TX			
8400334	F-7C-072443	4238332552		103		COATES "B" #4	SPRABERRY (TREND AREA	26.0	EL PASO NATURAL G
8400332	F-7C-072441	4238332558		103		KILE #5	SPRABERRY (TREND AREA	26.0	EL PASO NATURAL G
8400333	F-7C-072442	4238332597		103		64 ROCKER "B" #21	SPRABERRY (TREND AREA	27.0	EL PASO NATURAL G
-BURNETT OIL CO INC				RECEIVED:	10/03/83	JA: TX			
8400299	F-01-072262	4231131834		102-4	103	BILLY A KILLOUGH #1	A W P (OLMOS)	57.0	MPI TRANSMISSION
8400319	F-01-072368	4231131833		102-4	103	GRANT H WILLIAMS #1	AWP (OLMOS)	99.0	MPI TRANSMISSION
8400346	F-01-072537	4231131860		102-4	103	N WHEELER #2	AWP (OLMOS)	36.0	MPI TRANSMISSION
-BURNS PETROLEUM				RECEIVED:	10/03/83	JA: TX			
8400322	F-09-072378	4200935403		102-4		COWAN & MCKINNEY "LL" #1	LAKE KICKAPOO E	27.0	E A WOOD - OPERAT

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-C R GALLAGHER JR				RECEIVED:	10/03/83	JA: TX			
8400310	F-7B-072316	4213331753		102-4		EARNEST SNEED #2	REB (MARBLE FALLS)	50.0	LONE STAR GAS CO
-CALLAWAY OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			
8400423	F-08-072752	4200333396		103		NOBLES "A" 1	EMBAR (FUSSELMAN)	0.0	PHILLIPS PETROLEU
-CHAMPLIN EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400359	F-8A-072629	4207931610		103		RJR RANCH-YOUNG 1-2	BONANZA (SAN ANDRES)	2.5	WARREN PETROLEUM
8400358	F-8A-072628	4207931546		103		RJR RANCH-YOUNG 1-3	BONANZA (SAN ANDRES)	15.0	WARREN PETROLEUM
8400361	F-8A-072631	4207931690		103		RJR RANCH-YOUNG 2-2	BONANZA (SAN ANDRES)	17.0	WARREN PETROLEUM
8400360	F-8A-072630	4207931590		103		RJR RANCH-YOUNG 2-3	BONANZA (SAN ANDRES)	10.5	WARREN PETROLEUM
8400357	F-8A-072627	4207931689		103		RJR RANCH-YOUNG 3-3	BONANZA (SAN ANDRES)	15.0	WARREN PETROLEUM
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/03/83	JA: TX			
8400426	F-04-072759	4235500000		108		CHAPMAN RANCH #647	CHAPMAN RANCH	0.0	TEXAS EASTERN TRA
8400424	F-04-072756	4235500000		108		G P WARDNER #32	STRATTON (F-20)	0.0	TENNESSEE GAS PIP
8400425	F-04-072758	4235500000		108		J B BUTTS #1	STRATTON	0.0	TENNESSEE GAS PIP
-CHANOCO CORP				RECEIVED:	10/03/83	JA: TX			
8400523	073039	4231131854		102-4		SOUTH TEXAS SYNDICATE - #1-1	BIG MULE (5500 SAND)	13.0	ESPERANZA TRANSMI
8400524	F-01-073040	4231131799		102-4		SOUTH TEXAS SYNDICATE - #2-20	BIG MULE (5500 SAND)	13.0	ESPERANZA TRANSMI
8400525	F-01-073041	4231131789		102-4		SOUTH TEXAS SYNDICATE #1-20	BIG MULE (5500 SAND)	13.0	ESPERANZA TRANSMI
-CHAPARRAL-MINERALS INC				RECEIVED:	10/03/83	JA: TX			
8400321	F-03-072376	4204130891		102-4		D M C CORP "A" #2	BRYAN (WOODBINE)	0.0	VANGUARD-BRAZOS C
-CHASE-MANN PETROLEUM INC				RECEIVED:	10/03/83	JA: TX			
8400297	F-7B-072259	4213300000		102-4		B MCGOUGH #1 LEASE #	CAMERON P (MARBLE FAL	17.6	EL PASO HYDROCARB
-CHRISTI CO INC				RECEIVED:	10/03/83	JA: TX			
8400311	F-7B-072317	4204932193		108		BURCHAM #1 ID #086509	BROWN CO REGULAR (MAR	14.5	EL PASO HYDROCARB
8400312	F-7B-072318	4204932561		108		BURCHAM #2 ID #088691	BROWN CO REGULAR (MAR	12.0	EL PASO HYDROCARB
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	10/03/83	JA: TX			
8400469	F-8A-072915	4216532566		103		WEST SEMINOLE SAN ANDRES UNIT #324	SEMINOLE WEST	46.0	CITIES SERVICE OI
8400468	F-8A-072914	4216532567		103		WEST SEMINOLE SAN ANDRES UNIT #716	SEMINOLE WEST	50.0	CITIES SERVICE OI
-CLARK EXPLORATION & PRODUCTION CO			I	RECEIVED:	10/03/83	JA: TX			
8400447	F-04-072849	4224900000		103		INGRAM ESTATE NO 1 WELL RRC #105102	TOM GRAHAM (3500A)	100.0	DELHI GAS PIPELIN
-CONOCO INC				RECEIVED:	10/03/83	JA: TX			
8400476	F-7B-072936	4243331389		108		ARTHUR BRINKLEY JR -A- #47 ID 84263	FLOWERS/CANYON SAND/	0.4	CITIES SERVICE OI
8400465	F-10-072902	4206500000		108		BARRETT E C #1	WEST PANHANDLE	0.0	NORTHWEST CENTRAL
8400448	F-10-072854	4206500000		108		BURNETT #50A	WEST PANHANDLE	0.0	NORTHWEST CENTRAL
8400481	F-8A-072941	4216931600		108		CITIZENS NAT BK LUBBOCK #13 #63498	HUNTLEY E /SAN ANDRES	0.0	MID PLAINS PETROC
8400483	F-8A-072943	4211530480		108		EAST ACKERLY DEAN UNIT #60 ID 60687	ACHERLY /DEAN SAND/	0.6	TEXACO INC
8400482	F-08-072942	4238900000		108		FORD GERALDINE UNIT #299 ID 21021	GERALDINE /FORD/	0.0	EL PASO NATURAL G
8400449	F-10-072855	4217900000		108		HEXTER A H #2	WEST PANHANDLE	0.0	NORTHWEST CENTRAL
8400480	F-8A-072940	4216900000		108		HUNTLEY E SAN ANDRES #2 #60957	HUNTLEY E /SAN ANDRES	0.0	MID PLAINS PETROC
8400479	F-8A-072939	4250100000		108		L H HOOKER #1 ID 16197	GUNBY/WICHITA/ALBANY	4.4	AMOCO PRODUCTION
8400407	F-02-072713	4217500000		108		PETTUS UNIT #38	CABEZA CREEK (PETTUS)	18.0	UNITED GAS PIPELI
8400484	F-08-072944	4213500000		108		SOUTH COWDEN CANYON UT #1 ID 23179	SOUTH COWDEN/8900 CAN	6.8	PHILLIPS PETROLEU
8400477	F-8A-072937	4211500000		108		SYDNEY ALEXANDER #1 ID 16324	ACKERLY/DEAN SAND/	1.7	TEXACO INC
8400485	F-08-072946	4200333158		108		UNIVERSITY -A- #9 ID 27460	FULLERTON/8500/	0.6	PHILLIPS PETROLEU
8400486	F-7B-072947	4243330405		108		WEST FLOWERS - UNIT #50 ID 11787	FLOWERS WEST/CANYON S	0.3	CITIES SERVICE CO
8400478	F-09-072938	4268535341		108		WICHITA COUNTY REGULAR #53 ID 18376	WICHITA COUNTY REGULA	0.1	EAGLE PETROLEUM C
-CROMERA OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			
8400262	F-7B-072007	4241734934		102-4		JOHN SEDWICK #12	CROMERA (MORAN)	1.5	WARREN PETROLEUM
8400263	F-7B-072008	4241735017		102-4		JOHN SEDWICK #13	CROMERA (MORAN)	1.5	WARREN PETROLEUM
-CURTIS MANKAMER CORP				RECEIVED:	10/03/83	JA: TX			
8400418	F-02-072724	4228531730		102-4		ANNIE MARIE VAUGHN #1	WEST MCDANIEL (K-4 YE	450.0	
-DAMERON PETROLEUM CORP				RECEIVED:	10/03/83	JA: TX			
8400305	F-7C-072278	4210534341		102-2		W P HOOVER - SEC 14 BLK NN	AMERICAN (SPRABERRY B	11.0	EL PASO NATURAL G
8400304	F-7C-072277	4210534340		102-2		W P HOOVER - SEC 14 BLK 1	AMERICAN (SPRABERRY A	14.0	EL PASO NATURAL G
-DAVID A SCHLACHTER OIL & GAS				RECEIVED:	10/03/83	JA: TX			
8400293	F-7C-072241	4210533923		103		VERNON COX - 1	COX NORTH (STRAWN & D	543.9	DELHI GAS PIPELIN
-DCB OIL & GAS INC				RECEIVED:	10/03/83	JA: TX			
8400388	F-08-072684	4251732674		103		KELLY #4	SPRABERRY (TREND AREA	13.1	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400503	F-10-072976	4229500000		108		HARRY PARKER #1-785	MAMMOTH CREEK	0.0	WESTAR TRANSMISSI
-DORCHESTER EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400367	F-10-072682	4221131594		103		LUCILLE WRIGHT #3	CANADIAN SE	50.0	
-DYNE OIL & GAS INC				RECEIVED:	10/03/83	JA: TX			
8400356	F-10-072624	4223331618		103		STEVENSON #4 LEASE NO 01595	PANHANDLE HUTCHINSON	0.0	DIAMOND SHAMROCK
-EDEN EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400269	F-7B-072129	4236732538		102-4		P M CARDWELL #1 (NEW)	LAZY BEND (STRAWN 195	140.0	PARKER GAS INC
-ENERGY DEVELOPMENT CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400340	F-02-072504	4239131628		102-4		V TATTON #1 - ID#	SALT CREEK S (FRIO 97	328.5	PUBLIC SERVICE EL
-ENRE CORP				RECEIVED:	10/03/83	JA: TX			
8400283	F-7B-072194	4205934200		103		JACKSON 21 #2	CALLAHAN COUNTY REGUL	11.0	BENGAL GAS TRANSM
8400282	F-7B-072192	4205934160		103		JACKSON 68 #1	CALLAHAN COUNTY REGUL	2.0	BENGAL GAS TRANSM
-ENRICH OIL CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400455	F-7B-072866	4235331357		102-4		J M MCLAUGHLIN #8011 (18878)	ADAIR CREEK (COOK SAN	110.0	SUN GAS CO
8400454	F-7B-072865	4235331461		102-4		J M MCLAUGHLIN #9011 (18878)	ADAIR CREEK (COOK SAM	210.0	SUN GAS CO
-ENSERCH EXPLORATION INC				RECEIVED:	10/03/83	JA: TX			
8400350	F-7B-072591	4242933679		103		J W STOUARD #1	IVADELL	219.0	
-ESTATE OF WM D MCBEE				RECEIVED:	10/03/83	JA: TX			
8400352	F-06-072612	4245930553		103	107-TF	PORTER GAS UNIT #1 WELL #2	ROSEWOOD (COTTON VALL	365.0	WESTERN GAS CORP
-EXXON CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400326	F-05-072410	4216130803		102-4		BEN H CARPENTER #1	INGRAM-TRINITY (RODES	45.0	ARMCO STEEL CORP
8400327	F-06-073411	4236531561		103	107-TF	BESS SMITH BRODERICK GU 2 #2	CARTHAGE (COTTON VALL	393.0	ARMCO STEEL CORP
8400417	F-03-072739	4233930575		103		CONROE FIELD UNIT #1941	CONROE	0.2	MORAN UTILITIES C
8400368	F-03-072645	4233930574		103		CONROE FIELD UNIT #2720	CONROE	50.0	MORAN UTILITIES C
8400367	F-03-072644	4233930570		103		CONROE FIELD UNIT #3909	CONROE	0.1	MORAN UTILITIES C
8400432	F-03-072781	4220131531		103		EXXON WEST FEE "C" A/C 1 #85	CLEAR LAKE	140.0	ENTEX INC
8400291	F-08-072208	4200333493		103		FULLERTON CLEARFORK UNIT #639	FULLERTON	15.0	PHILLIPS PETROLEU
8400294	F-08-072242	4210333120		103		J B TUBB A/C 1 #274	SAND HILLS (MCKNIGHT)	15.0	EL PASO HYDROCARB
8400347	F-08-072541	4210333184		103		J B TUBB A/C 1 #277	SAND HILLS (JUDKINS)	94.0	EL PASO NATURAL G
8400384	F-08-072676	4210333185		103		J B TUBB A/C 1 #278	SAND HILLS (JUDKINS)	81.0	EL PASO NATURAL G
8400385	F-08-072677	4210333187		103		J B TUBB A/C 1 #286	SAND HILLS (JUDKINS)	25.0	EL PASO NATURAL G
8400464	F-03-072899	4215731455		103		J H P DAVIS #66	THOMPSON SOUTH	25.0	ARMCO TEEL CORP
8400442	F-04-072819	4226130812		102-4		K R SAN JOSE DE LA PARRA 51-D106098	CALANDRIA (G-28 W)	590.0	
8400290	F-04-072205	4227331749		103		KING RANCH BORREGOS 592 (105947)	BORREGOS (N-21)	550.0	ARMCO STEEL CORP
8400328	F-05-072412	4234933222		102-4		KIT W ROWE ESTATE #1	INGRAM TRINITY (RODES	128.8	ARMCO STEEL CORP
8400314	F-03-072335	4215731438		103		LOCKWOOD & SHARP "B" TR 1 #66	THOMPSON SW (MIOCENE	9.0	ARMCO STEEL CORP
8400313	F-02-072322	4229733299		103		MARY REYNOLDS 38 PENDING	RAMIRENA S W (YEGUA 3	505.9	NATURAL GAS PIPEL
8400275	F-04-072167	4242731587		103		MCGILL BROS 480 (ID PENDING)	KELSEY SOUTH (19-A)	40.0	TRUNKLINE GAS CO
8400339	F-04-072480	4204731226		103		VIBORAS FIELD G U IV-109-D	VIBORAS (MASSIVE SECO	336.0	ARMCO STEEL CORP
8400369	F-03-072646	4220131540		103		WEBSTER FIELD UNIT #1829	WEBSTER	5.5	ARMCO STEEL CORP
-FOREST OIL CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400516	F-8A-073008	4211531827		102-4		FOG MICHIE #1	DEROEN (MISSISSIPIAN)	23.0	TEXACO INC
-FRIEMEL & CARPENTER				RECEIVED:	10/03/83	JA: TX			
8400487	F-08-072956	4200333482		103		UNIVERSITY 16 #3 WELL #25678	FUHRMAN-MASCHO (GRBG-	54.7	PHILLIPS PETROLEU
-GEODYNE RESOURCES INC				RECEIVED:	10/03/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8400382	F-10-07267	4229531236		103		FRAZIER #1
8400414	F-10-072736	4229531306		102-4		FRAZIER #2
-GETTY OIL COMPANY				RECEIVED:	10/03/83	JA: TX
8400353	F-7B-072628	4243300000		108		FLOWERS CANYON SAND UNIT #136
8400517	F-8A-073011	4207900000		103		SOUTHWEST LEVELLAND UNIT #107
8400518	F-8A-073012	4207931437		103		SOUTHWEST LEVELLAND UNIT #108
8400521	F-8A-073015	4207931435		103		SOUTHWEST LEVELLAND UNIT #109
8400519	F-8A-073013	4207931439		108		SOUTHWEST LEVELLAND UNIT #110
8400520	F-8A-073014	4207931438		103		SOUTHWEST LEVELLAND UNIT #111
-GULF OIL CORPORATION				RECEIVED:	10/03/83	JA: TX
8400395	F-08-072698	4213530247		108		GOLDSMITH C A ETAL #1244
8400391	F-08-072694	4213531850		108		GOLDSMITH SAN ANDRES UNIT #1-1356
8400356	F-08-072699	4213500706		108		GOLDSMITH SAN ANDRES UNIT #1-296
8400389	F-08-072692	4213500725		108		GOLDSMITH SAN ANDRES UNIT #1-316
8400390	F-08-072693	4213500757		108		GOLDSMITH SAN ANDRES UNIT #1-352
8400392	F-08-072695	4213501120		108		GOLDSMITH SAN ANDRES UNIT #1-743
8400393	F-08-072696	4213502468		108		GOLDSMITH SAN ANDRES UNIT #2-008
8400394	F-08-072697	4213503482		108		GOLDSMITH SAN ANDRES UNIT #3-005
8400397	F-08-072701	4247532828		103		HUTCHINGS STOCK ASSN #1269
8400354	F-8A-072622	4221932350		103		M G GORDON #31
8400492	F-08-072961	4216333083		103		W N WADDELL #1174
-HABER OIL CO INC				RECEIVED:	10/03/83	JA: TX
8400336	F-03-072455	4208931368		102-4		J E LAPRADE #1 (105860)
-HEARTLAND RESOURCES INC				RECEIVED:	10/03/83	JA: TX
8400318	F-7B-072367	4242933615		102-4		BROWN #4 ID #APPLIED FOR
-HENRY ENERGY CORP				RECEIVED:	10/03/83	JA: TX
8400338	F-09-072477	4200936785		103		COWAN-MCKINNEY A #1 (22905)
-HNG OIL COMPANY				RECEIVED:	10/03/83	JA: TX
8400284	F-04-072196	4250530607		103		CATALINA L MCCANN #2
-J PAUL GOLDSMITH				RECEIVED:	10/03/83	JA: TX
8400320	F-06-072369	4234731915		102-4		EDDIE C LEE
-JAKE L HAMON				RECEIVED:	10/03/83	JA: TX
8400295	F-10-072256	4221131562		103		URSCHEL 3 #4
-JAMES K ANDERSON INC				RECEIVED:	10/03/83	JA: TX
8400501	F-7B-072972	4244132416		102-4		PERINI #3
-JJB OIL & GAS INC				RECEIVED:	10/03/83	JA: TX
8400267	F-7B-072086	4236732442		102-4		FARRIS #1 ID APPLIED FOR
-K & S LAND CO INC				RECEIVED:	10/03/83	JA: TX
8400538	F-7B-073064	4215131529		103		J P MABERRY "58" #3
-KIM PETROLEUM CO INC				RECEIVED:	10/03/83	JA: TX
8400437	F-10-072793	4217931007		103		DENNIS #2
-L & L PETROLEUM CORPORATION				RECEIVED:	10/03/83	JA: TX
8400510	F-02-072987	4212331220		102-4	103	VAUGHN GAS UNIT #1
-L M YOUNG				RECEIVED:	10/03/83	JA: TX
8400389	F-7B-072312	4204933404		102-4		R J GOODALL "J" #6
-LA PARRITA OIL & GAS CORP				RECEIVED:	10/03/83	JA: TX
8400345	F-04-072529	4227300792		108		84-3U RIVIERA 040003244
-LADD PETROLEUM CORPORATION				RECEIVED:	10/03/83	JA: TX
8400344	F-7C-072517	4210534433		103	107-TF	MILLSPAUGH #13-3
8400342	F-7C-072514	4210534439		103	107-TF	MONTGOMERY #10-5
8400341	F-7C-072513	4210534445		103	107-TF	MONTGOMERY #10-6
8400343	F-7C-072515	4210534482		103	107-TF	MONTGOMERY #10-7
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	10/03/83	JA: TX
8400446	F-03-072846	4205132456		102-4		AUSLEY #6
-LARIAT OIL & GAS				RECEIVED:	10/03/83	JA: TX
8400260	F-7B-071998	4236732528		102-4		J D ST CLAIR #2 (106475)
-MARALO INC				RECEIVED:	10/03/83	JA: TX
8400515	F-08-073007	4200333414		103		LARIO SLOAN #4
-MILLS DENNIS ENTERPRISES INC				RECEIVED:	10/03/83	JA: TX
8400441	F-10-072805	4217931267		103		HEIDI #3 (ID #052781)
-MINDEN OIL & GAS INC				RECEIVED:	10/03/83	JA: TX
8400281	F-06-072179	4226330957		102-4		SOUTHERLAND #1 ( )
-MITCHELL ENERGY CORPORATION				RECEIVED:	10/03/83	JA: TX
8400418	F-09-072743	4249700000		108		J S WARDEN #2 19849
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	10/03/83	JA: TX
8400532	F-8A-073053	4216532606		103		H & J SEC 127 #4
8400452	F-8A-072861	4221933791		103		NORTH CENTRAL LEVELLAND UNIT #379
8400363	F-8A-072635	4221933800		103		NORTH CENTRAL LEVELLAND UNIT #386
8400365	F-04-072637	4240904103		108		RACHAL #73
8400364	F-08-072636	4200333453		103		SHAFTER LAKE SAN ANDRES UNIT #322
8400362	F-08-072634	4200333450		103		SHAFTER LAKE SAN ANDRES UNIT #323
8400453	F-8A-072862	4203330854		103		W ED MURPHY #14
-MONSANTO COMPANY				RECEIVED:	10/03/83	JA: TX
8400463	F-08-072897	4247532823		103		HALL #5
-MURPHY H BAXTER				RECEIVED:	10/03/83	JA: TX
8400456	F-03-072874	4232131272		102-4		HENLEY UNIT #2 WELL #1B
8400457	F-03-072875	4232131257		102-4		HENLEY UNIT NO 1 #1A
-N D STOVALL & SON & WEST GORDON JR				RECEIVED:	10/03/83	JA: TX
8400268	F-7B-072087	4244733433		103		ROBERTS UNIT RRC 19648
-NUGGET OIL CORP				RECEIVED:	10/03/83	JA: TX
8400383	F-02-072671	4217531744		102-4		LIESMAN #1 (ID # NOT ASSIGNED)
-OMEGA ENERGY				RECEIVED:	10/03/83	JA: TX
8400514	F-10-073003	4206531453		103		WINTERS #3 (05248)
-PANSTAR OIL & GAS INC				RECEIVED:	10/03/83	JA: TX
8400443	F-10-072834	4217931393		103		HILDRETH #1 (ID #05436)
8400444	F-10-072835	4217931394		103		HILDRETH #2 (ID #05436)
-PEND OREILLE OIL & GAS CO				RECEIVED:	10/03/83	JA: TX
8400264	F-02-072010	4229700000		102-4		A B GEFFERT GU #1
-PETRO-LEWIS CORPORATION				RECEIVED:	10/03/83	JA: TX
8400272	F-10-072159	4221130910		103		JONES ESTATE #3
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	10/03/83	JA: TX
8400502	F-7C-072974	4238332566		103		ROCKER 71 #2
-PETROLEUM MANAGEMENT INC				RECEIVED:	10/03/83	JA: TX
8400289	F-04-072203	4224900000		108		F L BLUNDELL #B-1
8400288	F-04-072202	4224900000		108		FRED BLUNDELL C-3
8400286	F-04-072199	4224900000		108		FRED ERCK B-1
8400285	F-04-072198	4224900000		108		LEONA DODD #2
8400287	F-04-072201	4224900000		108		W E POPE #4
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/03/83	JA: TX
8400509	F-7C-072984	4238301162		108		(01621) STOUT A #2
8400508	F-7C-072983	4246101190		108		(03913) N PEMBROOK SPRABERRY #5-26
8400507	F-08-072982	4200304553		108		(14536) TEXAS UNIVERSITY M #2
8400506	F-08-072981	4200333527		103		(19710) EMBAR-B #43
8400505	F-08-072978	4213508450		108		(21193) GOLDSMITH ANDECTOR #K-02

FIELD NAME	PROD	PURCHASER
DARROUZETT	11.7	PHILLIPS PETROLEU
DARDEN (MORROW UPPER)	766.5	PHILLIPS PETROLEU
FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
LEVELLAND	2.9	CITIES SERVICE OI
LEVELLAND	1.5	CITIES OIL & GAS
LEVELLAND	1.1	CITIES OIL & GAS
LEVELLAND	4.4	CITIES OIL & GAS
LEVELLAND	2.2	CITIES OIL & GAS
GOLDSMITH (5600)	1.0	PHILLIPS PETROLEU
GOLDSMITH	4.7	PHILLIPS PETROLEU
GOLDSMITH	1.0	PHILLIPS PETROLEU
GOLDSMITH	1.6	PHILLIPS PETROLEU
GOLDSMITH	5.2	PHILLIPS PETROLEU
GOLDSMITH	1.0	PHILLIPS PETROLEU
GOLDSMITH	1.9	PHILLIPS PETROLEU
GOLDSMITH	4.0	PHILLIPS PETROLEU
WARD-ESTES NORTH	8.7	CABOT CORP
SLAUGHTER (CLEARFORK	0.0	AMOCO PRODUCTION
UNIVERSITY WADDELL (D	0.0	
HABER (PRIO 3800) FIE	365.0	HOI CORP
FRANKEL L S (STRAWN)	52.0	BENGAL GAS TRANSM
HULL-SILK-SIKES (3800	3.0	LONE STAR GAS CO
LA PERLA (WILCOX FOUR	60.0	HOUSTON PIPE LINE
TOOLAN (PETTIT LOWER)	277.0	LIBERTY NATURAL G
CANADIAN SE (DOUGLAS)	1825.0	NORTHWEST CENTRAL
LAKE ABILENE (4000)	200.0	UNION TEXAS PETRO
MCDANIEL (CONGL)	41.0	TEXAS UTILITIES F
SYLVESTER (GOEN	150.0	PALO DURO PIPELIN
PANHANDLE GRAY COUNTY	72.0	CABOT PIPELINE CO
THOMASTON (WILCOX 780	135.0	CHRISTI-BAM ENERG
DALE (CADDO)	26.0	EL PASO HYDROCARB
YEARY/RIVIERA	11.5	VALLEY GAS TRANSM
OZONA (CANYON SAND)	216.2	AMERICAN PIPELINE
OZONA (CANYON SAND)	1861.5	AMERICAN PIPELINE
OZONA (CANYON SAND)	575.0	AMERICAN PIPELINE
OZONA (CANYON SAND)	602.3	AMERICAN PIPELINE
HOOKER CREEK (NAVARRO	35.0	FERGUSON CROSSING
WILDCAT LARIAT (STRAW	500.0	SOUTHWESTERN GAS
DEEP ROCK (PENN)	11.0	PHILLIPS PETROLEU
PANHANDLE GRAY	60.0	CABOT PIPELINE CO
SABINE SE (COTTON VAL	110.0	ESPERANZA TRANSMI
CHICO WEST (CONGL 570	0.0	NATURAL GAS PIPEL
SEMINOLE EAST (SAN AN	107.0	PHILLIPS PETROLEU
LEVELLAND	2.9	AMOCO PRODUCTION
LEVELLAND	8.0	AMOCO PRODUCTION
WHITE POINT EAST/1850	21.9	UNITED GAS PIPE L
SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
VON ROEDER	90.2	GETTY OIL CO
RHODA WALKER (CANYON	52.0	NORTHERN NATURAL
ASHBY (9000 SAND FB-B	365.0	UNITED TEXAS TRAN
ASHBY (8850 SAND)	365.0	UNITED TEXAS TRAN
THROCKMORTON COUNTY R	5.2	GREAT WESTERN GAS
ANDER (1400' SAND)	137.0	ESPERANZA TRANSMI
PANHANDLE CARSON COUN	120.0	GETTY OIL CO
PANHANDLE GRAY	50.0	CABOT PIPELINE CO
PANHANDLE GRAY	80.0	CABOT PIPELINE CO
FANT	1000.0	VALLEY GAS TRANSM
FELDMAN (DOUGLAS)	25.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	44.9	EL PASO NATURAL G
CAPTAIN LUCEY (4925')	20.0	NUE-WELLS PIPE LI
CAPTAIN LUCEY (4800')	5.0	NUE-WELLS PIPE LI
CAPTAIN LUCEY (5)	15.0	NUE-WELLS PIPE LI
CAPTAIN LUCEY (4100')	3.0	NUE-WELLS PIPE LI
CAPTAIN LUCEY (VICKSB	10.0	NUE-WELLS PIPE LI
SPRABERRY (TREND AREA	15.0	NORTHERN NATURAL
SPRABERRY (TREND AREA	5.0	NORTHERN NATURAL
FULLERTON S (WOLFCAMP	2.0	EL PASO NATURAL G
GOLDSMITH N (SAN ANDR	1.0	EL PASO NATURAL G
GOLDSMITH N (CLEARFORK)	24.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400504	F-08-072977	4213502725		108		(21193) GOLDSMITH ANDECTOR #T-14	GOLDSMITH (CLEARFORK)	0.0	EL PASO NATURAL G
8400459	F-10-072885	4242100008		108		BUELOW #2	TEXAS HUGOTON - DOLOM	0.0	MICHIGAN WISCONSI
8400533	F-10-073057	4235700000		108		FRANK F #2	SPICER - MARMATON	0.0	EL PASO NATURAL G
8400536	F-10-073060	4217900000		108		J H PALMER #5	PANHANDLE GRAY	0.0	
8400535	F-10-073059	4217900000		108		J H PALMER #7	PANHANDLE GRAY	0.0	
8400534	F-10-073058	4217900000		108		J H PALMER #9	PANHANDLE GRAY	0.0	
8400450	F-10-072856	4242100000		108		OQUINN A #1	TEXAS HUGOTON - DOLOM	0.0	MICHIGAN WISCONSI
8400537	F-10-073062	4235700000		108		POPE #2	HORIZON CLEVELAND	0.0	
8400458	F-10-072884	4242100000		108		SECTION #1	TEXAS HUGOTON - DOLOM	0.0	MICHIGAN WISCONSI
-R A W ENERGY CORP				RECEIVED:	10/03/83	JA: TX			
8400523	F-7B-072386	4208333480		102-4		SEALY-SMITH #6	J R F (GRAY SAND LOWE	150.0	UNION TEXAS PETRO
-R C BENNETT CO				RECEIVED:	10/03/83	JA: TX			
8400500	F-08-072971	4213534116		103		SHELL-COWDEN #3	HARPER	11.0	PHILLIPS PETROLEU
-RANDALL LEE				RECEIVED:	10/03/83	JA: TX			
8400300	F-10-072263	4234130995		103		TEALA #4	PANHANDLE-MOORE COUNT	0.0	PHILLIPS PETROLEU
-RANKIN OIL CO				RECEIVED:	10/03/83	JA: TX			
8400381	F-08-072668	4200332917		103		FLY #3	FUHRMAN-MASCHO	4.0	PHILLIPS PETROLEU
8400419	F-08-072748	4200332423		103		MACFARLANE #1	FUHRMAN MASCHO	1.0	PHILLIPS PETROLEU
8400411	F-08-072729	4200333254		103		MACFARLANE #2	FUHRMAN MASCHO	3.0	PHILLIPS PETROLEU
8400380	F-08-072665	4213533704		103		SOUTHWEST #2	HARPER SE	4.0	PHILLIPS PETROLEU
-SCANDRILL INC				RECEIVED:	10/03/83	JA: TX			
8400522	F-09-073030	4223735285		103		MCCONNELL #7	BRYSON EAST	40.1	LONE STAR GAS CO
8400460	F-09-072892	4223735079		103		SANDERS #9	JACK COUNTY REGULAR	36.5	LONE STAR GAS CO
8400445	F-09-072841	4250336447		102-4		SCAN-KING "E" NO 11	WOODWARD RANCH (STRAW	25.6	J H TAYLOR GAS CO
-SHA JAM OPERATING CORP				RECEIVED:	10/03/83	JA: TX			
8400296	F-7B-072257	4214330775		102-4		LEDBETTER #1	LEDBETTER (MARBLE FAL	109.5	LONE STAR GAS CO
-SIDWELL OIL & GAS INC				RECEIVED:	10/03/83	JA: TX			
8400261	F-10-071999	4217900000		108		W P LATHAM #1	PANHANDLE WEST	0.3	NORTHWEST CENTRAL
8400271	F-10-072139	4217900000		108		W P LATHAM #4	PANHANDLE WEST	0.3	NORTHWEST CENTRAL
8400270	F-10-072138	4217900000		108		W P LATHAM #5	W P LATHAM #5	0.3	NORTHWEST CENTRAL
-SNOW OIL CO				RECEIVED:	10/03/83	JA: TX			
8400351	F-7B-072598	4213335047		102-4		HENDERSON #2	SNOW (DUFFER)	0.0	LONE STAR GAS CO
8400317	F-7B-072359	4213335071		102-4		MONROE WALKER #4 (19612)	REB (MARBLE FALLS)	0.0	LONE STAR GAS CO
8400337	F-7B-072457	4213335057		102-4		WALKER-WEST #1	REB (MARBLE FALLS)	40.0	LONE STAR GAS CO
8400316	F-7B-072358	4213335058		102-4		WILLIAMSON HOMEPLACE #1	SNOW (DUFFER)	400.0	LONE STAR GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED:	10/03/83	JA: TX			
8400273	F-08-072164	4243130984		103	107-TF	FLINT ESTATE #6	CONGER PENN	45.0	VALERO TRANSMISSI
8400280	F-08-072177	4243131111		107-TF		FLINT ESTATE #7	CONGER PENN	12.0	VALERO TRANSMISSI
8400279	F-08-072176	4243131110		107-TF		FLINT ESTATE #8	CONGER PENN	13.0	VALERO TRANSMISSI
8400278	F-08-072175	4243131030		107-TF		FLINT ESTATE "A" #1	CONGER PENN	140.0	VALERO TRANSMISSI
8400277	F-08-072174	4243131109		107-TF		FLINT ESTATE "A" #2	CONGER PENN	60.0	VALERO TRANSMISSI
8400276	F-08-072173	4243131239		107-TF		FLINT ESTATE "A" #3	CONGER PENN	27.0	VALERO TRANSMISSI
8400274	F-7C-072166	4210533609		107-TF		UNIVERSITY "13" #1	CUESTA HILL	15.0	WTG EXPLORATION I
-STAHL PETROLEUM CO				RECEIVED:	10/03/83	JA: TX			
8400427	F-10-072761	4242130276		103		CRABTREE #1	TEXAS HUGOTON	0.0	PHILLIPS PETROLEU
8400413	F-10-072732	4248330873		103		WALKER #3	PANHANDLE WHEELER	0.0	PHILLIPS PETROLEU
-STEARNS OPERATING CO				RECEIVED:	10/03/83	JA: TX			
8400373	F-7B-072653	4206933505		103		GLADYS NICHOLS #3 ID #105984	BROWN CO REG (MARBLE	55.0	SIOUX PIPELINE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/03/83	JA: TX			
8400526	F-8A-073042	4250131299		103		BENNETT RANCH UNIT #278	WASSON	0.7	SHELL OIL CO
8400529	F-8A-073046	4221933852		103		CENTRAL LEVELLAND UNIT #187-A	LEVELLAND	4.0	AMOCO PRODUCTION
8400307	F-04-072282	4204700000		108		D J SULLIVAN #11	FLOWELLA	20.0	FLORIDA GAS TRANS
8400374	F-08-072656	4213534102		103		FOSTER-JOHNSON UNIT #1414	FOSTER	4.0	EL PASO HYDROCARB
8400376	F-7B-072658	4213334218		103		N CENTRAL RANGER UNIT #1123	EASTLAND COUNTY REGUL	0.7	
8400375	F-7B-072657	4213334215		103		N CENTRAL RANGER UNIT #525	EASTLAND COUNTY REGUL	1.0	
8400377	F-7B-072659	4213334229		103		N CENTRAL RANGER UNIT #526	EASTLAND COUNTY REGUL	3.0	
8400378	F-7B-072660	4213334217		103		N CENTRAL RANGER UNIT #530	EASTLAND COUNTY REGUL	0.3	
8400531	F-7B-073048	4213334659		103		N W RANGER UNIT #2401	EASTLAND COUNTY REGUL	1.0	SUN GAS TRANSMISS
8400527	F-08-073043	4213534118		103		O B HOLT A/C 2 #26	COWDEN NORTH	4.0	AMARILLO NATURAL
8400349	F-08-072582	4213534117		103		O B HOLT A/C-2 NO 27	COWDEN NORTH	16.0	AMARILLO OIL CO
8400528	F-08-073045	4213500000		108		O B HOLT JR ESTATE #1	COWDEN NORTH	2.0	AMOCO PRODUCTION
8400429	F-7B-072766	4213334471		103		P O HARRIS #1	EASTLAND COUNTY REGUL	1.0	
8400530	F-7B-073047	4213334792		103		RANGER (MCCLESKY SD) FIELD UNIT #25	RANGER	3.0	SUN GAS TRANSMISS
8400306	F-06-072280	4236500000		108		S J NEAL -A- #2L	CARTHAGE	10.0	TENNESSEE GAS PIP
8400428	F-7B-072765	4213334432		103		STATE OF TEXAS "J" #2	EASTLAND COUNTY REGUL	1.0	
-TAMARACK PETROLEUM CO INC				RECEIVED:	10/03/83	JA: TX			
8400474	F-08-072933	4231732597		103		CATCH BASIN UNIT #1 (RRC #28041)	SPRABERRY (TREND AREA	24.0	PHILLIPS PETROLEU
8400475	F-08-072934	4231732619		103		STANTON TOWNSITE UNIT II #1 #27997	SPRABERRY (TREND AREA	20.0	PHILLIPS PETROLEU
-TEAGUE OPERATING CO				RECEIVED:	10/03/83	JA: TX			
8400366	F-7B-072643	4206933528		102-2		D R & W A HUTCHINS #1	THRIFTY S (CHAPPEL RE	182.0	EL PASO HYDROCARB
-TEXACO INC				RECEIVED:	10/03/83	JA: TX			
8400298	F-03-072261	4203931886		103		HOPA #50	MANVEL	14.6	TEXACO INC
8400401	F-8A-072706	4216931747		103		I N MCCRARY NCT-1 #2	POST (GLORIETA)	10.5	
8400400	F-8A-072705	4216931763		103		I N MCCRARY NCT-1 #3	POST (GLORIETA)	3.3	
8400402	F-8A-072707	4216931886		103		I N MCCRARY NCT-1 #5	POST (GLORIETA)	5.1	
8400416	F-8A-072703	4216981973		103		I N MCCRARY NCT-1 #7	POST (GLORIETA)	13.1	
8400398	F-8A-072702	4216931885		103		I N MCCRARY NCT-1A #4	POST (GLORIETA)	10.2	
8400399	F-8A-072704	4216981884		103		I N MCCRARY NCT-1A #6	POST (GLORIETA)	12.1	
-TOM BROWN INC				RECEIVED:	10/03/83	JA: TX			
8400302	F-7C-072267	4243532859		103	107-TF	HILL-EDWIN S MAYER JR "KK" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8400301	F-7C-072266	4243532898		103	107-TF	HILL-EDWIN S MAYER JR "WW" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TOM MCGEE CORP				RECEIVED:	10/03/83	JA: TX			
8400335	F-10-072447	4229531275		102-4		KIRSCHMAN #1	DUKE-MAY (TONKAWA)	18.3	DIAMOND SHAMROCK
-TRI-SERVICE DRILLING CO				RECEIVED:	10/03/83	JA: TX			
8400436	F-7C-072787	4238300000		108		ROCKER "B" #24 804794	SPRABERRY TREND (SPRA	5.5	PHILLIPS PETROLEU
8400435	F-7C-072786	4238300000		108		ROCKER "B" #25 804794	SPRABERRY TREND (SPRA	1.1	PHILLIPS PETROLEU
8400434	F-7C-072785	4238300000		108		ROCKER "B" #26 804794	SPRABERRY TREND (SPRA	11.1	PHILLIPS PETROLEU
8400433	F-7C-072784	4238300000		108		ROCKER "B" #27 804794	SPRABERRY TREND (SPRA	2.7	PHILLIPS PETROLEU
8400472	F-7C-072930	4238300000		108		ROCKER "B" #33 804794	SPRABERRY TREND (SPRA	1.8	PHILLIPS PETROLEU
8400471	F-7C-072929	4238300000		108		ROCKER "B" #35 804794	SPRABERRY TREND (SPRA	0.7	PHILLIPS PETROLEU
-TRITON OIL & GAS CORP				RECEIVED:	10/03/83	JA: TX			
8400308	F-7C-072286	4239932501		102-4		H W BOWEN #1	FRITZESS (GARDNER SD)	110.0	UNION TEXAS PETRO
-UNION HILL DRILLING CO				RECEIVED:	10/03/83	JA: TX			
8400266	F-7B-072685	4236333072		102-4		COX #1 ID # APPLIED FOR	UNION HILL (STRAWN 70	9.0	SOUTHWESTERN GAS
-UNION OIL COMPANY OF CALIF				RECEIVED:	10/03/83	JA: TX			
8400303	F-03-072272	4270830242		102-4		HIGH ISLAND 55-L #1U	HIGH ISLAND BLOCK 55-	1095.0	HIGH ISLAND PIPE
8400470	F-8A-072917	4250330919		102-2		MCCAULEY #4	EDMISSON (CLEAR FORK)	1.0	
-UPHAM OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			
8400440	F-09-072800	4249700000		103		TURNER #2	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
-USEMCO INC				RECEIVED:	10/03/83	JA: TX			
8400348	F-7B-072557	4236732448		103		KEEL #1	BETHESDA (CADDO)	15.0	LONE STAR GAS CO
-VANDERBILT RESOURCES CORPORATION				RECEIVED:	10/03/83	JA: TX			
8400415	F-04-072737	4247931971		108		PALAFOX -A- #1	PALAFOX (OLMOS)	950.0	TEJAS GAS CORP
-W B D OIL & GAS CO				RECEIVED:	10/03/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8400451	F-10-072860	4225331501		103		ROSS #4 (ID #05209)	PANHANDLE HUTCHINSON	50.0	DIAMOND SHAMROCK
-W T WAGGONER ESTATE				RECEIVED:		10/03/83 JA: TX			
8400371	F-09-072651	4248731657		103		GAIL THIEBAUD #1 (23434)	WILBARGER COUNTY REGU	10.0	KIDD COMPRESSOR C
-WAGNER & BROWN				RECEIVED:		10/03/83 JA: TX			
8400386	F-08-072681	4243131311		103		GLASS "E" #5-36	CONGER (PENN)	75.9	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:		10/03/83 JA: TX			
8400497	F-08-072967	4210300769		108		C-BAR SAN ANDRES UNIT #C-7	C-BAR (SAN ANDRES)	0.6	EL PASO NATURAL G
8400496	F-08-072966	4210331155		108		C-BAR SAN ANDRES UNIT #I-13	C-BAR (SAN ANDRES)	0.5	EL PASO NATURAL G
8400499	F-08-072969	4210305690		108		E N SNODGRASS #2	WADDELL	0.5	EL PASO NATURAL G
8400370	F-08-072650	4210333162		103		J B TUBB "B" #60	SAND HILLS (MCKNIGHT)	0.1	EL PASO NATURAL G
8400493	F-08-072962	4210300846		108		J B TUBB "B" #9 TR A	SAND HILLS (TUBB)	8.2	EL PASO NATURAL G
8400488	F-08-072957	4210300972		108		M B MCKNIGHT #16	SAND HILLS (MCKNIGHT)	6.5	EL PASO NATURAL G
8400494	F-08-072964	4210300044		108		M B MCKNIGHT #75	SAND HILLS (MCKNIGHT)	4.0	EL PASO NATURAL G
8400490	F-08-072959	4210300180		108		M F HENDERSON #98	C-BAR (SAN ANDRES)	0.9	EL PASO NATURAL G
8400489	F-08-072958	4210310036		108		P J LEA #44	LEA (SAN ANDRES)	2.8	EL PASO NATURAL G
8400498	F-08-072968	4210332513		108		UNIVERSITY P #9	DUNE	0.5	EL PASO NATURAL G
8400491	F-08-072960	4210331906		108		W A ESTES #106	SAND HILLS (WEST)	0.4	EL PASO NATURAL G
8400495	F-08-072965	4210300789		108		W A ESTES #11	SAND HILLS (WEST)	0.3	EL PASO NATURAL G
-WES-MOR DRILLING INC				RECEIVED:		10/03/83 JA: TX			
8400466	F-09-072906	4223734056		103		ELSIE RIDER "A" #4 #106241	JACK COUNTY REGULAR/G	63.5	LONE STAR GAS CO
-WILLIAMS EXPLORATION COMPANY				RECEIVED:		10/03/83 JA: TX			
8400515	F-03-072352	4219931906		103		CHOATE BLOCK 4 LOT 3 #8	NEW BATSON FIELD	4.8	MATADOR PIPELINE
8400438	F-03-072797	4219931923		103		CHOATE BLOCK 4 LOT 3 #9	NEW BATSON	5.8	MATADOR PIPELINE
-WILSON ENERGY INC				RECEIVED:		10/03/83 JA: TX			
8400422	F-08-072751	4217331364		103		CLARK #1	SPRABERRY (TREND AREA	8.0	PHILLIPS PETROLEU
8400372	F-08-072652	4222732906		103		KENTEX #1	SPRABERRY (TREND AREA	8.0	PHILLIPS PETROLEU
8400421	F-08-072750	4231732658		103		NAIL "O" #1	SPRABERRY (TREND AREA	0.0	NORTHERN GAS PROD
-WOODS PETROLEUM CORPORATION				RECEIVED:		10/03/83 JA: TX			
8400439	F-8A-072799	4207931705		102-4		RJR RANCH #806	BONANZA (SAN ANDRES)	13.0	WARREN PETROLEUM
-WORLDWIDE ENERGY CORPORATION				RECEIVED:		10/03/83 JA: TX			
8400430	F-7C-072769	4241331056		103		UNIVERSITY 57-5	UNIVERSITY 54 (CANYON	25.5	
-WY-VEL CORP				RECEIVED:		10/03/83 JA: TX			
8400409	F-10-072719	4217931310		103		KERSEY (052596) #4	PANHANDLE	133.0	GETTY OIL CO

[FR Doc. 83-29560 Filed 10-31-83; 8:45 am]

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federal register

Tuesday
November 1, 1983

Part V

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates; Religious Diets; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 548

Control, Custody, Care, Treatment, and Instruction of Inmates; Religious Diets

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is publishing an amendment to its final rule on religious diets. The amended rule language expands the limited scope of the previous rule. The Bureau's new rule provides an inmate who wishes to observe religious dietary laws with the opportunity to receive a diet which meets or exceeds recommended daily allowances and which complies with religious dietary laws to the extent practicable, within the constraints of budget limitations and the security and orderly running of the institution and the Bureau of Prisons. This amendment was originally proposed as a revision of Part 547, Subpart B, Religious Diet Requirements. The Bureau has now determined that religious diets is more appropriately included within Part 548, Subpart B, Religious Beliefs and Practices of Committed Offenders. Accordingly, in finalizing the present amendment, the Bureau is removing its existing rule (Part 547, Subpart B) on religious diet requirements; it reappears as part of the rule on religious beliefs and practices of committed offenders.

EFFECTIVE DATE: December 1, 1983.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing an amended final rule on religious diets. This subject was published as a proposed rule in the **Federal Register** June 1, 1983 (at 48 FR 24626 et seq.).

The amended rule is necessitated by the variety of groups and subgroups within the Bureau of Prisons, each with its own religious dietary requirements. One recent survey determined that there were 29 such distinct groups or subgroups within Bureau institutions. The Bureau of Prison's existing rule on religious diet requirements focused primarily on a Kosher program and not sufficiently on other religious dietary requirements. To rectify this situation, the Bureau of Prisons published a proposed amendment to its rule on religious diet requirements. The amendment provided that inmates who wish to observe religious dietary laws would receive a diet which meets or exceeds recommended daily allowances established by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and which complies with religious dietary laws to the extent practicable within the constraints of budget limitations and the security and orderly running of the institution.

Interested persons were invited to submit comments on the proposed amendment. One comment was received, from an inmate at the Federal Correctional Institution, Lexington. The commenter expressed concern that opening the Kosher kitchen to all would make the kitchen non-Kosher and "would effectively destroy the religius (sic) rights we have," and its main means of group solidarity. In proposing its revised rule, the Bureau was not intending to destroy the inmate's religious rights, nor do we think this is the effect. The purpose of the rule is to assure that all inmates with dietary requirements are offered a similar opportunity to receive a diet consistent with their religious beliefs.

The Bureau is now initiating a pilot program in which inmates who wish to observe religious dietary requirements may take their meals from a separate menu. The pilot program will last 3–6 months. Basic elements of this program are discussed in the appendix to this preamble.

At this time, the Bureau makes final its amended rule on religious diet requirements. There are only two minor changes in the rule language. The final rule deletes reference to the main food line, because this is implementing language. Also, the final rule adds to the constraints to be considered those of the Bureau of Prisons as a whole.

Also, the Bureau now redesignates amended § 547.10 as new § 548.12(a). This consolidates the rule on religious diets with the more comprehensive rule on religious beliefs and practices of committed offenders. The existing § 548.12(a) pertained to religious diets and cross-referenced Part 547, Subpart B, Religious Diet Requirements. Based on this redesignation, the final rule on religious diet requirements contained in Part 547, Subpart B is removed.

The Bureau recognizes that some persons may not have considered the proposed amendment to religious diet requirements in the light of the rule on religious beliefs and practices. In recognition of this fact, and because we plan to publish in the **Federal Register**, within the near future, a proposed revision to the rule on religious beliefs and practices, the Bureau will re-open § 548.12 for public comment at the time these revisions are published.

By internal staff instructions, the Bureau is implementing the pilot project described in the appendix, and continuing existing practices, with some modifications, in its other four regions. The use of the pilot project will allow the Bureau to test a common fare program. If the pilot project appears a realistic approach to accommodating inmates whose religious dietary needs cannot be met on the main serving line, the Bureau will publish the common fare program as a proposed rule. Public comment will be invited prior to deciding whether to implement the program system-wide.

The Bureau of Prisons has determined that this rule on religious diet is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 548

Prisoners.

Appendix

I. Common Fare Menu

a. A 14-day common fare cycle menu will be used. This menu has been determined to be nutrionally adequate. By using the specific portion sizes indicated, nutritional requirements will be met.

b. *No changes may be made* in the menu during the pilot project without the approval of both the South Central Regional Director and the Central Office Food Service Administrator. This is necessary to assure religious and nutritional adequacy and to provide a constant base for research data and documentation.

c. There will be no separate food kitchen. However, due to the nature of foods used in the common fare menu, special handling and service are required.

d. No pork, pork derivatives, or non-Kosher meat may be used at any time on the common fare menu.

e. Any equipment used in regular food service is not to be used in the common fare program.

f. Cooking of any food items is not provided on the common fare program.

g. All foods purchased (except such foods as fresh fruits and vegetables) shall be fully prepared, ready to use, and bear certification by a recognized Orthodox Standard, such as "Ⓤ", "Ⓚ", "K" and "CRC". Halal foods which do not violate the above Orthodox standards may be used.

II. Common Fare Program

a. Upon establishing a common fare program, the Warden shall discontinue any other existing religious dietary line or program, other than the use of an asterisk placed opposite those items containing pork or pork derivatives on main line or other diets.

b. Food served on this program shall be prepared and handled completely separate from the regular food menu. A pre-plating progam may be instituted.

c. All food items will be served or pre-plated from disposable inserts. Disposable plates, cups, utensils, and other items will be used.

d. An urn of hot water will be provided for instant coffee, tea, and soups. The urn may be one that is used by all inmates in the institution.

III. Application for or Removal From the Common Fare Program

a. The Associate Warden (O) or designee may approve an inmate to eat from the common fare menu. An inmate who wishes to eat from the common fare menu shall sign a statement to that effect with the stipulation that, if the inmate does not adhere to the common fare menu, the inmate may be removed from the program. An inmate who selects food from the common fare menu *may not* also select food from the regular food line. The inmate's signed statement requesting to eat from the common fare menu shall be provided to the local Food Administrator. No religious affiliation is necessary to qualify for the common fare program.

b. Upon approving an inmate to eat from the common fare menu, a common fare diet card is initialed by the Associate Warden (O) and assigned a number. After the inmate and the Associate Warden (O) sign this card, it is to be laminated and given to the inmate.

c. An inmate shall ordinarily be approved to eat from the common fare menu within three days of receipt of the inmate's written request. The Food Service Administrator is to ensure that the Associate Warden (O) or designee receives a weekly common fare diet record of inmates approved to use the common fare program, and a record of that inmate's actual participation.

d. To assure the integrity of the common fare program, inmates assigned to food service to prepare and serve the common fare menu will receive appropriate training and supervision.

e. An inmate who wishes to withdraw from the common fare program and to eat from the main line must notify the Associate Warden (O) or designee in writing of this intent. Upon presentation of this statement, the inmate will be removed from the common fare program and will be approved to select food from the regular food line or, where appropriate, from the medical diet line, as soon as practicable (ordinarily within three work days of receipt of the inmate's request).

f. An inmate removed, or who elects to withdraw, from the common fare program may request readmission to this program after 30 days. An inmate's participation in the common fare program is not affected by temporary placement on a medically prescribed diet, so that the inmate may resume common fare upon termination of the medical diet.

IV. Inmates in Special Housing/ Hospital

Inmates in segregation, administrative detention, or the hospital will be provided a common fare diet, if already on the common fare program record, or subject to application and approval as provided in section III above.

VI. Assessment/Research on the Pilot Program

A research project will cover specific aspects of the common fare pilot program to determine the efficacy of this program.

VII. Miscellaneous

a. The Commissary shall stock for sale to inmates several food items meeting the religious certification described in section I(g) of this appendix.

b. Questions regarding the common fare program shall be directed to either the Regional Food Service Administrator or to the Regional Counsel.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Norman A. Carlson,

Director, Bureau of Prisons.

Amend Subchapter C, Institutional management of 28 CFR, Chapter V as follows:

PART 547—[AMENDED]

§§ 547.10–547.13 (Subpart B) [Removed]

1. In Subchapter C, remove Part 547, Subpart B §§ 547.10, 547.11, 547.12 and 547.13.

PART 548—RELIGIOUS PROGRAMS

Amend Part 548 as follows:

Subpart B—Religious Beliefs and Practices of Committed Offenders

1. The authority citation for Part 548, Subpart B is as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 42 U.S.C. 1996; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Revise § 548.12(a) to read as follows:

§ 548.12 Diet.

(a) An inmate who wishes to observe religious dietary laws will be provided a diet which meets or exceeds recommended daily allowances established by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and which complies with religious dietary laws to the extent practicable within the constraints of budget limitations and the security and orderly running of the institution and the Bureau of Prisons.

* * * * *

[FR Doc. 83-29606 Filed 10-31-83; 8:45 am]

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federal register

Tuesday
November 1, 1983

Part VI

Environmental Protection Agency

Regulation of Fuels and Fuel Additives; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMF-FRL 2386-5]

Regulation of Fuels and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 9, 1983, the U.S. Court of Appeals for the District of Columbia Circuit issued an order vacating a portion of the definition of small refinery promulgated on October 29, 1982, by EPA as part of revised gasoline lead content regulations. 47 FR 49322. On April 22, 1983, the Court issued an opinion fully explaining the rationale for its order. In today's action, EPA is amending the small refinery definition so as to make it consistent with the Court's order. 40 CFR 80.2(p)(3) is therefore amended to require only that a refinery otherwise meeting the definition of "small refinery" not be currently owned or controlled by a refiner with total gasoline production greater than 70,000 barrels per day (bpd). The additional requirement that a small refinery may not have been owned by such a refiner at any time since July 1981 has been deleted.

DATE: This rule is effective November 1, 1983.

ADDRESS: Information relevant to the gasoline lead content regulations is contained in Docket No. A-81-36, which may be reviewed at the Central Docket Section (LE-131), EPA, 401 M Street, S.W., West Tower Lobby, Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:30 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Robert E. Kenney, Senior Staff Attorney, Field Operations and Support Division (EN-397), EPA, 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 382-2659.

SUPPLEMENTARY INFORMATION: On October 29, 1982, EPA promulgated revised regulations governing the allowable lead content of leaded gasoline. 47 FR 49322. These regulations included a revised four-part definition of a small refinery. 40 CFR 80.2(p). Facilities qualifying as small refineries were subject to less stringent lead content standards than other refineries through June 30, 1983.

Petitions to review the regulations were filed pursuant to § 307 of the Clean Air Act, 42 U.S.C. 7607, by the Small Refiner Lead Phase-Down Task Force (SRTF), Plateau Incorporated, and Simmons Oil Company. On January 26, 1983, the U.S. Court of Appeals for the District of Columbia Circuit issued an order concerning the challenges to the regulations presented by SRTF and Plateau. The Court upheld all parts of the challenged regulations except that which established an interim standard of 1.90 grams of lead per gallon of leaded gasoline (gplg) for small refineries for the period November 1, 1982, to June 30, 1983. In response to the Court's order vacating the 1.90 gplg interim standard, EPA on February 1, 1983, promulgated new interim standards of 2.15 and 2.65 grams of lead per gallon of total (leaded and unleaded) gasoline produced (gptg). 48 FR 5724 (February 8, 1983). The February 8 **Federal Register** notice contains a discussion of the Court's January 26, 1983, order and an explanation of the Agency's rationale for the new interim standards.[1]

On February 9, 1983, the Court issued an order in response to Simmons Oil's petition, which challenged the portion of the small refinery definition that precluded a facility from qualifying as a small refinery if, "during any period of ownership or control since July 1, 1981," it was owned or controlled by a refiner with total gasoline production greater than 70,000 bpd. 40 CFR 80.2(p)(3). Simmons did not challenge the portion of § 80.2(p)(3) which precludes qualification as a small refinery by facilities currently owned by such a refiner.

The Court found that the addition of a past ownership requirement was procedurally flawed due to a lack of notice, and vacated this criterion in § 80.2(p)(3). The Court left in force the current ownership criterion in that provision. On April 22, 1983, the Court issued a full opinion explaining more fully the underlying reasoning for its February 9 order concerning the Simmons petition, as well as for its January 26 order dealing with the other petitions.[2]

In this notice, EPA is taking final action to revise § 80.2(p)(3) so as to be consistent with the Court's order. Although the Agency continues to believe that facilities with the demonstrated capability to meet the large refinery standard of 1.10 gplg should have been subject to that standard since November 1, 1982, the limited amount of time between the date of the court's decision and the expiration of the interim small refinery standards on June 30, 1983, and the very small number of facilities likely to have been affected would have made any rulemaking to correct the procedural error and to repromulgate the vacated regulation a futile and wasteful use of Agency resources.

The final action described in this notice is made under the authority of sections 211 and 301 of the Clean Air Act and is nationally applicable. Under section 307(b)(1) of the Clean Air Act, judicial review may be sought only in the U.S. Court of Appeals for the District of Columbia Circuit. Petitions for judicial review must be filed on or before January 3, 1984.

EPA finds that there is "good cause" under the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d), to promulgate this rule without prior notice and public comment, and to make this rule effective immediately. Prior notice and public comment are unnecessary because this action merely codifies the Court's action in vacating a regulatory provision. Further support for making this rule effective immediately exists because this action "relieves a restriction" contained in the previous regulations.

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires the preparation of a regulatory flexibility analysis for any final rule unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Since the Agency is presently aware of only three facilities which may be affected by this rule, I certify that this rule will not have a significant impact on a substantial number of small entities.

EPA has determined that this rule is not a major rule as defined in Executive Order 12291. Therefore, a regulatory impact analysis has not been prepared. This action was submitted to the Office of Management and Budget (OMB) for review under E.O. 12291. Any comments from OMB and any EPA responses are available for public inspection at Docket A-81-36, Central Docket Section, U.S. EPA, West Tower Lobby, 401 M Street, SW., Washington, D.C. 20460.

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties.

(Secs. 211 and 301(a), Clean Air Act, as amended (42 U.S.C. 7545 and 7601(a))

[1] On March 31, 1983, the Agency announced its enforcement policy concerning the interim standards and its interpretation of the inter-refinery averaging provision in 40 CFR 80.20(d)(1)(iii) in light of different compliance periods for large and small refineries. 48 FR 13428.

[2] *Small Refiner Lead Phase-Down Task Force v U.S. EPA*, 705 F.2d 506 (D.C. Cir. 1983).

Dated: October 21, 1983.

William D. Ruckleshaus,

Administrator.

PART 80—[AMENDED]

For the reasons set forth in the preamble, § 80.2 is amended by revising paragraph (p)(3) to read as follows:

§ 80.2 Definitions.

* * * * *

(p) * * *

(3) Which is not owned or controlled by any refiner that has a total combined average daily production of greater than 70,000 barrels of gasoline during any compliance period since July 1, 1981; and

* * * * *

[FR Doc. 83-29574 Filed 10-31-83; 8:45 am]

BILLING CODE 6560-50-M

federal register

Tuesday
November 1, 1983

Part VII

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing and Distribution in Commerce Exemptions; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-66008; TSH FRL 2389-7]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, and Distribution in Commerce Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule addresses each of the 172 pending individual and class petitions for exemption from the prohibition against the manufacture, processing, and distribution in commerce of PCBs. This proposed rule identifies 49 petitions which EPA proposes to grant, 73 petitions which EPA proposes to deny, and 50 petitions on which EPA is deferring action. EPA solicits comments on these proposed actions.

DATE: Informal hearings, if requested, will be held in Washington, D.C., Chicago, and San Francisco beginning approximately January 16, 1984. The exact times and locations of the hearings will be available by calling EPA's TSCA Assistance Office. Comments on this proposed rule and requests to participate in the informal hearing must be submitted by January 3, 1984. Petitioners, whose exemption petitions EPA has proposed to deny, may submit additional information by this date. EPA will review this information and reconsider the proposed disposition of these petitions, prior to issuing a final rule. Reply comments made in response to issues raised at each hearing must be submitted no later than one week after the date of that hearing.

See Supplementary Information for EPA's procedures for conducting rulemaking on these exemption petitions.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460. Comments should include the docket number OPTS-66008.

Comments received on this proposed rule will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. E-107 at the address given above.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Confidential Business Information

EPA encouages commentors to submit nonconfidential information. However, commentors who believe they can state their position only by using confidential information may submit it in accordance with the requirements of 40 CFR 750.16 (for manufacturing exemptions) or 40 CFR 750.36 (for processing and distribution in commerce exemptions). Commentors who submit confidential information must, at the same time, submit a nonconfidential summary of the information claimed to be confidential for inclusion in the public record. Please mark confidential information "CONFIDENTIAL" and send it via certified mail to the Document Control Officer (see address listed under "**ADDRESS**"). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. Information not marked "CONFIDENTIAL" will be placed in the public record and may be disclosed publicly by EPA without prior notice.

II. Comments and Rulemaking Procedures

EPA will conduct all hearings in accordance with EPA's "Procedures for Conducting Rulemaking Under Section 6 of the Toxic Substances Control Act" (40 CFR Part 750). Commentors who want to participate in the informal hearings must write to EPA's TSCA Assistance Office (see address listed under "**FOR FURTHER INFORMATION CONTACT**") and indicate whether they want to participate in Washington, D.C., Chicago, or San Francisco. All requests to participate must include an outline of the topics to be addressed, the amount of time requested for the opening statement, and the names of participants. The informal hearings are meant to provide an opportunity for commentors to presaent additional information or to discuss new issues, not to repeat information already presented in written comments.

III. Recodification of 40 CFR Part 761

EPA's PCB regulations are published in the Code of Federal Regulations at 40 CFR Part 761. These regulations were recodified in the **Federal Register** of May 6, 1982 (47 FR 19526) and published in the 1982 edition of the Code of Federal Regulations. This proposed rule uses the recodified section numbers.

IV. Background

A. Statutory Authority

Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e), prohibits the use of PCBs after January 1, 1978, prohibits the manufacture of PCBs after January 1, 1979, and prohibits the processing and distribution in commerce of PCBs after July 1, 1979.

Section 6(e)(2) of TSCA creates two exceptions under which EPA may, by rule, allow the use of PCBs to continue. First, EPA may find that the use of PCBs is in a "totally enclosed" manner. Section 6(e)(2)(C) of TSCA defines a "totally enclosed" manner as "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule." Second, EPA may authorize the use of PCBs in a manner other than in a "totally enclosed" manner, if the Agency finds that such activities "will not present an unreasonable risk of injury to health or the environment."

Section 6(e)(3)(B) of TSCA permits the Administrator to grant exemptions from the ban on the manufacture, processing, and distribution in commerce of PCBs. Under section 6(e)(3)(B) of TSCA, any person may petition the Administrator for an exemption from the prohibitions against the manufacture, processing, and distribution in commerce of PCBs.The Administrator may by rule grant such an exemption if the Administrator finds that "(i) an unreasonable risk of injury to health or environment would not result, and (ii) good faith efforts have made to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for such polychlorinated biphenyl." EPA may set terms and conditions for an exemption and may grant an exemption for not more than one year.

B. History of PCB Rulemaking

1. *PCB Ban Rule.* EPA issued a rule, which was published in the **Federal Register** of May 31, 1979 (44 FR 31514), to modify the general ban on the manufacture, processing, distribution in commerce, and use of PCBs. This rule is referred to as the PCB Ban Rule and is listed in the Code of Federal Regulations under 40 CFR Part 761. Among other things, the PCB Ban Rule (1) prohibited the manufacture, import, processing,

distribution in commerce, and export of PCBs, unless an exemption was granted; (2) generally exclude from regulation material containing PCBs in concentrations of less than 50 parts per million (ppm); (3) designated all intact, nonleaking capacitors, electromagnets, and transformers other than railroad transformers as "totally enclosed," thus permitting their use without specific authorization or conditions; and (4) authorized 11 non-totally enclosed uses of PCBs, based on consideration of the health and environmental effects of PCB.s the exposure to PCBs resulting from those uses, the availability of substitutes for the PCB's and the economic impact of restricting those uses. Among the 11 authorized non-totally enclosed uses relevant to this rulemaking are the use of PCBs in servicing transformers (40 CFR 761.30(a)), the use of small quantities of PCBs for research and development until July 1, 1984 (40 CFR 761.30(j)), and the use of PCBs as a mounting medium in microscopy until July 1, 1984 (40 CFR 761.30(k)).

2. *EDF v. EPA.* The Environmental Defense Fund (EDF) obtained judicial review of the PCBs Ban Rule in the U.S. Court of Appeals for the District of Columbia Circuit. *Environmental Defense Fund* v. *Environmental Protection Agency*, 636 F. 1267 (D.C. Cir. 1980). A number of issues decided in the court's opinion, issued on October 30, 1980, are relevant to this rulemaking proceeding. The court invalidated EPA's 50 ppm regulatory exclusion and EPA's determination that the use of PCBs in electrical equipment was "totally enclosed." The court remanded these issues to EPA for further action consistent with its opinion. The court upheld all PCB use authorizations. Other matters discussed in this proposed rule were not subject to the *EDF* v. *EPA* lawsuit.

The effect of this decision would have been to make the manufacture, processing, or distribution in commerce of products containing any concentration of PCBs a violation of section 6(e) of TSCA. The decision also would have had the effect of making the use of all electrical equipment, other than railroad transformers, containing any concentration of PCBs a violation of section 6(e) of TSCA. An immediate ban of these uses not only would have disrupted electrical service but also would have caused severe economic hardship for the public and United States industry. Therefore, EPA, EDF, and certain industry intervenors asked the court to stay its mandate.

The court granted the stay and imposed restrictions on EPA in two separate orders. On February 12, 1981, the court issued an order staying its mandate pending further rulemaking. The text of the court's order is published in the **Federal Register** of March 10, 1981 (46 FR 16090). The court's order allowed the totally enclosed classification of transformers, capacitors, and electromagnets to remain in effect for the duration of the stay. Therefore, persons who used PCB-containing transformers, capacitors, and electromagnets were premitted to use this electrical equipment during the stay of the court's mandate, provided that they complied with the PCB Ban Rule and the Iterim Measures Program detailed in the Court's order. On April 13, 1981, the court stayed its mandate with respect to activities involving PCBs in concentrations of less than 50 ppm pending further rulemaking. The text of the court's order is published in the **Federal Register** of May 20, 1981 (46 FR 27615). Thus, the 50 ppm regulatory cutoff remains in effect for the duration of the stay, and persons who manufacture, process, distribute in commerce, or use PCBs in concentrations of less than 50 ppm may continue these activities during the stay.

3. *Court Ordered Rulemaking.* In response to the court order, EPA has issued two rules and is now working on a third rule.

First, EPA authorized the totally enclosed use of PCBs in certain electrical equipment. This rule, the Electrical Equipment Rule, was published in the **Federal Register** of August 25, 1982 (47 FR 37342). Among other things, this rule authorizes the continued use of PCB small capacitors (40 CFR 761.30(1)); The use of PCB large capacitors until 1988 or longer if certain conditions are met (40 CFR 761.30(1)); and the use of PCB transformers and PCB-contaminated transformers, if certain conditions are met (40 CFR 761.30(a)).

Second, EPA issued a rule excluding from regulation the manufacture, processing, distribution in commerce, and use of PCBs created in closed manufacturing processes and controlled waste manufacturing processes. EPA considers these PCBs to present very low risks. This rule, the Closed and Controlled Waste Manufacturing Processes Rule, was published in the **Federal Register** of October 21, 1982 (47 FR 46980). This rule permits the manufacture, processing, and distribution in commerce of PCBs without an exemption, provided that (1) the PCBs are released only in concentrations below the practical limits of quantitation for PCBs in air emission, water effluents, products, and process wastes and (2) the wastes from these manufacturing processes are controlled and disposed of in accordance with the methods for disposal specified in the rule.

Third, EPA has begun rulemaking with respect to the manufacture, processing, distribution in commerce, and use of low concentrations of PCBs in other than closed manufacturing processes and processes that produce only controlled wastes. For convenience, EPA refers to this rulemaking as the Uncontrolled PCB Rule. EPA reported to the court that it will propose the rule by December 1, 1983, and issue the final rule by July 1, 1984.

C. History of the PCB Exemptions Process

1. *Background.* While EPA was conducting rulemaking to control PCBs, EPA also was addressing the issue of exemptions from the prohibitions against the manufacture, processing, and distribution in commerce of PCBs. To provide a better understanding of EPA's actions, EPA is providing a brief history of the PCB exemptions process.

EPA's Interim Procedural Rules for PCB Manufacturing Exemptions, 40 CFR 750.10 *et seq.*, were published in the **Federal Register** of November 1, 1978 (43 FR 50905). These rules describe the required content of manufacturing exemption petitions and the procedures EPA will follow in rulemaking on these petitions.

In the **Federal Register** of January 2, 1979 (44 FR 108), EPA announced that petitioners who has previously filed manufacturing exemption petitions could continue the manufacturing or importation activity for which they sought exemption until EPA acted on their petitions.

EPA's Interim Procedural Rules for PCB Processing and Distribution in Commerce Exemptions, 40 CFR 750.30 *et seq.*, were published in the **Federal Register** of May 31, 1979 (44 FR 31558). These rules describe the required content of processing and distribution in commerce exemption petitions and the procedure EPA will follow in rulemaking on these petitions.

EPA's proposed rule for PCB manufacturing exemptions, which addressed the exemption petitions received at that time, was published in the **Federal Register** of May 31, 1979 (44 FR 41564). EPA held a hearing and received comments on that proposed rule. EPA included additional manufacturing exemption petitions and

extended the reply comment period on the proposed rule in a notice published in the **Federal Register** of July 20, 1979 (44 FR 42727).

In the **Federal Register** of March 5, 1980 (45 FR 14247), EPA clarified its previously announced policy for acceptance of late PCB exemption petitions published in the **Federal Register** of January 2, 1979 (44 FR 108) and May 31, 1979 (44 FR 31514). In that notice, EPA stated that it would require persons filing late exemption petitions to show "good cause" why the petition is being submitted after the filing deadlines of December 1, 1978 (for manufacturing exemptions) or July 1, 1979 (for processing and distribution in commerce exemptions). If a petitioner shows "good cause," EPA permits it to continue the activities for which it seeks exemption until EPA acts on the exemption petition, as long as the activities were underway before January 1, 1979 (for manufacturing) and July 1, 1979 (for processing and distribution in commerce).

In the **Federal Register** of May 1, 1980 (45 FR 29115), EPA reiterated the policy stated in 40 CFR 761–20(b) by closing the border to the export and import of PCBs for disposal after that date. In addition, EPA affirmed that exports of PCBs for use would be permitted only if EPA granted an exemption to do so pursuant to section 6(e)(3)(B) of TSCA. EPA set forth criteria it would consider in reviewing a petition for exemption to export PCBs. A petitioner must show that the nation to which export is destined has proper PCB disposal facilities and that the PCBs will be used for a use that is authorized in the United States. EPA also explained that, in the context of exports, the requirement to show good faith efforts to find a substitutes puts the burden on the petitioner to show that there are no substitute for the PCBs, produced either by the petitioner or a competitor, and that the petitioner proves that it has expended substantial amounts of time and money searching for a substitute.

2. *Renewal of PCB Exemption Petitions.* As EPA acted to comply with the court ordered rulemaking, it became necessary to resolve a number of issues involving the outstanding exemption petitions. In June 1982 EPA sent a letter to each of approximately 400 petitioners who had previously requested an exmption to manufacture, process, or distribute in commerce PCBs. Since the information in many of the petitions was old, EPA asked these petitioners to renew their petitions, if necessary, by submitting updated information. EPA received and accepted 172 exemption petitions (including 164 renewed and eight newly-filed petitions), which EPA evaluated according to the requirements of TSCA and the Interim Procedural Rules for PCB Exemptions. The remainder of the petitions were not renewed, or dismissed by EPA because the activities for which exemption was requested did not require an exemption.

Among the 172 petitions that EPA received and accepted are 50 exemption petitions to manufacture, process, or distribute in commerce substances or mixtures inadvertently contaminated with 50 ppm or greater PCBs. These petitions are listed under unit VII.J. Depending on the definition of PCBs and the method of calculating PCB concentration levels in the Uncontrolled PCB Rule, these petitioners may be excluded from the PCB Ban Rule and would not need exemptions. EPA believes that any proposal now would be premature and, therefore, is deferring action on these petitions until it proposes the Uncontrolled PCB Rule in December 1983. In this rule EPA is proposing to act on the remainder of the petitions that will not be affected by the Uncontrolled PCB Rule.

D. Effect of This Rule on Previous Policy Statements

Once EPA has acted to grant or deny an exemption petiton, EPA's policy of permitting activities to continue will become unnecessary. EPA will therefore revoke that policy, which was published in the **Federal Register** of January 2, 1979 (44 FR 108) and March 5, 1980 (45 FR 14247), as of the effective date of the final rule in this rulemaking. This means that a petitioner, whose exemption request is granted, will be allowed to manufacture, process, or distribute in commerce PCBs only for the period of time granted in this rule. When the exemption expires, a petitioner will not be permitted to engage in such activities, even if it renews its exemption request, until EPA has acted on that request.

EPA will continue its policy of requiring petitioners who file late exemption petitions to show "good cause" why EPA should accept the petition, as described in the notice published in the **Federal Register** of March 5, 1980 (45 FR 14247).

V. Unreasonable Risk Determination

Section 6(e)(3)(B)(i) of TSCA requires a petitioner to demonstrate that granting an exemption would not result in an unreasonable risk of injury to health or the environement. In this rule EPA proposes to grant some exemption petitions to manufacture, process, and distribute in commerce PCBs and to deny others. EPA's unreasonable risk findings for each exemption petition are discussed in later units of this proposed rule.

To determine whether a risk is unreasonable, EPA balances the probability that harm will occur against the benefits to society from granting or denying each exemption. Specifically, EPA considers the following factors:

1. The effects of PCBs on human health and the environment, including the magnitude of PCB exposure to humans and the environment.

2. The benefits to society of granting an exemption and the reasonably ascertainable costs to petitioner of denying an exemption petition.

These are the same factors that EPA must consider in deciding whether a chemical presents an unreasonable risk under sections 6(a) and 6(e) of TSCA.

A. Effects on Human Health and the Environment

In deciding whether to grant an exemption, EPA considered the effects of PCBs on human health and the environment, including the magnitude of PCB exposure to humans and the environment. The effects of PCBs were described in various documents that are part of the rulemaking record for the May 31, 1979, PCB Ban Rule. EPA evaluated this information, new information submitted to the Agency, and other recent literature. The results are presented in EPA's "Response to Comments on Health Effects of PCBs," which is included in the rulemaking record and summarized below. Copies of this document are available through EPA's TSCA Assistance Office (see address listed under **"FOR FURTHER INFORMATION CONTACT"**).

1. *Health effects.* EPA has determined that PCBs are toxic and persistent. PCBs can enter the body through the lungs, gastrointestinal tract, and skin, circulate throughout the body, and be stored in the fatty tissue.

In some cases chloracne may occur in humans exposed to PCBs. Chloracne is painful, disfiguring, and may require a long time before the symptoms disappear. Although the effects of chloracne are reversible, EPA considers these effect to be significant.

In addition, EPA finds that PCBs may cause reproductive effects, developmental toxicity, and oncogenicity in humans exposed to PCBs. Available data show that some PCBs have the ability to alter reproductive processes in mammalian species, sometimes even at doses that do not cause other signs of toxicity. Animal data and limited available human data indicate that prenatal

exposure to PCBs can result in various degrees of developmentally toxic effects. Postnatal effects have been demonstrated on immature animals, following exposures to PCBs prenatally and via breast milk.

Available animal studies indicate an oncogenic potential, the degree of which would depend on exposure. Available epidemiological data are not adequate to confirm or negate oncogenic potential in humans at this time. Further epidemiological research is needed to correlate human and animal data, but EPA finds no evidence to suggest that the animal data would not predict an oncogenic potential in humans.

Available data indicate little or no mutagenic activity from PCBs. EPA believes, however, that more information is needed to draw a conclusion on the possibility of mutagenic effects from PCBs.

2. *Environmental effects.* Certain PCB congeners are among the most stable chemicals known and decompose very slowly once they are released into the environment. They remain in the environment and are taken up and stored in the fatty tissue of organisms. EPA has concluded that PCBs can be concentrated in freshwater and marine organisms. The transfer of PCBs up the food chain from phytoplankton to invertebrates, fish, and mammals can result ultimately in human exposure through consumption of PCB-containing food sources.

Available data show that PCBs affect the productivity of phytoplankton and the composition of phytoplankton communities; cause deleterious effects on environmentally important freshwater invertebrates; and impair reproductive success in birds and mammals.

PCBs also are toxic to fish at very low exposure levels. The survival rate and the reproductive success of fish can be adversely affected in the presence of PCBs. Various sublethal physiological effects attributed to PCBs have been recorded in the literature. Abnormalities in bone development and reproductive organs also have been demonstrated.

3. *Risks.* Toxicity and exposure are the two basic components of risk. Based on animal data, EPA concluded that in addition to chloracne, there is the potential for reproductive effects, developmental toxicity, and oncogenicity in humans. EPA also concluded that PCBs present a hazard to the environment.

Minimizing exposure to PCBs should minimize any potential risk. EPA has taken exposure into consideration when evaluating each exemption petition, and this is discussed in later units of this proposed rule.

B. Benefits and Costs

The benefits to society of granting an exemption vary, depending on the activity for which exemption is requested. The reasonably ascertainable costs of denying an exemption vary, depending on the individual petitioner. EPA has taken the benefits and costs into consideration when evaluating each exemption petition. Because of the range of activities for which exemptions are requested, the specific benefits and costs are discussed in later units of this proposed rule.

VI. Good Faith Effort Determination

Section 6(e)(3)(B)(ii) of TSCA requires petitioners to demonstrate a good faith effort to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for PCBs. EPA considers several factors in determining whether a petitioner has demonstrated a good faith effort. For each petition, EPA considered the kind of exemption the petitioner is requesting, whether substitutes exist and are readily available, and whether the petitioner expended time and money to develop or search for a substitute. In each case, the burden is on the petitioner to show specifically what it did to substitute non-PCBs for PCBs or to show why it did not seek to substitute non-PCBs for PCBs. EPA's evaluation of each petitioner's attempt to demonstrate a good faith effort is discussed in later units of this proposed rule.

VII. Disposition of Exemption Petitions

A. Distribution in Commerce of PCB Small Capacitors for Purposes of Repair and PCB Equipment Containing PCB Small Capacitors

EPA received 20 petitions to distribute in commerce existing inventories of PCB small capacitors for purposes of repairing equipment such as air conditioners, microwave ovens, and office machines. EPA also received 21 petitions to distribute in commerce existing inventories of PCB equipment containing PCB small capacitors, including fluorescent light ballasts, light fixtures, small electric motors, computer assemblies, air conditioners, and office machines. In 40 CFR 761.3(d)(1), EPA defines "PCB small capacitor" as "a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric fluid." PCB small capacitors commonly contain between 0.1 and 0.6 pounds of PCBs. In 40 CFR 761.30(1), EPA authorizes the use of the PCB small capacitors indefinitely. EPA proposes to grant exemptions to the petitioners listed below for the following reasons:

EPA has concluded that granting these exemptions would not present an unreasonable risk of injury to health or the environment. PCBs are rarely released when these capacitors and equipment are distributed in commerce and used. Although granting these exemptions would allow approximately 720,000 pounds of PCBs in small capacitors to be distributed in commerce, individual capacitors: (1) Contain small quantities of PCB dielectric fluid; (2) contain significant amounts of absorbent material such as paper; and (3) are airtight. The petitioners, their customers, and the ultimate users are not likely to be exposed to the PCBs from the capacitors or equipment, nor is release of PCBs to the environment likely. Moreover, EPA believes it is more reasonable to allow the petitioners to distribute these PCB small capacitors as replacement parts, which will eventually be randomly disposed of by individual users in small amounts over time, than to deny the petitions, which might concentrate PCBs in certain locations if one or more petitioners disposed of their PCB small capacitors at once.

EPA estimates the total costs associated with denial of all the exemption petitions to be at least $7.52 million. The specific costs would vary from petitioner to petitioner. The cost estimate includes: (1) The cost of replacing all PCB small capacitors sold for purposes of repair ($4.61 million); and (2) the cost of disposing of ballasts, fluorescent light fixtures, and PCB small capacitors removed from other PCB equipment, and the cost of replacing such equipment with non-PCB equipment (at least $2.91 million). The estimated costs would be even greater if the additional costs associated with identifying and removing PCB small capacitors that have already been processed into existing PCB equipment were included.

Finally, granting these exemptions will benefit society by allowing useable articles and equipment to be distributed in commerce and used.

EPA also has concluded that each of these petitioners demonstrated a good faith effort to substitute non-PCB capacitors for PCB small capacitors. Some petitioners began substituting non-PCB capacitors as early as 1977, and all petitioners stopped purchasing PCB small capacitors by July 1979 and now restock only with non-PCB capacitors. Each of these petitioners provided information to show that it reduced the

number of PCB items and the volume of PCBs in its inventory. Each of the petitioners who request an exemption to distribute inventories of PCB equipment has redesigned and modified equipment to accommodate the non-PCB capacitors it now processes into equipment.

EPA proposes to grant exemptions for one year to distribute in commerce PCB small capacitors for purposes of repair to:

Advance Transformer Co., Chicago, IL 60618 (PDE 4).
Air Conditioning Contractors of America, Washington, DC 20036 (PDE 7).
Association of Home Appliance Manufacturers, Chicago, IL 60606 (PDE 26.2).
B & B Motor & Control Corp., New York, NY 10012 (PDE 30).
Complete-Reading Electric Co., Hillside, IL 60162 (PDE 48).
Dunham-Bush, Inc., Harrisonburg: VA 22801 (PDE 71).
Emerson Quiet Kool Corp., Woodbridge, NJ 07095 (PDE 84).
Harry Alter Co., Chicago, IL 60609 (PDE 111).
Motors & Armatures, Inc., Hauppauge, NY 11788 (PDE 161).
Minnesota Mining and Manufacturing Co., St. Paul, MN 55133 (PDE 157.1)
National Association of Electrical Distributors, Stamford, CT 06901 (PDE 163).
National Capacitor Corp., Garden Grove, CA 92641 (PDE 165)
Service Supply Co., Phoenix, AZ 85013 (PDE 237).
Webzeb Enterprises, Inc., Lebanon, IN 46052 (PDE 297).
Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

In addition, EPA proposes to grant exemptions for one year to distribute in commerce PCB equipment containing PCB small capacitors to :

Advance Transformer Co., Chicago, IL 60618 (PDE 4).
Coleman Co., Inc., Wichita, KS 67201 (PDE 45.1).
Donn Corp., Westlake, OH 44145 (PDE 63).
Dunham-Bush, Inc., Harrisburg, VA 22801 (PDE 71).
Emerson Quite Kool Corp., Woodbridge, NJ 07095 (PDE 84).
Friedrich Air Conditioning & Refrigeration Co., San Antonio, TX 78295 (PDE 93).
Gould, Inc., Electric Motor Division, St. Louis, MO 63166 (PDE 103).
GTE Products Corp., Danvers, MA 01923 (PDE 105).
King-Seeley Thermos Co., Queen Products Division, Albert Lea, MN 56007 (PDE 139).
L.E. Mason Co., Red Dot Division, Boston, MA 02136 (PDE 223).
Minnesota Mining and Manufacturing Co., St. Paul, MN 55133 (PDE 157.3).
National Association of Electrical Distributors, Stamford, CT 06901 (PDE 163).
Royalite Co., Flint, MI 48502 (PDE 231).
Sola Electric, Unit of General Signal, Elk Grove Village, IL 60007 (PDE 246).
Transco, Inc., West Columbia, SC 29169 (PDE 261.1).
Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

The overall goal of section 6(e) of TSCA is to phase out the manufacture, processing, and distribution in commerce of PCBs. Although EPA proposes to grant exemptions to the above-named petitioners, it strongly urges them to eliminate their remaining inventories of PCBs before the exemption expires. Most of the petitioners have had since July 1979 to process and distribute their inventories of PCBs and providing an additional year will make it possible for them to eliminate any PCBs that remain in stock. Any petitioner who requests a further exemption after its one year exemption expires must overcome the substantial burden of showing why it did not eliminate its inventory of PCBs.

EPA proposes to deny the following exemption petitions, because the petitioners did not provide the information necessary for EPA to conclude that granting an exemption would not result in an unreasonable risk of injury to health or the environment and that the petitioners made a good faith effort to substitute non-PCBs for PCBs:

Aireco Supply, Inc., Arlington, VA 22202 (PDE 8), did not provide information describing the specific activities for which it seeks exemption, including a description of the PCB articles or equipment to be distributed in commerce; the length of time requested for exemption; the number of PCB articles or equipment to be distributed; the amount of PCBs to be distributed (by pound and/or volume); its basis for contending that granting an exemption would not result in an unreasonable risk of injury to health or the environment; its basis for contending that it made a good faith effort to substitute non-PCBs for PCBs; and the reasonably ascertainable economic consequences of denial.

Carrier Corp., Syracuse, NY 13221 (PDE 39, 39.1, and 39.2), did not provide information about the number of PCB small capacitors and pieces of PCB equipment to be distributed; the amount of PCBs to be distributed (by pound and/or volume) in the capacitors and equipment; and the reasonably ascertainable economic consequences of denial.

General Electric Co., Fairfield, CT 06431 (PDE 99), did not provide information about the number of pieces of PCB equipment to be distributed and the amount of PCBs to be distributed (by pound and/or volume).

Raytheon Co., Lexington, MA 02173 (PDE 208 and 209), did not provide information describing the specific activities for which it seeks exemption, including a description of the PCB capacitors and equipment to be distributed in commerce; the number and size of PCB capacitors to be distributed; its basis for contending that granting an exemption would not result in an unreasonable risk of injury to health or the environment; its basis for contending that it made a good faith effort to substitute non-PCBs for PCBs; and the resonably ascertainable economic consequences of denial.

RIP, Inc., Fort Worth, Tx 76112 (PDE 227), did not provide information about the number of PCB small capacitors to be distributed; the amount of PCBs to be distributed (by pound and/or volume); and the reasonably ascertainable economic consequences of denial.

Traco Industrial Corp., New York, NY 10027 (PDE 276), did not provide information to describe the size of capacitors it wants to distribute in commerce; the amount of PCBs to be distributed (by pound and/or volume); its basis for contending that granting an exemption would not result in an unreasonable risk of injury to health or the environment; its basis for contending that it made a good faith effort to substitute non-PCB capacitors for PCB small capacitors; and the reasonably ascertainable economic consequences of denial.

Trans-State Corp., Houston, TX 77036 (PDE 281), did not provide information about the amount of PCBs to be distributed in PCB small capacitors (by pound and/or volume); and the reasonably ascertainable economic consequences of denial.

B. Processing PCB Articles and PCB Equipment into other Equipment and Distributing in Commerce That Equipment

EPA received 16 petitions to process existing inventories of PCB articles and PCB equipment into other equipment and to distribute in commerce that equipment. Five petitioners want to process PCB small capacitors into ballasts; ballasts into fluorescent light fixtures; and small electric motors into equipment. Raytheon Co. submitted nine

petitions to process PCB articles (small capacitors, large capacitors, and transformers) and PCB equipment containing such articles into defense equipment containing such articles into defense equipment, and two petitions to process PCB capacitors into office equipment. All the petitioners want to distribute in commerce the finished PCB equipment. EPA proposes to grant exemptions to all the petitioners, except Raytheon, for the following reasons:

EPA has concluded that granting these exemptions would not present an unreasonable risk of injury to health or the environment. Although granting these exemptions would allow approximately 191,000 pounds of PCBs in small capacitors to be processed and distributed in commerce, individual capacitors: (1) Contain small quantities of PCB dielectric fluid; (2) contain significant amounts of absorbent material such as paper; and (3) are airtight. Thus, PCBs are rarely released when PCB small capacitors and PCB equipment containing PCB small capacitors are processed, distributed in commerce, and used. Consequently, the petitioners, their customers, and the ultimate users are not likely to be exposed to the PCBs in the capacitors or equipment, nor is released of PCBs to the environment likely.

EPA estimates the total costs associated with denial of all the petitions to be at least $1.63 million. The specific costs would vary from petitioner to petitioner. The cost estimate includes: (1) The cost of disposing of existing inventories of PCB small capacitors held for processing; and (2) the cost of replacing existing inventories of PCB small capacitors and other equipment containing PCB small capacitors. The estimated cost would be even greater if the cost associated with identifying and removing PCB small capacitors that have already been processed into existing PCB equipment were included. It should be noted that, except for information about the volume of PCBs submitted by Raytheon, the number of pounds of PCBs and the costs of denial are included in the totals previously discussed under unit VII.A.

Finally, granting these exemptions will provide benefits by allowing useable articles and equipment to be processed, distributed in commerce, and used.

EPA also has concluded that each of these petitioners demonstrated a good faith effort to develope PCB substitutes. Each of these petitioners provided information to show that it reduced the number of PCB items and the volume of PCBs in its inventory. Furthermore, each of these petitioners provided information to show that it has redesigned and modified equipment to accomodate non-PCB items.

EPA proposes to grant exemptions for one year to process PCB small capacitors and PCB equipment containing PCB small capacitors into other equipment and to distribute in commerce that equipment to:

Advance Transformer Co., Chicago, IL 60618 (PDE 4).
Gould, Inc., Electric Motor Division, St. Louis, Mo 63166 (PDE 103).
GTE Products Corp., Danvers, MA 09123 (PDE 105).
L. E. Mason Co., Red Dot Division, Boston, MA 02136 (PDE 223).
Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

The overall goal of section 6(e) of TSCA is to phase out the manufacture, processing, and distribution in commerce of PCBs. Although EPA proposes to grant exemptions to the above-named petitioners, it strongly urges them to eliminate their inventories of PCBs before the exemption expires. Most of the petitioners have had since July 1979 to process and distribute their inventories of PCBs and providing an additional year will make it possible for them to eliminate any PCBs that remain in stock. Any petitioner who requests a further exemption after its one year exemption expires must overcome the substantial burden of showing why it did not eliminate its inventory of PCBs.

EPA proposes to deny the following exemption petitions, because the petitioner did not provide the information necessary for EPA to conclude that granting an exemption would not result in an unreasonable risk of injury to health or the environment and that the petitioner made a good faith effort to substitute non-PCBs for PCBs:

Raytheon Co., Lexington, MA 02173 (PDE 193–196, 201, 208, 209, 211, 212, 214, and 215), did not provide information describing the specific activities for which it seeks exemption, including a description of the PCB articles and equipment to be processed and distributed in commerce; the number of PCB small capacitors, PCB large capacitors, PCB transformers, and PCB-contaminated transformers to be processed and the number of pieces of PCB equipment to be distributed; its basis for contending that granting an exemption would not result in an unreasonable risk of injury to health or the environment; its basis for contending that it made a good faith effort to substititute non-PCBs for PCBs; and the reasonably ascertainable economic consequences of denial.

C. Processing and Distributing in Commerce PCBs for Purposes of Servicing Customers' Transformers

EPA received 34 exemption petitions to process and distribute in commerce PCBs for purposes of servicing customers' PCB transformers and PCB-contaminated transformers. As defined in 40 CFR 761.3(y), PCB transformers contain 500 ppm or greater PCBs; as defined in 40 CFR 761.3(z), PCB-contaminated transformers contain at least 50 but less than 500 ppm PCBs. Some petitioners want to introduce their own PCB fluid (i.e., fluid containing 500 ppm or greater PCBs) into a customer's PCB transformer. Some petitioners want to introduce their own PCB-contaminated fluid (i.e., fluid containing at least 50 but less than 500 ppm PCBs) into a customer's PCB transformer or PCB-contaminated transformer. Each of these petitioners needs an exemption to engage in such activities, because the activities constitute processing of PCBs, as defined in section 3(10) of TACA and 40 CFR 761.3(bb), and distribution in commerce of PCBs, as defined in section 3(4) of TSCA and 40 CFR 761.3(i). In contrast, a person does not need an exemption to drain PCB fluid or PCB-contaminated fluid from a customer's transformer and later return it to the same transformer. Nor does a person need an exemption to introduce PCB fluid he already owns into his own PCB transformer or to introduce PCB-contaminated fluid he already owns into his own PCB transformer or PCB-contaminated transformer for purposes of servicing. These activities are authorized by EPA's Electrical Equipment Rule under 40 CFR 761.30(a), published in the **Federal Register** of August 25, 1982 (47 FR 37342), and do not require an exemption, because there is no processing or distribution in commerce of PCBs. Finally, a person does not need an exemption to introduce non-PCB fluid to any transformer, and EPA strongly encourages the use of non-PCB fluid as a substitute for PCB fluid and PCB-contaminated fluid.

Thirty of these petitions are renewed petitions for activities that were underway before July 1, 1979, and four are new petitions for activities that were not underway before July 1, 1979. As explained in unit IV. C. 1., petitioners whose activities were underway before that date are permitted to continue the activities for which they seek exemption until EPA acts on the exemption petition.

EPA proposes to deny all 34 exemption petitions. EPA has concluded that granting these exemptions would

result in an unreasonable risk of injury to health or the environment, because the added risk of exposure to PCBs resulting from transformer-related servicing activities and the small costs of denial outweigh the relatively small benefits to society of allowing these activities to continue. EPA has determined that the transfer of PCB fluid and PCB-contaminated fluid between transformer servicing companies and their customers is likely to result in a significant risk of exposure to humans or the environment to PCBs due to the normal leaks and spills attendant to handling liquid PCBs and PCB-containing transformers. In addition, the petitioners did not provide estimates of the volume of their business which requires exemption or the reasonably ascertainable consequences of denial. EPA has estimated that denying these petitions would result in small costs to petitioners. EPA estimated the total costs of denying all the petitions to be approximately $20,000 to $36,000. This cost estimate includes $17,500 to $29,200 for processing and distributing in commerce PCB fluid and $2,500 to $6,800 for processing and distributing in commerce PCB-contaminated fluid. These cost estimates represent: (1) The incremental costs of substituting new non-PCB fluid to "top off" transformers; and (2) disposal of PCB fluid and PCB-contaminated fluid that could not be processed and distributed in commerce. Assuming these costs are divided evenly among the approximately 334 companies represented by the 34 petitions, the average annual cost would be less than $90 per company for denying petitions to process and distribute in commerce PCB fluid and less than $20 per company for denying petitions to process and distribute in commerce PCB-contaminated fluid. In sum, the potential for exposure to PCBs and the small costs of denial far outweigh any benefits of allowing the petitioners to process and distribute in commerce their PCB fluid and PCB-contaminated fluid.

This reasoning should be contrasted with that supporting the Electrical Equipment Rule, which permits owners of PCB transformers and PCB-contaminated transformers to service their own transformers with their own PCB fluid and PCB-contaminated fluid, provided they comply with the servicing restrictions of 40 CFR 761.30(a). In that rule, EPA determined that allowing such activities to continue was necessary to avoid disrupting efficient and reliable electrical service throughout the United States, an enormous benefit that far outweighed the potential risk of exposure to humans or the environment associated with the use and servicing of PCB-containing transformers. The petitioners did not provide information for EPA to reach a similar conclusion with respect to their servicing activities.

EPA considered granting exemption in part, by permitting petitioners to process and distribute in commerce only PCB-contaminated fluid for purposes of servicing customers' PCB transformers and PCB-contaminated transformers. Granting such an exemption would remove from circulation the transformer dielectric fluid containing the most concentrated level of PCBs. However, the petitioners did not provide EPA with information to justify even such a limited exemption. EPA especially solicits comment on whether it should grant exemptions to process and distribute in commerce PCB-contaminated fluid for purposes of servicing customers' transformers.

EPA proposes to deny the following exemption petitions to process and distribute in commerce PCBs for purposes of servicing customers' transformers:

Ace Transformer Service Co., Inc., Livonia, MI 48154 (PDE 3).
American Electric Corp., Jacksonville, FL 32205 (PDE 18).
American Environmental Energy Corp., Baldwin, FL 32220 (PDE 18.1).
American Environmental Protection Corp., Jacksonville, FL 32205 (PDE 18.2).
Davis and Associates, Corpus Christi, TX 78413 (PDE 59).
Eastern Electric of Florida, Inc., Jacksonville, FL 32205 (PDE 73).
Electrical Apparatus Service Association, St. Louis, MO 63132 (PDE 77).
Electrical Installation & Service Corp., Rio Piedras, PR 00928 (PDE 166.3).
Electro Test, Inc., San Ramon, CA 94583 (PDE 166.2).
Environmental Cleaning Specialists, Inc., Kingston, PA 18704 (PDE 84.1).
General Electric Co., Fairfield, CT 06431 (PDE 99).
High Voltage Maintenance Corp., Mentor, OH 44060 (PDE 115).
Interstate Transformer, Inc., Ellwood City, PA 16117 (PDE 128).
Jerry's Electric, Inc., Colman SD 57017 (PDE 133).
Niagara Transformer Corp., Buffalo, NY 14225 (PDE 169.1).
National Electrical Testing Association, Inc., Dayton, OH 45429 (PDE 166).
Northeast Electrical Testing, Inc., Meridian, CT 06450 (PDE 166.1).
Northern Electrical Testing, Inc., Troy, MI 48098 (PDE 170.1).
Ohio Transformer Corp., Louisville, OH 44641 (PDE 173).
Recovery Specialists, Inc., Saline, MI 48176 (PDE 221).
Solomon Electric Supply, Inc., Solomon, KS 67480 (PDE 247).
Sunohio, Canton, OH 44707 (PDE 264).
T & R Service Co., Colman, SD 57017 (PDE 265).
Temco, Inc., Corpus Christi, TX 78410 (PDE 268).
Texas Power & Light Co., Dallas, TX 75266 (PDE 271).
Three-C Electric Testing Co., Ashland, MA 01721 (PDE 275).
Transformer Consultants, Division of S.D. Myers, Inc., Akron, OH 44310 (PDE 277).
Transformer Inspection Retrofill Corp., Royal Oak, MI 48073 (PDE 278).
Transformer Sales and Service, Inc., Smithfield, NC 27577 (PDE 108).
Transformer Service, Inc., Concord, NH 03301 (PDE 280.1).
Transformer Service, Inc., Akron, OH 44309 (PDE 280).
U.S. Transformer Co., Jordan, MN 55352 (PDE 289).
Ward Transformer Co., Inc., Raleigh, NC 27622 (PDE 294).
Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

D. Processing and Distributing in Commerce PCBs in Buying and Selling Transformers

EPA received 12 exemption requests from petitioners who want to process and distribute in commerce PCBs in buying and selling used PCB transformers and PCB-contaminated transformers. Each of these petitioners is engaged in one or more of the following activities for which exemption is required: (1) Buying and selling PCB transformers or PCB-contaminated transformers without introducing PCBs into these transformers; (2) buying PCB transformers or PCB-contaminated transformers, introducing non-PCB fluid into these transformers, and then selling them before they have been reclassified as non-PCB transformers in accordance with the provisions of 40 CFR 761.30(a)(2)(v), published in the **Federal Register** of August 25, 1982 (47 FR 37342); and (3) buying PCB transformers or PCB-contaminated transformers, introducing PCB fluid or PCB-contaminated fluid into these transformers (including fluid originally taken from and returned to the same transformer), and then selling them. The petitioners who introduce PCBs into these transformers need an exemption, because they are processing PCBs, as defined in section 3(10) of TSCA and 40 CFR 761.3(bb). The petitioners who sell these transformers need an exemption, because they are distributing in

commerce PCBs, as defined in section 3(4) of TSCA and 40 CFR 761.3(i).

All of the petitions are renewed petitions for activities that were underway before July 1, 1979. As explained in unit IV.C.1., petitioners whose activities were underway before that date are permitted to continue the activities for which they seek exemption until EPA acts on the exemption petition.

Not all activities for which EPA received exemption petitions require exemption. EPA does not regulate the distribution in commerce of certain PCB transformers and PCB-contaminated transformers. In accordance with section 6(e)(3)(C) of TSCA and 40 CFR 761.20(c)(1), a person may distribute in commerce PCB transformers and PCB-contaminated transformers without the need for an exemption provided that the transformer was originally distributed in commerce before July 1, 1979, for purposes other than resale, and the transformer is totally enclosed when it is subsequently distributed in commerce. For purposes of distribution in commerce of transformers sold for purposes other than resale, EPA considers only intact and nonleaking transformers to be totally enclosed, for the reasons stated in the notice published in the **Federal Register** of August 25, 1982 (47 FR 37342). If all the conditions stated above are not met, a person must petition for and obtain an exemption from EPA before distributing in commerce the PCB transformer or PCB-contaminated transformer. Even if all the conditions are met, a person needs an exemption to introduce PCBs into such a transformer (including PCB fluid or PCB-contaminated fluid originally taken from and returned to the same transformer), because this is processing PCBs, as defined in section 3(10) of TSCA and 40 CFR 761.3(bb).

EPA proposes to deny all 12 exemption petitions, because the petitioners did not provide information for EPA to conclude that granting these exemptions would not result in an unreasonable risk of injury to health or the environment. EPA has determined that the processing and distribution in commerce of PCB fluid, PCB-contaminated fluid, and PCB-containing transformers are likely to result in a significant risk of exposure to humans or the environment, due to the normal leaks and spills attendant to handling liquid PCBs and PCB-containing transformers. In addition, the petitioners did not provide estimates of the volume of their business which requires exemption or the reasonably ascertainable economic consequences of denial. EPA was able to estimate the costs of denying these petitions on an individual transformer basis but could not estimate total costs, since the petitioners did not estimate the number of transformers to be bought and sold. Denying the petitions would raise the costs of rebuilding or refurbishing used transformers, since PCB fluid and PCB-contaminated fluid would have to be replaced with non-PCB fluid prior to resale. EPA estimated that the incremental costs of denial would be $90 to $240 for an average size PCB-contaminated transformer and $2,400 to $4,000 for an average size PCB transformer, assuming all the transformer fluid had to be replaced in both cases. Depending on the purchase price and resale value of used transformers, these additional costs may render a portion of petitioners' buying and selling activities unprofitable. In the absence of information to show that granting an exemption would not result in an unreasonable risk of injury to health or the environment, EPA is proposing to deny exemptions to these petitioners.

EPA considered granting exemptions in part, by permitting petitioners to process only PCB-contaminated fluid into PCB-containing transformers and to distribute in commerce only PCB-contaminated transformers. Granting such an exemption would remove from circulation the trasformer dielectric fluid containing the most concentrated level of PCBs. However, the petitioners did not provide EPA with information to justify even such a limited exemption. EPA especially solicits comment on whether it should grant exemptions to process and distribute in commerce PCB-contaminated fluid in buying and selling transformers.

EPA proposes to deny the following exemption petitions to process and distribute in commerce PCBs in buying and selling transformers:

Davis and Associates, Corpus Christi, TX 78413 (PDE 59). Electrical Apparatus Service Association, St. Louis, MO 63132 (PDE 78).
Electro Test, Inc., San Ramon, CA 94583 (PDE 166.2).
G & S Motor Equipment Co., Kearny, NJ 07032 (PDE 94).
Interstate Transformer, Inc., Ellwood City, PA 16117 (PDE 128).
Jerry's Electric, Inc., Colman, SD 57017 (PDE 133).
Ohio Transformer Corp., Louisville, OH 44641 (PDE 173).
Solomon Electric Supply, Inc., Solomon, KS 67480 (PDE 247).
Temco, Inc., Corpus Christi, TX 78410 (PDE 268).
Transformer Sales and Service, Inc., Smithfield, NC 27577 (PDE 108).
U.S. Transformer, Inc., Jordan, MN 55352 (PDE 289).
Ward Transformer Co., Inc., Raleigh, NC 27622 (PDE 294).

E. Research and Development

EPA received four petitions to manufacture and seven petitions to process and distribute in commerce small quantities of PCBs for rersearch and development. EPA defines "Small Quantities for Research and Development" in 40 CFR 761.3 (ee) as "any quantity of PCBs (1) that is originally packaged in one or more hermetically sealed containers of a volume of no more than five (5.0) milliliters, and (2) that is used only for purposes of scientific experimentation or analysis, or chemical research on, or analysis of, PCBs but not for research or analysis for the development of a PCB product." The petitioners intend to manufacture, process, and distribute in commerce PCBs for use in health and environmental research, including research in the following areas: to analyze and monitor PCBs in the air, soil, rivers, and sediments; to conduct bioassay and toxicology studies; and to produce reference standards for identifying PCBs using gas chromatography. EPA has recognized the need for using PCBs in such research by authoring this use until July 1, 1984 (40 CFR 761.30 (j)), and is currently considering whether to reauthorize this use. EPA proposes to grant three manufacturing exemptions and five processing and distributions in commerce exemptions to the petitioners who are listed below for the following reasons:

EPA has concluded that granting these exemptions would not present an unreasonable risk of injury to health or the environment. Most of these petitioners want to manufacture, process, or distribute in commerce less than one kilogram of PCBs and only one petitioner requested an exemption to distribute in commerce as much as five kilograms of PCBs. The PCBs are manufactured and processed using laboratory practices that are designed to minimize human and environmental exposure to hazardous substances. The PCBs also are packaged and distributed in commerce in hermetically sealed containers no larger than 5.0 milliliters, which minimizes human and environmental exposure to PCBs during storage and shipment. Once these petitioners have distributed the PCBs, the risk of exposure to humans and the environment is minimized by the small

quantities of PCBs used in each application, by the viscosity of the PCBs, and by the careful handling procedures typical of laboratory work. In addition, the petitioners asserted that denying the petitions would result in financial hardship.

Granting the exemptions would provide substantial benefits to society by allowing important health, environmental, and analytical research to continue. EPA has concluded that the good faith effort test is not relevant here, because their are no substitutes for pure PCBs for health and environmental research activities. Pure PCBs are needed for these activities, becuase commercial PCBs contain a mixture of isomers and contaminants which may adversely affect experimental results.

EPA proposes to grant exemptions for one year [or until July 1, 1984, if EPA does not extend the use authorization in 40 CFR 761.30(j)] to manufacture small quantities of PCBs for research and developoment to:

Analabs/Foxboro Analytical, Division of Foxboro Co., North Haven, CT 06473 (ME 6).

California Bionuclear Corp., Sun Valley, CA 91352 (ME 13).

Ultra Scientific, Inc., Hope, RI 02831 (ME 99.1).

In addition, EPA proposes to grant exemptions for one year (or until July 1, 1984, if EPA does not extend the use authorization in 40 CFR 761.30(j)) to process and distribute in commerce small quantities of PCBs for research and develpment to:

Analabs/Foxboro Analytical, Division of Foxboro Co., North Haven, CT 06473 (PDE 21.1).

California Bionuclear Corp., Sun Valley, CA 91352 (PDE 38.1).

Chem Service, Inc., West Chester, PA 19380 (PDE 41).

PolyScience Corp., Niles, IL 60648 (PDE 178).

Ultra Scientific, Inc., Hope, RI 02831 (PDE 282.1).

EPA proposes to deny the petitions of Pathfinder Laboratories, Inc., St. Louis, MO 63141 (ME 76 and PDE 174.1), and General Electric Co., Fairfield, CT 06431 (PDE 99), because neither of these petitioners provided the information necessary for EPA to conclude that granting an exemption would not result in an unreasonable risk of injury to health or the environment.

Pathfinder did not provide information about the amount of PCBs to be manufactured, processed, and distributed in commerce (by pound and/or volume); the size of the containers in which the PCBs are packaged for distribution in commerce; how the containers are sealed; and the reasonably ascertainable economic consequences of denial.

General Electric did not provide information about the amount of PCBs to be processed and distributed in commerce (by pound and/or volume); the size of the containers in which the PCBs are packaged for distribution in commerce; how the containers are sealed; what it does to minimize human and environmental exposure to PCBs during processing; and the reasonably ascertainable economic consequences of denial.

F. Microscopy

EPA received two petitions to process and distribute in commerce PCBs for use as a mounting medium in microscopy. PCBs are used in art and historic conservation to preserve specimens for later study, and in identifying and preserving small particles, including environmental contaminants, industrial contaminants, and crime scene trace evidence. The identification of these particles is based on the form, structure, and optical properties of these particles as they appear relative to the optical properties of PCBs.

In mounting for microscopy, a particle is placed on a slide, a cover slip is placed over the particle, and a drop of PCB is placed near the interface of the cover slip and the slide. The slide is prepared on a slightly heated surface. The PCB moves under the cover slip through capillary action, and the particle is thereby permanently mounted. The principal users of PCBs are mineralogists and chemical microscopists in police crime laboratories, museum conservation laboratories, and laboratories identifying industrial and environmental contaminants. EPA recognized the need for using PCBs by authorizing the use of PCBs as a mounting medium in microscopy until July 1, 1984 (40 CFR 761.30(k)), and is currently considering whether to reauthorize this use. EPA proposes to grant an exemption to process and distribute in commerce PCBs for use as a mounting medium in microscopy, but to limit that exemption to uses in art and historic conservation, to the petitioners who are listed below for the following reasons:

EPA has concluded that granting a limited exemption would not present an unreasonable risk of injury to health or the environment. Each of these petitioners processes PCBs in small quantities, using laboratory practices designed to minimize human and evironmental exposure to PCBs, including the use of exhaust fume hoods and personal protective equipment. Once the petitoners have distributed the PCBs, the risk of exposure to humans and the environment is minimized by the small quantities of PCBs used in each application, by the viscosity of the PCBs, and by the careful handling procedures typical of museum laboratory work.

EPA believes that, of the many uses of PCBs as a mounting medium in microscopy, the use in art and historic conservation may be the only essential use. Sample particles from rare art and historic works can be taken, for the most part, only once. Thus, such samples must be permanently mounted in a medium that will not discolor or lose its optical properties in time. The only medium that has these properties at this time is PCBs, although work is underway to develop a substitute. These properties make PCBs attractive to other users as well, but since these other users are not expected to be frequently called upon to prepare permanent slides of rare particles, the use of PCBs may be more a matter of convenience than of necessity. That is, other users would prefer to use PCBs to prepare a permanent slide once, instead of having to use a substitute mounting medium or having to prepare a new slide every ten years.

Although the costs of denying the petitions would be small (less than $6,500 according to the petitioners), granting the exemptions will provide substantial benefits to society by allowing specialized microscopy work in art and histroric conservation to continue.

EPA propses to grant exemptions for one year [or until July 1, 1984, if EPA does not extend the use authorization in 40 CFR 761.30(k)] to process and distribute in commerce PCBs for use as a mounting medium in microscopy in art and historic conservation to:

McCrone Research Institute, Chicago, IL 60616 (PDE 149)

R.P. Cargille Laboratories, Inc., Cedar Grove, NJ 07009 (PDE 181).

In additon to its request for an exemption to process and distribute PCBs for use as a mounting medium in microscopy, Cargille also requests an exemption to blend PCBs with mineral oil to produce microscope immersion liquids and calibration standards. Neither of these uses has been authorize by EPA. In fact, EPA determined in 1979 that there are adequate substitutes for PCBs for use as a microscope immersion liquid and as a refractive index oil and, therefore, did not authorized these uses of PCBs (USEPA, OTS, "Support Document/Voluntary Environmental Impact Statement," April 1979, pp. 99-

101). Since these uses are not authorized, EPA proposes to deny this portion of Cargille's exemption petition.

G. Honeywell

Honeywell, Inc., Waltham, MA 02154 (ME 51 and PDE 119), petitioned EPA for an exemption to: (1) Import PCB equipment (i.e., computer assemblies and subassemblies containing PCB small capacitors) for purposes of repair, resale, and disposal; (2) distribute the repaired PCB equipment within the United States; and (3) export the repaired PCB equipment.

When a computer assembly or subassembly fails in service overseas, Honeywell ships a replacement part and imports the failed equipment for repair at its service facilities in the United States. Honeywell states that it discovers whether failed equipment contains PCB small capacitors only after the equipment has been imported, opened, and inspected. If a piece of equipment contains a defective PCB small capacitor, Honeywell removes and disposes of it in an EPA-approved incinerator and replaces it with a non-PCB capacitor. Honeywell estimated that it removes and disposes of five to 40 PCB small capacitors annually. However, if a PCB small capacitor is functional, as it usually is, Honeywell does not remove it. Rather, Honeywell repairs the equipment and places it back in stock for distribution within the United States and for export, as the need arises.

Honeywell stated that in 1981 it imported for repair 1,105 pieces of equipment, which are known to have contained, or are suspected of containing, PCB small capacitors. In addition, Honeywell stated that at the end of 1982 it had in stock 1,620 repaired pieces of equipment, which are known to have contained PCB small capacitors when manufactured. Honeywell was unable to estimate how many of these pieces of equipment still contain PCB small capacitors.

1. *Importing PCB Equipment.* Honeywell's petition for exemption to import PCB equipment is discussed under unit VII.H.1.

2. *Distributing PCB Equipment Containing PCB Small Capacitors Within the United States.* EPA proposes to grant Honeywell's petition to distribute its existing inventory of PCB equipment containing PCB small capacitors within the United States. This PCB equipment was previously imported, repaired, and placed back in stock. EPA has concluded that granting an exemption to distribute this existing inventory of PCB equipment would not result in an unreasonable risk of injury to health or the environment, because the PCB equipment contains only intact, nonleaking PCB small capacitors. In addition, EPA has concluded that Honeywell demonstrated a good faith effort to find substitutes for these PCBs, since it stopped purchasing PCB small capacitors prior to 1979 and disposed of its inventory of PCB small capacitors held for purposes of repair in October 1982. Thus, Honeywell is in the same situation as petitioners who want to distribute their existing inventories of PCB equipment containing PCB small capacitors, which is discussed under unit VII.A.

Therefore, EPA proposes to grant an exemption for one year to distribute in commerce previously imported and repaired PCB equipment containing PCB small capacitors to Honeywell, Inc., Waltham, MA 02154 (PDE 119).

3. *Exporting PCB Equipment.* Honeywell's petition for exemption to export PCB equipment is discussed under unit VII.I.1.

H. Importing PCBs

EPA received the following two petitions for exemption to import PCBs:

1. *Honeywell.* Honeywell, Inc., Waltham, MA 02154 (ME 51), requested an exemption to import PCB equipment, the facts of which are described under unit VII.G. EPA proposes to deny Honeywell's petition, because granting an exemption would result in an unreasonable risk of injury to health or the environment. EPA has concluded that the added risk of exposure from importing PCBs into the United States outweighs the small costs of denial to Honeywell. Honeywell admitted that when the equipment is imported, Honeywell does not know whether the equipment contains PCB small capacitors and whether the capacitors are intact and nonleaking. Thus, there is a risk of exposure to humans and the environment to PCBs. Honeywell stated that it imports the non-functioning PCB equipment to its service facilities in the United States, because its overseas service facilities are currently unable to repair the equipment there and that it would cost $20,000 to set up proper overseas service facilities plus $10,000-$30,000 a year to identify and remove PCB small capacitors from the non-functioning equipment at these service facilities. EPA believes that the costs of setting up and operating the proper overseas facilities to identify and remove PCB small capacitors from the non-functioning equipment at these service facilities is not burdensome to Honeywell, whose 1982 sales revenues were $5.35 billion.

2. *Dow Corning.* Dow Corning Corporation, Midland, MI 48640 (ME 31.1), requested an exemption to import samples of PCB-containing fluid taken from PCB transformers, which have been retrofilled with Dow Corning's silicone transformer fluid, for purposes of testing and analysis. Dow Corning will analyze this fluid for PCB concentration, moisture content, and contaminants as part of its customer service program. The samples will be shipped in groups of five to ten individually packaged and hermetically sealed five milliliter vials. Dow Corning estimated that it will import two groups of samples, with a total of approximately 600 milliliters of fluid containing no more than 6 percent PCBs, per month. EPA proposes to grant Dow Corning's petition for the following reasons:

EPA has concluded that granting this exemption would not present an unreasonable risk of injury to health or the environment. The vials hold only a small volume of fluid containing PCBs, and granting an exemption would result in the importation of less than one pound of PCBs a year. Furthermore, the vials will be hermetically sealed, properly labeled, and assembled in packages with sufficient absorbent material to ensure that PCBs will not be released into the environment if an accident should occur.

To insure proper handling of samples, Dow Corning will train people who will ship these samples. Initially, Dow Corning intends to limit the number of people authorized to ship these samples and will instruct them in the safe handling of material containing PCBs, the proper precautions to minimize the incidence of spills, and the proper clean-up of spills. Trained personnel with experience in handling hazardous substances, including PCBs, will conduct or directly supervise the analyses of the samples in Dow Corning's laboratories in the United States. Dow Corning requires its workers to wear eye protection, prepare samples in a vented hood, take samples through a septum into a syringe, and weigh substances in sealed bottles, all of which will minimize exposure to PCBs. Dow Corning periodically audits its laboratories to assure that proper safety procedures are being followed.

Dow Corning claims that the costs of denial are confidential, but would be large enough to terminate the overseas marketing of its non-PCB transformer fluid. Dow Corning investigated having these fluids tested abroad, but did not find a qualified laboratory that could perform the analyses at a cost that

would allow its non-PCB transformer fluid to remain competitively priced with other transformer fluids.

EPA also has concluded that Dow Corning demonstrated a good faith effort to substitute non-PCBs. Indeed, Dow Corning's exemption petition to test the samples is an important part of its program to get customers to substitute Dow Corning's non-PCB transformer fluid for PCB transformer fluid. Granting this exemption will benefit society by promoting the use of a non-PCB transformer fluids as a substitute for PCBs, which will reduce PCB contamination both within the United States and abroad. In addition, Dow Corning's success in marketing the non-PCB transformer fluid abroad may indirectly help it market such substitutes in the United States, as the substitutes become more widely accepted and used. Thus, granting Dow Corning's exemption petition furthers EPA's goal of phasing out PCBs.

Therefore, EPA proposes to grant an exemption for one year to import samples of PCB-containing fluid taken from PCB transformers for purposes of testing and analysis to DOE Corning Corp., Midland, MI 48640 (ME 31.1).

I. Exporting PCBs

EPA received three petitions for exemptions to export PCBs. EPA treats petitions to export PCBs more stringently than petitions to distribute PCBs within the United States, because it has no control over the distribution, use, and disposal of PCBs once the PCBs have been exported. In a policy statement published in the Federal Register of May 1, 1980 (45 FR 29115), EPA described specifically what petitioners who want to export PCBs must demonstrate to meet the statutory requirements of section 6(e)(3)(B) of TSCA: "EPA will not grant an exemption unless the nation to which export is destined has proper disposal facilities for ultimate disposal. EPA also will not grant an exemption for export for a use not authorized in the United States. In the context of exports, good faith efforts to find a substitute means the burden is on the petitioner to show that there are no substitutes for the PCBs, produced either by the petitioner or a competitor; and that the petitioner proves that it has expended substantial amounts of time and money searching for a substitute."

1. *Honeywell.* Honeywell, Inc., Waltham, MA 02154 (PDE 119), requested an exemption to export PCB equipment, the facts of which are described under unit VII.G. EPA proposes to deny Honeywell's petition, because granting an exemption would result in an unreasonable risk of injury to health or the environment. Honeywell produced no information to show that the nations to which export is destined have proper disposal facilities for the ultimate disposal of PCBs. Nor did Honeywell provide information about the reasonably ascertainable economic consequences of denying its petition to export PCB equipment.

2. *PolyScience.* PolyScience Corp., Niles, IL 60648 (PDE 178), requested an exemption to export small quantities of PCBs for research purposes. PolyScience wants to process and export reference standard kits, each of which contains 1.4 milligrams of PCBs for use by analytical chemists. Each kit contains PCB samples that are packaged in hermetically sealed 5 milliliter glass ampuls. EPA proposes to grant PolyScience's petition for the following reasons:

EPA has concluded that granting an exemption would not present an unreasonable risk of injury to health or the environment. PolyScience would export only a small amount of PCBs (approximately 14 milligrams) for purposes of scientific research as laboratory reference standards by analytical chemists. The risk of exposure to PCBs is small, because they are hermetically sealed, which minimizes exposure during storage and shipment. Once the PCBs have been distributed, the risk of exposure to humans and the environment is minimized by the small quantities of PCBs used in each application, by the viscosity of the PCBs, and by the careful handling procedures typical of laboratory work.

Although the costs of denial would be small (approximately $945 to $1,875), granting the exemption will provide substantial benefits to society by allowing important scientific research to continue. EPA has concluded that the good faith effort test is not relevant here, because there are no substitutes for pure PCBs for use as laboratory reference standards by analytical chemists.

EPA proposes to grant an exemption for one year (or until July 1, 1984, if EPA does not extend the use authorization in 40 CFR 761.30(j)) to PolyScience Corp., Niles, IL 60648 (PDE 178), to export small quantities of PCBs for research and development.

3. *Traco.* Traco Industrial Corp., New York, NY 10027 (PDE 276), submitted a petition to distribute in commerce PCB capacitors. Traco did not specifically request an exemption to export PCBs, but stated that "the capacitors are being sold to our overseas market that does not carry the restrictions of the U.S. market." EPA has considered this as a petition to export PCBs. Traco's stated reason for wanting to export PCBs is in direct opposition to the clear intent of TSCA, which is to minimize the addition of PCBs to the environment. Traco's only relief from the ban on exporting PCBs is to meet requirements of section 6(e)(3)(B) of TSCA for obtaining an exemption. Traco did not produce any information for EPA to conclude that granting an exemption would not result in an unreasonable risk of injury to health or the environment. Traco produced no information to show that the nations to which export is destined have proper disposal facilities for the ultimate disposal of PCBs. Nor did Traco provide information about the reasonably ascertainable economic consequences of denial. Finally, Traco provided no information to show that it made a good faith effort to substitute non-PCBs for PCBs. Accordingly, EPA proposes to deny Traco's petition to export PCBs.

J. Deferred Actions

EPA received 50 exemption petitions to manufacture, process, or distribute in commerce substances or mixtures inadvertently contaminated with 50 ppm or greater PCBs. The activities for which each of these petitioners requests exemption will be addressed in EPA's ongoing Uncontrolled PCB Rule. EPA is under a court order to issue a rule as a result of the U.S. Court of Appeals decision in *Environmental Defense Fund v. Environmental Protection Agency*, 636 F.2d 1267 (D.C. Cir. 1980). EPA has reported to the court that it will issue a proposed rule by December 1, 1983, and a final rule by July 1, 1984. Depending on the definition of PCBs and the method of calculating PCB concentration levels in that rulemaking, these petitioners may be excluded from the PCB Ban Rule and would not need exemptions. Thus, any proposal to grant or deny an exemption now would be premature.

Each of these petitions, except for the one submitted by Mobay Chemical Corp., requests an exemption for activities that were underway before January 1, 1979 (for manufacturing) or July 1, 1979 (for processing and distribution in commerce). In accordance with EPA's policy described in unit IV.C.1., each of these petitioners (except Mobay Chemical Corp.) is permitted to continue the activities for which it seeks exemption until EPA acts on the exemption petition, because such activities where underway before the effective dates of the ban on PCBs. Mobay Chemical Corp. is not permitted to engage in the activities for which it seeks exemption until EPA acts on the exemption petition, because such

activities were not underway before July 1, 1979.

Therefore, EPA is deferring action on the following petitions until it proposes the Uncontrolled PCB Rule in December 1983:

Manufacturing Exemptions

Aluminum Co. of America, Pittsburgh, PA 15219 (ME 3).
American Hoechst Corp., Somerville, NJ 08876 (ME 5).
Diamond Shamrock Corp., Pasadena, TX 77501 (ME 27).
Dow Chemical Co., Midland, MI 48640 (ME 29, 30, and 30.1).
General Electric Co., Fairfield, CT 06431 (ME 39).
Hilton-Davis Chemical Co., Division of Sterling Drug Inc., Cincinnati, OH 45237 (ME 50).
Honeywell, Inc., Waltham, MA 02154 (ME 51).
Olin Corp., Stamford, CT 06904 (ME 75).
PPG Industries, Inc., Pittsburgh, PA 15222 (ME 81 and 81.1).
SDS Biotech Corp., Painesville, OH 44077 (ME 28 and 28.1).
Stauffer Chemical Co., Westport, CT 06880 (ME 90).

Processing and Distribution in Commerce Exemptions

Acme Printing Ink Co., Chicago, IL 60607 (PDE 164.1).
Aluminum Co. of America, Pittsburgh, PA 15219 (PDE 13).
American Can Co., Greenwich, CT 06830 (PDE 14).
American Cyanamid Co., Savannah, GA 31402 (PDE 16).
American Hoechst Corp., Somerville, NJ 08876 (PDE 70.5).
American Paper Institute, Inc., Washington, DC 20036 (PDE 89)
American Thermoplastics Corp., Subsidiary of Phillips Petroleum Co., Houston, TX 77020 (PDE 245.1).
Binney & Smith, Inc., Easton, PA 18042 (PDE 34).
Buckeye Printing Ink Co., Inc., Columbus, OH 43215 (PDE 164.2).
Chemical Specialties Manufacturers Association, Washington, DC 20036 (PDE 42).
Columbia Paint Corp., Huntington, WV 25728 (PDE 47).
Crown Metro, Inc., Greenville, SC 29606 (PDE 70.1).
Daicolor Division, Dainichiseika Color & Chemicals America, Inc., Pine Brook, NJ 07058 (PDE 58).
Dow Chemical Co., Midland, MI 48640 (PDE 64 and 67).
Dow Chemical Co., Plaquemine, LA 70764 (PDE 68).
Eastman Kodak Co., Eastman Chemicals Division, Kingsport, TN 37662 (PDE 70.6).
Forrest Paint Co., Eugene, OR 97402 (PDE 90).
Galaxie Chemical Corp., Paterson, NJ 07524 (PDE 95).
Goodyear Tire & Rubber Co., Akron, OH 44316 (PDE 102).
Hilton-Davis Chemical Co., Division of Sterling Drug Inc., Cincinnati, OH 45237 (PDE 70.4).
Ideal Toy Corp., Hollis, NY 11423 (PDE 70.3).
Inmont Corp., Clifton, NJ 07015 (PDE 123).
Minnesota Mining & Manufacturing Co., St. Paul, MN 55133 (PDE 157.2).
Mobay Chemical Corp., Dyes and Pigments Division, Union, NJ 07083 (PDE 157.10).
National Association of Chemical Distributors, Chicago, IL 60602 (PDE 162).
National Paint and Coatings Association, Washington, DC 20005 (PDE 167).
Prestige Printing Ink Co., Fort Worth, TX 76105 (PDE 70.2).
Reed Plastics Corp., Holden, MA 01520 (PDE 224).
Soap and Detergent Association, New York, NY 10016 (PDE 244).
Society of the Plastics Industry, Inc., New York, NY 10017 (PDE 245).
Uniroyal Chemical Co., Rovel Polymers Group, Naugatuck, CT 06770 (PDE 283).
Uniroyal, Inc., Middlebury, CT 06749 (PDE 284).
U.S. Department of the Treasury, Bureau of Engraving and Printing, Washington, DC 20228 (PDE 288).
United States Printing Ink Co., East, Rutherford, NJ 07073 (PDE 164.3).

VIII. Exective Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this proposed rule is not a major rule as the term is defined in section 1(b) of the Executive Order.

EPA has concluded that this proposed rule is not "major" under the criteria of section 1(b) because the annual effect of the rule on the economy will be considerably less than $100 million; it will not cause any noticeable increase in costs or prices for any sector of the economy or for any geographic region; and it will not result in any significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets. This proposed rule allows the continued manufacture, processing, and distribution in commerce of PCBs that would otherwise be prohibited by section 6(e)(3)(A) of TSCA for the petitioners who met the requirements of section 6(e)(3)(B) of TSCA and the Interim Procedural Rules for PCB Exemptions.

Although this proposal is not a major rule, EPA has prepared an Economic Impact Analysis using the guidance in the Executive Order to the extent possible. This proposed rule was submitted to the Office of Management and Budget (OMB) prior to publication, as required by the Executive Order.

IX Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act (the Act), 5 U.S.C. 603, requires EPA to prepare and make available for comment an initial regulatory flexibility analysis in connection with any rulemaking for which EPA must publish a general notice of proposed rulemaking. The initial regulatory flexibility analysis must describe the impact of the proposed rule on small business entities.

Section 605(b) of the Act, however, provides that section 603 of the Act "shall not apply to any proposed or final rule if the head of the Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."

EPA has tried to estimate the cost of this proposed rule on small businesses, whose petitions EPA proposes to deny. For purposes of this regulatory flexibility analysis, EPA considers a small business to be one whose annual sales revenues were less than $30 million. This cutoff is in accordance with EPA's Notice of Proposed Rulemaking for defining small businesses for purposes of reporting under section 8(a) of TSCA, which was published in the **Federal Register** of June 23, 1982 (47 FR 27206).

EPA proposes to deny four exemption petitions that were submitted by small businesses who want to distribute in commerce PCB small capacitors and PCB equipment containing PCB small capacitors. None of these petitioners provided any information about the economic consequences of denial. However, based on other information provided by two of the petitioners, EPA was able to estimate the economic costs of denying those two petitions. EPA estimated the cost of denial to Traco Industrial Corp. to be $65,100, or roughly one percent of its 1981 sales revenues of $6 million. EPA estimated the cost of denial to Trans-State Corp. to be $37,200, or roughly 1.5 percent of its 1981 sales revenues of $2.5 million.

EPA is proposing to deny 31 exemption petitions that were submitted on behalf of approximately 330 small businesses who want to process and distribute in commerce PCBs in servicing customers' transformers. Based on information provided in these petitions, EPA estimated the cost of denying all these petitions to be approximately $20,000 to $36,000: this includes $17,500 to $29,200 for processing and distributing in commerce PCB fluid and $2,500 to $6,800 for processing and distributing in commerce PCB-contaminated fluid. Assumimg these costs are divided evenly among the approximately 330 servicing companies represented by the petitions, the average annual cost would be less than $90 per company for denying petitions to process and distribute in commerce PCB fluid and less than $20 per company for denying petitions to process and distribute in commerce PCB-contaminated fluid.

EPA proposes to deny the 12 petitions that were submitted on behalf of approximately 300 small businesses who want to process and distribute in commerce PCBs in buying and selling transformers. Based on the limited information provided in these petitions, EPA could estimate only the costs of denying these petitions on an individual tranformer basis. EPA estimated that the incremental costs of denial would be approximately $90 to $240 for an average size PCB-contaminated transformer and $2,400 to $4,000 for an average size PCB transformer, assuming all the transformer fluid had to be replaced in both cases. Depending on the purchase price and resale value of used transformers, these additional costs may render a portion of petitioners' buying and selling activities unprofitable. EPA was unable to estimate the total costs of denial, because the petitioners did not provide information about the number of transformers to be bought and sold, the purchase price and resale value of such transformers, and estimates of the costs of denial.

EPA proposes to deny Traco Industrial Corp.'s petition to export PCB small capacitors. Traco did not provide any information about the costs of denying its petition to export PCBs, and EPA was unable to estimate such costs.

EPA proposes to grant a limited exemption to two petitioners to process and distribute in commerce PCBs for use as a mounting medium in microscopy and to deny the portion of R.P. Cargille Laboratories' petition to process and distribute in commerce PCBs for uses in microscopy that EPA has not authorized. The costs of denial would be less than $2,000 for McCrone Research Institute and less than $4,500 for Cargille, which were the upper bounds estimated by the petitoners. Cargille's petition stated that the "economic consequences of denying the petition are quite small."

EPA proposes to deny Pathfinder Laboratories, Inc.'s petition to manufacture, process, and distribute PCBs for purposes of research and development. Pathfinder did not provide information about the costs of denial, and EPA was unable to estimate such costs.

Therefore, in accordance with section 605(b) of the Act, I certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. EPA solicits comments from petitioners and other interested persons concerning the economic impact of this proposed rule on small business entities. In addition, EPA is sending a copy of this proposed rule to the Chief Counsel for Advocacy of the Small Business Administration.

EPA further notes that section 606 of the Act states that the requirements of section 603 do not alter in any manner standards otherwise applicable by law to agency action. Section 6(e)(3)(A) of TSCA and EPA's PCB Ban Rule, 40 CFR Part 761, prohibit the manufacture, processing, and distribution in commerce of PCBs. Section 6(e)(3)(B) of TSCA permits EPA to grant exemptions from these prohibitions, if it finds that petitioners have demonstrated that granting an exemption would not result in an unreasonable risk of injury to health or the environment and that they have made good faith efforts to develop substitutes for PCBs. Both small and large businesses must meet the same statutory standard. Thus, even if EPA believed that it was an economically desirable policy to grant an exemption petition from a small business, it could do so only if the small business met the requirements set forth in TSCA.

X. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 *et seq.*, authorizes the Director of the Office of Management and Budget (OMB) to review certain information collection requests by Federal agencies. EPA's information collection requests for this proposed rule were approved by OMB and were assigned OMB Control Number 2000-0466.

Future information collection requests will be submitted to OMB for approval under section 3504(b) of the PRA.

XI. Official Rulemaking Record

For the convenience of the public and EPA, all of the information originally submitted and filled indocket number OPTS-66001 (manufacturing exemptions) and OPTS-66022 (processing and distribution in commerce exemptions) is being consolidated into one docket number OPTS-66008.

In accordance with the requirements of section 19(a)(3) of TSCA, EPA is publishing the following list of documents, which constitutes the record of this proposed rulemaking. A supplementary list or lists may be published any time on or before the date the final rule is issued. However, public comments, the transcript of the rulemaking hearing, or submissions made at the rulemaking hearing, or submissions made at the rulemaking hearing or in connection with it will not be listed, because these documents are exempt from **Federal Register** listing under section 19(a)(3). A full list of these materials will be available on request from EPA's TSCA Assistance Office listed under **"FOR FURTHER INFORMATION CONTACT."**

A. Previous Rulemaking Records

(1) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Disposal and Marking Rule," Docket No. OPTS-68005, 43 FR 7150, February 17, 1978.

(2) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions Rule," 44 FR 31514, May 31, 1979.

(3) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Proposed Rulemaking for PCB Manufacturing Exemptions," Docket No. OPTS-66001, 44 FR 31564, May 31, 1979.

(4) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Use in Electrical Equipment," Docket No. OPTS-62015, 47 FR 37342, August 25, 1982.

(5) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Use in Closed and Controlled Waste Manufacturing Processes," Docket No. OPTS-62017, 47 FR 46980, October 21, 1982.

(6) Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Amendment to Use Authorization for

PCB Railroad Transformers," Docket No. OPTS-62020, 48 FR 124, January 3, 1983.

B. **Federal Register** *Notices*

(7) 43 FR 50905, November 1, 1978, USEPA, "Procedures for Rulemaking Under Section 6 of the Toxic Substances Control Act; Interim Procedural Rules for Polychlorinated Biphenyls (PCBs) Ban Exemption."

(8) 44 FR 108, January 2, 1979, USEPA, "Polychlorinated Biphenyls (PCBs); Policy for Implementation and Enforcement."

(9) 44 FR 31558, May 31, 1979, USEPA, "Procedures for Rulemaking Under Section 6 of the Toxic Substances Control Act; Interim Procedural Rules for Exemptions from the Polychlorinated Biphenyl (PCB) Processing and Distribution in Commerce Prohibitions."

(10) 44 FR 31564, May 31, 1979, USEPA, "Polychlorinated Biphenyls (PCBs); Proposed Rulemaking for PCB Manufacturing Exemptions."

(11) 44 FR 42727, July 20, 1979, USEPA, "Proposed Rulemaking for Polychlorinated Biphenyls (PCBs); Manufacturing Exemptions; Notice of Receipt of Additional Manufacturing Petitions and Extension of Reply Comment Period."

(12) 45 FR 14247, March 5, 1980, USEPA, "Polychlorinated Biphenyls (PCBs); Statement of Policy on All Future Exemption Petitions."

(13) 45 FR 29115, May 1, 1980, USEPA, "Polychlorinated Biphenyls (PCBs); Expiration of the Open Border Policy for PCB Disposal."

C. Support Documents

(14) USEPA, OTS, "PCB Exemption Petitions Economic Impact Analysis" (July 1983).

(15) USEPA, OTS, "Response to Comments on Health Effects of PCBs" (August 1982).

(16) USEPA, OTS, "Support Document/Voluntary Environmental Impact Statement and PCB Manufacturing, Processing, Distribution in Commerce, and Use Ban Regulation: Economic Impact Analysis" (April 1979).

(17) USEPA, OPTS, EED, Letter from Marigene H. Butler, Philadelphia Museum of Art, to Martin P. Halper, EPA, "Use of PCBs in Microscopy" (April 29, 1983).

(18) USEPA, OPTS, EED, Telephone Communication between Denise Keehner, EPA, and Martha Goodway, Smithsonian Institution, "Use of PCBs in Microscopy" (May 9, 1983).

D. Reports

(19) USEPA, ORD, EMSL, "A Method for Sampling and Analysis of Polychlorinated Biphenyls (PCBs) in Ambient Air" (August 1978), EPA-600/4-78-048.

E. Other

(20) Manufacturing Exemption Petitions and Related Communications in Docket No. OPTS-66001.

(21) Processing and Distribution in Commerce Exemption Petitions and Related Communications in Docket No. OPTS-66002.

EPA will identify the complete rulemaking record on or before the date of promulgation of the final rule, as prescribed by section 19(a)(3) of TSCA. EPA will consider for inclusion in the record additional material submitted at any time between the publication of this proposed rule and the date the Agency identifies the final record. The final rule also will permit persons to point out any omissions or errors in the record.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

(Sec. 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605))

Dated: October 21, 1983.

William D. Ruckelshaus,

Administrator.

PART 761—[AMENDED]

Therefore, it is proposed that 40 CFR Part 761 be amended by adding a new Subpart E consisting at this time of § 761.80 to read as follows:

Subpart E—Exemptions

§ 761.80 Manufacturing, Processing, and Distribution in Commerce Exemptions.

(a) The Administrator grants an exemption for one year to distribute in commerce PCB small capacitors for purposes of repair to:

(1) Advance Transformer Co., Chicago, IL 60618 (PDE 4).

(2) Air Conditioning Contractors of America, Washington, DC 20036 (PDE 26.2).

(3) Association of Home Appliance Manufacturers, Chicago, IL 60606 (PDE 26.2).

(4) B & B Motor & Control Corp., New York, NY 10012 (PDE 30).

(5) Complete-Reading Electric Co., Hillside, IL 60162 (PDE 48).

(6) Dunham-Bush, Inc., Harrisonburg, VA 22801 (PDE 71).

(7) Emerson Quiet Kool Corp., Woodbridge, NJ 07095 (PDE 84).

(8) Harry Alter Co., Chicago, IL 60609 (PDE 111).

(9) Motors & Armatures, Inc., Hauppauge, NY 11788 (PDE 161).

(10) Minnesota Mining and Manufacturing Co., St. Paul, MN 55133 (PDE 157.1).

(11) National Association of Electrical Distributors, Stamford, CT 06901 (PDE 163).

(12) National Capacitor Corp., Garden Grove, CA 92641 (PDE 165).

(13) Service Supply Co., Phoenix, AZ 85013 (PDE 237).

(14) Wedzeb Enterprises, Inc., Lebanon, IN 46052 (PDE 297).

(15) Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

(b) The Administrator grants an exemption for one year to distribute in commerce PCB equipment containing PCB small capacitors to:

(1) Advance Transformer Co., Chicago, IL 60618 (PDE 4).

(2) Coleman Co., Inc., Wichita, KS 67201 (PDE 45.1).

(3) Donn Corp., Westlake, OH 44145 (PDE 63).

(4) Dunham-Bush, Inc., Harrisonburg, VA 22801 (PDE 71).

(5) Emerson Quiet Kool Corp., Woodbridge, NJ 07095 (PDE 84).

(6) Friedrich Air Conditioning & Refrigeration Co., San Antonio, TX 78295 (PDE 93).

(7) Gould, Inc., Electric Motor Division, St. Louis, MO 63166 (PDE 103).

(8) GTE Products Corp., Danvers, MA 01923 (PDE 105).

(9) King-Seeley Thermos Co., Queen Products Division, Albert Lea, MN 56007 (PDE 139).

(10) L. E. Mason Co., Red Dot Division, Boston, MA 02136 (PDE 223).

(11) Minnesota Mining and Manufacturing Co., St. Paul, MN 55133 (PDE 157.3).

(12) National Association of Electrical Distributors, Stamford, CT 06901 (PDE 163).

(13) Royalite Co., Flint, MI 48502 (PDE 231).

(14) Sola Electric, Unit of General Signal, Elk Grove Village, IL 60007 (PDE 246).

(15) Transco, Inc., West Columbia SC 29169 (PDE 276.1).

(16) Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

(c) The Administrator grants an exemption for one year to process PCB small capacitors and PCB equipment containing PCB small capacitors into other equipment and to distribute in commerce that equipment to:

(1) Advance Transformer Co., Chicago, IL 60618 (PDE 4).

(2) Gould, Inc., Electric Motor Division, St. Louis, MO 63166 (PDE 103).

(3) GTE Products Corp., Danvers, MA 01923 (PDE 105).

(4) L. E. Mason Co., Red Dot Division, Boston, MA 02136 (PDE 223).

(5) Westinghouse Electric Corp., Pittsburgh, PA 15222 (PDE 298).

(d) The Administrator grants an exemption for one year (or until July 1, 1984, if EPA does not extend the use authorization in §761.30(j)) to manufacture small quantities of PCBs for research and development to:

(1) Analabs/Foxboro Analytical, Division of Foxboro Co., North Haven, CT 06483 (ME 6).

(2) California Bionuclear Corp., Sun Valley, CA 91352 (ME 13).

(3) Ultra Scientific, Inc., Hope, RI 02831 (ME 99.1).

(e) The Administrator grants an exemption for one year (or until July 1, 1984, if EPA does not extend the use authorization in §761.30(j)) to process and distribute in commerce small quantities of PCBs for research and development to:

(1) Analabs/Foxboro Analytical, Division of Foxboro Co., North Haven, CT 06473 (PDE 21.1).

(2) California Bionuclear Corp., Sun Valley, CA 91352 (PDE 38.1).

(3) Chem Service, Inc., West Chester, PA 19380 (PDE 41).

(4) PolyScience Corp., Niles IL 60648 (PDE 178).

(5) Ultra Scientific, Inc., Hope, RI 02831 (PDE 282.1).

(f) The Administrator grants an exemption for one year (or until July 1, 1984, if EPA does not extend the use authorization in §761.30(k)) to process and distribute in commerce PCBs for use as a mounting medium in microscopy in art and historic conservation to:

(1) McCrone Research Institute, Chicago IL 60616 (PDE 149).

(2) R.P. Cargille Laboratories, Inc., Cedar Grove, NJ 07009 (PDE 181).

(g) The Administrator grants an exemption for one year to distribute in commerce previously imported and repaired PCB equipment containing PCB small capacitors to:

(1) Honeywell, Inc., Waltham, MA 02154 (PDE 119).

(2) [Reserved].

(h) The Administrator grants an exemption for one year to import samples of PCB-containing fluid taken from PCB transformers for purposes of testing and analysis to:

(1) Dow Corning Corp., Midland, MI 48640 (ME 31.1).

(2) [Reserved].

(i) The Administrator grants an exemption for one year (or until July 1, 1984, if EPA does not extend the use authorization in §761.30(j)) to export small quantities of PCBs for research and development to:

(1) PolyScience Corp., Niles, IL 60648 (PDE 178).

(2) [Reserved].

[FR Doc. 83-29573 Filed 10-31-83; 8:45 am]

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When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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