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Pages 55547-55718

Federal Register

Wednesday
December 14, 1983

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Federal Communications Commission

Air Pollution Control

Environmental Protection Agency

Chemicals

Environmental Protection Agency

Coal Mining

Surface Mining Reclamation and Enforcement Office

Continental Shelf

Minerals Management Office

Crop Insurance

Federal Crop Insurance Corporation

Flood Insurance

Federal Emergency Management Agency

Government Contracts

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Hazardous Waste

Environmental Protection Agency

Maritime Carriers

Federal Maritime Commission

Marketing Agreements

Agricultural Marketing Service

Pesticides and Pests

Environmental Protection Agency

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Quarantine

Animal and Plant Health Inspection Service

Radio Broadcasting

Federal Communications Commission

Securities

Federal Deposit Insurance Corporation

Water Pollution Control

Environmental Protection Agency

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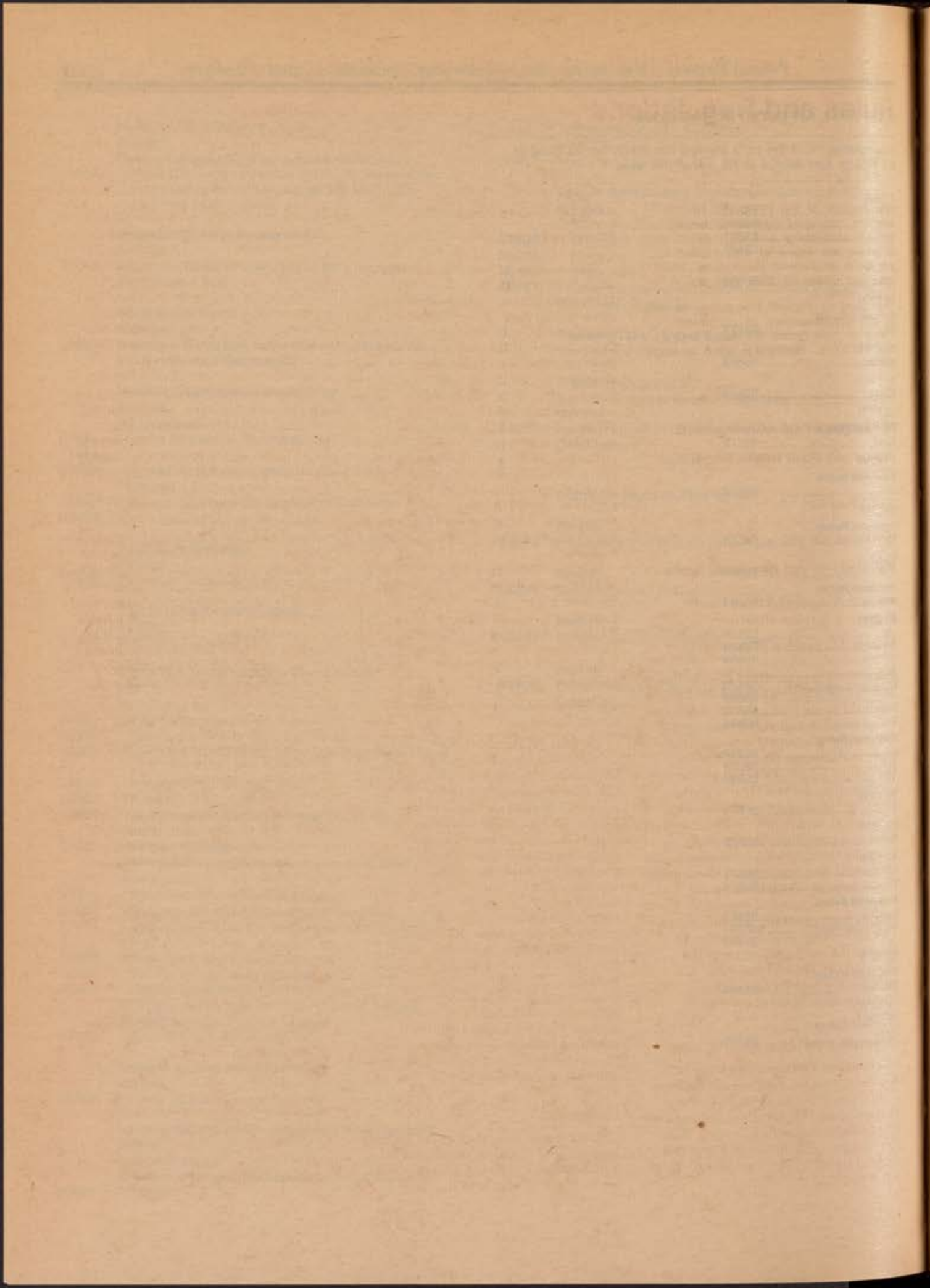
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

(Docket No. 83-349)

Imported Fire Ant Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the list of regulated areas under the imported fire ant quarantine and regulations by (1) designating previously nonregulated areas in Alabama, Georgia, and Mississippi as generally infested areas; (2) expanding previously designated generally infested areas in Alabama, Mississippi, and South Carolina; and (3) deleting a previously designated generally infested area in Alabama. The quarantine and regulations, among other things, impose restrictions on the interstate movement of regulated articles from generally infested areas. This action is necessary in order to prevent the artificial spread of the imported fire ant and to delete unnecessary restrictions on the interstate movement of regulated articles.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Edward J. Stubbs, Senior Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendment has been issued in conformance with Executive Order 12291, and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that the amendment will have an estimated annual effect on the economy of less than \$1,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States in Alabama, Georgia, Mississippi, and South Carolina. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that approximately 138 small entities move such articles interstate from the specified areas in those States. Further, the overall economic impact from this action is estimated to be less than \$1,000.

Background

A document published in the Federal Register on September 6, 1983 (48 FR 40198-40202), set forth an interim rule amending § 301.81-2a of the imported

fire ant quarantine and regulations (7 CFR 301.81-2a). The document amended the quarantine and regulations by (1) designating previously nonregulated areas in Alabama, Georgia, and Mississippi as generally infested areas; (2) expanding previously designated generally infested areas in Alabama, Mississippi, and South Carolina; and (3) deleting a previously designated generally infested area in Alabama.

The amendment became effective on the date of publication. The document provided that the amendment was necessary as an emergency measure in order to prevent to artificial spread of the imported fire ant and to delete unnecessary restrictions on the interstate movement of regulated articles.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. The factual situations which were set forth in the document of September 6, 1983, still provide a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the Federal Register on September 6, 1983 (48 FR 40198).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Imported fire ant.

(Secs. 8, 9, 37 Stat. 318, as amended, Sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141)

Done at Washington, D.C. this 9th day of December 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-33297 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 403

[Amdt. No. 3]

Peach Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Peach Crop Insurance Regulations (7 CFR Part 403), effective for the 1984 and succeeding crop years, making several changes as outlined herein, the intended effect of which is to update the policy for insuring peaches. Minor additional changes, not included in the Peach Crop Insurance Regulations notice of proposed rulemaking previously published in the Federal Register at 48 FR 29520 (June 27, 1983) have been included in this final rule. These involve the method of determining the price elections for computing indemnities; providing that any appraisal of less than 10 bushels will not be counted as production to count; and allowing misshapen fruit to be insured against loss of production from an insured cause of loss.

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: On Monday, June 27, 1983, FCIC published a notice of proposed rulemaking prescribing amendments to the Peach Crop Insurance Regulations at 48 FR 29520.

The public was given 60 days in which to submit written comments on the rule, but none were received.

In reviewing the regulations prior to publication as a final rule, FCIC determined that minor additional changes were necessary involving the method of determining price elections for computing indemnities; a provision that any appraisal of less than 10 bushels will not be counted as production to count; and allowing misshapen fruit to be insured against loss of production from an insured cause.

Merritt W. Sprague, Manager, has determined that these changes, are not adverse to, but rather favor the policyholder.

In addition, FCIC is required to codify the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. 7 CFR Part 403 is amended to include this requirement in 7 CFR 403.3 herein.

The entire policy found at 7 CFR

403.7(d) is published herein and contains the changes outlined above.

List of Subjects in 7 CFR Part 403

Crop insurance, Peaches.

PART 403—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501, *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peach Crop Insurance Regulations (7 CFR Part 403), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 403 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 403 is amended by revising 7 CFR 403.3 to read as follows:

§ 403.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 403) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

3. 7 CFR 403.7(d) is amended by removing the Peach Crop Insurance Policy therein and inserting the following:

§ 403.7 [Amended]

(d) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Peach—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes unless those causes are excepted, excluded or limited by the actuarial table or section 9e(5):

- (1) Adverse weather conditions, fire, earthquake, or volcanic eruption, all occurring within the insurance period; and
- (2) An insufficient number of chilling hours to effectively break the dormant period for the crop year.

b. We shall not insure against any loss of production due to:

- (1) Disease or insect infestation;
- (2) The neglect or malfeasance of you, any member of your household, your tenants or employees;
- (3) The failure to follow recognized good peach farming practices;
- (4) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;
- (5) Split pits regardless of the cause; or
- (6) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be a variety of peaches grown on insured acreage for which a level of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be peaches grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured peaches at the time insurance attaches.

d. We do not insure any acreage:

- (1) On which the trees have not reached the 4th growing season after being set out;
- (2) Having a minimum expected production of less than 100 bushels per acre on the date insurance attaches; or
- (3) Of a variety of peaches not established as adapted to the area or excluded by the actuarial table.

e. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage and share.

You shall report on our form:

- a. All the acreage of peaches in the county which you have a share;
- b. Your share at the time insurance attaches; and
- c. The expected production per acre from such acreage.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any peaches grown in the county. This report shall be submitted annually on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance, levels of indemnities, and prices for computing indemnities.

a. The levels of insurance are contained in the actuarial table.

b. The dollar amount of insurance per acre for each crop year is determined by reference to the following table.

AMOUNT OF INSURANCE TABLE

Dollar amount of insurance per acre based upon expected production and dollar level of insurance per acre at the time insurance attaches		Dollar amount of insurance per acre based upon bushels of fruit remaining on the trees at the time of harvest					
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H
Expected production (bushels)	Levels of insurance	200 or more bu	150 to 199 bu	100 to 149 bu	50 to 99 bu	10 to 49 bu	0 to 9 bu
200 or more	High \$800	\$800	\$720	\$640	\$560	\$480	\$400
	Medium \$600	600	540	480	420	360	300
	Low \$400	400	360	320	280	240	200
250 to 299	High \$700	700	630	560	490	420	350
	Medium \$525	525	475	420	370	315	265
	Low \$350	350	315	280	245	210	175
200 to 249	High \$600	600	540	480	420	360	300
	Medium \$450	450	405	360	315	270	225
	Low \$300	300	270	240	210	180	150
150 to 199	High \$500	500	500	440	375	315	250
	Medium \$375	375	375	330	280	235	190
	Low \$250	250	250	220	190	155	125
100 to 149	High \$400	400	400	400	335	265	200
	Medium \$300	300	300	300	250	200	150
	Low \$200	200	200	200	165	135	100

(1) For the purpose of computing premium, the dollar amount of insurance per acre shall be the amount corresponding with the expected production (as reported by you or as determined by us, whichever we shall elect) and the applicable level of insurance (Columns A and B).

(2) For the purpose of determining any indemnity, where the amount of fruit remaining on the trees at the time of harvest is less than the expected production, the dollar amount of insurance is determined by reference to Columns C through H.

c. The price per bushel for computing indemnities will be determined as follows:

(1) The price for fresh fruit is based upon the applicable average FOB shipping point price per 1/4 bushel carton of U.S. Extra No. 1 two-inch peaches (if not available, the next larger size for which a price is available) as reported by the Market News Service of the United States Department of Agriculture for the seven consecutive market days commencing with the day harvest starts for the variety, less \$2.00 per carton. However, that price will not be less than \$4.00 per 1/4 bushel carton.

(2) The price for peaches which are intended for processing, shall be the price per bushel received by you. However, that price will not be less than \$2.00 per bushel.

d. The medium level of insurance will apply if you do not elect a level of insurance or if your peaches are grown for processing.

e. You may change the level of insurance on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance (based on the expected production when insurance attaches) times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE ¹

(Percent adjustments for favorable continuous insurance experience)

Loss ratio ² through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Percentage adjustment factor for current crop year																
00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
81 to 1.00	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

(Percent adjustments for unfavorable insurance experience)

Loss ratio ² through previous crop year	Numbers of loss years through previous year ³															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Percentage adjustment factor for current crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	106	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	148	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300	300

¹ For premium adjustment purposes, only the years during which premiums were earned shall be considered.

² Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

³ Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1-1/2%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

- (1) The contract of your estate or surviving spouse in case of your death;
- (2) The contract of the person who succeeds you if such person had previously participated in the orchard operation; or
- (3) Your contract if you stop orchard operations in one county and start orchard operations in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance on insured acreage attaches for each crop year on January 10 and ends at the earliest of:

- a. Total destruction of the peaches;
- b. Harvest; or
- c. September 30 of the calendar year in which peaches are normally harvested.

8. Notice of damage or loss.

- a. In case of damage or probable loss:
 - (1) You must give us written notice of:
 - (a) The date(s) of damage; and
 - (b) The cause(s) of damage.
 - (2) If an indemnity is to be claimed on any unit, you must give us notice:
 - (a) At least 15 days before the beginning of harvest;
 - (b) Immediately, if damage occurs within the 15 days prior to harvest or during harvest; or
 - (c) By September 30 of the year in which the loss occurred, if harvest does not begin by that date.

b. You must obtain written consent from us before you destroy any of the peaches which are not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later 60 days after the earliest of:

- (1) Total destruction of the peaches on the unit;
- (2) Harvest of the unit; or
- (3) September 30 of the year in which the loss occurred.

b. We shall not pay any indemnity unless you:

- (1) Establish that any loss has been directly caused by one or more of the insured causes during the insurance period; and
- (2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Subtracting the dollar value of production from the dollar amount of insurance; and

(2) Multiplying the remainder by your share.

The dollar value of production is obtained by multiplying the total production to be counted (see section 9e) by the applicable price for computing indemnities (see section 4c). The dollar amount of insurance is obtained by multiplying the applicable amount of insurance (see section 4b(2)) times the insured acreage.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The total production to be counted for a unit shall include all harvested and appraised production.

(1) The total production may be adjusted as a result of damage to the peaches because of an insured cause.

(2) Appraised production to be counted shall include:

- (a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good peach farming practices;
- (b) Not less than the expected production per acre at the time insurance attached for any acreage which is abandoned, not inspected by us prior to the completion of harvest or damaged solely by an uninsured cause;
- (c) Only an appraised production of 10 bushels or more on unharvested acreage.

(3) Any appraisal we have made on insured acreage shall be considered production to count unless such appraised production:

- (a) Is harvested; or
 - (b) Is further damaged by an insured cause.
- (4) We may delay the final appraisal until the extent of damage can be determined by us.

(5) When you have elected to exclude hail and fire as insured causes of loss and the peaches are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire".

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

(f) You shall not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

- (1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or
- (2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities provided by the contract.

12. Assignment of indemnity.

You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

- (1) If deducted from an indemnity claim shall be the date you sign such claim; or
- (2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State	Cancellation and termination dates
South Carolina	Jan. 10.
All other states	Dec. 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. However, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

18. Contract changes.

We may change any terms and provisions of the contract from year to year. All contract changes shall be available at your service office by September 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of peach crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the levels of insurance, premium rates, uninsurable varieties, insurable and uninsurable acreage, and related information regarding peach insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the peaches are normally grown and shall be designated by the calendar year in which the peaches are normally harvested.

d. "Harvest" means the picking of peaches from the tree or from the ground either by hand or machine for the purpose of marketing.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the persons who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the peaches or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of peaches in the county on the date insurance attaches for the crop year:

- (1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the peaches on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. Units as herein defined will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

4. Appendix B to 7 CFR Part 403 is revised to read as follows:

Appendix B—Counties Designated for Peach Crop Insurance—7 CFR Part 403

In accordance with the provisions of 7 CFR 403.1, the following counties have been designated for Peach Crop Insurance:

Crop: Peaches, State: Alabama

Chilton

Crop: Peaches, State: Arkansas

Cross

Lee

Johnson

St. Francis

Crop: Peaches, State: Georgia

Crawford

Macon

Taylor

Houston

Peach

Upton

Crop: Peaches, State: South Carolina

Aiken

Edgefield

Saluda

Allendale

Greenville

Spartanburg

Barnwell

Lee

Sumter

Cherokee

Lexington

York

Chesterfield

Orangeburg

Done in Washington, D.C., on September 13, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

Dated: December 5, 1983.

[FR Doc. 36-33089 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-06-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regs. 584; and 582, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 18-22, 1983, and increases the quantity of such oranges that may be shipped during the period December 2-8, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 16, 1983, and the amendment is effective for the period December 2-8, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic

impact on a substantial number of small entities.

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

This action is consistent with the marketing policy for 1983-84. The marketing policy was recommended by the committee following discussion at a public meeting on September 27, 1983. The committee met again publicly on December 6, 1983, at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. Section 907.884 is added as follows:

§ 907.884 Navel Orange Regulation 584.

The quantities of navel oranges grown in California and Arizona which may be handled during the period December 16,

1983 through December 22, 1983, are established as follows:

- (a) *District 1*: 1,104,000 cartons;
- (b) *District 2*: Unlimited cartons;
- (c) *District 3*: 96,000 cartons;
- (d) *District 4*: Unlimited cartons.

2. Section 907.882 paragraphs (a) through (d) Navel Orange Regulation 582 (48 FR 53683, Nov. 29, 1983) are hereby revised to read:

§ 907.882 Navel Orange Regulation 582.

- (a) *District 1*: 1,932,000 cartons;
- (b) *District 2*: Unlimited cartons;
- (c) *District 3*: 168,000 cartons;
- (d) *District 4*: Unlimited cartons.

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

Dated: December 8, 1983.

Russell L. Hawes,

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

[FR Doc. 83-33296 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 331, Amdt. 2]

Lemons Grown in California and Arizona; Amendment of Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment decreases the minimum size requirement applicable to fresh domestic shipments of lemons from 2.01 inches to 1.82 inches in diameter on and after December 11, 1983. This action is designed to promote orderly marketing of suitable sizes of fresh California-Arizona lemons in the interest of growers and consumers.

EFFECTIVE DATE: December 11, 1983.

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

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

This amendment is issued under Marketing Order No. 910, as amended, (7 CFR Part 910), regulating the handling of lemons grown in California and

Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon recommendations and information submitted by the Lemon Administrative Committee, and upon other available information. It is hereby found that the regulation of California-Arizona lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

Shipments of lemons from the production area are now in progress, and such shipments are regulated under a continuing regulation (Lemon Regulation 331 (46 FR 53393)). Such regulation provides that shipments of lemons be no smaller than 1.82 inches in diameter. An amendment to that regulation (Lemon Regulation 331, Amendment 1 (48 FR 53997, Nov. 30, 1983)) increased the minimum size requirement to 2.01 inches in diameter for the period November 30, 1983, through December 17, 1983.

The committee reports that the present market for lemons is good with improved demand for smaller sizes. Market demand conditions have improved faster than anticipated thus necessitating the resumption of the less restrictive 1.82 inch minimum size for lemons. Lemons failing to meet the 1.82 inch minimum size could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

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

List of subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

§ 910.631 [Amended]

Therefore, § 910.631 is amended by removing paragraph (b).

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

Dated: December 8, 1983.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-33264 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Wardair Canada, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Immigration and Naturalization Service for the preinspection of their passengers and crews at locations outside the United States by changing the name of Wardair Canada (1975) Ltd. to Wardair Canada, Inc. Preinspection outside the United States facilities processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Wardair Canada, Inc. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

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

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a

rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Aliens, Common carriers, Government contracts, Inspections, Transportation lines, Travel, Travel restriction, Treaties.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended as follows:

1. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Calgary".
2. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Edmonton".
3. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Montreal".
4. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Vancouver".
5. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Toronto".
6. Change "Wardair Canada (1975) Ltd." to "Wardair Canada, Inc." under "At Winnipeg".

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

Dated: December 8, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-33196 Filed 12-13-83; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 335

Securities of Insured Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The new rule amends the Federal Deposit Insurance Corporation's ("FDIC") securities disclosure regulations issued under the Securities Exchange Act of 1934 (15 U.S.C. 78) ("Act") in order to bring them into substantial similarity with those of the Securities and Exchange Commission ("SEC"). Section 12(i) of the Act requires that the FDIC issue regulations substantially similar to those of the SEC or publish its reasons for not doing so.

The amendment is intended to comply with section 12(i) to update the regulation, and to make corrections where necessary. It covers the following: (1) Interim financial reporting; (2) timely filing of statements; (3) reporting effects of changing prices; (4) accounting amendments; (5) exhibit requirements; (6) financial statements; and (7) technical amendments.

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Gervino, Senior Attorney, (202/389-4171), or Patrick J. Moses, Supervising Financial Analyst, (202/389-4651), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

A. Amendments to Part 335

Proposed rulemaking was published on page 53893 of the *Federal Register* of November 30, 1982 and invited comments for 30 days ending December 30, 1982. No comments were received.

1. Interim Financial Reporting.

On February 9, 1981, the SEC amended its regulations to provide for new interim financial information provisions and to revise its quarterly reporting form. The SEC stated that this action is intended to simplify disclosure regulations, to reduce reporting burdens, to encourage integration of formal and informal shareholder communications, and to enhance the value of quarterly interim information to investors and shareholders (SEC Rel. No. 34-17524, 46 FR 12480 (February 17, 1981)). The FDIC amends its regulations to make them substantially similar to the SEC amendments. Accordingly, § 335.309(a) (Form F-1), § 335.321(f) (Form F-3), and § 335.331 (Form F-4) are amended, as set forth below.

2. Timely Filing of Statements.

On April 2, 1980, the SEC amended its regulations to eliminate its present extension application procedure for late filings of annual and quarterly reports it requires. In lieu of its old procedure, the new rules institute a system requiring notification of a registrant's inability to file timely all or any portion of a required report. In addition, the amended rules provide a procedure whereby a late annual report or portion thereof filed on or before the fifteenth day after the prescribed due date or late quarterly report or portion thereof filed on or before the fifth day after the prescribed due date will be deemed to have been filed timely (SEC. Rel. No. 34-16718, 45 FR 23651 (April 8, 1980)).

In adopting the rule, the SEC stated that it will provide disclosure with

respect to non-timely filing and will alleviate the burdens attendant the application procedure while at the same time allow for appropriate relief. The FDIC amends its regulations to provide a substantially similar procedure to that of the SEC. Accordingly, a new section 335.358 is added as set out below.

3. Reporting Effects of Changing Prices.

On February 17, 1981, the SEC adopted amendments to its rules to require certain issuers to include supplementary information in certain SEC filings on the effects of changing prices, as specified by Statement of Financial Accounting Standards ("SFAS") Nos. 33, 39, 40, and 41, "Financial Reporting and Changing Prices" of the Financial Accounting Standards Board. It also expanded its safe harbour rule, which had been applicable only to projections, to cover that information. The SEC in turn amended the above amendments technically on March 27, 1981 (SEC Rel. No. 34-17547, 46 FR 13988 (February 25, 1981); SEC Rel. No. 34-17658, 46 FR 19456 (March 31, 1981)). This amendment would be applicable only to large banks. The FDIC amends its regulations to make them substantially similar to SEC amendments. Accordingly, §§ 335.103, 335.203 and 335.312 (Form F-2) are amended, as set out below.

4. Annual Report Form.

On September 2, 1980, the SEC amended its regulations to change the form of its annual report form, its Form 10-K and other related forms and rules. The amendments were designed primarily to improve disclosure, reduce disclosure burdens, and to facilitate the integration of the SEC's disclosure systems under the Securities Act of 1933 and the Securities Exchange Act of 1934 (SEC Rel. No. 34-17114, 45 FR 63630 (September 25, 1980)). The SEC intended the changes to make it easier to incorporate from the annual report to security holders to the Form 10-K if an issuer so chose. The Form 10-K was restructured to segregate the information contained in that form from proxy related supplemental information. The new form is structured in four parts. The first part retains the detailed disclosure requirements relating to business, properties, legal proceedings and beneficial ownership. The second part consists of the basic disclosure information which is common to both Securities Act of 1933 and the Securities Exchange Act of 1934 filings. The third part consists of additional proxy disclosure information relating to directors and executive officers on management remuneration. Finally, the

fourth part contains requirements for financial statement schedules.

Although the FDIC has no jurisdiction under the Securities Act of 1933, the revision is otherwise designed to simplify filing and seems appropriate for banks. The FDIC adopts substantially similar amendments to those of the SEC. Accordingly, § 335.312 (Form F-2) and § 335.203 are amended, as set out below.

5. Exhibits.

On August 27, 1980, the SEC adopted amendments to its regulations designed to standardize and improve the SEC's requirements relating to filing of exhibits. On February 6, 1981, a technical amendment was made to this amendment (SEC Rel. No. 34-17095, 45 FR 58822 (September 5, 1980); SEC Rel. No. 34-17522, 46 FR 11952 (February 12, 1981)). The changes were made by the SEC for the purposes of making the requirements more relevant to investors and reducing the burdens which they impose on registrants. The SEC stated that the change would lessen the volume of paper filed with it.

The FDIC concurs with those objectives, and amends its regulations in substantially the same fashion as the SEC. Accordingly, § 335.309a (Form F-1), § 335.321 (Form F-3) and § 335.331 (Form F-4) are amended, as set out below.

6. Financial Statements.

On September 2, 1980, the SEC published two releases amending its accounting rules and its instructions as to financial statements. A major amendment eliminated the requirement of a summary of operations. Instead, financial statements are required to cover results of operations for three years rather than the two years now required (SEC Rel. No. 34-17118, 45 FR 63660 (September 25, 1980)). The FDIC finds no reason why banks' financial presentations should differ from other companies in the respects covered by the amendment. Accordingly, § 335.312 (Form F-2) and § 335.203 are amended, as set out below.

7. Technical Amendments.

On November 13, 1980, the SEC amended its regulations to correct certain outdated references, inadvertent admissions and typographical errors and clarify certain terminology and instructions (SEC Rel. No. 34-17291, 45 FR 76974 (November 21, 1980)). The FDIC makes appropriate revisions to its regulations.

8. Relationship With Accountants.

On January 28, 1982, the SEC amended its regulations relating to the relationship between registrants and independent accountants (SEC Rel. No. 34-18450, 47 FR 5404 (February 5, 1982)). The amendment rescinds the existing SEC rule requiring disclosure in proxy

statements about non-audit services performed by independent accountants for their audit clients. The FDIC amends its regulations to remove the requirement. Accordingly, § 335.212, item 8(f) is eliminated.

B. SEC Amendments Not Proposed—Pro Rata Rule.

On December 15, 1982, the SEC amended its regulations to extend the period during which a bidder in an oversubscribed partial tender offer must accept securities on a pro rata basis (SEC Rel. No. 34-19336, 47 FR 57679 (December 28, 1982)). The revised SEC rule extends the period from the current 10 days to the period the offer remains open.

Since the SEC rule was adopted under section 14(e) of the Act, it would apparently supersede the FDIC rule § 335.508. To avoid inconsistency and confusion, the FDIC is amending its rule to conform with the revised SEC rule 14d-8 (12 CFR 240.14d-8).

C. Certain Factors.

1. *Competition.* In its proposal, published for comment, the FDIC specifically requested comments concerning the impact these amendments may have upon competition. No comments were received. As required by section 23(a)(2) of the Act, the FDIC has specifically considered the impact which the proposed amendments would have on competition and concluded that they impose no significant burden on competition. In any event, the FDIC determined that any possible burden would be outweighed by, and is necessary and appropriate to achieve, the benefits of these amendments to investors and registrants.

2. Alternatives Considered.

Section 12(i) of the Act requires the FDIC to issue regulations substantially similar to those of the SEC or publish its reasons for not doing so. The FDIC has no reason to believe that these regulations are not appropriate for the banking industry, thus it is adopting the amendments.

3. Cost-Benefit Analysis.

As noted above, the amendments are required by statute. Therefore a cost-benefit analysis was not prepared.

4. Regulatory Flexibility Act.

The FDIC certifies that the proposal, if issued, would not have a significant economic impact on a substantial number of small banks or other entities. The proposal will affect less than 60 banks whose individual assets are no greater than \$25 million.

5. Paperwork Reduction Act.

The Office of Management and Budget has previously approved the

recordkeeping and reporting required by this part (OMB No. 3064-0030 which expires August 31, 1984). These amendments do not change or impose new recordkeeping and reporting requirements.

List of Subjects in 12 CFR Part 335

Accounting, Banks, banking, Confidential business information, Credit, Disclosure requirements, Reporting and recordkeeping requirements, Securities.

Chapter III of title 12 of the Code of Federal Regulations is amended as follows:

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

1. The authority citation for Part 335 reads as follows:

Authority: Sec. 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78i(j)).

2. Section 335.103 is amended: a. By removing "or" from the end of paragraph (b)(2); b. by replacing the period at the end of paragraph (b)(3) with a comma and "or"; c. by adding a paragraph (b)(4); and d. by revising paragraph (c)(3) as follows:

§ 335.103 Liability for forward-looking statements.

(b) * * *

(4) Information relating to the effect of changing prices on the business enterprise presented voluntarily or pursuant to any "Management's discussion and analysis of financial condition and results of operations," or any other supplementary financial information, and disclosed in a document filed with the FDIC, or in an annual report to shareholders meeting the requirements of § 335.203.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations; or

3. Section 335.203 is amended by revising paragraph (a) to read as follows:

§ 335.203 Annual report to security holders to accompany statements.

(a) Any statement furnished on behalf of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders.

(1) The report shall include, for the bank subsidiaries, consolidated balance sheets as of the end of each of the two

most recent fiscal years, and statements of income, changes in capital accounts and changes in financial position for each of the three most recent fiscal years, prepared in substantial compliance with subpart F of this part. Any financial statement schedules (except schedule VI) or exhibits or separate financial statements which may otherwise be required in filings with the FDIC may be omitted.

Note.—If the financial statements for a year prior to the most recently completed fiscal year have been examined by a predecessor accountant, the separate report of the predecessor accountant may be omitted in the report to security holders provided the bank has obtained from the predecessor accountant a reissued report covering the prior period presented and the successor accountant clearly indicates in the scope paragraph of his report (a) that the financial statements of the prior period were examined by other accountants, (b) the date of their report, (c) the type of opinion expressed by the predecessor accountant, and (d) the substantive reasons therefor, if it was other than unqualified. It should be noted, however, that the separate report of any predecessor accountant may be required in filings with the FDIC. If, for instance, the financial statements in the annual report to security holders are incorporated by reference in a Form F-2, the separate report of a predecessor accountant shall be filed in part II or in part IV as a financial statement schedule.

(2) Financial statements and notes thereto shall be presented in roman type at least as large and as legible as 10-point modern type. If necessary for convenient presentation, the financial statements may be in roman type as large and as legible as 8-point modern type. All type shall be leaded at least 2 points.

(3) The report shall contain the information required by § 335.622(f)—Disagreements on accounting and financial disclosure matters, and § 335.622(g)—Disclosure of selected quarterly financial data in notes to the financial statements, unless such situation did not exist or the bank is otherwise exempt from making such disclosures.

(4)(i) The report shall contain Selected Financial Data in accordance with the provisions of item 6 of the Form F-2 (§ 335.312).

(ii) The report shall contain Management's Discussion and Analysis of the bank's financial condition and results of operations in accordance with the provisions of item 7 of the Form F-2 (§ 335.312). Item 7 deals with results of operations.

(5) The report shall contain a brief description of the business done by the bank and its subsidiaries during the most recent year which will, in the

opinion of management, indicate the general nature and scope of the business of the bank and its subsidiaries. The report shall contain information as comprehensive as that required by schedule III of format F-9E.

(6) The report shall contain information as comprehensive as that required by item 1(c) of Form F-2 regarding the bank's lines of business.

(7) The report shall identify each of the bank's directors and officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed. See the definition of "officers" at § 335.102(s).

(8) The report shall contain the market price of the bank's common stock and related security holder matters in accordance with the provisions of item 5 of Form F-2 (§ 335.312).

(9) The bank's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the bank's annual report on Form F-2, including the financial statements and the schedules thereto required to be filed with the FDIC under § 335.310 for the bank's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, a bank need not undertake to furnish without charge copies of all exhibits to its Form F-2, provided that the copy of the annual report on Form F-2 furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the bank will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing the exhibit. If the bank's annual report to security holders complies with all of the disclosure requirements of Form F-2 and is filed with the FDIC in satisfaction of its Form F-2 filing requirements, the bank need not furnish a separate Form F-2 to security holders who receive a copy of such annual report.

(10) Subject to the foregoing requirements, the report may be in a form deemed suitable by management and the information required by subparagraphs 4 to 9 may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

Instruction. Banks are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

(11) This § 335.203 shall not apply, however, to solicitations made on behalf of the bank before the financial statements are available if solicitation is being made at the time in opposition to the bank and if the management's statement includes an undertaking in bold-face type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

4. Section 335.212 is amended: a. By removing item 8(f); b. by replacing in instruction 2(c) of item 7(e) the \$40,000 figure with "\$50,000"; c. by revising instruction 4 in item 14(b); and d. by adding instruction 5 to item 14(b) as follows:

§ 335.212 Form for proxy statement (Form F-5).

Item 14 ***

(b) ***

Instructions ***

4. Furnish the information required by item 7 of Form F-2 (§ 335.312).

5. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (1) a balance sheet of the bank (or the bank and its subsidiaries consolidated, if appropriate), (2) the balance sheets of the constituent businesses, (3) the changes to be effected in the succession, and (4) the pro forma balance sheet of the bank giving effect to the plan of succession. There shall also be filed in columnar form pro forma statements of income for the periods for which the results of operations of the acquired business would have been included in the bank income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

5. Section 335.221 is amended by revising item 4(b) to read as follows:

§ 335.221 Form for statement in election contests (Form F-6).

Item 4 ***

(b) Furnish for yourself and your associates the information required by item 7 of Form F-5 (§ 335.212).

6. Section 335.309a is amended: a. By revising item 2; b. by removing instruction 7(c) to the Instructions as to Exhibits; c. by adding instructions 8 and 9; and d. by removing item 18 and redesignating item 19 as new item 18 to the Instructions as to Exhibits as follows:

§ 335.309a Form for registration of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-1).

Item 2. Selected Financial Data; Management's Discussion and Analysis of Financial Condition and Rules of Operations

Furnish in comparative columnar form a summary of selected financial data for the bank for (a) Each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less), and

(b) Any additional fiscal years necessary to keep the summary from being misleading.

Instructions

1. The purpose of the summary of selected financial data shall be to supply in a convenient and readable format selected data which highlight significant trends in the bank's financial condition and results of operations.

2. Subject to appropriate variation to conform to the nature of the bank's business, the following items shall be included in the summary: operating revenues; income (loss) from continuing operations; income (loss) from continuing operations per common share; total assets; long-term obligations and redeemable preferred stock (including long-term debt, capital leases, and redeemable preferred stock) and cash dividends declared per common share. Banks may include additional items which they believe would enhance an understanding of and would highlight trends in their financial condition and results of operations.

3. Those banks which are required to provide five-year summary information in accordance with SFAS 33* may combine such information with the selected financial data appearing pursuant to this item.

4. All references to the bank in the summary and in these instructions shall mean the bank and its consolidated subsidiaries.

5. In addition, (a) if debt securities are registered under section 12 of the Act, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the bank or the bank and its consolidated subsidiaries.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed

income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. Discuss the bank's financial condition, changes in financial condition and results of operations. The discussion shall provide information as specified in instructions 5 (a), (b) and (c) to this item 4 with respect to liquidity, capital resources, and results of operations, and should also provide such other information which the bank believes to be necessary to an understanding of its financial condition, changes in financial condition and results of operations. Discussions of liquidity and capital resources may be combined whenever the two topics are interrelated. Where in the bank's judgment a discussion of segment information or of other subdivisions of the registrant's business would be appropriate to an understanding of such business, the discussion would focus on each relevant, reportable segment or other subdivision of the business and on the bank as a whole.

7. Identify any known trends or any known demands, commitments, events or uncertainties which will result in or which are reasonably likely to result in the bank's liquidity increasing or decreasing in any material way. If a material deficiency is identified, indicate the course of action which the bank has taken or proposes to take to remedy the deficiency. Identify and separately describe internal and external sources of liquidity, and briefly discuss any material unused sources of liquid assets.

8. Describe the bank's material commitments for capital expenditures as of the end of the latest fiscal period, and indicate the general purpose of such commitments and the anticipated source of funds needed to fulfill such commitments. Also, describe any known material trends, favorable or unfavorable, in the bank's capital resources. Indicate any expected material changes in the mix and the relative cost of such resources. This discussion should consider changes between equity, debt and any off-balance sheet financing arrangement.

9. Describe any unusual or infrequent events or transactions or any significant economic changes which materially affected the amount of reported income from continuing operations and, in each case, indicate the extent to which income was so affected. In addition, describe any other significant components of revenues or expense which, in the bank's judgment, should be described in order to understand the bank's results of operations.

10. Describe any known trends or uncertainties which have had or which the bank reasonably expects will have a material favorable or unfavorable impact on revenues or income from continuing operations. If the bank knows of events

* SFAS 33—Statement of Financial Accounting Standards No. 33, Financial Reporting and Changing Prices, published by the Financial Accounting Standards Board.

which will cause a material change in the relationship between costs and revenues (such as known future increases in costs of labor) the change in the relationship should be disclosed.

11. To the extent that the financial statements disclose material increases in revenues, provide a narrative discussion of the extent to which such increases are attributable to increases in prices or to increases in the volume or amount of services being sold or to the introduction of services.

12. For the three most recent fiscal years of the bank, or for those fiscal years beginning after December 25, 1979, or for those fiscal years in which the bank has been engaged in business, whichever period is shorter, discuss the impact of inflation and changing prices on the bank's revenues and on income from continuing operations.

13. The bank's discussion and analysis shall be of the financial statement and of other statistical data which the bank believes will enhance a reader's understanding of its financial condition, changes in financial condition and results of operations. Generally, the discussion should cover the three-year period covered by the financial statements and should utilize year-to-year comparisons or any other formats which in the bank's judgment enhance a reader's understanding. However, where trend information is relevant, reference to the five-year selected financial data appearing in item 6 of a Form F-2 may be necessary.

14. The purpose of the discussion and analysis should be to provide to investors and other users information relevant to an assessment of the financial condition and results of operations of the bank as determined by evaluating the amounts and certainty of cash flows from operations and from outside sources. The information provided in this item 2 need only include that which is available to the bank without undue effort or expense but which does not clearly appear in the bank's financial statements.

15. The discussion and analysis should specifically focus on material events and uncertainties known to management which would cause reported financial information not to be necessarily indicative of future operating results or of future financial condition. This would include description and amounts of (a) matters which would have an impact on future operations and have not had an impact in the past, and (b) matters which have had an impact on reported operations and are not expected to have an impact upon future operations.

16. Where the consolidated financial statements reveal material changes from year to year in one or more line items, the causes for the changes should be described to the extent necessary to an understanding of the bank's businesses as a whole; provided, however, if the causes for a change in one line item also relate to other line items, no repetition is required and a line-by-line analysis of the financial statements as a whole is not required or generally appropriate. Banks need not recite the amounts of changes from year to year which are readily computable from the financial statements. The discussion should not merely repeat numerical data contained in the consolidated financial statements.

17. The term "liquidity" refers to the ability of a bank to generate adequate amounts of cash to meet the bank's needs for cash. Except where it is otherwise clear from the discussion, the bank should indicate those balance sheet conditions or income or cash flow items which the bank believes may be indicators of its liquidity condition. Liquidity generally should be discussed on both a long-term and short-term basis. The issue of liquidity should be discussed in the context of the bank's own business or businesses.

18. Banks are encouraged, but not required, to supply forward-looking information. This is to be distinguished from presently-known data which will impact upon future operating results, such as known future increases in costs of labor. This latter data may be required to be disclosed. Any forward-looking information supplied is expressly covered by the safe harbor rule for projections. See § 335.103.

19. Banks which are required to provide narrative explanations of supplementary information disclosed in accordance with paragraph 37 of SFAS 33 may combine such explanations with the bank's discussion and analysis required pursuant to this provision or may supply such information separately. If such statement is combined, the supplementary information required by SFAS 33 shall be located in reasonable proximity to the discussion and analysis. If such statement is not combined the discussion of the impact of inflation otherwise required by this item may be omitted but an appropriate cross reference to the explanation required by paragraph 37 of SFAS 33 shall be made. Foreign banks need not comply with SFAS 33 but if, in its home country, a foreign bank must satisfy requirements that are analogous to SFAS No. 33, then such analogous presentation shall be given.

20. Banks which are not required to provide explanations of supplementary information disclosed in accordance with SFAS 33 (including foreign private banks) may discuss the effects of inflation and changes in prices in whatever manner appears appropriate under the circumstances. Although voluntary compliance with SFAS 33 is encouraged, it is not required. All that is required is a brief textual presentation of management's views. No specific numeric financial data need be presented.

21. Foreign private banks should also discuss briefly any pertinent governmental economic, fiscal, monetary, or political policies or factors which have materially affected or could materially affect, directly or indirectly, company operations or investments by United States nationals.

Instructions as to exhibits * * *

8. A statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the material contained in the registration statement.

9. A statement setting forth in reasonable detail the computation of ratios of earnings to fixed charges which appears in the registration statement.

7. Item 1 in § 335.312 remains unchanged; the remainder of § 335.312 is revised to read as follows:

§ 335.312 Form for annual report of bank (Form F-2).

Form F-2—Annual Report Under Section 13 of the Securities Exchange Act of 1934

For the fiscal year ended _____
FDIC Certificate No. _____
(Exact name of bank as specified in its charter) _____

(State or other jurisdiction of incorporation or organization) _____
(I.R.S. Employer Identification No.) _____
(Address of principal office) _____

(ZIP Code) _____
Bank's telephone number, including area code _____

Securities registered under section 12(b) of the Act:
Title of each class _____
Name of each exchange on which registered _____

Securities registered under section 12(g) of the Act:
(Title of class) _____
(Title of class) _____

Indicate by check mark whether the bank (1) has filed all reports required to be filed by section 13 of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the bank was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. YES—NO—

State the aggregate market value of the voting stock held by nonaffiliates of the registrant. The aggregate market value shall be computed by reference to the price at which the stock was sold, or the average bid and asked prices of such stock, as of a specified date within 60 days prior to the date of filing.

Indicate the number of shares outstanding of each of the registrant's classes of common stock, as of the latest practicable date.

Documents Incorporated by Reference

List hereunder the following documents if incorporated by reference and the part of the Form F-2 (e.g., part I, part II, etc.) into which the document is incorporated: (1) Any annual report to security holders; and (2) Any proxy or information statement. The listed documents should be clearly described for identification purposes (e.g., annual report to security holders for fiscal year ended December 24, 1980).

General Instructions

A. Rule as to Use of Form F-2.—This form shall be used for annual reports pursuant to section 13 of the Securities Exchange Act of 1934 (the "Act") for which no other form is prescribed. Reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report. However, all schedules required by § 335.626 may, at the option of the bank be filed as an amendment to the report not later than 120 days after the end of the fiscal year covered by the report.

B. Application of other rules and regulations.—Subparts A and C of Part 335 contain certain general requirements which are applicable to reports on a form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

C. Preparation of report.—(1) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report. Except as provided in general instruction F the answers to the items shall be prepared in the manner specified in § 335.361. The report shall contain the item numbers and captions of all items but the text of such items may be omitted.

(2) Except where information is required to be given for the fiscal year or as of a specified date, it shall be given as of the latest practicable date.

(3) Attention is directed to § 335.350, which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading."

D. Signature and filing of report.—Six complete copies of the report, including financial statements, financial statement schedules, exhibits, and all other papers and documents filed as part thereof, shall be filed with the FDIC. At least one complete copy of the report, including financial statements, financial statement schedules, exhibits, and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities of the registrant is registered. At least one complete copy of the report filed with the FDIC and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures. The report shall be signed by the registrant, and on behalf of the registrant by its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer, and by at least the majority of the board of directors or persons performing similar functions. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the report.

E. Disclosure with respect to foreign subsidiaries.—Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the bank. However, financial statements and financial statement schedules, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the FDIC. The FDIC may, in its discretion, call for justification that the required disclosure would be detrimental.

F. Information to be incorporated by reference

(1) Attention is directed to § 335.353 which provides for the incorporation by reference of

information contained in certain documents in answer or partial answer to any item of a report.

(2) The information called for by parts I and II of this form (items 1 through 8 or any portion thereof) may, at the bank's option, be incorporated by reference from the bank's annual report to security holders furnished to the FDIC pursuant to § 335.203 or from the bank's annual report to security holders, even if not furnished to the FDIC pursuant to § 335.203 provided such annual report contains the information required by § 335.203.

Note.—In order to fulfill the requirements of part I of Form F-2 the incorporated portion of the annual report to security holders must contain the information required by items 1-4 of Form F-2 to the extent applicable.

(3) The information called for by part III (items 9 and 10) shall be incorporated by reference from the bank's definitive proxy statement (filed or to be filed under to § 335.204(C) or definitive information statement (filed or to be filed under § 335.204(C) which involves the election of directors, if such definitive proxy statement or information statement is filed with the FDIC not later than 120 days after the end of the fiscal year covered by the Form F-2. However, if such definitive proxy or information statement is not filed with the FDIC in the 120-day period, the items comprising the part III information must be filed as part of the Form F-2, or as an amendment to the Form F-2 not later than the end of the 120-day period.

(4) No item numbers or captions of items need be contained in the material incorporated by reference into the report. However, the bank's attention is directed to § 335.353(e) regarding the specific disclosure required in the report concerning information incorporated by reference. When the bank combines all of the information in parts I and II of this form (items 1 through 8) by incorporation by reference from the bank's annual report to security holders and all of the information in part III of this form (items 9 and 10) by incorporation by reference from a definitive proxy statement or information statement involving the election of directors, then, notwithstanding general instruction C(1), this form shall consist of the facing or cover page, those sections incorporated from the annual report to security holders, the proxy or information statement, and the information, if any, required by part IV of this form, signatures, and a cross reference sheet setting forth the item numbers and captions in parts I, II and III of this form and the page and/or pages in the referenced materials where the corresponding information appears.

Part I—[See General Instruction F(2)]

Item 2—Properties

State briefly the location and general character, individually or by categories, of (a) properties held in fee, or leased, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other physical properties of material value

that are owned or leased by the bank or its subsidiaries. State the expiration dates of material leases. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded five percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Instruction. What is required is such information as will reasonably inform investors as to the suitability, adequacy and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

Item 3—Legal proceedings

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. Notwithstanding Instruction 2 to this item, administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be described.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Any material proceedings to which any director, officer or affiliate of the bank, any owner of record or beneficially of more than 5 percent of any class of voting securities of the bank, or any associate of any such director, officer or security holder is a party adverse to the bank or any of its subsidiaries or has a material interest adverse to the bank or any of its subsidiaries, also shall be described.

4. Notwithstanding the foregoing, if a receiver, fiscal agent or similar officer has been appointed for the bank or its parent, in a proceeding under the Bankruptcy Act or in any other proceeding under State or Federal law in which a court or governmental agency has assumed jurisdiction over substantially all of the assets or business of the bank or its parent, or if such jurisdiction has been assumed by leaving the existing directors and officers in possession but subject to the supervision and orders of a court or governmental body, identify the proceeding, the court or governmental body, the date jurisdiction was assumed, the identity of the

receiver, fiscal agent or similar officer and the date of the person's appointment.

5. Discuss the extent of insurance coverage if appropriate to the type of proceeding.

Item 4—Security Ownership of Certain Beneficial Owners and Management

Set forth the same information as is required to be furnished by items 5 (d), (e) and (g) of Form F-5 at § 335.212.

Note.—The information required by item 5(e) of Form F-5 need not be included for any nominee for election as a director.

Part II—[See General Instruction F(2)]

Item 5—Market for the Bank's Common Stock and Related Security Holder Matters

(a) Identify the principal market or markets on which the bank's common stock is being traded and, if a principal market for such stock is an exchange, state the high and low sales prices for the stock as reported in the consolidated transaction reporting system or, if not so reported, on such principal exchange for each quarterly period during the past two years. If the principal market for such common stock is not an exchange, state the range of high and low bid quotations for each quarterly period during the past two years, the source of such quotations and, if there is no market for such stock (excluding limited or sporadic quotations), furnish a statement to that effect.

(b) Set forth the approximate number of holders of common stock securities of the bank as of the latest practicable date.

(c) State the frequency and amount of any dividends declared during the past two years with respect to such common stock and briefly describe any restriction on the bank's present or future ability to pay such dividends. Where banks have a record of paying no dividends although earnings indicate an ability to do so, they are encouraged to consider the question of their intention to pay cash dividends in the foreseeable future and, if no such intention exists to make a statement of that fact in the filing. Banks which have a history of paying dividends are also encouraged to indicate whether there is a present expectation that dividends will continue to be paid in the future.

Instructions.

1. The computation of the approximate number of holders of such common stock may be based upon the number of record holders or may also include individual participants in security position listings. See § 335.501(b)(8). The method of computation which is chosen should be indicated.

2. If the bank is a foreign bank: (a) Describe briefly any governmental laws, decrees or regulations in the country in which the foreign bank is organized relating to restrictions on the export or import of capital, including but not limited to foreign exchange controls, affecting the remittance of dividends, interest and other payments of nonresident holders of the foreign bank's securities.

(b) State whether there are any limitations, either by the law of the country under which the foreign bank is organized or in the charter or other constituent document of the foreign

bank, on the right of foreigners to hold or vote securities. Outline briefly any such limitations.

(c) Outline briefly all taxes, including withholding provisions, to which United States security holders are subject under existing laws and regulations of the foreign country of origin. A brief description of pertinent provisions of any reciprocal tax treaties between such foreign country and the United States regarding withholding should be included. If there are no such treaties, so state.

Item 6—Selected Financial Data

Furnish in comparative columnar form a summary of selected financial data for the bank for:

(a) Each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less), and

(b) Any additional fiscal years necessary to keep the summary from being misleading.

Instructions.

1. The purpose of the summary of selected financial data shall be to supply in a convenient and readable format selected data which highlight significant trends in the bank's financial condition and results of operations.

2. Subject to appropriate variation to conform to the nature of the bank's business, the following items shall be included in the summary: operating revenues; income (loss) from continuing operations; income (loss) from continuing operations per common share; total assets; long-term obligations and redeemable preferred stock (including long-term debt, capital leases, and redeemable preferred stock); and cash dividends declared per common share. Banks may include additional items which they believe would enhance an understanding of and would highlight trends in their financial condition and results of operations.

3. Those banks which are required to provide five-year summary information in accordance with SFAS 33 may combine such information with the selected financial data appearing pursuant to this item.

4. All references to the bank in the summary and in these instructions shall mean the bank and its consolidated subsidiaries.

5. In addition, (a) if debt securities are registered under section 12 of the Act, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the bank or the bank and its consolidated subsidiaries.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and

(iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

Item 7. Management's Discussion and Analysis of Financial Condition and Results of Operations

Discuss the bank's financial condition, changes in financial condition and results of operations. The discussion shall provide information as specified in paragraphs (a), (b) and (c) of this item with respect to liquidity, capital resources, and results of operations, and should also provide such other information which the bank believes to be necessary to an understanding of its financial condition, changes in financial condition and results of operations. Discussions of liquidity and capital resources may be combined whenever the two topics are interrelated. Where in the bank's judgment a discussion of segment information or of other subdivisions of the registrant's business would be appropriate to an understanding of such business, the discussion would focus on each relevant, reportable segment or other subdivision of the business and on the bank as a whole.

(a) *Liquidity*—Identify any known trends or any known demands, commitments, events or uncertainties which will result in or which are reasonably likely to result in the bank's liquidity increasing or decreasing in any material way. If a material deficiency is identified, indicate the course of action which the bank has taken or proposes to take to remedy the deficiency. Identify and separately describe internal and external sources of liquidity, and briefly discuss any material unused sources of liquid assets.

(b) *Capital resources*—Describe the bank's material commitments for capital expenditures as of the end of the latest fiscal period, and indicate the general purpose of such commitments and the anticipated source of funds needed to fulfill such commitments. Describe any known material trends, favorable or unfavorable, in the bank's capital resources. Indicate any expected material changes in the mix and the relative cost of such resources. This discussion should consider changes between equity, debt and any off-balance sheet financing arrangement.

(c) *Results of operations*—Describe any unusual or infrequent events or transactions or any significant economic changes which materially affected the amount of reported income from continuing operations and, in each case, indicate the extent to which income was so affected. In addition, describe any other significant components of revenues or expense which, in the bank's judgment, should be described in order to understand the bank's results of operations. Describe any known trends or uncertainties which have had or which the bank reasonably expects will have a material favorable or unfavorable impact on revenues or income from continuing operations. If the bank knows of events which will cause a material change in the relationship between costs and revenues (such as known future increases in costs of labor) the change in the relationship should be disclosed. To the extent that the

financial statements disclose material increases in revenues, provide a narrative discussion of the extent to which such increases are attributable to increases in prices or to increases in the volume or amount of services being sold or to the introduction of new services. For the three most recent fiscal years of the bank, or for those fiscal years beginning after December 25, 1979, or for those fiscal years in which the bank has been engaged in business, whichever period is shorter, discuss the impact of inflation and changing prices on the bank's revenues and on income from continuing operations.

Instructions.

1. The bank's discussion and analysis shall be of the financial statement and of other statistical data which the bank believes will enhance a reader's understanding of its financial condition, changes in financial condition and results of operations. Generally, the discussion should cover the three year period covered by the financial statements and should utilize year-to-year comparisons or any other formats which in the bank's judgment enhance a reader's understanding. However, where trend information is relevant, reference to the five-year selected financial data appearing in item 6 of a Form F-2 may be necessary.

2. The purpose of the discussion and analysis should be to provide to investors and other users information relevant to an assessment of the financial condition and results of operations of the bank as determined by evaluating the amounts and certainty of cash flows from operations and from outside sources. The information provided in this item 7 need only include that which is available to the bank without undue effort or expense but which does not clearly appear in the bank's financial statements.

3. The discussion and analysis should specifically focus on material events and uncertainties known to management which would cause reported financial information not to be necessarily indicative of future operating results or of future financial condition. This would include description and amounts of (a) matters which would have an impact on future operations and have not had an impact in the past, and (b) matters which have had an impact on reported operations and are not expected to have an impact upon future operations.

4. Where the consolidated financial statements reveal material changes from year to year in one or more line items, the causes for the changes should be described to the extent necessary to an understanding of the bank's businesses as a whole; provided, however, if the cause for a change in one line item also relate to other line items, no repetition is required and a line-by-line analysis of the financial statements as a whole is not required or generally appropriate. Banks need not recite the amounts of changes from year to year which are readily computable from the financial statements. The discussion should not merely repeat numerical data contained in the consolidated financial statements.

5. The term "liquidity" as used in paragraph (a) of this item refers to the ability

of a bank generate adequate amounts of cash to meet the bank's needs for cash. Except where it is otherwise clear from the discussion, the bank should indicate those balance sheet conditions or income or cash flow items which the bank believes may be indicators of its liquidity condition. Liquidity generally should be discussed on both a long-term and short-term basis. The issue of liquidity should be discussed in the context of the bank's own business or businesses.

6. Banks are encouraged, but not required, to supply forward-looking information. This is to be distinguished from presently-known data which will impact upon future operating results, such as known future increases in costs of labor. This latter data may be required to be disclosed. Any forward-looking information supplied is expressly covered by the safe harbor rule for projections. See § 335.103.

7. Banks which are required to provide narrative explanations of supplementary information disclosed in accordance with paragraph 37 of SFAS 33 may combine such explanations with the bank's discussion and analysis required pursuant to this provision or may supply such information separately. If such statement is combined, the supplementary information required by SFAS 33 shall be located in reasonable proximity to the discussion and analysis. If such statement is not combined the discussion of the impact of inflation otherwise required by this item may be omitted but an appropriate cross reference to the explanation required by paragraph 37 of SFAS 33 shall be made. Foreign banks need not comply with SFAS 33 but if, in its home country, a foreign bank must satisfy requirements that are analogous to SFAS 33, then such analogous presentation shall be given.

8. Banks which are not required to provide explanations of supplementary information disclosed in accordance with SFAS 33 (including foreign private banks) may discuss the effects of inflation and changes in prices in whatever manner appears appropriate under the circumstances. Although voluntary compliance with SFAS 33 is encouraged, it is not required. All that is required is a brief textual presentation of management's views. No specific numeric financial data need be presented.

9. All references to the bank in the discussion and in these instructions shall mean the bank and its subsidiaries consolidated.

10. Foreign private banks should also discuss briefly any pertinent governmental economic, fiscal, monetary, or political policies or factors which have materially affected or could materially affect, directly or indirectly, company operations or investments by United States nationals.

Item 8—Financial Statements and Supplementary Data

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Subpart F governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts,

statement of changes in financial position and the schedules to be filed in support thereof.

(a) *Financial Statements of the Bank*—(1) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last two fiscal years and verified statements of income for each of the three fiscal years preceding the date of the most recent balance sheet being filed.

(2) Notwithstanding paragraph (1), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

(b) *Consolidated Statements*—There shall be filed for the bank and its majority-owned: (1) Bank premises subsidiaries, (2) subsidiaries doing a foreign banking business, and (3) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last two fiscal years of the bank and verified consolidated statements of income for three fiscal years.

(c) *Separate Statements of Unconsolidated Subsidiaries and Other Persons*—There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. For purposes of this item, "other persons" include 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

(d) *Filing of Other Statements in Certain Cases*—The FDIC may, upon the informal written request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The FDIC may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

Part III—[See General Instruction F(3)]

Item 9—Directors and Executive Officers of the Bank

(a) *Directors of the Bank*—Set forth the same information as is required to be furnished by item 6 (a), (b), (c) and (d) of Form F-5 at § 335.212.

Note.—The information required by item 6 (a), (b), (c) and (d) of Form F-5 need not be included for any nominee for election as a director.

(b) *Principal Officers of the Bank*—(1) *Principal officers.* List the names and ages of all principal officers of the bank and all persons chosen to become principal officers; indicate all positions and offices with the bank held by each such person; state the

person's term of office as officer and the period during which the person has served as such and briefly describe any arrangement or understanding between the person and any other person pursuant to which the person was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors of officers of the bank acting solely in their capacities as such.

2. No person chosen to become a principal officer who has not consented to act as such should be named in response to this item.

(2) **Significant employees.**—Where the bank employs persons such as special consultants who are not principal officers, but who make or are expected to make significant contributions to the business of the bank, such persons should be identified and their background disclosed to the same extent as in the case of principal officers.

(3) **Business experience.**—Give a brief account of the business experience during the past five years of each person chosen to become a principal officer, and each person named in answer to paragraph (2) of this item, including the person's principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When a principal officer or person named in response to paragraph (2) of this item has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. The requirement is information relating to the level of this person's professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) **Family relationships and involvement in certain legal proceedings.**—Set forth the same information as is required to be furnished by items 6(b) and (d) of Form F-5 at § 335.212 for each principal officer, person chosen to become a principal officer, and each person named in answer to paragraph (2).

Item 10—Management Remuneration and Transactions

Set forth the same information as is required to be furnished by item 7 of Form F-5 at § 335.212.

Part IV

Item 11—Exhibits, Financial Statement Schedules, and Reports on Form F-3

(a) **Contents.** List the following documents filed as a part of the report:

(1) All financial statements

(2) Those financial statement schedules required to be filed by item 8 of this form.

Instruction. Where any financial statement, financial statement schedule, or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. For purposes of all rules concerning incorporation by reference a financial statement schedule shall constitute an "exhibit". See § 335.353.

(b) **Reports on Form F-3.** State whether any reports on Form F-3 have been filed during the last quarter of the period covered by this report, listing the items reported, any financial statements filed and the dates of any such reports.

(c) **Exhibits.** The following exhibits shall be filed:

(1) **Articles of incorporation and bylaws**—whenever amendments to the articles or bylaws of the registrant are filed, there shall also be filed a complete copy of the articles or bylaws as amended.

(2) **Instruments defining the rights of security holders, including indentures.**

(3) **Material contracts**—(i) If the contract is such as ordinarily accompanies the kind of business conducted by the bank and its subsidiaries, it will be deemed to have been made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(A) Any contract to which directors, officers, promoters, voting trustees, security holders named in the report, or underwriters are parties other than contracts involving only the purchase or sale of current assets having a determinable market price, at such market price;

(B) Any contract calling for the acquisition or sale of any property, plant or equipment for a consideration exceeding 15% of the fixed assets of the bank on a consolidated basis; or

(C) Any lease under which a significant part of the property described in the registration statement or report is held by the bank.

(ii) Any management contract or any remunerative plan, contract or arrangement, including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) shall be deemed material and shall be filed except the following: not withstanding the above, any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants.

(4) **Statement re computation of per share earnings**—A statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the material contained in the registration statement or report.

(5) **Statements re computation of ratios**—A statement setting forth in reasonable detail the computation of ratios of earnings to fixed charges which appears in the report.

(6) **Annual report to security holders**—The bank's annual report to security holders for its last fiscal year if all or a portion thereof are incorporated by reference in the filing. Such report, except for those portions thereof which are expressly incorporated by reference in the filing, is to be furnished for the information of the FDIC and is not to be deemed "filed" as part of the

filing. If the financial statements in the report have been incorporated by reference in the filing, the accountant's certificate shall be manually signed on one copy.

(7) **Letter re change in accounting principles**—Unless previously filed, a letter from the bank's independent accountant indicating whether any change in accounting principles or practices followed by the bank, or any change in the method of applying any such accounting principles or practices which affected the financial statements being filed with the FDIC in the report or which is reasonably certain to affect the financial statements of future fiscal years is to an alternative principle which in his judgment is preferable under the circumstances. No such letter need be filed when such change is made in response to a standard adopted by the Financial Accounting Standards Board requiring such a change.

(8) **Previously unfiled documents**—All contracts and other documents of a type required to be filed as an exhibit to an original registration statement on Form F-1 or a report on Form F-4 which were executed or in effect during the reporting period and not previously filed, as well as all amendments or modifications, not previously filed, to all exhibits previously filed with Forms F-1, F-2, and F-4.

(9) List all subsidiaries of the bank, the state or other jurisdiction of incorporation or organization of each, and the names under which such subsidiaries do business. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as of the end of the year covered by this report. (See the definition of "significant subsidiary" in § 335.102(ee).) This list should be repeated in each annual filing or an express reference made to the most recent filing containing a complete and accurate list.

Signatures—(See General Instruction D)

Pursuant to the requirements of section 13 of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Bank) _____

By (Signature and Title)* _____

Date _____

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

(Signature and Title)* _____

(Date) _____

* * * * *

(Signature and Title)* _____

(Date) _____

*Print the name and title of each signing officer under his signature.

8. In § 335.321 item 3 is revised to read as follows:

§ 335.321 Form for current report of a bank (Form F-3).**Item 3—Legal Proceedings**

The description of legal proceedings shall include the information required by item 3 of Form F-2 at § 335.312. As to such proceedings which have been terminated during the period covered by the report, provide similar information, including the date of termination and a description of the disposition thereof with respect to the bank and its subsidiaries.

Instruction. A legal proceeding need only be reported in the Form F-3 filed for the month in which it first became a reportable event and in subsequent months in which there have been material developments. Subsequent Form F-3 filings in the same fiscal year in which a legal proceeding or a material development is reported should reference any previous reports in that year.

9. Section 335.331 is revised to read as follows:

§ 335.331 Form for quarterly report of a bank (Form F-4).**Form F-4**

Quarterly Report Under Section 13 of the Securities Exchange Act of 1934 for Quarter Ended _____
FDIC Insurance Certificate Number _____
(Exact name of bank as specified in its charter) _____

(State or other jurisdiction of incorporation or organization) _____

(I.R.S. Employer Identification No.) _____
(Address of principal executive offices) _____

(Zip Code) _____
Bank's telephone number, including area code _____
(Former name, former address and former fiscal year, if changed since last report) _____

Indicate by check mark whether the bank (1) has filed all reports required to be filed by section 13 of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the bank was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes — No —

Indicate the number of shares outstanding of each of the bank's classes of common stock, as of the latest practicable date.

A. Rule as to Use of Form F-4.—(a) Form F-4 shall be used for quarterly reports under section 13 of the Securities Exchange Act of 1934, filed under § 335.330.

(b) A report on this form shall be filed within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

B. Application of General Rules and Regulations.—Particular attention is directed to § 335.360 which contains general requirements regarding matters such as the kind and size of paper to be used, the printing and the language; § 335.364 regarding the information to be given whenever the title of securities is required to be stated; and

§ 335.701 regarding the filing of the report. The definitions contained in § 335.102 should be especially noted.

C. Preparation of Report.—(a) This is not a blank form to be filled in. It is a guide to be used in preparing the report in accordance with § 335.330. The FDIC does not furnish blank copies of this form to be filled in for filing.

(b) These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

D. Incorporation by Reference to Published Statements.—If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

E. Signature and Filing of Report.—Six copies of the report shall be filed with the FDIC. At least one copy of the report shall be filed with each exchange on which any class of securities of the bank is listed and registered. At least one copy of the report filed with the FDIC and one copy filed with each such exchange shall be manually signed on the bank's behalf by a duly authorized officer of the bank and by the principal financial officer or chief accounting officer of the bank. Copies not manually signed shall bear typed or printed signatures.

Item 1—Financial Statements

(a) **Condensed statements.**—Interim financial statements shall follow the general form and content of presentation prescribed by subpart F of this Part 335 with the following exceptions:

(1) Interim financial statements required by this rule need only be provided as to the bank and its subsidiaries consolidated and may be unaudited. Separate statements of other entities which may otherwise be required by this regulation may be omitted.

(2) Interim balance sheets shall include only major captions prescribed by § 335.627A. Where any major balance sheet caption is less than 10 percent of total assets, and the amount in the caption has not increased or decreased by more than 25 percent since the end of the preceding fiscal year, the caption may be combined with others.

(3) Interim statements of income shall also include major captions prescribed by § 335.627B. When any major income statement caption is less than 15 percent of average net income for the most recent three fiscal years and the amount in the caption has not increased or decreased by more than 20 percent as compared to the corresponding interim period of the preceding fiscal year, the caption may be combined with others. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this text.

(4) The statement of changes in financial position may be abbreviated, starting with a single figure or funds provided by operations

and showing other changes individually only when they exceed 10 percent of the average of funds provided by operations for the most recent three years.

(5) The interim financial information shall include disclosure either on the face of the financial statements or in accompanying footnotes sufficient so as to make the interim information presented not misleading. Banks may presume that users of the interim financial information have read or have access to the verified financial statements for the preceding fiscal year and that the adequacy of additional disclosure needed for a fair presentation, except in regard to material contingencies, may be determined in that context. Accordingly, footnote disclosure which would substantially duplicate the disclosure contained in the most recent annual report to security holders or latest verified financial statements, such as a statement of significant accounting policies and practices, details of accounts which have not changed significantly in amount or composition since the end of the most recently completed fiscal year, and detailed disclosures prescribed by § 335.621 or § 335.622, may be omitted. However, disclosure shall be provided where events subsequent to the end of the most recent fiscal year have occurred which have a material impact on the bank. Disclosures should encompass for example, significant changes since the end of the most recently completed fiscal year in such items as: accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant new borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Notwithstanding the above, where material contingencies exist, disclosure of such matters shall be provided even though a significant change since year end may not have occurred.

(6) Detailed schedules otherwise required by § 335.626 may be omitted for purposes of preparing interim financial statements.

(b) **Other instructions as to content.**—The following additional instructions shall be applicable for purposes of preparing interim financial statements:

(1) Summarized income statement information shall be given separately as to each subsidiary not consolidated or 50 percent or less owned persons or as to each group of such subsidiaries or fifty percent or less owned persons for which separate individual or group statements would otherwise be required for annual periods.

(2) If appropriate, the income statement shall show earnings per share and dividends per share applicable to common stock and the basis of the earnings per share computation shall be stated together with the number of shares used in computation. The bank shall file as an exhibit, a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is otherwise clearly set forth in the report.

(3) If, during the most recent interim period presented, the bank or any of its consolidated

subsidiaries entered into a business combination treated for accounting purposes as a pooling of interests, the interim financial statements for both the current year and the preceding year shall reflect the combined results of the pooled businesses. Supplemental disclosure of the separate results of the combined entities for periods prior to the combination shall be given, with appropriate explanations.

(4) Where a material business combination accounted for as a purchase has occurred during the current fiscal year, pro forma disclosure shall be made of the results of operations for the current year up to the date of the most recent interim balance sheet provided (and for the corresponding period in the preceding year) as though the companies had combined at the beginning of the period being reported on. This pro forma information shall be a minimum show revenue, income before extraordinary items and the cumulative effect of accounting changes, including such income on a per share basis, and net income and net income per share.

(5) In addition to meeting the reporting requirements specified by existing standards for accounting changes, the bank shall state the date of any material accounting change and the reasons for making it. In addition, a letter from the registrant's independent accountant shall be filed as an exhibit in the first Form F-4 subsequent to the date of an accounting change indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances; except that no letter from the accountant need be filed when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such change.

(6) Any material retroactive prior period adjustment made during any period covered by the interim financial statements shall be disclosed, together with the effect thereof upon net income—total and per share—of any prior period included and upon the balance of undivided profits. If results of operations for any period presented have been adjusted retroactively by such an item subsequent to the initial reporting of such period, similar disclosure of the effect of the change shall be made.

(7) The interim financial statements furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods presented. A statement to that effect shall be included. Such adjustments shall include, for example, appropriate estimated provisions for bonus and profit sharing arrangements normally determined or settled at year-end.

(c) *Periods to be covered*—For filings on Form F-4, financial statements shall be provided as set forth below:

(1) An interim balance sheet as of the end of the most recent fiscal quarter and a balance sheet as of the end of the preceding fiscal year shall be provided. The balance sheet as of the end of the preceding fiscal year may be condensed to the same degree as the interim balance sheet provided. An interim balance sheet as of the end of the corresponding fiscal quarter of the preceding fiscal year need not be provided unless necessary for an understanding of the impact

of seasonal fluctuations on the bank's financial condition.

(2) Interim statements of income shall be provided for the most recent fiscal quarter, for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding periods of the preceding fiscal year. Such statements may also be presented for the cumulative twelve-month period ended during the most recent fiscal quarter and for the corresponding preceding period.

(3) Interim statements of changes in financial position and statements of changes in capital accounts shall be provided for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding period of the preceding fiscal year. Such statements may also be presented for the cumulative twelve-month period ending during the most recent fiscal quarter and for the corresponding preceding period.

(d) *Review by independent public accountant*—The interim financial information included in filings with the FDIC need not be reviewed by an independent public accountant prior to filing. If, however, a review of the data is made in accordance with established professional standards and procedures for such a review, the bank may state that the independent accountant has performed such a review. If such a statement is made, the report of the independent accountant on such review shall accompany the interim financial information.

(e) *Filing of other interim financial information in certain cases*—The FDIC may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of any of the interim financial information herein required or the filing in substitution thereof of appropriate information of comparable character. The FDIC may also by informal written notice require the filing of other information in addition to, or in substitution for, the interim information herein required in any case where such information is necessary or appropriate for an adequate presentation of the financial condition of any person for which interim financial information is required, or whose financial information is otherwise necessary for the protection of investors.

Item 2—Management's Discussion and Analysis of Financial Condition and Results of Operations

Management's discussion and analysis of the financial condition and results of operations shall be provided so as to enable the reader to assess material changes in financial condition and results of operations between the periods specified in (1) and (2) below. The discussion and analysis shall include a discussion of material changes in the bank's liquidity, capital resources and results of operations.

(a) *Material changes in financial condition*—Discuss any material changes in financial condition from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided. If the interim financial statements include an interim balance sheet as of the corresponding

interim date of the preceding fiscal year, any material changes in financial condition from that date to the date of the most recent interim balance sheet provided shall also be discussed. If discussions of changes from both the year-end and the corresponding interim date of the preceding fiscal year are required, the discussions may be combined at the discretion of the bank.

(b) *Material changes in results of operations*—Discuss any material changes in the bank's results of operations with respect to the most recent fiscal year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. The discussion also shall cover material changes with respect to the most recent fiscal quarter and the corresponding fiscal quarter in the preceding fiscal year. In addition, if the bank has elected to provide an income statement for the twelve-month period ended as of the date of the most recent interim balance sheet provided, the discussion shall also cover material changes with respect to that twelve-month period and the twelve-month period ended as of the corresponding interim balance sheet date of the preceding fiscal year.

Instructions. 1. In preparing the discussion and analysis required by this paragraph, the bank may presume that users of the interim financial information have read or have access to the discussion and analysis required in the bank's most recent Form F-2 or Form F-1.

2. The discussion and analysis required by this paragraph is required to focus only on material changes. Where the interim financial statements reveal material changes from period to period in one or more significant line items, the causes for the changes should be described if they have not already been disclosed; provided, however, if the causes for a change in one line item also relate to other line items, no repetition is required. Banks need not recite the amounts of changes from period to period which are readily computable from the financial statements. The discussion should not merely repeat numerical data contained in the financial statements. The information provided should include that which is available to the bank without undue effort or expense and which does not clearly appear in the bank's interim financial statements.

3. The bank's discussion of material changes in results of operations should identify any significant elements of the bank's income or loss from continuing operations which do not arise from or are not necessarily representative of the bank's ongoing business.

4. The bank should discuss any seasonal aspects of its business which have had a material effect upon its financial condition or results of operation.

5. Banks are encouraged but are not required to discuss forward-looking information.

Signatures

Under the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf

by the undersigned thereunto duly authorized.

(Name of bank) _____

Date _____ (Signature) _____

Date _____ (Signature) _____

¹ Print name and title of signing officer under his signature.

10. Section 335.358 is revised to read as follows:

§ 335.358 Notification of inability to timely file all or any required portion of a Form F-2, F-4 or SEC Form 20-F.

(a) If all or any required portion of an annual report on Form F-2 or SEC Form 20-F or a quarterly report on Form F-4 required to be filed pursuant to section 13 of the Act and rules thereunder is not filed within the time period prescribed for such report, the bank, no later than one business day after the due date for such report, shall file a notification with the FDIC which shall contain disclosure of the inability to file the report timely and the reasons therefor in reasonable detail.

(b) With respect to any report or portion of any report described in paragraph (a) of this section which is not timely filed because the bank is unable to do so without unreasonable effort or expense, such report shall be deemed to be filed on the prescribed due date for such report if:

(1) The bank files a notification in compliance with paragraph (a) of this section and, when applicable, furnishes the exhibit required by paragraph (c) of this section;

(2) The bank represents in the notification that:

(i) The reason(s) causing the inability to file timely could not be eliminated by the bank without unreasonable effort or expense; and

(ii) Either the subject annual report/portion thereof will be filed no later than the fifteenth calendar day following the prescribed due date or the subject quarterly report/portion thereof will be filed no later than the fifth calendar day following the prescribed due date; and

(3) The report/portion thereof is actually filed within the period specified by paragraph (b)(2)(ii) of this section.

(c) If paragraph (b) of this section is applicable and the reason the subject report/portion thereof cannot be filed timely without unreasonable effort or expense relates to the inability of any person, other than the bank to furnish any required opinion, report or certificate, the notification shall have attached as an exhibit a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, report or certification on or before the date such report must be filed.

(d) If a notification filed pursuant to paragraph (a) of this section relates only to a portion of a subject report, the bank shall:

(1) File the balance of such report and indicate on the cover page thereof which disclosure items are omitted; and

(2) Include, on the upper right corner of the amendment to the report which includes the previously omitted information, the following statement:

The following items were the subject of a notification under § 335.358 and are included herein: (List Item Numbers)

11. Section 335.508 is revised to read as follows:

§ 335.508 Exemption from statutory pro rata requirement.

Notwithstanding the pro rata provisions of section 14(d)(6) of the Act, if any person makes a tender offer or request or invitation for tenders, for less than all of the outstanding equity securities of a class, and if a greater number of securities are deposited pursuant thereto than such person is bound or willing to take up and pay for, the securities taken up and paid for shall be taken up and paid for as nearly as may be pro rata, disregarding fractions, according to the number of securities deposited by each depositor during the period such offer, request or invitation remains open.

12. In § 335.604, paragraph (f) is revised to read as follows:

§ 335.604 Examination by independent public accountants.

(f) *Examination of financial statements by more than one independent public accountant.* If, with respect to the examination of the financial statements, part of the examination is made by an independent accountant other than the principal accountant and the principal accountant elects to place reliance on the work of the other accountant and makes reference to that effect in his report, the separate report of the other accountant shall be filed. However, notwithstanding the provisions of this section, reports of other accountants which may otherwise be required in filings need not be presented in annual reports to security holders furnished pursuant to the proxy and information statement rules.

§ 335.206 [Amended]

13. Section 335.206(a) is amended by removing the word "section" and inserting in its place "subpart B".

§ 335.220 [Amended]

14. Section 335.220 is amended: a. by removing the word "paragraph" wherever it appears in paragraph (a), (b)(1), (c) (1), (2), (3) and (6), (f) and (h), and inserting in its place the word "section"; and b. by removing the word "section" wherever it appears in paragraphs (a) and (f) and inserting in its place "subpart B".

§ 335.411 [Amended]

15. Section 335.411(d) is amended: a. by removing "§ 335.410(d)(2)" and inserting in its place "§ 335.411(d)(2)" in paragraph (d)(1); b. by removing "§ 335.410(d)(1)" and inserting in its place "§ 335.411(d)(1)" in paragraph (d)

(2) and (3); and c. by removing "§ 335.410(d)" and inserting in its place "§ 335.411(d)" in paragraph (d)(4).

16. Section 335.411(d)(3) is amended by inserting a comma between "section 335.411(d)(1)" and the word "under".

§ 335.506 [Amended]

17. Section 335.506(e)(1)(i) is amended by removing the word "holder" and inserting in its place the word "bidder".

§ 335.509 [Amended]

18. In § 335.509, the title is revised to read "Solicitation/recommendation statements with respect to certain tender offers (Form F-12)".

§ 335.512 [Amended]

19. In § 335.512, the caption for item 3 is revised to read "Item 3—Past Contacts, Transactions or Negotiations With the Subject Bank".

§ 335.621 [Amended]

20. Section 335.621(c)(3) is amended by removing the word "and" and inserting in its place the word "plan".

By order of the Board of Directors,
December 5, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-33055 Filed 12-13-83; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 398

Guidelines for Individual Determinations of Essential Air Transportation; Maximum Available Capacity

CFR Correction

In the January 1, 1983 revision of Title 14 of the Code of Federal Regulations, Parts 200 to 1199, in Part 398, the text of § 398.6 is incorrect. Section 398.6 appearing on page 664 should read as follows:

§ 398.6 Maximum available capacity to be guaranteed by the Board

(a) Only under unusual circumstances will an eligible point's essential air service level be fixed at a number of flights that will accommodate more than 80 passengers each day at the point (40 passengers from the eligible point and 40 passengers back to that point). Generally, 80 passengers can be accommodated by guaranteeing 160 available seats each day at the point (80 seats in each direction).

(b) The Board may guarantee an eligible point more than 160 seats each day if:

(1) The number of stops between or beyond the eligible point and the hub results in available aircraft capacity serving at the eligible point being shared with passengers at those intermediate stops or beyond points;

(2) The distance between the eligible point and the designated hub requires the use of large aircraft;

(3) The eligible point is extremely isolated;

(4) The eligible point has suffered an abrupt and significant reduction in its service that warrants a temporary increase in the maximum guaranteed capacity for that point; or

(5) Other unusual circumstances warrant guaranteeing the eligible point more than 160 seats each day.

(c) Eligible points receiving self-sufficient air service will, in the event of service reductions, generally not be guaranteed more than 75 percent of their present level of service to a maximum of 80 available seats each day in each direction (160 seats total).

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Submission of Development or Production Plans; Exemption

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule modifies the regulations concerning the practices and procedures for submission, review, and approval of exploration plans and development and production plans on the offshore and for coordination and consultation with affected States and local governments during the Federal decisionmaking process on the proposed plans. The final rule implements the provisions of sections 5 and 25 of the Outer Continental Shelf Lands Act (OCSLA), as amended in 1978, to provide for the exemption of lessees in certain areas from the obligation of submitting development and production plans prior to the commencement of development or production activities. The final rule follows upon the analysis of comments received in response to a Notice of Proposed Rulemaking published on October 6, 1981 (46 FR 49554).

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION:

Background

Section 25 of the OCSLA, as amended in 1978, requires that lessees submit a development and production plan to the Secretary of the Interior for approval prior to the development and production of a lease in any area other than the Gulf of Mexico except areas adjacent to the State of Florida (hereinafter referred to as the "western Gulf of Mexico"); copies of the Western/Eastern Gulf of Mexico Demarcation Line map may be obtained from MMS offices. A copy of this map was printed in the *Federal Register* of October 6, 1981 at page 49559 issued after September 18, 1978, or for leases issued prior to that date for which no oil or gas had been discovered in paying quantities. Since the enactment of the amendments in 1978, representatives of the regulated industry have contended that Congress stripped the Secretary of the authority to require lessees in the western Gulf of Mexico and tracts leased prior to September 18, 1978, on which oil and gas had been discovered in paying quantities (primarily in the Santa Barbara Channel area) to submit development and production plans. The Department of the Interior (DOI) has consistently rejected the theory of absolute exemption of those areas. It remains our view that the Secretary may exempt lessees in the western Gulf of Mexico and areas where oil or gas had been discovered in paying quantities prior to the enactment of the 1978 amendments from the requirements of preparing and submitting development and production plans.

Relying on section 25 alone for the authority to require development and production plans ignores the genesis of the requirement in section 5 of the OCSLA of 1953. Section 5 has been used as authority for requiring similar plans as far back as 1954. Under section 5, the Secretary is responsible for administering the provisions of the Act relative to offshore leasing, " * * * and shall prescribe such rules and regulations as may be necessary to carry out such provisions." The Secretary cannot carry out this responsibility without the authority to require lessees to provide information necessary to determine if activities are consistent with the Act and the implementing regulations. In keeping with the language of sections 5 and 25, the Secretary, on October 6, 1981, proposed to exempt lessees in the

western Gulf of Mexico and in areas where oil or gas had been discovered in paying quantities prior to enactment of the 1978 amendments from the requirement to submit plans of development and production and to limit the information required from lessees in the two areas to that " * * * necessary to assure conformance with the Act, other laws, applicable regulations, lease provisions, or as otherwise needed by the Director to carry out his functions and responsibilities." At the same time, a proposed Notice to Lessees (NTL) for the Gulf of Mexico and a sample of the information to be required were published by way of illustration. Following analysis of the comments received in response to the Notice of Proposed Rulemaking, the Secretary is promulgating this final rule.

Comments

A total of 19 comments were received in a timely fashion: 13 from industry or trade organizations, 5 from Federal or State agencies, and 1 from a public interest organization.

Difference Between Proposed Rule and Final Rule:

There are several differences between the proposed rule and final rule:

1. The title of the information required to be submitted to the Director is changed from an Application for Permission to Conduct Operations to a Development Operations Coordination Document.

2. Section 250.34-2(a)(2)(ii) is amended to assure that any references to the requirement of a development and production plan in laws, regulations, lease provisions, agreements, or elsewhere are deemed to be satisfied by the information required for submission to the Director, in the form of a Development Operations Coordination Document.

3. The proposed deletion of the requirement to publish a notice of receipt of a development and production plan in § 250.34-2(b)(1) is rejected.

4. The proposed deletion of the phrase " * * * submitted to the extent that such information is accurate, current, and applicable to the geographic area and the proposed activities covered by the plan." in § 250.34-3(a) and § 250.34-3(b) is rejected.

5. The final rule exempts only leases in the western Gulf of Mexico from the development and production plan requirement, whereas the proposed rule would also have exempted leases in areas other than the western Gulf of Mexico on which oil and gas in paying quantities had been discovered, but not

produced, prior to the date of enactment of the 1978 amendments of the OCSLA.

Discussion of Comments

The majority of commenters supported the basic intent of the proposed rule, to reduce the information burden on lessees in the Gulf of Mexico, while continuing to assure that necessary information is provided to the Secretary. The following discussion includes a response to the comments received during the comment period provided in the Notice of Proposed Rulemaking.

1. Exemption for Development and Production Plans

Several commenters voiced the opinion that section 25 exempted lessees of leases on the western Gulf of Mexico and certain Pacific leases from any requirement to submit a development and production plan. They stated that the law precludes the Secretary from requiring such a plan for those areas. We disagree that section 25 creates an absolute bar.

It is our view, confirmed by an opinion of the Solicitor of the DOI, that section 25 authorizes the Secretary to exempt lessees who hold leases in the western Gulf of Mexico and leases on which oil and gas had been discovered in paying quantities prior to the enactment of the amendments of 1978 from the requirement to submit development and production plans. The Secretary exercises that authority with respect to the western Gulf of Mexico in this final rule. This exemption from the requirement to submit development and production plans for leases in the western Gulf of Mexico is not to be construed as an abdication by the Secretary of his responsibility to obtain from lessees such information as he believes is necessary to discharge his statutory duties under the OCSLA. His authority and responsibility in that regard stem not only from section 25 of that Act but from all the other provisions of the Act which must be read together into a consistent unity. Development and production plans will no longer be required for leases in the western Gulf of Mexico, but such information as the Secretary determines is necessary will be required. The draft NTL published with the Notice of Proposed Rulemaking on October 6, 1981, was illustrative of the category of information.

One commenter felt that Congress intended the exemption to preclude the triggering effect of a plan for purposes of State consistency requirements under section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA). We disagree.

Nothing in the law creates an exception to the requirement for consistency concurrence required of a State with an approved coastal zone management plan. In fact, section 608(a) of the OCSLA specifically provides that " * * * nothing in this Act shall be construed to amend, modify, or repeal any provision of the Coastal Zone Management Act of 1972 * * *." Therefore, consistency concurrences continue to be required for activities offshore which affect the coastal zones of Alabama, Mississippi, and Louisiana, the western Gulf States, with approved coastal zone management plans.

That commenter also disagreed with the DOI's requirement for submission of information to be passed on to States for consistency concurrence and felt that the decision as to what information a coastal State required from an individual offshore lessee should be left to the State. The DOI has been serving and will continue to serve as a clearinghouse for the CZMA consistency information and, as such, is providing a service to the lessees as well as to the States. This avoids the imposition of overlapping, duplicative submission requirements being imposed by individual affected States. Requiring the information in a workable format serves to avoid delays for the States, the Federal Government, and the lessees.

A number of commenters questioned the application of the proposed rules to areas other than the western Gulf of Mexico, i.e., Santa Barbara Channel area leases. Section 25 allows the exemption for areas other than the western Gulf of Mexico where oil and gas had been discovered in paying quantities, but not produced, prior to September 18, 1978. Under this language, certain tracts in the Santa Barbara Channel area could have been exempted from plan requirements under section 25. In our view, however, such exemption is not mandatory. Because of the environmental sensitivity of the area encompassing these tracts and in light of the view of the adjacent State of California, Santa Barbara Channel coastal communities, and other commenters opposing the exemption for Santa Barbara Channel area leases, the Secretary has determined that it would not be appropriate to exempt the leases in the Santa Barbara Channel area from the development and production plan requirement. The Secretary does, of course, retain the authority to do so should it be appropriate in the future.

2. Public Notice of Plans

Several commenters objected to the proposed elimination of public notice through publication in the Federal

Register of the receipt of development and production plans. Upon reconsideration, we have concluded that the notice should not be eliminated. The notice provides an opportunity for State and local governments and for public participation and comment as Congress intended. Therefore, the first sentence of 30 CFR 250.34-2(b)(1) shall remain unchanged.

3. Submission of Exploration Plans

The commenters were divided on the proposal to extend the deadline for the submission of an exploration plan from 2 years to 4 years into the term of a lease. Several commenters objected to the provision of any deadline, claiming that the statute does not provide for a deadline. The commenters stated that the only time requirement involved is simply one of sequence in that an exploration plan must precede exploration activity necessary to prevent expiration of a lease at the end of its primary term. While we agree that there is no specific statutory language establishing a deadline for submission of exploration plans, the Secretary has authority to establish a reasonable procedure to assure the prompt and efficient exploration of a lease area. Establishing a deadline for the submission of an exploration plan provides a reasonable time for review and analysis of submitted plans and approval of proposed activities as well as time to modify the plan in the event of disapproval. Several commenters objected on the grounds that the exploration plan deadline is contrary to the Secretary's policy to inventory offshore resources as quickly as possible and raises questions about prompt and efficient requirements. We disagree that extending the time within which lessees must file exploration plans will delay the inventory of resources or development offshore. On the contrary, it gives lessees needed flexibility to explore and develop a lease in the most efficient and effective manner consistent with sound engineering and business judgment. It further avoids the filing of premature plans that result in more delay because of subsequent revisions. It should be emphasized that extending the deadline in no way precludes a lessee from submitting a plan at any time prior to the deadline when the lessee has the pertinent information and is ready to commence exploration activity. Some commenters also objected to the lack of a set period for submission of exploration plans on leases with terms longer than 5 years. Section 8(b)(2) of the OCSLA provides that leases shall

* * * be for an initial period of—

(A) Five years; or

(B) Not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions * * *

It is clear that Congress distinguished between normal circumstances, for which the 5-year lease term was authorized, and the unusual circumstances, for which a lease term of longer than 5 years was authorized. Consistent with that distinction, a uniform exploration plan deadline is reasonably established for 5-year leases while a different exploration plan deadline may be provided on a lease-offering basis for leases with longer terms because of unusual adverse conditions.

4. Miscellaneous Comments

One commenter objected to the characterization of the information required to be provided in lieu of a development and production plan as an Application for Permission to Conduct Operations (APCO) because it creates the impression that approval of the APCO means development and production activities can commence. However, other permits and licenses must be obtained before commencement of such activity. On the commenter's suggestion, the information will be called a Development Operations Coordination Document (DOCD).

A commenter objected to the proposed change whereby the "approximate" location of each proposed exploratory well would be changed to require the "general" location. This is not intended to be a substantive change from the current practice but only to correct the regulations to be consistent with the language of the statute.

A commenter recommended the deletion of the requirement in § 250.34-2(a)(1) that requires a development and production plan to provide for the development and production of all known hydrocarbon accumulations capable of production in paying quantities on the lease. The commenter felt this deletion to be consistent with the deletion in § 250.34-1(a)(1) of the requirement that exploration plans identify all potential hydrocarbon accumulations to the extent possible. We do not believe that the requirements are parallel. Deleting the requirement that a lessee estimate hydrocarbon potential prior to exploration is not analogous to the requirement that a lessee's development schedule be complete, based upon all known

information obtained during the lessee's exploration activities.

A number of commenters objected to the deletion of the phrase in § 250.34-3 (a) and (b) that required information be " * * * accurate, current, and applicable * * *." The deletion was proposed because it was thought the phrase unnecessarily described the information which would be required in any event. However, the proposal gave the false impression that DOI would accept information that was less than accurate, current, or applicable. Therefore, the phrase is being retained.

Several commenters felt that the proposal to authorize waivers of procedural requirements in § 250.34-1(h) would set a bad precedent and could result in delays because no time limit for action by the Director is provided. We disagree that the waiver would have such impacts. Authority to waive procedural requirements applies to situations where the Director has required modification of plans that have been disapproved and resubmitted following that disapproval. The change is intended to facilitate a resolution of minor changes without necessitating another disapproval and unnecessarily time-consuming resubmittal. DOI does not intend to waive notice requirements in any event.

A commenter questioned whether the elimination of the requirement to submit development and production plans under 30 CFR 250.34-2 in the western Gulf of Mexico, or elsewhere, eliminated the necessity to provide information, such as that required under 30 CFR 250.57, relating to air quality. This final rule relates only to the requirements for a development and production plan under 30 CFR 250.34-2. It is not intended to change requirements concerning the submission of information under other provisions in the regulations, such as that in 30 CFR 250.57. Such information will be submitted with a DOCD as necessary.

Authors

Jane Roberts, David Schuenke, and William Cook, Minerals Management Service, U.S. Department of the Interior, ((703) 860-7916).

Regulatory Analysis and Small Entity Flexibility Analysis

The DOI has determined that this final rule is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. The average savings per lease is \$2,000 and approximately 900 plans are submitted each year or a total of \$1,800,000 per year. In addition, the DOI has determined that this rule will not

have a significant economic effect on a substantial number of small entities because the technical complexity and capital investment required is beyond the capabilities of entities considered small and therefore, this rule does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

The information collection requirements contained in 30 CFR 250.34 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0049.

List of Subjects 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Governments contracts, Investigations, Mineral royalties, Oil and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting and recordkeeping requirements.

David C. Russell,
Acting Director.

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons set out in the preamble, 30 CFR Part 250 is amended as set out below:

1. In 30 CFR 250.0, paragraph (i) is added to read as follows:

§ 250.0 Authority for information collection.

(i) The information collection requirements contained in 30 CFR 250.34 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0049. The information is being collected and will be used to analyze and evaluate the planned exploration and development and production activities of lessees offshore, in order to assure compliance with the requirements of the OCS Lands Act, 43 U.S.C. 1331 et seq. The obligation to respond is mandatory.

§ 250.34-1 [Amended]

2. The fifth sentence of § 250.34-1(a)(1), beginning with the words "An exploration plan * * *" is removed.

3. Section § 250.34-1(a)(1)(iv) is amended to remove the word "approximate" and add the word "general," in lieu thereof.

4. Section § 250.34-1 (a)(3), (f), and (h) are revised to read as follows:

§ 250.34-1 Exploration plan.

(a) * * *

(3) For leases issued with an initial period of 5 years, the leases shall submit an exploration plan prior to the end of the fourth lease year, unless the Director authorizes submission of an exploration plan at a later date, but before expiration of the lease. A request to the Director for permission to submit an exploration plan after the fourth anniversary of the lease date shall be supported by a general statement of exploration intentions.

For leases issued with an initial period of more than 5 years, the lessee shall submit an exploration plan within the period of time specified at the time the tracts are offered for leasing. These requirements shall apply only to leases issued after December 13, 1979.

(f) The lessee may resubmit an exploration plan, as modified, to the Director. Within 30 days of resubmission, the Director shall approve, disapprove, or require modification of the modified plan based upon the criteria in paragraphs (e)(1) (i), (ii), and (iii) of this section.

(h) When the Director requires modification to a resubmitted exploration plan as provided in paragraph (f) of this section, the Director may waive procedural requirements as he considers appropriate.

5. The third sentence of § 250.34-1(j)(2) dealing with additional permits is amended by removing the word "shall" and adding the word "may," in lieu thereof.

6. The citation in the first sentence of § 250.34-1(l) is corrected by changing "30 CFR 250.41(a)" to read "30 CFR 250.36."

7. In § 250.34-2, the first sentence of (a)(1) introductory text is amended, and paragraphs (a)(2), and (h) are revised to read as follows:

§ 250.34-2 Development and production plan.

(a)(1) Except as provided in paragraph (a)(2) of this section, no development or production activities may be commenced or conducted on any leased area, except in accordance with a development and production plan approved by the Director. * * *

(2)(i) Development and production plans will not be required for leases in the western Gulf of Mexico. For these leases, the Director may require, by notice to lessees, submission of the

information in those parts of paragraphs (a)(1) (i) through (viii) of this section that are necessary to assure conformance with the Act, other laws, applicable regulations, lease provisions, or as otherwise needed by the Director to carry out his functions and responsibilities. Any information required by the Director under this subsection shall be submitted in a form and manner prescribed by the Director for a Development Operations Coordination Document.

(ii) Any information required by the Director for leases described in paragraph (a)(2)(i) of this section above shall be considered a development and production plan for the purpose of any references in any law, regulation, lease provision, agreement, or other document referring to the preparation or submission of a plan.

(h) The lessee may resubmit a development and production plan, as modified, to the Director. Within 60 days following the 60-day comment period provided for in paragraph (c)(1) of this section, the Director shall approve, disapprove, or require modification of the modified plan based upon the criteria in paragraphs (g)(1) (i) through (vi) of this section.

8. The first sentence of § 250.34-2(a)(3)(i) is amended by removing "(a)(3)(i)" and inserting "(a)(3)(ii)," in lieu thereof.

9. The last sentence of § 250.34-2(j)(2) is revised to read:

(i) * * *

(2) * * * The Director shall approve, disapprove, or require modification of a plan as revised within 60 days following the 60-day comment period provided for in § 250.34-2(c)(1).

10. Section 250.34-2(j) is revised to read as follows:

(j) When the Director requires modifications to a resubmitted development and production plan as provided in (h) above, the Director may waive procedural requirements as he considers appropriate. * * *

11. The third sentence of § 250.34-2(l)(2) is amended by removing the word "shall" and inserting the word "may" in its place.

12. The citation in the first sentence of

§ 250.34-2(o) is corrected by changing "30 CFR 250.41(a)" to read as "30 CFR 250.36."

(43 U.S.C. 1352)

[FR Doc. 83-33007 Filed 12-13-83; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AWO41PA; AD-FRL-2482-5]

Approval and Promulgation of Implementation Plans, Approval of Revision of the Commonwealth of Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The amendment below institutes an address change for the implementation of technical and administrative review and enforcement of Prevention of Significant Deterioration provisions. The notice announcing the delegation of authority is published elsewhere in this issue of the Federal Register.

EFFECTIVE DATE: December 14, 1983.

ADDRESSES: Copies of all support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; ATTN: Michael Giuranna (3AW11), (215) 597-8330

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201, (412) 578-8101
Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Michael Giuranna at the address indicated above. (215) 597-8330.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rule effective immediately in that it is an administrative change and not one of substantive content. The delegation becomes effective upon publication of this rule; therefore, it serves no purpose to delay the technical

change of this addition of the County address to the Code of Federal Regulations.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Regional Administrator finds good cause for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content.

List of Subjects in 40 CFR Part 52

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

(42 U.S.C. 7401, 7410 and 7470-79)

Dated: November 8, 1983.

Stanley Laskowski,

Deputy Regional Administrator.

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

Subpart NN—Pennsylvania

L. Section 52.2058 is amended by adding a new paragraph (d) to read as follows:

§ 52.2058 Significant deterioration of air quality.

(d) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was delegated to Allegheny County, Pa. as of December 14, 1983. All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in Allegheny County, Pennsylvania shall be submitted to: Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201, (412) 578-8101.

[FR Doc. 83-32688 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 171

[OPP-250047; PH-FRL 2484-4]

Certification of Pesticide Applicators; Effective Date for the Expansion of Recertification Time Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; confirmation of effective date.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA submitted a final regulation regarding the certification of pesticide applicators who are certified under a Federal pesticide applicator certification program under FIFRA to both Houses of Congress for review prior to the regulation taking effect. The regulation was published in the Federal Register of June 29, 1983 (48 FR 29854). The minimum 60-day period for Congressional review ended on November 17, 1983. Congress did not act either to extend the review period or to disapprove the regulation.

DATE: The regulation became effective on November 17, 1983.

FOR FURTHER INFORMATION CONTACT: John MacDonald, Compliance Monitoring Staff (EN-342), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. 2624, 401 M St., SW., Washington, D.C. 20460, (202-382-7846).

SUPPLEMENTARY INFORMATION: EPA issued a final regulation, which was published in the Federal Register of June 29, 1983 (48 FR 29854), under section 4 of FIFRA, as amended (7 U.S.C. 136 et seq.). The regulation extended the period of validity of the certification of pesticide applicators who are certified under a Federal pesticide applicator certification program as authorized by section 4 of FIFRA. However, as required by section 25(a)(4) of FIFRA, the regulation could not take effect until it had been submitted to both Houses of Congress for review and possible disapproval. This review period was to last for a minimum of 60 days of continuous Congressional session, as defined by section 25(a)(4), with a possibility of extension by Congress for an additional 30 days. Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate Federal Register notice after the review period was over announcing the effective date of the regulation. On November 17, 1983, 60 days of continuous Congressional session

elapsed. Since neither House of Congress took any action in that period either to disapprove the regulation or to extend the review period, Congressional review under section 25(a)(4) of FIFRA ended on that date.

Accordingly, the final regulation promulgated on June 29, 1983, became effective on November 17, 1983.

(Sec. 25, as amended, Pub. L. 96-539, 94 Stat. 3195 (7 U.S.C. 136))

List of Subjects in 40 CFR Part 171

Recordkeeping and reporting requirements, Intergovernmental relations, Indian lands, Pesticides and pests.

Dated: November 25, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-32683 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300078A PH-FRL 2486-4]

Folic Acid, Nicotinamide, Pyridoxine, Cysteine, Glutamine, Methionine, Tryptophan, and Adenosine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish exemptions from the requirement of a tolerance for folic acid, nicotinamide, pyridoxine, cysteine, glutamine, methionine, tryptophan, and adenosine when used as inert ingredient synergists in pesticide formulations. These regulations were requested by Mandops, Inc.

EFFECTIVE DATE: Effective on December 14, 1983.

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

FOR FURTHER INFORMATION CONTACT:

N. Bhushan Mandava, Registration Support and Emergency Response Branch, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700)

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal

Register of October 12, 1983 (48 FR 46396) that Mandops, Inc., Suite 500c, Plaza 1551 Forum Place, West Palm Beach, FL 33401, had submitted a request that 40 CFR 180.1001(d) be amended by establishing exemptions from the requirement of a tolerance for folic acid, nicotinamide, pyridoxine, cysteine, glutamine, methionine, tryptophan, and adenosine when used as synergists limited to a maximum of 0.5 percent of the pesticide formulations.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredients may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

These ingredients are considered useful for the purpose for which the exemptions are sought. It is concluded that the exemptions from the requirement of a tolerance will protect the public health and are established as set forth below.

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

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

(Sec. 406(e), 65 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 2, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the inert ingredients as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *		
Inert ingredients	Limits	Uses
Adenosine (CAS Reg. No. 58-61-7).	Maximum of 0.5% of formulation.	Synergist.
Folic acid (CAS Reg. No. 59-30-3).	Maximum of 0.5% of formulation.	Synergist.
Glutamine (CAS Reg. No. 56-85-9).	Maximum of 0.5% of formulation.	Synergist.
Methionine (CAS Reg. No. 59-51-8).	Maximum of 0.5% of formulation.	Synergist.
Nicotinamide (CAS Reg. No. 96-92-0).	Maximum of 0.5% of formulation.	Synergist.
Pyridoxine (CAS Reg. No. 65-23-6).	Maximum of 0.5% of formulation.	Synergist.
Tryptophan (CAS Reg. No. 73-22-3).	Maximum of 0.5% of formulation.	Synergist.

[FR Doc. 83-32923 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-3-FRL 2488-7]

Delaware; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final authorization for the State of Delaware.

SUMMARY: The State of Delaware has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Delaware's application for final authorization and has made the application available for public comment. A public hearing was held on November 14, 1983. EPA has made the final decision that Delaware's hazardous waste management program satisfies all of the requirements necessary to qualify for final authorization and operate the authorized State program in lieu of the Federal program.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne S. Naylor, State Programs

Section (3AW31), US EPA, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106, Telephone: (215) 597-7239.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in lieu of the Federal hazardous waste program in the State. Two types of authorization may be granted. The first type, known as "interim authorization," is a temporary authorization (expiring on January 26, 1985) which may be granted if EPA determines that the State program is "substantially equivalent" to the Federal program. EPA regulations defining the specific requirements States must meet for interim authorization appear at 40 CFR 271.121-271.137. Among other things, those regulations provide that EPA will grant interim authorization in two phases: Phase I, covering the EPA program set forth in 40 CFR Parts 260-263 and 265 (that is, universe of hazardous waste and generator, transporter, and interim status facility standards) and Phase II, covering the EPA program set forth in 40 CFR Parts 124, 270 and 264 (that is, procedures and standards for permitting hazardous waste management facilities).

The second type of authorization is a permanent authorization (subject to withdrawal for cause) which may be granted by EPA if the Agency finds that the State program is (1) "equivalent" to the Federal program, (2) consistent with the Federal program and other State programs and (3) provides for adequate enforcement. States need not have obtained interim authorization in order to qualify for this second type of authorization, known as "final authorization". EPA regulations for final authorization appear at 40 CFR 271.1-271.23.

The State of Delaware received Phase I interim authorization on February 25, 1981. After the last component of Phase II interim authorization was promulgated on July 26, 1982 the States had the option to apply directly for final authorization in lieu of applying for Phase II interim authorization. The State of Delaware chose the option of applying directly for final authorization and submitted a complete application on August 1, 1983. EPA reviewed Delaware's application and made the tentative decision to grant final authorization to the State of Delaware which was published in the Federal Register on October 14, 1983 (48 FR 46824). Along with this tentative

decision EPA also announced the availability of the application for public comment and the notice of public hearing. The public hearing was held on November 14, 1983 and the public comment period extended from October 14, 1983 until November 20, 1983. No comments were received by EPA on the tentative decision to grant final authorization to Delaware.

I conclude that the Delaware application for final authorization meets all of the statutory and regulatory requirements established by RCRA and, as such, I approve this authorization.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: November 21, 1983.

Thomas P. Eichler,

Regional Administrator.

(FR Doc. 83-33163 Filed 12-13-83; 8:45 am)

BILLING CODE 5560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6578]

Suspension of Community Eligibility Under the National Flood Insurance Program; Massachusetts, et al.

AGENCY: Federal Emergency
Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Senior Staff Officer, Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood

insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
Region I					
Massachusetts:					
Berkshire	Amherst, town of	250156C	Aug. 10, 1973, emergency Feb. 4, 1981, regular Dec. 15, 1983, suspended	July 19, 1974, Dec. 3, 1976, Feb. 4, 1981	Dec. 15, 1983
Do	Otis, town of	250035B	July 22, 1975, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Sept. 20, 1974, Mar. 11, 1977	Do
Region II					
New Jersey:					
Ocean	Bay Head, borough of	345281D	Nov. 6, 1970, emergency Aug. 13, 1971, regular Dec. 15, 1983, suspended	Aug. 17, 1971, July 1, 1975, Apr. 18, 1975, Mar. 19, 1976	Do
Monmouth	Manasquan, borough of	345303C	Mar. 19, 1971, emergency May 12, 1972, regular Dec. 15, 1983, suspended	May 13, 1972, July 1, 1974, Jan. 16, 1976	Do
Bergen	Ridgewood, village of	340067B	Nov. 12, 1971, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Aug. 31, 1973, July 7, 1978	Do
New York: Nassau	Roslyn Harbor, village of	361035B	June 23, 1976, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 28, 1974, Dec. 19, 1975, Dec. 19, 1975	Do
Region III					
Virginia: Rockingham	Bridgewater, town of	510134B	Feb. 19, 1974, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 28, 1974, May 28, 1976	Do
West Virginia:					
Brooke	Unincorporated areas	540011B	Oct. 28, 1975, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Nov. 22, 1974, July 8, 1977	Do
Monongalia	Granville, town of	540272A	Apr. 7, 1975, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Nov. 29, 1974	Do
Mercer	Matoaka, town of	540126B	Dec. 13, 1974, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	May 31, 1974, July 30, 1976	Do
Region V					
Illinois:					
Carroll	Unincorporated areas	170019	Apr. 15, 1974, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 2, 1978	Do
Fulton	Liverpool, village of	170762D	Dec. 10, 1974, emergency June 15, 1981, regular Dec. 15, 1983, suspended	Dec. 28, 1973, Aug. 1, 1975, Dec. 28, 1979, June 15, 1981	Do
Indiana: Lake	Highland, town of	185178C	May 21, 1971, emergency May 19, 1972, regular Dec. 15, 1983, suspended	May 19, 1972, July 1, 1974, Oct. 10, 1975	Do
Michigan: Eaton	Eaton Rapids, township of	260391A	June 2, 1978, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Sept. 12, 1975	Do
Ohio:					
Hamilton	Newtown, village of	390230C	Aug. 27, 1975, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Feb. 1, 1974, May 28, 1976, Nov. 3, 1978	Do
Madison/Union	Plain City, village of	390625	Oct. 13, 1976, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	July 25, 1975	Do
Wisconsin: Washington	Unincorporated areas	550471	May 26, 1975, emergency Sept. 1, 1983, regular Dec. 15, 1983, suspended	Sept. 1, 1983	Do
Region VI					
Oklahoma: McClain	Newcastle, city of	400103B	July 18, 1975, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 7, 1974, May 21, 1976	Do
Texas:					
Brazoria	Baileys Prairie, town of	480065B	May 28, 1962, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Nov. 8, 1974, Oct. 22, 1976	Do
Do	Brazoria, city of	480066B	July 27, 1973, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Jan. 9, 1974, May 21, 1976	Do
Lamar	Paris, city of	480427B	Feb. 25, 1972, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 14, 1974, July 9, 1976	Do
Bexar	San Antonio, city of	480045B	Aug. 15, 1973, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Apr. 5, 1974, June 27, 1978	Do
Brazoria	West Columbia, city of	480081B	July 18, 1973, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	June 14, 1974, Jan. 16, 1976	Do
Arizona: Yuma	Unincorporated areas	040099B	Nov. 22, 1974, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Apr. 12, 1974, Oct. 25, 1977, Apr. 18, 1978	Do

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
California: Tulare	Farmersville, city of	060405C	Feb. 12, 1976, emergency Dec. 15, 1983, regular Dec. 15, 1983, suspended	Oct. 1, 1976, May 31, 1977	Do.

[National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration]

Issued: December 8, 1983.

Jeffrey S. Bragg,
Administrator, Federal Insurance
Administration.

[FR Doc. 83-3714 Filed 12-13-83; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 531

[General Order 38, Amendment 5; Docket No. 83-51]

Publishing, Filing and Posting of Tariffs in Domestic Offshore Trade

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This amends Federal Maritime Commission tariff filing rules to provide for 24-hour receipt of tariff filings in the domestic offshore commerce, including those transmitted by use of electronic filing methods. This will benefit carriers and shippers by enabling them to meet commercial exigencies.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Hubert E. Bradford, Chief, Office of Domestic Tariffs, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5856.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register of October 25, 1983 (48 FR 49308-49309) the Commission proposed to amend its tariff rules for filings in the domestic offshore trade to permit the receipt of tariff filings on a 24-hour basis, including those transmitted by means of electronic filing methods.

Comments were received from Matson Navigation Company and United States Lines in response to the Notice. Both carriers supported the proposal fully. Accordingly, the

Commission is adopting the proposal in final form.

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this final rule. Section 601(2) of that Act excepts from its coverage any "rule of particular applicability relating to rates * * * or practices relating to such rates * * *"

List of Subjects in 46 CFR Part 531

Maritime carriers, reporting and recordkeeping requirements.

PART 531—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553; section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)); and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), Part 531 of Title 46 is amended as follows:

Section 531.2 is amended by revising paragraph (i) to read as follows:

§ 531.2 Definitions.

(i) *File, Filed, Filing (of Tariff Matter).* The actual receipt by the Federal Maritime Commission at its offices in Washington, D.C., including those received by electronic transmission. Electronic filings are those transmitted through the use of commercial data processing terminals and conforming to all the regulations applicable to permanent tariff filings.

Section 531.3 is amended by revising paragraph (e) to read as follows:

§ 531.3 Filing of tariffs; general.

(e) Tariff matter will be received by the Commission at its Washington, D.C., offices on an around-the-clock basis. Receipt of tariff filings during other than normal business hours will be time stamped at a tariff mail drop in the lobby of the Commission's Washington, D.C., offices. Electronic tariff filings transmitted by electronic modes will be receipted by a date/time device on the receiving machine.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 83-32841 Filed 12-13-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-410; RM-4389]

FM Broadcast Station in Soldotna, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C Channel 243 for Channel 247 at Soldotna, Alaska, to correct an inadvertent short-spacing to an assignment on the co-channel at Anchorage, Alaska.

DATE: Effective: February 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Erratum

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Soldotna, Alaska), MM Docket No. 83-410, RM-4389.

Adopted: November 21, 1983.

Released: December 2, 1983.

By the Chief, Policy and Rules Division.

1. By *Report and Order* adopted October 14, 1983, the Commission assigned Class C Channel 247 to Soldotna, Alaska, as that community's second FM assignment. In so doing, the Commission inadvertently overlooked a mileage separation conflict with the assignment of Channel 247 to Anchorage, Alaska. Channel 247 was assigned to Anchorage in BC Docket No. 82-709, adopted January 17, 1983. To correct this short-spaced assignment, we are now substituting Channel 243 for

Channel 247 at Soldotna, Channel 243 meets the minimum mileage separation requirements of § 73.207 of the Commission's Rules.

2. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules, it is ordered, That effective February 7, 1984, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Soldotna, Alaska	243, 269A

3. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. Federal Communications Commission, Roderick K. Porter, Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33211 Filed 12-13-83, 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[PR Docket No. 83-428; FCC 83-563]

Expansion of Inspection Interval for Small Passenger Vessels and Vessels Operating on the Great Lakes

AGENCY: Federal Communication Commission.

ACTION: Final rule.

SUMMARY: This action expands the inspection interval from 2 to 5 years for small passenger vessels carrying more than six passengers for hire. The Commission initiated this proceeding in order to alleviate the burden of unnecessarily frequent inspections. It is expected that this action will provide for flexibility for the Commission to adjust its resources to meet competing demands of other marine programs.

EFFECTIVE DATE: To be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

List of Subjects in 47 CFR Part 83

Communications equipment, Marine safety, Radiotelephone.

First Report and Order

In the matter of Amendment of Part 83 of the rules concerning the inspection interval for small passenger vessels subject to Title III, Part III of the Communications Act and vessels subject to the Great Lakes Agreement, 1973. PR Docket No. 83-428.

Adopted: November 30, 1983.

Released: December 6, 1983.

By the Commission:

Summary

1. In this First Report and Order we are amending Part 83 of the Commission's rules to extend the inspection interval for small passenger vessels subject to Title III, Part III of the Communications Act from two years to five years.

Small Passenger Vessel Inspections

Background

2. The Communications Act requires any vessel of the United States carrying more than six passengers for hire, navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent to or contiguous to the open sea, to be equipped with an efficient radiotelephone in operating condition.¹ The Commission has the responsibility to make such inspections as may be necessary to insure compliance with this radiotelephone requirement.² Section 83.512 of the Commission's rules now requires an inspection at least every 24 months. When the vessel is found to be in compliance, a Communications Act Safety Radiotelephony Certificate (FCC Form 824) is issued for a period of 24 months.

3. Generally, the vessels affected by these requirements are boats used for party fishing, scuba diving and sightseeing. Typically, these small passenger vessels which operate within 20 nautical miles of the shore, are equipped with VHF radiotelephone installations. Those operating between 20 and 100 nautical miles from the shore are equipped with medium frequency (MF) radiotelephone installations.

4. The transmitter must have a minimum power to insure communications over the required distances. The rules require that the installation have an efficient antenna matching the transmitter and a power supply of sufficient voltage and capacity to operate the equipment satisfactorily for emergency communications over the specified range. These various major components are connected together by transmission lines, power and control cables. All of these items are considered integral to the installation and comprise the radiotelephone system. While the Commission type accepts the transmitter for compliance with the technical specifications, the entire installation is checked by FCC field staff

for proper operation to insure the safety of the personnel on board.

5. Vessels navigated in the open sea, regardless of size, carrying or certificated to carry more than 12 passengers are subject to the radiotelephone requirements of Title III, Part II of the Communications Act. However, the Commission exempted all passenger vessels of less than 100 gross tons not subject to the Safety Convention, from the radiotelephone requirements provided the vessel complies with the radiotelephone provisions adopted pursuant to Title III, Part III of the Communications Act.³ Thus, this is a second category of vessels which are subject to the requirements of Title III, Part III.

6. The certification and 24 month inspection interval requirement became effective March 1, 1957.⁴ The Commission proposed this 24 month interval based on its judgment of the safety factors involved and the circumstances of voyages. No comments were received concerning the merits of the inspection interval or certification requirement. Therefore, the Commission adopted the 24 month interval as proposed with little debate.

NPRM

7. The Commission released a Notice of Proposed Rule Making on May 5, 1983, 48 FR 23446, which proposed to extend the inspection interval to five years. The rationale for this proposal was based on the following factors: (a) improvements in shipboard and shore communications, (b) improvements in equipment reliability with solid state radiotelephone equipment, and (c) the large increase in the number of radio equipped vessels capable of hearing and responding to distress calls. The reduced frequency of required inspections would permit scarce resources to be reallocated to respond to other important maritime problems such as interference and improper practices on safety frequencies. Additionally, the Coast Guard foresaw no safety problems, and agreed to request an operational test of the radiotelephone in conjunction with the periodic Coast Guard inspection of this type of vessel.

Comments and Discussion

8. Comments in this proceeding were filed by the Radio Officers Union, District 3 of the National Marine Engineers' Beneficial Association, AFL-

¹ See Section 381, 47 U.S.C. 381.

² See Section 385, 47 U.S.C. 385.

³ See Section 83.480 of the rules, 47 CFR 83.480.

⁴ Report and Order, Docket No. 11824, released January 4, 1957, 22 FR 184, January 9, 1957.

CIO (ROU) field. No reply comments were received.

Title III, Part III Inspection Interval

9. Both commenters opposed extending the inspection interval and suggested that, if any changes were made, it should be to reduce the interval to one year. They addressed the radiotelephone installation as a system including the major components and the peripheral equipment such as cables and connectors. Failure of any of these components would result in failure of the radiotelephone installation for communication. They argued that while the radiotelephone might operate over extended periods of time, the failures usually occur in the peripheral components which are exposed to the elements. The Title III, Part III vessels are usually small vessels, individually owned. Frequently, the commenters argued, the installed radiotelephone, though type accepted, is of poor quality and is unable to meet the required power output for the entire inspection interval. The commenters also stated that the radios on the small passenger vessels are not checked regularly by a service company and are usually checked prior to an FCC inspection or serviced afterwards to clear discrepancies found during the inspection. The commenters assert that it is not in the public interest to extend the inspection interval since the radiotelephone is required for safety purposes.

10. Although we appreciate the concern of the commenters for safety, we do not believe that they have justified the necessity for maintaining the two year inspection interval. As we indicated in the NPRM, we carefully reviewed the history of this rule, the structure of the existing safety system and the radiotelephone installation itself. First, when the two year inspection interval was adopted in 1957 it represented the Commission's best judgment of conditions at that time. There was no debate regarding the merits of various inspection intervals. Second, improvements in radiotelephone equipment, the large increase in the number of radio equipped vessels and Coast Guard facilities capable of responding to distress calls have generally improved the quality of the radio safety system for these vessels. Third, the U.S. Coast Guard agreed to request an operational

test of the required radiotelephone installation in conjunction with its annual inspection of these types of vessels.⁵ Further, we indicated that with the resources freed from these biennial inspections, we would be able to respond to other maritime problems, such as interference and improper operation on distress frequencies, which we have been unable to sufficiently address. In total, this was felt to represent a more effective contribution to safety.

11. We have conducted a study of our Title III, Part III vessel inspection results. The radiotelephone equipment was generally found to be in satisfactory operating condition. A study of disaster reports provided by the Coast Guard and the National Transportation Safety Board revealed that where any communications difficulties occurred, they were largely due to operator error rather than equipment failure. We also note that these vessels are required to conduct a daily operational check⁶ and their relatively small size should permit the crew to easily view and note discrepancies in components of the radiotelephone system. In consideration of all these factors, we continue to believe that the inspection interval should be extended from two to five years. Therefore, we are amending the rules as proposed. Current certificates on the effective date of this rule change will be extended for a period of three years from their expiration date. However, as a further precaution against any possible negative impact on safety, we will continuously inspect a sample of these vessels. This will be our barometer for compliance. If it appears that equipment operability is in fact deteriorating we will revisit the inspection interval issue.

Great Lakes Inspection Interval

12. Only Mr. Popkin commented on extending the inspection interval for the Great Lakes. The commenter supported the extension since the affected Great Lakes ships are large ships with the radio equipment regularly maintained under contract by a service company. Discussions with Canada concerning this subject are underway. If Canada supports such an extension of the inspection interval, a Second Report and Order will be issued after the Great Lakes Agreement is amended to change

⁵ The Coast Guard inspector will observe an operational test of the vessels, radiotelephone and notify the Commission when any problems arise.

⁶ See Section 83.531.

the inspection interval. If no amendment is made, this proceeding will be terminated.

13. The rule amendments proposed in this proceeding will expand the period of inspection for specified small boat operators. While this action would result in a more convenient inspection schedule for certain members of the maritime public, little if any economic benefit will result because the Commission typically performs these relatively brief inspections at the convenience of the vessel operator, i.e. between voyages or in the off-season. Therefore, pursuant to Section 605 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), we certify that these rules will not have a significant economic impact on a substantial number of small entities.

14. Regarding questions on matters covered in this document contact Nicholas G. Bagnato (202) 632-7175.

15. Accordingly, it is ordered, That under authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's rules are amended as set forth in the attached Appendix, effective date will be promulgated by a public notice to be issued by this Commission, the current expiration date recorded on valid Safety Radiotelephony Certificates issued to subject vessels will be extended three years. A Public Notice describing this procedure will be issued within the next thirty days for the benefit of the concerned maritime community.

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

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.512 is revised to read as follows:

§ 83.512 Inspection of radiotelephone installation.

Every vessel subject to Part III of Title III of the Communications Act shall have a detailed inspection by the Commission of the equipment and

apparatus prescribed therein not less than once every five years. If after inspection the Commission determines that all relevant provisions of Part III of Title III of the Communications Act, the rules of the Commission made pursuant thereto, and the station license are complied with in an efficient manner, a Communications Act Safety Radiotelephony Certificate will be issued. The issuance date of such certificate shall be the date the installation is found to be in compliance, or not later than one business day following such in-compliance date.

[FR Doc. 83-33206 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 48, No. 241

Wednesday, December 14, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 210

[Docket No. ERA-R-82-03]

General Allocation and Price Rules; Recordkeeping

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) withdraws the Notice of Proposed Rulemaking (NPR) regarding 10 CFR 210.1 issued December 22, 1982. (48 FR 261, January 4, 1983). Section 210.1 requires the maintenance of records that resulted from requirements in the Mandatory Petroleum Allocation and Price Rules (10 CFR Parts 210, 211, and 212) that were in effect on January 27, 1981. The NPR proposed several amendments modifying these recordkeeping requirements. ERA has determined that the adoption of the proposed amendments would compromise ERA's ability to complete its enforcement activities.

DATE: Notice of Proposed Rulemaking is withdrawn upon publication: December 14, 1983.

FOR FURTHER INFORMATION CONTACT:

William Mayo Lee, Office of General Counsel, Department of Energy, Room 6A-141, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6754.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, U.S. Department of Energy, Room 5B-148, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2972.

SUPPLEMENTARY INFORMATION:

I. Background

II. Rationale

I. Background

On January 28, 1981, in Executive Order 12267 President Reagan exempted crude oil and petroleum products from price and allocation controls. The Order expressly retained all reporting and recordkeeping requirements then in effect until eliminated or modified by the Secretary of Energy. On April 3, 1981, DOE eliminated and modified a large number of the previous reporting requirements, but adopted 10 CFR 210.1 to ensure that all firms continued to maintain those historical records that were required under the regulations in 10 CFR Parts 210, 211 and 212 that were in effect on January 27, 1981. (48 FR 28506, April 3, 1981). DOE acted to preserve these records in order to maintain the information necessary to determine whether enforcement actions should be continued or commenced and to support enforcement actions.

On December 22, 1982, ERA issued a Notice of Proposed Rulemaking (NPR) (48 FR 261, January 4, 1983) which proposed to eliminate the recordkeeping requirements in Section 210.1 for several types of firms provided certain conditions were met. During the public comment period, which closed February 3, 1983, ERA received six comments regarding the NPR. Generally, the comments supported ERA's adopting the proposed rules. Since the issuance of the NPR, however, ERA's additional experience with its enforcement program has led it to conclude that adoption of the proposed rules would compromise the Department's ability to complete necessary enforcement activity. The records of many firms which may have qualified for the proposed exemption from the recordkeeping requirements found in § 210.1 may be needed by ERA for enforcement purposes. Accordingly, ERA has concluded that the proposed rules should not be adopted and the NPR should be withdrawn.

ERA recognizes the cost and burden the maintenance of records pursuant to § 201.1 imposes on firms. Thus, ERA will monitor the litigation process and, when circumstances allow, will take

appropriate action to reduce the record preservation requirements of the regulations.

II. Rationale

The proposed rules would have specifically excluded from the record preservation exemption any crude oil producer, seller of natural gas liquids or reseller of refined petroleum products (1) which was "the subject of" (a) an "enforcement activity" or (b) a "court action," as defined, or (2) which received a notice, to be given by the DOE on a one-time basis, that it was not subject to the exemption. The NPR indicated that the notice could be used to require the preservation of records where a firm was either itself a party in interest in an enforcement matter that did not fall within the two defined categories, or was a third-party source of information concerning the activities of a party in interest in any enforcement proceeding.¹

Additional experience with the evidentiary needs of the litigation phase of the enforcement program, however, leads ERA to conclude that the device of providing one-time notice to firms is inadequate to protect third-party information essential to the successful and reasonably expeditious conclusion of the enforcement program. Also it does not appear that another practical method exists for permitting the disposal of documents that were required during the period of controls while at the same time safeguarding such information for use in litigating enforcement cases that ERA has been unable to settle.

While ERA is proceeding to conclude the investigative phase of its enforcement program, the need for information now usually arises during the course of the further development of a case in proceedings conducted after ERA has taken initial prosecutorial action. First, often the need for additional information from third parties emerges in the course of the Department of Justice's (DOJ) criminal investigation of referred matters in which possible

¹ The NPR stated: DOE would so notify a firm if it is still being audited, if it is subject to a remedial order that requires or permits further review, or if its records are needed to reconstruct the activities of another firm. (Emphasis added.) 48 FR 262.

willful misconduct is indicated. Accordingly, in these and other instances DOJ may wish to seek third-party information that was not gathered by ERA when it made its preliminary determination to refer the case to DOJ for prosecution. Second, during civil litigation proceedings before the Office of Hearings and Appeals, the Federal Energy Regulatory Commission, and the Federal courts, the tribunal sometimes determines that additional evidence contained in third-party records is essential to the resolution of an issue. Consequently, ERA cannot identify at one time with any precision the potential universe of third-party information that will become essential to the enforcement cases as they develop in these subsequent proceedings. Even a firm that has had no direct enforcement contact with ERA may possess records necessary to resolve complex legal and factual questions with respect to other firms.

During the period the rulemaking has been in progress, many of ERA's enforcement actions have moved into litigation or have been the subject of active criminal investigation by DOJ. As a result, the magnitude and continuing nature of the problem has only recently become fully apparent.

Generally the comments received by ERA regarding the proposed rules supported ERA's adopting them. Several commenters made suggestions and requested clarifications regarding certain of the proposed definitions. ERA has concluded, however, that the continuation of the existing record preservation rule is necessary to maintain the *status quo* with regard to the availability of evidence in the future so that DOE's law enforcement responsibilities can be satisfactorily concluded with a minimum of delay.

The withdrawal of the NOPR neither expands the group of persons already subject to the record preservation requirements under the Mandatory Petroleum Allocation and Price Regulations nor requires the creation or retention of any new records.

In consideration of the foregoing, the Notice of Proposed Rulemaking entitled "General Allocation and Price Rules; Recordkeeping", issued December 22, 1982 (48 FR 261, January 4, 1983) is withdrawn.

Issued in Washington, D.C., on December 8, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 83-33292 Filed 12-13-83 8:45 am]

BILLING CODE 9450-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1610

Standard for Flammability of Clothing Textiles; Reopening of Comment Period on Proposed Amendment of Rules Establishing Requirements for Testing and Recordkeeping To Support Guaranties

AGENCY: Consumer Product Safety Commission.

ACTION: Reopening of comment period.

SUMMARY: The Commission announces that it is reopening the period for receipt of written comments on proposed amendments to regulations which prescribe requirements for testing and recordkeeping to support guaranties of products, fabrics, and related materials subject to the Standard for the Flammability of Clothing Textiles. The Commission proposed the amendments because it believed that the requirements for testing and recordkeeping to support guaranties of items subject to the standard could be made less burdensome to the regulated industry without diminishing the level of safety afforded to the public. The Commission is reopening the period for receipt of written comments on the proposal in order to ensure that all interested parties, including consumers, consumer groups, small businesses, and organizations representing small businesses, have opportunity to comment on the proposal. The Commission staff will meet with any parties who desire an explanation of the purpose and provisions of the proposed amendments.

DATES: Interested parties are invited to submit written comments on the proposed amendments on or before February 13, 1984.

ADDRESS: Comments and any accompanying materials should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and titled "Clothing Textiles Standard, Proposed Amendments of Regulations Prescribing Requirements for Testing and Recordkeeping to Support Guaranties." **FOR FURTHER INFORMATION CONTACT:** L. James Sharman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 12, 1982 (47 FR 35006), the Commission proposed amendment of certain administrative and enforcement rules implementing the Standard for the Flammability of

Clothing Textiles (16 CFR Part 1610). That standard and the Flammable Fabrics Act (FFA, 15 U.S.C. 1191 *et seq.*) require that articles of wearing apparel and fabrics used or intended for use as clothing textiles must not exhibit "rapid and intense burning" when tested in accordance with the standard.

The FFA authorizes the Commission to enforce flammability standards by issuing administrative orders and by initiating litigation, including criminal prosecutions in the case of any "willful" violation of such a standard.

Section 8(a) of the FFA (15 U.S.C. 1197(a)) provides that no person shall be subject to criminal prosecution for a violation of the FFA if that person establishes a guaranty received in good faith which meets all requirements of section 8 of the FFA. (A guaranty does not provide a defense to any administrative action or to any civil litigation initiated under the FFA.)

Requirements for Guaranties

Section 8 of the FFA provides for two types of guaranties. The first is an initial guaranty which must be based on "reasonable and representative tests" made in accordance with an applicable standard issued under the FFA. The second is a guaranty based on a guaranty, received in good faith, to the effect that reasonable and representative tests made in accordance with an applicable flammability standard demonstrate conformance with that standard.

Neither the FFA nor the clothing textiles standard require any person or firm to issue guaranties of items subject to that standard. However, the Commission has information to the effect that approximately 1,000 firms conduct testing each year to support initial guaranties of items subject to the clothing textiles standard. That information also indicates that on the average, each of these firms conducts approximately 100 tests, for an industry total of 100,000 tests each year.

Regulations codified at 16 CFR 1610.37 set forth requirements for the types and amounts of testing deemed to be "reasonable and representative" for purposes of supporting initial guaranties of items subject to the clothing textiles standard. Recordkeeping requirements for persons and firms issuing guaranties are set forth at 16 CFR 1610.38.

Review of Standard

In 1982, the Commission reviewed the clothing textiles standard and implementing rules to determine if any burden which they may impose on the textiles industry could be eliminated or

reduced without decreasing the level of safety available to consumers. In this review, the Commission considered the requirements of the standard and implementing rules; a memorandum from the Commission staff with attached background documents; and an informational briefing. The Commission decided that revision of the requirements for the frequency of testing to support guaranties set forth in § 1610.37 may be possible to eliminate any unnecessary burden which may be imposed on the regulated industry without diminishing the level of safety currently afforded to the public by the standard. The Commission also decided to propose reduction of the period required by § 1610.38 for maintenance of records of testing to support guaranties from three years to one year.¹

The proposal for amendment of the guaranty testing rules was published in the Federal Register of August 12, 1983 (47 FR 35006). That notice proposed revision of existing § 1610.37, which now prescribes the kinds and frequency of tests to support initial guaranties, with a requirement that each person or firm issuing an initial guaranty of a product, fabric, or related material which is subject to the standard shall support that guaranty with a "program of reasonable and representative tests."

The proposed amendment would leave the number and frequency of tests to the discretion of the person or firm issuing the initial guaranty.

The proposed amendments also contained provisions to exempt certain types of fabric from any requirement for further testing to support guaranties, because experience gained by the industry and the Commission in testing under the standard indicates that these fabrics will always pass the test in the standard. The fabrics which were proposed for exemption from requirements for further testing to support guaranties are:

(1) All plain surface fabrics weighing 2.6 ounces or more per square yard, without regard to fiber content; and

(2) All fabrics made entirely from acrylic, modacrylic, nylon, olefin, or polyester fibers, or entirely from combinations of those fibers; both plain surface and raised-fiber surface, regardless of weight. The proposal also solicited comments about any other types of fabrics which consistently yield acceptable results when tested under the standard, and which should be added to the list of fabrics exempted

from requirements for further testing to support guaranties.

The Commission also proposed amendment of § 1610.38 to reduce the period required for retention of records of testing to support guaranties from three years to one year.

A more detailed description of the proposed amendments is contained in the notice of proposal at 47 FR 35008-35009, under the heading "Highlights of Proposal."

Comments on Proposal

In response to the proposed amendments, the Commission received written comments from three manufacturers, seven trade associations, and one consumer group. Those comments, a staff briefing package discussing the comments, and all documents cited in the notice of proposal are available for inspection in the Commission's public reading room, 8th floor, 1111 18th Street, N.W., Washington, D.C., or from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6800.

At a meeting of September 22, 1983, to consider issuance of final amendments based on the proposal, the Commission expressed concern that consumer groups may not have been aware of or fully understood the proposal for amendment of the guaranty testing rules. Although the notice of proposal contained a certification that the proposed amendments, if issued on a final basis, would not have a significant economic impact on a substantial number of small businesses, the Commission also expressed concern at that meeting that many small businesses and associations representing such firms may have been unaware of the proceeding for amendment of the guaranty testing rules.

The Commission directed the staff to contact individuals and groups representing consumers and small businesses to ensure that they are aware of the proceeding and have an opportunity to comment on the proposal, if they desire to do so.

The Commission staff is in the process of calling individuals and groups representing the interests of consumers and small businesses to carry out the direction of the Commission. If requested, the staff may conduct one or more public meetings with such individuals or groups to explain the purpose and provisions of the proposal of August 12, 1982. The time, date, and place of any such meeting will be announced in the Commission's public calendar. Any person or group desiring further information about the proposed amendments should call L. James

Sharman, Office of Program Management at (301) 492-6554.

The Commission will consider all comments received through February 13, 1983, in response to this notice, as well as all comments previously submitted in response to the notice of August 12, 1982, before taking any final action in this proceeding.

Dated: December 7, 1983.

Sadye E. Dunn,

Secretary,

Consumer Product Safety Commission.

[FR Doc. 83-33294 Filed 12-13-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 351

[Docket No. 82N-0291]

Vaginal Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 83-27596 beginning on page 46694 of the issue of Thursday, October 13, 1983, make the following corrections:

1. On page 46703 in the table, the first entry in the last column should be moved down one line.
2. In the same table on page 46704 the entry for "Sodium lauryl sulfate" should read "Sodium lauryl sulfate".
3. On pages 46705 and 46729, everywhere the word "povidone-iodine" appears it should read "povidone-iodine".
4. On page 46706, the middle column, last line of paragraph (24), the number "95:938-939" should read "94:938-939".
5. On page 46717, middle column, third line from the end of the third complete paragraph, "bacteria from the disinfectant action and possibly leading to" should be inserted between "of" and "a".
6. On page 46725, third column, fourth line of paragraph f., the word "excess" should be inserted between the words "remove" and "cervical".
7. On page 46727, third column, insert "351.158 Label of vaginal drug products containing active ingredients for the relief of minor irritations of the vagina." in numerical order following 351.156. The present 351.158 should be renumbered 351.160. The third line of the renumbered 351.160 should end in the word "a".

¹ Commissioner Edith Barksdale Sloan voted against proposing to reduce the period required for retention of test records.

8. On page 46729, third column, seventh line of the last paragraph, the word "These" should read "Three".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 52

Environmental Taxes on Petroleum and Certain Chemicals; Proposed Rulemaking

Correction

In FR Doc. 83-28756 beginning on page 48839 in the issue of Friday, October 21, 1983, make the following corrections:

1. On page 48839, second column, second line, "April 1, 1982" should have read "April 1, 1981".

2. On page 48841, in § 52.4611-1(b)(1), third column, ninth line, "spellage" should have read "spillage".

3. On page 48842, in § 52.4612-1(a)(9)(ii), third column, *Example 1*, fourth line, "crude" should have read "gas".

4. On page 48844, in § 52.4661-1(c)(3), first column, *Example 2*, last line, "(\$.87 x 25)" should have read "(\$4.87 x 25)".

5. On page 48846, in § 52.4662-2(b)(1)(iii), third column, "Sold resale" should have read "Sold for resale".

6. On page 48848, in § 52.4662-2(b)(5)(iv)(B), first column, in the Exemption Certificate, twenty-first line, "he" should have read "the".

7. On page 48848, in § 52.4662-2(d)(3), third column, *Example (2)*, last line, insert a period at the end of the line.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment on Substantive Issues in the Illinois Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: On July 29, 1982, the Illinois South Project, Inc. and nine other Illinois organizations challenged the June 1, 1982 decision of the Secretary of the Interior approving the Illinois permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On November 30, 1983,

the United States District Court for the Central District of Illinois, at the request of the Secretary, remanded the case to the Secretary to review the issues raised by the plaintiffs in light of the legal developments since June 1, 1982. OSM is announcing a public comment period during which interested persons may submit comments on the substantive issues contained in the litigation. Following the comment period and consideration of the issues, the Secretary will issue a final decision. **DATES:** Written comments must be received by January 13, 1984, not later than 4:30 p.m. at the address listed below.

ADDRESSES: Written comments may be hand-delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record (Illinois), Room 5315, 1100 L Street, NW., Washington, D.C.; or mailed to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record (Illinois), 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

Copies of the Illinois program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review in the Administrative Record Room and at the OSM Springfield Field Office, 600 E. Monroe Street, Room 20, Springfield, Illinois 62701, Monday through Friday, 8:30 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mary Crouter, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343-5361.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the closing date of the comment period will not necessarily be considered or be included in the Administrative Record for the final rulemaking. All comments received during the comment period will be available for public review in the Administrative Record.

Public Meetings

Persons wishing to meet with OSM representatives to discuss this matter may request a meeting at OSM's Washington Office by contacting the

person listed under "FOR FURTHER INFORMATION CONTACT". All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L Street). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 *Federal Register*.

III. Litigation

On July 29, 1982, the Illinois South Project, Inc. (Illinois South) and nine other Illinois organizations filed suit in the United States District Court for the Central District of Illinois challenging the Secretary's decision. *Illinois South Project v. Watt* (C.D. Illinois, Civil Action No. 82-2229). The plaintiffs alleged numerous substantive and procedural deficiencies in the Secretary's decision. On June 24, 1983, a hearing on the case was held in Danville, Illinois, at which time the parties agreed to a schedule for filing motions for summary judgment and supporting memoranda. Subsequently, the Federal defendants filed a motion requesting that the issues in the case be remanded for further consideration in light of legal developments that have occurred since June 1, 1982. Since the Secretary's approval of the Illinois program, OSM has completed a major regulatory reform effort to revise the Federal regulations. Many of these revisions have a bearing on the substantive issues contained in the *Illinois South* litigation. On November 30, 1983, the District Court ordered the case remanded to the Secretary to review the issues raised by the plaintiffs in their complaint and motion for summary judgment. The order of remand states that within two weeks the Secretary will publish a notice in the *Federal Register* requesting comment on the substantive issues in this case. In order to assist in identifying the substantive issues, the District Court ordered that this *Federal Register* notice contain the Table of Contents to plaintiffs' memorandum in support of

their motion for summary judgment. The pertinent portions of that Table of Contents are reprinted below.

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2. Illinois Unlawfully Restricts Informal Conferences
3. Illinois Unlawfully Omits the Requirement That Operators List in Their Permit Applications All Other Licenses and Permits Needed to Conduct Mining
4. Illinois Unlawfully Omits Standards for the Use of Explosives
5. Illinois Unlawfully Allows Deviations From Federal Design Standards For Siltation Structures, Diversions and Impoundments
6. Illinois Unlawfully Limits the Federal Requirement For Ground Water Information
7. Illinois Unlawfully Omits the Requirement for Alternative Water Supply Information
8. Illinois Unlawfully Allows Experimental Practices for Agricultural Uses
9. Illinois Unlawfully Separates the Decision to Grandfather Prime Farmlands From the Permit Decision.
10. Illinois Unlawfully Omits Standards for Determining A Grandfather Clause Exemption
11. Illinois Unlawfully Limits the Application of its Prime Farmland Pertaining Standards
12. Illinois Unlawfully Exempts Underground Mines From the Prime Farmland Standards
13. Illinois Unlawfully Allows Significant Changes in Mining Operations Without Requiring a Permit Revision

D. Bonding

1. Illinois Unlawfully Limits Bond Forfeiture to Increments of the Permit Area
2. Illinois Unlawfully Allows Bond Liability to Be Limited to Discrete Portions of the Permit Area

E. Performance Standards

1. Illinois' Standards for Diversion of Overland Flow Are Inconsistent with the Federal Rules

2. Illinois' Sediment Pond Design Criteria Are Inconsistent with Federal Standards
3. Illinois Unlawfully Allows Angle of Repose Perimeter Slopes
4. Illinois Fails to Require Topsoil Replacement on Perimeter Slopes
5. Illinois Unlawfully Requires Written Requests for Pre-blast Surveys
6. Illinois Unlawfully Limits the Distribution of the Blasting Schedule
7. Illinois Unlawfully Allows Blasting Between Sunset and Sunrise
8. Illinois Unlawfully Limits the Public's Protection From Flyrock
9. Illinois Allows Excessive Peak Particle Velocities
10. Illinois Allows Variances From the Approximate Original Contour that Are Not Authorized by the Act
 - a. Direct variance from AOC
 - b. Box cut spoil as excess spoil
11. The Secretary Improperly Allowed Illinois to Approve the Covering of Acid Material with Water
12. Illinois Unlawfully Omits Criteria For Post-Mining Land Use
 - a. Pre-mining land use standards
 - b. Post-mining land use criteria
13. Illinois Fails to Adopt Adequate Standards For the Reclamation of Surface Effects of Underground Mines
 - a. Omission of prime farmland standards
 - b. Post-mining land use criteria (sic) [Failure to require use of native species]
14. Illinois Unlawfully Exempts Operations From Prime Farmland Standards
15. Illinois Fails to Assure the Measurement of the Post-Mining Productivity of the Land

F. Inspection and Enforcement

1. Illinois Unlawfully Omits Monitoring and Reporting Obligations
2. Illinois Fails to Assure Mandatory Enforcement of the Laws
 - a. Failure to require enforcement at all inspections
 - b. Failure to require enforcement for all violations

G. Awards of Costs and Expenses

1. Illinois Imposes Unlawful Limitations on Awards of Costs and Expenses
2. Illinois Unlawfully Precludes Awards Against the State
3. Illinois Fails to Provide for Awards for the Cost of Seeking An Award

H. Miscellaneous

1. Illinois Fails to Assure Impartial Administrative Hearings
2. Illinois Fails to Incorporate Civil Penalty Provisions As Stringent As Those in the Federal Act
3. Illinois Unlawfully Limits the Period of Responsibility for Successful Revegetation
 - a. Responsible land management practices
 - b. High capability lands
4. Illinois Unlawfully Grants Operators the Right to Immediate Injunctive Relief in State Courts
5. Illinois Fails to Provide Enforcement Authority For Water Quality Violations Consistent with the Act

Accordingly, OMS is now seeking comments on the substantive issues

identified above. Comments should address the consistency of Illinois' program with SMCRA and the revised Federal regulations. In non-enforcement areas, the Illinois program is required to be no less effective than the Federal regulations and in enforcement areas is required to have no less stringent sanctions and the same or similar procedures. As provided in the order of remand, the Secretary will issue his decision on remand not later than 120 days from the date of the order. For the convenience of commenters, the following are regulatory changes made by the Secretary since June 1, 1982: State Program Procedures, 47 FR 26356, 06/17/82; Abandoned Mine Lands, 47 FR 28571, 06/30/82; Prime Farmland Cutoff, 47 FR 32939, 07/30/82; Two-Acre Rule, 47 FR 33424, 08/02/82; Inspection and Enforcement, 47 FR 35620, 08/16/82; Grants, 47 FR 38486, 08/31/82; Anthracite, 47 FR 44042, 10/12/82; Effluent Limitations, 47 FR 47218, 10/22/82; Steep Slope Remining, 47 FR 51316, 11/12/82; Erosion Control, 48 FR 1160, 01/10/83; Small Operator Assistance Program, 48 FR 2266, 01/18/83; Federal Lands, 48 FR 6912, 02/16/83; NOV's in Oversight, 48 FR 9199, 03/03/83; Blaster Certification, 48 FR 9486, 03/04/83; Experimental Practices, 48 FR 9478, 03/04/83; Explosives, 48 FR 9788, 03/08/83; Definitions, 48 FR 14814, 04/05/83; Auger Mining, 48 FR 19314, 04/28/83; Support Facilities, 48 FR 20392, 05/05/83; Prime Farmlands, 48 FR 21446, 05/12/83; Roads, 48 FR 22110, 05/16/83; Topsoil, 48 FR 22092, 05/16/83; Backfilling and Grading, 48 FR 23356, 05/24/83; Subsidence, 48 FR 24638, 06/01/83; Alluvial Valley Floors, 48 FR 29802, 06/28/83; Fish and Wildlife, 48 FR 30312, 06/30/83; Excess Spoil, 48 FR 23910, 07/19/83; Bonding, 48 FR 32932, 07/19/83; Self-bonding, 48 FR 36418, 08/10/83; Land Use/Variances, 48 FR 39892, 09/01/83; Revegetation, 48 FR 40140, 09/02/83; Coal Exploration, 48 FR 40622, 09/08/83; Lands Unsuitable, 48 FR 41312, 09/14/83; Remining, 48 FR 41720, 09/16/83; Hydrology, 48 FR 43956, 09/26/83; Impoundments, 48 FR 43994, 09/26/83; Coal Waste, 48 FR 44006, 09/26/83; Siltation Structures, 48 FR 44032, 09/26/83;

Permitting, 48 FR 44344, 09/28/83;
Technical Amendments 48 FR 44777, 09/
30/83

IV. Additional Determinations

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 913

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

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: December 9, 1983.

J. R. Harris,

Director, Office of Surface Mining.

(FR Doc. 83-33234 Filed 12-13-83; 8:45 am)

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-S-FRL 2487-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Wisconsin

AGENCY: Environment Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to revise the air quality attainment status designation, at 40 CFR 81.350, of Neenah, Wisconsin, from nonattainment to attainment of the National Ambient Air Quality Standards for total suspended particulates. This revision is based on a request from the State of Wisconsin to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change. The intent of this notice is to discuss the results of EPA's review of the State's request and to solicit public comment on the revision and EPA's proposed action.

DATE: Comments due by January 13, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following address:

Environmental Protection Agency,
Region V, Air and Radiation Branch,
230 S. Dearborn Street, Chicago,
Illinois 60604; and

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to (Please submit an original and three copies, if possible):

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, (312) 353-0396.

SUPPLEMENTARY INFORMATION:

Background

Under Section 107(d) of the Clean Air Act (Act) the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

EPA's criteria for redesignating an area are summarized in the April 21, 1983, policy memorandum, "Section 107 Designation Policy Summary", from Sheldon Meyers, former Director of the Office of Air Quality Planning and Standards. In general, all available information relative to the attainment status of an area should be reviewed. These data include the most recent eight consecutive quarters of quality assured, representative ambient air quality

monitoring data, plus evidence of an implemented control strategy demonstrated to be adequate to protect the ambient standards. Supplemental information (such as modeling and emissions data) should be considered to determine if the monitoring data accurately characterize the worst-case air quality in the area.

In today's rulemaking action, EPA is proposing to revise the designation of a sub-city area in Neenah (Winnebago County), defined at 40 CFR Part 81.350, from "does not meet secondary standards" (nonattainment) to "better than the national standards" (attainment) for total suspended particulates (TSP). A summary of the data submitted by the State of Wisconsin and the City of Neenah to support this revision is presented below.

Neenah-TSP

On May 11, 1983, the Wisconsin Department of Natural Resources (WDNR) requested that EPA revise the secondary nonattainment designation of Neenah to full attainment for TSP. To support the request, WDNR submitted a Technical Support Document with summaries of the TSP ambient air monitoring data collected in Neenah during 1975-1982. This document and the results of EPA's review of this document are available for public inspection at the Region V office listed above. The data show that no violations of the secondary TSP standards have occurred since 1978.¹

WDNR attributes the improvements in air quality to fugitive dust emission reductions brought about primarily by the paving of unpaved streets and parking lots. Since paving is an irreversible control measure, these permanent emission reductions will ensure maintenance of the standards. Additional secondary emission reductions consisted of an improved street cleaning program in Neenah and the installation of baghouses on the fugitive dust control systems at a nearby foundry. According to information supplied by WDNR, analyses of filters indicate that fugitive dust was the primary cause of previous TSP violations, while combustion and foundry emissions were secondary causes.

Although EPA is not ruling on the control strategies as a part of Wisconsin's State Implementation Plan, convincing documentation has been provided by both the WDNR and the

¹ The secondary TSP is violated when, in a year, the maximum 24-hour concentration exceeds 150 ug/m³ more than once.

City of Neenah to EPA that the control measures will remain in place and will ensure attainment of the standards (e.g., the City of Neenah has made a commitment to WDNR in a letter dated October 3, 1983, from Charles E. Maney, Director of Public Works, City of Neenah, Wisconsin, to Mr. Brad Stachovich, Wisconsin Department of Natural Resources Bureau of Air Management, that it will give notice prior to discontinuing its street sweeping program. Further, EPA finds that the strategies provide sufficient emission reductions to account for the decrease in monitored TSP concentrations. Therefore, EPA is proposing to approve the State's request to redesignate the area to attainment.

All interested persons are invited to submit written comment on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After review of all comments submitted, the Administrator of EPA will publish in the Federal Register the Agency's final action on the redesignation.

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(d) of the Act, as amended (42 U.S.C. 7407)

Dated: October 28, 1983.

(FR Doc. 83-33040 Filed 12-13-83; 8:45 am)

BILLING CODE 5560-50-M

40 CFR Part 166

(OPP-00171; PH-FRL 2488-2)

Regulations for Emergency Exemptions From FIFRA Public Hearings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule Related Notice; Notice of Public Hearings.

SUMMARY: EPA's regulations at 40 CFR Part 166 and program to grant exemptions from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.), to Federal and State agencies under

section 18 of the Act (7 U.S.C. 136p) are being considered for revision. EPA will hold hearings under the authority of FIFRA section 21(b), 7 U.S.C. 136s(b), in the Washington D.C. area, Kansas City, Missouri, and San Francisco, California, to solicit the public's view of the issues involved before issuing the proposed changes for publication in the Federal Register.

DATES: The first hearing will be held in Arlington, Virginia, on January 5, 1984; the second hearing will be held in Kansas City, Missouri, on January 10, 1984; and the third will be held in San Francisco, California, on January 12, 1984. All meetings will be held from 9:30 a.m. to 3:00 p.m. Anyone desiring to speak at the hearings should notify the contact person named below by December 30, 1983, to ensure that adequate time will be reserved. Comments should be submitted by February 13, 1984.

ADDRESSES: By mail, submit comments to:

Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA. The meetings will be held at the following locations:

1. January 5, 1984: Environmental Protection Agency, Rm. 1112, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.
2. January 10, 1984: Environmental Protection Agency, 4th Floor Hearing Room, 324 East 11th Street, Kansas City, Missouri.
3. January 12, 1984: Environmental Protection Agency, Hawaii/Trust Territories Room, 6th Floor, 215 Fremont Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

By mail:
David Alexander, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number:
Rm. 1114C, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0592).

SUPPLEMENTARY INFORMATION: EPA issued regulations at 40 CFR Part 166, which were published in the Federal Register of December 3, 1973 (38 FR 33305) to implement its authority in section 18 of FIFRA, which authorizes the Administrator to exempt any Federal or State agency from any

provision of FIFRA if he determines that emergency conditions exist which require such exemption. The regulations allow for three types of exemptions: specific, quarantine, and crisis.

A specific exemption may be issued in a situation involving the outbreak of a pest in the United States. A quarantine exemption may be issued in a situation involving Federal or State programs concerned with preventing the introduction or spread of a foreign pest into or throughout the United States. Crisis exemptions may be utilized by Federal and State agencies in situations involving the outbreak of a pest in the United States where there is not enough time to utilize the specific exemption procedures.

In accordance with Executive Order 12291, a review of these regulations was conducted in fiscal year 1983. As a result of that review, the Agency agreed to consider revisions to the regulations. Through the three scheduled hearings, EPA is soliciting the public's views in preparation for issuing its proposed revised regulation.

Other events have contributed to the determination of the need to revise the regulations. In the fall of 1982, EPA's Office of Pesticide Programs (OPP) conducted an audit of the section 18 regulations. OPP's audit identified the following areas for possible revision:

1. The definition of an emergency exemption, and the indicia of risk and economic loss which must be shown to support a claim of emergency.
2. The criteria set forth concerning use of exemptions, with respect to:
 - a. Use of cancelled and/or suspended pesticides under exemptions.
 - b. Limiting the number of times an exemption will be granted for the same pesticide/use combination.
 - c. Authorizing exemptions for more than one year.
 - d. Requests for multiple chemicals to combat a single pest emergency.
 - e. State use of the crisis provisions of section 18.
3. Requirements for provision of information concerning available registered alternatives by applicants for exemption.
4. Reporting requirements.
5. The current Agency policy with respect to Federal Register publication.
6. Addition of language to provide specific enforcement provisions for emergency exemptions.
7. EPA's authority to set maximum safe levels of residues of pesticides on commodities treated under an emergency exemption.

8. The addition of a description of how the Agency considers potential risk in the proceeding of exemption requests.

9. Requirements for a Federal or State agency to notify all registrants of pesticides which are registered for the proposed exempted use why that agency does not consider those pesticides suitable for controlling the emergency despite the fact they are registered for that use.

Also in the past year, the House Subcommittee on Department Operations, Research, and Foreign Agriculture released a report, dated December 17, 1982, entitled "Regulatory Procedures and Public Health Issues in the EPA's Office of Pesticide Programs." The report was a comprehensive review of the history, practices, and procedures of the Office of Pesticide Programs, and raised questions regarding the section 18 exemption program which are similar to those raised in the audit.

To address the issues which have been raised, EPA is now requesting public input. Persons interested in participating in a hearing should notify David Alexander at the address or telephone number listed above no later than December 30, 1983. Telephone contacts regarding participation must be confirmed in writing and all correspondence should indicate for which hearing and at what time the interested person would like to be scheduled. Participants may contact Mr. Alexander by telephone to find out their scheduled speaking time until January 4, 1984.

Participants will testify before a hearing panel convened to help the Agency in its determinations. Comments will be limited to ten minutes per individual, with five additional minutes allowed for questioning by the panel.

Persons representing members of the U.S. Congress and Federal and State agencies will be scheduled to speak first at the hearings, then members of organizations interested in the regulations, and lastly individuals will be scheduled. No person who provides EPA notice, as indicated above, will be denied the opportunity to present his or her views. If time permits, persons not scheduled to speak will be heard. In addition, written comments may be submitted to the Agency before the hearing or at any time until February 13, 1984.

All comments, written or oral, and other relevant information obtained by the Agency will be weighed by the panel before publication of the proposed revised regulations.

Dated: December 2, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-33162 Filed 12-13-83; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 180

[OPP-300083; PH-FRL 2486-3]

Pesticides: Methyl Poly(Oxyethylene) Alkyl Ammonium Chloride; Proposed Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that methyl poly(oxyethylene) alkyl ammonium chloride, where the poly(oxyethylene) content is 3-15 moles and the alkyl group (C_8-C_{18}) is derived from coconut, cottonseed, soya, or tallow acids, be exempted from the requirement of a tolerance when used as a surfactant in pesticide formulations. This proposed regulation was requested by Armak Co.

DATE: Written comments must be received on or before December 14, 1983.

ADDRESS: By mail, submit comments to: Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Registration Support and Emergency Response Branch, Registration Division (TS-767), Environmental Protection Agency, Rm. 724A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: At the request of Armak Co., the Administrator proposes to amend 40 CFR 180.1001(d) by establishing an exemption for the requirement of a tolerance for the inert ingredient methyl poly(oxyethylene) alkyl ammonium chloride, where the poly(oxyethylene) content is 3-15 moles and the alkyl group (C_8-C_{18}) is derived from coconut, cottonseed, soya, or

tallow acids when used as a surfactant in pesticide formulations.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 182.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Methyl poly(oxyethylene) alkyl ammonium chloride, where the poly(oxyethylene) content is 3-15 moles and the alkyl group (C_8-C_{18}) is derived from coconut, cottonseed, soya, or tallow acids.

Name and address of requestor: Armak Co., 8401 West 47th St., McCook, IL 60525.

Bases for approval: (1) The parent compound and related ethoxylated materials are already cleared under 40 CFR 180.1001(d) for use as surfactants in pesticide formulations. (2) The parent amine and closely related compounds do not contain detectable levels in nitrosamines by an analytical procedure sensitive to 5 or 10 parts per billion (ppb).

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request within 30 days after publication of this notice in the *Federal Register* that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 348a(e)).

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, [OPP-300083]. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Registration Support and Emergency Response Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 348a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 6, 1983.

Douglas D. Camp, Jr.
Director, Registration Division, Office of
Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1001(d) be amended by adding and alphabetically inserting the inert ingredient methyl poly(oxyethylene) alkyl ammonium chloride, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • •

(d) • • •

Inert ingredients	Limits	Uses
Methyl poly(oxyethylene) alkyl ammonium chloride, where the poly(oxyethylene) content is 3-15 moles and the alkyl group (C ₈ -C ₁₈) is derived from coconut, cottonseed, soya, or tallow acids.		Surfactant.

Inert ingredients	Limits	Uses
• • • • •	• • • • •	• • • • •

[FR Doc. 83-33181 Filed 12-13-83; 6:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MM Docket No. 83-1148; FCC 83-484]

Amendment of the Commission's Rules Regarding the Modification of FM and Television Station Licenses

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This proposal concerns the Commission's authority, in the course of rule making proceedings, to modify the licenses of FM and television stations seeking to improve their facilities. In particular, where other parties have expressed an interest in applying for the proposed new channel and additional channels can be made available for application, we are proposing to grant modification of the existing station's license. Comments are sought on the public interest benefits of such a proposal, on the question of how many additional channels must be assigned to accommodate other expressions of interest, and on other relevant issues.

DATES: Comments must be filed on or before January 16, 1984, and reply comments on or before January 31, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg or Mark Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Notice of Proposed Rulemaking

In the matter of amendment of the Commission's Rules Regarding the Modification of FM and Television Station Licenses; MM Docket No. 83-1148.

Adopted: October 19, 1983.

Released: October 28, 1983.

By the Commission: Commissioner Rivera concurring in the result.

Introduction

1. This proceeding is concerned with the procedures whereby the Commission amends the FM and TV Tables of Assignment, §§ 73.202(b), 73.504(a), and 73.606(b), respectively, of the

Commission's Rules. Specifically, in situations in which existing licensees or permittees seek amendment of the tables to obtain a different channel,¹ they also seek modification of their existing authorizations in the rulemaking proceedings. Such modification eliminates the need to file a separate application for a construction permit, which would then go through the Commission's cut-off procedures and possibly face competing applications.

Background

2. Prior to 1976, the Commission had no stated policy concerning when modification of existing authorizations was appropriate. In general, modifications were granted without discussion.² In *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), the Commission was faced with a request to substitute a Class C FM channel for an existing Class A channel and to modify the license of an existing station to the new Class C channel. However, another party objected to the modification of license and indicated that it wished to apply for the newly available channel. The Commission decided to retain the Class A assignment at Cheyenne and to add the Class C channel, but it refused to modify the existing license to the new Class C channel. The Commission stated that a modification of license in such a situation would "effectively foreclose" the filing of other applications by interested parties for the newly assigned channel * * *.³ 62 F.C.C. 2d at 67. In so ruling, the Commission cited the *Ashbacker* decision for the proposition that it could not grant an application for a new frequency without affording other interested parties an opportunity for comparative consideration of their mutually exclusive applications.⁴ The

¹ In the FM context, the requested channel is generally one of a higher class, permitting additional coverage. In the TV context, the requested channel is generally a lower channel number. Additionally, in either FM or TV, the modification may be requested because the licensee believes the new channel is "more advantageous" for reasons such as the availability of a more efficient transmitter site.

² For example, *Lyons, Kansas*, 42 F.C.C. 2d 215 (1973); *Gilroy, California*, 50 F.C.C. 2d 72 (1974).

³ In *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1945), applications for a new AM radio station and for a change in frequency of an existing AM station in different communities were filed with the Commission. Both applications involved the same frequency and were mutually exclusive. The Commission granted the application for the new facility and designated the other application for hearing. On appeal, the Supreme Court held that the grant of one mutually exclusive application without affording a hearing on the other deprives the loser of the opportunity for a comparative hearing provided by statute.

Commission then stated that, in similar cases, modification of license would be denied if there are any other expressions of interest in the proposed assignment of a superior class of channel. However, if no such expressions of interest were received in the course of the rule making, the Commission could modify the license of the station seeking to upgrade.

3. Since the *Cheyenne* case, the Commission has routinely granted modifications of license in the absence of other expressed interests in the proposed new channels. See, for example, *Sterling, Colorado*, 46 R.R. 2d 1384 (1980); *Grand Rapids, Minnesota*, 47 R.R. 2d 413 (1980); and *Carnelian Bay, California*, 50 R.R. 2d 1179 (1982). However, when faced with other expressions of interest, the Commission has denied requests for modification and has either opened up the channel for application, see for example, *Brewer, Maine*, 42 R.R. 2d 1148 (1982), or has permitted the Class A licensee to withdraw its proposal, see, *Statesboro, Georgia*, 40 R.R. 2d 1021 (1977).⁴ Similarly, with regard to television assignment requests, the Commission's policy has been to modify the licenses of stations seeking to change channels (generally to a lower UHF channel) where no other party expresses an interest in the proposed channel during the rulemaking proceeding. See, for example, *San Francisco and San Mateo, California*, 68 F.C.C. 2d 860 (1978). However, where there are other expressions of interest in proposed television assignments, the Commission has declined to modify the licenses of the requesting parties. See, for example, *Tulsa, Oklahoma*, 48 F.R. 22600, published May 19, 1983.

4. Finally, in situations where other parties express an interest in a proposed channel, and those interests can be accommodated by the addition of supplementary channels, the Commission's staff, by delegated authority, has added sufficient channels to accommodate all expressed interests and has modified the license(s) of the existing station(s) to one of those channels. The remaining channel(s) were available to other applicants.⁵ This

type of situation generally arose where one Class A station requested modification of its license to a Class C channel, but other Class A stations in the community had not participated in the request. The Commission would propose that all Class A stations modify to specific Class C channels to avoid an intermixture of classes of channels.⁶ If there were not enough Class C channels to accommodate the Class A stations wanting to be modified, to avoid intermixture, the Commission would not assign any Class C channels.⁷

The Helena Proceeding

5. In a recent proceeding involving *Helena, Montana*, 50 R.R. 2d 70 (1981), *recons. den.*, Mimeo No. 4395, released June 3, 1982, a petition for rule making filed by the licensee of a Class A FM station requested assignment of a Class C channel and modification of petitioner's license to specify that new channel. Because there was another Class A channel at Helena, and because the Commission then had a policy against intermixture, a *Notice of Proposed Rule Making* was issued proposing to add two Class C assignments and to modify the license of both Class A stations to specify operation on the two proposed Class C channels. Comments in response to the *Notice* produced two additional expressions of interest by licensees of AM stations in Helena. Instead of simply denying the modifications and the Class C channel assignments, the Bureau believed it would be proper to accommodate each interest by assigning a total of four Class C channels. The Bureau reasoned that by providing each interested party the opportunity to apply for a Class C channel, each party's *Ashbacker* rights would be sufficiently protected. Accordingly, the *Report and Order* deleted the Class A channels, added four Class C channels, and modified the licenses of the two Class A stations to specify operation on two of the Class C channels. The other two Class C channels were made available for application by any interested party, including the two AM licensees. In so acting, the Bureau rejected the request of one of the AM licensees, Capital Investments ("Capital"), that all four newly assigned Class C channels at Helena be opened for application by all interested parties and that the Class A

licenses not be modified.⁸ Capital filed a Petition for Reconsideration, which was denied. Capital subsequently filed an Application for Review, later withdrawn,⁹ which served to bring this policy matter to the Commission's attention.

Discussion

6. We propose to amend Part 1 of the Commission's Rules and Regulations by adding a new § 1.420(g) as set forth in the attached Appendix to this *Notice of Proposed Rule Making*. This new section would permit the Commission, in the course of rule making proceedings, to modify the licenses (or permits) of FM and television stations requesting that their facilities be changed to newly assigned channels. In particular, the modification could take place despite the existence of other potential applicants where the Commission assigns additional channels for general availability.

7. We are particularly concerned that requests for modification in rule making may arise with increasing frequency in the future. In BC Docket No. 80-90, *Modification of FM Broadcast Rules*, 48 FR 29486, published June 27, 1983, the Commission established additional classes of FM stations. Thus, an existing Class A licensee that had been precluded from seeking a Class C channel could find it possible to seek modification to Class C1 or Class C2. Moreover, some existing Class C licensees have indicated their desire to request reclassification to a lower power Class C1 or C2 channel in order to take advantage of shorter minimum spacings and thereby utilize a preferred transmitter site.¹⁰

8. We believe that the approach taken in *Helena* serves several laudable goals. By modifying existing licenses in the rule making, improved service is expedited. Moreover, it eliminates the need to prepare, file and process unnecessary applications, thus eliminating paperwork burdens on licensees and the Commission. Finally, additional channels can be made

⁴ Following issuance of the *Report and Order*, three additional parties filed applications seeking licenses on the two "unreserved" Class C channels.

⁵ On August 31, 1983, Capital Investments, Goodluck Broadcasting, Inc., and KCAP Broadcasters, Inc. filed a "Joint Request for Approval of Agreement" requesting, among other things, dismissal of the Application for Review in this proceeding and approval of a settlement agreement among these parties.

⁶ This situation is distinguished from the involuntary reclassification of licensees that do not file applications for minor modification of license to attain minimum power and height standards within three years of the effective date of our *Order* in Docket 80-90.

⁷ Withdrawal and termination of the rulemaking usually occurs where the requested Class C channel assignment is an adjacent channel which cannot be assigned consistent with the Commission's mileage separation rules (See Section 73.207) without deletion of the Class A channel. See, also *Bonita Springs, Florida*, 45 R.R. 2d 1585 (1979).

⁸ See, for example, *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1978); *Lake Havasu City, Arizona*, 49 R.R. 2d 1517 (1981); *Alliance, Nebraska*, 46 F.R. 43166, published August 27, 1981; *Redmond, Oregon*, 51 R.R. 2d 255 (1983); and *Medford and Klamath*

Falls, Oregon, 48 FR 11715, published March 21, 1983.

⁹ See, for example, *Ogallala, Nebraska*, 45 FR 52845 (published August 8, 1980).

¹⁰ That policy has since been eliminated by Commission action in *Revision of FM Assignment Policies and Procedures* (BC Docket 80-130), 90 F.C.C. 2d 88 (1982).

available for the provision of additional services without instituting a further rule making proceeding each time another interest is expressed. However, the *Helena* approach goes beyond the procedures established in *Cheyenne*. In *Cheyenne*, the Commission determined that it would not modify an existing license in the rule making proceeding in the face of other expressions of interest. *Helena* extended that policy to situations where the Commission could assign the same number of additional channels as there were interests for application by these parties and thereby grant the requested modification of license. Before making any decision on whether to extend the *Cheyenne* doctrine to include the *Helena* procedure, we believe it prudent to invite public comments on the subject in this general rule making proceeding.

9. The proposed rule, in effect, does not permit the filing of competing applications against an incumbent licensee wishing to upgrade in situations where there are additional channels for which the newcomers have an opportunity to compete. In our view, *Ashbacker* does not deny the Commission the authority to adopt such a rule. As discussed below in para. 13, there are several compelling public interest factors that outweigh the potential benefits of choosing an applicant through the comparative process.

10. Commenters are invited to address the limitations placed on the Commission by the *Ashbacker* decision. Does *Ashbacker* require that all newly assigned channels be available for application where all expressions of interest cannot be accommodated? As previously noted, the public is well served by the expedited service improvement achieved through the modification of an existing license (or permit) to the new channel. Even if all other interested parties could not be accommodated with additional channels, could the requirements of *Ashbacker* be met so long as there was a channel available for general application?

11. Furthermore, we have instituted this rule making proceeding in order to formulate guidelines for television license modifications similar to that which already exists for FM under the *Cheyenne* decision. The same issue of whether additional television channels can be assigned to satisfy the *Ashbacker* rights of competing interests is also applicable to television. As in FM cases, we wish comments to be directed to how many additional television channels must be assigned if more than

one expression of interest is submitted in the rule making proceeding. Finally, we seek to elicit comments concerning the implications this modification of license proposal would have on the changes evolving from BC Docket 80-90, particularly in the area of downgrading the class of channels as described in Paragraph 7, *supra*.

12. The Commission's existing policy permitting withdrawal of the proposal would not be affected where the petitioner could lose its existing channel. See *Statesboro, Georgia*, *supra*, at Paragraph 3. In addition, this proceeding does not relate to the Commission's authority under Section 316 of the Communications Act of 1934, as amended, to initiate a modification proposal in a situation where a technical problem needs to be eliminated. See *Morgan City, La.*, 48 F.R. 4845, published February 3, 1983, for a discussion of this type of situation. See also Footnote 10, *Supra*.

Summary

13. Overall, the Bureau believes that important benefits can be obtained from the proposed modification procedure. First, modification of licenses at the rule making stage would enable licensees to institute service on a new channel at an earlier date and with less expense. Secondly, licensees would be encouraged to upgrade their existing service, because the risk of unknown applicants competing for the new channel would be removed. Thus, the paperwork burden of an unnecessary application process and of further rule making proceedings for additional channel assignments would be eliminated. In addition, the expense of litigating the application or of further rule making would be avoided.

14. Regulatory Flexibility Act Initial Analysis.

I. Reason for Action.

This action derives from the Commission's action in BC Docket No. 80-523, noted above. In this proceeding, we seek to develop a record and to elicit comments on a proposed rule. The proposed rule is part of the Commission's ongoing review and evaluation of its rules and policies.

II. (a) Objective.

This proceeding will elicit comments on the public interest benefits and costs of the proposed rule change in accordance with fulfilling the mandate of Section 309(a) of the Communications Act of 1934, as amended.

(b) Legal Basis.

The legal basis for eliciting comments on this proposed rule is found in sections 4(i) and 303(r) of the Communications Act.

III. Description, Potential Impact and Number of Small Facilities Affected.

The time and costs involved in proceedings concerning parties seeking to upgrade their FM and television facilities would be reduced. Small entities could benefit from not having to expend the time and incur the costs involved in the application stage where the interests of other parties in proposed new channels could be accommodated in the rule making stage.

IV. Recording, Record Keeping and other Compliance Requirements.

There is no additional impact.

V. Federal rules which overlap, duplicate or conflict with the proposed rules.

There is no overlap, duplication, or conflict.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives.

There is no significant alternative.

Filing Responses to this Notice

15. Authority for this proposed rule making is contained in Sections 1, 3, 4(i) and (j), 303, 307(b), 309 and 403 of the Communications Act of 1934, as amended. 47 U.S.C. 151-609.

16. Pursuant to § 1.410 and 1.415 of the Commission's Rules, interested parties may file comments on or before January 16, 1984, and reply comments on or before January 31, 1984. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*.

17. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person

who makes an *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, and that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See 47 CFR 1.1231.

18. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of the proposed rule on small entities. Written public comments are requested on the IRFA. The comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this *Notice*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.* (1981).

19. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554. For further information on this proceeding, contact Joel Rosenberg or Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Note.—While this document was released on October 28, 1983, it was not submitted to

Federal Register until December 9, 1983. Thus, the time allotted for comments and reply comments reflects our desire to furnish all interested parties with sufficient response time.

Appendix

PART 1—[AMENDED]

It is proposed to amend 47 CFR 1.420 by adding new paragraph (g) to read as follows:

§ 1.420 Additional Procedures in Proceedings for Amendment of the FM, Television or Air-Ground Table of Assignments.

(g) In response to a Petition for Rule Making to amend § 73.202(b), § 73.504(a), or § 73.606(b), filed by a licensee (or permittee) of an FM or television broadcast station to assign another class of FM or another television channel to the same community and upon a determination that the public interest would be served thereby, the Commission may modify the license (or permit) of the petitioner to specify operation on the newly assigned channel. Provided, that the Commission shall not modify the license (or permit) of the existing station where, in the course of the rule making proceeding, another party has expressed an interest in the proposed channel and where there are no additional channels available for assignment.

[FR Doc. 83-33303 Filed 12-13-83; 9:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1295; RM-4583]

FM Broadcast Station in Red Bluff, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class B Channel 239 for Channel 240A, and modification of the license for Station KALF (FM) at Red Bluff, California, to specify operation on Channel 239, in response to a petition filed by Wireless Associates.

DATES: Comments must be filed on or before January 27, 1984, and reply comments must be filed on or before February 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Red Bluff, California) MM Docket No. 83-1295; RM-4583.

Adopted: November 21, 1983.

Released: December 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Wireless Associates ("petitioner"), proposing the substitution of Class B Channel 239 for Channel 240A, and modification of the license for Station KALF (FM) at Red Bluff, California, to specify operation on Channel 239.¹

2. Although Red Bluff itself is located in Zone II, to which class C channels are assigned, the restricted transmitter site, as noted *infra*, is in Zone 1A in which Class B channels are assigned. See §§ 73.202(a) and 73.205 of the Commission's Rules.

3. The proposed substitution of Class B Channel 239 for Channel 240A at Red Bluff can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 17.1 miles southwest of the city. This restriction is necessary to avoid short-spacing to Station KPAY-FM (Channel 236) in Chico, California.

4. In accordance with established policy, we shall propose to modify the license of Station KALF (FM) (Channel 240A) to specify operation on 239. However, should another party indicate an interest in the Class B assignment, then the modification could not be implemented. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Instead, an opportunity for the filing of a competing application must be provided.

5. An *Order to Show Cause* to the petitioner is not necessary since consent to modification of its license is indicated by its request for the Class B channel.

6. In order to provide a wide coverage area station for the Red Bluff area, the Commissioner proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Red Bluff, California, as follows:

¹ Petitioner expressed concern that its proposal would be short-spaced on the co-channel to Station KBOY-FM in Medford, Oregon. However, this short spacing has been removed by a recent grant of an application filed by the licensee of Station KBOY-FM to change its site.

City	Channel No.	
	Present	Proposed
Red Bluff, Calif.	240A, 272A	239, 272A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 27, 1984, and reply comments on or before February 13, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: Russell E. Arkin, Shrinsky, Weitzman & Eisen, P.C., 1120 Connecticut Avenue, NW., Suite 270, Washington, D.C. 20036, (counsel for the petitioner).

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 3.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-33064 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1296; RM-4568]

FM Broadcast Station in Moberly, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 288A to Moberly, Missouri, in response to a petition filed by Phillip A. Chirillo. The proposal could provide a second FM service to that community.

DATES: Comments must be filed on or before January 27, 1984, and reply comments must be filed on or before February 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Moberly, Missouri) MM Docket No. 83-1296; RM-4568.

Adopted: November 21, 1983.

Released: December 6, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making has been filed by Phillip A. Chirillo ("petitioner"), proposing the assignment of FM Channel 288A to Moberly, Missouri, as its second local FM service. Petitioner expressed his intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM service to Moberly, Missouri, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Moberly, Mo.	284	284 288A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before January 27, 1984, and reply comments on or before February 13, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: John R. Wilner, Bryan, Cave, McPheeters & McRoberts, 1015 Fifteenth Street, NW., Suite 1000, Washington, D.C. 20005, (counsel for petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning

the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1060, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedure will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-33065 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[Gen. Docket No. 83-1009]

Multiple Ownership of AM, FM and Television Broadcast Stations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Action taken herein extends time for filing of comments and reply comments in response to the *Notice of Proposed Rule Making* ("NPRM") in Gen. Docket No. 83-1009. The NPRM proposes the modification or elimination of the FCC's "seven station rule," which prohibits any party from being a stockholder, officer or director or

otherwise holding any interest in more than seven stations in the same broadcast service. Petitioners, Henry Geller, Donna Lampert, National Media Committee of the National Organization for Women, League of United Latin American Citizens, National Association for Better Broadcasting and Citizens Communications Center state that additional time is needed to fully prepare comments in this proceeding.

DATES: Comments must be filed on or before January 19, 1984, and reply comments must be filed on or before February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Office of General Counsel, (202) 254-6530.

Order Extending Time for Filing Comments and Reply Comments

Adopted: December 7, 1983.

Released: December 8, 1983.

By the General Counsel.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations, Gen. Docket No. 83-1009.

1. On September 22, 1983, the Commission adopted a *Notice of Proposed Rule Making* ("NPRM") in the above-captioned proceeding, 48 FR 49438, published October 25, 1983, corrected, 48 FR 50907, published November 4, 1983. The NPRM proposes the modification or elimination of that aspect of the Commission's rules commonly known as the "seven station rule." The rule prohibits any party from being a stockholder, officer or director or otherwise holding an interest in more than seven stations in the same broadcast service. The dates initially established for filing comments and reply comments were December 19, 1983, and January 18, 1984, respectively.

2. On December 2, 1983, Henry Geller, Donna Lampert, National Media Committee of the National Organization for Women, League of United Latin American Citizens, National Association for Better Broadcasting and Citizens Communications Center (hereinafter "Geller *et al.*") filed a motion requesting a three month extension of time for the filing of both comments and reply comments, to and including March 19, 1984, and April 18, 1984, respectively. In support of their request, Geller *et al.* state, *inter alia*, that the two month comment period already allocated by the Commission is "simply inadequate to allow consumer

groups without substantial resources to respond" to the complex legal and economic issues raised by the NPRM "in a manner which would be helpful to the Commission." Geller *et al.* argue that meaningful participation by citizen and consumer groups "is crucial to a fair decision-making process."

3. It is the policy of the Commission that extensions of time are not routinely granted.³ In the instant matter, the Commission has already provided a lengthy period in which for interested persons to develop their comments. Further, while the Commission encourages the participation of "citizen and consumer groups" in its proceedings, it does not appear that the burden of meeting our deadlines falls any heavier on such groups than on other small entities. A necessary aspect of the Commission's effort to expeditiously perform its duties for the benefit of the public is that reasonable deadlines be established and met.

4. Having considered the motion of Geller *et al.*, we do not find that good cause has been shown for the grant of the requested three month extension. It may be, however, that the issues raised in the NPRM are of sufficient complexity so that some additional time for comment preparation would benefit the parties. We shall therefore extend the comment and reply comment dates by one month, to January 19, 1984, and February 21, 1984, respectively. The Commission does not contemplate that any further extensions of time will be granted in this proceeding.

5. Accordingly, it is ordered, That the motion for extension of time filed by Geller *et al.* is granted to the degree stated herein, and is in all other respects denied, and the dates for the filing of comments and reply comments are hereby extended to and including January 19, 1984, and February 21, 1983, respectively.

6. This action is taken pursuant to sections 4(i), 5(c)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.251 of the Commission's Rules.

³ Further, Geller *et al.* state, the Commission has "specifically requested comment on over 15 particular issues."

² Geller *et al.* contend that yet another reason for extending the comment period is that the Commission's "Television deregulation proceeding has required the utilization of the resources of many public interest groups during much of the seven station comment period. Thus, not even the full two month period has been available to many public interest and consumer groups."

³ Section 1.46(a) of the Commission's Rules.

Federal Communications Commission.

Bruce E. Fein,

General Counsel.

[FR Doc. 83-33209 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1294; RM-4549]

FM Broadcast Station in Eureka, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 228A to Eureka, Kansas, as that community's first FM assignment, in response to a petition filed by Fredrick E. Miller.

DATES: Comments must be filed on or before January 27, 1984, and reply comments must be filed on or before February 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Eureka, Kansas) MM Docket No. 83-1294, RM-4549.

Adopted: November 21, 1983.

Released: December 6, 1983.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a petition for rule making filed by Frederick E. Miller ("petitioner"), proposing the assignment of Channel 228A to Eureka, Kansas, as that community's first FM service. Petitioner submitted information in support of the assignment and expressed his interest in applying for the channel, if assigned. The channel can be assigned consistent with the minimum distance separation requirements.

2. In view of the fact that this assignment could provide Eureka, Kansas with its first FM broadcast service, the Commission believes that it is appropriate to seek comments on the proposal to amend the FM Table of Assignments (Section 73.202(b) of the Rules) with respect to the following community:

Channel No.	City	
	Present	Proposed
Eureka, Kansas		228A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before January 27, 1984, and reply comments on or before February 13, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Frederick E. Miller, 815 East 13th, Winfield, Kansas 67156.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11749, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contract is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r); and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-33063 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1293; RM-4553]

Television Broadcast Station in Conroe, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 55 to Conroe, Texas, as a second television assignment, in response to a petition filed by the Evangelistic Temple.

DATES: Comments must be filed on or before January 27, 1984, and reply comments must be filed on or before February 13, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Conroe, Texas); MM Docket No. 83-1293, RM-4553.

Adopted: November 21, 1983.

Released: December 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by the Evangelistic Temple ("petitioner"), seeking the assignment of UHF television Channel 55 to Conroe, Texas, as that community's second television facility.¹ Petitioner submitted information in support of the proposal, but did not state that it would apply for the channel, if assigned. Petitioner is expected to so state in its comments.

2. A site restriction of 14.4 miles southwest of Conroe, Texas, is required to avoid short-spacing to unused Channel 40 in Crockett, Texas, and to unused Channel 48 in Galveston, Texas.

3. Conroe (population 18,034),² seat of Montgomery County (population 128,487), is located in southeast Texas, approximately 60 kilometers (38 miles) north of Houston, Texas.

4. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules with respect to the following community:

City	Channel No.	
	Present	Proposed
Conroe, Texas		49+, 55+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 27, 1984, and reply comments on or before February 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: James L. Oyster, Esq., 1544 Edgewood Street, Arlington, VA 22201 (Counsel for petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules.

¹ Pending before the Commission is a proposal to assign Channel 49 to Conroe as its first television service (MM Docket No. 83-810; RM-4438).

² Population figures are taken from the 1980 U.S. Census, Advance Report.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following

procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-33062 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Ch. 15

[AAA-FRL 2487-1]

Acquisition Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the Environmental Protection Agency proposal to establish the Environmental Protection Agency Acquisition Regulations (EPAAR) as Chapter 15 of the Federal Acquisition Regulations System. The EPAAR will be released for comment and implemented as a final rule in three separate stages.

The purpose of the EPAAR is to implement and supplement the Federal Acquisition Regulation (FAR) which has been separately promulgated by the General Services Administration, Department of Defense, and National Aeronautics and Space Administration as Chapter 1 of Title 48 of the Code of Federal Regulations. The FAR is being promulgated as the uniform, simplified, acquisition regulation called for by Executive Order 12352, Federal Procurement Reforms.

The FAR will supersede the Defense Acquisition Regulation, the Federal Procurement Regulations, and the National Aeronautics and Space Administration Procurement Regulations. Civilian agency implementations of the Federal Procurement Regulations will become obsolete as a result of the promulgation of the FAR. The Environmental Protection Agency Procurement Regulations, codified at Chapter 15 of Title 41 of the Code of Federal Regulations, will be cancelled upon the effective date of the final rule expected to result from this proposal.

The intended effect of the FAR is to simplify the Federal procurement process by adopting a uniform regulation for all agencies. The uniform regulation will eliminate the confusion caused by differing policies among the various Federal agencies. The intended effect of the EPAAR is to implement the FAR where required and to supplement the FAR in areas where there is no FAR coverage of policies unique to EPA.

DATE: Written comments should be submitted not later than January 16, 1984 for Stage One of the EPAAR; January 23, 1984 for Stage Two of the EPAAR; and January 30, 1984 for Stage Three of the EPAAR.

ADDRESS: Requests for copies of the proposed rule should be addressed to Printing Management (PM-215), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Pamela John or Edward Murphy, Procurement and Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-5026.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Requirements
 - A. Executive Order 12291
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. National Environmental Policy Act
- III. Public Comments

I. Background

The policies and procedures of the Federal Government regarding the procurement of supplies and services have been developed in a largely independent fashion. Many statutes bearing on Federal contracting have been directed toward specific agencies. Federal agencies have traditionally developed their own contracting procedures with limited attention to uniformity among agencies. The result of this is a system of procurement policies which vary from agency to agency and cause confusion within the contracting community. In 1972, the Commission on Government Procurement recommended that there be a standard Government-wide procurement regulatory system. The Office of Federal Procurement Policy, created in 1974, has worked with the agencies and the public to create a uniform procurement regulation to be known as the Federal Acquisition Regulation (FAR).

The FAR is to be codified as Chapter 1 of Title 48 of the Code of Federal Regulations with a scheduled effective date of April 1, 1984. The FAR was published in the September 19, 1983 edition of the Federal Register.

Because of differing statutory authorities among Federal agencies and because as a practical matter the FAR cannot contain all the procedural details of how to implement a particular policy, the FAR authorizes the agencies to issue implementing regulations. The regulations being proposed here represents the Agency's necessary implementation and supplementation of the FAR.

Generally, the proposed EPAAR does not establish new policy. To a large extent, it is the result of reformatting the existing EPA Procurement Regulations, Chapter 15 of Title 41 of the Code of

Federal Regulations; deleting old portions which would duplicate new FAR coverage of subject matter not previously contained in Federal Procurement Regulations, Chapter 1 of Title 41 of the Code of Federal Regulations; and inserting necessary Agency procedures at those places the FAR requires Agency implementation.

Since the FAR is to be the uniform Government-wide acquisition regulation, reviewers of the proposed EPAAR are advised that lack of coverage of a particular topic in the EPAAR means that the Agency accepts the FAR coverage of the topic without need for further implementation.

II. Procedural Requirements

A. Executive Order 12291. In accordance with the memorandum from David Stockman, Director, Office of Management and Budget, to Donald Sowle, Administrator, Office of Federal Procurement Policy, and Christopher DeMuth, Administrator, Information and Regulatory Affairs, dated October 4, 1982, the proposed EPAAR is exempt from the provisions of Executive Order 12291.

B. Regulatory Flexibility Act. The proposed EPAAR was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have a significant economic impact on a substantial number of small entities. EPA certifies that the proposed EPAAR will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

The proposed EPAAR merely codifies and reformats existing regulations, deletes existing regulations which duplicate the FAR, and implements the FAR in areas which do not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act. The information collection and recordkeeping requirements that are imposed on the public by the proposed EPAAR have been cleared by the Office of Management and Budget (OMB) in accordance with Section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq. The OMB clearance numbers are 2030-0005, 2030-0006, and 2030-0007, all of which expire May 31, 1986.

D. National Environmental Policy Act. EPA has concluded that promulgation of the proposed EPAAR would not represent a major Federal action having significant impact on the human environment under the National

Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 et seq. 1976), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the EPA guidelines (40 CFR Part 6) and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

III. Public Comments

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed EPAAR.

Stage One of the EPAAR will implement Parts 1, 13, 14, 15, 16, 28, 32, 35, 36, 37, 46, 52, and 53 of the FAR and will be available for comment on December 16, 1983. Comments on Stage One must be received by January 16, 1984 for consideration.

Stage Two of the EPAAR will implement Parts 3, 9, 12, 19, 20, 22, 30, 31, 42 and 45 of the FAR and will be available for comment on December 23, 1983. Comments on Stage Two must be received by January 23, 1984 for consideration.

Stage Three of the EPAAR will implement Parts 2, 4, 5, 8, 10, 17, 23, 24, 25, 27, 33, 34 and 48 of the FAR and will

be available for comment on December 30, 1983. Comments on Stage Three must be received by January 30, 1984 for consideration.

Comments should be submitted to Edward Murphy or Pamela John, Procurement and Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All comments received will be available for public inspection at the Environmental Protection Agency, Procurement and Contracts Management Division—Room 2003 Mall, 401 M Street, SW., Washington, D.C. between the hours of 8:00 a.m. and 4 p.m. Monday thru Friday, except Federal holidays. Any information you consider to be confidential must be so identified and submitted in writing, one copy only. The EPA reserves the right to determine the confidential status of the information and to treat it according to our determination.

The Agency has concluded that the proposed EPAAR does not involve a substantial issue of fact or law and that the proposed EPAAR should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, the Agency

does not plan to hold a public hearing on the proposed EPAAR.

Authority: Sec. 205(c), 83 Stat. 390, as amended, 40 U.S.C. 486(c), unless otherwise noted.

Dated: December 5, 1983.

K. Kirke Harper,

Director, Office of Administration.

[FR Doc. 83-32941 Filed 12-13-83; 8:45 am]

BILLING CODE 5590-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status and Critical Habitat for the Big Spring Spinedace

Correction

In FR Doc. 83-31850 beginning on page 54082 in the issue of Wednesday, November 30, 1983, in the first column, in the **DATES** section, "January 30, 1983" should read "January 30, 1984".

BILLING CODE 1505-01-M

Notices

Federal Register

Vol. 48, No. 241

Wednesday, December 14, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review of Office of Management and Budget

December 9, 1983

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB

Desk Officer of your intent as early as possible.

Reinstatement

• Rural Electrification Administration Financial Requirement and Expenditure Statement—Electric Program REA-595

On Occasion

Small Business: 2,700 responses; 13,500 hours; not applicable under 3504(h)

Roland Heard (202) 382-8227

• Food and Nutrition Service Shelters for Battered Women and Children—Part 273

Recordkeeping

State or Local Governments: 274 responses; 274 hours; not applicable under 3504(h)

Gerard Ruelle (703) 756-3424

Extension (Burden Change)

• Agriculture Marketing Service 7 CFR, Part 54—Meat, Prepared Meats, and Meat Products (Grading, Certification, Standards)

LS-313, LS-315

On Occasion

Business: 15,899 responses; 493 hours; not applicable under 3504(h)

Eugene Martin (202) 382-1246

New

• Rural Electrification Administration Certification, of Authority REA-675

On Occasion

Small Business: 450 responses; 45 hours; not applicable under 3504(h)

Charles Weaver (202) 382-1900

Susan B. Hess,

Acting Department Clearance Officer.

[FR Doc. 83-33235 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Inyo National Forest Grazing Advisory Board;

The Inyo National Forest Grazing Advisory Board will meet at 10 a.m. on January 10, 1984, in the Inyo National Forest Conference Room in Bishop, California. The purpose of the meeting is:

FY 84 and 85 Range Management Budgets

Grazing Advisory Board

recommendations

Establishment of sub-committees

Establish next meeting date

The meeting will be open to the public. Persons who wish to attend may notify Inyo National Forest—telephone (619) 873-5841. Written statements may be filed with the committee before or after the meeting. Members of the public wishing to speak at the meeting will be recognized by the committee chairman at the appropriate time.

Dated: December 5, 1983.

Eugene E. Murphy,

Forest Supervisor.

[FR Doc. 83-33138 Filed 12-13-83; 8:45 am]

BILLING CODE 3410-11-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Design Approval for the Alaska Gas Conditioning Facility Segment of the Alaska Natural Gas Transportation System

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice.

EFFECTIVE DATE: October 3, 1983.

FOR FURTHER INFORMATION CONTACT: Rhodell G. Fields, Acting General Counsel, Office of the Federal Inspector, ANGTS, Room 3411, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20044, (202) 275-1144.

Take notice that by letter dated October 3, 1983, to Northwest Alaskan Pipeline Company, John T. Rhett, the Federal Inspector, approved the revised design for the Alaska Gas Conditioning Facility (AGCF). This approval is a final agency action pursuant to Sections 102 and 202(a) of Reorganization Plan No. 1 of 1979, 44 FR 33863 (June 12, 1979).

On December 6, 1982, the OFI approved the design for the AGCF, as filed with the OFI during 1982, and set forth the broader ANGTS context in which OFI's formal design approvals are made (47 FR 58070, December 29, 1982). Revised design packages were filed with the OFI during 1983, primarily involving a change in the CO₂ removal process from the Selexol process to the BASF-Activated MDEA process with commensurate increase in efficiency and reduction in cost.

The Office of the Federal Inspector (OFI) has completed its review of the

revised design for AGCF. The sponsors can rely on the approval for procurement and detailed design elaboration, though not for project execution, consistent with the approved design.

The approval was subject to the following qualifications:

1. The AGCF cost estimate for the BASF process design was reviewed for engineering as contrasted to regulatory purposes; and

2. The approval only covers the design currently on file with the OFI. This design is subject to changes, whether caused by FERC certification, sponsor-initiated optimization, the State site lease, or other changed circumstances.

The October 3, 1983, Design Approval functions to permit procurement as long as the current process is retained. However, if the sponsors subsequently submit a new design based on a different process, further OFI action would be necessary before procurement activities could commence.

Copies of the design approval are available upon request from the OFI.

Dated: December 8, 1983.

John T. Rhett,
Federal Inspector.

[FR Doc. 83-33136 Filed 12-13-83; 8:45 am]

BILLING CODE 5119-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Release of Request for Proposals for the U.S. Land Remote Sensing Program

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of Release of Request for Proposals for the U.S. Land Remote Sensing Program.

SUMMARY: The Request for Proposals (RFP) for the transfer of the U.S. land remote sensing program to the private sector will be released to potential Offerors on January 3, 1984. Responses will be due by close of business (5:00 pm EST) February 29, 1984.

SUPPLEMENTARY INFORMATION: The Source Evaluation Board for Civil Space Remote Sensing (SEB/CSRS) will release the RFP for the transfer of the U.S. land remote sensing program on January 3, 1984. Responses will be accepted until close of business (5:00 p.m. EST) February 29, 1984. Firms interested in receiving a copy of this RFP are invited to indicate their interest in writing. (Anyone who has already indicated an interest should reconfirm via telephone.)

Requests for the RFP should be addressed to: Source Evaluation Board for Civil Space Remote Sensing (WPB); NBOC-1, Room 300; 11420 Rockville Pike; Rockville, Maryland 20852. Telephone: (301) 443-3925. (NOTE—This is not a toll-free number.)

You should designate a single point-of-contact within your organization to receive the RFP and specify whether you wish to pick up your copy or have it mailed via the U.S. Postal Service.

Appendix A of the RFP is classified SECRET. Only those having appropriate facility clearance will be able to receive that Appendix. Facility clearances must be transmitted to: Carol W. Hovermale; NOAA Security Officer; WSC-5, Room 718; 6010 Executive Boulevard; Rockville, Maryland 20852. Telephone: (301) 443-8010. (NOTE—This is not a toll-free number.) Those having previously submitted facility clearances which remain valid need not resubmit. Appendix A will be transmitted to your Security Office; the rest of the RFP will be sent directly to your designated single point-of-contact.

A bidders' conference will be held on January 10, 1984, in the Herbert C. Hoover Building to permit questions of clarification. Details of this conference will be included with the RFP.

Dated: December 9, 1983.

William P. Bishop,

Acting Chairman, Source Evaluation Board for Civil Space Remote Sensing.

[FR Doc. 83-33135 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-12-M

Economic Development Administration

Applications For Loan Guarantees

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice.

SUMMARY: EDA announces that applications by private lending institutions are now being accepted, and EDA may guarantee up to 90 percent of the principal and interest of loans to be made to private borrowers for the purchase of fixed assets and/or for working capital purposes, for projects located in areas eligible for EDA assistance.

DATE: Effective date: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: For Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia, contact: Edward J. Morris, Chief,

Business Loans Division, Philadelphia Regional Office, Mall Building, 325 Chestnut Street, 4th Floor, Philadelphia, Pennsylvania 19106 (215) 597-7538.

For Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee contact: M. Fred Coon, Chief, Business Loans Division, Atlanta Regional Office, 1365 Peachtree Street, NE., Suite 700, Atlanta, Georgia 30309, (404) 257-2841.

For Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin contact: Donald Goostrey, Chief, Business Loans Division, Chicago Regional Office, 175 West Jackson Street, Suite A-1630, (312) 353-8569.

For Arkansas, Louisiana, New Mexico, Oklahoma, and Texas contact: Henry N. Troell, Chief, Business Loans Division, Austin Regional Office, American Bank Tower, Suite 800, 221 West Sixth Street, Austin, Texas 78701, (512) 482-5217.

For Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming contact: Joseph Titchler, Acting Chief, Business Loans Division, Denver Regional Office, Title Building, Suite 505, 909 17th Street, Denver, Colorado 80202, (303) 837-4403.

For Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington contact: Allan Kozu, Chief, Business Loans Division, Seattle Regional Office, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109, (206) 442-4730.

SUPPLEMENTARY INFORMATION: A.

Amount of funding available: EDA is authorized to commit to guarantee loans not to exceed in the aggregate \$150 million of contingent liability for loan principal, available in EDA's fiscal year 1984, which ends September 30, 1984.

B. Type of Financial Assistance: The Economic Development Administration will entertain applications for the guaranty of financial assistance to aid in financing, within an eligible area, the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion or enlargement of existing buildings, by guaranteeing loans made to private borrowers by private lending institutions, for any of the purposes referred to in this paragraph, or for working capital purposes, upon application of such institution and upon such terms and conditions as the

Secretary of Commerce may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan. EDA will not ordinarily guarantee revolving type or open-end working capital loans nor will EDA ordinarily entertain applications for the guaranty of financial assistance to refinance the existing debt of a prospective borrower.

C. Conditions of Assistance: 1. Applications shall be submitted only by private lending institutions (the "applicant") for the guarantee of loans to private business enterprises. Agents or third parties may assist the proposed borrower and the applicant in the origination, preparation and submission of an application, subject however, to the restrictions of 13 CFR 309.7.

2. The project for which financial assistance is sought must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the eligible area wherein it is or will be located. Moreover, assistance will normally be limited to projects entailing Federal government investment exposure of \$10,000 or less per job created or saved.

3. No loan shall be guaranteed unless it is determined that there is reasonable assurance of repayment, and that there is adequate collateral to protect the interest of the Government. The applicant must provide an overall written analysis explaining why it is reasonably sure that the borrower will be able to repay the loan. This analysis must be documented and be accompanied by the analyses employed to determine reasonable assurance of repayment and adequate collateral coverage. Such documentation shall include but not be limited to:

(a) A minimum of three (3) years historical financial and operating statements of the prospective borrower;

(b) Financial statements of the prospective borrower, current at least within 90 days of date of application;

(c) Pro forma financial and operating statements including cash flow statements of the prospective borrower on a month by month basis for the first year and on a quarterly basis for the next two (2) years;

(d) Current appraisal as to the value of the collateral to support the loan. Where real property is to be pledged as collateral, a description and evidence of ownership must be included;

(e) One copy of the proposed note and loan agreement between the applicant and the prospective borrower.

4. Subject to section 701(5) of the Public Works and Economic Development Act of 1965, as amended

("the Act"), no guarantee, including renewals or extensions thereof, can exceed a period of twenty-five years. Ordinarily the term of a guaranteed fixed asset loan cannot exceed the weighted average economic life of the project fixed assets. The term of a guaranteed working capital loan ordinarily may not exceed five years, and it should be amortized in full during its term.

5. No guarantee shall be extended when EDA determines that the interest rate is excessive. Although EDA will not establish administrative ceilings on interest rates for guaranteed loans, the applicant shall submit information to justify the reasonableness of the rate charged.

6. The applicant must insure that the application includes:

(a) A signed statement by the borrower assuring that it will not use the financial assistance to relocate from one labor area to another;

(b) Approval of the application by an agency or instrumentality of the State or political subdivision in which the project is located together with a signed statement by that local authority that the project is consistent with an Overall Economic Development Program approved by EDA;

(c) Certification of the names of all attorneys, agents and other persons engaged by or on behalf of applicant or borrower for the purpose of expediting the application and the fees paid to such persons;

(d) An agreement that applicant and borrower will not employ, tender any office or employment to, or retain for professional services any person who, on the date of any EDA assistance or any part thereof was rendered or within one year prior thereto, shall have served as an officer, attorney, agent or employee, occupied a position or engaged in activities which EDA shall have determined involves discretion with respect to the granting of assistance under the Act.

7. The portion of the loan that is not guaranteed by EDA must be at risk to the applicant throughout the term of the loan. This precludes the applicant from obtaining any additional security, guarantee or compensating balances securing only the unguaranteed portion of the loan.

8. EDA will not accept an application for a guarantee of a loan with a face value over \$10 million or less than \$550,000, unless otherwise approved by the Assistant Secretary for Economic Development.

9. Pursuant to the authority of Office of Management and Budget Circular A-70, EDA will charge a guaranty fee of

one half of one percent per annum payable quarterly based on the amount outstanding of EDA's contingent liability.

10. All applications for EDA financial assistance shall be supported by adequate existing and/or proposed equity so as to lessen EDA's potential exposure and to enhance the success of the proposed project. All proposed projects shall be supported by minimum equity capital to the following extent:

(a) For guaranteed fixed asset loans, EDA requires an equity contribution of at least fifteen percent (15%) of the aggregate project cost. This requirement may be satisfied through the contribution of new equity capital, or of the proceeds of a new loan which would be repayable only after the loan guaranteed by EDA has been paid in full, and if such standby loan is secured, the security shall be subordinate and inferior to the lien or liens securing the loan guaranteed by EDA.

(b) For guaranteed working capital loans, in addition to the requirements contained in 13 CFR 306.14(c), EDA requires the prospective borrower to have a minimum equity position equal to at least twenty percent (20%) of the firm's total liabilities and capital (including all debt associated with the proposed projects), or to receive new equity contributions equal to at least 15% of the projected working capital requirements.

11. Fees and charges levied for services provided by a party with no interest in the applicant or for borrower in conjunction with the origination, preparation or closing of a loan may be an allowable project cost, if the amount of the levy is found to be reasonable and appropriate. These levies are generally related to accounting, legal, engineering, appraisal, or packaging services. "Finder's fees" will not be considered appropriate and are not an allowable project cost. Payment of fees and charges may not be contingent upon loan approval. EDA will require full disclosure of all fees and charges.

12. EDA has authority to guarantee up to 90% of the face value of a loan. However, the applicant shall submit to EDA written justification for the percentage of guarantee requested, which substantiates why a lesser guaranty percentage would not be acceptable. EDA shall give priority consideration to those projects which propose an EDA guaranty of seventy-five percent (75%) or less.

13. Where an applicant has other debtor-creditor relationships with the prospective borrower, EDA will scrutinize those relationships to seek to

assure that they would not create conflicts of interest inconsistent with EDA's interests in the applicant's servicing of the loan for which a guarantee is sought, and the applicant will be asked to demonstrate the absence of such conflicts. Ordinarily, EDA will not accept an application from an applicant who has existing short-term revolving working capital financing extended to the borrower. EDA may restrict future additional financing relationships between applicant and borrower.

14. An independent technical, financial and economic feasibility report will be required for applications for new ventures involving a total project cost of \$1 million or more; such an independent feasibility report will be required for applications for all projects involving tourism or recreational facilities. Such a report must be related to the pro forma operating statements associated with the application.

D. *Applicant must submit with the application appropriate evidence obtained from the prospective borrower to show compliance with the following conditions:*

No guarantees shall be extended by EDA unless the application is supported by evidence that the financial assistance applied for is not otherwise available to the prospective borrower either on terms which in the opinion of EDA will permit the accomplishment of the project from the private lender without a guarantee or from other Federal agencies.

2. Completed Name Check forms CD-346 shall be submitted for each officer, the chief financial manager, and for each individual owning or controlling at least twenty percent (20%) of the borrower.

3. Documentation, satisfactory to EDA, to substantiate that the guaranteed loan will not create unfair competition within the meaning of section 702 of the Act.

4. Loan guarantees are also subject to the following statutes:

a. Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*

b. Davis-Bacon Act, as amended, 40 U.S.C. 276a-276(a) (5).

c. The Architectural Barriers Act of 1964, as amended, 42 U.S.C. 4151-4156; See 13 CFR 309.14.

d. The National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*; See 13 CFR 309.18.

e. The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*

f. The Wild and Scenic River Act, as amended, 16 U.S.C. 1271 *et seq.*

g. The Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*

h. The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 40001 *et seq.*

E. *Program priorities:* EDA shall give priority consideration to otherwise acceptable applications which exhibit the following characteristics:

1. EDA guaranty liability is seventy five percent (75%) or less.

2. The financing is for the purchase of fixed assets for business expansion or export development.

3. The project does not involve real estate development for either investment or speculation purposes.

4. The job/cost ratio is \$7,500 or less.

F. *Ongoing applicant responsibilities:* Upon approval of a guaranteed loan, the applicant's responsibilities shall include, but are not limited to:

1. Executing such care and diligence in the disbursement, servicing, collection and liquidation of the guaranteed loan as would be exercised by a reasonable and prudent commercial lender in dealing with a loan of its funds without guarantee.

2. In the event of the subsequent failure of the project, unless EDA elects otherwise, conducting the liquidation of the failed project prior to making demand on EDA for payment under the EDA guaranty.

G. *Date for application submission:* Completed applications should be submitted as soon as possible but not later than July 29, 1984. Applications submitted after July 29, 1984 cannot be assured of processing.

H. In the event there are any inconsistencies between the material contained in this notice and the Economic Development Administration Directives System, the material in this notice shall prevail.

I. In addition, all EDA loan guarantees are subject to pertinent statutory and regulatory requirements contained in Pub. L. 89-136, 42 U.S.C. 3142-3246(h) and 13 CFR Part 309.

Dated: December 2, 1983.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 83-33077 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-24-M

Foreign-Trade Zones Board

[Docket No. 41-83]

Foreign-Trade Zone 68, El Paso, Texas; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of El Paso, Texas (the City), grantee of Foreign-Trade Zone 68,

requesting authority to expand its zone in El Paso, within the El Paso Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 30, 1983. The applicant is authorized to make this proposal under Article 1446.9 of Vernon's Annotated Civil Statutes of Texas.

On April 14, 1981, the Board authorized the El Paso International Airport Board to establish a foreign-trade zone for the El Paso area (Board Order 174, 46 FR 22919, April 22, 1981). In September 1982, the Board subsequently approved a transfer of the grant to the City (Board Order 193, 47 FR 45065, Oct. 13, 1982). The project covers 59 acres within the City's 589-acre Butterfield Trail Industrial Park (BTIP) at the El Paso International Airport.

The City is now proposing to expand the scope of its zone boundaries. This will allow zone users to be located throughout the industrial park, subject to Customs security requirements. The zone project will continue to be administered for the City by the Airport Manager.

In accordance with the Board's regulations, an examiner committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felipe Street, Houston, TX 77057; and Colonel Julian E. Pylant, Jr., District Engineer, U.S. Army Engineer District Albuquerque, P.O. Box 1580, Albuquerque, NM 87103.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 12, 1984.

A copy of the application is available for public inspection at each of the following locations:

District Director's Office, U.S. Customs Service, Bridge of America, Building B, Room 134, El Paso, TX 79985 and Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, N.W., Washington, D.C. 20230.

Dated: December 7, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-33199 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-05-M

[Docket No. 40-83]

Proposed Foreign-Trade Zone; Polk County, Iowa, Within the Des Moines Customs Port of Entry, With a Subzone at the Winnebago Plant in Forest City; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Iowa Foreign Trade Zone Corporation, an Iowa non-profit corporation affiliated with the Greater Des Moines Chamber of Commerce and the Iowa Development Commission, requesting authority to establish a general-purpose foreign-trade zone in Polk County, Iowa, within the Des Moines Customs port of entry, and requesting special-purpose subzone status for the vehicle manufacturing plant of Winnebago Industries, Inc., located in Forest City, Iowa, some 120 miles from the Des Moines Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 CFR Part 400). It was formally filed on November 28, 1983. The applicant is authorized to make this proposal under Iowa Code Section 491.36 (1983). The question of "adjacency" for the subzone is being reviewed by the Customs Service.

The proposed general-purpose zone will be located on a 117-acre tract, zoned for industrial/commercial activity, and located in the Greater Des Moines area at 10400 Hickman Road within the communities of Clive and Urbandale. It is within 2 miles of the I-35 and I-80 interchange, and contains warehousing facilities. The zone will be operated by the Centennial Warehousing Corporation.

The application contains evidence of the need for zone services in the Des Moines area. A number of firms have indicated an interest in using the zone for the repair of machinery and for warehousing/distribution of plastic molding equipment, chemical products, wicker products, animal health supplies, pharmaceutical products, clothing, gloves, ink, and spices. Specific manufacturing requests are not being made at this time. Requests would be made to the Board on a case-by-case basis.

The proposed subzone will be for the manufacturing facilities of Winnebago Industries, Inc., which cover 240 acres in

Forest City, Iowa. It will involve the company's North Plant at Highways 9 and 69, and its South Plant at 4th Street and Crystal Lake Road. The facilities produce full and down-sized recreational vehicles. Although the larger vehicles are assembled entirely from domestic components, the down-sized ones are built on cab/chassis that are purchased from foreign sources as knocked-down kits, which account for about one-third of the vehicles' final value. The Forest City facilities are used to assemble the kits, to build the body, and to complete the vehicle interior according to its end use as a van or motor home. The company expects to export some 5 to 10 percent of the finished vehicles.

Zone procedures will exempt Winnebago from duty payments on the foreign components it uses in its export. On its domestic sales, the company will be able to defer duty payments and avoid duty costs on wastage. Although the duty rate on the cab/chassis kits is low (2.8 percent), Customs duty costs are substantial. The savings from zone procedures are an important part of the company's efforts to reduce costs and sell to Canadian and European markets.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Leo W. Partyka, District Director, U.S. Customs Service, North Central Region, 610 S. Canal Street, Chicago, IL 60607; Richard D. Rudin, Program Analyst (Inspection and Control), U.S. Customs Service, North Central Region, 55 E. Monroe Street, Chicago, IL 60603; Colonel Bernard P. Slofer, District Engineer, U.S. Army Engineer District Rock Island, Clock Tower Building, Rock Island, IL 61201.

As part of its investigation, the examiners committee will hold a public hearing on January 11, 1984, beginning at 9:00 a.m., in the auditorium of the Wallace State Office Building, East Ninth Street and Grand Avenue, Des Moines.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by January 2, 1984. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from

the date of this notice through February 10, 1984.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office,
817 Federal Building, 210 Walnut
Street, Des Moines, IA 50309, and
Office of the Executive Secretary,
Foreign-Trade Zones Board, U.S.
Department of Commerce, Room 1872,
14th and Pennsylvania, NW.,
Washington, D.C. 20230.

Dated: December 7, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-33199 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-05-M

International Trade Administration

[C-351-016]

Continuous Cast Iron Bar From Brazil; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of continuous cast iron bar as described in the "Scope of Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before December 30, 1983, and we will make ours on or before February 8, 1984.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377-5496.

SUPPLEMENTARY INFORMATION:
Petition

On November 15, 1983, we received a petition from the Wells Manufacturing

Company, Skokie, Illinois, on behalf of the continuous cast iron bar industry. In compliance with the filing requirements of section 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Brazil of continuous cast iron bar receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act) and that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on continuous cast iron bar, and we have found that the petition meets those requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Brazil of continuous cast iron bar, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by February 8, 1984.

Scope of the Investigation

The product covered by this investigation is continuous cast iron bar produced of gray and ductile iron in solid rectangular (including square) or circular cross-section. Other solid cross sections, including half rounds and quarter rounds, may be included. This product is currently classified in items 806.9700 and 857.0990 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Brazil of continuous cast iron bar receive the following benefits which constitute subsidies:

- Industrialized Products Tax (IPI)
- Export Credit Premium;
- Funding for expansion through the IPI fund;

- Income tax exemption from export earnings;
- Export market development income and withholding tax deductions;
- Accelerated depreciation for capital goods manufactured in Brazil;
- Industrial Development Council (CDI) Program;
- Exemptions from state (ICM) and municipal taxes;
- Substitution of investment credits for corporate income tax payments;
- Benefits under the Drawback Scheme;
- Benefits under the BEFIEX Program;
- Benefits under the CIEIX Program;
- Incentives for trading companies;
- Tax deductions for investors;
- Exemptions from taxes on financial transactions (IOF);
- Miscellaneous Tax Benefits;
- Preferential working capital loans for exports—Resolution 674;
- Long-term Loans from the National Bank for Economic Development (BNDE) and Bank for the Purchase of Machinery and Investment Goods (FINAME);
- Preferential Export Financing under CIC—CREGE 14-11;
- Preferential Export Financing under Resolution 68;
- Preferential Export Financing under Resolution 330;
- Government Equity Participation;
- Financial Incentive for Company Capitalization;
- Foreign Exchange and Transaction Facilities;
- Activities of Export Promotion Agencies;
- Preferential Rail and Port Rates;
- Preferential Factor Pricing;
- Labor;
- Export Credit Insurance; and
- Other Benefits.

With the three exceptions set forth below, we will examine the programs to determine whether they conferred countervailable benefits during the period of investigation. In the final determination on certain steel plate from Brazil (48 FR 2568), we determined that fully-indexed FINAME loans are generally available and consequently not countervailable. Therefore, we will only examine partially-indexed FINAME loans in this investigation.

We will not examine discounts of foreign currency accounts receivable under Resolution 331 that was alleged by the petitioner. In our final administrative review on Pig Iron from Brazil (48 FR 31280), we determined that this program was not countervailable.

We also will not examine the allegation of regional development because the allegation is insufficient and

the Department does not have any other information that such a program exists.

Notification to ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary determination by ITC

The ITC will determine by December 30, 1983, whether there is a reasonable indication that imports of continuous cast iron bar from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If the determination is negative, that investigation will terminate; otherwise, the investigation will proceed to conclusion.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

December 5, 1983.

[FR Doc. 83-33197 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DS-M

[C-475-015]

Pads for Woodwind Instrument Keys From Italy; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of pads for woodwind instrument keys, as described in the "Scope of Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If this investigation proceeds normally, the ITC

will make its preliminary determination on or before December 22, 1983, and we will make our preliminary determination on or before January 31, 1984.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 7, 1983 we received a petition from the Prestini Musical Instrument Corporation, the largest domestic producer of pads for woodwind instrument keys. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufactures, producers, or exporters in Italy of pads for woodwind instrument keys receive, directly or indirectly, subsidies within the meaning of section 771 of the Tariff Act of 1930, as amended (the Act), and that imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. Critical circumstances have been alleged under section 703(e) of the Act. We will make a decision regarding this issue on the Act. We will make a decision regarding this issue on or before our preliminary determination of January 31, 1984.

Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act. Title VII of the Act, therefore, applies to this investigation and an injury determination is required.

Initiation

Under section 702(c) of the Act, we must determine, within 20 days after the petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on pads for woodwind instrument keys, and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Italy of pads for woodwind instrument keys as described in the "Scope of Investigation" section of this notice, receive subsidies. If the investigation proceeds normally, the ITC will make its

preliminary determination by December 22, 1983, and we will make our preliminary determination by January 31, 1984.

Scope of Investigation

The product covered by this investigation is pads for woodwind instrument keys currently provided for under item number 728.70 of the *Tariff Schedules of the United States* (TSUS). These pads are affixed to the key of various woodwind instruments, e.g., saxophones, clarinets, oboes and flutes.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Italy receive the following benefits which constitute subsidies: 10 year export financing at preferential rates under Law 17 from Regione Trentino Alto Adige; and long-term financing at preferential rates from the state financial institution Mediocredito. In addition we will include in this investigation the Italian government programs which, in prior cases, we have found might confer countervailable benefits, i.e., tax incentives under Law 614 to certain enterprises in areas of northern and central Italy; preferential financing under Law 902 to small- and medium-sized businesses in northern and central Italy; and preferential export credit financing under Law 227 to overseas buyers.

Notification to the ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 22, 1983 whether there is a reasonable indication that imports of pads for woodwind instrument keys from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate;

otherwise it will proceed according to the statutory procedures.

Alan F. Holmer,
Deputy Assistant Secretary for Import Administration.

November 25, 1983.

[FR Doc. 83-31245 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-01-M

[A-475-017]

Pads for Woodwind Instrument Keys From Italy; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether pads for woodwind instrument keys from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before December 22, 1983, and we will make ours on or before April 15, 1984.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On November 7, 1983, we received a petition in proper form from Prestini Musical Instruments Corporation, the major manufacturer in the United States of pads for woodwind instrument keys.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of

sales at less than fair value is supported by comparisons of United States prices based on price lists with the foreign market value based on home market list prices for comparable models of the largest Italian manufacturer exporting to the United States.

Critical circumstances have been alleged under section 733(e) of the Act. We will make a decision regarding this issue on or before our preliminary determination of April 15, 1984.

Initiation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition filed by the domestic manufacturer of pads for woodwind instrument keys, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether pads for woodwind instrument keys from Italy are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, the ITC will make its preliminary determination by December 22, 1983, and we will make our preliminary determination by April 15, 1984.

Scope of Investigation

The merchandise covered by this investigation is pads for woodwind instrument keys currently provided for under item number 726.70 of the *Tariff Schedules of the United States* (TSUS). These pads are affixed to the keys of various woodwind instruments, e.g., saxophones, clarinets, oboes, and flutes.

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 22, 1983 whether there is a reasonable

indication that imports of pads for woodwind instrument keys from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: November 25, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-30250 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DS-M

Issuance of Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Barlar International, Inc. (Barlar). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. 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 certificate as "Export Trade Certificate of Review, application number 83-00020."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel 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 are found at 48 FR 10595-604 (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 for 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

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Barlar on September 13, 1983. The application was deemed submitted on September 14, 1983. A summary of the application was published in the Federal Register on September 28, 1983 (48 FR 44242 (1983)) and corrected by 48 FR 45448 (October 5, 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 Barlar meet the four standards of the Act:

Export Trade

Products

- a. Computers;
- b. Computer Software;
- c. Computer Equipment;

- d. Firearms;
- e. Artillery and Projectors;
- f. Rockets, Torpedoes, Bombs, and Mines;
- g. Propellants, Explosives, and Incendiary Agents;
- h. Vessels of War, Special Naval Equipment;
- i. Tanks, Trucks, and Military Vehicles;
- j. Aircraft, Associated Equipment, and Spare Parts;
- k. Military Training Equipment;
- l. Protective Personnel Equipment;
- m. Military and Space Electronics;
- n. Fire Control, Range Finder Control Equipment;
- o. Oil Field Equipment;
- p. Construction Equipment;
- q. Agriculture Equipment;
- r. Communications Equipment;
- s. Commercial Ships/Boats;
- t. Commercial Aircraft;
- u. Spare Parts for all of the above; and
- v. Foodstuffs.

Related Services

- a. Resolution of reliability and warranty commitments; and
- b. Personnel to perform engineering, operational, training, and support tasks.

Export Markets

The export market includes all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operations

1. Barlar may obtain lists of potential buyers in the Export Markets and furnish its Products list to such buyers.
 2. When Barlar receives a request from an individual buyer in the Export Markets for the price of a particular Product, Barlar may ask one or more U.S. suppliers individually to supply a price quotation to Barlar for that Product.
 3. Barlar may add its mark-up to the U.S. supplier's price and transmit a price quotation to the buyer.
 4. If the buyer places an order, Barlar may take title to the Product and ship to the buyer.
 5. At the buyer's option, Barlar may provide any of the Related Services in connection with the purchase of a Product.
- 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 each certificate 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, NW., 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: December 9, 1983.
 Irving P. Margulies,
Acting General Counsel.
 [FR Doc. 83-33246 Filed 12-13-83; 8:45 am]
 BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Marine Mammal Permits; Center for Coastal Marine Studies; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Dr. Daniel P. Costa (P227G), Center for Coastal Marine Studies, University of California, Santa Cruz, California 95064.
 2. Type of Permit: Scientific Research.
 3. Name and Number of Animals: California sea lion (*Zalophus californianus*)—25.
 4. Type of Take: Up to five (5) animals per year will be collected, maintained in captivity for physiological studies for up to one year, and released.
 5. Location of Activity: Año Nuevo, California.
 6. Period of Activity: 5 years.
- Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 8, 1983.
 Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-33287 Filed 12-13-83; 8:45 am]
 BILLING CODE 3510-22-M

Marine Mammal Permits; Massachusetts Cooperative Fishery Research Unit; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant: Massachusetts Cooperative Fishery Research Unit (P330), University of Massachusetts, Holdsworth Hall, Amherst, Massachusetts 01003.
2. Type of Permit: Scientific Research.
3. Names and Number of Animals: Shortnose sturgeon (*Acipenser brevirostrum*)—2,750.
4. Type of Take: Juvenile and adult shortnose sturgeon will be captured by seining, gill nets, or traps and weighed, measured, and tagged for population studies. Some adults will be held for propagation studies. Larvae will be

collected using a floating inclined-screen downstream trap. Some will be held for rearing to five months.

5. Location of Activity: Connecticut River.

6. Period of Activity: 3 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: December 8, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management National Marine Fisheries Service.

(FR Doc. 83-33240 Filed 12-13-83; 8:45 am)

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Malaysia Effective on January 1, 1984

December 9, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1984. For further information contact Gordana Slijepcevic, International Trade Specialist (2202) 377-4212.

Background

The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of

December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia provides specific limits for, among other categories, Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446, and 604 during the agreement year which begins on January 1, 1984 and extends through December 31, 1984. The agreement also contains a consultation mechanism for categories not subject to specific limits and for which levels may be established during the agreement year. In the letter published below, which establishes the 1984 limits for the foregoing categories, the limits for Categories 604 and 445/446 have been adjusted to account for 74,693 pounds and 1,504 dozen of carryforward used in 1983, reducing those limits to 1,251,105 pounds and 23,807 dozen respectively.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: Under the terms of Sections 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textiles and textile products in Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446, and 604, produced or manufactured in Malaysia and exported during 1984, in excess of the following levels of restraint:

Category	12-month level of restraint
331	613,880 dozen pairs.
333/334/335	80,230 dozen of which not more than 40,115 dozen shall be in Cat. 333, not more than 40,115 dozen shall be in Cat. 334; and not more than 40,115 dozen shall be in Cat. 335.
338/339	469,084 dozen of which not more than 187,232 dozen shall be in Cat. 338.
340	326,913 dozen.
347/348	184,816 dozen of which not more than 96,636 dozen shall be in Cat. 348.
445/446	23,807 dozen.
604	1,251,105 pounds.

In carrying out this directive, entries of cotton, wool, and man-made fiber textiles and textile products in the foregoing categories, produced or manufactured in Malaysia, which have been exported to the United States on and after January 1, 1983, and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia which provide, in part, that: (1) Specific limits or sublimits may be exceeded by not more than 5 percent if a corresponding reduction is made in one or more other specific limits in the same group during the same agreement year; (2) specific levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and, (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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 actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool, and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-33184 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Mexico, Effective January 1, 1984

December 9, 1983.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products produced or manufactured in Mexico and exported during the twelve-month period which begins on January 1, 1984.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, establishes specific limits for Categories 335, 341, 359, 434, 443, 444, and 650 which are not subject to specific limits and which may be adjusted during the agreement year. In the letter published below, 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, wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs.

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1950, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Mexico and exported during 1984, in excess of the levels of restraint indicated below:

Category	12-month level of restraint
335	44,997 dozen.
336	22,075 dozen.
341	88,966 dozen.
347/348	738,820 dozen of which not more than 443,173 dozen shall be in Category 347 and not more than 443,173 dozen shall be in Category 348.
359	652,174 pounds.
434	2,315 dozen.
443	1,852 dozen.
444	1,852 dozen.
641	371,988 dozen.
647/648	1,838,200 dozen of which not more than 1,101,720 dozen shall be in Category 647 and not more than 1,101,720 dozen shall be in Category 648.
650	13,725 dozen.

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, except Categories 335, 341, 347/348, 359, 434, 443, 641, 647/648, and 650, produced or manufactured in Mexico, which have been exported on and after January 1, 1983 and extending through December 31, 1983, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period which began on January 1, 1983 and extended through December 31, 1983. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future, according to the provisions of the bilateral agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, which provide in part, that: (1) Specific limits or specific sublimits may be exceeded by not more than seven percent for swing in any agreement period; (2) these same limits may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments

under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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 actions taken with respect to the Government of Mexico and with respect to imports of cotton, wool and man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-33183 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products From the Republic of Singapore

ACTION: Granting increases for swing and carryforward from 1,212,750 pounds to 1,352,666 pounds for noncellulosic yarn, wholly of non-continuous filaments, in Category 604, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing) and for the borrowing of designated amounts from the succeeding year's level with the amount used being deducted from the level in the succeeding year (carryforward). Pursuant to the terms of the bilateral agreement, the import restraint level established for Category 604 is being

increased for the twelve-month period which began on January 1, 1983. The newly adjusted limit also includes a reduction of 54,124 pounds accounting for carryforward used in this category in 1982.

EFFECTIVE DATE: December 15, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the *Federal Register* (47 FR 57322) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specific categories of cotton, wool and man-made fiber textile products, including Category 604, produced or manufactured in Singapore and exported to the United States during the twelve-month period which began on January 1, 1983. In accordance with the flexibility provisions of the bilateral agreement, the United States Government is increasing the limit for man-made fiber textile products in Category 604. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the limit to the designated amount.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: On December 17, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Singapore and exported during 1983, in excess of designated levels or restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels and sublevels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to adjust, effective on December 15, 1983, the twelve-month level of restraint established for man-made fiber textile products in Category 604 to 1,352,666 pounds.²

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of made-made fiber textile products from Singapore 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. 83-33182 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DR-M

Changes to the CORRELATION; Textile and Apparel Categories With Tariff Schedules of the United States Annotated January 1, 1984

December 9, 1983.

The CORRELATION: Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in Textile Category System. Amendments to the T.S.U.S.A. reflecting certain administrative changes require amendment to the CORRELATION. These changes are cited in the list which follows this notice.

Effective Date: January 1, 1984.

For further information contact: Claire McDermott, Office of Textiles and

made to resolve minor problems arising in the implementation of the agreement.

²The level of restraint has not been adjusted to reflect any imports exported after December 31, 1982.

Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212)

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

1984 CHANGES TO THE CORRELATION

Category	Type of change
320	Change: 346.3525 to 346.3522. 346.3530 to 346.3526. 346.3545 to 346.3546. 346.3550 to 346.3549.
334	Add: 379.0652 vests with attachments for sleeves. 379.5810 vests with attachments for sleeves. 772.3015 other coats for rubber or plastics, containing cotton.
335	Add: 383.0625 vests with attachments for sleeves. Change: 383.3448 to 383.3447 and 383.3453. 383.3450 to 383.3447 and 383.3454. 383.3452 to 383.3447 and 383.3458. 383.3460 to 383.3449. 383.3465 to 383.3450, 383.3451 and 383.3464. 383.3466 to 383.3450, 383.3451 and 383.3468. Add: 772.3020 other coats for rubber or plastics, containing cotton.
337	Change: 383.5040 to 383.5038 and 383.5039.
359	Change: 379.0650 to 379.0654. 383.0630 to 383.0628. 383.5600 to 383.5620. 383.4300 to 383.4320. Add: 772.3035 other coats for rubber or plastics, containing cotton.
435	Change: 383.7210 to 383.7215 and 383.7220.
436	Add: 383.2509 of other fiber, subject to wool restraints.
440	Add: 383.2507 of other fiber, subject to wool restraints.
459	Change: 383.2510 to 383.2511.
631	Change: 704.3220 to 704.3210 and 704.3215. 704.8520 to 704.8515 and 704.8525.
634	Change: 379.2320 to 379.2315 and 379.2325. 379.8910 to 379.8908 and 379.8911. Add: 379.3331 vests with attachments for sleeves (effective Oct. 1, 1983). 379.9836 vests with attachments for sleeves (effective Oct. 1, 1983). 772.3025 other coats for rubber or plastic, containing man-made fiber.
635	Change: 383.1910 to 383.1908 and 383.1912. 383.8115 to 383.8108, 383.8112 and 383.8118. 383.8116 to 383.1908, 383.8112 and 383.8119. Add: 383.2351 vests with attachments for sleeves (effective Oct. 1, 1983). Change: 383.9050 to 383.9043 and 383.9052. 383.9051 to 383.9043 and 383.9054. Add: 383.9267 vests with attachments for sleeves (effective Oct. 1, 1983). 772.3030 other coats for rubber or plastic, containing man-made fiber.
647	Change: 379.2360 to 379.2370 and 379.2375.
648	Change: 383.1935 to 383.1945 and 383.1950. 383.1940 to 383.1945 and 383.1955.
659	Change: 379.3340 to 379.3350. 379.9645 to 379.9650. 383.2360 to 383.2365. 383.9290 to 383.9291. Add: 772.3040 other coats for rubber or plastic, containing man-made fiber.
369	Change: 706.2015 to 706.3200.

1984 CHANGES TO THE CORRELATION—
Continued

Category	Type of change
	706.2240 to 706.3640, 706.2250 to 706.3650, 706.2260 to 706.3660, 706.2906 to 706.4106, 706.2811 to 706.4111, 706.2821 to 706.4121.
466	Change: 355.1600 to 355.1610, 355.1620 and 355.1630.
669	Change: 346.0080 to 346.0095.
670	Change: 706.4150 to 706.4144 and 706.4152.

[FR Doc. 83-33201 Filed 12-13-83; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING
COMMISSIONDelegation of Authority;
Administrative Law Judge

The position of Chief Administrative Law Judge for the Commission's Hearings Section was vacated on December 10, 1983. The Commission has authorized its senior Administrative Law Judge, George H. Painter, from and after that date, to perform the functions reserved for the Chief Administrative Law Judge by §§ 1068, 10.84, 12.72, 12.74, 12.84, 12.95 and 140.61 of the Commission's Regulations, 17 CFR 10.68, 10.84, 12.72, 12.74, 12.84, 12.95 and 140.61(1983), and by any other sections of the Commission's Regulations now in effect, or adopted hereafter, until further notice.

Issued in Washington, D.C. on December 8, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-33200 Filed 12-13-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY
COMMISSIONNotification of Proposed Collection of
Information Submitted to OMB for
ReviewAGENCY: Consumer Product Safety
Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information consisting of a survey of upholstered furniture manufacturers.

The purpose of the survey is to obtain current information on fabrics and filling materials used to produce upholstered household furniture. The information will be used by the Commission to characterize furniture production and to assess the cigarette ignition hazard presented by furniture. The survey will cover certain firms who manufacture upholstered household furniture, and it will be completed by June 1, 1984.

Additional information about the Proposed Collection of Information:
Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection:
"Survey of Upholstered Furniture Manufacturers."

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents:
Manufacturers of upholstered household furniture.

Estimated number of respondents: 180 to 250.

Estimated average number of hours per response: .25 (15 minutes).

Comments: Comments on this proposed collection of information should be addressed to Andy Valez-Rivera, Desk Officer, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: December 5, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33256 Filed 12-13-83; 8:45 am]

BILLING CODE 6355-01-M

Notification of Proposed Collection of
Information Submitted to OMB for
ReviewAGENCY: Consumer Product Safety
Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information consisting of a screening questionnaire to be used to select older consumers who express

interest in having their homes audited for safety.

The purpose of the survey is to allow the Commission to identify approximately 2000 homes which have requested and will permit safety audits. It will be completed by September 30, 1984.

Additional information about Proposed Collection of Information:
Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection:
"Screening Questionnaire for 'Safety for Older Consumers' Campaign."

Type of request: Approval of a new plan.

Frequency of collection: One time.
General description of respondents:
Older consumers.

Estimated number of respondents:
6000.

Estimated average number of hours per response: 1/2 (3 minutes).

Comments: Comments on this proposed collection of information should be addressed to Andy Valez-Rivera, Desk Officer, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: December 8, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33257 Filed 12-13-83; 8:45 am]

BILLING CODE 6355-01-M

Notification of Proposed Collection of
Information Submitted to OMB for
ReviewAGENCY: Consumer Product Safety
Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information consisting of a survey of insulation contractors.

The purpose of the survey is to obtain current information on the market for urea formaldehyde foam insulation so that the Commission can make informed

policy decisions regarding the product. The survey will cover insulation contractors who are most likely to install the urea formaldehyde foam insulation in the near future, and it will be completed by March 31, 1984.

Additional information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission 1111 18th Street N.W., Washington, D.C. 2027.

Title of information collection: "Survey of Insulation Contractors."

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Insulation contractors.

Estimated number of respondents: 50.

Estimated average number of hours per response: .05. (3 minutes).

Comments: Comments on this proposed collection of information should be addressed to Andy Velez-Rivera, Desk Officer, Office of Management and Budget, Washington, D.C. 20530; telephone (202)395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation; Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301)492-8529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: December 8, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33258 Filed 12-13-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee has been rescheduled from 8 January 1984 as follows:

Tuesday, 31 January 1984, Plaza West, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on future initiatives in emergency planning.

Dated: December 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer
Department of Defense.

[FR Doc. 83-33176 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 11 January 1984 at the AGED Secretariat Offices, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: December 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33181 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 19 January 1984 at Naval Ocean Systems Center, 271 Catalina Blvd., San Diego, CA 92152.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical

and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: December 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33180 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 18 January 1984 at the AGED Secretariat Offices, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: December 9, 1983.

M. S. Healy;

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-33179 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

Notification of Ordering Procedures for Department of Defense, Federal Acquisition Regulation, Supplement (DOD FAR Supplement)

This notice sets forth the procedures for ordering the initial printing of the DOD FAR Supplement. This document, in conjunction with the FAR, will replace the Defense Acquisition Regulation effective April 1, 1984.

The general public may obtain copies of the DOD FAR Supplement by placing orders with a Government Printing Office Bookstore or with the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402 (telephone: 202-783-3238). The price is \$66.00 domestic and \$82.00 foreign for a subscription covering an indefinite period.

Existing subscribers to the Defense Acquisition Regulation (DAR) will not automatically receive the DOD FAR Supplement. A new order for the Supplement must be placed with the Government Printing Office.

Orders should cite: DFARS, 008-000-90501-1.

M. S. Healy,

*OSD Federal Register Liaison, Washington
Headquarters Services, Department of
Defense.*

December 7, 1983.

[FR Doc. 83-33156 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Requirement Submitted OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The

point of contact from whom a copy of the information proposal may be obtained.

New Collection

Commissary Survey: USAF SCN 83-20R

This information is needed to determine the association between sales patterns and customer characteristics, i.e., age, marital status, etc., as well as customer preference. Survey results will form a data base to be used as an aid in improving commissary service.

Air Force retired members: 6848 responses; 3423 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Sandra Paulson, HQ AFMPC/MPCYP, Randolph AFB TX 78150, telephone (512) 652-2449.

M. S. Healy,

*OSD Federal Register, Liaison Officer,
Department of Defense.*

December 7, 1983.

[FR Doc. 83-33157 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New Collection

USAF Base Newspaper Readership Survey

This information is needed biennially to determine if base newspapers are meeting the needs and desires of base newspaper readers. It is designed to assist the editorial staff in determining

content analysis, level of writing, credibility standards and other editorial policy matters.

Air Force retirees and dependents of Air Force personnel: 4,550 responses; 1,137.5 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Lt Col Robert A. Fuller, HQ SAC/PAI, Offutt AFB, NE 68113, telephone (402) 294-2067.

M. S. Healy,

*OSD Federal Register, Liaison Officer,
Department of Defense.*

December 7, 1983.

[FR Doc. 83-33158 Filed 12-13-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirements Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New Collection

AF Form (to be assigned)—Application for Annuity Under the Retired Serviceman's Family Protection Plan (RSFPP) and/or Survivor Benefit Plan (SBP). The Air Force Accounting and Finance Survivor Benefit Division, must receive an application for survivor annuity. The application is needed to validate entitlement to a survivor annuity, establish current status of beneficiaries of a survivor annuity, determine the type and amount of annuity to be paid, and establish the annuity account.

Potential beneficiaries of a survivor benefit plan: 4200 responses; 700 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Ms. Billye Hoeft, AFAPC/XSPCR, Denver CO 80279, telephone (303) 370-7391.

Dated: December 8, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33176 Filed 12-13-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Facilities Available for the Construction or Repair of Ships

The Commander, Naval Sea Systems Command as the coordinator of Shipbuilding, Conversion and Repair is responsible for the design, development, acquisition, modernization, and conversion of Navy Ships. By Letter of Agreement dated 9 November 1955, between the Department of Defense and the Department of Commerce, the Office of the Coordinator of Ship Repair and Conversion for the Department of Defense and the Department of Commerce was established. The responsibilities of the Office of the Coordinator were vested in the Naval Sea Systems Command (formerly the

Bureau of Ships). One of the functions of the Office of the Coordinator is to maintain adequate records covering available facilities and capacities of the ship building and ship repair yards. The Merchant Marine Act of 1936, as amended, gives Maritime Administration the responsibility for surveying and keeping records on private shipyards. Data collected on Standard Form 17 is for determining shipyard capabilities for ship construction, ship repair and services rendered to Maritime and Navy Ships.

The respondents are private shipyards; 305 responses, 1220 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD (C), IRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 694-0178.

A copy of the information collection proposal may be obtained from Commander, Naval Sea Systems Command (Sea 0713), Department of the Navy, Washington, DC 20362, telephone (202) 692-0720.

Dated: December 8, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33177 Filed 12-13-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Marine Corps Advertising Awareness and Attitude Tracking Study.—None

This study is to evaluate the effectiveness and efficient cost planning of future advertising campaigns.

Young adult males; 1000; 500 hours

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Major Wagner, Headquarter, U.S. Marine Corps, Arlington Annex, Columbia Pike and Arlington Ridge Road, Arlington, Virginia, telephone 694-1935.

Dated: December 8, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33178 Filed 12-13-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

State Student Incentive Grant Program

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Receipt of State Applications for Fiscal Year 1984.

The Secretary gives notice of the closing date for receipt of State applications for Fiscal Year 1984 funds under the State Student Incentive Grant (SSIG) Program. This program, through matching formula grants to States for student awards, provides a nationwide delivery system of grants for students with substantial financial need.

A State that desires to receive SSIG funds for any fiscal year must have an agreement with the Secretary as provided for under the authorizing law, and must submit an application through the State agency that administers its program of student grants.

The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands, provided they have executed the required agreement.

Authority for this program is contained in Title IV, Part A, sections 415A to 415D of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070c-1070-3)

Closing Date for Transmittal of Applications.

Applications for Fiscal Year 1984 SSIG funds must be mailed or hand-delivered by January 30, 1984.

Applications Delivered by Mail

Applications sent by mail must be addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202 and marked for the attention of Ms. Lanora G. Smith, Chief, State Student Incentive Grant Program, Room 4020, ROB #3. The Department of Education requires proof of mailing. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (2) a legibly dated U.S. Postal Service postmark; or (3) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. State Agencies should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, State Agencies should check with their local post offices. The Department of Education encourages State Agencies to use registered or at least first-class mail.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, S.W., Room 4020, Regional Office Building #3, Washington, D.C. Hand-delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, D.C. time), except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The Secretary requires an annual submission of an application for receipt of SSIG funds. In preparing an application, each State Agency should be guided by the table of allotments provided in the application package.

Basic State Allotments, to the extent needed by the States, are determined by formula and are not subject to negotiations. The States may also request a share of reallocations, in addition to their basic allotments, contingent upon the availability of such funds from allotments to any States unable to use all their basic allotments. In FY 1983, all 50 States, the District of Columbia, Puerto Rico, and the Virgin and Pacific Islands participated in the

SSIG student assistance delivery network.

Application Forms and Information

The required application form for receiving SSIG funds will be mailed to officials of appropriate State Agencies at least 30 days before the closing date. This form contains the basic allotment tables with the amount computed for individual States under the SSIG Program authorization, as well as instructions for requesting Federal funds. The amounts available to State Agencies are limited by the statutory allotment formula and the level of appropriations for the Program. Applications must be prepared and submitted in accordance with the program regulations cited in this notice and the instructions provided in the application package.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations. The Secretary strongly urges that applicants not submit information that is not requested.

Application Regulations

The following regulations are applicable to the SSIG Program:

- (1) The State Student Incentive Grant Program regulations (34 CFR Part 692).
- (2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 76 (State-Administered Programs), Part 77 (Definitions), and Part 78 (Education Appeal Board).
- (3) The Federal-State Relationship Agreements regulations (34 CFR Part 604).

For Further Information

Inquiries can be made of Ms. Lanora G. Smith, Chief, State Student Incentive Grant Program, Office of Student Financial Assistance, U.S. Department of Education, Washington, D.C. 20202; telephone (202) 472-4265.

(Catalog of Federal Domestic Assistance Number 84.069, State Student Incentive Grant Program)

Dated: December 9, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-32200 Filed 12-13-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**Office of Secretary**

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery, Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in January 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its fourteenth meeting on Thursday, January 5, 1984, starting at 9:00 a.m., in the Auditorium of the U.S. Department of Energy/National Institute for Petroleum and Energy Research, Virginia and Cudahy, Bartelsville, Oklahoma.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale

Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on December 8, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-33172 Filed 12-13-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Order; Houma Oil Co., Inc.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Remedial Order to Houma Oil Company, Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Houma Oil Company, Inc., P.O. Box 229, Houma, Louisiana 70361. This Proposed Remedial Order alleges violations in the pricing of motor gasoline of 10 CFR 212.92 and 212.93 for the period May 1, 1979 through April 30, 1980. The principal amount of the alleged violations for this period is \$503,810.00.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

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, U.S. Department of Energy, Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 1st day of December, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-33171 Filed 12-13-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Nola Oil Co., Inc.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Remedial Order to Nola Oil Company, Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Nola Oil Company, Inc., 525 South Jefferson Highway, Jefferson, Louisiana 70105. This Proposed Remedial Order alleges violations in the pricing of motor gasoline of 10 CFR 212.92 and 212.93 for the period October 1, 1979 through December 31, 1979. The principal amount of the alleged violations for this period is \$141,793.00.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

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, U.S. Department of Energy, Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 1st day of December, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-33170 Filed 12-13-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-62-000]

Colorado Interstate Gas Co., Montana-Dakota Utilities Co.; Application

December 8, 1983.

Take notice that on November 14, 1983, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, and Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP84-62-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale and exchange of natural gas between the Applicants in the Fuller Reservoir Area of Wyoming, all as more fully set forth in the application which is on file with

the Commission and open to public inspection.

Applicants propose to abandon the sale and exchange of gas under the gas purchase and exchange agreement (Fuller Agreement) between the two companies dated January 6, 1978, authorized by order issued August 29, 1978, in Docket No. CP78-198, *et al.*, as amended by order dated November 24, 1978. Applicants state that under the terms of the Fuller Agreement, natural gas was to be delivered by CIG to MDU at mutually agreeable points on MDU's pipeline which serve the Fuller area. Applicants further state that the volumes of natural gas subject to the Fuller Agreement were those which CIG had available in the Fuller area and CIG would be able to deliver to MDU and volumes which MDU would be able to accept.

Applicants aver that the volumes of natural gas transported pursuant to the Fuller Agreement have been less than originally anticipated and have declined over the life of the contract. Applicants further aver that various exploration and drilling programs in the Fuller area have failed to develop reserves to the extent anticipated. Applicants assert that adequate capacity exists in CIG's Fuller Reservoir lateral, constructed by CIG in 1980 pursuant to its gas supply budget authority, to transport to CIG's market the relatively small volumes of natural gas still available under the Fuller Agreement.

It is explained that the proposed abandonment would eliminate MDU's purchase option on CIG's gas from the Fuller area and will terminate the exchange of natural gas between the Applicants from the Fuller area. Applicants further explain that upon Commission approval of the proposal, CIG would file to cancel Rate Schedule X-22, FERC Gas Tariff, Original Volume No. 2 and MDU would file to cancel Rate Schedule T-1, FERC Gas Tariff, First Revised Volume No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33209 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-32-000]

**Columbia Gulf Transmission Co.;
Application**

December 8, 1983.

Take notice that on October 25, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP84-32-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a 32.94413 percent share in a 300 horsepower compressor unit with related facilities, on an existing platform in Block A-157, Galveston Island Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Monsanto Company (Monsanto), the producer, has indicated to Applicant that absent sufficient compression to enable certain low pressure gas to enter Applicant's transmission line, approximately 971,000 Mcf of gas would be lost to the interstate market.

Applicant estimates the installation cost of the facilities to be approximately \$79,724, which costs can be financed

from current working funds available to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33270 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-2-000]

**Columbia Gas Transmission Corp.;
Informal Conference**

December 8, 1983.

Take notice that on Wednesday, December 21, 1983, at 10:00 a.m. in the offices of the Federal Energy Regulatory Commission, 825 N. Capitol St., Washington, D.C., there will be an informal conference convened in the above-captioned cause to permit interested parties to discuss, with the hope of resolution or definition of, the issues involved in the application filed

in this proceeding on October 3, 1983. All interested parties may at their option attend, but mere attendance will not serve to make one formally a party to this proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33283 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-122-000]

Dayton Power & Light Co.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 1, 1983, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Jackson Center (Jackson Center), Ohio.

DP&L states that the proposed Agreement allows Jackson Center to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Jackson Center.

DP&L requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33284 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-124-000]

Dayton Power & Light Co.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 2, 1983, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Minster (Minster), Ohio.

DP&L states that the proposed Agreement allows Minster to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Minster.

DP&L proposes an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33285 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-125-000]

Dayton Power & Light Co.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 2, 1983, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Lakeview (Lakeview), Ohio.

DP&L states that the proposed Agreement allows Lakeview to purchase energy requirements from third parties who will use existing Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Lakeview.

DP&L requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33286 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-127-000]

Iowa Public Service Co.; Filing

December 8, 1983

The filing Company submits the following:

Take notice that on December 2, 1983, Iowa Public Service Company (Iowa) tendered for filing an Addendum, dated October 28, 1983, to the Electric Interchange Agreement, as Amended, with the City of West Bend, Iowa.

Iowa states that the Addendum provides for the termination of sales of power and energy pursuant to MAPP Service Schedule K and Iowa will supply capacity to West Bend in accordance with MAPP Service Schedule H for the summer period for the years 1984 through 1987.

Iowa requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33287 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-131-000]

Kansas Gas & Electric Co.; Filing

December 8, 1983.

The filing company submits the following:

Take notice that on December 5, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 147.

KG&E states that the filing is full requirements service which provides electric power and accompanying energy to be supplied to the City of Girard, Kansas.

KG&E requests an effective date of January 1, 1984.

Copies of the filing were served upon the City of Girard, Kansas and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33288 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-130-000]

Niagara Mohawk Power Corp.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 5, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing a rate schedule, a supplement agreement between Niagara and Consolidated Edison Company of New York, Inc.

(Consolidated Edison) dated July 21, 1983.

Niagara presently has on file an agreement with Consolidated Edison dated April 1, 1979 last amended April 1, 1981. The original agreement is to provide transmission service for the delivery of diversity power and energy from the Power Authority of the State of New York (PANSY) to Consolidated Edison. The diversity power and energy is in turn exchanged by PANSY with Hydro Quebec. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 113. This new agreement is being transmitted as a supplement to the existing agreement and supersedes Supplement No. 3.

Niagara states that the July 21, 1983 agreement which is a supplement to the original agreement, revises the transmission rates.

Niagara requests an effective date of July 21, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Consolidated Edison Company of New York, Inc. and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file motion to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33289 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-129-000]

Niagara Mohawk Power Corp.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 2, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and Consolidated Edison Company of New York Inc.

(Consolidated Edison) dated August 9, 1982.

Niagara presently has on file an agreement with Consolidated Edison dated February 4, 1975, last amended July 28, 1981. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 90. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that the supplements revise the transmission rates for transmitting FitzPatrick power and energy from the Power Authority to Consolidated Edison for the period commencing September 1, 1982 as provided for in the terms of the original agreement.

Niagara requests an effective date of September 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Consolidated Edison Company of New York, Inc. and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33290 Filed 12-13-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP80-43-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Motion To Intervene, Reject Rate Change Filings and Protest to Blanket Affidavit

Issued: December 7, 1983.

On November 10, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) filed with the Federal Energy Regulatory Energy Commission (Commission) a motion to intervene in rate change proceedings commenced by Cities Service Oil and Gas Corporation (Cities). Northern contests Cities' claim of contractual

authority to charge and collect the following gas price under section 104 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432. (Supp. V 1981) for certain natural gas sold by Cities to Northern. Accordingly, the Commission will treat Northern's motion as a protest pursuant to § 154.94(h)(8) of the Commission's regulations (18 CFR 154.94(h)(8) (1983)).

Cities and Northern entered into gas purchase contracts covering gas products in the Hugoton-Anadarko Field in Kansas and Oklahoma on May 21, 1963 and May 23, 1963, respectively. The pricing provisions in these contracts incorporated, and were subject to, the provisions contained in a 1963 settlement agreed to by Cities and Northern, and approved by the Federal Power Commission.¹ In support of its rate change filings, Cities relies upon the following provision [Article IV, Paragraph 1] of the Settlement Proposal:

In addition to, and notwithstanding the provisions of this Settlement Proposal, Cities Service expressly reserves the right to file for and collect price increases, to the extent permitted by contract or amendments thereto under any of the rate schedules * * * under the following circumstances:

1. If the effective price under any rate schedule * * * is at any time less than the applicable rate fixed by the Commission in an "area" or other proceeding or less than the applicable area price level announced in the Commission's Statement of General Policy No. 61-1, as now or hereafter amended, Cities Service may file for any such higher price.

Cities contends that the above-quoted language serves as an area rate clause that allowed it originally to collect the appropriate area rate, and now the NGPA section 104 flowing gas rate. Cities states that it was not until the Federal Power Commission set area rates for the Hugoton-Anadarko Field in September 1970² that it was entitled to a higher price pursuant to the area rate provision. However, neither Cities nor Northern took any action pursuant to Opinion No. 586 until Cities filed its rate change statements³ on October 14, 1983. On November 10, 1983, Northern filed its motion to intervene and protest to Cities rate change filings. Northern claims that the proposed rate increase should be rejected "because the

¹ Order Approving Rate Settlement Proposal. As Amended and Modified, Prescribing Refunds, Serving and Terminating Proceedings. Docket Nos. G-9510, et al., G-13376, et al., and G-14723, et al., 28 FPC 1114 (1962).

² Opinion No. 586, 44 FPC 761 (1970).

³ Format No. FERC 559, 18 CFR 250.14 (1983).

requisite contractual authority is absent from the gas purchase contracts which form the basis for Cities' Rate Change Statement." 4

Any person desiring to participate who is not already a party or participant in this proceeding shall file a petition to intervene in accordance with Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, (1983)), within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33271 Filed 12-13-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-79-000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

December 8, 1983

Take notice that on November 18, 1983, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-79-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to transport natural gas for the account of Mountain Fuel Supply Company (Mountain Fuel), an interstate pipeline company, under the authorization issued in Docket No. CP82-433-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant proposes to provide best-efforts transportation for up to 3,000 Mcf of natural gas per day for the account of Mountain Fuel under a gas gathering and transportation agreement dated August 19, 1983. The proposed service would be for an initial term of five years and from year to year thereafter until terminated by either party, it is explained.

Applicant states that it would receive for gathering and transportation the volumes of natural gas which Mountain Fuel tenders to Applicant at the Jefferson Receipt Point #1 located in Sublette County, Wyoming, and at additional receipt points in the area which may be added to the agreement in the future. Applicant explains that it would gather such gas through its Big Piney Gathering System facilities to its Opal gasoline plant in Lincoln County, Wyoming, and then transport the gas through its transmission facilities to an existing point of interconnection with Mountain Fuel located in Sweetwater County, Wyoming, where thermally

equivalent volumes, less gathering and transmission fuel, would be delivered to Mountain Fuel.

Applicant further states that it would charge Mountain Fuel its current transportation rate of 1.25 cents per million Btu per hundred mile billing mileage unit for the mainline transmission service proposed herein, as set forth on Sheet 2 of applicant's presently effective FERC Gas Tariff, Original Volume No. 2. In addition, Applicant states it would charge Mountain Fuel its Big Piney area gathering rate of 29.53 cents per million Btu for the non-jurisdictional gathering service to be provided. Applicant states that the proposed service is conditioned upon the availability of pipeline capacity sufficient to provide such service without detriment or disadvantage of Applicant's existing customers who are dependent on Applicant's general system supply.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33272 Filed 12-13-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-80-000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

December 8, 1983.

Take notice that on November 18, 1983, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-80-000 a request pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to transport natural gas for the account of Mountain Fuel Resources, Inc. (Resources), an interstate pipeline company, under the authorization issued in Docket No. CP82-433-000, all as more fully set forth

in the request which is on file with the Commission and open to public inspection.

Applicant proposes to provide best-efforts transportation for up to 5,000 Mcf of natural gas per day for the account of Resources under a gas transportation agreement, dated March 9, 1983. The proposed service would be for an initial term of fifteen years and from year to year thereafter until terminated by either party.

Applicant states that it would receive for transportation the volumes of natural gas which Resources acquires from the Winter Valley area of Rio Blanco County, Colorado, and tenders to Applicant at the Elk Springs receipt point located at an existing interconnection on Applicant's Piceance trunkline in Rio Blanco County, Colorado. Applicant states it would redeliver thermally equivalent volumes, less fuel and losses, at another existing interconnection on the Piceance Trunkline.

Applicant states that it would deduct fuel and losses in kind and charge Resources for transportation at the rates shown on Sheet No. 2 of Applicant's FERC Gas Tariff, Volume No. 2. Currently, Applicant's transmission fuel rate is 0.75 percent of volumes received and the transmission transportation rate is 1.25 cents per hundred mile billing unit for each million Btu transported. The proposed transportation service covers less than one hundred miles, resulting in the application of a single hundred mile billing unit for rate purposes.

Applicant states that the proposed service is conditioned upon the availability of pipeline capacity sufficient to provide such service without detriment or disadvantage to Applicant's existing customers who are dependent on Applicant's general system supply.

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

* Motion to Intervene of Northern, filed November 10, 1983 at 5.

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33273 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-126-000]

Pennsylvania Power & Light Co.; Filing

December 8, 1983.

The filing Company submits the following:

Take notice that on December 2, 1983, Pennsylvania Power & Light Company (PP&L) tendered for filing as a rate schedule an executed agreement dated as of November 21, 1983 between PP&L and Connecticut Municipal Electric Energy Cooperative (CMEEC).

PP&L states that the rate schedule provides for a maximum energy reservation charge rate of \$24.70 per megawatt hour and an energy charge rate based upon the incremental cost of providing the energy.

PP&L requests an effective date of December 2, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33291 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-75-000]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Application

December 8, 1983.

Take notice that on November 17, 1983, Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-75-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission

and approval to abandon and remove one 700 horsepower compressor unit located in Kearney County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Peoples states that it owns and operates the Kendall compressor station in the Hugoton Field in Kearney County, Kansas. Peoples states that the volumes produced from this gathering system have leveled off over the last two years to an average of 3,800 Mcf of gas per day. The suction pressure at the station has also leveled off and the average daily production is far below the capacity of the compressor facilities at the Kendall Station, it is submitted. The Kendall Station has two 700 horsepower compressor units and Peoples proposes to abandon and remove one 700 horsepower compressor unit. The estimated cost to remove the compressor is \$1,200.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Peoples to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33274 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-30-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

December 8, 1983.

Take notice that on October 24, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-30-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Conoco Inc. (Conoco), the establishment of two new pipeline interconnections, and the construction and operation of a side valve and measurement facilities at each of such new interconnections, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Conoco are parties to a gas purchase and sales agreement (said agreement, as amended, hereinafter called the 1976 Agreement) for the purchase by Applicant of gas produced from Conoco's interest in certain reserves located in the West Cameron Block 66 Field Area, offshore Louisiana. Under the 1976 Agreement, it is explained, Conoco committed to Applicant one-half of all gas produced from Conoco's interest in certain portions of the West Cameron 66 Field Area and retained for its own use the remaining one-half of the gas produced from Conoco's interest. While subsequent amendments to the 1976 Agreement committed additional reserves to Applicant, some of such amendments contained reservation provisions, and others of such amendments did not contain reservation provisions. It is said, under a new gas purchase and sales agreement dated September 6, 1983 (hereinafter called the 1983 Agreement), that Conoco committed to Applicant 25 percent of the reserves which Conoco had previously retained for its own use under the 1976 Agreement and retained 75 percent of the reserves not committed under either of the 1976 and 1983 Agreements (such reserves hereinafter called retained reserves). The remaining reserves covered by the 1976 Agreement which were not subject to a reservation

provision, and are therefore 100 percent committed to Applicant, would continue to be purchased by Applicant under the 1976 Agreement, it is submitted.

On March 13, 1978, Applicant states, it filed in Docket No. CP78-229 an application for a certificate authorizing the transportation and delivery onshore to Conoco of gas produced from Conoco's reserves which were covered by the reservation provisions in the 1976 Agreement. Applicant further states that on March 20, 1978, subsequent to Applicant's filing, the Commission, in Opinion No. 10 (2 FERC ¶61,247 (1978)), reversed its previous policy of permitting the transportation of offshore producer reservation gas by terminating such producer reservation program. It is asserted that by order issued on July 27, 1978, in *Tenneco Oil Company, et al.*, Docket No. C175-45, *et al.*, the Commission dismissed Applicant's application, among others, pursuant to its prior decision in Opinion No. 10 and that in Opinion No. 10-B (21 FERC ¶61,320 (1982)), the Commission, *inter alia*, announced a new policy of permitting the transportation of producer reservation gas from the outer continental shelf for either direct sale by a producer or for a producer's own use.

Applicant indicates that it and Conoco have entered a gas transportation agreement dated August 26, 1983 (hereinafter called the Tennessee Transportation Agreement), wherein Applicant agreed, *inter alia*, to receive from Conoco gas producer from Conoco's retained reserves, to transport and deliver such gas onshore to Louisiana Gas Systems, Inc. (LGS), an intrastate pipeline affiliate of Conoco, and to cause the transportation of such gas by LGS and delivery thereof by LGS to or for Conoco's account at certain onshore points located at Conoco's chemical plant and refinery at Lake Charles, Louisiana, and at the facilities of Pittsburgh Plate Glass Company, near Lake Charles (such points hereinafter called Points of Delivery). It is explained that in order to effectuate such delivery to Conoco, two separate transportation services would be necessary, involving the facilities of Applicant and LGS, respectively.

Applicant states that the first of such two services (hereinafter called the Tennessee Transportation Service), for which authorization is requested by Applicant, would consist of receipt by Applicant of the Conoco volumes at the West Cameron Blocks 66A, 66B, 66C and 34D production platforms, offshore Louisiana, and at the Gibbstown separation facilities on Applicant's system in Cameron Parish, Louisiana,

and delivery by Applicant of quantities with heating value equivalent to those received, less plant volume reduction from processing, fuel, and use requirements and gas lost and unaccounted-for, into LGS's system onshore at two new interconnections to be established between the facilities of Applicant and LGS in Calcasieu Parish, Louisiana, and at Jefferson Davis Parish, Louisiana (said interconnections hereinafter called the LGS Receipt Points). Applicant indicates that it would construct side valves and measurement facilities at the LGS points of receipt at a cost estimated to be \$314,400 and that Conoco would reimburse Applicant for all costs, both direct and indirect, incurred by Applicant in the installation of such facilities.

In order for Applicant to fulfill its delivery obligation to Conoco, Applicant states, it has entered into a second gas transportation agreement with LGS dated August 26, 1983 (hereinafter called the LGS Transportation Service), wherein LGS has agreed to receive, at the LGS Points of Receipt, the gas made available by Applicant at such points, and to transport and deliver to Conoco, at the Points of Delivery, daily quantities with thermal content equal to that of the quantities received by LGS from Applicant. It is indicated that LGS would construct and operate, at its sole expense, the facilities necessary to provide the LGS transportation service. Further, applicant states that LGS has advised that LGS would file with the Commission an application for authorization to render the LGS service for Applicant pursuant to section 311 of the Natural Gas Policy Act of 1978.

Applicant states that under the terms of the Tennessee Transportation Agreement, Conoco has agreed to pay to Applicant, for the Applicant transportation service, a volume charge equal to the product of 6.72 cents multiplied by the volumes delivered by Applicant at the LGS Points of Receipt, and 2.93 cents multiplied by the total volume delivered by Applicant at Conoco's Grant Chenier Processing Plant. With respect to the LGS Transportation Service, it is submitted that Conoco would reimburse Applicant for any and all charges and reimbursement charged by LGS to Applicant under the LGS Agreement, which consists of a transportation fee of 26.5 cents per million Btu, plus reimbursement to LGS for any taxes which may be applicable to such transportation service. Further, it is said that Conoco has agreed to pay to Applicant an administrative charge

equal to the product of 5 cents multiplied by the total volumes delivered by Applicant at the LGS Points of Receipt and that to compensate Applicant for its fuel and use requirements and gas lost and unaccounted-for, Conoco would provide to Applicant 1.2 percent of the volumes of natural gas received by Applicant on any day from Conoco. It is further submitted that the Tennessee Transportation Agreement also provides for a minimum bill and that such minimum bill would consist of the sum of the administrative charge and the volume charge times the number of days in the month multiplied by 66 2/3 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33275 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-48-005]**Texas Eastern Transmission, Corp. et al.; Amendment**

December 8, 1983.

Take notice that on November 21, 1983, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2421, Houston, Texas 77252, and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302 (Petitioners), filed in Docket No. CP79-48-005 a joint petition to amend the order issued February 23, 1979, as amended November 21, 1979 in Docket No. CP79-48-000, pursuant to Section 7(c) of the Natural Gas Act so as to authorize two additional redelivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued February 23, 1979, as amended November 21, 1979, they were authorized to transport and exchange natural gas volumes of up to 20,000 Mcf per day from High Island Blocks A-568 and A-480, Offshore Texas and West Cameron Block 237, Offshore Louisiana in accordance with a transportation and exchange agreement dated November 30, 1978, as amended.

Pursuant to an amendatory transportation and exchange agreement dated March 16, 1983, it is stated, Petitioners request authorization for the addition of two redelivery points located at existing interconnections between Petitioners at Texas Eastern's Iowa liquid receiving facility in Jefferson Davis Parish, Louisiana, and near Eunice, Evangeline Parish, Louisiana. Petitioners state that their request would not increase the existing total contract exchange volume of 20,000 Mcf per day. It is indicated that delivery of gas at the subject redelivery points commenced on April 12, 1983, pursuant to Subpart G of Part 284 of the Commission's Regulations and the blanket authorizations issued to Texas Eastern and Texas Gas in Docket Nos. CP80-156-000 and CP80-186-000, respectively.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33276 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6852-001]**Trans Mountain Hydro Corp.; Surrender of Preliminary Permit**

December 8, 1983.

Take notice that Trans Mountain Hydro Corp. (TMHC), Permittee for the Lower Snake River Project, No. 6852 located on the Snake River in Summit County, Colorado has requested that its permit be terminated. The preliminary permit was issued on June 8, 1983, and would have expired on November 30, 1984.

TMHC states that environmental damage due to construction of the penstock renders the project infeasible.

TMHC's request was dated October 11, 1983. The surrender of the permit is effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33277 Filed 12-13-83; 8:46 am]

BILLING CODE 6717-01-M

[Docket No. RO83-12-000]**True Oil Co.; Termination of Proceeding**

Issued December 8, 1983.

On December 5, 1983, the petitioner informed the Commission that the case had been settled and requests that the appeal from the remedial order be dismissed. No party to this proceeding contests the withdrawal. Therefore, pursuant to Rule 916(a) of the Commission's Rules of Practice and Procedure,¹ this docket is terminated, effective ten days after the issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33278 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-84-000]**Trunkline Gas Co., Application**

December 8, 1983.

Take notice that on November 22, 1983, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-84-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for a direct sale to United Specialties Company (U.S.C.), an oil production company, in Newton County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to deliver up to 500 Mcf of gas per day to U.S.C. on a firm basis pursuant to an industrial gas contract between Applicant and U.S.C. dated November 8, 1983. U.S.C. would use such volumes in order to restore the Sabine Tract Oil Field in Newton County, Texas, to production by the gas lift method, it is asserted. The price for such gas to be delivered to U.S.C. would be \$4.65 per dt equivalent, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if

¹ 18 CFR 385.916(a).

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. 83-33279 Filed 12-13-83; 8:45 am]

BILLING CODE 5717-01-M

[Docket No. EL84-4-000]

Wheelabrator-Frye Inc.; Filing

December 8, 1983.

Take notice that on November 28, 1983, Wheelabrator Frye, Inc. (WFI), on behalf of Westchester Resco Company, L.P. (Westchester Resco), filed with the Federal Energy Regulatory Commission (Commission) a petition for waiver of its regulations regarding accounting practices, reporting requirements, annual charges, dispositions of property and consolidations, securities issuances and assumptions of liability, and the holding of interlocking directorate positions as they may apply to a solid waste refuse-to-energy facility now under construction by Westchester Resco in Westchester County, New York. WFI states that the facility will generate electricity for sale to Consolidated Edison Company of New York, Inc. (Con Ed). WFI states that this request is necessary because, although the Commission has held that the facility will be a qualifying small power production facility under section 3(17)(C) of the Federal Power Act (FPA), it will have a capacity greater than 30 megawatts, and therefore is not automatically exempt from the FPA.

WFI also requests waiver of public notice of its petition based on the adequacy of earlier notices issued by the Commission in Docket Nos. EL82-7-000 and ER82-689-000, and based upon the imminent in-service date of the facility (January, 1984). In the alternative, WFI requests the Commission to establish an abbreviated notice period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 29, 1983. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33280 Filed 12-13-83; 8:45 am]

BILLING CODE 5717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2487-8]

Approval of Revised National Pollutant Discharge Elimination System (NPDES); Memorandum of Agreement (MOA) With North Carolina

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On December 8, 1983, the Administrator of EPA approved a revised NPDES MOA between the State of North Carolina and EPA. Previously the Administrator had approved an MOA as part of North Carolina's original NPDES program approval.

FOR FURTHER INFORMATION CONTACT: Allen J. Fanzig, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; 202-755-0750.

SUPPLEMENTARY INFORMATION: Under section 402(b) of the Clean Water Act (33 U.S.C. 1251, et seq.), States may be authorized to participate in the NPDES program if they satisfy certain minimum requirements. On October 19, 1975, the States of North Carolina was approved to administer the NPDES permit program within its borders. At that time, a Memorandum of Agreement (MOA) was entered into between EPA and North Carolina governing the administration of the NPDES program.

In October 1977, Congress passed a new set of amendments to the Federal Water Pollution Control Act which made changes to the NPDES permit program. The Federal regulations governing NPDES programs were significantly revised and republished on June 7, 1979 (44 FR 32854, et seq.) and on May 19, 1980 (45 FR 33290, et seq.). In order for the State of North Carolina's NPDES program to conform to the new Federal regulations, many changes in the MOA were mandated. In addition, the revised MOA includes provisions for operation of a pretreatment program.

On February 15, 1983, a notice appeared in the Federal Register (48 FR

6727) announcing a proposed revision of the MOA. EPA received 12 requests for copies of the MOA and 1 comment. The comment asked that all of the grounds for EPA objections to State permits which are in 40 CFR 123.75(c) (now § 123.44(c), NUPDES Permit Regulations, 48 FR 14146, April 1, 1983) be included in the MOA. While EPA is required to provide a statement to the State Director of its reasons for objecting under § 123.75(b) now § 123.44(b), Environmental Permit Regulations), the § 123.75(c) list is not a required part of the MOA itself.

Since the MOA meets all current EPA requirements, I have today approved the revised MOA with North Carolina. No changes have been made to the version of the MOA for which the February 15, 1983 Federal Register notice requested comments.

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. The approval of the revised North Carolina NPDES MOA merely provides an agreement for North Carolina's administration and EPA review of the State's NPDES program. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. It does not trigger the requirement of a Regulatory Flexibility Analysis.

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

Dated: December 6, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-33164 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 3G2948/T433; PH-FRL 2485-6]

Albany International; Establishment of an Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established an exemption from the requirement of a tolerance for residues of the biological insecticides (z)-11-hexadecenal and (z)-

9-tetradecenal in or on the raw agricultural commodity tomatoes.

DATE: This temporary exemption from the requirement of a tolerance expires September 26, 1984.

FOR FURTHER INFORMATION CONTACT:

By mail: Timothy Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690)

SUPPLEMENTARY INFORMATION: Albany International, Controlled Release Division, 110 A St., Needham Heights, MA 02194, has requested in pesticide petition PP 3G2948 the establishment of an exemption from the requirement of a tolerance for residues of the biological insecticides (z)-11-hexadecenal and (z)-9-tetradecenal in or on the raw agricultural commodity tomatoes when used as a pheromone to evaluate the control of *Heliothis virescens* and *Heliothis zea*.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 36638-EUP-9 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been established on the condition that the pesticides be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredients to be used must not exceed the quantity authorized by the experimental use permit.

2. Albany International must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires September 26, 1984. Residues remaining in or on the raw agricultural commodity

after this expiration date will not be considered actionable if the pesticides are legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 1, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 83-32930 Filed 12-13-83; 8:45 am)

BILLING CODE 5560-50-M

(PF-355 PH-FRL 2485-4)

Certain Companies; Pesticides and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticides and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit written comments to: Program Management and Support Division (TS-757C), Attn: Products Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-355]. All written comments filed in

response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, PM-12, CM #2, Rm. 202 (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

PP 4F2968. BFC Chemical Inc., 4311 Lancaster Pike, Wilmington, DE 19805. Proposes amending 40 CFR 180.287 by establishing tolerances for the combined residues of the insecticide amitraz [*N*-(2,4-dimethylphenyl)-*N*-[[[2,4-dimethylphenyl]imino] methyl]-*N*-methylmethanimidamide] and its metabolites containing the 2,4-dimethylaniline moiety (calculated as the parent compound) in or on the following:

Commodities	Parts per million (ppm)
Cattle, fat	0.1
Cattle, kidney	0.3
Cattle, liver	0.2
Cattle, meat and meat byproducts	0.05
Milk (excluding fat)	0.02
Milk, fat	0.2

The proposed analytical method for determining residues is gas-liquid chromatography.

II. Amended Petition

1. PP 2F2683. FMC Corp., 2000 Market St., Philadelphia, PA 19103. EPA issued a notice published in the Federal Register of June 30, 1982 (47 FR 28451) which announced that FMC Corp., had submitted pesticide petition 2F2683 to the Agency proposing to amend 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on

the commodity sunflower seeds at 0.8 ppm of which no more than 0.4 ppm is carbamate.

FMC has amended the petition by increasing the tolerance to 1.0 ppm, of which no more than 0.5 ppm is carbamate. The analytical method for determining residues is gas chromatography.

2. **FAP 2H5351.** FMC Corp. EPA issued a notice published in the Federal Register of June 30 1982 (47 FR 28452) which announced that FMC Corp. proposed amending 21 CFR 561.67 by establishing a regulation permitting residues of the insecticide carboduran in or on sunflower seed hulls and meal at 1.2 ppm, of which no more than 0.5 ppm is carbamates.

FMC has amended the petition by:

a. Increasing to tolerance on sunflower seed hulls and meal to 1.4 ppm, of which no more than 0.6 ppm is carbamates.

b. Proposing establishment of a regulation permitting residues of carboduran for fatty acids of sunflower seed soapstock at 3.0 ppm, of which no more than 0.5 ppm is carbamates (reflecting residues of 1.25 ppm phenolic metabolites and potential residues of 0.25 ppm carbamates in alkaline soapstock).

3. **PP 2F2715.** Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. EPA issued a notice published in the Federal Register of August 25, 1982 (47 FR 37289) which announced that Mobay Chemical Corp., had filed a pesticide petition proposing to amend 40 CFR 180.374 by establishing tolerances for residues of insecticide *O*-ethyl *O*-(4-methylthio) phenyl] *S*-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the soybean hay at 11.0 ppm.

Mobay amended the petition by increasing the tolerance to 15.0 ppm.

4. **FAP 2H5358.** Mobay Corp. EPA issued a notice published in the Federal Register of August 25, 1982 (47 FR 37289) which announced that Mobay proposed amending 21 CFR 561.233 by establishing a regulation permitting residues of the above mentioned insecticide (PP 2F2715) and its metabolites on the commodity soybean hulls at 0.75 ppm.

Mobay amended the petition by increasing the tolerance to 1.0 ppm. (Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2); (409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: December 1, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-32926 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-70001 PH-FRL 2486-5]

Pesticide-Producing Establishments; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Cancel Pesticide-Producing Establishments' Registrations.

SUMMARY: EPA today gives notice that the registration of certain pesticide-producing establishments is to be cancelled for failure to file the annual production report required under 40 CFR Part 187.

DATE: This cancellation will be effective on January 13, 1984 unless these establishments respond to this notice before that date.

FOR FURTHER INFORMATION CONTACT:

Roy P. Clark, Pesticides and Toxic Substances Branch, Region IV, Environmental Protection Agency, 345 Courtland St., Atlanta, GA 30365, (404-881-3222).

SUPPLEMENTARY INFORMATION: Section 7 of the Federal Insecticide, and Rodenticide Act (FIFRA) requires that establishments that have been registered by EPA to produce pesticide products, report their production to EPA annually. The establishments listed below have failed to submit the required production report, and EPA today gives notice that their registration will be cancelled unless they inform EPA by January 13, 1984, of their intent to remain registered pursuant to the requirements of 40 CFR Part 187.

Registration No.	Registrant
45449-FL-01	Zircon Labs, Inc., 3943 Forsyth Rd., Orlando, FL 32807.
32400-FL-01	4-D Products, Inc., 6109 Anna St., Orlando, FL 32809.
43215-FL-01	Playtime Pools of Polk County, 1801 Third St., SW, Winter Haven, FL 33880.
45404-FL-01	Rivers Pool Co., 2265 Dundee Rd., Winter Haven, FL 33880.
44314-FL-01	Compubit, Inc., 944 N.W. 44th St., Ft. Lauderdale, FL 33309.
42472-FL-01	Sav-On Pool Supplies, 835 S. Federal Hwy., Deerfield Beach, FL 33441.
38052-FL-01	Water Purification System, Inc., 1465 SW 21 Avenue, Plantation, FL 33313.
47915-FL-02	Florida Ultra-Sonic, Inc., 2619 8th Avenue, South, St. Petersburg, FL 33712.
47130-FL-01	University Casual Furniture, Inc., 1224 East Fowler Ave., Tampa, FL 33612.

Registration No.	Registrant
47130-FL-02	Carrollwood Casual Furniture, 13252 N. Dale Mabry Hwy., Tampa, FL 33618.
44936-FL-01	Medchem Lab, 6675 38th Ave. N., St. Petersburg, FL 33710.
44983-FL-01	International Chemical & Research Corp., 14219 Newberry Rd., Gainesville, FL 32601.
38607-FL-01	United Pools by Tropicana Pools, 3938 NE 5th Terrace, Oakland Park, FL 33308.
41225-FL-01	American Pool, Inc., 8743 SW 129th St., Miami, FL 33176.
40352-FL-01	Admiral Pool Service, 405 Southridge Rd., Delray Beach, FL 33444.
37816-FL-01	Kleen Pool Corp., 15560 NE 4th Court, N. Miami Beach, FL 33162.
40117-FL-01	Cost Control Systems, Inc., 2375 NW 75th St., Miami, FL 33147.
35227-FL-01	Toby's, Inc., 376 NW 171st St., Miami, FL 33169.
44139-FL-02	Water Works II, Oak Plaza, Rt. 70 East, Arcadia, FL 33821.
42959-FL-01	Mason Chemical Co. (Div. of Mason), 6135 Shirley St., Naples, FL 33942.
32338-FL-01	A to Z Products Co., 1300 N. Betty Ln., Clearwater, FL 33515.
38998-FL-01	Smith Soft Water & Swimming Pools, P.O. Box 1327 Hwy. 92W, Plant City, FL 33566.
41254-FL-01	Vita Flea International, Inc., 2333 N. State Rd., East, Margate, FL 33063.
15322-FL-01	American Pool Maintenance, Inc., P.O. Box 1628, Pompano Beach, FL 33061.
42114-FL-01	Chem-Control Pool Supplies & Service, 8019 Kimberly Blvd., North Ft. Lauderdale, FL 33308.
46153-FL-01	Precision Compounding Co., 1011 W. Lancaster Rd., Orlando, FL 32809.
48213-FL-01	Pool Professionals, 1053 Miracle Mile, Vero Beach, FL 32960.
38459-FL-01	Dolphin Chemical Co., 5923 Ravenswood Rd., Bay G-6, Ft. Lauderdale, FL 33312.
08499-TN-01	Vit-A-Way, Inc., West Poplar St., Pulaski, TN 38478.
48200-SC-01	Metrolina Chemical Corp., Hwy. 161, York, SC 29745.
46936-GA-01	European Miracle (TS), 106 Dogwood Dr., Apt. H, Atlanta, GA 30318.
44649-MS-01	Count Down, P.O. Box 1501, Gulfport, MS 39501.
15575-AL-01	Southland Agricultural Chemicals, 1075 Chandler St., Montgomery, AL 36101.

(Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA])

Dated: November 29, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-32927 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-357; PH-FRL 2488-5]

Certain Companies; Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit written comments to: Program Management and

Support Division (TS-757C), Attn: Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Va. 22202.

Written comments must be identified by the document control number [PF-357]. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, PM-12, CM#2, Rm. 202 (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment and/or amendment of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

FAP 4F5418. Union Carbide Corp., Agricultural Products Co., T.W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide aldoxycarb [2-methyl-2-(methylsulfonyl)propanal-O-[(methylamino)carbamoyl]oxime] in the commodity tomato paste at 6.0 parts per million (ppm).

II. Amended Petitions

1. **PP 3F2894.** Union Carbide Corp. EPA issued a notice published in the *Federal Register* of July 13, 1983 (48 FR 32078) which announced that Union Carbide Corp., had submitted pesticide petition 3F2894 to the Agency proposing to amend 40 CFR Part 180 by establishing tolerances for residues of the insecticide aldoxycarb in or on the commodities cantaloupes and tomatoes at 1.5 ppm; cucumbers and okra at 2.5 ppm; and peppers and squash at 3.0 ppm.

Union Carbide Corp., has amended the petition as follows:

- a. Increasing the tolerance level on squash to 5.0 ppm.
- b. Adding the commodities fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm; and milk at 0.002 ppm.

The proposed analytical method for determining residues is gas chromatography.

2. **PP 1F2561.** Mobay Chemical Corp., Hawthorn Rd., Kansas City, MO 64120. EPA issued a notice published in the *Federal Register* of October 19, 1981 (46 FR 51282) which announced that Mobay Chemical Corp., had submitted pesticide petition 1F2561 to the Agency proposing to amend 40 CFR 180.374 by increasing the establishing tolerance for the combined residues of the insecticide *O*-ethyl *O*-[4-(methylthio)phenyl] *S*-propyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity cottonseed from 0.5 ppm to 3.0 ppm.

Mobay has amended the petition by increasing the tolerance from 3.0 ppm to 5.0 ppm. The proposed analytical method for determining residues is gas chromatography with a gas liquid chromatography phosphorus mode detector.

3. **FAP 1H5318.** Mobay Chemical Corp. EPA issued a notice published in the *Federal Register* of October 19, 1981 (46 FR 51283) which proposed amending 21 CFR 193.212 by increasing the established tolerance permitting residues of the above mentioned insecticide (PP 1F2561) and its metabolites in or on the commodity cottonseed oil from 1 ppm to 3.5 ppm; and 21 CFR 561.233 by increasing the established tolerance in or on the commodity cottonseed hulls from 1 ppm to 4.5 ppm.

Mobay has amended the petitions as follows:

- a. 21 CFR 193.212 by deleting the tolerance proposal for cottonseed oil.
- b. 21 CFR 561.233 by increasing cottonseed hulls from 4.5 ppm to 10.0 ppm.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2); (409(b)(5), 72 Stat. 1786, (21 U.S.C. 346b))

Dated: December 6, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-33150 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180634; PH-FRL 2488-4]

Cyromazine; Issuance of Emergency Exemptions For Use of an Unregistered Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a quarantine exemption to the United States

Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) for use of the pesticide chemical cyromazine to control fly larvae in poultry manure. The quarantine exemption was authorized for use in a Federal and State quarantine program of four counties in Pennsylvania to control an outbreak of highly pathogenic avian influenza.

EPA has also granted a specific exemption to the Florida Department of Agriculture and Consumer Services for use of cyromazine to control leafminers on celery and lettuce.

DATES: The quarantine exemption was granted on November 14, 1983 and expires on February 28, 1984 and the specific exemption was granted on November 25, 1983 and expires on June 30, 1984.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-1192.

SUPPLEMENTARY INFORMATION: A. On November 9, 1983, the Secretary of Agriculture declared an extraordinary national emergency because of the outbreak of highly pathogenic avian influenza in the poultry flocks in Pennsylvania. There are currently 1,100 square miles of Pennsylvania covered under a Federal and State quarantine, which includes portions of Lancaster, Berks, Dauphin and Lebanon counties.

The highly pathogenic avian influenza is a virus which can be transmitted by various mechanisms. One possible mechanism of transmission may be the fly. Therefore, one aspect of the Federal and State quarantine program to reduce the spread of the disease is control of the fly population. APHIS intends to use cyromazine to control fly larvae in poultry manure, after a poultry house has been depopulated. Currently registered pesticides will also be used to control adult fly populations as well as other insects. This outbreak of highly pathogenic avian influenza has resulted in mortality of 25 to 60 percent of the poultry population affected.

After reviewing the application, other available information, and consulting with APHIS personnel, EPA has determined that:

- 1. An outbreak of the highly pathogenic avian influenza has occurred in four counties in Pennsylvania and, as a part of the overall quarantine program, immediate control of fly populations is necessary to help reduce the spread of the disease.

2. The use of cyromazine is necessary to help control the fly larvae population in the quarantined area.

3. Because poultry houses will be depopulated (birds killed) prior to use of cyromazine, there will be no problem with potential residues of the pesticide in poultry or eggs.

4. The use of cyromazine as proposed will not pose an unreasonable hazard to man or the environment.

Accordingly, the Applicant has been granted a quarantine exemption to use the pesticide noted above until February 28, 1984, to the extent and in the manner set forth in the application. The quarantine exemption is also subject to the following conditions:

1. APHIS is responsible for notifying the Office of Pesticide Programs which cyromazine product(s) is being utilized, as soon as the information is available. Labeling should be submitted as soon as it is available.

2. All poultry will be destroyed prior to treatment of poultry houses. Manure will be teated at a rate of 0.5 pound active ingredient (in one gallon of water) per 100 square feet.

3. Treatment may take place in the Pennsylvania counties of Lancaster, Lebanon, Berks, and Dauphine.

4. Applications will be made by certified applicators or personnel under their direct supervision.

5. The EPA shall be immediately informed of any adverse effects resulting from the use of cyromazine in connection with the quarantine program.

6. A final report summarizing the results of this program must be submitted by March 31, 1984.

7. This quarantine exemption expires on February 28, 1984.

8. On October 8, 1983, the Florida Department of Agriculture and Consumer Services (Applicant) requested that EPA reinstate its crisis exemption for use of cyromazine on celery and lettuce to control leafminers. The Applicant had availed itself of a crisis exemption for the above uses on August 5, 1983. The crisis exemption was temporarily revoked by EPA on September 21, 1983 when the Applicant's request for a specific exemption was denied because of the results of a National Toxicology Program study on melamine, a metabolite of cyromazine, indicated possible toxicological concerns.

The Applicant stated that recent increases in the leafminer population, due to warm weather and the limited effectiveness of registered pesticides, were endangering the celery and lettuce industries in Florida. The Applicant further stated that the State's celery exports are dependent on the use of

cyromazine to obtain required phytosanitary certification from the United States Department of Agriculture.

After reviewing the reconsideration request and other available information EPA has determined that:

1. There is a pest outbreak of leafminer populations in Florida's celery and lettuce growing areas.

2. Currently registered pesticides are not controlling the leafminer population to the extent necessary to produce marketable celery and lettuce crops in Florida.

3. There is insufficient time to register cyromazine for use on celery and lettuce to control leafminers.

4. Based on the Applicant's submission, the celery and lettuce industries could lose between \$35 and \$50 million if cyromazine is not available to control the leafminer.

5. Combined residues of cyromazine and its metabolite melamine will not exceed 0.5 ppm in celery or lettuce.

6. As a result of a risk analysis, it has been determined that the use of cyromazine as proposed will not pose an unreasonable hazard to man or the environment.

Accordingly, the Applicant has been granted a specific exemption to use the pesticide cyromazine until June 31, 1984, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the product Trigard 75 WP, an unregistered product manufactured by Ciba-Geigy, which contains the active ingredient cyromazine, is authorized.

2. Cyromazine will be applied at a maximum rate of 0.125 lb. a.i. per acre per application.

3. Applications will be made at seven-day intervals. A maximum of 12 applications may be made to celery and a maximum of 8 applications may be made to lettuce.

4. A 14-day preharvest interval will be observed.

5. The feeding of lettuce wrapper leaves to livestock is prohibited.

6. A maximum of 10,000 acres of celery and 12,000 acres of lettuce in the counties of Seminole, Orange, Lake, Sarasota, Palm Beach, and Hendry may be treated.

7. All applications will be made by applicators certified in this category of pest control.

8. The EPA shall be immediately informed of any adverse effects resulting from the use of cyromazine in connection with the specific exemption.

9. A final report summarizing the results of this program must be submitted by September 30, 1984.

10. This specific exemption expires on June 30, 1984.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: December 7, 1983.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

(FR Doc. 83-33160 Filed 12-13-83; 8:45 am)

BILLING CODE 5560-50-M

[AW041PA; AD-FRL 2482-6]

Full Delegation of Authority for the Prevention of Significant Deterioration of Air Quality; Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: Section 301 in conjunction with Sections 101 and 110 of the Clean Air Act Amendments of 1977 authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. Allegheny County, Pennsylvania submitted to the EPA Region III office a request that EPA delegate to them its responsibility for implementing and enforcing the PSD program. After a thorough review of the request and available information, the Regional Administrator determined that such delegation is appropriate with the conditions set forth in the letter reproduced below.

The rule published elsewhere in this issue of the *Federal Register* institutes an address change for the implementation of the technical and administrative review and enforcement of the PSD provisions.

EFFECTIVE DATE: December 14, 1983. The Regional Administrator finds good cause for making this delegation of authority effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the delegation of authority request and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency,
Region III, Curtis Building, Second
Floor, Sixth and Walnut Streets,
Philadelphia, Pennsylvania 19106,
ATTN: Michael Giuranna (3AW11);
(215) 597-2842 and

Allegheny County Health Department,
Bureau of Air Pollution Control, 301
Thirty-ninth Street, Pittsburgh,
Pennsylvania 15201, ATTN: Charles
Goetz.

FOR FURTHER INFORMATION CONTACT:

Michael Giuranna at the address
indicated above, (215) 597-2842.

SUPPLEMENTARY INFORMATION: On
October 24, 1983, EPA Region III
received a letter from the Allegheny
County, Pennsylvania which requested
full delegation of authority for the
implementation and enforcement of the
PSD program. After a thorough review of
the request for full PSD program
delegation, the Regional Administrator
has determined that such delegation is
appropriate subject to the conditions set
forth in the following official letter to
Allegheny County, Pennsylvania.
Therefore, pursuant to the authority
delegated to him by the Administrator,
on April 20, 1983, the Regional
Administrator formally notified
Allegheny County by the following letter
that he delegates full PSD regulatory
authority to Allegheny County,
Pennsylvania as of the publication date
of this notice. The Regional
Administrator finds good cause for
making this delegation of authority
effective immediately in that it is an
administrative change and not one of
substantive content.

N. Mark Richards, M.D.,
Director, Allegheny County Health
Department, 301 Thirty-Ninth Street,
Pittsburgh, PA. 15201

Dear Dr. Richards: Thank you for your
request for delegation of authority to
implement the Prevention of Significant Air
Quality Deterioration (PSD) regulations. The
intent of the request and the following
delegation is to reduce duplicate PSD permit
reviews by our respective agencies and to
provide prospective applicants with only one
agency to deal with in obtaining a
construction permit.

We have reviewed the pertinent laws of
the County of Allegheny and the rules and
regulations thereof and have determined that
they provide an adequate and effective
procedure for full implementation of PSD.

We have also reviewed the procedures for
new source review of Allegheny County and
have determined that they provide an
adequate and effective procedure for the
implementation of all the portions of the PSD
program. Therefore, pursuant to 40 CFR
52.21(u), we hereby delegate our authority for
all portions of the Federal PSD program, as
described in 40 CFR 52.21, as amended
August 7, 1980, to Allegheny County as
follows:

1. Authority is delegated for all sources
located in Allegheny County subject to
review for the Prevention of Significant Air
Quality Deterioration. This includes all
source categories listed in 40 CFR 52.21 for
each pollutant regulated by the Clean Air
Act.

2. If at any time there is a conflict between
a County regulation and a Federal regulation,
the Federal regulation must be applied if it is
more stringent than that of the County. If the
County does not have the authority to
implement a Federal regulation that is more
stringent than the applicable County
regulation, the pertinent portion of the
authority may be revoked.

3. In processing applications for PSD
permits pursuant to 40 CFR 52.21, the County
shall follow all procedural requirements
which the Administrator would be required
to follow in processing such applications,
whether these procedural requirements are
set forth in full in 40 CFR 52.21 or only
referenced there.

4. If the Regional Administrator determined
that the County's procedure for implementing
all the portions of the PSD program is
inadequate, or is not being effectively carried
out, this authority may be revoked in whole
or in part. Any such revocation shall be
effective as of the date specified in a Notice
of Revocation to the Bureau of Air Pollution
Control (hereafter the "BAPC").

Allegheny County will ensure through its
interstate intergovernmental cooperation
procedures, that all potential source
interactions along County boundaries are
properly determined.

6. Enforcement of PSD in Allegheny County
will be the primary responsibility of the
BAPC. If the County determines that such
enforcement is not feasible and so notifies
EPA, or where the County acts in a manner
inconsistent with the terms of this granted
authority, EPA will exercise its concurrent
enforcement authority pursuant to Sections
113 and 167 of the Clean Air Act with respect
to sources within Allegheny County subject
to PSD requirements. In accordance with 40
CFR 52.21(r) and Sections 113 and 167 of the
Clean Air Act, 42 U.S.C. 7413 and 7477, EPA
reserves the right to commence an
enforcement action against any entity in
violation of the Prevention of Significant Air
Quality Deterioration Regulations should
Allegheny County fail to take such an
enforcement action or, in the opinion of EPA,
fail to pursue a timely or appropriate
enforcement action.

7. Acceptance of this delegation of
presently promulgated PSD regulations does
not commit Allegheny County to request or
implement enforcement authority for future
standards and requirements.

8. The County and EPA will develop a
system of communication sufficient to
guarantee a program that includes the items
described below:

a. Each agency is informed of the current
compliance status of subject sources in
Allegheny County.

b. The BAPC shall send a copy of
preliminary determinations and public
comment notices required under paragraph
(g) of 40 CFR 52.21 to the Air and Waste
Management Division, EPA Region III, at the
same time the notice is being forwarded for
publication in the newspaper.

c. The BAPC will forward to EPA Region III
copies of the final PSD permit at the time of
issuance.

d. The status of incomplete permit
applications will be provided to EPA Region
III on an as needed basis.

9. Prior EPA concurrence is to be obtained
on any matter involving the interpretation of
sections 160-169 of the Clean Air Act or 40
CFR 52.21 to the extent that implementation,
review, administration, or enforcement of
these sections have not been covered by
determinations or guidance sent to the BAPC.

10. Where it is the convenience to both the
BAPC and EPA and a benefit to the applicant,
any PSD reviews already initiated by EPA
prior to this delegation shall be transferred to
the BAPC for completion.

11. Enforcement actions already initiated
by EPA prior to this delegation of authority
shall be completed by EPA.

12. A notice announcing these actions will
be published in the *Federal Register* in the
near future. This delegation of authority shall
be effective of the publication date of that
notice. The notice will also state, among
other things, that effective immediately, all
reports required pursuant to the PSD
regulations by sources located in Allegheny
County will be reviewed and final permit
approval action and enforcement will be
taken by the BAPC.

This delegation of authority should not be
construed as a transfer of PSD responsibility
under Section 110(a)(2)(j) of the Clean Air
Act. As you are aware, such a transfer
involves different procedures and
considerations.

There is no requirement that the County
notify EPA of its acceptance. Unless EPA
receives from the County written notice of
objections within 10 days of the date of
receipt of this letter, the County will be
deemed to have accepted all of the terms as
stated herein.

Finally, EPA commits to continue to
provide the training, assistance and support
required in Part I of the Memorandum of
Understanding between the parties
announced in the *Federal Register* on
October 6, 1981 (46 FR 49191) for as long as
the County deems it necessary and essential
to program implementation.

Sincerely yours,

Thomas P. Eichler,
Regional Administrator.

Conclusion:

The rule published elsewhere in
today's *Federal Register* directs
Prevention of Significant Air Quality
Deterioration (PSD) permit applicants
locating in Allegheny County,
Pennsylvania to submit their
applications to the Allegheny County
rather than EPA. This change is required
since EPA has delegated PSD authority
to the County.

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

Effective immediately, all applications
and other information pursuant to
§ 51.21 from sources locating in the
County of Allegheny, Pennsylvania but
not having a PSD permit application
currently under review by EPA should

be submitted to the County agency at the following address: Allegheny County, Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201.

(42 U.S.C. 7401, 7410 and 7470-79)

Dated: November 8, 1983.

Stanley Laskowski,

Deputy Regional Administrator.

(FR Doc. 83-32880 Filed 12-13-83; 8:45 am)

BILLING CODE 8560-60-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Bluebonnet Station, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM docket No.
A. The Bluebonnet Station, Inc., Giddings, TX.	BPH-820512AF	83-1265
B. Michael G. Wallace and Marlene F. Wallace d.b.a. Wallace Broadcasting, Giddings, TX.	BPH-820712AT	83-1266
C. Radio Lee County, Inc., Giddings, TX.	BPH-820831AD	83-1267

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, B and C
2. Comparative, A, B and C
3. Ultimate, A

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

(FR Doc. 83-33220 Filed 12-13-83; 8:45 am)

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Brasher Broadcasting Co., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM docket No.
A. Freida Brasher et al. d.b.a. Brasher Broadcasting Co., Los Lunas, NM.	BPH-820812AH	83-1277
B. J. Robby McClure d.b.a. Los Lunas Media Co., Los Lunas, NM.	BPH-821022AE	83-1278

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

(FR Doc. 83-33223 Filed 12-13-83; 8:45 am)

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Chubbuck Community Broadcasters, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM docket No.
A. Chubbuck Community Broadcasters, Inc., Chubbuck, ID.	BPH-811015AH	83-1270
B. Good Times, Inc., Chubbuck, ID.	BPH-820524BC	83-1271

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

(FR Doc. 83-33216 Filed 12-13-83; 8:45 am)

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Colom Communications Corp., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM docket No.
A. Colom Communications Corp., Artesia, MS.	BPH-820623AU	83-1268

Applicant, city and State	File No.	MM Docket No.
B. Artesia Communications, Inc., Artesia, MS.	BPH-821216AG	83-1269

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, B
2. (See Appendix), B
3. Comparative, A, B
4. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

Appendix

Issues

2. If a final environmental impact statement is issued with respect to B. (Artesia) which concludes that the proposed facilities are likely to have an adverse on the quality of the environment:

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-33222 Filed 12-13-83; 8:45 am]

BILLING CODE 5712-01-M

Applications for Consolidated Hearing; Cuero Communications Co., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Cuero Communications Co., Cuero, TX.	BPH-820907AF	83-1272
B. J. B. Broadcasting of Texas, Inc., Cuero, TX.	BPH-821026AQ	83-1273
C. Gobbler Communications Co., Cuero TX.	BPH-830214AA	83-1274

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), C
2. Main Studio, B
3. Air Hazard, A
4. Comparative, A, B, C
5. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

Appendix

Issue

1. If a final environmental impact statement is issued with respect to C (Gobbler), which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the

Commission's Rules; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-33224 Filed 12-13-83; 8:45 am]

BILLING CODE 5712-01-M

Applications for Consolidated Hearing; Peninsula Communications, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Peninsula Communications, Inc., Soldotna, AK.	BPH-830217AJ	83-1275
B. Norman and Sally Blakeley d.b.a. King Country Broadcasters, Soldotna, AK.	BPH-830520AS	83-1276

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants(s)

1. Air Hazard—B
2. Comparative—A, B
3. Ultimate—A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 83-33221 Filed 12-13-83; 8:45 am]

BILLING CODE 5712-01

Commission Requests Comment on General Communication Incorporated Petition for Interim Relief to Alleviate Alleged Discrimination

December 9, 1983.

On December 7, 1983, General Communication Incorporated filed a Petition requesting that the Commission expeditiously undertake to provide it with interim relief from allegedly discriminatory interconnection arrangements existing as between itself and Alascom, Inc., for their service offerings to Alaska. Comments on the Petition may be filed within ten (10) days of the date of this Public Notice. Reply comments may be filed within five (5) days of the date on which comments are due.

A copy of the Petition is available for public inspection in the Policy and Program Planning Division, room 544, 1919 M St., NW., Washington, D.C.

For further information, contact Douglas Slotten (202) 632-9342.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33226 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee Resumes Meeting December 12, 1983

November 25, 1983.

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Monday, December 12, 1983, at 2 p.m., in the 5th Floor Conference Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of matters pertinent to the development and implementation of a new bilateral AM agreement between the United States and Canada which is expected to replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss similar bilateral discussions which are being conducted with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the December 12, 1983, session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33227 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Income and Other Accounts Subcommittee; Meeting

November 28, 1983.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, December 14 and 15, 1983. The meeting will begin on December 14 at 9:30 a.m. in the offices of AT&T, 1120 20th Street NW., Washington, D.C., and will be open to the public. The agenda is as follows:

- I. General Administrative Matters
- II. Discussion of Assignments
- III. Other Business
- IV. Presentation or Oral Statements
- V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin ((214) 659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33225 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

New FM Station; Applications for Consolidated Hearing; Campus Radio Co., Inc. and Marguerite E. Kleven

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM docket No.
A. Campus Radio Company, Inc.; Spirit Lake, IA.	BPH-810928AG	83-1279
B. Marguerite E. Kleven; Spirit Lake, IA.	BPH-820521AO	83-1260

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-33218 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1262 et al.; File No. BPCT-821028KE]

Group H Broadcasting Corp. et al.; Hearing Designation Order

In the matter of applications of Group H Broadcasting Corp., Goldsboro, North Carolina (MM Docket No. 83-1262; File No. BPCT-821028KE), Thomas H. Campbell; E. S. Campbell; et al. d/b/a Friendship Broadcasting, a limited partnership¹, Goldsboro, North Carolina (MM Docket No. 83-1263; File No. BPCT-821222KG) and Wayne Telecasters, Goldsboro, North Carolina (MM Docket No. 83-1264 et al.; File No. BPCT-821222KH) for construction permit. Adopted: November 22, 1983.

Released: December 6, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial

¹ Applicant amended its application to change name on February 18, 1983.

television station to operate on Channel 17, Goldsboro, North Carolina.

2. The deadline for filing amendments to the above captioned applications was February 18, 1983 ("B" cut-off date). However, on April 21, 1983, Group H Broadcasting Corporation filed an amendment to its application, pursuant to § 1.65 of the Commission's Rules. Similarly, Friendship Broadcasting, A Limited Partnership filed an amendment to its application pursuant to § 1.65 on August 15, 1983. Neither amendment was accompanied by a motion for leave to amend. Further, no oppositions to these amendments have been filed. We have reviewed the amendments and conclude that, in each case, good cause exists for accepting these amendments. However, these amendments are accepted for § 1.65 purposes only.

3. Section II, page 2, FCC Form 301, requires a corporate applicant to list the names, addresses and positions held by each principal. Group H Broadcasting Corporation does provide this information for Randall Harvey. However, from the Articles of Incorporation it appears that Cynthia A. Harvey is a director. Group H has not provided any information relative to her role in the Corporation. Accordingly, Group H will be required to inform the Commission whether or not Ms. Harvey is a principal of the corporation, and if so, to submit the information required by Table I, item 5(a), legal qualifications and broadcast interests for Ms. Harvey. This amendment must be submitted to the presiding Administrative Law Judge within 20 days after this Order is released.

4. We are not in receipt of the Federal Aviation Administration's determination for Friendship's proposed tower. Consequently, no determination has been made that the proposed tower height and location would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

5. Section 73.636(a)(2) states that "no license for a television broadcast station shall be granted to any party . . . if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience, or necessity." The rule provides that a concentration of control will be found to exist if "any party or any of its stockholders, officers or directors, . . . have a direct or indirect interest in, or [are] stockholders, officers or directors of . . . three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service overlap of the stations." Two of Wayne Telecasters' principals, George and

Shirley Beasley, are also principals in Southern Radio and Television Corporation, licensee of WPMC(AM), Goldsboro, North Carolina; Beasley Broadcasting Company, licensee of WFAI(AM), Fayetteville, North Carolina; and Beasley Broadcasting of Eastern North Carolina, Inc., WTSB(AM) and WGSS-FM, Lumbarton, North Carolina. Lumbarton is 78 miles from Goldsboro and 30 miles from Fayetteville. There is also overlap of the primary service contours of WPMC and the proposed station, as well as WTSB and WFAI. However, it has been represented to the Commission that the Beasleys would divest themselves of all interest in, and connection with, WPMC(AM) and WFAI(AM) prior to the commencement of operation of the Goldsboro station.* Accordingly, any grant of a construction permit to Wayne Telecasters will be conditioned upon George and Shirley Beasley's divestiture of all interest in, and connection with, WPMC(AM), Goldsboro, North Carolina, and WFAI(AM), Fayetteville, North Carolina.

6. Section 76.501(a)(2) of the Commission's Rules prohibits direct or indirect ownership of both a cable television system and a television broadcast station if the television station would place a Grade B contour over any part of the service area of the cable system. George, Shirley and Bruce Beasley, principals of Wayne Telecasters, all have interests in Beasley Cablevision of Eastern North Carolina, Inc., which provides service to Warsaw, North Carolina. Warsaw falls within the Grade B contour of the proposed facility. Accordingly, an appropriate issue will be specified to determine if circumstances exist to warrant waiver of the rule.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated

* On May 4, 1983, Wayne Telecasters amended its application (the "B" cut-off date was February 18, 1983) to state that George and Shirley Beasley would divest themselves of all interest in WPMC(AM). The amendment eliminates an issue which would otherwise have to be designated for comparative hearing. Accordingly, the amendment will be accepted for § 1.65 purposes only. Wayne Telecasters again amended its application on July 12, 1983, to state that George and Shirley Beasley would divest themselves of all interest in WFAI(AM). This amendment will be accepted since it brings the Beasleys into compliance with the Commission's ruling in *Robeson Broadcasting Corporation*, 52 RR 2d 1412.

proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Friendship Broadcasting, A Limited Partnership, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.
2. To determine with respect to Wayne Telecasters if circumstances exist to warrant waiver of § 76.501(a)(2) of the Commission's Rules.
3. To determine which of the proposals would, on a comparative basis, best serve the public interest.
4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.
9. It is further ordered, That within 20 days after this Order is released, Group H Broadcasting Corporation shall inform the presiding Administrative Law Judge of Cynthia A. Harvey's role in the corporation and, if necessary, submit all other pertinent data.

13. It is further ordered, That, in the event of a grant of Wayne Telecasters' application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that George and Shirley Beasley have divested themselves of all interest in, and connection with, WPMC(AM), Goldsboro, North Carolina, and WFAI(AM), Fayetteville, North Carolina.

14. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the

publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Divisions, Mass Media Bureau.

[FR Doc. 83-33215 Filed 12-13-83; 8:48 am]

BILLING CODE 4712-01-M

(MM-Docket Nos. 83-1313 and 83-1314; File Nos. BPCT-830509 KG and BPCT-830701 KG)

Magee Broadcasting Co. Inc., and Wyatt-Clark Broadcasting; Hearing Designation Order

In the matter of applications of Magee Broadcasting Company, Inc., Magee, Mississippi (MM Docket No. 83-1313; File No. BPCT-830509KG) and Pamela K. Clark and Stanley A. Wyatt d/b/a Wyatt-Clark Broadcasting, Magee, Mississippi (MM Docket No. 83-1314; File No. BPCT-830701KG) for construction permit.

Adopted: November 29, 1983.

Released: December 13, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Magee Broadcasting Company, Inc. (MBC) and Wyatt-Clark Broadcasting (Wyatt) for a new commercial television broadcast station on Channel 34, Magee, Mississippi; a petition to deny filed by MBC against Wyatt;¹ and related pleadings.

2. Magee, in pleadings filed subsequent to its petition to deny Wyatt's application,² alleges that Wyatt's application and the amendment filed August 23, 1983, were improperly accepted for filing by the Commission. Magee contends that § 73.3584(c) of the Commission's Rules provides that an application cannot be accepted for filing until the local public notice requirements of § 73.3580 of the Rules have been satisfied and proof of publication has been filed with the Commission. Magee further contends, in essence, that acceptance of the Wyatt application for filing was improper because the "cut-off" notice had not been published in the Federal Register. Magee, however, is apparently unaware that these rules were amended by the Commission in the *Second Report and*

Order in General Docket No. 79-137, 46 FR 36850, July 18, 1981 (49 FR 2d 1219) to eliminate publication of "cut-off" lists in the Federal Register and to eliminate the requirement that proof of publication of local public notice be filed with the Commission prior to acceptance of an application for filing, i.e., before the application is placed on a "cut-off" list. The Commission provided for certification by an applicant that it has complied with, or will comply with, the public notice requirements.

3. Finally, Magee asserts that Wyatt's amendment of August 23, 1983, is a major amendment which requires publication of a new local public notice. Major amendments in the television service are defined in § 73.2578(b) of the Commission's Rules. Since the amendment filed by Wyatt does not meet any of the criteria for a major amendment as set forth in § 73.3578(b) of the Rules, it is a minor amendment and local public notice is not required.

4. For the reasons stated, the petition to deny filed by Magee against Wyatt will be dismissed as an unauthorized pre-designation petition to specify issues and Magee's subsequent pleadings will be denied as being without merit.

5. The overall height above mean sea level and the coordinates specified by MBC in Form 301, Section V, do not agree with the corresponding data that MBC filed with the Federal Aviation Administration (FAA). MBC will be required to either submit a corrective amendment, within 20 days after this Order is released, to the presiding Administrative Law Judge or refile with the FAA, as appropriate.

6. No determination has been made that the tower heights and locations proposed by the applicants would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

7. Section 73.658(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True north and tabulated at least every 10° plus any minima or maxima. MBC and Wyatt have not supplied this data. Accordingly, the applicants will each be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

8. Wyatt proposes to locate its tower 1.74 miles from the directional array of Station WSJC(AM), Magee, Mississippi. Because of the proximity of the proposed tower to WSJC, any grant of a

construction permit to Wyatt will be conditioned to ensure that WSJC's radiation pattern is not adversely affected.

9. Section II, item 6, FCC Form 301 (June 1977), inquires whether all parties to the application are citizens of the United States. MBC's response is "N/A." However, each applicant must determine the citizenship of all parties to the application. Accordingly, MBC will be required to submit its answer to item 6, to the presiding Administrative Law Judge, within 20 days after this Order is released.

10. MBC estimates that it will require approximately \$6,504,231 to construct and operate for three months. To meet these expenses, MBC relies on \$787 in existing capital; \$2,005,000 in new capital and a net loan of \$4,300,000. MBC did not segregate its current liabilities from its long term liabilities; therefore, we cannot determine that it has \$787 available. Furthermore, MBC has not documented its new capital as required by FCC Form 301, Section III, page 3, item 4(a). Finally, MBC includes a letter from Bank of Simpson County to indicate its willingness to help MBC secure a \$6,000,000 loan. The letter does not comply with Section III, page 3, item 4(e), FCC Form 301 because it is not a commitment to lend funds. Consequently, MBC has not shown that it has any funds available. Accordingly, a financial issue will be specified to determine whether MBC has \$6,504,231 available to it.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before and Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine with respect to Magee Broadcasting Company, Inc.:

¹ MBC's petition is, in essence, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications*, 72 FCC 2d 202 (1979).

² See Footnote 1, *supra*. Because these pleadings are directed to the acceptability of Wyatt's application, we consider them despite the fact that we will not consider the petition to deny.

(a) Whether it has \$6,504,231 available to construct and operate as proposed;

(b) Whether, in light of the evidence adduced pursuant to issue (a), the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, That the petition to deny filed by Magee Broadcasting Company, Inc. against Wyatt-Clark Broadcasting is dismissed.

14. It is further ordered, That the motions to strike, filed by Magee Broadcasting Company, Inc., are denied.

15. It is further ordered, That Magee Broadcasting Company submit its answer to Section II, item 6, FCC Form 301 (June, 1977), to the presiding Administrative Law Judge, within 20 days after this Order is released.

16. It is further ordered, That, Magee Broadcasting Company, Inc. shall file an amendment to correct Section V, FCC Form 301, within 20 days after this Order is released, with the presiding Administrative Law Judge, or refile the correct information with the Federal Aviation Administration, as may be appropriate.

17. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

18. It is further ordered, That the applicants shall each submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the release date of this Order.

19. It is further ordered, That in the event of a grant of Wyatt-Clark Broadcasting's application, the construction permit shall be conditioned as follows:

Prior to construction of the tower authorized herein, permittee shall notify AM Station WSJC so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C., to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted

to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.

20. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

21. It is further ordered, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-33213 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1315 et al.; File No. BPCT-830315KH]

Henry C. McCall et al.; Hearing Designation Order

In the matter of applications of Henry C. McCall, Kokomo, Indiana (MM Docket No. 83-1315; File No. BPCT-830315KH), B.G.S. Broadcasting, Inc., Kokomo, Indiana (MM Docket No. 83-1316; File No. BPCT-830506KI), Metro Program Network, Inc., Kokomo, Indiana (MM Docket No. 83-1317; File No. BPCT-830506LV) and Sandy Kay Broadcasting Company, Kokomo, Indiana (MM Docket No. 83-1318; File No. BPCT-830506LX) for construction permit.

Adopted: November 29, 1983.

Released: December 12, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Henry C. McCall (McCall),¹ B.G.S. Broadcasting, Inc. (BGS), Metro Program Network, Inc. (Metro) and Sandy Kay Broadcasting Company (Sandy Kay) for authority to construct a new commercial television broadcast station on Channel 29, Kokomo, Indiana.

¹ An amendment received June 23, 1983 changed the applicant's name from American Cellular Systems, Inc. to Henry C. McCall.

2. The information supplied by BGS for the overall height above mean sea level of its tower does not agree with the information submitted to the Federal Aviation Administration. BGS will be required to submit a clarifying amendment.

3. No determination has been made that the tower heights and locations proposed by Metro and BGS would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

4. In Section II, Items 1 and 2, FCC Form 301, McCall has not answered the question as to whether he is financially qualified to construct and operate the proposed facility.² Accordingly, the applicant will be given 20 days from date of the release of this Order to make certification to the presiding Administrative Law Judge. If McCall cannot make the required certification, he shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

5. Section 73.636(a)(1) of the Commission's Rules states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM station. BGS is the licensee of WWKI(FM), Kokomo, Indiana. However, Note 8 to the rule provides, *inter alia*, that applications for UHF stations will be treated on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Accordingly, an issue will be specified to determine whether the common ownership of WWKI(FM), Kokomo, Indiana, and the proposed television station would be consistent with the public interest.

6. The contour map which Metro has submitted as Exhibit 4 does not agree with the distances to the predicted contours shown in the applicant's response to Section V-C, Item 15, FCC Form 301. For example, the map shows that the Grade B contour would extend along the 270° radial about 57 miles, but the response to Section V-C, Item 15 shows the distance as 41.2 miles. In addition, a 270° Grade B calculation using the horizontal plane radiation

² McCall states that he will have the funds to operate the proposed station and would provide certification at a future time. To date, we have not received such certification.

pattern given in Exhibit 3 results in a distance of 44 miles. Most of the other distances are similarly inconsistent. Finally, the radiation center height above mean sea level from FCC Form 301, Section V-G, Item 5, does not agree with the vertical sketch in Exhibit 6 and the overall height above mean sea level in Exhibit 6 does not agree with Item 5. Metro will be required to submit an amendment clarifying these discrepancies.

7. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Sandy Kay indicates that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the areas and populations that the other applicants propose to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contours, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants. McCall has not submitted the area and population data as required by Item 10, Section V-C, FCC Form 301. Accordingly, McCall will be required to submit the required information in amendment form to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to B.G.S. Broadcasting, Inc., whether the interests of James Gregg, Donald Rice, Leslie Gregg, C. Edward Swain and J.P. Bowman in WWKI(FM), Kokomo, Indiana, and the proposed television station would be consistent with the public interest.

2. To determine with respect to Metro Program Network, Inc. and B.G.S. Broadcasting, Inc., whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That B.G.S. Broadcasting, Inc., shall submit an amendment or clarification to correct the overall height above mean sea level of its tower to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

11. It is further ordered, That Metro Program Network, Inc., shall submit an amendment or clarification to eliminate the discrepancies described in paragraph six to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

12. It is further ordered, That Henry C. McCall, shall submit the area and population data required by Item 10, Section V-C, FCC Form 301 in amendment form to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

13. It is further ordered, That Henry C. McCall shall submit a financial certification, in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge within 20 days of the date of the release of this Order, that the certification cannot be made, as may be appropriate.

14. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 2.

15. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the

manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc 83-33212 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-1289 and 83-1290; File Nos. BPCT-830523KE and BPCT-830607KG]

Mississinewa Communications Corp. and Metro Program Network, Inc., Hearing Designation Order

In the matter of applications of Mississinewa Communications Corporation, Marion, Indiana (MM Docket No. 83-1289; File No. BPCT-830523KE) and Metro Program Network, Inc., Marion, Indiana (MM Docket No. 83-1290; File No. BPCT-830607KG) for construction permit.

Adopted: November 21, 1983.

Released: December 13, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Mississinewa Communications Corporation (Mississinewa), and Metro Program Network, Inc. (Metro) for authority to construct a new commercial television station on Channel 23, Marion, Indiana.¹

2. On June 28, 1983, the Commission issued a Public Notice (Cut-Off List A-69, Mimeo #5000) announcing the acceptance for filing of the mutually exclusive applications of Mississinewa Communications Corporation and Metro Program Network, Inc. By letters dated July 14, 1983, Rodney G. Funk, owner of 51% of the stock of Mississinewa and described as "station manager", wrote to two Senators, and a Congressman soliciting their assistance in connection with the Mississinewa application and objecting to the filing of the Metro application. On July 20 and 27, 1983, the Senators and the Congressman forwarded Mr. Funk's letters to the Chairman's office. There is no indication that a copy of those letters were served on Metro. It appears that Mr. Funk is "an interested person" as defined by § 1.1201(e) of the Commission's Rules; that this is a restricted proceeding as

¹ Mississinewa filed a petition to deny against Metro. The petition is, in essence, a pre-designation petition to specify issues. Such petitions are no longer permitted; therefore, it will be dismissed. *Processing of Contested Broadcasting Applications*, 72 F.C.C. 2d 202 (1979).

defined by § 1.1203(b)(2), and that Mr. Funk had actual knowledge of the filing of a mutually exclusive application when he solicited congressional assistance. The letters were intended for the decision-making personnel as defined by § 1.1203(a) of the Commission's Rules. Mr. Funk would be prohibited by § 1.1233(a) of the Rules from making the written presentation himself. A question is raised, therefore, as to whether Mississinewa violated § 1.1225(a) of the Commission's *ex parte* rules. An appropriate issue will be specified.

3. Section 73.1125 of the Commission's Rules requires that the main studio of a television station be located within the city of license, but, upon a showing of good cause, the main studio may be located outside that community. Mississinewa proposes to locate its main studio 7 miles from Marion at its transmitter site. However, Mississinewa has not submitted the required showing for locating its studio outside of Marion. Accordingly, an issue will be specified to determine whether good cause exists for locating the main studio outside the principal community to be served and whether to do so would be consistent with operation of the station in the public interest.

4. Section II, page 3, question 7(d) FCC Form 301, inquires whether an applicant or any party to the application had any interest in a broadcast application in any Commission proceeding which left unresolved character issues against that applicant. Metro has not answered item 7(d). Metro will be required to submit its response to item 7(d) to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

5. No determination has been reached that the tower height and location proposed by each of the applicants² would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

6. Metro proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). In the event

of a grant of Metro's application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 418 (1966).

7. Metro's proposed site is 146 miles from the site of co-channel Station WKAR-TV, Channel 23, East Lansing, Michigan, whereas § 73.610(b)(1) of the Commission's Rules requires a minimum separation of 155 miles. The applicant, therefore, would be short-spaced 9 miles to Station WKAR-TV. In assessing the circumstances to determine whether a waiver is warranted, the Administrative Law Judge should consider the fact that the competing applicant in this proceeding has specified a fully-spaced site. And issues will be specified to determine whether circumstances exist warranting a waiver.

8. The technical data provided by Metro in response to Section V-C, item 15, FCC Form 301, is incorrect. The contour calculations do not agree with the main lobe of item 7, exhibit 3, DA pattern and exhibit 4 which shows the plotted contours. For example, item 15 specifies 23.4 miles for the city grade contour at 0° true, but exhibit 4 indicates 31 miles. Metro will be required to submit a corrective amendment to the presiding Administrative Law Judge within 20 days after the date of release of this Order.³

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

² The applicant should note that the corrections required in item 15, Section V-C will also require adjustments in the maps required by Section V-C, item 10(b) and the area and population figures required by Section V-C, item 10(e). If the changes in area and population figures result in a significant disparity relative to the areas and population which would be served by Mississinewa, the comparative coverage may be considered under the standard comparative issue to determine whether either applicant should be awarded a comparative preference.

1. To determine, with respect to Mississinewa Communications Corporation:

(a) Whether any of its officers, stockholders, or directors violated § 1.1223(a) of the Commission's Rules and, if so, the effect thereof on the applicant's basic or comparative qualifications;

(b) Whether good cause exists for locating the main studio outside the principal community to be served and, if so, whether it would be consistent with operation of the station in the public interest.

2. To determine whether the proposal of Metro Program Network, Inc. is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and if not, whether circumstances exist which would warrant a waiver of the Rule.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the petition to deny filed by Mississinewa Communications Corporation against Metro Program Network, Inc. is dismissed.

12. It is further ordered, That Metro Program Network, Inc. shall submit a response to Section II, page 3, question 7(d), FCC Form 301, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

13. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 3.

14. It is further ordered, That, in the event of a grant of Metro Program Network, Inc.'s application, the construction permit shall contain the following condition:

Subject to the condition that operation with effective radiated visual power in excess of 1000 kW is subject to the consent of Canada.

15. It is further ordered, That Metro Program Network, Inc. shall submit an amendment to the presiding Administrative Law Judge, within 20 days after the release date of this Order, to correct Section V-C, item 15, FCC Form 301 and any other engineering information required by the correction.

² The Commission is not in receipt of FAA's determination for the tower proposed by each of the applicants.

16. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-33217 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

(MM Docket No. 83-1286 et al; File No. BPCT-830328KM)

**Petitioner's Society for Access
Telecasting, et al.; Hearing Designation
Order**

In the matter of applications of
Petitioner's Society For Access
Telecasting, Greenfield, Massachusetts
(MM Docket No. 83-1286; File No.
BPCT-830328KM), LaQueth Fleming,
Gloria Fleming and Brian J. Friedman d/
b/a, Greenfield Television, Ltd.
Greenfield, Massachusetts (MM Docket
No. 83-1287; File No. BPCT-830603KH)
and Solomon D. Atkins, Greenfield,
Massachusetts (MM Docket No. 83-1288;
File No. BPCT-830603KJ) for
construction permit.

Adopted: November 21, 1983.

Released: December 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Petitioner's Society for Access Telecasting (Society), LaQueth Fleming, Gloria Fleming and Brian J. Friedman d/b/a Greenfield Television, Ltd. (Greenfield Television Ltd), and Solomon D. Atkins (Atkins) for authority to construct a new commercial television station on Channel 32, Greenfield, Massachusetts.

2. The material submitted by Atkins does not demonstrate his financial

qualifications.¹ Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicants will be given 20 days from the date of release of this Order to review his financial proposals in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in Section III, Form 301, as to his financial qualifications. If the applicant cannot make the required certification, he shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

3. Section V-C, item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. Neither Society nor Greenfield Television Ltd. has specified the population within its Grade B contour. Additionally, Greenfield Television, Ltd. has not submitted figures for the area. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. Society and Greenfield Television, Ltd. will each be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. No determination has been reached that the tower height and location proposed by each of the applicants² would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

¹ Applicant has indicated that arrangements for financing are only partially complete at this point and a certification of his financial qualification will be submitted when final arrangements are made.

² The Commission is not in receipt of FAA's determination for the tower proposed by each of the applicants.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That within 20 days of the release of this Order, Solomon D. Atkins shall submit a financial certification in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the required certification cannot be made.

8. It is further ordered, That Petitioner's Society For Access Telecasting and LaQueth Fleming, Gloria Fleming and Brian J. Friedman d/b/a Greenfield Television, Ltd. shall each submit an amendment stating the area and population within its predicted grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

9. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-33216 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docet Nos. 83-1309 and 83-1310; File Nos. BPCT-830308KG and BPCT-830728KG]

Powell Broadcasting Co. and Kadd Communication Corp.; Hearing Designation Order

In the matter of applications of Harry C. Powell, Jr. d/b/a, Powell Broadcasting Company, Tuscumbia, Alabama MM Docket No. 83-1309; File No. BPCT-830308KG) and Kadd Communicating Corporation, Tuscumbia, Alabama MM Docket No. 83-1310; File No. BPCT-830728KG) for construction permit

Adopted: November 29, 1983.

Released: December 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Powell Broadcasting Company (Powell) and Kadd Communications Corporation (Kadd) for authority to operate a new commercial television station on Channel 47, Tuscumbia, Alabama.

2. Powell proposes to mount its antenna on the WVNA(AM), Tuscumbia, Alabama, tower. In the event of a grant of Powell's application, the construction permit will be conditioned to ensure that WVNA's radiation pattern is not adversely affected.

3. Section V-C, Item 10, FCC Form 301, requires that an applicant submit the area and population within its predicted Grade B contour. Powell has not specified the population within its Grade B contour. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that Powell and Kadd each proposes to serve. Powell will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. The applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest,

convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before and Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, in the event of a grant of Powell Broadcasting Company's application, the construction permit shall be conditioned as follows:

During the installation of the antenna authorized herein, AM Station WVNA shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements on the AM array shall be made and a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission (along with a tower sketch of the installation) in a application for the AM station to return to the direct method of power determination.

7. It is further ordered, That Powell Broadcasting Company shall submit an amendment specifying the population within its predicted Grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the

manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-33214 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It; Meeting

December 12, 1983.

Chairman: Steven E. Doyle 916 355-6941.

Date: 16 December 1983.

Time: 9:00 a.m.-4:00 p.m.

Location: Room 330, 1200 19th Street, NW., Washington, D.C.

Agenda: Consideration and Adoption of the Committee's First Report.

Statement: Because of the Committee's inability to complete this agenda item at its 8, 9 December 1983 meeting, short notice of this meeting is being given to allow the Committee to continue and adopt its First Report by December 31, 1983 in accordance with its charter.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33340 Filed 12-13-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**Agency Form Submitted to the Office of Management and Budget for Clearance**

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Information Collection in Existing Regulation

Title: Consultation with Local Officials to Assure Compliance with Section 110 and 206 of the Flood Disaster Protection Act of 1973

Abstract: 42 U.S.C. 4101 authorizes the Administrator to identify flood hazards in all areas within the United States. The Administrator's responsibilities for consultation with community officials are specified at 44

CFR Part 66. Mandatory date submissions from community officials are specified at 44 CFR 65.5, 66.1 and 67.7.

Type of respondents: State or Local Governments

Number of respondents: 1010

Burden hours: 7,300

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street, SW, Washington, D.C. 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Walter A. Girstantas,

Director, Administrative Support,

[FR Doc. 83-33142 Filed 12-13-83; 8:45 am]

BILLING CODE 6718-01-M

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Information Collection in Existing Regulation

Title: Right to Submit Technical or Scientific Data to Correct Mapping Deficiencies Unrelated to Community-Wide Elevation Determinations

Abstract: Any owner or lessee of property in the 19,075 communities with mapped special flood hazard areas (SFHAs) who believe his or her property has been inadvertently included in a SFHA has the right to submit technical or scientific data that shows the map to be deficient.

Type of respondents: Individuals or Households

Number of respondents: 1,100

Burden hours: 28,400

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-9906, 500 C Street SW., Washington, D.C. 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs,

OMB, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Walter A. Girstantas,

Director Administrative Support,

[FR Doc. 83-33141 Filed 12-13-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 I Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement Nos. T-2260-5, T-2261-6, T-2795-4, T-3386-3, T-3513-4, T-3527-4 and T-3530-3.

Title: The City of Milwaukee and Meehan Seaway Service, Ltd., Lease Modification Agreements.

Parties: The City of Milwaukee (City) and Meehan Seaway Service, Ltd. (Meehan).

Synopsis: The amendments to Agreements Nos. T-2260, T-2261, T-2794, T-3386, T-3513, T-3527 and T-3530, provide for the extension of the terms of the agreements from January 1, 1984 through December 31, 1986. Each agreement makes provision for the extension under option clauses. The agreements basically provide for the lease by the City to Meehan of premises within the Port of Milwaukee for facilities to be used in terminal operations.

Filing Party: Roy F. Hoffman, (U.S.N. Ret.), Municipal Port Director, Port of Milwaukee, 500 N. Harbor Drive, Milwaukee, Wisconsin 53202.

By Order of the Federal Maritime Commission.

Dated: December 8, 1983.

Francis C. Hurney,

Secretary,

[FR Doc. 83-33145 Filed 12-13-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Centennial Bancshares, Inc.; Merger of Bank Holding Companies

Centennial Bancshares, Inc., Mission, Kansas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Mission Bancshares, Inc., Mission, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than January 4, 1984. 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.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33150 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Corn Belt Bancorporation; Formation of a Bank Holding Company

Corn Belt Bancorporation, Correctionville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Corn Belt State Bank, Correctionville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Corn Belt Bancorporation, Correctionville, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through its subsidiary, Corn Belt

Insurance Agency, Correctionville, Iowa in the activity of operating a general insurance agency in a town of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Correctionville, Iowa and the geographic area to be served is Correctionville and the surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33151 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Eberly Investment Co.; Formation of a Bank Holding Company

Eberly Investment Co., Stanton, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80.5 percent of the voting shares of Stanton National Bank, Stanton, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Eberly Investment Co., Stanton, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y

(12 CFR 225.4(b)(2)), for permission to acquire voting shares of Stanton National Insurance Agency, Inc., Stanton, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency, writing various lines of insurance including life, health, credit life, property and casualty insurance. These activities would be performed from offices of Applicant's subsidiary in Stanton, Nebraska and the geographic area to be served is the State of Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33152 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Financial Investment Corp.; Formation of a Bank Holding Company

Financial Investment Corporation, Springdale, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Springdale, Springdale, Arkansas. The factors that

are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Financial Investment Corporation, Springdale, Arkansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to perform real estate appraisals. These activities would be performed from offices of Applicant's subsidiary in Springdale, Arkansas and the geographic areas to be served are Washington, Benton, Madison, and Carroll Counties, Arkansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33153 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Herman First National Agency, Inc.; Formation of a Bank Holding Company

Herman First National Agency, Inc., Herman, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12

U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 88 percent of the voting shares of The First National Bank of Herman, Herman, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Herman First National Agency, Inc., Herman, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage directly in general insurance activities in a community with a population of less than 5,000. These activities would be performed from Applicant's office in Herman, Minnesota and the geographic area to be served is the area within a 15-mile radius of Herman, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33154 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Illini Financial Corp., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Illini Financial Corp.*, Galesburg, Illinois; to acquire 98 percent of the voting shares or assets of The Bank of Alexis, Alexis, Illinois. Comments on this application must be received not later than January 4, 1983.

B. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial Bancshares, Inc.*, Houston, Texas; to acquire .378 percent of the voting shares of Park Tower National Bank, Houston, Texas. Comments on this application must be received not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-33167 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Mid-Continent Corp.; Proposed Acquisition of Rocky Mountain Mortgage and Investment Company

Mid-Continent Corporation, Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Rocky Mountain Mortgage and Investment Company, Leadville, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of a mortgage company. These activities would be performed from offices of Applicant's subsidiary in Leadville, Colorado and the geographic areas to be served are Lake, Chaffee, Eagle, and Summit Counties, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-33155 Filed 12-13-83; 8:45 am]

BILLING CODE 6210-01-M

Peoples State Bancshares, Inc., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or

at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Peoples State Bancshares, Inc.*, Grant, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Peoples State Bank of Grant, Grant, Alabama. Comments on this application must be received not later than January 4, 1984.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hoosier Hills Financial Corporation*, Osgood, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Ripley County Bank, Osgood, Indiana. Comments on this application must be received not later than January 6, 1984.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Crawford Bancshares Corporation*, English, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of English State Bank, English, Indiana. Comments on this application must be received not later than January 6, 1984.

2. *First Charlestown Corporation*, Charlestown, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Clark County, Charlestown, Indiana. Comments on this application must be received not later than January 6, 1984.

D. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northern Highlands Bancorporation, Inc.*, Mercer, Wisconsin; to become a bank holding company by acquiring at least 85 percent of the voting shares of Northern Highlands State Bank, Mercer, Wisconsin. Comments on this application must be received not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-33148 Filed 12-13-83; 8:45 am]
BILLING CODE 6210-01-M

First City Corp., et al; Proposed de Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First City Corp.*, Fort Smith, Arkansas (real estate appraisal activities; Oklahoma, Arkansas); To engage through its subsidiary, First City Appraisal Services, Inc.; in residential and commercial real estate appraisals. These activities would be conducted from offices in Fort Smith, Arkansas and would serve the States of Arkansas and Oklahoma. Comments on this application must be received not later than December 28, 1983.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BSD Bancorp, Inc.*, San Diego, California (data processing activities; California): To engage through its subsidiary, BSD Datacorp, Inc., a California corporation, in providing financial and banking related data processing transmission services and to expand its centralized proof; data capture, balancing and transmission to an independent data processor; and bulk check filing, statement preparation and centralized mailing services to include offering such services throughout California and for transmission to any independent data processor. These activities would be conducted from the existing office in San Diego, California, serving the State of California. Comments on this application must be received not later than January 9, 1984.

Board of Governors of the Federal Reserve System, December 8, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-33149 Filed 12-13-83; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Map Prices; Notice of Change

Notice is hereby given that effective January 1, 1984, the price of maps published by the Geological Survey will be increased. The increase is needed to recover the costs of reproduction and distribution, which have increased approximately 10 percent since November 1981, the date of the last increase. A postage and handling surcharge is also being instituted on all map orders of less than \$10.

The new map prices will be as follows:

Maps, by series, name, or scale	Price
Standard Topographic Quadrangles ¹ (1:24,000; 1:25,000; 1:50,000; 1:62,500; 1:63,360)	\$2.25
Orthophotomaps and Orthophotomaps	2.25
National Atlas Separates	2.00
1:100,000 Maps	3.00
1:250,000 Maps	3.00
Alaska Boundary Series 1:250,000	2.20
Alaska Federal Conservation Maps	3.00
County Maps (1:50,000; 1:100,000)	3.00
State Maps (No Contours, Black and Blue—1:500,000; Black—1:1,000,000)	2.90
State Maps (No Contours, Multicolor—1:500,000)	3.00
State Maps (Topographic or Shaded Relief—1:1,500,000)	3.50
International Maps of the World (1:1,000,000)	3.50
World Map, Relief Edition, in 3 scales:	
1:30 million—Single sheet 42 x 56"	3.90
1:22 million—3 sheets 34 x 57"	9.90
1:14 million—6 sheets 42 x 56"	33.30

Maps, by series, name, or scale	Price
National Park Maps	3.00
Coastal Ecological Inventory Maps	3.00
Antarctic Topographic Maps	2.20-3.00
Landsat Image Maps	2.20-5.50
Appalachian Region Map	2.80
Maps of the United States (Base, contour, outline, and physical divisions in various scales, colors, sheet sizes, and number of sheets per map)	0.60-5.50
Thematic Maps	
Hydrologic Unit Map of (State)	1.90-6.60
Geologic Map of (State)	2.60; 4.40
Basement Rock Map of the U.S. (set of 2)	5.50
Basement Rock Map of North America	1.90
Bouguer Gravity Anomaly Map of the U.S.	1.70
Coal Fields of the U.S.	3.00
Coal Fields of Alaska	3.30
Geologic Map of the U.S. (set of 3)	8.80
Geologic Map of North America (set of 2)	8.80
Tectonic Map of North America (set of 2)	8.80
World Seismicity Map	2.60

¹ Includes new maps, revised maps, and reprints.

² Per sheet additional if more than 1 sheet.

The Geological Survey also publishes specialized scientific maps, including:

- (1) Geologic Quadrangle Maps
- (2) Miscellaneous Field Studies Maps
- (3) Miscellaneous Investigations Maps
- (4) Geophysical Investigations Maps
- (5) Hydrologic Investigations Maps
- (6) Coal Investigations Maps
- (7) Mineral Investigations (Resource) Maps
- (8) Oil and Gas Investigations Charts and Maps
- (9) Land Use Maps
- (10) Antarctic Geologic Maps.

Prices for these maps vary. Specific price information may be obtained from the following Geological Survey maps sales offices:

Alaska

Room 108, Skyline Building, 508 Second Avenue, Anchorage, AK 99501, (907) 277-0577

Room 126, New Federal Building, 101 12th Avenue, Fairbanks, AK 99701, (907) 456-0244

California

Room 7638, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012, (213) 688-2850

Room 122, Building 3, 345 Middlefield Road, Menlo Park, CA 94025, (415) 323-8111, ext. 2617

Room 504, Custom House, 555 Battery Street, San Francisco, CA 94111, (415) 558-5627

Colorado

Building 41, Federal Center, Denver, CO 80224, (303) 234-3832

Room 169, Federal Building, 1961 Stout Street, Denver, CO 80294, (303) 837-4169

District of Columbia

Room 1028, General Services Administration Building, 19th and F

Streets NW., Washington, D.C. 20244, (202) 343-8073

Mississippi

Building 3101, National Space Technology Laboratories, NSTL Station, MS 39529, (601) 688-3541

Missouri

USGS Building, 1400 Independence Road, Rolla, MO 65401, (314) 341-0851

Texas

Room 1C-45, Federal Building, 1100 Commerce Street, Dallas, TX 75242, (214) 767-0198

Utah

Room 8105, Federal Building, 125 South State Street, Salt Lake City, UT 84138, (801) 524-5852

Virginia

1200 South Eads Street, Arlington, VA 22202, (703) 557-2781

Room 1C-402, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092, (703) 860-6167

Washington

Room 878, U.S. Court House, West 920 Riverside Avenue, Spokane, WA 99201, (509) 456-2524.

Dated: December 8, 1983.

R. B. Southard,

Chief, National Mapping Division, Geological Survey.

[FR Doc. 83-33140 Filed 12-13-83; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[INT-DEIS-83-74]

Draft Cassia Resource Management Plan and Draft Environmental Impact Statement Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability and Public Hearing for Draft Cassia Resource Management Plan and Draft Environmental Impact Statement; Public Hearings and DEIS Availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Section 202(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a draft resource management plan and environmental impact statement for 476,273 acres of BLM-administered lands in the West Cassia, Cotterel, and Sublett Planning Units of the Snake River Resource Area, Burley District, Idaho. Located in south-

central Idaho, these lands are primarily in Cassia County, with limited acreage in Twin Falls, Power, and Oneida Counties.

Notice is hereby given that the Draft Cassia Resource Management Plan and Environmental Impact Statement is available for public review and comment. The Department of the Interior invites written comments on the adequacy of the draft plan and statement. Notice is also given that a public hearing will be held at the City Council Chambers, City Hall, Burley, Idaho on Wednesday, January 18, 1984 at 7:00 p.m. m.s.t.

Persons wishing to give testimony at the public hearing are requested to complete a hearing registration form. A registration form is included with each RMP/EIS distributed. Copies may also be obtained by contracting the Burley District Manager.

SUPPLEMENTARY INFORMATION: The issues and concerns addressed in the RMP cover a broad array of resources and resource uses. Twenty specific planning questions were developed from over 130 issues and concerns identified by the public and by BLM personnel. These questions cover such topics as: (1) Livestock/wildlife competition for forage; (2) management of riparian/wetland habitat; (3) management of wildlife habitats; (4) land tenure adjustments (disposal, lease, and/or exchange of public lands); (5) preservation of cultural, historical, and scenic values; (6) the provision of recreation opportunities to meet public need; (7) management of soil and water resources; (8) management of mineral and energy resources; and (9) use of fire as a tool for resource management.

Four alternatives and one sub alternative have been developed, each one addressing some or all of the planning issues from a different perspective. Each alternative meets the requirements of FLPMA, is based on public input, and represents a cost efficient combination of management practices for resolving the issues. The RMP/EIS describes each alternative in terms of its overall management emphasis, its specific resource goals and required resource actions and how forage use levels were determined.

The overlying philosophy of each alternative is summarized in the following:

Alternative A—This alternative is the "No Action" alternative. Basically, this alternative would continue the current management philosophy and direction of the 1974 Management Framework Plan (MFP). Existing activity management plans would continue to be

implemented. Current on-the-ground management would continue.

Under this alternative the use of lands and resources would remain essentially unchanged from the present or would reflect only changes identified in decisions in the current MFP. Livestock use would be the six year average and only current wildlife needs would be met.

Alternative B—This alternative is directed toward the production and use of marketable resource commodities. Management emphasis is on maximizing livestock production, harvest of woodland products, mining, and mineral and energy development. Management direction is toward facility-dependent and motorized dispersed recreation. Forage would be assigned only to meet current wildlife demand. All minimum environmental protection standards legally required would be met as would statewide resource management guidelines.

Alternative C (Preferred Alternative)—This alternative emphasizes a balanced approach to land management. The alternative is designed to provide for a variety of renewable resource uses within the sustained yield capabilities of the public lands in the Cassia RMP area. It represents a balancing of conflicts and tradeoffs between land uses while protecting fragile, non-renewable resources as required by law. Management attention expanding livestock grazing opportunities; increasing forage production for mule deer and antelope; maintaining or improving upland and non-game wildlife habitat; providing a variety of recreation opportunities; and meeting local needs for sand, gravel, and building stone. This management direction would favorably influence orderly economic growth of the local and regional economy.

Alternative D—Emphasis in this alternative is on the non-consumptive use of resources. Management direction is toward the preservation and protection of wildlife habitat, scenic values, watershed values, and cultural resources. Resource dependent and non-motorized dispersed recreation is emphasized. Wildlife forage requirements through 1995 would be met. Other resource outputs may be reduced or eliminated from specific areas to enhance non-consumptive uses of the public lands.

Sub Alternative D—Sub Alternative D, "no livestock grazing alternative," provides the basis for comparative analysis of impacts between no livestock and various levels of livestock use. This sub-alternative is identical to Alternative D except all management

area objectives and required actions which relate to livestock use levels and the development of range improvements necessary for livestock management are no longer applicable as all livestock grazing on public lands would be eliminated. The overall emphasis and management direction relative to the use and development of other resources under Sub Alternative D are the same as in Alternative D.

DATES: Written comments concerning issues pertinent to the Cassia Resource Management Plan/Environmental Impact Statement will be accepted until March 15, 1983.

ADDRESS: Comments should be sent to: Jimmie L. Pribble, Snake River Area Manager, Bureau of Land Management, Public hearing in Burley, Idaho—January 18, 1984.

Copies of the draft environmental impact statement are available for review at the following BLM offices and public libraries:

Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318, Telephone: (208) 678-5514; Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706, Telephone: (208) 334-1770;

Albion Library, Albion, ID 83330; Burley Public Library, 1300 Miller Avenue, Burley, ID 83318, Telephone: (208) 678-7708;

Oakley Free Library, 125 East Main, Oakley, ID 83346, Telephone: (208) 862-3434; and

Rupert Library, 417 7th St., Rupert, ID 83350, Telephone: (208) 436-3874.

A limited number of single copies may be obtained from the Idaho State Office or the Burley District Office.

FOR FURTHER INFORMATION CONTACT: Jimmie L. Pribble, Snake River Area Manager, Burley District Office, Bureau of Land Management, 200 S. Oakley Highway, Route 3, Box 1, Burley, ID 83318, Telephone: (208) 678-5514.

Dated: December 1, 1983.

Jimmie L. Pribble,
Acting Burley District Manager.

[FR Doc. 83-33196 Filed 12-13-83; 8:45 am]
BILLING CODE 4310-84-M

Form Submitted to OMB for Information Collection Requirements

AGENCY: Bureau of Land Management, Interior.

ACTION: Bureau Form Submitted for Review to the Office of Management and Budget.

SUMMARY: The proposal for the collection of information listed below

has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer listed below, or to the Office of Management and Budget reviewing officials, at (202) 395-7340.

Title: Offer to Lease and Lease for Geothermal Resources
Bureau Form Number: 3200-24
Frequency: On occasion
Description of Respondents: General public, small businesses, and oil companies.

Annual Responses: 450
Annual Burden Hours: 225
Bureau Clearance Officer (alternate): Linda Gibbs (202) 653-6853.

Dated: November 14, 1983.

James M. Parker,
Acting Director.

[FR Doc. 83-33196 Filed 12-13-83; 8:45 am]
BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Phillips Petroleum Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Phillips Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0757, Block 118, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway

Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 7, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-33137 Filed 12-13-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1196, Block 61, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised

§ 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 7, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-33138 Filed 12-13-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Proposed Exchange of Interests in Lands Between the National Park Service and the Washington Harbour Associates

ACTION: Notice of availability of an environmental assessment.

SUMMARY: This notice announces the availability of an environmental assessment (EA) for a proposed exchange of interests in lands between the National Park Service and Washington Harbour Associates. This notice also announces a hearing for the purpose of receiving public comments on the EA.

DATES: Comments on the EA should be received no later than January 17, 1984. The date of the public hearing regarding the draft EA is January 17, 1984. A 30-day no-action period will follow and end on February 17, 1984.

ADDRESSES: Comments on the EA should be submitted to Manus J. Fish, Jr., Regional Director, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C., 20242, phone number 426-7704. The public hearing will be held at 1100 Ohio Drive, SW., Washington, D.C., in Classroom B, 7:00 p.m., January 17, 1984. Public reading copies of the EA will be available for review at the following locations.

Office of Public Affairs, National Park Service, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240, (Telephone: 202-343-6843)
Office of Land Use Coordination, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242 (Telephone: 202-426-7704).

A limited number of copies of the EA are available on request from Mr. Randolph J. Clement, Environmental Coordinator, Room 208, 1100 Ohio Drive, SW., Washington, D.C., 20242 (202-426-7704).

SUPPLEMENTARY INFORMATION: The proposal involves exchanges of interests in lands with Washington Harbour Associates, a firm developing a 6-acre waterfront complex between Rock Creek and 31st Street, and K Street and the Potomac River. The exchange is to guarantee permanent public access

along the waterfront and Rock Creek, to preserve river views from Georgetown, and allow landscape improvements to National Park Service lands.

The effect of implementing the exchange, when weighed against the alternative of no action, would, apart from the short-term effects during construction, be largely beneficial. The construction would have no measurable effect on the Potomac River flows or flood conditions. East of 30th Street modest increases in development density would occur, while significant improvement to building configuration would be made possible.

The flood flow of Rock Creek would be improved. Public access between the east and west banks of Rock Creek would be improved. There are no structures of historic significance or architectural value in the project area.

Dated: December 7, 1983.

Manus J. Fish,

Regional Director, National Capital Region.

[FR Doc. 83-33143 Filed 12-13-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-172]

Changes in U.S. Telecommunications Industry and Impact on U.S. Telecommunications Trade

AGENCY: International Trade Commission.

ACTION: Following receipt on November 15, 1983, of a request from the Committee on Finance, U.S. Senate, the Commission instituted investigation No. 332-172 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of gathering information in order that it might report by June 18, 1984, to the Committee on the possible implications of recent court and regulatory changes and of the AT&T divestitures on trade in telecommunications equipment.

EFFECTIVE DATE: December 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Graves or Mr. William Fletcher, Machinery and Equipment Division, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436 (telephone 202-523-0360 or 202-523-0378, respectively).

Background

As requested by the Senate Finance Committee, the study will provide information on the possible trade consequences of court and regulatory

changes as they relate to U.S. imports of foreign made equipment and to U.S. exports of domestically manufactured telecommunications equipment. In particular the study will present (1) a profile of the U.S. telecommunications industry with emphasis on its present and future competitive position in U.S. and foreign markets in light of court and regulatory actions, especially the impending AT&T divestiture, (2) an analysis of key economic factors in the U.S. market for telecommunications equipment including consumption, shipments, trade and other relevant factors, (3) proposed trade nomenclature, import and exports, to provide an accurate information base on telecommunications equipment, and (4) the estimated impact of the divestiture on the level and composition of trade in the near and long term. A copy of the letter requesting the study is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-5178).

Written Submissions

While no public hearing is scheduled for this study, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on April 16, 1984. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: December 8, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-33233 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

[332-169]

Competitive Conditions Relating To Importation of Industrial Molds Into the United States From Canada; Change in Hearing Location

AGENCY: International Trade Commission.

ACTION: This notice announces a change in hearing location in connection with the Commission's investigation on the competitive conditions relating to the importation of industrial molds into the United States from Canada.

EFFECTIVE DATE: December 8, 1983.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the location of the public hearing in connection with the investigation has been changed from Detroit, Michigan to Washington, D.C. The public hearing will be held in the Commission Hearing Room, 701 E Street N.W., Washington, D.C. 20436, beginning at 10:00 a.m. on February 2, 1984, to be continued on February 3, 1984, if required. Notice of the institution of the investigation was published in the Federal Register of September 21, 1983 (48 FR 43109), and notice of the public hearing location in Detroit, Michigan was published in the Federal Register of October 26, 1983 (48 FR 44559).

FOR FURTHER INFORMATION CONTACT: David Slingerland (202-523-0263), Office of Industries, Machinery and Equipment Division, U.S. International Trade Commission, Washington, D.C. 20436.

Issued: December 9, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-33231 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-116 and 117 (Final)]

Carton-Closing Staples and Nonautomatic Carton-Closing Staple Machines From Sweden

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Sweden of carton-closing staples (investigation No. 731-TA-1165 (Final)), provided for in item 646.20 of the Tariff Schedules of the United States (TSUS), which are being, or are likely to be, sold in the United States at less than fair value (LTFV).

The Commission also determines² that an industry in the United States is materially injured by reason of imports from Sweden of nonautomatic carton-closing staple machines (investigation

No. 731-TA-117 (Final)), provided for in item 662.20 of the TSUS, which are being, or are likely to be, sold in the United States at LTFV.

Background

The Commission instituted these investigations effective June 2, 1983, following preliminary determinations by the Department of Commerce that carton-closing staples and nonautomatic carton-closing staple machines from Sweden are being sold, or are likely to be sold, in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register on June 22, 1983 (48 FR 28559).

Commerce was scheduled to make its final determination in these cases by August 9, 1983. However, Commerce extended its investigation and published its final affirmative determinations in the Federal Register of October 25, 1983 (48 FR 49323). The Commission's hearing was rescheduled accordingly (48 FR 46633) and held in Washington, D.C., on November 8, 1983. All persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on December 1, 1983. A public version of the Commission's report, Carton-Closing Staples and Nonautomatic Carton-Closing Staple Machines from Sweden (investigations Nos. 731-TA-116 and 117 (Final), USITC Publication 1454, December 1983) contains the views of the Commission and information developed during the investigations.

Issued: December 9, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-33232 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-19]

Certain Scissors And Shears From Brazil

Determination

Based on the record¹ developed in investigation No. 104-TAA-19, the

¹ The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Commissioner Stern dissenting.

¹ The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure.

Commission determines, pursuant to section 104(b) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of certain scissors and shears² from Brazil if the countervailing duty order covering those imports were to be revoked.

Background

The outstanding countervailing duty order was issued, on February 11, 1977, as a result of an investigation that was conducted by the U.S. Department of Treasury after the National Association of Scissors and Shears Manufacturers filed a countervailing duty petition on February 6, 1976.

On July 17, 1981, the Brazilian Government requested the U.S. International Trade Commission to review the outstanding whether an industry in the United States would be materially injured, or threatened with material injury, or the establishment of an industry would be materially retarded by reason of imports of certain scissors and shears from Brazil if the outstanding countervailing duty order applicable to such scissors and shears were to be revoked. Accordingly, on July 11, 1983, the Commission instituted investigation No. 104-TAA-19, *Certain Scissors and Shears from Brazil*.

Notice of the institution of the Commission's investigation was given by posting copies of the notice in the office of the Secretary, United States International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on July 20, 1983. A public hearing in connection with the investigation was held on October 20, 1983, and the Commission voted on the investigation in public session on November 17, 1983.

The Commission transmitted its report on these investigations to the Secretary of Commerce on December 1, 1983. A public version of the Commission's report, *Certain Scissors and Shears from Brazil* (investigation No. 104-TAA-19, USITC Publication 1456, December, 1983) contains the views of the Commission and information developed during the investigation.

Issued: December 1, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-33226 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-119 (Final)]

Certain Lightweight Polyester Filament Fabric From the Republic of Korea

Determination

On the basis of the record¹ developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673(b)(1)), that an industry in the United States is not materially injured or threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports from the Republic of Korea (Korea) of lightweight polyester filament fabrics, provided for in items 338.5009, 338.5011, 338.5012, 338.5013, and 338.5015 of the Tariff Schedules of the United States Annotated, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective August 23, 1983, following a preliminary determination by the Department of Commerce that imports of certain lightweight polyester filament fabric from Korea are being sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the *Federal Register* on August 31, 1983 (48 FR 39517). The hearing was held in Washington, D.C., on October 27, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on December 5, 1983. A public version of the Commission's report, *certain Lightweight Polyester Filament fabric From the Republic of Korea* (investigation No. 731-TA-119 (Final), USITC Publication 1457, 1983), contains the views of the Commission and information developed during the investigation.

¹ The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

Issued: December 5, 1983.

By order of the Commission.

Kenneth F. Mason,
Secretary.

[FR Doc. 83-33229 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-161 and 162 (Preliminary)]

Titanium Sponge From Japan and the United Kingdom

AGENCY: International Trade Commission.

ACTION: The definition of the products included within the scope of these investigations is hereby clarified to include titanium sponge imported under the provisions of part 3A of schedule 8 of the Tariff Schedules of the United States (TSUS).

EFFECTIVE DATE: December 7, 1983.

SUMMARY: Effective November 28, 1983, the United States International Trade Commission instituted antidumping investigations Nos. 731-TA-161 and 162 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan and the United Kingdom of titanium sponge, provided for in item 629.14 of the TSUS, which are alleged to be sold in the United States at less than fair value. On December 1, 1983, the Commission was notified by counsel for the petitioner that it wished to amend the description of all imported merchandise to clarify that the petition covers all titanium sponge imported from Japan or the United Kingdom, whether entered into the United States under TSUS item 629.14 or under a different TSUS number for Government importations. Accordingly, this notice hereby clarifies the scope of these investigations to include titanium sponge imported under the provisions of part 3A of schedule 8 of the TSUS.

FOR FURTHER INFORMATION CONTACT: Mr. David Beck (telephone 202-523-0325), U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436.

This notice is published pursuant to section 207.12 of the Commission's rules (19 CFR 207.12).

² The investigation covered imports of scissors and shears valued over \$1.75 per dozen, as provided for in items 850.90 and 850.92 of the Tariff Schedules of the United States.

Issued: December 8, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-32320 Filed 12-13-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-276N)]

Conrail Abandonment Between Keyport and Matawan, N.J.; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, by the Review Board has issued a certificate authorizing the Consolidation Rail Corporation to abandon its rail line between Keyport (milepost 7.0) and Matawan (milepost 10.9), in Monmouth County, NJ, a total distance of 3.9 miles effective on November 16, 1983.

The net liquidation value of this line is \$234,657. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line, it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33108 Filed 12-13-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. 4-A]

Rerouting Traffic; Chesapeake and Ohio Railway, et al.

To: Chesapeake and Ohio Railway;
Grand Trunk Western Railroad
Company; Michigan Northern
Railway Company; and, Soo Line
Railroad Company.

On November 14, 1983, the Commission issued Revised I.C.C. Order No. 4 (48 FR 52650, 11/21/83). That order has permitted carriers named above to divert traffic, routed via the car ferry between St. Ignace and Mackinaw City, Michigan, and the Detroit & Mackinac Railway Company (DM) or Michigan Northern Railway Company (MN), over any available route, and required them to maintain rates on that traffic consistent with its original routing.

MN now advises the Commission that the period requested for rerouting authority was sufficient for completion of the necessary repairs to the vessel, and that those repairs have been

completed and the vessel returned to service.

It is the opinion of the Commission that the MN (operator of the car ferry) and DM are presently able to transport or accept traffic for movement via the car ferry between St. Ignace and Mackinaw City, Michigan, due to the return to service of the ferry, and that no further need exists for the authority contained in Revised I.C.C. Order No. 4.

It is ordered: Revised I.C.C. Order No. 4 is vacated effective 11:59 p.m., December 16, 1983.

This action is taken under the authority of 49 U.S.C. 11124.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33107 Filed 12-13-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review by OMB

December 9, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review. Copies of the proposed forms and

supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E.
Miesse—202-633-4312

New Collection

- Immigration and Naturalization Service, Department of Justice Application for Clarification of Status by Members of the Texas Band of the Kickapoo Indians (INS Form N-610) On occasion (one time) Individuals or households Used as an application for benefits provided to members of the Kickapoo Indian Tribe by Pub. L. 97-429 (benefits include granting, or recognizing existing, citizenship in the United States, or status to permit free crossing of the Mexican/United States border: 700 respondents; 58 hours; not applicable under 3504(h). Rob Veeder—395-4814

Larry E. Miesse,

Departmental Clearance Officer, Systems
Policy Staff, Office of Information
Technology, Justice Management Division.

[FR Doc. 83-33174 Filed 12-13-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

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 Jefferson Lecture Committee of the National Council on the Humanities will be held on Friday, January 20, 1984 at 10:00 a.m. in Room 430 in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C.

The purpose of the meeting is to consider specific individuals who have been nominated for the 1985 Jefferson Lectureship. The meeting will be closed

to the public pursuant to subsections (c) (6) and (9) (B) of section 552b of Title 5, United States Code because the Committee will consider information of a personal nature the disclosure of which would 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 15, 1978.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call area code 202-786-0322.

Stephen J. McCleary,
Advisory Committee Management Officer.

(FR Doc. 83-33173 Filed 12-13-83; 8:45 am)

BILLING CODE 7530-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTARY INFORMATION: On October 27, 1983, the National Science Foundation published a notice in the *Federal Register* of permit applications received. On December 1, 1983 permits were issued to:

Donald B. Wiggin
William M. Hammer

Charles E. Myers,
Permit Office, Division of Polar Programs.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on

January 11, 1984, Room 1118, at 1717 H Street, NW., Washington, D.C.

In accordance with the procedures outlined in the *Federal Register* on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, January 11, 1984—8:30 a.m. until the conclusions of business: The Subcommittee will review the draft technical issues position papers being prepared with regards to severe accidents and the revised final Severe Accidents Policy Statement.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Alan B. Wang (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: December 9, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

(FR Doc. 83-33259 Filed 12-13-83; 8:45 am)

BILLING CODE 7590-01-M

[Docket No. 50-287]

Duke Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory

Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-55, issued to Duke Power Company (the licensee), for operation of the Oconee Nuclear Station, Unit No. 3 (the facility), located in Oconee County, South Carolina.

The amendment would authorize a proposed change to the Oconee Nuclear Station common Technical Specifications (TSs) which is required to revise a previously approved Axial Power Shaping Rod (APSR) position limit associated with the operation of Unit 3 during fuel Cycle 7 (which is currently in progress). The proposed change would split a single position limit figure into two position limit figures for the same period of time. This specifically would be accomplished by: (1) Revising the title, TS Figure 3.5.2-4C2 from "APSR Position Limits, After 200±10 EFPD" to "APSR Position Limits, After 200±10 to 385 EFPD (+0, -10 EFPD)"; and (2) adding a new TS Figure 3.5.2-4C3, titled "APSR Position Limits, After 385 EFPD (+0, -10 EFPD)" [Note: EFPD = Effective Full Power Days]. The proposed change to the rod position limits is in accordance with the licensee's application for amendment dated September 14, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the TSs.

In the process of reviewing the TS figures for Unit 2's Cycle 7 of operation (a separate licensing action previously completed by the NRC staff on

November 23, 1983 and which contained a similar revised APSR position limit), the licensee noted a correction of values for their proposed APSR position limits after 400 EFPD was necessary. The licensee also discovered that a similar correction needed to be applied to the previously-approved position limits for Unit 3's Cycle 7 of operation. The application of the correction to the position limits for Unit 3 Cycle 7 resulted in retaining the previously approved limits up to roughly 385 EFPD (instead of to the end of the cycle) and imposing a slightly more conservative (i.e., more restrictive) limit for the period of 385 EFPD through the end of the cycle than was formerly allowed by the NRC-approved TS changes. The more conservative limit requires approximately a 2 percent shrinkage in allowed APSR insertion and withdrawal limits at 102 percent full power with somewhat larger changes to the insertion limits at lower power levels.

The Commission proposes to determine that the application does not involve a significant hazards consideration since the change constitutes an imposition of a more restrictive APSR position limit than that which is currently required in the TSs for the current Unit 3 Cycle 7 of operation.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 13, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above

date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no

significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. Michael McGarry, III, DeBevoise & Liberman, 1200 17th

Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Dated at Bethesda, Maryland, this 9th day of December 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Dec. 63-33253 Filed 12-13-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Construction of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determinations and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina. These amendments were requested by the licensee in a letter dated August 2, 1983.

The amendment would change Technical Specification 3.7.6 to permit changing between modes 5 (cold shutdown) and 6 (refueling) with the Control Area Ventilation Systems inoperable. These systems assure that the control room remains habitable after postulated accidents. Operation in either mode 5 or mode 6 is already permitted with these systems inoperable. Due to the general provisions of Technical Specification 3.0.4, however, operability of the Control Area Ventilation Systems is required during the transition between mode 5

and mode 6. This amendment would eliminate this unnecessary requirement.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Since the Control Area Ventilation Systems are designed to mitigate the consequences of an accident and have no effect on cause mechanisms, the proposed amendment to Technical Specification 3.7.6 would not involve a significant increase in the probability of an accident previously evaluated. The consequences of such accidents would not be significantly increased nor would safety margin be significantly reduced because operation in either mode with the systems inoperable is already permitted. The proposed amendment would not create the possibility of a new or different kind of accident than previously evaluated since the Control Area Ventilation Systems cannot cause an accident to occur and their permitted operation in either mode is not changed.

Based on the foregoing, the Commission proposes to determine that this proposed license amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 13, 1984, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who

wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for hearings and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If requests for hearings or petitions for leave to intervene are filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the requests and/or petitions and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to

intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be

sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 7th day of December 1983.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-33252 Filed 12-13-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York Grant of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Power Authority of the State of New York (PASNY). The relief relates to the inservice testing program at the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR 50. The relief is effective as of December 5, 1983.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code

and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission had made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief dated September 1, 1978, as revised February 13, 1980, and March 18, 1983; (2) the Commission's letter dated December 5, 1983; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of December 1983.

For the Nuclear Regulatory Commission,
Domenic B. Vassallo,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 83-33253 Filed 12-13-83; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23156; 70-6860]

AEP Generating Co.; Interest Rate Swap Agreement

December 7, 1983.

AEP Generating Company ("AEGCo"), 1 Riverside Plaza, Columbus, Ohio, 43216, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment

to an application-declaration filed pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2) and 50(a)(2) promulgated thereunder.

By order dated June 13, 1983 (HCAR No. 22973), the Commission authorized AEGCo to borrow up to \$300 million from one or more commercial banks pursuant to one or more long-term fixed-rate loan agreements ("Term Loan Agreement"), and to enter into one or more "interest rate swap" agreements with respect to up to \$300 million principal amount of unsecured notes issued or to be issued to a group of commercial banks by AEGCo pursuant to a Revolving Credit Agreement, as amended, between AEGCo and such banks (File No. 70-6698). The Commission's order, as modified September 19, 1983 (HCAR No. 23063), specifies that aggregate borrowings pursuant to the Term Loan Agreement and the Revolving Credit Agreement (with or without any related "interest rate swap") may not exceed \$450 million, and that AEGCo must reduce the aggregate commitments of the banks under the Revolving Credit Agreement by the amount of any borrowings under the Term Loan Agreement maturing after June 30, 1987. The Commission's order further specifies that AEGCo may enter into "interest rate swap" agreements having a term extending not later than December 31, 1987, the final maturity date of all borrowings under the Revolving Credit Agreement.

AEGCo has borrowed \$150 million from banks pursuant to six separate Term Loan Agreements. All such borrowings to date mature prior to June 30, 1987. Accordingly, AEGCo has not reduced the commitments of the banks under the Revolving Credit Agreement. To date, AEGCo has not entered into any "interest rate swap" agreements with respect to notes issued under the Revolving Credit Agreement.

AEGCo concurrently is requesting authorization (File No. 70-6698) to enter into an amendment to the Revolving Credit Agreement which, among other things, would extend the commitments of the banks thereunder from December 31, 1987 to December 31, 1989. No additional borrowing authority under the Revolving Credit Agreement is sought. In this proceeding, AEGCo requests modification in the Commission's order of June 13, 1983, as previously modified, to reflect the terms of the proposed amendment to the Revolving Credit Agreement, as set forth in File No. 70-6698. Specifically, AEGCo seeks authority to: (i) Enter into Term Loan Agreements, without requiring any

concurrent reduction in the commitments of the banks under the Revolving Credit Agreement, in any case in which borrowings under the Term Loan Agreement mature on or before June 30, 1989; and (ii) enter into "interest rate swap" agreements with respect to notes issued or to be issued under the Revolving Credit Agreement, any such agreement to have a term extending not later than December 31, 1989.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33187 Filed 12-13-83; 8:46 am]
BILLING CODE 8010-01-M

[Release No. 13660; 812-5151]

Dreyfus A Bonds Plus, Inc. et al.; Filing of Application for an Order Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder Permitting a Proposed Joint Account

December 7, 1983.

Notice is hereby given that Dreyfus A Bonds Plus, Inc., Dreyfus California Tax Exempt Bond Fund, Inc., Dreyfus Cash Reserves, Inc., Dreyfus Dollar International Fund, Inc., The Dreyfus Fund Incorporated, Dreyfus Growth Opportunity Fund, Inc., Dreyfus Institutional Money Market Fund, Inc., Dreyfus Intermediate Tax Exempt Bond Fund, Inc., The Dreyfus Leverage Fund, Inc., Dreyfus Liquid Assets, Inc., Dreyfus Liquid Reserve Fund, Inc., Dreyfus Money Market Instruments, Inc., Dreyfus New York Tax Exempt Bond Fund, Inc., The Dreyfus Special Income Fund, Inc., Dreyfus Tax Exempt Bond

Fund, Inc., Dreyfus Tax Exempt Money Market Fund, Inc., The Dreyfus Third Century Fund, Inc., General Bond Fund, Inc., General Common Stock Fund, Inc., General Government Securities Money Market Fund, Inc., and General Tax Exempt Money Market Fund, Inc. ("Funds"), each of which is or will be registered under the Investment Company Act of 1940 ("Act") as an open-end, management investment company, and the Dreyfus Corporation ("Dreyfus"), on behalf of itself and of each other investment company advised by the Dreyfus Corporation now or in the future (collectively, "Applicants"), 76 Fifth Avenue New York, NY 10153 filed an application on March 31, 1982, and amendments thereto on October 25, 1983, requesting an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the arrangement hereinafter described. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of applicable sections.

According to the application, each of the Funds is advised by Dreyfus and presently invests, or may at times invest, in repurchase agreements. The Funds had, as of June 30, 1983, total net assets of \$14,609,280,569. All but two of the existing Funds have currently effective registration statements under the Act and the Securities Act of 1933, as amended. According to the application, the other two Funds anticipate that their registration statements will be declared effective in the near future.

Applicants state that each of the funds has, or may be expected to have, uninvested cash balances at the end of each trading day which in the normal course may be invested in overnight repurchase agreements with a bank or major brokerage house in order to earn additional income for the Fund. Applicants seek permission to deposit these cash balances, which are not otherwise invested on behalf of any of the individual Funds, into a single joint account in which the daily balance would be used to enter into one or more large repurchase agreements in a total amount equal to the aggregate daily balance in the account.

According to the application, the repurchase desk operated by the Corporation on behalf of the Funds, at 8:30 a.m., begins negotiating the interest rate for repurchase agreements for that day and lining up the United States government obligations required as

collateral. The estimated amount of the required collateral is based on preliminary information indicating the amount of the current day's available cash. Applicants state that most of the morning purchases of repurchase agreements are completed by 9:30 a.m. and that the trading desk is able to place final east coast orders between 1:30 p.m. and 2:30 p.m., with an occasional agreement as late as 3:00 p.m. in unusual circumstances. Applicants state that it is usually necessary to enter into west coast repurchase agreements (which are available up to 4:00 p.m. New York time) on a daily basis since any one of the Funds may engage in portfolio trades up to the close of business in the securities market in which the securities they invest in are traded.

Each repurchase agreement is made by calling a United States bank or primary dealer and indicating the rate of interest and size of the desired repurchase agreement. Particular United States government obligations are then identified and the Fund custodian is notified. The securities are wired through the Federal Reserve Bank, to either the Fund's custodian or sub-custodian. This procedure occurs on almost every trading day for each of the Funds which presently enters into repurchase agreements. Applicants state that the usual administrative charge by a custodian bank for processing a repurchase agreement is approximately \$13.00 per item of collateral. During the three months ended December 31, 1981, the Funds invested in an aggregate of 419 repurchase agreements on 63 different business days, for a total of \$38,376 in transaction charges. During this period the total amount invested daily in repurchase agreements by the Funds ranged from \$6,300,000 to \$1,585,125,000. Applicants state that if the proposed joint account had been in place and assuming that daily balances in the account were invested in an average of three pieces of collateral per repurchase agreement, the total transaction cost would have amounted to \$19,656 an aggregate saving of \$18,720.

Applicants state that the joint account would operate as follows: (a) The Funds would establish a separate custodian cash account into which they would deposit their net cash balances daily. Each Fund which does not have as its custodian the bank at which the proposed joint account would be maintained would appoint that bank as a sub-custodian for the limited purpose of receiving cash for deposit into the proposed joint account. (b) Cash in the joint account would be invested solely

in repurchase agreements collateralized by United States government obligations, i.e., obligations issued or guaranteed as to principal and interest by the government of the United States or by any of its agencies or instrumentalities. (c) All investments held by the joint account would be valued at amortized cost. (d) Each Fund that values its portfolio on the basis of amortized cost would use the average maturity of the joint account for the purpose of computing the Funds' average portfolio maturity. (e) In order to assure that there would be no opportunity for one Fund to use any part of a balance of the joint account credited to another Fund, no Fund would be allowed to create a negative balance in the joint account for any reason, although it would be permitted to draw down its entire balance at any time. (f) Each Fund would participate in the income earned or accrued in the joint account on the basis of the percentage of the total amount in the account on any day represented by its shares of the account. (g) Dreyfus would administer the investment of the cash balances in, and operation of, the joint account as part of its duties under its investment advisory agreement with each Fund and the administration of the joint account would be within the fidelity bond coverage required by Section 17(g) of the Act.

Applicants state that the proposed joint account, which Applicants represent is indistinguishable from any other Fund custodian account except that Fund deposits can be commingled, would not have any separate existence which would have indicies of a separate legal entity. Applicants further state that each Fund would automatically transfer its uninvested cash remaining after the conclusion of its daily trading activity into the account. The only function of the joint account is to provide a convenient way of aggregating the one or more individual daily transactions for each Fund necessary to manage the daily uninvested cash balances of that Fund. According to the application, each Fund would participate in the joint account on the same basis as every other Fund and Dreyfus would have no monetary participation in the joint account, but would be responsible for investing amounts in the account, establishing accounting and control procedures and insuring the equal treatment of each Fund.

Applicants state that it is difficult to predict (i) the average size of the joint account, since the daily needs of each Fund will fluctuate, (ii) the average percent of the joint account which any

single Fund's participation would represent, since fluctuations in both the size of the joint account and a particular Fund's needs are likely to be substantial, or (iii) the average percent of a Fund's assets which may be deposited in the joint account, since the assets remaining uninvested on any given day can fluctuate widely as the result of, for example, sales of portfolio securities required by unexpectedly large redemptions, failure of a sizeable purchase transaction to settle at the anticipated time or scarcity of appropriate portfolio securities for investment on any given day.

Applicants represent that the board of directors of each of the Funds has determined that (i) the proposed joint account would be fair, economically desirable and beneficial for that Fund; (ii) the proposed method of operating the joint account would not result in any conflicts of interests between any of the Funds or between a Fund and Dreyfus; and (iii) there is no basis on which to predicate greater benefit to one Fund than to another. Applicants represent that although Dreyfus will benefit through administrative convenience and some possible reduction in clerical costs, the primary benefits will be received by the Funds. Applicants further represent that the board of directors of each Fund has determined that (i) the operation of the joint account will be free of any inherent bias favoring one Fund over another, (ii) the qualitative benefits to the Funds of the joint account outweigh any quantitative disparities in the allocation of economic benefits among the Funds, and (iii) the anticipated benefits flowing to each Fund will fall within an acceptable range of fairness. They further determined that future participation in the joint account of presently nonexistent Funds (or existing Funds which have not entered into an advisory contract with Dreyfus) would not change their conclusions regarding participation of the other Funds. They have determined that it would be desirable to permit this future participation without the necessity of applying for an amended order. According to the application, the directors, in considering the establishment of this joint account, have sought and received advice both from Dreyfus' legal counsel and from legal counsel to the directors who are not interested persons of each Fund.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 2, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the

reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons
Secretary.

[FR Doc. 83-33106 Filed 12-13-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13659; 812-486]

Hartford Variable Annuity Life Insurance Company, et al.; Application

December 7, 1983.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), Hartford Variable Annuity Life Insurance Company Variable Account "B" (registered under the Investment Company Act of 1940 ("Act") as a unit investment trust and established by HVA in connection with the proposed issuance of certain variable annuity contracts ("Account"), and Hartford Equity Sales Company, Inc. (collectively, "Applicants") Hartford Plaza, Hartford, Conn. 06115, filed an application on April 24, 1981, an amended and restated application on September 29, 1983, and an amendment thereto on November 24, 1983, for an order pursuant to section 6(c) of the Act granting exemptions from the provisions of sections 26(a)(1), 26(a)(2)(C), 26(a)(2)(D), and 27(c)(2) of the Act to the extent necessary to permit transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants request relief from sections 26(a) and 27(c)(2) to the extent necessary to permit the HVA or the Account, as appropriate: (1) To hold the assets of the Account and to hold such assets not in trust but in custody for safekeeping; (2) to hold the Account's investments in non-transferable time deposit accounts; (3) to deduct an asset

charge of .75% for mortality and expense risks (.50%) and for administrative services (.25%); and (4) to deduct premium taxes.

With respect to (1) and (2) above, Applicants represent that HVA is subject to extensive supervision and control by state insurance regulatory officials. With respect to (3) above, Applicants represent that the level of that portion of the asset charge for administrative services is equal to the actual cost of the services provided and that they do not expect to profit therefrom.

With respect to (4) above, Applicants represent that the deductions will represent actual expense incurred. With respect to (3) above, Applicants represent that the charge for mortality and expense risks is designed to be competitive and is reasonable in amount as determined by industry practice with respect to comparable annuity products. This representation is based upon Applicants' analysis of publicly available information about similar products and the basis for this representation will be maintained at HVA's home office and will be available to the Commission. HVA represents that the distribution financing arrangement described in its application is likely to be in the best interests of the Account and contractowners.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33185 Filed 12-13-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23158; 70-6033]

The Narragansett Electric Company; Proposed Acquisition of Outstanding First Mortgage Bonds

December 8, 1983.

The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, an electric utility subsidiary of New England Electric System, a registered holding company, has filed an application-declaration with this Commission under Sections 6(a), 7, 9(a), 10, and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 45, and 50 thereunder.

Narragansett seeks authorization, through December 31, 1984, to: (1) Acquire and retire all of its outstanding First Mortgage Bonds, Series N, 17%, due in 2012; (2) issue and sell not exceeding \$25 million aggregate principal amount of a new series of first mortgage bonds ("new bonds"); and (3) increase its short-term borrowing authorization to \$34 million until the sale of the new bonds is completed. Narragansett states that substantial savings in cost of capital should result from the proposed transactions since current long-term bond rates are lower than that of the Series N Bonds.

Because of five-year restriction on redemption at a lower effective interest cost, Narragansett proposes to acquire the Series N Bonds through a written, cash purchase offer to each of the Series' eleven bondholders. The offer would open initially for 10 days and extended if market conditions require. The price would not exceed 130% of the principal amount of Series N Bonds outstanding, currently \$19,400,000, plus accrued interest. Solomon Brothers, Inc. would be retained as agent to conduct the offering.

The new bonds would be sold pursuant to competitive bidding procedures under Rule 50 (or as Rule 50 has been modified by HCAR No. 22623), although it is indicated that an exception from competitive bidding may be requested to allow for a negotiated public offering or private placement. If sold pursuant to bids, the price to Narragansett shall be set within a range of not more than five percentage points and shall not be more than 5% above or below the principal amount. The new bonds will be subject to a similar five-year restriction on redemption as exists for the Series N Bonds. The new bonds will be used under a mortgage indenture, as supplemented and amended.

Narragansett states that if the sale of new bonds is delayed, it may be necessary to acquire the Series N Bonds with treasury funds or proceeds of short-term borrowings. Narragansett requests, therefore, that its short-term borrowing authority be increased to \$34 billion from its presently authorized level of \$20 million (HCAR No. 22900). The new level would be reduced to the current level upon the sale of the new bonds. The proceeds from the sale will be applied to acquire the Series N Bonds, to retire short-term indebtedness incurred for capitalizable expenditures and for the acquisition of the Series N Bonds, or to reimburse the treasury for such expenditures.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 4, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service, by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues for fact of law that are disputed. A person who so requests will be notified of any hearing and will receive a copy of any notice or order issued. After said date, the application-declaration, as then amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33188 Filed 12-13-83; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 23160; 70-6924, et al.]

Southwestern Electric Power Company, et al.; Supplemental Notice

December 8, 1983.

On November 22, 1983, this Commission issued a notice (HCAR No. 23130) of the filing of the application-declaration in this proceeding which involved, among things, a proposal by Southwestern Electric Power Company ("SWEPCO"), 428 Travis Street, Shreveport, Louisiana, 71156, a subsidiary of Central and South West Corporation, a registered holding company, to amend its articles of incorporation to increase the authorized preferred stock (\$100 par value) of

SWEPCO from 1,460,000 to 1,860,000 shares. The November 22, 1983 notice incorrectly stated that SWEPCO proposed to increase its authorized preferred stock from 1,460,000 to 1,186,000 shares.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should respond by December 19, 1983 as indicated in the notice of November 22, 1983.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33189 Filed 12-13-83; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 20461]

Self-Regulatory Organizations; Proposed Rule Change; Depository Trust Co. et al.; Depository Interface Fees Incident

December 7, 1983.

In the matter of: request for comment on depository interface fees incident to proposed rule changes filed by the depository trust company ("DTC") (File Nos. SR-DTC-77-3 and SR-DTC-77-10), the Midwest Securities Trust Company ("MSTC") (File No. SR-MSTC-77-1) and The Pacific Securities Depository Trust Company ("PSDTC") (File No. SR-PSDTC-77-1).

I. Introduction

Several registered securities depositories have filed proposed rule changes¹ with the Commission concerning: (1) Agreements among depositories not to charge each other for interface services, and (2) depository charges to participants that use the interface.² Under Section 19(b)(2) of the

¹ File No. SR-DTC-77-3, notice of which was given in Securities Exchange Act Release No. 13375 (March 15, 1977); 42 FR 15996 (March 24, 1977); File No. SR-MSTC-77-1, Securities Exchange Act Release No. 13337 (March 7, 1977); 42 FR 15159 (March 18, 1977); File No. SR-PSDTC-77-1, Securities Exchange Act Release No. 13392 (March 18, 1977); 42 FR 16680 (March 29, 1977); and File No. SR-DTC-77-10, Securities Exchange Act Release No. 14109 (October 27, 1977); 42 FR 58991 (November 14, 1977).

² File Nos. SR-DTC 77-3, SR-MSTC 77-1, and SR-PSDTC 77-1 are substantially identical rule changes establishing a no-charge policy among depositories for interface services (deliveries, custody and usage) if several criteria are met: the depository: (i) is registered with the Commission; (ii) is a trust company registered under state law; (iii) is a not for profit corporation, and (iv) holds securities in custody for DTC, MSTC and PSDTC. These depositories would continue to charge each other for physical withdrawals.

Securities Exchange Act of 1934 (the "Act"), the Commission must approve these rule changes if it finds they are consistent with the requirements of the Act and Commission rules applicable to registered clearing agencies.³ This Release solicits views and data concerning these proposed rule changes, the nature of interconnections among registered securities depositories and the appropriate regulatory approach to depository fees for the use of interconnected services.

Although the Commission previously solicited comment with respect to these rule changes, the National Clearing and Settlement System ("National System") has changed significantly since then. For example, depository participants routinely use depository facilities for deliveries between brokers and their institutional customers. Increasingly, municipal securities dealers and their institutional customers are availing themselves of depository safekeeping and book-entry delivery services. Accordingly, the Commission seeks further comment on several issues concerning depository interface costs and fees, including the potential effect of the proposed rule changes on clearing agency competition and the effects of alternative regulatory policies on the National System.

II. Background

A. *Nature of Depository Services and Depository Interconnections.* Depositories perform four basic services for their participants. Depositories accept deposits of securities for custody, make computerized book-entry deliveries of securities immobilized in their custody, make computerized book-entry pledges of securities in their custody and provide for the withdrawal of securities. Depositories also perform services ancillary to their safekeeping function. For example, depositories facilitate the exercise of voting rights and the collection of interest and dividend payments on securities in their custody. Depositories may offer other ancillary services as well, such as dividend reinvestment programs.

There appears to be two types of depository interconnections, referred to in this Release as "links" and "interfaces." A link occurs when one depository (the "using depository") uses the facilities of another depository to make a particular service available to

File No. SR-DTC 77-10 would authorize DTC to impose a surcharge on its participants that deliver or receive securities through the interface.

³ The principal provisions of the Act respecting clearing agencies are found in Section 17A(b)(3) of the Act, 15 U.S.C. 78a-3(b)(3).

the using depository's participants. Thus, although all depositories providing a linked service perform some work in connection with that service, the hallmark of a "link" is that only one depository performs the core tasks involved in delivering that service.⁴ An interface, on the other hand, is a connection between entities that provide the same service and that independently perform all work essential to that service.⁵

Depository to depository interfaces facilitate communications among participants of different depositories. They also enhance delivery services offered by depositories in the National System by enabling participants to use their securities positions to settle transactions with other members of the same depository and with participants in other depositories. Depositories interface with each other by participating in and maintaining reciprocal accounts in each other's systems.⁶ Through debits and credits to

the reciprocal accounts, as well as direct communications between interfaced depositories, book-entry deliveries between sole participants in different depositories are possible. Because the deliveries are effected by book-entry, securities certificates remain immobilized. Participants in different depositories thus can settle transactions without the need to withdraw and ship physical securities certificates.

Depository interface deliveries at issue here principally involve two types of securities movements: "dual-participant" and "third-party" movements. Dual-participant deliveries occur when a participant in two depositories makes a book-entry movement from its account at one depository to its account at the other.⁷ This type of interface delivery is actually only an inventory transfer and may be motivated by, among other things, a need to meet settlement obligations at the receiving depository.

Third-party movements occur when a participant of only one depository makes a book-entry movement to a participant of a different depository. This movement can be either free or for payment.⁸ Third-party movements may

result from, among other things, transactions settling among brokers, banks and institutions in the National Institutional Delivery System, other delivery vs. payment transactions, and stock lending activities entered into outside of the depository by participants in different depositories.⁹

B. The Role of Depository Delivery Capability in the National System: Same Day Turnaround. In several releases, the Commission developed the basic characteristics of a national clearance and settlement system.¹⁰ The Commission envisioned a National System that would include, among other entities, clearing corporations and securities depositories. As a basic objective, that National System would enable participants to access, at reasonable cost, one entity for efficient and safe comparison, clearance and settlement of all securities transactions, regardless of the location of the other parties to the transactions or the market in which the transactions occur.¹¹ With such a system in place, the Commission expected that brokers and dealers would choose the marketplace of execution on the basis of price and service, and then would process resulting transactions through the clearing corporation of their choice.¹² The Commission further expected that a participant in the depository portion of the National System would be able to deposit and maintain securities in a custodial account at the depository of its choice and effect book-entry movements to settle the participant's clearing obligations, or to pledge securities and perform other functions by book-entry, including securities loans.¹³

More specifically the Commission anticipated that the depository portion

Depository B's position at Depository A. Depository A will also set up a "control account," representing Depository A's record of its position at Depository B. Similarly, Depository B will also set up two accounts, one representing Depository A's position at Depository B and the other representing its own record of its position at Depository A.

¹ When effecting deliveries through the interface, depositories take several steps. To effect dual-participant movements, for example, the delivering depository debits its participant's account and credits the receiving depository's "inventory" account at the delivering depository. The delivering depository transmits instructions daily, by magnetic tape or other method, to the receiving depository regarding all interface movements. In turn, the receiving depository credits its participant's account and debits its "control" account.

² The mechanics of most third-party movements are identical to those of dual-participant movements, with two variations. First, because a third-party delivery usually involves payment, the delivering depository takes the additional steps of crediting its participant's money account and debiting the receiving depository's money account. The receiving depository debits its participant's money account and credits the money account of the delivering depository. Second, for third-party movements, the inter-depository instructions identify the receiving participant's (third-party's) account number.

Some depositories' third-party movements involve special steps. For example third-party movements between MSTC and PSDTC require both oral and written instructions among the delivering participant, receiving participant, MSTC and PSDTC. Also, MSTC and PSDTC do not have third-party interfaces with the Philadelphia Depository Trust Company ("Philadep"). To accommodate participant demand, securities are moved between these depositories through the so-called Fourth Party Interface, using each of the depositories' interfaces with DTC, which acts as a "hub," to effect the delivery. These book-entry movements also involve a telephone call between

MSTC and PSDTC and Philadep giving notice of the delivery.

³ Similar to third-party deliveries are deliveries by clearing corporations in connection with settlement of trades through the Regional Interface Operation ("RIO"). In connection with these deliveries, a depository receives instructions from its affiliated clearing corporation or from an interfacing depository on behalf of its affiliated clearing corporation, instead of from participants, and the depository makes the necessary book-entry movements on a "free" basis. These movements enable clearing corporations to settle, by book-entry, trades between their respective participants. See Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (January 21, 1977).

⁴ Securities Exchange Act Release No. 12954 (November 3, 1976), 41 FR 49722 (November 10, 1976) and Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (January 21, 1977), hereinafter cited as "NSCC Registration Order."

⁵ Securities Exchange Act Release No. 12954, 41 FR at 49726.

⁶ NSCC Registration Order, 42 FR at 3929.

⁷ Securities Exchange Act Release No. 12954, 41 FR at 49726.

⁴ The confirmation and affirmation of institutional trades through the National Institutional Delivery System ("NIDS") provides a good example of a "link." In a typical institutional trade, an investment manager instructs a broker to execute a trade. After executing the trade, the broker sends to the investment manager a written statement, called a "confirmation," specifying the terms of that trade. If the confirmation matches the investment manager's instructions, the investment manager will issue an "affirmation" to the custodian bank authorizing the bank to receive or deliver securities against payment to or by the executing broker. Generally, each depository participating in NIDS collects from its broker participants trade data and transmits that data to DTC. DTC then generates confirmations for depository participants and transmits those confirmations to the other depositories for distribution to interested participants. Each depository also collects "affirmations" from institutions and transmits that data to DTC. DTC then generates data reflecting trades to be settled by the interested parties at the depository of their choice and transmits those reports to the linked depositories for distribution to their participants. Under this linked service, DTC, rather than the other depositories, consolidates in a centralized fashion the essential information about all participating institutional trades and generates trade confirmations and settlement reports.

⁵ The settlement of securities delivery obligations, including the settlement of NIDS trades, provides a good example of an interfaced service. Each depository maintains book-entry accounting and facilities for delivery of securities, free or against payment, between participants. Thus, securities delivery obligations between two participants in one depository can be settled by those participants in that depository. To permit participants to settle delivery obligations to sole participants in other depositories, each depository participates in one or more of the other depositories and represents its participants in effecting those deliveries and payments. Since both depositories perform the essential tasks in settling these obligations—book-entry movements and associated money settlement—this service is denominated an "interface."

⁶ For each interface, two accounts are set up within each depository. For example, Depository A will set up an "inventory account," representing

of the National System, if efficient, would allow participants to make free and valued securities deliveries by book-entry and effect same-day turnaround.¹⁴ The Commission indicated that, in view of those characteristics of a national depository system, failure to participate in a book-entry environment:

Necessitates certificate deliveries by broker-dealers, a procedure which frequently entails substantial delays and which withdraws securities from the book-entry environment, thereby reducing the opportunity for multiple same-day turnaround. Consequently, it appears that this failure to participate, rather than technological limitations, would be the primary impediment to the ability of participants in a national system to achieve same-day turnaround.¹⁵

Accordingly, to maximize same-day turnaround as well as safety and efficiency in the National System, the Commission has actively encouraged securities brokers, dealers, custodians and institutional investors to participate in both trade processing and certificate processing services.

The depository capabilities envisioned for the National System depend in large part on the availability of safe and efficient interconnections among depositories. In the Commission's view, while the National System may effectively consist of different types of clearing agencies, it should not be necessary in an efficient National System "for any participant to be a member of, or deal with or through, either directly or through a correspondent, more than one clearing and settlement and one depository entity."¹⁶ As a result, to facilitate same-day turnaround in a system with multiple depositories, book-entry delivery capability through depository interfaces is essential.

The availability of safe and efficient interfaces may also contribute to competition among clearing agencies. For example, a dual participant that adjusts its inventory by effecting a delivery from its account at one depository to its account at another depository may be taking advantage of special or superior ancillary services, such as timely dividend and interest payments or use of voluntary offering services, at the receiving depository. For this reason, among others, the depositories should experience continually an incentive to improve their own services. Finally, interface delivery

capability contributes to competition among broker-dealers,¹⁷ by enabling depository transactions to occur efficiently among participants in different clearing agencies.

III. Discussion

A. Commission Policies Respecting Interfaces. In connection with the registration of National Securities Clearing Corporation ("NSCC") as a clearing agency,¹⁸ the Commission considered the consequences of clearing agency interface fees generally and clearing corporation interface fees in particular. The Commission imposed several conditions on NSCC's registration, including one that required NSCC to establish and maintain full and free interfaces with other clearing systems. This "Free Interface Condition" was imposed in response to concern that interface fees could burden use of interfaces by discouraging brokers and dealers from doing business with participants in other clearing agencies. Accordingly, under that Order, neither NSCC nor any interfacing clearing corporation can impose fees on each other for costs of the interface or impose identified interface-usage fees on their participants. To avoid the same disincentives to interface use associated with interface fees, the Order further required clearing agencies not to impose a fee that operates as an interface fee (a "hidden interface fee").¹⁹

In addition, the Commission believed that the effect of NSCC's registration on competition among depositories appeared to be limited to those depository services that facilitate

participation in clearing corporations, and that the effect appeared to be the same in type, if not in degree, as the effect of NSCC's registration on competition among clearing corporations.²⁰ Thus, the Commission believed that the free interface condition respecting clearing corporations would facilitate competition among depositories for those depository services related integrally to clearing corporation services.

The free interface condition was also applied in a 1980 Order approving municipal securities clearance and settlement systems proposed by the Bradford Securities Processing Service ("BSPS") and NSCC.²¹ The Commission conditioned the approval of the proposals on the establishment of an interface between the comparison and clearance systems of BSPS and NSCC.²² The Commission believed a comparison and clearance interface between the BSPS and NSCC systems would increase the efficiency of both systems,²³ thereby benefitting the participants of both clearing agencies. Moreover, the interface was required to be "free as to participants," so that participants pay no more for comparing and clearing transactions through an interface than they do for comparing and clearing intra-agency transactions.

The Commission cited three reasons for its conditional approval. First, interface surcharges, if set sufficiently high, could undermine or even eliminate the efficiencies resulting from the interface by discouraging use of the interface. Second, since the effects of interface fees are difficult to monitor, considerable regulatory costs would be incurred in overseeing the use of such fees. Third, as a general matter, all participants should share the expense of their clearing agency's participation in the National System, absent other overriding policies.²⁴

¹⁷ The Commission is directed to consider the maintenance of fair competition among brokers and dealers in carrying out its mandate to facilitate establishment of a National System. See Section 17A(a)(2) of the Act.

¹⁸ Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (January 21, 1977).

¹⁹ The issue of "hidden" interface fees was also discussed in Securities Exchange Act Release No. 18823 (June 21, 1982), 47 FR 26512 (June 30, 1982). MCC proposed a fee schedule which included a volume discount, in the form of a credit, for participants settling trades at Midwest (one-account settlement or "OAS participants"). This discount arguably gave a subsidy to non-interface users, paid for by a "tax" on interface users, creating a disincentive to interface use. As revised in response to Commission concerns, the discount is available to both OAS and non-OAS participants and is applied to a participant's total monthly MCC bill. It was found not to be a "hidden" interface fee because the credit applies to a participant's total bill for all services, not just to its trade recording fees and because, in that form, it serves as a substitute for the year-end rebate of excess revenues not retained by MCC. At the Commission's request, MCC produced audited financial records demonstrating that only a small percentage of MCC's excess revenues are attributable to trade recording, and that the discount, in fact, was allocated to participants whose activity generated the excess revenues.

²⁰ NSCC Registration Order, 42 FR at 3934.

²¹ Securities Exchange Act Release No. 17343 (November 26, 1980), 45 FR 80224 (December 3, 1980), hereinafter referred to as "BSPS Municipals Order."

²² BSPS Municipals Order, 45 FR at 80232.

²³ Specifically, interfaces increase efficiency through: (1) Simplifying participant operations (by eliminating the need to relate to several different processing streams); and (2) providing greater netting of transactions, which reduces the number of settlements and thus the number of "fails to receive" and "fails to deliver" and associated financing costs.

²⁴ BSPS Municipals Order, 45 FR at 80235. In that Order, the Commission considered an argument by BSPS that the lack of an interface between BSPS and NSCC, or the disincentive to use the interface caused by surcharges, might be anticompetitive. BSPS argued that a surcharge might cause some industry participants, such as underwriting dealers,

¹⁴ Same-day turnaround capability enables a participant to redeliver securities to another participant on the same day they are received. See Securities Exchange Act Release No. 12954, 41 FR at 49727.

¹⁵ Id. at 49727.

¹⁶ Id. at 49728.

Continued

The potential effect of depository interface fees on depository competition was noted in the Commission's Order approving self-regulatory organization rule changes mandating use by depository participants of the National Institutional Delivery System ("NIDS" or "ID") for settling institutional trades.²⁵ Because parties to an institutional trade subject to the rules could choose to settle at any depository through use of the interfaces, the Commission believed that mandatory use of NIDS would not adversely affect competition among registered securities depositories. Nevertheless, the Order recognized that decisions regarding the location of trade execution and depository participation depend, in part, on fees imposed on interface movements by interfacing depositories.

B. Types of Costs Associated With Depository Interfaces. Any review of alternative methods of recovering interface costs must be made at two levels: at the clearing agency level and at the participant level. At the clearing agency level the policy question is whether depositories may assess each other fees for some or all costs associated with the interface and, if so, the circumstances under which such charges are appropriated. At the participant level, the policy question is whether to permit depositories to charge their own participants specific interface fees, identified or hidden, for use of interfaced services.

In an interfaced system, both the delivering depository and the receiving depository incur costs in connection with every dual-participant movement and third-party movement. For example, each depository maintains an inventory account for the interfacing depository as well as a control account to keep track of securities positions at the other depository.²⁶ Ancillary depository services, such as dividend and interest collection, must be provided for securities held in the inventory account, as with any participant's account. Depositories also incur costs in reconciling and netting positions in

inventory and control accounts,²⁷ in communicating with interfacing clearing agencies to effect delivery, in effecting money settlement, and in shipping certificates among depositories when necessary. Some of these costs (such as costs of book-entry movements to and from the inventory account, effecting money settlement and allocating dividend and interest payments to the inventory account) would be incurred by the depository in connection with any participant's account and would be charged to an ordinary participant ("regular costs"). Other costs (such as the cost of reconciling the inventory and control accounts and communication costs) would not be incurred but for the interface ("pure interface costs").

C. Charges Among Clearing Agencies. With respect to charges among depositories to recover pure interface costs, the Commission preliminarily believes that all participants should help defray the costs of the National System's interface network,²⁸ and that each clearing corporation and depository should bear its own pure interface costs and refrain from charging other clearing agencies to recover those costs.²⁹ Each clearing agency should be encouraged to maximize the efficiency, and minimize the cost, of its interface operations. Permitting charges between

two different clearing corporations or depositories could defeat that goal, by allowing the less efficient clearing agency to recover some of its costs through charging the more efficient clearing agency higher per-unit fees. In turn, anomalously, each depository would not recover its own costs from its own participants, but instead would charge its own participants to recover the interfacing depository's costs. Finally, because fees for pure interface activity, unlike fees for regular services, would not be subject to user comment, the Commission would be the sole arbiter of disputes arising among clearing agencies in connection with charges to recover pure interface costs. Accordingly, the Commission preliminarily believes it is appropriate to continue the no-charge policy first established in the NSCC Registration Order.

With respect to depository fees to recover "regular costs," i.e., the costs of "regular" services,³⁰ the instant rule filings³¹ contain agreements among DTC, MSTC and PSDTC not to charge each other for most "regular" services, i.e., delivery, custody or usage services, if specified conditions are met.³² In light of this agreement covering most regular costs,³³ the Commission believes it need

²⁷ Reconciliation for book-entry and money settlement are generally the same for all the interfaces. Book-entry movements entail next-day reconciliation. For example, DTC receives daily transmission tapes from each interfacing depository indicating the number of shares in DTC's inventory account at the other depository and the number of shares in the control account of the other depository at DTC. DTC generates an Audit list daily comparing these accounts with corresponding accounts at DTC and identifying any discrepancies. Once any discrepancies are resolved, the accounts are netted, by book-entry. If a long position in favor of one depository exists, that depository may request physical withdrawal and shipment of securities to reduce its long position. Money settlement among the depositories occurs daily.

²⁸ NSCC Registration Order, 42 FR at 3829, note 124.

²⁹ There is one exception to this rule, however. Depository interface activity necessarily means that one depository may have long positions at other depositories from time to time. Periodically, that depository will reduce its long position by physical withdrawal and shipment. These withdrawals, although technically "pure interface costs" because they would not occur but for the interface, are paid for by the withdrawing depository. The Commission believes this practice is appropriate for two reasons. First, the withdrawals are "voluntary" and a charge for the withdrawals serves as an incentive to immobilize certificates. Second, the charging depository cannot distinguish between a "voluntary" withdrawal on behalf of a depository to correct a perceived excessive long position and a withdrawal made on behalf of a participant of the withdrawing depository. Charges for the latter type of withdrawal would be appropriate, however, because depository withdrawals on behalf of participants, in some circumstances, would involve linked rather than interfaced services.

³⁰ It would appear that, for the most part, these costs "balance out," with each depository receiving services nearly identical to those rendered.

³¹ File Nos. SR-DTC-77-3, SR-MSTC-77-1 and SR-PSDTC-77-1. Although this Release addresses primarily the proper role of fees among depositories for interface services, File No. SR-DTC-77-10 involves, among other things, a fee charged by a depository to a clearing corporation for interface deliveries incident to transactions at the clearing corporation to be settled in the continuous net settlement system ("CNS"). Specifically, under that filing, DTC would impose a \$0.40 charge on NSCC for each item delivered to or received from NSCC in connection with CNS transactions involving a movement through the depository interface. DTC performs the essential work involved in effecting the service—book—entry settlement through the interface—but it is NSCC that offers the service, performed by DTC, to its participants. The interconnection between DTC and NSCC for these purposes, therefore, is a link and not an interface. DTC charges NSCC, not NSCC's participants or interfacing clearing agencies, for the book-entry interface deliveries. It would appear, therefore, that DTC's fee meets the criteria developed in the NSCC Registration Order, and is consistent with the Commission's determinations concerning the proper role of interfaces and interface fees in the clearance and settlement process.

³² See note 2, *supra*.

³³ Current depository-to-depository charges are limited to costs incurred in connection with the withdrawal of securities. When withdrawals are effected on behalf of participants through the interface, this activity appears to involve a linked, rather than an interfaced service, since only one depository performs the essential tasks. Furthermore, as discussed in note 30, *supra*, when withdrawals are effected for other reasons, these charges further at least one statutory goal.

to insist that sole BSPS participants either join NSCC in order to receive deliveries or accept an adjustment in prices reflecting the underwriters' cost of delivering securities through the interface. The Commission rejected BSPS's arguments as speculative, in part, because it believed that clearing agency membership decisions would depend on a number of factors, including, among others, the fees charged by each clearing agency and the range and quality of services offered by each.

²⁵ Securities Exchange Act Release No. 19927 (November 9, 1982), 47 FR 51658 (November 16, 1982).

²⁶ See mechanics of interface movements, *infra*, at footnote 7.

not decide whether policy considerations require depositories, like clearing corporations, not to charge each other for regular costs.³⁴

The conditions in the agreements, however, raise policy questions.³⁵ The Commission believes generally that any conditions imposed under the agreements would be rational and should not reflect unnecessary barriers to entry for present or potential competitors in the depository services market. It may well be that the only appropriate condition to no-charge agreements is that the parties be clearing agencies registered with the Commission. The Commission invites comment from depositories, their participants and other clearing agencies concerning these issues.

D. Participant Interface Fees. As noted previously, interface costs not recovered from an interfacing depository must be recovered from the depository's own participants. That can be accomplished in two ways. Depositories can either: (1) Surcharged participants for interface use (i.e., charge "participant-identified interface fees");³⁶ or (2) absorb unrecovered

interface costs into overhead, and mutualize the cost across the participant base (i.e., impose "participant-mutualized interface charges").

A policy of prohibiting participant-identified interface fees would complement the existing policy for clearing corporation interfaces.³⁷ This policy would also contribute both to competition among broker-dealers and to the development of the National System mandated by Congress. Interfaces that are free as to participants encourages participants to trade with other institutions without regard to depository membership. Conversely, participant-identified interface fees, if set sufficiently high, can discourage use of the interface and frustrate same-day turnaround—requiring participants to physically withdraw, ship, and redeposit physical securities certificates. A shift to such a physical mode would reduce the benefits of immobilization of securities certificates, while a policy of participant-mutualized interface charges would avoid those results.³⁸

In connection with SR-DTC-77-10, DTC has argued for participant-identified interface fees. DTC contends that a surcharge on each dual-participant movement or third-party

movement produces "cost-based pricing" and eliminates "unfair" subsidies. Such pricing, DTC continues, better conforms to the statutory requirement that clearing agency rules provide for equitable charges among participants than does mutualizing interface costs across the participant base. According to DTC, recovering interface costs from each participant that uses the interface is fair to the "considerable number of participants who do not use and benefit from these interfaces."³⁹

Allowing participant-identified interface fees, however, may result in an allocation of fees that is inequitable in a more important respect. In a National System in which surcharges are permitted, a sole participant in one depository making a book-entry delivery to a sole participant in another depository could ultimately pay more than two times the amount charged for an intra-depository movement. In the aggregate, arguably, this results in a "tax," rather than "cost-based pricing," and under the tax, the user may pay a disproportionate share of total book-entry costs.

In addition, a policy of allowing cost-based, participant-identified interface fees would require the Commission to monitor those fees carefully to insure that a depository is recovering only actual costs of the interface.⁴⁰ If few participants routinely use the interface to deliver securities, participant-depository interaction may be insufficient to insure that proposed depository surcharges are both cost-based and equitable. As noted above, however, existing surcharges have generated no discernible adverse effect on interface users. Accordingly, absent comment to the contrary, it may be appropriate to infer that cost-based depository surcharges have no detrimental effects on interface use.⁴¹

³⁴ It can be argued that the agreements would permit similarly-situated participants to be charged different fees for the same services. The Commission believes, however, that registered securities depositories are not similar to ordinary participants. Registered securities depositories are subject to special regulation that no other participants face, including a specific statutory charge to cooperate with other registered securities depositories. Thus, the Commission believes that a "no-charge" policy with respect to interface account activity does not result in an inequitable allocation of fees.

In addition, to the extent that competition does or someday may exist between securities depositories and other types of custodial-participants, DTC, MSTC and PSDTC assert that any "perceived" burden on competition would be appropriate in furtherance of the purposes of the Act. Those purposes include the linking of registered clearance and settlement entities and the development of uniform procedures that reduce unnecessary costs and increase investor protection.

³⁵ For example, little justification appears in the record for the condition that a depository seeking no-charge status not seek to profit from services to participants. This condition may arbitrarily narrow the universe of registered depositories eligible for no-charge status, and therefore constitute an inappropriate burden on competition among the registered depositories. The Commission requests that the depositories clarify the need for this condition.

³⁶ Participant-identified interface fees essentially involve a per-movement surcharge reflecting incremental interface costs incurred by a depository. For example, suppose a book-entry delivery from one participant's account to another costs \$80. Ordinarily, the depository, by collecting \$40 from each party to a book-entry deliver or receive, can recover the full cost of the movement. When an interface movement is involved, however, if the depository collects \$40 from its participant only, then absent a surcharge on that participant, it will not be able to collect the remaining \$40. The depository, of course, may seek to surcharge its

participant \$40. Moreover, if the depository also attempts to recover pure interface costs, it may surcharge its participant more than \$40 for that participant's interface movement. That fee arrangement would cause the participant to pay more than twice as much for transactions through the interface as for intradepository transactions.

File No. SR-DTC-78-6 contained a participant-identified surcharge for third-party movements. DTC informed the Commission by letter, however, that given the pilot status of the third-party interface between DTC and PSDTC, DTC would not impose the surcharge in connection with the interface between DTC and PSDTC without notifying the Commission in advance. See letter of May 26, 1978, from William Dentzer of DTC to the Commission staff. Accordingly, the Commission did not institute proceedings to disapprove that change pending disposition of the earlier rule filings under consideration here. Securities Exchange Act Release No. 14635 (June 9, 1978), 15 SEC Docket 4 (June 27, 1978).

³⁷ Recovery of interface costs through participant-identified fees was prohibited in the NSCC Registration Order. This policy was reaffirmed in the BPS Municipal Order, where the Commission stated that an interface "free as to participants" enables participants to pay the same fee for comparing and clearing transactions through the interface as they do for the same services intra-agency. See discussion, *supra*, at 7-9.

³⁸ Although interface charges at any level will affect the willingness of a broker to deal with a broker that is not a member of the same depository vis-a-vis a member of the same depository, cost-based depository interface fees may not deter most types of interface transactions. The costs of using the interfaces, assuming reasonable and cost-based surcharges, are likely to be far less than the costs of the alternative. The Commission request comment whether participant-identified interface fees, if set at levels calculated to recover only the costs of the interface, would reduce interface activity and limit same-day turn-around capability.

³⁹ DTC Memorandum, "Charges for Inter-Depository Interface Services," August 12, 1977. In addition to DTC's contention, it can be argued that surcharges are not inappropriate for two reasons. First, the DTC surcharge has been in effect for several years without apparent actual harm either to participants or other clearing agencies. Second, any increase in interface fees is subject to user review and comment, at both the depository and the Commission level. That opportunity imposes an important discipline on the fee process.

⁴⁰ The Commission therefore requests comment concerning whether depositories could furnish the Commission, at regular intervals, data reflecting actual costs of their interfaces.

⁴¹ For that reason, a "pro-surge" policy may be appropriate even if the surcharge covers both regular and pure interface costs. In those areas in which interface structure in the National System is complete, the basis costs of establishing the interfaces have been paid. Thus, the most significant current costs are variable costs, which depend on variable interface activity.

IV. Conclusion

The Commission seeks public comment on the various issues discussed above. These issues include: (1) Whether the conditions to the agreement among DTC, MSTC and PSDTC not to charge each other for regular services are proper; (2) whether and to what extent a policy of allowing participant-identified interface charges to recover regular or pure interface costs results in an inequitable allocation of fees and impairs the development of an efficient National System; (3) whether participant-identified interface fees affect competition among depositories, clearing corporations and their members; and (4) whether depositories can furnish and make publicly available accurate information about interface costs. The Commission seeks information about any reasons, other than those identified in this Release, for dual-participant and third-party movements. The Commission also requests the depositories to furnish, to the extent possible, data showing the volume of the various types of interface movements (e.g., ID deliveries, CNS deliveries, other RIO deliveries, dual-participant deliveries, stock loan deliveries and other third-party deliveries).

You are invited to comment on these issues by January 31, 1984. Comments should be sent to Sandra Sciole, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of all comment letters will be available for inspection in the Public Reference Room at the above address.

For the Commission, pursuant to delegated authority, by the Division of Market Regulation,
George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33190 Filed 12-13-83; 6:45 am]

BILLING CODE 8010-01-M

[Release No. 20456; SR-NYSE-83-S1]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 7, 1983.

The New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, NY 10005, submitted on October 17, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to permit an options specialist, his member organization, or any other member, allied member or approved person, officer or employee of such organization to popularize, either orally or in writing,

any option in which the specialist is registered. The term "popularizing" would be defined to mean the issuance of advertisements, market letters, sales literature, research reports, buy or sell recommendations or any other communication with the public, oral or written, by the specialist or a person associated with the specialist, and the solicitation of customers' orders with respect to any option in which the specialist is registered. Under the NYSE proposal, in order to popularize an option the specialist would be required to disclose that: (i) He makes a market in the option; (ii) may have an inventory position long or short in the option; and (iii) may be on the opposite side of orders executed on the floor of the Exchange in the option.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20313, October 21, 1983) and by publication in the Federal Register (48 FR 49960, Oct. 28, 1983). The Chicago Board Options Exchange, Incorporated ("CBOE") submitted the only comments we received regarding the proposed rule change.¹ The CBOE suggests that: (i) The proposal should be limited in its application to specialists in broad-based index options, and (ii) the definition of "popularization" should be narrowed so that specialists cannot communicate up-to-date information about limit orders on the "book" indirectly through buy and sell recommendations.

The Commission believes that the ban on popularization by a specialist of his specialty securities serves three possible purposes: (1) To prevent manipulation of the specialty security; (2) to prevent the indirect passing on of inside market information available to the specialist due to his market position; and (3) to prevent recommendations when the specialist may have a conflict of interest.

The only option product the NYSE currently trades is the option on the NYSE Composite Index. This index consists of over 1,500 stocks and is not dominated by any one stock. The Commission does not feel that the popularization of such a broad-based index option is likely to be very useful in manipulating the price of the option.² In

addition, a broad-based index option specialist is not likely to possess information that would be as useful to investors as the information possessed by a specialist in a stock or stock option, either by reason of his knowledge of limit orders in the option, his knowledge of orders or trading interest in the crowd, or otherwise. This is because the level of a broad-based index, and the prices of options on the index, are less likely than stocks or stock options to be responsive to buying and selling interest on the specialist's book; rather, broad-based indices are likely to be primarily responsive to market trends in the 1,500 stocks comprising the index and options on those indices to general perceptions about market movements in general. Thus, we doubt that buy and sell recommendations by a specialist in a broad-based index option will serve as particularly useful signals to the market of future price movements in the option.

Similarly, someone in possession of inside market information regarding one or even several stocks included in a broad-based index is not likely to use and option on that index to trade on that information; a broad-based index option by definition is much less well-suited to such activity than individual stocks or options on those stocks. Thus, in turn, a specialist in a broad-based index option is likely to have little incentive to signal inside market information regarding the stocks underlying such an index by popularizing an option on the index.

Further, we feel that the disclosure that will be required under the NYSE proposal should alert investors to the possible conflict of interest the specialist may have in making recommendations in the NYSE Composite Index option. In this connection, we emphasize that the disclosure requirements of NYSE's proposed rule do not relieve the specialist or allied members, approved persons, officers or employees of the specialist of their duty under NYSE Rule 723 to make "suitable" recommendations.

Finally, the Commission recognizes the importance to the NYSE of being able to attract capital for specializing in its broad-based index options from as many sources as possible, as well as the

¹ Letter dated November 22, 1983, from Ann Taylor, Secretary and Associate General Counsel, CBOE, to George A. Fitzsimmons, Secretary, SEC.

² The Commission notes that the CBOE in its comment letter agrees that popularization of a broad-based index options does not raise concerns with manipulation of the option. Because the NYSE Composite Index option is the only option product currently traded by the NYSE, we do not feel it

necessary at this time to address CBOE's first comment, i.e., that the popularization of narrow-based index options should not be allowed. Without intending to express any opinion on the merits of CBOE's comments, we note that we expect to consider this issue in the course of our review of the NYSE's pending proposal to trade 13 industry (or narrow-based) index options (File No. SR-NYSE-83-51) notice of which was given in Securities Exchange Act Release No. 20343, November 3, 1983; 48 FR 51995, Nov. 15, 1983.

inhibition on such activity that could be imposed on retail-oriented broker-dealers if they were precluded from soliciting public interest in the options by virtue of the activities as a specialist. The Commission believes the value of their involvement as specialists in broad-based index options outweighs the potential regulatory concerns outlined above if they were permitted to specialize under the conditions set forth in the NYSE proposal.

The Commission finds, therefore, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33241 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20457; File No. SR-PSE-83-21]

Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc.

December 7, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 28, 1983, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

PSE proposes to permit the use of hand signals on the options floor of the PSE in certain limited circumstances. Specifically, hand signals would be allowed: (1) To request and relay information concerning current quotations and market size; and (2) to relay information changing the limits of decreasing the size of, or cancelling orders. According to the PSE the proposed rule change is necessary to facilitate communications on the options floor. PSE states that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission

within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-PSE-83-31.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the PSE.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33242 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

December 7, 1983.

In the matter of application of the Boston Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange had filed an application with the Securities Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Echo Bay Mines, Ltd.
Common Stock, No Par Value (File No. 7-7243)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 29, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the

Securities and Exchange Commission, Washington, D.C. 20549. Following the opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33240 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

[File No. 81-698]

Riceland Foods, Inc.; Application Pursuant to Section 12(h) of the Securities Exchange Act of 1934 and Opportunity for Hearing

December 7, 1983.

Notice is hereby given that, Riceland Foods, Inc. (the "Applicant"), a membership agricultural cooperative, has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Exchange Act") for an exemption from certain of the reporting requirements under Sections 13 and 15(d) of that Act.

The application states, in part: In the absence of an exemption, Applicant would be required to file periodic reports to the standards specified by Forms 10-K, 10-Q and 8-K under the Exchange Act. Applicant believes that the information required by those forms is not germane to the business of an agricultural cooperative, and is of little use to its security holders. Accordingly, Applicant seeks an exemption which would eliminate the Form 10-Q requirement, and permit the filing of modified reports on Forms 8-K and 10-K as outlined in the application.

For a more detailed statement of the information presented, all persons are referred to said application, which is on file in the Office of the Commission at the Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may submit to the Commission in writing, not later than January 3, 1984, his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed, Secretary, Securities and Exchange Commission, 450 Fifth Street

NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-32238 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20455; SR-Phlx-83-21]

Philadelphia Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

December 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 5, 1983, the Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Phlx proposes to permit its stock index options¹ to expire either: (i) On a quarterly cycle; (ii) In up to four consecutive months; or (iii) a combination of (i) and (ii), i.e., in up to six months, with four of those months being consecutive and two being the designated quarterly cycle months. In addition, Phlx proposes to adopt a policy under which it would be authorized to open new series of industry-based index options having at least 30 days to expiration on their first day of trading (in lieu of the current 45 days minimum). In its filing, the Phlx states that the statutory basis for the

proposed rule change is Section 6(b)(5) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-83-21.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The proposed rule change is identical to a proposed rule change of the American Stock Exchange, Inc. ("Amex") that the Commission recently approved.² For the reasons stated in the Amex Release, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the proposed rule change is identical to Amex's proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc 83-32239 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

¹ The Commission recently approved a Phlx proposal to trade two narrow-based index options (Securities Exchange Act Release No. 20437, December 2, 1983). These are the only stock index options Phlx is currently authorized to trade or has proposed to trade.

² Securities Exchange Act Release No. 20414, November 25, 1983 (the "Amex Release").

[Release No. 34-20451; File No. SR-Amex-83-32]

Self-Regulatory Organization; Proposed Rule Change by American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 10, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Rule 175 to eliminate the prohibitions against a specialist's acquiring or holding rights, warrants or other securities convertible into his specialty securities which are not admitted to trading on the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose. Rule 175(a) provides in part that a specialist may not, directly or indirectly, acquire, hold, or grant any interest in a right or warrant to acquire any security in which he is registered as specialist when such right or warrant is not admitted to trading on the Exchange. Similarly, paragraph (c) of the Rule prohibits a specialist from acquiring or holding any security which is convertible into any security in which he is registered as specialist when such convertible security is not admitted to trading on the Exchange. These provisions were adopted more than two

decades ago to prevent certain perceived trading abuses. The Administration believes that these restrictions place Amex specialists at a competitive disadvantage, and are no longer necessary in light of enhanced surveillance techniques.

The restrictions against a specialist's off-floor trading activities have been gradually relaxed over the past few years. With the repeal of Exchange Rule 187 in 1976, specialists were permitted to trade their specialty securities on other exchanges. In addition, after Rules 19c-1 and 19c-3 under the Securities Exchange Act of 1934 were adopted in 1976 and 1980, respectively, specialists (and all other members) were permitted to trade any equity security as agent and any "19c-3 security" as principal in the over-the-counter market. Further specialists are permitted to trade rights, warrants or other securities convertible into their specialty securities if those related securities are listed on the Amex. Indeed, with the exception of convertible bonds (all of which are allocated to a single specialist unit), it is Exchange practice to allocate both the underlying stock and the related security to the same specialist unit.

In view of the foregoing, specialists should be permitted to trade away from the Exchange rights, warrants and other securities convertible into their specialty securities when those securities are not listed on the Exchange, provided that such securities are non-restricted and freely-traded. These Rule changes would permit Amex specialists to better hedge their positions, thus enhancing their market-making function and improving their competitive situation with respect to over-the-counter market-makers or specialists on other exchanges who are able, without restriction, to use related securities to hedge their stock positions.

The Exchange's sophisticated trade-by-trade surveillance procedures would detect potentially improper trading by a specialist in securities related to his specialty stock. In that regard, Exchange Rule 191 requires a specialist to report on a next-day basis all trades, whether effected on the Amex or elsewhere, in his specialty stocks or in securities directly or indirectly related to those stocks, including rights, warrants and convertible securities. Any such related securities held by a specialist will be considered part of his total position in reviewing his market-making performance.

(b) Basis. The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objective of Section 6(b)(5) in particular by removing impediments to a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change eliminates an unnecessary and burdensome restriction on trading and therefore promotes competition with respect to over-the-counter market-makers and specialist on other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants and Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date and Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20459. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 6, 1983.
George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33237 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 20454; SR-CBOE-83-34]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

December 6, 1983.

The Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, IL 60604, submitted on September 22, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to increase the position and exercise limits for options on certain U.S. Treasury bonds and notes by establishing a three-tier system of limits. Under the proposal, position and exercise limits would be \$100 million principal amount of underlying securities where the initial or reopened public issuance is \$1 billion or greater and less than \$2 billion; \$200 million principal amount of underlying securities where the initial or reopened public issuance is \$2 billion or greater and less than \$4 billion; and \$400 million principal amount where public issuance is \$4 billion or greater.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20241, September 30, 1983) and by publication in the Federal Register (48 FR 46123, October 11, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-33236 Filed 12-13-83; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION**Amendment of System of Records Under the Privacy Act of 1974****AGENCY:** Small Business Administration.**ACTION:** Notice of amendment of system of records.

SUMMARY: The SBA is amending certain parts of its system of records to provide for disclosure of certain information contained in SBA's system of records to consumer reporting agencies pursuant to 31 U.S.C. 952(d).

DATE: This notice is effective December 14, 1983.

ADDRESS: Comments should be addressed to Martin D. Teckler, Associate General Counsel, 1441 L Street, NW., Washington, D.C. 20416 (202) 653-6797.

FOR FURTHER INFORMATION CONTACT: Same as above.

SUPPLEMENTARY INFORMATION: The amendments to the Federal Claims Collection Act of 1966 made by Pub. L. 97-365, October 25, 1982, provide that the head of an agency which is attempting to collect a claim owed to it may disclose to a consumer reporting agency (credit bureau) information from a system of records relative to an individual who is responsible for the claim if the notice of the system of records required by the Privacy Act, 5 U.S.C. 552A(c)(4) indicates that such information may be disclosed. This notice provides such indication for certain parts of SBA's system of records which were printed on February 23, 1982, at 47 FR 7908, *et seq.*

Therefore, SBA hereby amends the "Routine Uses" by adding the following to the beginning of the last paragraph of systems SBA 250, SBA 285 and SBA 295 as follows:

SBA 250*System name:*

Loan Master File—SBA 250.

Routine uses of records maintained in the system * * *

Disclosure may be made to a Consumer reporting agency and * * *

SBA 285*System name:* Official Travel Files—SBA 285.

Routine uses of records maintained in the system * * *

Disclosures may be made to a consumer reporting agency and * * *

SBA 295*System name:*

Payroll Files—SBA 295.

Routine uses of records maintained in the system * * *

Disclosures may be made to a consumer reporting agency and * * *

Dated: December 8, 1983.

James C. Sanders,
Administrator.

[FR Doc. 83-33254 Filed 12-13-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement; Chittenden County, Vermont; Notice of Intent**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The Vermont Agency of Transportation is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Chittenden County, Vermont.

FOR FURTHER INFORMATION CONTACT: Arthur J. Goss, Chief of Design, Vermont Agency of Transportation, State Administration Building, Montpelier, Vermont 05602. Telephone (802) 828-2663. David C. Pinkham, Executive Director, Chittenden County Circumferential Highway District, P.O. Box 175, Essex Junction, Vermont 05452. Telephone: (802) 879-4397.

SUPPLEMENTARY INFORMATION: The Vermont Agency of Transportation (VAOT) and the Chittenden County Circumferential Highway District (CCCHD) in cooperation with the Federal Highway Administration (FHWA), is in the process of preparing an Environmental Impact Statement (EIS) for a new highway between Exit 12 of Interstate I-89 in Williston, Vermont and Vermont 127 in Colchester, Vermont.

The alternates to be considered are (1) no action; (2) the recommended alignment as determined from the Wilbur Smith and Associates planning study; and other alternate alignments as may be developed by Howard, Needles, Tammen and Bergendoff, Consultants to the VAOT.

Construction of this project will increase safety and convenience, and will improve travel quality in the area. The Wilbur Smith and Associates planning study identified possible environmental effects in the fields of water quality, wetlands, fish and wildlife habitat, rare and endangered species, historic and archaeological preservation, land use, recreational use and park lands.

A scoping meeting for this project will be held on January 10, 1984 from 3:00 to 5:00 P.M. and 7:00 to 9:00 P.M. at the Essex Junction Educational Center, Essex Junction, Vermont.

Comments or questions concerning this proposed action and the EIS should be directed to the VAOT or the CCCHD at the addresses provided.

Karle L. Snyder,

Division Administrator.

[FR Doc. 83-33194 Filed 12-13-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY**Public Information Collection Requirement Submitted to OMB for Review**

December 7, 1983.

On December 7, 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) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220

United States Customs Service*OMB Number:* 1515—*Form Number:* None*Type of Review:* Existing Regulation*Title:* Request for Advice by Field Offices*OMB Number:* 1515—*Form Number:* None*Type of Review:* Existing Regulation*Title:* Proof of Use for Rates of Duty Dependent on Actual Use*OMB Number:* 1515—*Form Number:* None*Type of Review:* Existing Regulation

Title: Declaration by the Person Abroad Who Received and is Returning Merchandise to the US

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Declaration by Person Who Processed Goods Abroad

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Request for Administrative Ruling

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Declaration by the Owner Who Reimported Articles Previously Imported from Abroad

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Declaration of Ultimate Consignee that Articles Were Exported for Temporary Scientific or Educational Purposes

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Declaration of Foreign Shipper that Articles Were Sent From US for Scientific or Educational Purposes

OMB Number: 1515—
Form Number: None
Type of Review: Existing Regulation
Title: Entry for Exhibition

OMB Number: 1515-0005
Form Number: Customs Forms 7512, 7512A, and 7512B
Type of Review: Extension
Title: Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit; Continuation Sheet; United States-Canada Manifest

Bureau of Government Financial Operations

OMB Number: 1510—
Form Number: None
Type of Review: Extension
Title: Surety Application Process
OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of the Public Debt

OMB Number: 1535—
Form Number: PD 4239
Type of Review: Existing Regulation
Title: Request by Owner or Person Entitled for Return Payment or Reissue of U.S. Savings Bonds/Notes Deposited in Safekeeping When Original Custody Receipts are Not Available

OMB Number: 1535—
Form Number: PD 1980, PD 2490, and PD 3500
Type of Review: Existing Regulation
Title: Description of United States

Savings Bonds Series HH/H,
Description of United States Savings Bonds/Notes, Continuation Sheet for Listing Securities

OMB Number: 1535—
Form Number: PD 2966
Type of Review: Existing Regulation
Title: Special Bond of Indemnity to the United States of America

OMB Number: 1512-0257
Form Number: PD 2966
Type of Review: Existing Regulation
Title: Special Bond of Indemnity to the United States of America

OMB Number: 1512-0257
Form Number: APT Rec 5110/10
Type of Review: Existing Regulation
Title: DSP Processing Record—Production of Gin or Vodka by Other Than Original or Continuous Distillation

Internal Revenue Service

OMB Number: 1545-0597
Form Number: 4598
Type of Review: Existing Regulation
Title: Form W-2, W-2P, or 1099 Not Received or Incorrect

OMB Reviewer: Norman Frumkin, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Marvin R. Martin,
Departmental Reports Management Office.
[FR Doc. 83-33293 Filed 12-13-83; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF ENERGY

Office of the Secretary

Delegation Order for Approval of Power Marketing Administration Power and Transmission Rates

AGENCY: Department of Energy.
ACTION: Notice of delegation order.

SUMMARY: Notice is hereby given of Delegation Order No. 0204-108 which revises the delegations of authority for the development, confirmation and approval of power and transmission rates of the Alaska, Southeastern, Southwestern and Western Area Power Administrations. The order is effective upon publication in the Federal Register.

EFFECTIVE DATE: December 14, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. Lawrence, 252-6230.

SUPPLEMENTARY INFORMATION: Delegation Order No. 0204-33, 43 FR 60636 (1978), which was effective January 1, 1979, delegated authorities for the development and interim approval

by the Department, and final confirmation and approval by the Federal Energy Regulatory Commission, of power and transmission rates for the Alaska, Bonneville, Southeastern, Southwestern and Western Area Power Administrations. The Secretary has determined that revisions in the Delegation Order are desirable at this time. The principal reasons for these changes are to (1) reflect the removal of the Bonneville Power Administration from the scope of the order in view of the special rate provisions of the Pacific Northwest Electric Power Planning and Conservation Act, Public Law No. 96-501; (2) reflect revised organizational relationships within the Department; (3) simplify the process for establishing rate for short-term sales; and (4) clarify the responsibility of the Commission in several areas.

Issued in Washington, D.C. on December 13, 1983.

William S. Heffelfinger,
Director of Administration.

Delegation Order No. 0204-108 to the Deputy Secretary, the Administrators of the Alaska, Southeastern, Southwestern and Western Area Power Administrations and the Federal Energy Regulatory Commission

Pursuant to the authority vested in me as Secretary of Energy and by Sections 203(a), 301(b), 302(a), 402(e), 641, 642, 643 and 644 of the Department of Energy Organization Act (Pub. L. 95-91):

1. There is hereby delegated to the respective Administrators of the Alaska, Southeastern, Southwestern, and Western Area Power Administrations on a non-exclusive basis the authority to develop power and transmission rates for their respective Power Administrations. Rates developed by an Administrator shall not become effective on a final basis unless and until such rate is confirmed and approved by the Federal Energy Regulatory Commission (Commission) acting under Section 3 below. In submitting a rate the Administrator shall certify that the rate is consistent with applicable law and that it is the lowest possible rate to customers consistent with sound business principles.

2. There is hereby delegated to the Deputy Secretary of the Department of Energy on a non-exclusive basis the authority to confirm, approve, and place in effect on an interim basis power and transmission rates for the Alaska, Southeastern, Southwestern, and Western Area Power Administration for such periods as he or she may provide.

3. There is hereby delegated to the Commission on an exclusive basis the

authority to confirm, approve, and place in effect on a final basis, to remand, or to disapprove, rates developed by each Administrator under Section 1. The Commission review will be limited to: (a) Whether the rates are the lowest possible to customers consistent with sound business principles; (b) whether the revenue levels generated by the rates are sufficient to recover the costs of producing and transmitting electric energy including the repayment, within the period of cost recovery permitted by law, of the capital investment allocated to power and costs assigned by Acts of Congress to power for repayment, and (c) the assumptions and projections used in developing the rate components that are subject to Commission review. The Commission may require the Administrator to provide any information relevant to the Commission's confirmation and review function.

The Commission shall not review policy judgments and interpretations of laws and regulations made by the power generating agencies (i.e., the Bureau of Reclamation, the Corps of Engineers, and the International Boundary and Water Commission). The Commission shall reject decisions of the Power Marketing Administrators only if the Commission finds them to be arbitrary, capricious, or in violation of the law. *Provided*, that the Commission may reject decisions that are not in accord with (a) the standards set forth in DOE Order No. RA 6120.2, or any revisions or modifications to such standards, adopted pursuant to the Administrative Procedure Act (5 U.S.C. Section 551 *et seq.*) and the Department of Energy Organization Act (42 U.S.C. Section 7191), and (b) the standards set forth in any interagency agreement between the Administrator and the power generating agency that is applicable. Should the Commission reject such decisions, the Power Marketing Administrator will have 30 days in which to seek rehearing.

4. In the event a rate developed by an

Administrator is disapproved by the Commission, the Administrator shall, within 120 days or such additional time periods as the Commission may provide, submit to the Commission a substitute rate for action by the Commission under Section 3 hereof.

A rate confirmed, approved and placed in effect by the Deputy Secretary on an interim basis that is disapproved by the Commission shall remain in effect, as provided by the Deputy Secretary until a substitute rate is confirmed and approved on a final basis by the Commission, unless the original interim rate has been superseded by a subsequent rate placed in effect on an interim basis; *Provided*, that if the Administrator does not file a substitute rate within 120 days or such greater time as the Commission may provide, and if the rate has been disapproved because the Commission determined that it would result in total revenues in excess of those required by law, the rate last previously confirmed and approved on a final basis will become effective on a date and for a period determined by the Commission, and revenues collected in excess of those generated by such rate during the interim period will be refunded with interest to the extent determined by the Commission. If a substitute rate confirmed and approved on a final basis by the Commission is lower than the rate in effect on an interim basis, any overpayment shall be refunded with interest as determined by the Commission. If a substitute rate confirmed and approved on a final basis by the Commission is higher than the rate in effect on an interim basis, such rate, if no subsequent and higher rate has been put into effect by the Deputy Secretary shall become effective on a subsequent date set by the Commission. If at any time it is determined by the Commission that the administrative cost of a refund would exceed the amount to be refunded, no refund will be required.

5. Notwithstanding any other provisions of this delegation order, there

is hereby delegated to each Administrator the authority to develop and place into effect on a final basis rates for short-term sales of capacity, energy or transmission service. Short-term sales are those sales that last no longer than one year.

6. For the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration and the Western Area Power Administration:

A. All rates placed into effect on a final basis pursuant to any authority delegated prior to this order shall remain in full force and effect.

B. Rates filed on or before the effective date of this order, and for which the Commission has issued any substantive orders, will be governed by the terms of Delegation Order No. 0204-33 until placed in effect by the Commission on a final basis.

C. Rates filed under previous delegation orders for which the Commission has not issued any substantive orders on or before the effective date of this order will be governed by the terms of this delegation order.

7. In exercising the authority delegated by this order, the delegates shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by The Secretary or his delegates.

8. Nothing in this order shall preclude The Secretary from exercising any of the authority delegated to the Deputy Secretary, and the Administrators whenever in his judgement his exercise of such authority is necessary or appropriate to administer the functions vested in him.

9. This order becomes effective upon publication in the Federal Register.

Donald Paul Hodel.

[FR Doc. 83-83418 Filed 12-13-83; 11:51 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 241

Wednesday, December 14, 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

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 6, 1983.

TIME AND DATE: 10:00 a.m., Wednesday, December 14, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor, MSHA v. Cathedral Bluffs Shade Oil Co., Docket No. WEST 81-186-M. (Issues include whether the judge erred in vacating a citation issued to production-operator concerning violations arising out of an independent contractor's activities.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible. 5 U.S.C. 552b(e)(1)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, Agenda Clerk, (202) 653-5632.

[S-1739-83 Filed 12-12-83; 12:09 pm]

BILLING CODE 6735-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Monday, December 19, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report

regarding the Treasury securities operation at the Federal Reserve Bank of New York.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 9, 1983.

William W. Wiles,
Secretary of the Board.

[S-1736-83 Filed 12-9-83; 5:05 pm]

BILLING CODE 6216-01-M

3

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 9 a.m., Monday, December 12, 1983.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy.)

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE

INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202) 254-9430.

Dated: Washington, D.C., December 9, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-1738-83 Filed 12-12-83; 11:38 am]

BILLING CODE 7545-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 19, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, December 19:

10:00 a.m.

Discussion of GPU Proposal (Closed—Ex. 10)

2:00 p.m.

Briefing on Development of Proposed Rule on HEU at Domestic Reactors (Public Meeting)

Tuesday, December 20:

9:30 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

ADDITIONAL INFORMATION: Affirmation of NRC Response to Court Decision Vacating Interim Rule on Environmental Qualification Deadline scheduled for December 15 is *postponed*.

TO VERIFY THE STATUS OF MEETINGS

CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[FR Doc. S-1742-83 Filed 12-12-83; 3:53 pm]

BILLING CODE 7590-01-M

5

PAROLE COMMISSION

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: Thursday, December 15, 1983—10:00 a.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[S-1741-83 Filed 12-12-83; 3:43 pm]

BILLING CODE 4410-01-M

6

RAILROAD RETIREMENT BOARD

TIME AND DATE: 9:00 a.m., December 19, 1983.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

- (1) Tax collection procedures respecting coverage decisions.
- (2) Bureau of Audit and Investigation and Bureau of Unemployment and Sickness Insurance project options in fiscal years 1983, 1984, and 1985.
- (3) Proposed disability regulations (Part 220).
- (4) Updating of RRB's regulations.
- (5) Reclassification of Pocatello district office to a base point.
- (6) Plan for charging interest, penalties and administrative costs on delinquent debts.
- (7) Question of whether the Board should reopen certain cases discussed in the audit report on bureau of hearings and appeals disability determinations.
- (8) Acceleration of RUIA tax deposits.
- (9) New York regional office.
- (10) Annual report of railroad employees, service and compensation.
- (11) Federal Executive Institute participation.

CONTACT PERSON FOR MORE

INFORMATION: Beatrice Everski, Secretary to the Board; COM No. 312-751-4920, FTS No. 387-4920.

[S-1737-83 Filed 12-12-83; 11:11 am]

BILLING CODE 7905-01-M

7

SECURITIES AND EXCHANGE COMMISSION
"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENTS: 48 FR 54743,
 December 6, 1983.

STATUS: Open meeting.

PLACE: 450 Fifth Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED:
 Thursday, December 1, 1983.

CHANGE IN THE MEETING: Deletion.

The following item was not considered at an open meeting scheduled for Thursday, December 8, 1983, at 2:30 p.m. in Room 1C30: Consideration of a request by the Board of Governors of the Federal Reserve System for the views of the Commission regarding the exclusion of money market funds shares from the definition of "margin stock" under the Board's Regulations U and G. For further information, please contact Susan P. Hart at (202) 272-2098.

Chairman Shad and Commissioners Longstreth, Treadway and Cox determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272-2014.

December 9, 1983.

[S-1735-83 Filed 12-9-83; 4:24 pm]

BILLING CODE 8010-01-M

8

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: 48 FR 55390,
 December 12, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE
OF MEETING: 10:15 a.m., Thursday,
 December 15, 1983.

PREVIOUSLY ANNOUNCED PLACE OF
MEETING: TVA West Tower Auditorium,
 400 West Summit Hill Drive, Knoxville,
 Tennessee.

STATUS: Open.

ADDITIONAL MATTER: The following item is added to the previously announced agenda:

D. Personnel Items

D4. New Wage Schedules for Hourly and Annual Trades and Labor Employees and Other Recommendations Resulting from Negotiations Between TVA and the Tennessee Valley Trades and Labor Council—Forty-Ninth Annual Wage Conference.

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting to be changed to include the additional item shown above and that no earlier announcement of this change was possible.

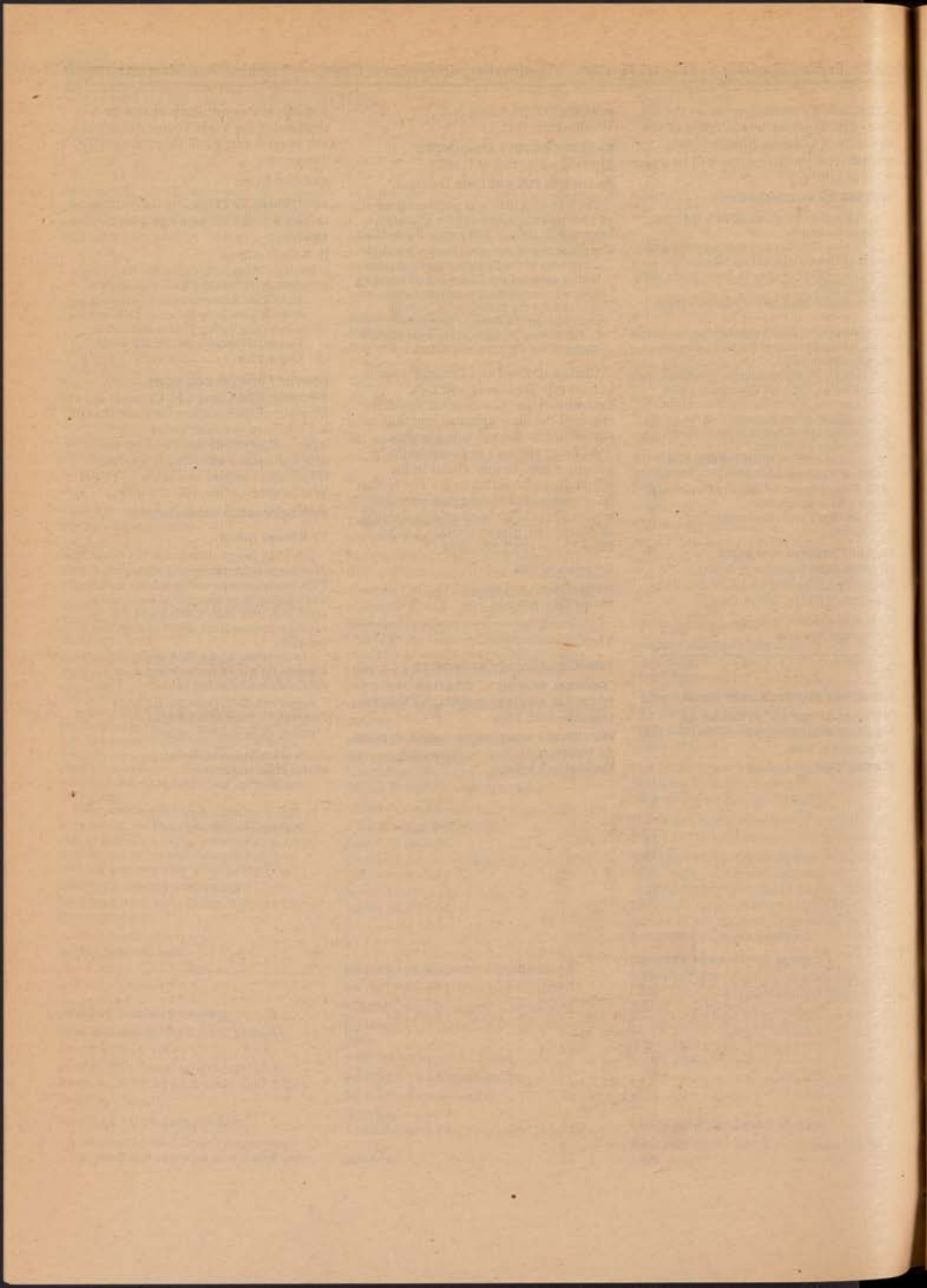
The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Approved: C. H. Dean, Jr., S. David Freeman, Richard M. Freeman.

Dated: December 12, 1983.

[S-1740-83 Filed 12-12-83; 12:13 am]

BILLING CODE 8120-01-M



Register

Vol. 48

Wednesday
December 14, 1983

Part II

Environmental Protection Agency

**Standards of Performance for New
Stationary Sources; Determination of
Moisture Content in Stack Gases, and of
Particulate Emissions; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60****(AD-FRL 2453-8)****Standards of Performance for New Stationary Sources; Determination of Moisture Content in Stack Gases, and Determination of Particulate Emissions From Stationary Sources****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: Revisions to Methods 4 and 5 were proposed on September 7, 1982 (47 FR 39205). This action promulgates the revisions to the methods for measurement of emissions from stationary sources. The intended effect of these revisions is to improve data reliability by providing a means for the tester to check the calibration of the dry gas volume meter on site. The quality control procedures are included as recommendations, but not requirements.

EFFECTIVE DATE: December 14, 1983.

Under section 307(b)(1) of the Clean Air Act, judicial review of these revisions to Methods 4 and 5 is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Summary of Comments and Responses.* The summary of comments and responses for the proposed revisions to Methods 4 and 5 may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Revisions to Methods 4 and 5, Appendix A of 40 CFR Part 60—Summary of Comments and Responses, EPA 450/3-83-020." The document contains (1) a summary of the changes made to the Methods 4 and 5 revisions since proposal and (2) a summary of all the public comments made on the proposed revisions and the Administrator's responses to the comments.

Docket. A docket, number A-82-04, containing information considered by EPA in the development of the revisions, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW.,

Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger T. Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION:**Public Participation**

The revisions to Methods 4 and 5 were proposed and published in the Federal Register on September 7, 1982 (47 FR 39204). Public comments were solicited at the time of proposal. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed revisions, a public hearing was scheduled for November 8, 1982. The hearing, however, was not held as no one requested to speak. The public comment period was from September 7, 1982, to November 8, 1982.

Twenty-two comment letters on the proposed revisions were received from industry, State air pollution control agencies, trade associations, and testing contractors. The comments have been carefully considered; and, where determined to be appropriate by the Administrator, changes have been made in the proposed revisions.

Significant Comments and Changes to the Proposed Revisions to Methods 4 and 5

A detailed discussion of these comments and responses can be found in the summary of comments and responses document referenced in the **ADDRESSES** section of this preamble. The summary of comments and responses serves as a basis for the revisions that were made between proposal and promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments.

Several commenters felt that the proposed procedure of developing a linear regression curve for the calibration of the dry gas volume meter was an unnecessary burden. It is possible, some noted, to use the meter calibration data to check the meter in the field without the calibration plot.

The Agency agrees with this comment and is promulgating a procedure using only one point, the $\Delta H@$, for the field check. This procedure simplifies the preparation work while providing a good check of the volume meter

calibration under normal sampling conditions.

A number of commenters stated that the ± 1.5 percent tolerance allowed in the proposal was too restrictive. They noted that the post-test calibration check allowed a tolerance of ± 5.0 percent.

A review of field test data showed that the restrictive ± 1.5 percent tolerance was achievable, but not necessarily required in order for the volume meter calibration data to be valid. The promulgated version suggests a ± 3.0 percent tolerance for the one-point check. This tolerance level will provide a reasonable field check of the equipment and assurance that the calibration is within the requirements of the method for the post-test calibration check.

There were a number of commenters who felt the addition of quality assurance (i.e., required) procedures would add unnecessary costs to the tests. Some commenters felt that the results would have little practical value as other data collected during the test run would give equivalent information about the calibration of the equipment.

The Administrator agrees that there are some good equipment specifications and checks already included in Method 5. However, these procedures are not on-site quality control checks. The intent of a good quality control check is to prevent the collection of invalid or inaccurate data. An equipment check before the first test run can save considerable amounts of time if faulty equipment is discovered before the test. The Agency agrees that such a quality control check should be optional, but it is recommended.

One commenter felt that critical orifice procedure should be clearly specified in the revisions.

The Agency agrees that the critical orifice check appears to be a very good alternative for conducting the quality control check of the volume meter system. The Agency is reviewing specific orifice designs and procedures in order to effect this addition. A reference to the use of a critical orifice, subject to the approval of the Administrator, is included in the revisions.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and

industries involved to identify readily and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated method revisions and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

This rulemaking does not impose any additional testing requirements of facilities affected by this rulemaking. Rather, this rulemaking revises existing test methods to which affected facilities are already subject. The revisions add quality control procedures designed to improve the quality of emission test data.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule was exempt by OMB under E.O. 12291.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 U.S.C. 3501 *et seq.*

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on small entities because the revisions do not impose additional costs in tests.

This final rulemaking is issued under the authority of Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt,

Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Dated: December 2, 1983.
William D. Ruckelshaus,
Administrator.

PART 60—[AMENDED]

Methods 4 and 5 of Appendix A of 40 CFR Part 60 are amended as follows:

1. By adding a new Section 2.2.7 to Method 4 as follows:

Method 4. Determination of Moisture Content in Stack Gases

2. Referenced Method.

$$\Delta H_e = 0.0319 \frac{\Delta H}{P_{bar}} \frac{T_m}{\Theta} \frac{\Theta^2}{Y V_m} \quad \text{Eq. 5-9}$$

Where:

ΔH = Average pressure differential across the orifice meter, in. H₂O.

T_m = Absolute average dry gas meter temperature, °R.

P_{bar} = Barometric pressure, in. Hg.

Θ = Total sampling time, min.

Y = Dry gas meter calibration factor, dimensionless.

V_m = Volume of gas sample as measured by dry gas meter, dcf.

$0.0319 = (0.0567 \text{ in. Hg/}^\circ\text{R}) \times (0.75 \text{ cfm})^2$

Before beginning the field test (a set of three runs usually constitutes a field test), operate the metering system (i.e., pump, volume meter, and orifice) at the ΔH_e pressure differential for 10 minutes. Record the volume collected, the dry gas meter temperature, and the barometric pressure. Calculate a dry gas meter calibration check value, Y_e , as follows:

2.2 Procedure.

2.2.7 A quality control check of the volume metering system at the field site is suggested before collecting the sample following the procedure in Method 5, Section 4.4.

2. By adding a new Section 4.4 to Method 5 as follows:

Method 5. Determination of Particulate Emissions From Stationary Sources

4. Procedure.

4.4 Quality Control Procedures. The following quality control procedures are suggested to check the volume metering system calibration values at the field test site prior to sample collection. These procedures are optional for the tester.

4.4.1 Meter Orifice Check. Using the calibration data obtained during the calibration procedure described in Section 5.3, determine the ΔH_e for the metering system orifice. The ΔH_e is the orifice pressure differential in units of in. H₂O that correlates to 0.75 cfm of air at 528°R and 29.92 in. Hg. The ΔH_e is calculated as follows:

$$Y_e = \frac{10}{V_m} \left[\frac{0.0319 T_m}{P_{bar}} \right]^{1/2} \quad \text{Eq. 5-10}$$

Where:

Y_e = Dry gas meter calibration check value, dimensionless.

10 = 10 minutes of run time.

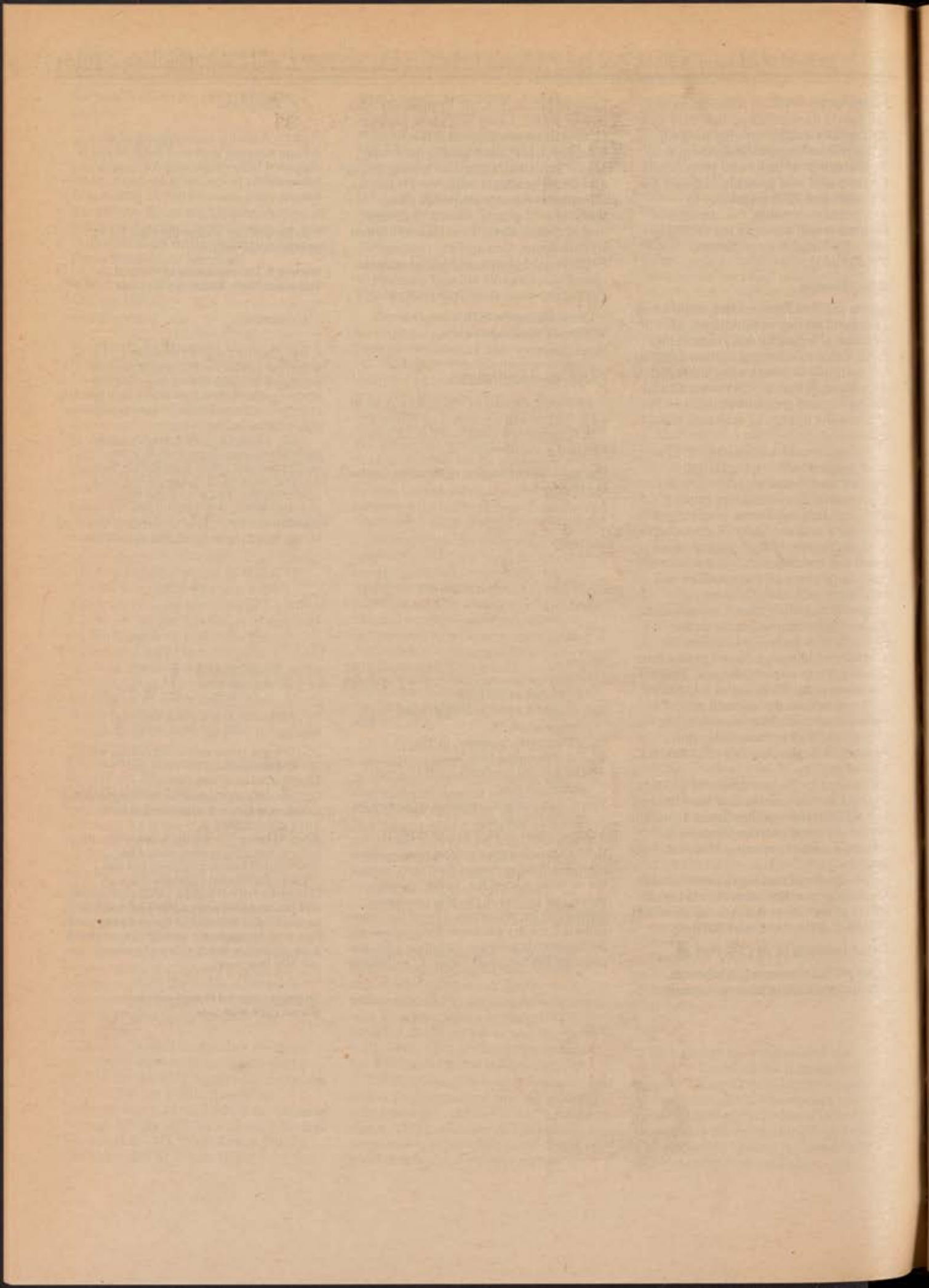
Compare the Y_e value with the dry gas meter calibration factor Y to determine that:

$0.97Y < Y_e < 1.03Y$
If the Y_e value is not within this range, the volume metering system should be investigated before beginning the test.

4.4.2 Calibrated Critical Orifice. A calibrated critical orifice, calibrated against a wet test meter or spirometer and designed to be inserted at the inlet of the sampling meter box, may be used as a quality control check, such procedure being subject to approval by the Administrator.

[FR Doc. 83-32799 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M



federal register

**Wednesday
December 14, 1983**

Part III

Environmental Protection Agency

**Thirteenth Report of the Interagency
Testing Committee to the Administrator;
Receipt of Report and Request for
Comments Regarding Priority List of
Chemicals**

**Chemical Information; Manufacturer's
Reporting, Preliminary Assessment
Information; Addition of Chemicals; Final
Rule**

**Health and Safety Data Reporting;
Submission of Lists and Copies of
Health and Safety Studies; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41013 TSH-FRL #2484-7]

Thirteenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Thirteenth Report to the Administrator of EPA on November 8, 1983. This report, which revises and updates the Committee's priority list of chemicals, adds four designated chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new chemicals are 2-(2-butoxyethoxy)ethyl acetate, ethylene bis(oxyethylene) diacetate, 1,2,3,4,7,7-hexachloronorborene, and oleylamine. The Thirteenth Report is included in this notice. The Agency invites interested persons to submit written comments on the Report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. EPA also notes the removal of 19 chemicals from the priority list because EPA has responded to the ITC's prior recommendations for testing of the chemicals.

DATES: Written comments should be submitted by January 13, 1984. Focus Meetings will be held on January 16 and 17, 1984.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460. Submissions should bear the document control number (OPTS-41012).

The public record supporting this action, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Focus Meetings will be held at Waterside Mall, in Rm. 3906, 401 M St., SW., Washington, D.C. Persons planning to attend any one of the Focus Meetings and/or seeking to be informed of subsequent public meetings on these

chemicals, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are asked to notify EPA at least 2 weeks ahead of the scheduled dates.

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. Background

Section 4(a) of TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixtures may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as it determines to be necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the Federal Register its reasons for not requiring testing. The ITC's Thirteenth Report was received by the Administrator on November 8, 1983, and follows this Notice. The report designates four substances for priority consideration and response by EPA within 12 months.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A notice is published elsewhere in today's Federal Register adding the four substances designated in the ITC's Thirteenth

Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. These four chemicals will also be added to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

Focus Meetings will be held to discuss relevant issues pertaining to the chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings will be held January 16 and 17, 1984, at Waterside Mall, 401 M St., SW., Washington, D.C., Rm. S-355. These meetings are intended to supplement and expand upon written comments submitted in response to this notice. The schedule for the Focus Meetings is as follows: January 16, 9:30 a.m.—ethylene bis(oxyethylene) diacetate, and 1:00 p.m.—2-(2-butoxyethoxy)ethyl acetate; and January 17, 9:30 a.m.—1,2,3,4,7,7-hexachloronorborene, and 1:00 p.m.—oleylamine. Persons wishing to attend one or more of these meetings should call the TSCA Assistance Office at the toll free number listed above at least 2 weeks in advance.

After consideration of the data pertaining to each chemical, and any additional information provided in the written comments and the Focus Meetings, EPA will hold public meetings on each chemical after preliminary decisions have been made on the types of testing that are needed. These meetings will be several months in the future, but separate notice of these meetings will not be published at that time. Therefore, anyone wishing to attend these later meetings should contact EPA now at the address given for the TSCA Assistance Office in order to be notified in advance of the public meetings.

All written submissions should bear the identifying docket number (OPTS-41012).

III. Status of List

In addition to adding the 4 designations to the priority list, the ITC's Thirteenth Report notes the removal of 8 chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendations for testing of the chemicals. Subsequent to the ITC's preparation of its Thirteenth Report,

EPA responded to the ITC's recommendations for 11 additional chemicals. The 19 chemicals removed and the dates of publication in the Federal Register of EPA's responses to the ITC for these chemicals are: Biphenyl, May 23, 1983 (48 FR 23080); cresols, July 11, 1983 (48 FR 31812); ethyltoluene (mixed isomers), May 23, 1983 (48 FR 23088); formamide, May 23, 1983 (48 FR 23098); mesityl oxide, July 5, 1983 (48 FR 30699); 4,4'-methylenedianiline, July 11, 1983 (48 FR 31806); and 1,2,4-trimethylbenzene, May 23, 1983 (48 FR 23088); other trimethylbenzene isomers, May 23, 1983 (48 FR 23068); seven alkyltin compounds, November 8, 1983 (48 FR 51361); bis(2-ethylhexyl) terephthalate, November 14, 1983 (48 FR 51845); 1,3-dioxolane, November 14, 1983 (48 FR 51839); 4-(1,1,3,3-tetramethylbutyl)phenol, November 15, 1983 (48 FR 51971); and tris(2-ethylhexyl)trimellitate, November 14, 1983 (48 FR 51842). The current list contains 20 designated substances or groups of substances and one recommended group of substances.

(Sec. 4, Pub. L. 94-469, 90 Stat. 203; (15 U.S.C. 2601))

Dated: November 25, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Thirteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94-469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason

for not initiating such a proceeding. Every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of 4 chemicals and is noting the removal of 8, as a result of responses by EPA.

The Priority List is divided into two parts: part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months, and part B contains chemicals and groups that have been recommended for priority consideration by EPA without being designated for response within 12 months. Although TSCA does not establish a deadline for EPA response to nondesignated chemicals and groups (part B of the Priority List), the Committee anticipates that the EPA Administrator will respond in a timely manner.

The entries being added to the Priority List are presented, together with the types of testing recommended, in the following Table 1:

Chemical/Group	Recommended studies
A. Designated for response within 12 months:	
2-(2-Butoxyethoxy)ethyl acetate (CAS No. 124-17-4).	Health Effects: Subchronic toxicity, toxicokinetic studies; reproductive effects.
Ethylene bis(oxyethylene) diacetate (CAS No. 131-21-7).	Health Effects: Subchronic toxicity; toxicokinetic studies; reproductive effects.
1, 2, 3, 4, 7, 7-Hexachloronorborene (CAS No. 3389-71-7).	Health Effects: Subchronic tests, including: neurotoxicity, biochemical effects, including enzyme-inducing capabilities.
Oleylamine (CAS No. 112-09-3).	Health Effects: Toxicokinetic studies; Genotoxicity and teratogenicity studies if percutaneous absorption is demonstrated.
B. Recommended but not designated for response within 12 months:	
None	

TSCA Interagency Testing Committee Statutory Member Agencies and Their Representatives

Council on Environmental Quality
Thomas H. Magness, III, Member(1)
Department of Commerce
Bernard Greifer, Member
Environmental Protection Agency
Carl R. Morris, Member
Arthur M. Stern, Alternate
National Cancer Institute
Elizabeth K. Weisburger, Member and Chairperson
Richard Adamson, Alternate
Jerold Ward, Alternate

National Institute of Environmental Health Sciences
Dorothy Canter, Member
National Institute For Occupational Safety and Health
Rodger L. Tatken, Member
Richard J. Lewis, Sr., Alternate
National Science Foundation
Winston C. Nottingham, Member and Vice Chairperson
Occupational Safety and Health Administration
Ralph Yodaiken, Member(2)

Liaison Agencies and Their Representatives

Consumer Product Safety Commission
Arthur Gregory
Lakshmi Mishra
Department of Agriculture
Homer E. Fairchild
Richard M. Parry, Jr.(3)
Department of Defense
Arthur H. McCreesh
Department of the Interior
Vyto A. Adomaitis(4)
David R. Rosenberger(5)
Food and Drug Administration
Winston deMonsabert(6)
Arnold Borsetti(7)
Allen H. Heim
National Toxicology Program
Dorothy Canter

Committee Staff

Martin Greif, Executive Secretary
Norma Williams, ITC Coordinator

Support Staff

Alan Carpien—Office of the General Counsel, EPA
Stephen Ellis—Office of Toxic Substances, EPA
Vera W. Hudson—National Library of Medicine

Notes

- (1) Mr. Magness was appointed on July 27, 1983.
- (2) Dr. Yodaiken was appointed on July 11, 1983.
- (3) Dr. Parry was appointed on September 9, 1983.
- (4) Mr. Adomaitis was appointed on May 10, 1983.
- (5) Mr. Rosenberger was appointed on May 10, 1983.
- (6) Dr. deMonsabert retired from Federal Service on August 18, 1983.
- (7) Dr. Borsetti was appointed on August 16, 1983.

The Committee acknowledges and is grateful for the assistance and support given to it by the staffs of CRCS, Inc., and Dynamac Corporation (technical support prime and subcontractors) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 Background. The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94-469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the Federal Register. The Committee is directed by section 4(e)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reasons for not initiating such a proceeding.

Every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. 1 through 12).

1.2 Committee's previous reports. Twelve previous reports to the EPA Administrator have been issued by the Committee and published in the Federal Register (Refs. 1 through 12). Sixty-nine entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, two groups were recommended without being so designated. Removal of thirty-five entries was noted in the previous reports.

1.3 Committee's activities during this reporting period. Between April 1, 1983 and September 30, 1983 the Committee continued to review chemicals from its third and fourth scoring exercises (see Ref. 1 for methodology). During this period, the Committee also completed the fifth round of scoring chemicals, and selected 82 additional chemicals for in-depth review.

The Committee contacted 87 chemical manufacturers and trade associations to request information that would be of value in its deliberations. Seventy-one of those contacted provided unpublished information on current production, exposure, uses, and effects of chemicals under study by the Committee.

During this reporting period, the Committee evaluated 36 chemicals for priority consideration. Four chemicals were added to the section 4(e) Priority List, and 11 were deferred at this time. The remaining 21 chemicals are still under study.

1.4 The TSCA section 4(e) Priority List. Section 4(e)(1)(B) of TSCA directs the Committee to: "... make such revisions in the [priority] list as it determines to be necessary and ... transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding four chemicals: 2-(2-butoxyethoxy)ethyl acetate; ethylene bis (oxyethylene) diacetate; 1,2,3,4,7,7-hexachloronorbomadiene; and oleylamine. All four chemicals are designated for response within twelve months. The testing recommended for these chemicals and the rationales for the recommendations are presented in Chapter 2 of this report.

Eight chemicals and groups of chemicals are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing these chemicals.

They are: biphenyl; cresols; ethyltoluene; formamide, mesityl oxide; 4,4'-methylenedianiline; 1,2,4-trimethylbenzene; and trimethylbenzenes.

With the 4 recommendations and 8 removals noted in this report, 32 entries

now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 2 into two parts; namely, Table 2A, Chemicals and Groups of Chemicals Designated for Response Within 12 Months, and Table 2B, Other Recommended Chemicals and Groups.

TABLE 2.—THE TSCA SECTION 4(E) PRIORITY LIST NOVEMBER 1983

2A. Chemicals and Groups of Chemicals Designated for Response Within 12 Months

Entry	Date of designation
1. Alkyl epoxides	Oct. 1977
2. Aniline and bromo- chloro- and/or nitroanilines	Apr. 1979
3. Aryl phosphates	Apr. 1978
4. Bis (2-ethylhexyl) terphenylate	Nov. 1982
5. 2-(2-Butoxyethoxy) ethyl acetate	Nov. 1983
6. Calcium naphthenate	May 1983
7. Chlorinated benzenes, mono- and di-	Oct. 1977
8. Chlorinated benzenes, tri-, tetra-, and penta-	Oct. 1978
9. Cobalt naphthenate	May 1983
10. Cyclohexanone	Apr. 1979
11. Dibutyltin bis(isooctyl maleate)	Nov. 1982
12. Dibutyltin bis(isooctyl mercaptosuccinate)	Do
13. Dibutyltin bis(lauryl mercaptide)	Do
14. Dibutyltin dilaurate	Do
15. 1,2-Dichloropropane	Oct. 1978
16. Dimethyltin bis(isooctyl mercaptosuccinate)	Nov. 1982
17. 1,3-Dioxolane	Nov. 1982
18. Ethylene bis(oxyethylene) diacetate	Nov. 1983
19. Glycidol and its derivatives	Oct. 1978
20. Halogenated alkyl epoxides	Apr. 1978
21. 1,2,3,4,7,7-Hexachloronorbomadiene	Nov. 1983
22. Hydroquinone	Nov. 1979
23. Lead naphthenate	May 1983
24. Methylolurea	Do
25. Monobutyltin tris (isooctyl mercaptosuccinate)	Nov. 1982
26. Monomethyltin tris (isooctyl mercaptosuccinate)	Do
27. Oleylamine	Nov. 1983
28. 2-Phenoxyethanol	May 1983
29. Quinone	Nov. 1979
30. 4-(1,1,3,3-Tetramethylbutyl) phenol	Nov. 1982
31. Tris(2-ethylhexyl) trimellitate	Do

2B. Other Recommended Chemicals and Groups of Chemicals

Entry	Date of recommendation
1. Carbofuran intermediates	Nov. 1982

To date, 43 chemicals and groups and groups of chemicals have been removed from the Priority List. The cumulative list is presented in the following Table 3.

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Table 3--Cumulative Removals from the TSCA Section 4(e) Priority List
November 1983

EPA Responses to Committee Recommendations

Chemical/Group	FEDERAL REGISTER	
	Citation	Publication Date
1. Acetonitrile	47 FR 58020-58023	Dec. 29, 1982
2. Acrylamide	48 FR 725-727	Jan. 6, 1983
3. Alkyl phthalates	46 FR 53775-53777	Oct. 30, 1981
4. Alkyltin compounds	46 FR 5456-5463	Feb. 5, 1982
5. Antimony metal	48 FR 717-725	Jan. 6, 1983
6. Antimony sulfide	48 FR 717-725	Jan. 6, 1983
7. Antimony trioxide	48 FR 717-725	Jan. 6, 1983
8. Benzidine-based dyes	46 FR 55004-55006	Nov. 5, 1981
9. Benzyl butyl phthalate	46 FR 53775-53777	Oct. 30, 1981
10. Biphenyl	48 FR 23080-23086	May 23, 1983
11. Butyl glycolyl butyl phthalate	46 FR 54487	Nov. 2, 1981
12. Chlorendic acid	47 FR 44878-44879	Oct. 12, 1982
13. Chlorinated naphthalenes	46 FR 54491	Nov. 2, 1981
14. Chlorinated paraffins	47 FR 1017-1019	Jan. 8, 1982
15. Chlorobenzotrifluoride	47 FR 50555-50558	Nov. 8, 1982
16. Chloromethane	45 FR 48524-48564	July 18, 1980
17. 2-Chlorotoluene	47 FR 18172-18175	April 28, 1982
18. Cresols	48 FR 31812-31819	July 11, 1983
19. o-Dianisidine-based dyes	46 FR 55004-55006	Nov. 5, 1981
20. Dichloromethane	46 FR 30300-30320	June 5, 1981
21. Diethylenetriamine	47 FR 18386-18391	April 29, 1982

1/ Removed by the Committee for reconsideration. Seven individual group members were subsequently designated in the 11th ITC Report (Ref. 11) for priority consideration.

Table 3--Cumulative Removals from the TSCA Section 4(e) Priority List (cont'd)
November 1983

EPA Responses to Committee Recommendations	
FEDERAL REGISTER	
Chemical/Group	Citation Publication Date
22. Ethyltoluene	48 FR 23088-23095 May 23, 1983
23. Fluoroalkenes	46 FR 53704-53708 Oct. 30, 1981
24. Formamide	48 FR 23098-23102 May 23, 1983
25. Hexachloro-1,3-butadiene	47 FR 58029-58031 Dec. 29, 1982
26. Hexachlorocyclopentadiene	47 FR 58023-58025 Dec. 29, 1982
27. Hexachloroethane	47 FR 18175-18176 April 28, 1982
28. Isophorone	48 FR 727-730 Jan. 6, 1983
29. Mesityl oxide	48 FR 30700-30706 July 5, 1983
30. 4,4'-Methylenedianiline	48 FR 31806-31810 July 11, 1983
31. Methyl ethyl ketone	47 FR 58025-58029 Dec. 29, 1982
32. Methyl isobutyl ketone	47 FR 58025-58029 Dec. 29, 1982
33. Nitrobenzene	46 FR 30300-30320 June 5, 1981
34. Phenylenediamines	47 FR 973-983 Jan. 8, 1982
35. Polychlorinated terphenyls	46 FR 54482-54483 Nov. 2, 1981
36. Pyridine	47 FR 58031-58035 Dec. 29, 1982
37. o-Tolidine-based dyes	46 FR 55004-55006 Nov. 5, 1981
38. Toluene	47 FR 56391-56392 Dec. 16, 1982
39. 1,2,4-Trimethylbenzene	48 FR 23088-23095 May 23, 1983
40. Trimethylbenzenes	48 FR 23088-23095 May 23, 1983
41. 1,1,1-Trichloroethane	46 FR 30300-30320 June 5, 1981
42. Tris(2-chloroethyl)phosphite	47 FR 49466-49467 Nov. 1, 1982
43. Xylenes	47 FR 56392-56394 Dec. 16, 1982

References

- (1) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the *Federal Register* of Wednesday, October 12, 1977, 42 FR 55026-55080. Corrections published in the *Federal Register* of November 11, 1977, 42 FR 58777-58778. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560-10-78/001, January 1978.
- (2) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1978. Published in the *Federal Register* of Wednesday, April 19, 1978, 43 FR 16684-16688. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560-10-78/002, July 1978.
- (3) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1978. Published in the *Federal Register* of Monday, October 10, 1978, 43 FR 50630-50635. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560-10-79/001, January 1979.
- (4) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1979. Published in the *Federal Register* of Friday, June 1, 1979, 44 FR 31866-31889.
- (5) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, November 1979. Published in the *Federal Register* of Friday, December 7, 1979, 44 FR 70664-70674.
- (6) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1980.

Published in the *Federal Register* of Wednesday, May 28, 1980, 45 FR 35897-35910.

(7) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1980. Published in the *Federal Register* of Tuesday, November 25, 1980, 45 FR 78432-78446.

(8) Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1981. Published in the *Federal Register* of Friday, May 22, 1981, 46 FR 28138-28144.

(9) Ninth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1981. Published in the *Federal Register* of Friday, February 5, 1982, 47 FR 5458-5463.

(10) Tenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, April 1982. Published in the *Federal Register* of Tuesday, May 25, 1982, 47 FR 22585-22596.

(11) Eleventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1982. Published in the *Federal Register* of Friday, December 3, 1982, 47 FR 54625-54644.

(12) Twelfth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, May 1983. Published in the *Federal Register* of Wednesday, June 1, 1983, 48 FR 24443-24452.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section

4(e)(1)(B) of TSCA, the Committee is adding the following four chemical substances to the section 4(e) Priority List: 2-(2-butoxyethoxy)ethyl acetate; ethylene bis(oxyethylene) diacetate; 1,2,3,4,7,7-hexachloronorborene; and olefamine. The recommendation of these chemicals is being made after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The four recommendations designated for response by the EPA Administrator within 12 months and supporting rationales are presented in section 2.2 of this report.

2.2 Chemicals designated for response within 12 months with supporting rationales.

2.2a Alkylxyethylene Acetates

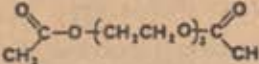
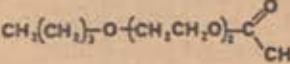
Summary of recommended studies. It is recommended that ethylene bis(oxyethylene) diacetate and 2-(2-butoxyethoxy)ethyl acetate be tested for the following:

- Health Effects:
- Subchronic toxicity
- Toxicokinetic studies
- Reproductive effects

Physical and Chemical Information

Ethylene bis(oxyethylene) diacetate and 2-(2-butoxyethoxy)ethyl acetate react vigorously with oxidizing materials (Refs. 3 and 4, Eastman Kodak Co., 1978, 1981). Available physical and chemical information on the two compounds is given in the following Table 4.

TABLE 4.—PHYSICAL AND CHEMICAL PROPERTIES OF THE ALKYLXYETHYLENE ACETATES

Property	Ethylene bis(oxyethylene) diacetate ^a	2-(2-Butoxyethoxy) ethyl acetate ^a
CAS Number	111-21-7	124-17-4
Synonyms	Triethylene glycol diacetate; TGD; Ethanol, 2,2'-(1,2-ethanediylbis-(oxy))bis-, diacetate (CA index name).	Diethylene glycol monobutyl ether acetate; DGBA; Ethanol, 2-(2-butoxyethoxy)-, acetate (CA index name).
Structural Formula		
Empirical Formula	C ₁₂ H ₂₂ O ₆	C ₁₈ H ₃₆ O ₆
Molecular Weight	234	204
Melting Point	Not found	-32° C.
Boiling Point	296° C.	235° C.
Vapor Pressure	Not applicable (nonvolatile)	0.04 mmHg at 20° C.
Specific Gravity	1.123 at 15.6/15.6° C.	0.980 at 20/20° C.
Solubility in Water	Negligible	65 g/L at 20° C.
Log Octanol/Water Partition Coefficient	-0.1 ^c	2.0 ^c
Description of Chemical	Clear liquid; essentially odorless	Colorless liquid; faint, pleasant odor.

^a Eastman Kodak Co., 1981 (unless otherwise noted).

^b Eastman Kodak Co., 1978.

^c Estimated (Ref. 10, Lyman et al., 1962).

Rationale for Recommendations

I. Exposure information—A. Production and use. The public portion

of the TSCA Inventory (Ref. 7, EPA, 1982) lists the 1977 U.S. production of TGD as 1 million to 10 million pounds

and that DGBA as 0.1 million to 1 million pounds. These figures were reported as representing current

production (Ref. 5, Eastman Kodak Co., 1982).

TGD is used primarily as a plasticizer in bonding cellulose acetate in the manufacture of cigarette filter tips. DGBA is used primarily as a solvent in printing inks and in high-bake enamel coatings. It is also used as a coalescing aid in latex paints and as a selective solvent in industrial separations (Refs. 3 and 5, Eastman Kodak Co., 1978, 1982).

B. Evidence for exposure. According to a 1972-74 NIOSH survey, the estimated number of workers exposed to TGD and DGBA are 152 and 21,461, respectively (Ref. 12, NIOSH, 1982). Approximately 50 workers were potentially exposed to TGD and DGBA during manufacturing for 50 and 80 hours annually per worker, respectively (Ref. 5, Eastman Kodak Co., 1982). Consumers may be exposed repeatedly to TGD eluted from cigarette filter tips during smoking (Ref. 6, Eastman Kodak Co., 1983). The possibility of exposure to DGBA when using latex paints also exists.

II. Chemical fate information. No data were found; however, based upon their chemical structures both TGD and DGBA are expected to biodegrade readily in the environment. Neither chemical is expected to persist.

III. Biological effects of concern to human health—A. Metabolism. No information was found. However, by analogy with other acetate esters the compounds may undergo enzymatic hydrolysis to the free alcohols (Ref. 13, Sandmeyer and Kirwin, 1981). The hydrolysis product of TGD would likely be triethylene glycol, on which a metabolism study has been performed (Ref. 11, McKennis et al., 1962). The hydrolysis product of DGBA is more likely to be the monobutyl ether of diethylene glycol, or butyl carbitol. Oxidation of the hydrolysis products to alkyloxy acetic acids may also occur (Ref. 11, McKennis et al., 1962). These types of metabolites may also have testicular effects comparable to those of the glycol ethers (Ref. 8, Foster et al., 1983).

B. Effects on enzymes and other biochemical systems. No information was found.

C. Carcinogenicity and mutagenicity. No information was found.

D. Short-term acute effects.

Application of 500 mg of TGD to the skin of rabbits caused mild irritation; in guinea pigs, TGD also caused slight skin irritation but no sensitization. Application of TGD to the eyes of rabbits led to slight irritation (Ref. 5,

Eastman Kodak Co., 1982). When 500 mg of DGBA was applied to the skin and eyes of rabbits, irritation was reported.

Additional acute toxicity information on the alkyloxyethylene acetates is summarized in the following Table 5.

Table 5 Acute toxicity of the alkyloxyethylene acetates in laboratory animals.

Animal	Route	Dose	Reference
<u>Triethylene glycol diacetate (TGD)</u>			
Mouse	Oral	LD ₅₀ : > 3.2 g/kg	Ref. 5
Rat	Oral	LD ₅₀ : 15.5 g/kg	Ref. 5
Rat	Inh	LD ₅₀ : > 6.1 mg/L, 6 hours	Ref. 5
Guinea pig	Skin	LD ₅₀ : > 20 ml/kg (22.46 g/kg)	Ref. 5
<u>Diethylene glycol monobutyl ether acetate (DGBA)</u>			
Mouse	Oral	LD ₅₀ : 6.6 ml/kg (6.5 g/kg)	Ref. 1
Rat	Oral	LD ₅₀ : 7.1 ml/kg (7.0 g/kg)	Ref. 1
Rat	Oral	LD ₅₀ : 11.9 g/kg ^a	Ref. 14
Rat	Inh	Concentrated vapor of unspecified concentration, for 8 hours ^b	Ref. 3
Guinea pig	Oral	LD ₅₀ : 2.7 ml/kg (2.6 g/kg)	Ref. 1
Guinea pig	Oral	LD ₅₀ : 2.3 g/kg ^a	Ref. 14
Rabbit	Oral	LD ₅₀ : 2.6 ml/kg (2.5 g/kg)	Ref. 2
Rabbit	Oral	LD ₅₀ : 2.8 ml/kg	Ref. 2
Rabbit	Skin	LD ₅₀ : 5.8 ml/kg (5.7 g/kg)	Ref. 2
Rabbit	Skin	LD ₅₀ : 5.5 ml/kg	Ref. 1
Rabbit	Skin	LD ₅₀ : 14.8 ml/kg (14.5 g/kg)	Ref. 3

^aDissolved in 1% Tergitol®.

^bOne of six animals died.

E. Long-term (subchronic/chronic) effects. Rats fed diets containing 0.1 and 1 percent TGD for 90 days showed no changes from controls in food intake, weight gain, hematology, urine analysis, gross pathology, or clinical signs (Ref. 5, Eastman Kodak Co., 1982). Likewise, an inhalation study of rats exposed to TGD at 0.163 mg/L for 6 hours daily for 22 exposures over 29 days showed no changes or lesions indicative of a toxic response. No information was found on the chronic effects of the compound.

For DGBA, the 90-day cutaneous LD₅₀ in rabbits was on the order of 2-3 ml/kg. Skin application led to hematuria, hemolysis in the kidneys, and renal tubular degenerative changes (Refs. 2 and 1, Draize et al., 1944, 1948). No information was found on the chronic effects of the compound.

F. Teratogenicity/embryotoxicity/fetotoxicity and reproductive effects. No information was found. However, the hydrolysis product of DGBA, namely the monobutyl ether of diethylene glycol, had no appreciable effect on maternal

mortality or litter size in mice. An analog, the monobutyl ether of ethylene glycol, had a slight testicular effect in mice (Ref. 9, Hardin, 1983).

G. Rationale for health effects recommendations. Both TGD and DGBA have a relatively low toxicity, but DGBA may be absorbed through the skin, as shown by the appearance of hematuria, renal tubular changes, and other effects. The extent of enzymic hydrolysis of DGBA is now known; moreover, the first hydrolysis product would probably be a glycol ether, a product of concern because of the effects of certain of these compounds on the male reproductive system. Since both worker exposure and possible consumer exposure are involved, the toxicokinetics and biochemical disposition, as well as the reproductive effects, should be investigated. Additional subchronic toxicity studies in other species are needed to investigate the possible adverse effects on the renal system.

IV. Ecological effects—No ecological effects testing is recommended because neither TGD nor DGBA is expected to be acutely toxic to aquatic organisms and because neither is expected to persist in the environment.

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2.2.b 1,2,3,4,7,7-Hexachloronorbornadiene

Summary of recommended studies. It is recommended that 1,2,3,4,7,7-hexachloronorbornadiene be tested for the following:

Health Effects:

Subchronic tests, including

neurotoxicity

Biochemical effects, including

enzyme-inducing capabilities

Physical and Chemical Information

CAS Number: 3389-71-7.

Synonyms:

Hexachloronorbornadiene;

HEX-BCH;

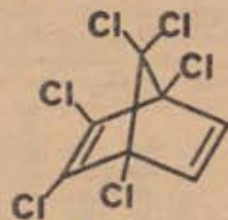
Hexachlorobicycloheptadiene;

Bicyclo[2.2.1]hepta-2,

5-diene, 1,2,3,4,7,7-

hexachloro- (CA Index name)

Structural Formula:



Empirical Formula: $C_7H_2Cl_6$

Molecular Weight: 299

Boiling Point: 118-120° C at 0.1 mmHg

Vapor Pressure: 10^{-3} mmHg at 25° C

(estimated; Ref. 6, Lyman et al., 1982).

Solubility in Water: 15 mg/L at 25° C

(estimated; Ref. 6, Lyman et al., 1982).

Solubility in Organic Solvents: Soluble in ether, ethanol, carbon tetrachloride, chloroform, DMSO.

Log Octanol/Water Partition Coefficient: 5.28 (estimated; Ref. 9, Veith et al., 1979).

Description of Chemical: Oily liquid.

Rationale for Recommendations

1. Exposure information—A.

Production and use.

Hexachloronorbornadiene is an intermediate in the manufacture of the pesticide endrin (Ref. 10, Velsicol, 1982). In recent years endrin has been produced in the U.S. in one plant only, which is in Memphis, Tennessee (Ref. 3, SRI, 1982). Based on the 1981 production volume of endrin of 2 million to 4 million pounds (Ref. 5, Glaze, 1982), it can be inferred that the production volume of hexachloronorbornadiene in 1981 was 1.5 million to 3 million pounds. However, the only manufacturer of the compound has reported that production was halted in 1982 (Ref. 11, Velsicol, 1983a).

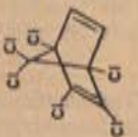
B. Evidence for exposure.

Hexachloronorbornadiene has been released to the environment through waste discharges from the Memphis, Tennessee manufacturing plant. Aqueous wastes have been treated by the Memphis municipal sewage treatment plant, then dumped into the Cypress Creek, which empties into the Mississippi River. The compound has been identified in the air within the treatment facility (Ref. 3, Elia et al., 1980), in the urine of the treatment plant workers, in the effluent of the treatment plant (Ref. 10, Velsicol, 1982), in the waters and sediment of the Mississippi River and tributaries (Ref. 1, Barthel et al., 1966), and in edible portions of fish caught in the Mississippi River (Ref. 14, Yurawecz and Roach, 1978). Solid wastes containing hexachloronorbornadiene most recently have been incinerated or buried in secure landfills (Ref. 10, Velsicol, 1982), but from 1964 to 1972 they were disposed of in surface landfills. The compound has been found in well water in the vicinity of these landfills (Ref. 2, Clark et al., 1981).

Although the manufacturer reports no current production, the compound is persistent, and leaching into surface and ground waters from waste residues of the compound may be expected to continue. Human exposure can occur as a result of drinking water or eating fish contaminated with the compound. Residues of the compound and its derivatives found in Mississippi River fish are listed in the following Table 6.

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Table 6--Residues of Hexachloronorbornadiene and Related Compounds in Mississippi River Fish (Adapted from Yurawecz and Roach (1978)).

Year Collected	Species	Location ^b	Levels in Parts Per Million ^a		
			I	II	III
					
1974	Catfish	Baton Rouge, LA	1.2	0.44	0.23
1974	Carp	Baton Rouge, LA	1.1	0.20	0.25
1974	Gaspargoc	Baton Rouge, LA	1.3	0.63	0.25
1974	Catfish	Geismar, LA	1.5	0.71	0.15
1974	Buffalo fish	Geismar, LA	0.19	0.17	0.10
1974	Gaspargoc ^c	Geismar, LA	0.21	0.03	0.05
1973	Carp	Memphis, TN	16.2	5.2	0.51
1973	Carp	Luling, LA	0.54	0.11	d
1974	Gaspargoc ^d	Plaquemine, LA	0.85	0.32	0.14

^aIn the edible portion of fish.

^bAll these sites are below Memphis, TN, where the manufacturing site is located. These compounds were not observed in fish from Cape Girardeau, MO, upstream from Memphis.

^cGaspareau, alewife (*Alosa pseudoharengus*)

^dObserved but not quantitated.

I = 1,2,3,4,5-endo-7,8-heptachloro-2-norbornene

II = 1,2,3,4,7,7-Hexachloronorbornadiene (HEX-BCH)

III = 1,2,3,4,7,7-Hexachloro-5,6 endo-epoxy-2-norbornene

A bioconcentration factor of approximately 6,400 in fish was calculated by Spehar et al. (Ref. 7, 1979). Analyses of fish caught downstream from the location where hexachloronorbomadiene was produced showed they contained appreciable levels of the compound (Ref. 14, Yurawecz and Roach, 1978). Additional exposure may occur through eating food from areas treated with endrin since hexachloronorbomadiene may occur to a small but variable extent in endrin (Ref. 12, Velsicol, 1983b).

II. Chemical fate information. No specific information was found. Under ambient conditions in ground and surface waters the compound is not expected to be reactive and should persist. Due to its low vapor pressure and high octanol/water partition coefficient it is expected to partition into sediment and the fatty tissues of animals.

III. Biological effects of concern to human health.—A. Metabolism. No information was found.

B. Effects on biochemical systems. No information was found. By analogy with compounds of similar structure, (e.g., chlordane) hexachloronorbomadiene has a potential for microsomal enzyme induction (Ref. 4, Fouts, 1970; Ref. 13, Welch et al., 1971).

C. Carcinogenicity/mutagenicity/teratogenicity and fetotoxicity. No information was found.

D. Short-term (acute) effects. The acute oral LD₅₀ in male and female rats are 726 mg/kg and 825 mg/kg, respectively (Ref. 10, Velsicol, 1982). Tremors, ataxia, and increased respiratory rate were observed in the animals.

E. Long-term (subchronic/chronic) effects. No information was found.

F. Rationale for health effects recommendations. A potential exists for exposure to hexachloronorbomadiene through consumption of water and/or fish contaminated with the compound. Also, sewage treatment workers may be exposed to the compound.

Due to the lack of information on the compound, subchronic tests are recommended to better understand its health effects. Neurotoxicity is of particular concern because of the observed acute effects. Because of the potential of the compound for inducing enzymes, biochemical effects testing is recommended.

IV. Ecological effects. The environmental effects information found is sufficient to assess the ecological hazard of hexachloronorbomadiene. Additional tests for environmental effects are not needed.

References

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2.2.c Oleylamine

Summary of recommended studies. It is recommended that oleylamine be tested for the following:
Health Effects:

Toxicokinetic studies

Genotoxicity and teratogenicity studies if percutaneous absorption is demonstrated

Physical and Chemical Information

CAS Number: 112-90-3.

Synonyms:

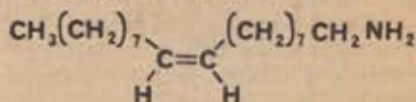
Armeen O[®]; Armeen OD[®];

(Z)-9-Octadecenylamine;

9-Octadecen-1-amine, (Z)

(CA Index name)

Structural Formula:



Empirical Formula: C₁₈H₃₇N.

Molecular Weight: 267.

Melting Point: 20° C.

Boiling Point: 275-344° C.

Vapor Pressure: < 1 mmHg at 20° C.

Specific Gravity: 0.819 at 38° C.

Solubility in Water: Low.

Log Octanol/Water Partition

Coefficient: 7.5 (estimated; Ref. 5, Leo et al., 1971).

Description of Chemical: Yellow liquid with ammoniacal odor. Oleylamine in commerce is produced, not as a pure material, but as a mixture with other fatty materials; the oleylamine content is between 44 and 76 percent (Ref. 1, Armark Co., 1982).

Rationale for Recommendations

I. Exposure information.—A. Production/use/disposal. In 1977, between 0.2 million and 2 million pounds of oleylamine were reported to be produced in the United States (Ref. 3, EPA, 1982). The current domestic production of oleylamine is reported to be in the range of 4.5 million to 5.5 million pounds (Ref. 1, Armark Co., 1982).

Oleylamine is a surfactant used primarily as an additive in lubricating oils. The compound is also used as a gasoline additive (Ref. 1, Armark Co., 1982).

In a 1972-74 survey, NIOSH estimated that 3,073 workers are potentially exposed to oleylamine (Ref. 7, NIOSH, 1982). Although the manufacture of the compound is reported to be carried out in a closed system (Ref. 1, Armark Co., 1982), worker exposure is expected during transport of the compound, end-use processing, and use of lubricating oils (Ref. 1, Armark Co., 1982; Ref. 6, MacPherson, 1983).

B. Evidence for exposure. Worker exposure occasionally occurs during production (Ref. 6, MacPherson, 1983). The general procedure for protection is to wash the skin with 3 percent acetic

acid. However, when contact with oleylamine in oils occurs, this type of removal is not expected to be used.

Dermal uptake of oleylamine in mechanics was calculated to be about one milligram per day. This is based on these assumptions: that concentration in lubricating oils is 150 ppm, exposure time is one hour per day, exposed area is 100 cm², and the permeability coefficient is 0.052 cm/hr (Ref. 4, ITC, 1983).

Environmental exposure varies with the method of disposal at the site. Some producers discharge into public treatment works. Others use settling ponds and filtration (Ref. 6, MacPherson, 1983).

II. Chemical fate information—A. Transport. No information on the transport of oleylamine was found. Because of its high estimated octanol/water partition coefficient, it is expected to sorb to soil and organic sediments.

B. Persistence. Abiotic degradation is not expected to occur. By analogy with other primary amines (Ref. 10, Yoshimura et al., 1980), oleylamine is expected to biodegrade readily.

C. Summary. Because oleylamine is expected to be biodegraded readily, no recommendations are made for chemical fate testing.

III. Biological effects of concern to human health—A. Acute toxicity. The single-dose intraperitoneal LD₅₀ of oleylamine in mice is 888.6 mg/kg (Ref. 9, Stratmann and Eifinger, 1980). In another study, mice received single oral doses of oleylamine. At a dose level of 800 mg/kg, no deaths were observed among five treated animals; at a dose level of 3,200 mg/kg, one death in five animals was observed (Ref. 2, Eifinger and Koehler, 1977).

B. Teratogenicity/embryotoxicity. Eifinger and Koehler (Ref. 2, 1977) studied the teratogenicity and embryotoxicity of oleylamine in mice. The test compound was administered orally in single doses (dose levels: 200, 800, 3,200 mg/kg) and intraperitoneally (dose levels: 200, 400, 800, 1,600 mg/kg) to pregnant mice on day 9 of gestation. Maternal toxicity (death) occurred following intraperitoneal administration at 800 and 1,600 mg/kg and oral administration at 3,200 mg/kg. Oleylamine was embryotoxic at all dose levels by both routes of administration and teratogenic by the intraperitoneal route at the higher dose levels.

C. Toxicokinetic studies. No information on absorption, distribution, excretion, or cellular toxicity of oleylamine was found. Because of the physical properties of oleylamine, particularly its high estimated octanol/water partition coefficient and relatively low molecular weight, the compound may be absorbed through the skin (Ref. 8, Scheuplein and Blank, 1971).

D. Mutagenicity and carcinogenicity. No information was found.

E. Rationale for health effects recommendations. There is potential for dermal exposure to oleylamine from various occupational uses. Since no data on dermal absorption of the compound were found, toxicokinetic testing, including study of percutaneous absorption, is recommended.

If the toxicokinetic studies demonstrate percutaneous absorption, short-term genotoxicity and teratogenicity tests should be conducted.

IV. Ecological effects. Although oleylamine is toxic to aquatic organisms, tests to quantify the toxic effect levels are not needed at this time. Based upon

the manufacturing process reported, substantial releases are unlikely. Although releases from use are likely to occur, such releases would be dispersed. The expected biodegradation of oleylamine further reduces the likelihood of substantial exposure to aquatic organisms.

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[FR Doc. 83-32686 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 712

[OPTS-82011; TSH FRL 2484-6]

Chemical Information Rules;
Manufacturer's Reporting—Preliminary
Assessment Information; Addition of
ChemicalsAGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding four chemicals to the Toxic Substances Control Act section 8(a) Preliminary Assessment Information rule. The four chemicals were recommended by the Interagency Testing Committee (ITC) in its Thirteenth Report and designated for priority consideration by EPA within one year. An amendment to the Preliminary Assessment Information rule, which was published in the Federal Register of May 11, 1983 (48 FR 21294), provides that chemical substances and designated mixtures that have been recommended for testing by the ITC and designated for 12-month response may be made subject to the rule by the publication of an amendment to that effect in the Federal Register. Thirty days after the publication of this amendment to the regulation, these chemicals will become subject to 40 CFR Part 712. Manufacturers of these chemicals will then have 60 days to submit a completed Preliminary Assessment Information report (EPA Form No. 7710-35) for each plant site at which they manufacture or import one of these four chemicals.

EFFECTIVE DATE: This regulation becomes effective on January 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 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: OMB Control Number 2000-0420.

I. Introduction

EPA issued the Preliminary Assessment Information rule, which was published in the Federal Register of June 22, 1982 (47 FR 26992), for reporting by chemical manufacturers. Those companies which manufactured, produced, or imported one of the approximately 250 chemical substances

listed were to report general production, use, and exposure data to the Agency by November 19, 1982. An amendment to the rule, published in the Federal Register of May 11, 1983 (48 FR 21294), added 40 CFR 712.30(c) which provides that chemicals designated by the Interagency Testing Committee may be made subject to the rule by the publication of a regulation to that effect in the Federal Register. Today's final rule uses the authority of 40 CFR 712.30(c) to add four chemicals to the list for reporting of preliminary assessment information.

Elsewhere in today's Federal Register, EPA is issuing a notice announcing the receipt of the Thirteenth Report of the Interagency Testing Committee, which was transmitted to the Administrator of EPA on November 8, 1983. The Thirteenth Report, which revises and updates the Committee's priority list of chemicals, adds four chemicals to the list for priority consideration within 12 months by EPA in the promulgation of test rules under section 4(a) of TSCA. In addition to adding the four chemicals designated by the ITC to the section 8(a) Preliminary Assessment Information rule, the Agency is also adding these chemicals to the list of substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA.

II. Chemicals To Be Added

The four ITC chemicals for which reporting is required under section 8(a) are as follows:

Chemical substances	CAS No.
Ethylene bis(oxyethylene) diacetate	111-21-7
Oleylamine	112-90-3
2-(2-Butoxyethoxy)ethyl acetate	124-17-4
1,2,3,4,7,7-Hexachloronorbomadiene	3389-71-7

III. Reporting Requirements

A Preliminary Assessment Information report (EPA Form No. 7710-35) must be submitted for each importing or manufacturing site which produces a subject chemical substance. A separate form must be completed for each chemical and submitted to the Agency no later than March 13, 1984. Copies of the form are available from the TSCA Assistance Office given above.

Manufacturers who qualify as small with respect to the previously prescribed standards are exempt from this rule (see 40 CFR 712.25(c)).

Under § 712.30(a)(3) of the Preliminary Assessment Information rule, a company which has voluntarily

submitted a Manufacturer's Report to the ITC will be allowed to submit a copy of the original Report to EPA. Also under § 712.30(a)(3), persons who previously and voluntarily provided EPA with a Manufacturer's Report on one of the four substances listed today in § 712.30(j) must notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission and must follow all other procedures outlined in that section.

Any person who believes that reporting on a chemical is unnecessary should promptly submit to the Agency his reasons in detail for that belief. The chemical may then be removed from the rule at the Agency's discretion, for good cause. When withdrawing a chemical from the rule, the Agency will issue a rule amendment for publication in the Federal Register.

IV. Release of Aggregate Data

The Agency will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics as prescribed in the rule related notice published in the Federal Register of June 13, 1983 (48 FR 27041). Requests for exemptions from release of aggregate data for any substance must be received by EPA no later than March 13, 1984.

V. Economic Impact

Employing the analysis prepared for the Preliminary Assessment Information rule published on June 22, 1982, as well as other relevant data, the Agency has estimated the impact of the addition of these chemicals on the firms that must report and upon the Agency in terms of data processing costs.

The Agency used the TSCA Inventory to generate a list of manufacturers of the four chemicals. After excluding firms which reported no production for the Inventory, the Agency expects seven companies, operating nine sites to report for this rule.

None of the companies subject to reporting for this rule qualify as a small business as defined in 40 CFR Part 712.25(c).

The costs for reporting are broken down as follows:

Reporting Cost:	
(a) 11 reports expected at \$520/ report =	\$5,720
(b) 9 sites which must become famil- iar with the rule at \$590/case =	5,310
Total.....	11,030

Average cost per site = \$1,226	
Average cost per firm = \$1,576	
Reporting Burden:	
(a) Familiarization (16 hours/site times 9 sites) =	162
(b) Reporting (16 hours/report times 11 reports) =	172
Total (hours) =	338
EPA Cost:	
Processing Cost = \$80/report times 11 reports =	\$880

VI. Rulemaking Record

EPA has established a public record (docket number OPTS-82011) for this rulemaking document. All documents, including the index to this public record, are available for inspection in the OPTS Reading Room, Rm. E-107, 401 M St., SW., Washington, D.C., from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. This record includes basic information considered in developing this rule.

VII. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2000-0420.

VIII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of \$100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c)—a final rule which had been previously reviewed by OMB under the terms of the Executive Order.

(Sec. 8(a), Pub. L. 94-469, 90 Stat. 2027 (15 U.S.C. 2607(a)))

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Reporting and recordkeeping requirements.

Dated: November 25, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 712—[AMENDED]

Therefore, Chapter I of 40 CFR Part 712 is amended by adding § 712.30(j) to read as follows:

§ 712.30 Chemical lists and reporting periods.

(j) A Preliminary Assessment Information Manufacturer's Report must be submitted by March 13, 1984 for each chemical substance listed below.

CAS No.	Chemical name
111-21-7	Ethylene bis(oxyethylene) diacetate
112-90-3	Oleylamine
124-17-4	2-(2-Butoxyethoxy) ethyl acetate
3389-71-7	1,2,3,4,7,7-Hexachloronorbornadiene

[FR Doc. 83-32685 Filed 12-13-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84009, TSH FRL 2484-5]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amendment will add four chemicals to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under 40 CFR Part 716 Subpart A, the regulation implementing section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The chemical substances to be added were recommended for testing by the Interagency Testing Committee (ITC) in their Thirteenth Report to EPA and designated for priority consideration by EPA within 12 months. The ITC was established under section 4(e) of TSCA. 40 CFR 716.18(b) provides that chemical substances and designated mixtures that have been designated for testing by the ITC may be made subject to the rule by the publication of a notice to that effect in the Federal Register. Thirty days after publication of the notice, the chemicals will become subject to 40 CFR Part 716 Subpart A.

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St.,

SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0004.

In the Federal Register of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA (40 CFR Part 716 Subpart A) to require submission by chemical manufacturers and processors of unpublished health and safety studies on specifically listed chemicals. That rule established standardized reporting requirements and provided for amending the list of chemicals subject to the rule.

Section 716.18(b) provides that ITC-designated chemicals may be made subject to the rule by the publication of a regulation to that effect in the Federal Register. Therefore, this regulation adding these chemicals to 40 CFR 716.17 constitutes the notice required by 40 CFR 716.18(b). On January 13, 1984, the chemical substances listed below will become subject to 40 CFR 716 Subpart A.

Elsewhere in today's Federal Register, EPA is issuing a notice announcing the receipt of the Thirteenth Report of the Interagency Testing Committee, which was transmitted to the Administrator of EPA on November 8, 1983. The Thirteenth Report, which revises and updates the Committee's priority list of chemicals, adds four chemicals to the list for priority consideration within 12 months by EPA in the promulgation of test rules under section 4(a) of TSCA. The four new chemicals are listed below.

Chemicals To Be Added

Chemical substances	CAS Nos.
Ethylene bis(oxyethylene) diacetate	111-21-7
Oleylamine	112-90-3
2-(2-Butoxyethoxy)ethyl acetate	124-17-4
1,2,3,4,7,7-Hexachloronorbornadiene	3389-71-7

Economic Impact

EPA estimates that submitting the required data on these additional chemicals will cost industry \$19,382. This consists of the following.

Corporate Rule Review	\$5,040
Corporate Review (site identification)	2,100
File Search	4,050
Title Listing	180
Photocopying (materials)	220
Photocopying (labor)	792
Managerial Review	6,180
Ongoing Reporting	840
Total	19,382

If the Agency assumes ± 30 percent margin of error in these estimates, the range of probable cost varies from \$13,567 to \$25,197. These costs are minimal compared to the importance of obtaining information in time to evaluate ITC-designated chemicals within statutory deadlines.

Public Record

EPA has established a public record (docket number OPTS-84009) for this rulemaking document which, along with a complete index, is available for inspection in Rm. E-108, 401 M St., SW., Washington, D.C., from 8:00 a.m. to 4:00 p.m. on working days. This record includes information considered by the Agency in adding the ITC chemicals to this rule. The record includes the following:

1. Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 084003.
2. Information Impact Analysis for 40 CFR Part 716 and this regulation.
3. 13th Report of the Interagency Testing Committee (ITC).

Regulatory Assessment Requirements

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070-0004.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on

the economy of \$100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This final rule was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 716.18(b)—a final rule which had been previously reviewed by OMB under the terms of the Executive order.

(Sec. 8, Pub. L. 94-409, 90 Stat. 2029 (15 U.S.C. 2607(d)))

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Reporting and recordkeeping requirements.

Dated: November 25, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Title 40, Chapter I, Part 716 is amended by adding § 716.17(a)(7) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(7) As of January 13, 1984, the following chemical substances are subject to this subpart.

Chemical substances	CAS Nos.
Ethylene bis(oryethylene) diacetate	111-21-7
Oxylamine	112-90-3
2-(2-Butoxyethoxy)ethyl acetate	124-17-4
1,2,3,4,7,7-Hexachloronorbornadiene	3389-71-7

[FR Doc. 83-32984 Filed 12-13-83; 8:45 am]

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federal register

**Wednesday
December 14, 1983**

Part IV

Environmental Protection Agency

**Electrical and Electronic Components
Point Source Category Pretreatment
Standards, and New Source Performance
Standards (Phase II); Final Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 469

[FRL 2472-2]

Electrical and Electronic Components Point Source Category Pretreatment Standards, and New Source Performance Standards; (Phase II)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation limits the discharge of pollutants into navigable waters and publicly owned treatment works (POTWs) from cathode ray tube and luminescent materials manufacturing facilities. The Clean Water Act and a Settlement Agreement require EPA to issue this regulation.

The purpose of this regulation is to provide new source performance standards (NSPS) for direct dischargers and pretreatment standards for new and existing indirect dischargers.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048), this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on December 28, 1983. These regulations shall become effective January 27, 1984.

The compliance date for new source performance standards (NSPS) and pretreatment standards for new sources (PSNS) for both subcategories is the date the new source begins operations. The compliance date for pretreatment standards for existing sources (PSES) for the cathode ray tube subcategory is July 14, 1987 for control of specified toxic metals, fluoride, and total toxic organics (TTO).

Under Section 509(b)(1) of the Clean Water Act judicial review of this regulation can be obtained only by filing a petition for review in the United States Court of Appeals within 90 days after these regulations are considered issued for purposes of judicial review. Under Section 509(b)(2) of the Clean Water Act, the requirements of the regulations may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Technical information may be obtained by writing to Mr. John Newbrough, Effluent Guidelines Division (WH-552), EPA, 401 M Street, SW., Washington, D.C. 20460, or by calling him at (202) 382-7158. Copies of the technical documents will be available from the National Technical Information Service, Springfield, Virginia 22161 (703) 487-4600. Economic information may be obtained by writing

to Ms. Renee Rico, Office of Analysis and Evaluation (WH-586), 401 M Street, SW., Washington, D.C. 20460 or by calling her at (202) 382-5386. The economic analysis will also be available from the National Technical Information Service.

The record supporting this rulemaking will be available for public review approximately six weeks from publication in the *Federal Register* in EPA's Public Information Reference Unit, Room 2404 (Rear) (EPA Library), 401 M Street, SW., Washington, D.C. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John Newbrough at (202) 382-7158.

SUPPLEMENTARY INFORMATION:

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- II. Scope of this Rulemaking
- III. Background
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- IV. Data Gathering Efforts and Derivation of the Final Limitations
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- VI. Available Wastewater Control and Treatment Technology
 - A. Status of In-Place Technology
 - B. Water Use
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- VIII. Summary of Final Regulations and Changes from Proposal
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- IX. Pollutants and Subcategories Not Regulated
 - A. Settlement Agreement and Exclusion of Subcategories and Toxic Pollutants
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 - A. Economic Impact
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- XII. Public Participation and Response to Major Comments
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- XV. Variances and Modifications
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- XIX. List of Subjects in 40 CFR Part 469
- XX. Appendices
 - A. Abbreviations, Acronyms and Other Terms Used in this Notice

- B. List of Toxic Organics Comprising Total Toxic Organics (TTO) in the CRT Subcategory
- C. List of Toxic Pollutants Excluded from Regulation

I. Legal Authority

This regulation is being promulgated under the authority of Sections 301, 304, 306, 307, 308, 309, and 501 of the Clean Water Act. This regulation is also being promulgated in response to the Settlement Agreement in *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified 12 ERC 1833 (D.D.C. 1979), modified by order dated October 26, 1982.

II. Scope of this Rulemaking

The purpose of this rulemaking is to establish new source performance standards and pretreatment standards for existing and new cathode ray tube and luminescent materials manufacturing facilities. This regulation applies to wastewater from cathode ray tube and luminescent materials manufacturing process operations at these facilities, all of which are in the Electrical and Electronic Components (E&EC) Category.

EPA estimates that there are 24 cathode ray tube plants in the United States; one of these plants is a direct discharger and 23 plants discharge to POTW's. The Luminescent Materials Subcategory is comprised of five plants; two are direct dischargers, two are indirect dischargers, and one plant achieves zero discharge through evaporation.

For the Cathode Ray Tube Subcategory, EPA is promulgating pretreatment standards for existing and new sources (PSES and PSNS) and new source performance standards (NSPS) for direct dischargers. For the Luminescent Material Subcategory, EPA is promulgating new source standards for direct and indirect dischargers (NSPS and PSNS).

III. Background

A. The Clean Water Act and the NRDC Settlement Agreement

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," Section 101(a).

• Section 301(b)(1)(A) set a deadline of July 1, 1977, for existing industrial direct dischargers to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT").

• Section 301(b)(2)(A) set a deadline of July 1, 1983, for these dischargers to achieve "effluent limitations requiring the application of the best available technology economically achievable . . . which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT").

• Section 306 required that new industrial direct dischargers comply with new source performance standards ("NSPS"), based on best available demonstrated technology.

• Section 307 (b) and (c) required pretreatment standards for new and existing dischargers to publicly owned treatment works ("POTW"). While the requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402, the Act made pretreatment standards enforceable directly against dischargers to POTWs (indirect dischargers).

• Section 402(a) of the 1972 Act does allow requirements for direct dischargers to be set case-by-case. However, Congress intended control requirements to be based for the most part on regulations promulgated by the Administrator of EPA.

• Section 304(b) required regulations that establish effluent limitations reflecting the ability of BPT and BAT to reduce effluent discharge.

• Section 304(c) and 306 of the Act required regulations for NSPS.

• Section 304(g), 307(b), and 307(c) require regulations for pretreatment standards.

• In addition to these regulations for designated industry categories, Section 307(a) required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants.

• Section 308 gave the Administrator authority to collect information necessary to develop and enforce regulations.

• Finally, Section 501(a) authorized the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

The EPA was unable to promulgate many of these regulations by the deadlines contained in the Act, and as a result, in 1976, EPA was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court. This agreement required EPA to develop a program and meet a schedule for controlling 65 "priority" pollutants and classes of pollutants. In carrying out this program EPA must promulgate BAT effluent

limitations guidelines, equivalent pretreatment standards, and new source performance standards for 21 major industries. See *National Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976) as modified, 12 ERC 1833 (D.D.C. 1979) and by order dated October 26, 1982.

Several of the basic elements of the Settlement Agreement program were incorporated into the Clean Water Act of 1977. That law also made several important "mid-course corrections" to the Federal water pollution control program:

• Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now set July 1, 1984 as the deadline for industries to achieve effluent limitations requiring application of BAT for "toxic" pollutants. "Toxic" pollutants here includes the 65 "priority" pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act. They are the same as those listed in the Settlement Agreement.

• Likewise, EPA's programs for new source performance standards and pretreatment standards are now aimed principally, but not exclusively, at controlling toxic pollutants.

• To strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe certain "best management practices" ("BMPs"). These BMPs are to prevent the release of toxic and hazardous pollutants from: (1) Plant site runoff, (2) spillage or leaks, (3) sludge or waste disposal, and (4) drainage from raw material storage if any of those events are associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Clean Water Act of 1977 also revised the control program for non-toxic pollutants.

• For "conventional" pollutants identified under Section 304(a)(4) (including biochemical oxygen demand, suspended solids, fecal coliform and pH), the new Section 301(b)(2)(E) requires "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT")—instead of BAT—to be achieved by July 1, 1984. The factors considered in assessing BCT for an industry include the relationship between the cost of attaining a reduction in effluents and the effluents reduction benefits attained, and a comparison of the cost and level of reduction of such pollutants by publicly owned treatment works and industrial sources.

For those pollutants which are neither "toxic" pollutants nor "conventional" pollutants, Sections 301(b)(2)(A) and

(b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

B. Prior EPA Regulations

No national guidelines or standards are now applicable to the Cathode Ray Tube and Luminescent Material Subcategories of the E & EC category. On April 8, 1983, EPA promulgated Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards as "Phase I" regulations for two subcategories of the electrical and electronic components category (48 FR 15382). Those subcategories were Semiconductors and Electronic Crystals. EPA also determined at that time that 17 subcategories of this industry did not require national guidelines or standards.

C. Overview of the Industry

The Electrical and Electronic Components Point Source Category (E&EC) includes plants which are a subset of the Standard Industrial Classification (SIC) Major Group 36, Electrical and Electronic Machinery, Equipment and Supplies.

EPA originally considered 21 subcategories in the E&EC industry (48 FR 15382). As part of the Phase I rulemaking, seventeen (17) subcategories were excluded from regulation under Paragraph 8 of the NRDC Settlement Agreement, which provides that national guidelines need not be issued for sources which are, generally, not discharging significant toxic pollutants. In Phase I EPA promulgated standards for two subcategories (Semiconductors and Electronic Crystals) on April 8, 1983, 48 FR 15382. EPA also announced that two other subcategories—Luminescent Materials and Electron Tubes—would be the subject of these Phase II Standards. In developing these standards, however, EPA has realized that the Electron Tubes Subcategory should be divided into two subcategories, Cathode Ray Tubes (CRT) and Receiving and Transmitting Tubes (RTT), because the first subcategory (CRT) is comprised of operations which result in wastewater discharges while the second subcategory (RTT) consists of operations which are primarily dry.

Luminescent materials (phosphors) are those materials that emit electromagnetic radiation (light) upon excitation by such energy sources as photons, electrons, applied voltage, chemical reaction, or mechanical

energy. These luminescent materials are used for a variety of applications, including fluorescent lamps, high-pressure mercury vapor lamps, color television picture tubes and single phosphor tubes.

The Luminescent Materials Subcategory consists of two (2) direct dischargers, two (2) indirect dischargers and one (1) plant which used an evaporation pond with no surface water discharge. The major pollutants discharged by luminescent materials plants are cadmium, fluoride, zinc, antimony and suspended solids.

Cathode ray tubes (CRTs) are devices in which high velocity electrons are focused through a vacuum within a gas tight glass envelope to generate an image on a luminescent surface in a pattern controlled by electrostatic and electrodynamic forces applied to the tube. Products are comprised of two CRT types:

- Aperture mask tubes which are cathode ray tubes that contain multiple color phosphors and use an aperture (shadow) mask. This type of tube is referred to as a color television picture tube.

- Cathode ray tubes that contain a single phosphor and no aperture mask are referred to as single phosphor tubes. These are manufactured for usage in display systems such as word processors, computer systems and arcade video games.

The Cathode Ray Tube Subcategory is comprised of twenty-four (24) plants: Twenty-three (23) are indirect dischargers and one is a direct discharger. The major pollutants discharged by CRT plants are cadmium, zinc, chromium, lead, toxic organics, fluoroide, and suspended solids.

The Receiving and Transmitting Tube Subcategory includes electronic devices in which conduction of electrons takes place through a vacuum or a gaseous medium within a sealed glass, quartz, metal or ceramic casing.

- Receiving tubes are multiterminal devices that conduct electricity more easily in one direction than in the other and are noted for their low voltage and low power application. They are used to amplify electrical signals in radio and television receivers, computers, and sensitive control and measuring equipment.

- Transmitting tubes are characterized by the use of electrostatic and electromagnetic fields applied externally to a stream of electrons to amplify a radio frequency signal. There are several different types of

transmitting tubes such as klystrons, magnetrons, and traveling wave tubes. In addition, some specialized transmitting tubes are manufactured such as image intensifiers and photomultipliers.

The assembly process for receiving and transmitting tubes is primarily a dry process. Any wastewaters that are produced in the manufacturing processes are covered by other categorical standards.

IV. Data Gathering Efforts and Derivation of the Final Limitations

The methodology and data gathering efforts used in developing the proposed regulations were discussed in the preamble to the March 1983 proposal. In summary, before proposal, the Agency conducted a data collection program at several cathode ray tube and luminescent materials plants. This program stressed the acquisition of data on the presence and treatability of the toxic pollutants. It used analytical methods discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants* (U.S. EPA, April 1977). Based on the results of that program, EPA identified several distinct treatment technologies, including both end-of-pipe and in-plant technologies, that are or can be used to treat wastewaters from these industries.

For each of these technologies, the Agency compiled and analyzed historical and newly generated data on the performance of these technologies, considered the non-water quality impacts (including impacts on air quality, solid waste generation and energy requirements), and estimated the costs and economic impacts of applying each technology industrywide.

The data gathering effort was the basis for the Agency's first two critical determinations. First, pursuant to Section 307(b) of the Act, EPA identified those pollutants that were present and determined which would pass through or interfere with a POTW, or its sludge. Second, EPA evaluated existing and potential pollution control technologies. It discovered that a basic and "classic" pollution control technology was widely practiced in the industry. The system is designed to remove toxic metals from raw wastestreams and it has two principal components—precipitation and clarification. Filters are also used to control typical pollutants.

EPA then analyzed the data to discover what those commonly used treatment devices could achieve. For

each regulated pollutant EPA looked for two key figures: The average concentration that properly operated technology would achieve over time, and the variability from that average that might occur even at well-operated plants.

To find long-term concentration averages for toxic metals and fluoride, EPA examined the pollutant concentrations measured in the wastewaters of plants which had been sampled by the Agency and/or had submitted data to EPA. EPA then deleted data that did not represent good treatment. In the CRT Subcategory long-term concentration averages were based on data from one EPA sampled plant and on industry submitted data from two plants. For the Luminescent Materials Subcategory long-term concentration averages for toxic metals and fluoride were based on two EPA-sampled plants. If a plant intends to comply consistently with the regulatory limit it should use the concentration averages as the basis for design and operation. They are listed, for each pollutant, in Section VII of the Development Document. The concentration averages were the basis for the costs considered in this rulemaking.

Estimates of variability are also included in the development of effluent pollutant concentrations. The regulations specify daily maximum and monthly average limitations. The monthly and daily limitations require different estimates of variability. The daily limitations include estimates of variability that express the variation expected among observations from one day. The monthly average maximum limitations include estimates of variability that express the variation expected among the averages of ten pollutant concentration values from ten different days.

Finally, the Agency multiplied the resulting variability factors by the expected long-term concentration averages. The results were effluent concentration limits based on actual observations of well-operated plants which allowed for the variability observed at all well-operated reporting facilities. EPA has assessed the cost of this regulation on the assumption that plants design and operate to meet these long-term concentration averages. The final limits represent monthly and daily limits which a well-designed and operated plant can meet approximately 95 and 99 percent of the time.

respectively. If a plant designs and operates its treatment system to achieve the concentration average and control variability, then there should be a very low expectation that any individual sampling of the discharge will exceed the promulgated limit.

Costs and economic impacts of the technology options considered are discussed in detail in *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Industry—Phase II*. A more complete description of the Agency's study methodology, data gathering efforts, and analytical procedures supporting the regulation can be found in the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase II*.

V. Industry Subcategorization

In developing this regulation, the Agency considered whether different effluent limitations and standards are appropriate for different segments of the Electrical and Electronic Components manufacturing industry. The Act requires EPA to consider a number of factors to determine if subcategorization is needed. These factors include raw materials, final products, manufacturing processes, geographical location, plant size and age, wastewater characteristics, non-water-quality environmental impacts, treatment costs, energy costs, and solid waste generation.

After considering the above factors the Agency concluded that product type was the appropriate basis for subcategorization. Product type determines both the raw and process material requirements and the number and type of manufacturing processes used. Plants manufacturing the same product were found to have similar wastewater characteristics. Other factors affected the wastewater characteristics, but were not significant enough in themselves to be used as the basis for subcategorization.

Using product type as a basis, EPA identified the Luminescent Materials Subcategory and the Electron Tube Subcategory. Then it refined the Electron Tube Subcategory as: (1) Receiving and Transmitting Tubes and (2) Cathode Ray Tubes.

This redefinition was necessary because electron tube manufacturing is comprised of two distinct product types employing different raw materials and manufacturing processes, with very different wastewater characteristics. Therefore this subcategory has been

divided into the above subcategories, based on the products produced.

Luminescent material products generates significant wastewater and EPA has retained it as a subcategory. Cathode ray tube manufacture also employs raw materials and process operations which generate wastewater. Today's standards cover wastewater from those processes. However, production of receiving and transmitting tubes is primarily a dry process. Thus EPA is not promulgating standards to cover the Receiving and Transmitting Tubes Subcategory (See Section IX below).

The Development Document provides further background on decisions concerning subcategorization and on the make-up of the regulated subcategories.

VI. Available Wastewater Control and Treatment Technology

A. Status of In-Place Technology

This section describes the status of in-place technology for the subcategories regulated by this rulemaking: Cathode Ray Tubes and Luminescent Materials.

Wastewater treatment techniques currently used in the Cathode Ray Tube Subcategory include both in-process and end-of-pipe waste treatment. In-plant process waste treatment is designed to remove pollutants from contaminated manufacturing process wastewater at some point in the manufacturing process. End-of-pipe treatment is wastewater treatment at the point of discharge.

In-process control techniques with widespread use in the Cathode Ray Tube Subcategory are: (1) Collection of spent solvents for resale, reuse or disposal, and (2) segregation of spent acid wastes for contract hauling. Contract hauling refers to the industry practice of contracting a firm to collect and transport wastes for off-site disposal.

End-of-pipe controls in the Cathode Ray Tube Subcategory generally include neutralization. In addition, nine of the cathode ray tube plants use end-of-pipe precipitation/clarification for control of toxic metals. One plant treats wastewater by filtration, following precipitation/clarification.

In the Luminescent Materials Subcategory the two direct dischargers have central end-of-pipe treatment systems that utilize precipitation/clarification technologies. Of the three other plants in the subcategory, one plant achieves zero discharge through the use of an evaporation pond and two are indirect dischargers, one of which neutralizes its wastes end-of-pipe, while the other uses precipitation/clarification

technology to control toxic metals prior to discharge.

B. Water Use

EPA attempts, when possible, to set production-based effluent limitations which will tend to reduce water usage. In the case of the CRT and Luminescent Material Subcategories, the Agency is not establishing production-based limitations and standards. We believe that available data do not support the establishment of such limitations and standards on a nation-wide basis and that existing economic incentives already minimize wastewater discharge flows.

The water used in the production of CRTs is deionized (DI) water produced by using an ion exchange process. Because of the higher costs associated with deionizing water, the industry practice is to reuse and conserve water to whatever extent practical. Therefore, further wastewater flow reduction by increased water conservation does not appear practicable. Moreover, the Agency was unable to determine a nationally applicable relation between production and wastewater discharge. This was because the degree to which plants practice water reuse and conservation depends on product quality requirements and, to a lesser extent, site-specific water supply factors.

C. Control Treatment Options

EPA considered the following treatment and control options for wastewater discharges from facilities within the Cathode Ray Tube and Luminescent Materials Subcategories. The options evaluated are based on treatment observed in plants EPA visited or which described their own treatment processes. They are discussed in further detail in the Development Document, in Chapter VII.

Option 1—Neutralization for pH control.

Option 2—Option 1 plus preliminary chromium reduction, and end-of-pipe precipitation/clarification for treatment of toxic metals (cadmium, chromium, antimony, lead, zinc), fluoride, and total suspended solids (TSS).

Option 3—Option 2 plus filtration for further reduction of toxic metals.

Option 4—Solvent management for control of toxic organics. Solvent management is not an end-of-pipe treatment system, but rather an in-plant control which consists of segregation and collection of used solvents for resale or contract disposal. Process wastewater is the only other source of toxic organics for these subcategories.

Since the spent solvents would not be discharged into the wastewater, toxic organic limitations based on this control would be equivalent to the maximum "background" concentration of toxic organics found in the discharge as a result of process wastewater contamination. Because it is an in-plant control, this option could be used in consort with any of the other options and it was considered in connection with the effect of each other option.

Option 5—End-of-pipe carbon adsorption for additional removal of toxic organics.

As previously stated, one plant in the Luminescent Materials Subcategory utilizes an evaporation pond to achieve zero discharge. Evaporation ponds were rejected as the basis for national standards because of their limited effectiveness, except in dry, arid, regions of the country. In addition, evaporation ponds require significant space availability.

The only plant now using evaporation as a control technology had process wastewater flows below those generally observed at larger plants. Flow reductions to an equivalent level may not be achievable by some larger plants since, as discussed above, plants that use DI water already have incentives to minimize process water use.

VII. General Criteria for Effluent Limitations Considered Under This Regulation

1. Pretreatment Standards for Existing Sources. Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES), which industry must comply with within a time period not to exceed three years from promulgation. PSES are designed to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of POTWs.

The legislative history of the 1977 Act indicates that pretreatment standards are to be technology-based and analogous to the best available technology for removal of toxic pollutants. The General Pretreatment Regulations which serve as the framework for the pretreatment standards are in 40 CFR Part 403, 46 FR 9404 (January 28, 1981).

EPA has generally determined that there is pass through of pollutants if the percent of pollutants removed by a well-operated POTW achieving secondary treatment is less than the percent removal by the best available technology (BAT) model treatment system.

This regulation does not promulgate a BAT standard, because neither subcategory contains more than two direct dischargers and these plants already have technology in-place, as required by existing permits. However, in assessing pass-through EPA has assumed a BAT equivalent to the treatment technology already installed by direct discharging plants (i.e. end-of-pipe precipitation/clarification), which is the same as that selected for PSES.

A study of 40 well-operated POTWs with biological treatment and meeting the secondary treatment criteria showed that the toxic metals regulated by this regulation (cadmium, chromium, antimony, lead, and zinc) are typically removed at rates varying from 20 to 70 percent. POTWs with only primary treatment have even lower rates of removal. In contrast to POTWs, BAT level treatment by sources in this industrial category can remove these metals at rates of approximately 98 percent or more. Accordingly, these metals "pass through" POTWs.

The same POTW study indicates that one-fourth of well-operated POTWs with secondary treatment achieved removals of less than 40 percent for chloroform, less than 85 percent for 1,1,1-trichloroethane, less than 29 percent for methylene chloride, less than 34 percent for bis(2-ethylhexyl) phthalate, less than 88 percent for toluene, and less than 87 percent for trichloroethylene. By comparison, sound solvent management practices achieve a TTO reduction of greater than 99 percent. Accordingly, pass-through of toxic organic pollutants does occur.

There is no significant removal of fluoride by typical POTW treatment systems, while BAT level treatment consisting of precipitation/clarification has been shown to remove as much as 95 percent from these waste streams. Thus, pass-through of fluoride does occur.

These standards rely upon precipitation and clarification for metals removal. This treatment system will also remove fluoride to the levels required by this regulation. We are regulating fluoride in the Cathode Ray Tube Subcategory because the levels of fluoride in the raw waste in that Subcategory are very high—up to 970 mg/l. This is in contrast to the limits for Phase I of this category which did not rely on end-of-pipe treatment and which did not set limits on fluoride. In Phase I the highest occurrence of fluoride in raw wastewater—in the semiconductor subcategory—was only 146 mg/l.

2. Pretreatment Standards for New Sources. Section 307(c) of the Act requires EPA to promulgate

pretreatment standards for new sources (PSNS) at the same time that it promulgates NSPS. These standards are intended to prevent the discharge of pollutants which pass through, interfere with or are otherwise incompatible with a POTW. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies—including process changes, in-plant controls, and end-of-process treatment technologies and to select plant sites that ensure the treatment system can be adequately installed. Therefore, the Agency sets PSNS after considering the same criteria considered for NSPS. Indirect discharging new sources in these subcategories are expected to have the same pass through of pollutants as existing sources; both luminescent materials plants and CRT plants have high levels of fluoride in their raw effluent—indicating a need to regulate that pollutant for both subcategories.

3. New Source Performance Standards. The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. New plants have the opportunity to design the best and most efficient processes and wastewater treatment technologies. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-process treatment technologies that reduce pollution to the maximum extent feasible.

VIII. Summary of Final Regulations and Changes From Proposal

This section describes the technology basis and final effluent limitations for each subcategory and discusses the changes we have made in response to public comments.

A. Cathode Ray Tube Subcategory

Within this subcategory the pollutant parameters of concern that were detected in EPA's sampling and analysis efforts are pH, chromium, TSS, fluoride, cadmium, lead, zinc, and numerous toxic organics.

EPA is promulgating the same technology control options that it proposed. No commenters suggested that the Agency promulgate final regulations based on other technologies.

1. BPT, BAT, and BCT. The Agency is not regulating existing direct dischargers for the reasons cited in Section IX (Pollutants and Subcategories Not Regulated).

2. PSES. For PSES, EPA has selected precipitation/clarification (Option 2) for

the control of toxic metals and fluoride and solvent management (Option 4) for control of toxic organics. As noted above, this technology is widely demonstrated in this industry (as well as in other industries with similar raw wastes). Metal removals greater than 96 percent have been demonstrated. Option 1 (pH neutralization alone) was rejected because data indicated that greater removals were achievable at Option 2 which was economically achievable and already widely utilized. Filtration (Option 3) has not been selected because the additional 1496 annual pounds of national pollutant reduction accomplished by Option 3 are not significant in comparison to the low effluent levels already accomplished by Option 2 in the treatment train. This would only increase expected removals by 1.5 percent. Option 3 would have an additional capital cost of about 1.2 million. Also, no commenters suggested that the Agency promulgate final regulations based on Option 3. For all of these reasons, EPA has decided not to promulgate standards based upon Option 3 technology. Section VII of the Development Document contains a discussion and tables concerning the effluent concentrations that can be achieved using lime precipitation/clarification (Option 2) and those that would be achieved by the addition of a filter (Option 3). Option 5 (carbon adsorption for toxic organics) was rejected for technical reasons. EPA calculated the theoretical concentrations of organics that Option 5 would lead to, and found that it would result in TTO levels equal to, or perhaps worse than, those achieved by proper solvent disposal.

The Agency estimates that implementation of PSES will result in the removal of 109,000 pounds per year of toxic metals and 894,000 pounds per year of fluoride. Plants not presently in compliance with PSES are expected to incur capital costs of \$6.5 million and annual costs of \$3.4 million. The Agency projects no plant closures or job losses as a result of this regulation. Therefore, PSES is economically achievable.

As in the proposed rule, cadmium, chromium, lead, zinc, and fluoride are being regulated. Following proposal, various industrial sources submitted additional data. EPA has considered these data and consequently both the long-term concentration averages and the variability factors have undergone some changes.

With regard to long-term concentration averages only slight changes were made. The data base was revised for all of the above pollutants.

The long-term concentration average (in mg/l) for cadmium changed from 0.019 to 0.020, for chromium from 0.20 to 0.23, for lead from 0.28 to 0.27, for zinc from 0.34 to 0.40, and for fluoride from 20.5 to 14.5.

In calculating variability factors, changes were made to both the daily maximum variability and monthly variability. These changes were partly a result of changes to the data base. They also reflected the change from a monthly average, based on the average variability expected for 22 samples, to a monthly average based on the average variability expected for 10 samples. Sampling frequency is specified by individual control authorities, but 10 times per month is a typical figure for this industry and for other industrial categories.

As in the proposed rule, toxic organics are being regulated as the total of all listed toxic organics found in the discharge at concentrations greater than 0.01 milligrams per liter. This cumulative limit is defined as total toxic organics (TTO) and the specific toxic organic compounds included in the total are listed in Appendix B of this preamble and in §469.31. The TTO list has been revised to reflect those organics found in wastes from plants in the CRT Subcategory. Toxic organics were not found at significant levels in the Luminescent Materials Subcategory.

In addition, as a result of new information and submitted data, the proposed TTO limit of 0.15 milligrams per liter has been changed to 1.58 milligrams per liter. The Agency is not promulgating a 30-day average limitation for TTO. The daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations. (See Section XII for a further discussion of the basis for the TTO limit).

3. NSPS and PSNS. For NSPS and PSNS, the Agency is establishing limitations based on Options 3 and 4. This technology consists of solvent management plus end-of-pipe precipitation/clarification, followed by filtration.

Option 3 was selected over Option 2 for new source standards because the installation of filtration technology has been demonstrated by the one existing direct discharger and will accomplish additional removal of toxic metals. Furthermore, new plants have the opportunity to install the best demonstrated technology in the most efficient way. Option 1 was rejected for

the same reasons as cited under PSES and because NSPS and PSNS should not be less stringent than PSES. These standards are not expected to cause a barrier to entry.

Since proposal, the Agency has revised the limitations due to revisions of the data base. In many cases this has caused the limitation to increase. For further discussion of the derivation of these limits see Sections IV and XII of this notice and Section VII of the Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase II.

4. Definitions. In response to a comment concerning the coverage of this subcategory, EPA has revised the definition of cathode ray tubes. The term "cathode ray tubes" means electronic devices in which electrons focus through a vacuum to generate a controlled image on a luminescent surface. This definition does not include receiving and transmitting tubes.

5. TTO Monitoring. The TTO certification which control authorities may allow in lieu of monitoring has been changed to reflect concerns expressed by commenters. It is now identical to the promulgated Phase I regulations for this industry (40 CFR Part 469.13 (a) (b) (c) and (d), 48 FR 15394), and similar to provisions of the categorical standards for the metal finishing and electroplating industry. (40 CFR Parts 433 and 413, 48 FR 32462). Indirect dischargers should note that plants which plan to request certification in lieu of monitoring for TTO must still submit a baseline monitoring report as required by 40 CFR 403.12(b). Among other information, this report must show the discharge concentration of all regulated pollutants, including the six toxic organics comprising TTO.

B. Luminescent Materials Subcategory

The technology basis for each standard for the Luminescent Materials subcategory is presented below, along with the rationale for selecting the specific treatment option. The technologies and wastewater characteristics are discussed in more detail in the Development Document. The Agency is not regulating existing direct or indirect dischargers in this subcategory for the reasons cited in Section IX (Pollutants and Subcategories Not Regulated). Therefore, BPT, BAT, BCT and PSES effluent limitations and standards have not been promulgated.

1. NSPS and PSNS. For NSPS and PSNS, EPA is promulgating limitations and standards based on end-of-pipe

precipitation/clarification (Option 2), which has been demonstrated within the industry. This option will control cadmium, antimony, zinc, and fluoride in both the NSPS and PSNS, and also TSS and pH in NSPS. Option 1 alone (pH neutralization) was not selected because Option 2 achieved greater removals of toxic metals at reasonable costs which will not impose a barrier to entry. Option 3 (Option 2 plus filtration) was not selected because the installation of filtration technology would have an insignificant effect (only an additional 0.16 percent) on pollutant removals. Option 4 (control of solvents) was not selected because TTO were not detected in significant quantities in this industry. Option 5 (carbon adsorption) was not selected for similar reasons.

Since proposal, the Agency has revised the limitations due to additions to the data base. In most cases these revisions have caused the limitations to increase. For further discussion of the derivation of these limits see Sections IV and XII of this Notice and Section VII of the Development Document.

2. Definition. EPA has amended the proposed definition to include specific examples of luminescent materials.

IX. Pollutants and Subcategories Not Regulated

A. Settlement Agreement and Exclusion of Subcategories and Toxic Pollutants

The Settlement Agreement specified 65 categories of toxic pollutants as of "priority" concern. EPA, by regulation, has specified 126 pollutants and parameters as measures for those 65 categories. The Agreement also specified certain industrial categories, including the Electrical and Electronics industry, as of "priority" concern. The agreement did contain provisions authorizing the exclusion from regulation, in defined circumstances, of toxic pollutants and industrial categories or subcategories.

EPA is now setting standards for some of the specified 126 pollutants in segments of two subcategories of this industry. EPA has also found it appropriate not to regulate other pollutants in these same subcategories and to exclude certain subcategory segments and one additional subcategory from these standards. Data supporting exclusion of the pollutants and subcategories and subcategory segments identified below are presented in the Development Document for this rulemaking.

1. Exclusion of Pollutants. Toxic pollutants identified in Appendix C to this notice are excluded from regulation for the Cathode Ray Tube Subcategory

and the Luminescent Materials Subcategory under Paragraph 8(a)(iii) of the Settlement Agreement.

For the Cathode Ray Tube Subcategory, ten (10) pollutants are excluded because they are present in amounts too small to be effectively reduced by available technologies, and one hundred and six (106) pollutants are excluded because they were not detected in the effluent.

For the Luminescent Materials Subcategory, eleven (11) pollutants are excluded because they are present in amounts too small to be effectively reduced by available technologies, and one hundred twelve (112) pollutants are excluded because they were not detected in the effluent.

2. Exclusion of Subcategories and Subcategory Segments. The manufacture of Receiving and Transmitting Type Electron Tubes is a dry process. That subcategory, therefore, will be excluded from regulation under the provisions of paragraph 8(a)(iv) of the Settlement Agreement.

The Agency is excluding existing direct dischargers in the Cathode Ray Tube Subcategory from this regulation. This exclusion from regulation is under the provisions of Paragraph 8(a)(iv) of the Settlement Agreement, on the basis that there is only one direct discharger which is already subject to an NPDES permit, and has Option 3 (precipitation/clarification/filtration) treatment in place. Its current discharge of toxic pollutants is less than 2 pounds/day. Thus, as Paragraph 8(a)(iv) provides, "The amount and toxicity of each pollutant in the discharge does not justify developing national standards."

The Agency is also excluding from regulations all existing dischargers in the Luminescent Materials Subcategory under the provisions of Paragraph 8(a)(iv) of the Settlement Agreement. Of the five (5) plants in this subcategory, 2 are in the direct dischargers segment. Each of these 2 plants discharges (after treatment required by existing NPDES permits) less than 1 pound of toxic metals per plant per day. Two of the remaining plants in the Luminescent Materials Subcategory are indirect dischargers. EPA is excluding these plants from national categorical pretreatment standards under the provisions of paragraph 8(b)(ii) of the Decree on the basis that only two such plants exist and the amount of toxic pollutants that those 2 plants introduce into POTWs is less than 2 pounds per plant per day. The remaining plant in the Luminescent Materials Subcategory utilizes an evaporation pond which does not discharge to surface water.

B. Conventional Pollutants

BOD and oil and grease are not being regulated for either subcategory because they were found only at concentrations below treatability.

IX. Cost and Economic Impact

A. Economic Impact

The Agency's economic impact assessment is presented in the report entitled "Economic Impact Analysis of Effluent Guidelines and Standards for the Electrical and Electronic Components Industry Phase II—Cathode Ray Tubes and Luminescent Materials Subcategories", EPA 440/2-83-012. This report details the investment and annual costs for the Phase II portion of the Electrical and Electronic Components Category. Compliance costs are based on engineering estimates of capital requirements and operations and maintenance costs for the effluent control systems described earlier in this preamble. The report assesses the impact of effluent control costs in terms of production changes, plant closures, employment effects, and balance of trade effects.

EPA requested comments on this analysis at the time of proposal. It has revised this report as a result of public comment and continued analysis. The compliance costs for individual plants have changed as a result of additional data submitted to the Agency. EPA has also revised its estimates of the expected growth in the industry as a result of new publicly available information. EPA has identified 29 plants in the Phase II subcategories that are covered by this regulation. Of these 29 plants, 3 are direct dischargers, 25 are indirect dischargers, and one discharges no wastewater. Only 17 of the plants are expected to incur costs to comply with the PSES regulations for the Cathode Ray Tube Subcategory. All other plants either have appropriate equipment in place or were exempted from national standards for reasons discussed above in Section IX.

PSES

Seventeen of the 23 indirect dischargers in the Cathode Ray Tube Subcategory are expected to incur cumulative compliance costs of \$6.5 million in capital investment and \$3.4 million annually (1982 dollars). These costs are primarily associated with installation of Option 2 (precipitation/clarification). In addition, these costs include compliance monitoring at twelve times per month for metals and fluoride and once per month for TTO. EPA expects that average industry

profitability will be reduced by a maximum of 1.8 percent. No plant closures or job losses are projected as a result of this regulation.

The control of toxic organics is expected to result in minimal additional costs because all facilities already practice solvent management to some extent and because the solvents can be collected and sold for reuse. Nevertheless, EPA performed a sensitivity analysis on the costs of compliance for those facilities that the Agency is uncertain already meet the toxic organic limit. That estimate of compliance costs for these facilities assumed that spent solvents would be disposed of as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). The analysis showed that these costs would further decrease profitability by a maximum of only 0.2 percent and would not result in any plant closures or job losses. EPA, therefore, has determined that these standards are economically achievable even if additional spent solvents need to be disposed of in accordance with RCRA.

PSNS

For model plants in the CRT subcategory, incremental capital investment costs range from \$5,830 to \$228,500 and incremental annualized costs range from \$2,400 to \$94,800 depending on assumptions concerning plant size (1982 dollars). The capital investment costs represent less than a 13 percent increase over treatment costs for similarly sized existing plants. That increment is an insignificant part of the total cost of constructing new plants. The ratios of annual treatment costs to annual plant sales range from 0.01 to 0.14 percent of sales and are not likely to result in a competitive disadvantage for new sources.

For the Luminescent Materials Subcategory, new source costs reflect the total cost of the treatment technology (not incremental) because no pretreatment standards are proposed for existing indirect dischargers. However, the existing plants do have some treatment installed. Therefore, the impacts stated here are the maximum possible impact. Capital investment costs range from \$100,500 to \$1.2 million depending on the size of the plant. Total annualized costs range from \$58,990 to \$583,000. The analysis of new source costs for this subcategory compares annual treatment costs to annual plant sales. The impacts on either an average or large new plant are small and are not expected to result in significant barriers to their entry into the subcategory. The impacts on the smallest new plants,

while larger than for the other sizes, are also not expected to cause barriers to entering the industry. Total annual treatment costs as a percentage of sales are expected to range from 1.4 to 7.8 percent for a new small plant.

NSPS

For model plants in the CRT subcategory, new source costs for direct dischargers reflect the total costs of the pollution control technology. Capital investment ranges from \$129,400 to \$1.8 million, and total annualized costs range from \$71,700 to \$921,100 depending on plant size (1982 dollars). The total annual treatment costs as a percentage of sales are expected to range from 0.1 to 1.3 percent. However, it should be noted that the one direct discharger already has Option 3 technology installed; thus this cost assessment actually overstates the likely difference in cost. These impacts are considered to be small.

For new sources in the Luminescent Materials Subcategory, the costs and impacts are the same for both direct and indirect dischargers. The costs and comparisons to sales are shown above, under PSNS. No significant barriers to entry are expected.

B. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses on major regulations. Major rules are those which impose a cost on the economy of \$100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of \$3.4 million is less than \$100 million and it meets none of the other criteria specified in Section 1(b) of the E.O. 12291.

C. Regulatory Flexibility Analysis

Public Law 96-354 requires EPA to prepare an initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not required.

D. SBA Loans

The Agency is continuing to encourage small plants to use Small Business Administration (SBA) financing as needed for pollution control equipment. The three basic programs

are: (1) The Guaranteed Pollution Control Bond Program, (2) the Section 503 Program, and (3) the Regular Guarantee Program. All the SBA loan programs are only open to businesses that have: (a) Net assets of less than \$6 million, and (b) an average annual after-tax income of less than \$2 million, and (c) fewer than 250 employees.

For further information on the Guaranteed Pollution Control Bond Program contact: U.S. Small Business Administration, Office of Pollution Control Financing, 4040 North Fairfax Drive, Rosslyn, Virginia 22203, (703) 235-2902.

The Section 503 Program, as amended in July 1980, allows long-term loans to small- and medium-sized businesses. These loans are made by SBA approved local development companies. These companies are authorized to issue Government-backed debentures that are bought by the Federal Financing Bank, an arm of the U.S. Treasury.

Through SBA's Regular Guarantee Program, loans are made available by commercial banks and are guaranteed by the SBA. This program has interest rates equivalent to market rates.

For additional information on the Regular Guarantee and Section 503 Programs contact your district or local SBA office. The coordinator at EPA Headquarters is Ms. Frances Desselle, who may be reached at (202) 382-5373.

XI. Non-Water Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may aggravate other environmental problems. Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts of these regulations including air and noise pollution, radiation, solid waste generation, and energy requirements. While balancing pollution problems against each other, and against energy use, is difficult, EPA believes that this final regulation best serves overall national goals.

Compliance with the regulation, including PSES, NSPS, and PSNS will have no effect on air, noise, or radiation pollution and will only result in minimal solid waste generation and minimal increased energy usage. The amount of solid waste generated per year will be 1,200 metric tons beyond that now generated. However, PSES and PSNS will result in less contamination of sludge being produced by POTWs. Available information indicates that the solid waste generated will not be hazardous as defined in the Resource Conservation and Recovery Act

(RCRA). Energy requirements associated with these regulations will be 390,000 kilowatt-hours per year or only 65 kilowatt-hours per day per facility, beyond that now used for wastewater treatment.

EPA's relevant program offices have had an opportunity to review this analysis. Based on the above non-water quality impacts from these regulations, the Agency has concluded that the effluent reduction benefits justify any non-water quality environmental impacts and that this regulation best serves overall national environmental goals.

XII. Public Participation and Response to Major Comments

On March 9, 1983, the Agency published proposed rules for effluent limitations guidelines, pretreatment standards, and new source performance standards under the Clean Water Act for the Cathode Ray Tube and Luminescent Materials Subcategories of the Electrical and Electronic Components Point Source Category. Following the publication of the proposed rules, we provided the technical development document and economic document supporting the proposed rules to industry, environmental groups, government agencies, and the public sector. A workshop was held on the Electrical and Electronic Components Phase II Rulemaking in Philadelphia, Pennsylvania on April 29, 1983. On May 4, 1983, in Washington, D.C., a pretreatment public hearing was held at which no persons presented testimony.

The comment period closed on May 9, 1983. Comments were received from the following: Sanitary District of Rockford, Clinton Electronics Corporation, Philips ECG, Litton Electron Tube Division, American Electronics Association, Vulcan Chemicals, Electronic Industries Association, RCA Corporation, General Electric Company.

All comments received have been carefully considered, and appropriate changes in the regulations have been made whenever available data and information supported these changes. Major issues raised by commenters are addressed in Section VIII and this section. A summary of all comments received and our responses to them is included in a report "Response to Public Comments, Electrical and Electronic Components Effluent Guidelines and Standards": Phase II, which is a part of the public record for this regulation.

1. *Comment.* Commenters contended that the data in the record to support the TTO limit are insufficient. They argued that TTO data from one plant were

insufficient and not representative, and that plants could not achieve the limit using solvent management technology. In addition, the proposed TTO limit was said to be too stringent because the contributions of TTO from individual process streams were allegedly not reflected.

Response: EPA visited and sampled representative CRT facilities. All of these facilities practice solvent management by segregating and collecting spent solvents used in the manufacturing process. Sampling data generally showed very low quantities of TTO. Data from one plant (11114) were unusable at proposal because available flow data did not allow the Agency to account for dilution problems. Because of limited data, the proposed limit for TTO (0.15 mg/l) was in fact based on the maximum TTO observed during three days of sampling at one plant. Recognizing the limited data base, EPA requested in the preamble to the proposed regulations that additional data be submitted by industry.

In response to this request one facility submitted usable data for one-day sampling. Another plant also submitted data; however, the sampling methodology used did not comply with EPA sampling protocol since the grab samples were not composited for analysis. Therefore that data was not used in evaluating the TTO limit. Additionally, Plant 11114 submitted flow-data which allowed us to calculate the TTO value for one observation by deleting the dilution of cooling water and other non-related process streams. Combining the two additional usable data points with the three data points from the plant used at proposal provided a total of five treated effluent data points from three plants. These data ranged from .045 mg/l to 1.58 mg/l of TTO. Based on information submitted by industry and on engineering site visits to all three plants, the Agency believes that the available TTO data reflect effective solvent management. Accordingly, the TTO limit is being revised to 1.58 mg/l. This reflects the maximum background concentration at any known plant practicing effective solvent management and precipitation/clarification, the BAT-level control options selected for this parameter.

Regarding the concern about individual process streams, the TTO limit is based on effluent data after mixing of process streams. Thus it accounts for the contribution of TTO from all of the process streams. EPA, therefore, is not persuaded by the comment that the TTO limit is not achievable because it does not account for residual toxic organic contamination

from all process wastewater streams. The contribution of process streams is reflected in the final effluent from a plant.

The Agency examined carbon adsorption (Option 5) to determine if this end-of-pipe treatment technology would achieve greater toxic organic reduction than in-plant control using solvent management. The Agency calculated the theoretical discharge of toxic organics after treatment with carbon adsorption. It found that effluent TTO levels would be approximately the same as, and perhaps greater than, the TTO concentration from residual process contamination at plants practicing solvent management. Therefore, EPA rejected the option of carbon adsorption for technological reasons. See Section VII of the Development Document for a further discussion of toxic organic removal achieved by carbon adsorption.

2. *Comment:* Commenters contended that the proposed CRT effluent concentration limits for toxic metals are too stringent. They argued that a larger data base was needed and that variability factors should be based on consistent assumptions about the number of observations that will be taken each month. Commenters also had a few critiques relevant to specific metals, most of which concerned cadmium. Commenters asserted that treatment for cadmium was itself difficult, and could also make it hard to meet limits for other metals. (For further discussion of comments on EPA's metal limitations, see EPA's Response to Comments Document.)

RESPONSE: EPA has significantly revised its data base for calculation of all toxic metals limitations. It is now using additional self-monitoring effluent data submitted by industry. EPA sampling data is now used in conjunction with that data to calculate appropriate effluent limits. EPA has also recalculated all limitations, using new variability factors based on an expectation of ten observations per month. That frequency is the same as that assumed for many similar guidelines and standards and the economic analysis was based on assumptions that monitoring would occur at least that often. The revised limitations generally allow somewhat greater effluent concentrations.

The Agency has also considered the more specific issues commenters raised about specific metals. In regard to cadmium for example, one commenter stated that treatment of some process streams could produce cadmium hydroxide, a form of cadmium that is particularly difficult to remove. EPA

considered the possibility that this could lead to a plant's inability to meet the cadmium limit. Actual data from EPA samplings and data submitted by dischargers suggested that this is not a serious problem in actual practice. The measured effluent concentrations of cadmium were consistently below these regulatory limits, whether or not cadmium hydroxide was formed.

Another commenter asserted that cadmium treatment required pH levels that would make it impossible to meet the regulatory limit for chromium. Data did not support that claim. In fact there was ample evidence that cadmium and chromium could be adequately controlled at the same time. The commenter had cited the theoretical pH level for optimal cadmium control; however, the data base indicated that cadmium could be reduced to the regulatory limit over a broader range of pH levels, including pH levels that allowed adequate control of chromium and other toxic metals.

Other commenters questioned the derivation of specific metals limitations. The Development Document and Response to Comments Document in the record further explain how specific metals limitations were derived.

3. *Comment:* Commenters argued that fluoride should not be regulated since it is not found on the priority pollutant list and because it was not regulated in the semiconductor subcategory (E&EC Phase I). They also contended that the proposed limits are not consistently achievable on a long-term operating basis with the identified technology. In addition, two commenters stated that CRT plants with lower fluoride raw waste concentrations should be exempt from the proposed fluoride standard, either because their contributions were not significant or because low concentrations were difficult to treat.

Response: Although fluoride is not listed as a toxic pollutant, it is a pollutant of concern because it can be harmful to livestock and plants, and can cause tooth mottling in humans. A fluoride limit was proposed for PSES in the CRT subcategory and for all new sources because the levels of fluoride in raw wastes are very high; a maximum of 970 mg/l and a mean of 360 mg/l were observed. Fluoride discharged at 360 mg/l would increase the concentration in receiving waters by up to 3.3 mg/l at low flow, which exceeds drinking water standards. In contrast, the occurrence of fluoride in the raw waste of the semiconductor subcategory (regulated in Phase I) was a maximum of 146 mg/l and a mean of 66 mg/l, and in the electronic crystals subcategory (Phase I)

was a maximum of 380 mg/l and a mean of 129 mg/l.

Furthermore, unlike Phase I, Phase II CRT limits are based on end-of-pipe technology (lime precipitation/clarification) which requires only minimal technology additions to control fluoride. The costs associated with the added technology are quite small (see Section IX of the Development Document). Economic analysis of model plants has shown that this cost would not result in any plant closures or job losses.

EPA considered relying on limits for other pollutants as an indirect way of controlling fluoride, but decided that it could not. This is because plants in the CRT subcategory with treatment systems designed to control toxic metals, but not fluoride, have been found to discharge concentrations of fluoride as high as 275-350 mg/l.

There is no justification for exempting some CRT plants because fluoride concentrations in their raw wastes are lower than the CRT raw waste average of 360 mg/l. Available data indicate that one commenter with low concentrations of fluoride in raw wastes is achieving that by dilution with cooling water. Nor is there any evidence that low concentrations of fluoride make compliance infeasible. The commenter who suggested this was not using calcium chloride, which EPA has costed for, and relied upon, as part of its model treatment technology. Thus it did not have adequate control for fluoride in place. Plants that treat fluoride properly do meet the limits consistently. Studies of categories where raw waste concentrations of fluoride are often lower also demonstrate that limits comparable to these can be achieved.

4. *Comment:* Commenters asserted that EPA's conclusion that compliance costs to meet the proposed TTO Limit will not be significant is inaccurate and not supported by the record. They stated that plants that collect solvents but do not meet the proposed limit will need to install and operate very expensive treatment technologies, such as carbon adsorption and air strippers. They also challenged EPA's assumption that solvents used as degreasers and paint strippers could be profitably recovered. They contended that it was not true for dilute aqueous organic wastes such as rinses and scrubber effluents and that these solvents frequently cannot be segregated in order to sell them to reclaimers. In addition, in order to accumulate solvents in sufficient quantities to make them marketable, a small facility would probably be subject

to RCRA requirements and associated costs.

Response: Available data show that representative CRT plants are already collecting solvents and are in compliance with the TTO revised limit of 1.58 mg/l. The degree to which plants practice solvent management can vary, but EPA does not believe that treatment technology (beyond that required for Option 2) will be required to meet the TTO limit. A plant will, at most, need to improve its solvent collection and management practices. The costs associated with these activities are minimal and would in most cases be offset by the recoverable value of recovered solvents.

One commenter correctly noted that there was little market for dilute aqueous organic wastes such as rinses and scrubber effluents. However, the commenter was incorrect in his assumption that those wastes would often need to be sold or contract hauled. Dilute aqueous streams of that nature will not have significant organic contamination in them if a good solvent management plan is practiced, thus they will not need to be sold or contract hauled. The specified TTO limit has been developed to reflect the minor, unavoidable, contamination that may occur. In addition, there is an alternative to using solvents for some cleaning and degreasing operations. At least one large CRT manufacturer has an alkaline cleaning process in place and uses no solvents for cleaning.

A plant not already in compliance (if any such plant exists) could potentially incur costs for the disposal of an incremental amount of spent solvents needed to comply with the TTO limit. An EPA sensitivity analysis for the Cathode Ray Tube Subcategory showed the impact of these costs is insignificant, even if the spent solvents are all sent to RCRA permitted hazardous waste facilities and even if they are shipped often enough to ensure that plants did not need to secure RCRA permits to operate as hazardous waste storage facilities.

Available information indicate that some reclaimers have no minimum quantity limitation on solvent reclamation services and do provide services to small generators.

The proposed rule included a provision which allows plants (with the consent of their control authorities) to certify that they are in compliance with the TTO limit, rather than monitoring for numerous toxic organics. The certification language in this final regulation has been changed to be consistent with that in other guidelines,

including Phase I for this industry and Part 433 for the Metal Finishing Industry. Our intent is to provide industry with a less costly way of showing compliance with the TTO limit. Some dischargers may still find the certification language to be too restrictive or their specific control authority may not agree to their use of certification. Such dischargers will have to monitor. Based on contact with state and regional permittees, we estimate that, on average, monitoring for TTO will be required once per quarter for those who do not certify. In some cases, plants may be required to monitor more frequently, sometimes as often as once per month. The annualized monitoring costs for monthly monitoring are estimated to be \$13,700 per year. We estimate that these costs will not result in any economic impacts.

5. *Comment:* The factors supporting the price increases EPA calculated in the economic analysis are not identified in the report. Our customers will not accept price increases for our product, and the prices of our inputs to production (bulbs, phosphors, etc.) have increased greatly.

Response: The revised analysis responds to this comment in two ways. First, it is assumed that cost increases due to additional wastewater treatment are not passed on by the industry in terms of price increases, but are reflected in reduced profitability of the plants. Both the impact and closure analyses are based on this assumption and therefore the conclusions that are drawn account for the difficulties firms have experienced with price increases. This is a conservative assumption. To the extent that it is in error, the economic analysis will tend to over predict likely impacts and closures.

Second, a sensitivity analysis was conducted on the manufacturing costs and profit levels used for each plant in the TV tube and other CRT industry segments. The sensitivity analysis used an alternative profit level ten percentage points lower (i.e., assuming a ten percent increase in costs) than that used in the impact analysis. This alternative accounts for the possibility that manufacturing input costs may increase faster than the rate assumed (five to six percent inflation rate) for other costs and may therefore lead to decreased profits. As the sensitivity analysis shows, none of the impact measures are significantly affected by this alternative analysis and no conclusions would be changed as a result.

6. *Comment:* Foreign competition has increased greatly over the last few years. We are struggling to survive in the marketplace and additional cost of

production increases due to regulations are intolerable.

Response: The revised analysis responds to these comments. The economic analysis for the proposed rules assumed two alternatives: one, that increased costs incurred by plants to comply with the required wastewater treatment standards would be passed on as price increases to customers; and two, that these increased costs would be absorbed by the plants, thus reducing their profitability. Closure analysis was based on both these assumptions. In the revised analysis for the final rules, because of the above comments which emphasized the severity of foreign competition and other comments that discussed domestic competition and the difficulties of increasing prices, it was decided that the industry would not be likely to respond to increased treatment cost requirements by passing them on as price increases. In light of these considerations, the only reasonable assumption would be that plant profitability would be reduced and that the closure analysis would depend on the severity of that impact. Therefore, EPA based its analysis on that assumption.

XIII. Best Management Practices

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP"), described in Section III of this preamble. EPA is not now promulgating BMP for the electrical and electronic components category.

XIV. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include provisions that authorize noncompliance during "upsets" or "bypasses." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary, because upsets will inevitably occur, even if the control equipment is properly operated. Because technology based limitations can require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursions incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co. v. EPA*, 564 F. 2d 1253 (9th Cir. 1977) with *Weyerhaeuser v. Costle, supra* and *Corn Refiners Association, et al. v. Costle*, No. 78-1069 (8th Cir., April 2, 1979). See also *American Petroleum Institute v. EPA*,

540 F. 2d 1023 (10th Cir. 1976); *CPC International, Inc. v. Train*, 540 F. 2d 1320 (8th Cir. 1976); *FMC Corp. v. Train*, 539 F. 2d 973 (4th Cir. 1976).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency.

EPA has both upset and bypass provisions in the NPDES regulations. See 40 CFR 122.41, 48 FR 14151, 14168 (April 1, 1983). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Permittees in the Cathode Ray Tube and Luminescent Materials Subcategories are entitled to the upset and bypass provisions in NPDES permits. Thus, this regulation does not repeat those provisions. Upset provisions are also contained in the General Pretreatment regulation.

XV. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent Federal and State NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

EPA has not promulgated BPT or BAT standards for direct dischargers in these subcategories. It is, however, promulgating NSPS for new source direct dischargers. Those limits must be followed when NPDES permits are issued for any relevant new sources.

Indirect dischargers subject to PSES have, in the past, been eligible for the "fundamentally different factors" (FDF) variance. See 40 CFR 403.13. However, on September 20, 1983, the United States Court of Appeals for the Third Circuit held that "FDF variances for toxic pollutants are forbidden by the Act," and remanded § 403.13 to EPA. *NAMF et al. v. EPA*, Nos. 79-2256 et al. (3rd Cir., September 20, 1983). EPA is considering the effect of that decision. Since the opinion addressed only the availability of FDF variances for toxic pollutants, indirect dischargers are still eligible for FDF variances for nonconventional pollutants. The agency will soon amend 40 CFR 403.13 in accordance with the court's opinion.

In a few cases, information which would affect these PSES may not have been available to EPA or affected parties in the course of this rulemaking. As a result it may be appropriate to issue specific categorical standards for

such facilities, treating them as a separate subcategory with more, or less, stringent standards as appropriate. This will only be done if a different standard is appropriate because of unique aspects of the factors listed in Section 304(b)(2)(B) of the Act: The age of equipment and facilities involved, the process employed, the engineering aspects of applying control techniques, nonwater quality environmental impacts (including energy requirements) or the cost of required effluent reductions (but not of ability to pay that cost).

Indirect dischargers and other affected parties may petition the Administrator to examine those factors and determine whether these PSES are properly applicable in specific cases or should be revised. Such petitions must contain specific and detailed support data, documentation, and evidence indicating why the relevant factors justify a more, or less, stringent standard, and must also indicate why those factors could not have been brought to the attention of the Agency in the course of this rulemaking. The Administrator will consider such rulemaking petitions and determine whether a rulemaking should be initiated.

XVI. Implementation of Limitations and Standards

A. Relation to NPDES Permits

The NSPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. Under this regulation for the Electrical and Electronic Components Category, all limitations are concentration based for reasons presented in Section VI-B. On a case-by-case basis permitting authorities may derive mass based limitations by multiplying the concentration limit by the undiluted discharge flow. The Effluent Guidelines Division can assist the permitting authorities in making this determination, especially with respect to the validity of the flow levels which a permittee asserts are representative of its plant.

One subject that has received different judicial rulings is the scope of NPDES permit proceedings when effluent limitations and standards do not exist. Under current EPA regulations, State and EPA regions that issue NPDES

permits before regulations are promulgated must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority must apply those limitations.

B. Indirect Dischargers

For indirect dischargers, PSES and PSNS are implemented under National Pretreatment Program procedures outlined in 40 CFR 403. The table below may be of assistance in resolving questions about the operation of that program. A brief explanation of some of the submissions indicated on the table follows:

A "request for category determination" is a written request, submitted by an indirect discharger or its POTW, for a certification on whether the indirect discharger falls within a particular subcategory listed in a categorical pretreatment standard. This assists the indirect discharger in knowing just which PSES or PSNS limits it will be required to meet. See 40 CFR 403.6(a).

A "request for fundamentally different factors variance" for non-toxic, nonconventional, pollutants is a mechanism by which a categorical pretreatment standard may be adjusted, making it more or less stringent, on a case-by-case basis. If an indirect discharger, a POTW, or any interested person believes that factors relating to a

specific indirect discharger are fundamentally different from those factors considered during development of the relevant categorical pretreatment standard for any nonconventional pollutant and that the existence of those factors justifies a different discharge limit from that specified in the categorical standard, then they may submit a request to EPA for such a variance. See 40 CFR 403.13.

A "baseline monitoring report" is the first report an indirect discharger must file following promulgation of a standard applicable to it. The baseline report includes: An identification of the indirect discharger; a description of its operations; a report on the flows of regulated streams and the results of sampling analyses to determine levels of regulated pollutants in those streams; a statement of the discharger's compliance or noncompliance with the standard and a description of any additional steps required to achieve compliance. See 40 CFR 403.12(b).

A "report on compliance" is required of each indirect discharger within 90 days following the date for compliance with an applicable categorical pretreatment standard. The report must indicate the nature and concentration of all regulated pollutants in the facility's regulated process wastestreams; the average and maximum daily flows of the regulated streams; and a statement of whether compliance is consistently being achieved, and if not, what additional operation and maintenance and/or pretreatment is necessary to achieve compliance. See 40 CFR 403.12(d).

A "periodic compliance report" is a report on continuing compliance with all applicable categorical pretreatment standards. It is submitted twice per year (June and December) by indirect dischargers subject to the standards. The report shall indicate the precise nature and concentrations of the regulated pollutants in its discharge to the POTW; the average and maximum daily flow rates of the facility; the methods used by the indirect discharger to sample and analyze the data, and a certification that these methods conformed to those methods outlined in the regulation. See 40 CFR 403.12 (e) and (g).

Item/Event	Applicable Sources	Date or time period	Measured from	Item submitted to
Request for category determination	Existing	60 days Or 60 days	From effective date of standard From FEDERAL REGISTER Development Document Availability	Director (1)

Item/Event	Applicable Sources	Date or time period	Measured from	Item submitted to
	New	Prior to commencement of discharge to POTW.		
Request for fundamentally different factors variance	Existing nonconventional pollutants only.	180 days	From effective date standard	Director (1).
Baseline monitoring report	All	Or 30 days 180 days	From final decision on category determination. From effective date of standard or	Control Authority (2).
Report on compliance	Existing	Or 30 days 90 days	From final decision on category determination. From date for final compliance	Control Authority (2).
Periodic compliance reports	New All	90 days June and December	From commencement of discharge to POTW	Control Authority (2).

(1) Director—(a) Chief Administrative Officer of a State water pollution control agency with an approved pretreatment program or b) EPA Regional Water Division Director, if State does not have an approved pretreatment program.
(2) Control Authority—(a) POTW if its pretreatment program has been approved or b) Director of State water pollution control agency with an approved pretreatment program or c) EPA Regional Administrator, if state does not have an approved pretreatment program.

The provisions of 40 CFR 403.6(e) also provide a "combined waste stream formula" for determining pretreatment standards when waste streams subject to this regulation are combined with significant quantities from other waste streams. Since the plants covered by this regulation rarely combine wastes with significant quantities of other waste streams, that provision should seldom be needed for these subcategories.

C. Applicability and Compliance Dates

The Electrical and Electronic Phase II regulations are applicable to discharges from the manufacture of cathode ray tubes and luminescent materials. Cathode ray tube manufacturers are subject to PSES, PSNS and NSPS regulations. Luminescent materials manufacturers are subject to PSNS and NSPS regulations.

The compliance dates for the two subcategories are presented in the table below. PSNS and NSPS compliance dates are specified by the Clean Water Act. For PSES for cathode ray tube facilities, the Agency is allowing 31 months for compliance with metals and fluoride limitations. One commenter indicated that 30 months might be required to install and "fine tune" pollution control equipment. Similarly, a survey conducted under the metal finishing project showed that, on average, plants need thirty one months to design, install, and "start-up" the treatment system (lime precipitation/clarification) used as the basis for the limits in that industry and for the regulated metals and fluoride standards in the E & EC industry. For TTO, the compliance date is also thirty-one months. The TTO limit reflects a solvent management plan and also removals achieved by precipitation/clarification. Thus EPA is establishing a compliance date which allows for the installation of

that technology.

Regulation	Compliance date
Cathode Ray Tubes, PSES for metals, fluoride, and TTO.	July 14, 1987.
Cathode Ray Tubes, NSPS and PSNS.	From commencement of discharge.
Luminescent Materials, NSPS and PSNS.	From commencement of discharge.

D. Enforcement

A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion (*Sierra Club v. Train*, 557, F. 2d 485, 5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

XVII. Availability of Technical Information

The basis for this regulation is detailed in four major documents. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*. EPA's technical conclusions are detailed in *Development Document for Effluent Guidelines, New Source Performance Standards, and Pretreatment Standards for the Electrical and Electronic Components Point Source Category—Phase II*. The Agency's economic analysis is presented in *Economic Impact Analysis of Effluent Limitations and Standards for the Electrical and Electronic Components Industry—Phase II*. A summary of the public comments received on the proposed regulation is presented in a report "Responses to Public Comments, Proposed Electrical and Electronic Components Effluent

Guidelines and Standards" Phase II, which is part of the public record for this regulation.

Technical information may be obtained by writing to John Newbrough, Effluent Guidelines Division (WH-552), EPA, 401 M Street, SW., Washington, D.C. 20460 or through calling (202) 382-7158.

Additional information concerning the economic impact analysis may be obtained from Ms. Renee Rico, Economic Analysis Staff (WH-558), EPA, 401 M Street, SW., Washington, D.C. 20460 or by calling (202) 382-5388. Copies of the technical and economic documents will be available from the National Technical Information Service, Springfield, Virginia 22161 (703) 487-4600.

XVIII. OMB Review

The regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday-Friday excluding federal holidays.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting and recordkeeping provisions in 40 CFR 469.32 that are included in this regulation will be submitted for approval to OMB. They are not effective until OMB approval is obtained and the public is notified to that effect through a technical amendment to this regulation.

XIX. List of Subjects in 40 CFR Part 489

Electrical and electronic equipment, Water pollution control. Waste treatment and disposal.

Dated: November 30, 1983

William D. Ruckelshaus,
Administrator.

XX. Appendices

Appendix A—Abbreviations, Acronyms, and Other Terms Used in This Notice

Act—The Clean Water Act.
Agency—The U.S. Environmental Protection Agency.
BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Public Law 95-217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct discharges under Section 307 (b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94-580) of 1976. Amendments to Solid Waste Disposal Act.

Appendix B—List of Toxic Organics Comprising Total Toxic Organics (TTO) for the Cathode Ray Tube Subcategory

- 1.1.1
chloroform
trichloroethane
methylene chloride
bis(2-ethylhexyl) phthalate
toluene
trichloroethylene

Appendix C—List of Toxic Pollutants Excluded From Regulation

The following nine (9) pollutants are being excluded from further regulations for both subcategories under Paragraph 8(a)(iii) of the NRDC consent decree because they are present in amounts too

small to be effectively reduced by technologies known to the administrator:

1. Arsenic
2. Beryllium
3. Copper
4. Mercury
5. Nickel
6. Selenium
7. Silver
8. Thallium
9. Cyanide

The following list of one hundred and six pollutants are excluded from further regulation for both subcategories under Paragraph 8(a)(iii) of the NRDC consent decree because they were not detected in the effluent.

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon Tetrachloride
7. Chlorobenzene
8. 1,2,4-Trichlorobenzene
9. Hexachlorobenzene
10. 1,2-Dichloroethane
11. Hexachloroethane
12. 1,1-Dichloroethane
13. 1,1,2-Trichloroethane
14. 1,1,2,2-Tetrachloroethane
15. Chloroethane
16. Bis(2-Chloroethyl) Ether
17. 2-Chloroethyl Vinyl Ether (Mixed)
18. 2-Chloronaphthalene
19. 2,4,6-Trichlorophenol
20. Parachlorometa Cresol
21. 2-Chlorophenol
22. 1,2-Dichlorobenzene
23. 1,3-dichlorobenzene
24. 1,4-Dichlorobenzene
25. 3,3-Dichlorobenzidine
26. 1,1-Dichloroethylene
27. 1,2-Trans-Dichloroethylene
28. 2,4-Dichlorophenol
29. 1,2-Dichloropropane
30. 1,3-Dichloropropylene
31. 2,4-Dimethylphenol
32. 2,4-Dinitrotoluene
33. 2,6-Dinitrotoluene
34. 1,2-Diphenylhydrazine
35. Ethylbenzene
36. Fluoranthene
37. 4-Chlorophenyl Phenyl Ether
38. 4-Bromophenyl Phenyl Ether
39. Bis(2-chloroisopropyl) Ether
40. Bis-(2-chloroethoxy) Methane
41. Methyl Chloride
42. Methyl Bromide
43. Bromoform
44. Dichlorobromomethane
45. Chlorodibromomethane
46. Hexachlorobutadiene
47. Hexachlorocyclopentadiene
48. Isophorone
49. Naphthalene
50. Nitrobenzene

51. 2-Nitrophenol
52. 4-Nitrophenol
53. 2,4-dinitrophenol
54. 4,6-dinitro-o-cresol
55. N-nitrosodimethylamine
56. N-nitrosodiphenylamine
57. N-nitrosodi-n-propylamine
58. Pentachlorophenol
59. Phenol
60. Butyl benzyl phthalate
61. Di-n-butyl phthalate
62. Di-n-octyl phthalate
63. diethyl phthalate
64. dimethyl phthalate
65. Benzo(a)anthracene
66. Benzo(a)pyrene
67. Benzo(b)fluoranthene
68. Benzo(k)fluoranthene
69. Chrysene
70. Acenaphthylene
71. Anthracene
72. Benzo(ghi)perylene
73. Fluorene
74. Phenanthrene
75. Dibenzo(a,h)anthracene
76. Indeno(1,2,3-c,d)pyrene
77. Pyrene
78. Tetrachloroethylene
79. 2,3,7,8-tetrachlorodibenzo-p-dioxin
80. Vinyl Chloride
81. Aldrin
82. Dieldrin
83. Chlordane
84. 4,4'-DDT
85. 4,4'-DDE
86. 4,4'-DDD
87. Alpha-endosulfan
88. Beta-endosulfan
89. Endosulfan Sulfate
90. Endrin
91. Endrin Aldehyde
92. Heptachlor
93. Heptachlor Epoxide
94. Alpha-BHC
95. Beta-BHC
96. Delta-BHC
97. Gamma-BHC
98. PCB-1242
99. PCB-1254
100. PCB-1221
101. PCB-1232
102. PCB-1248
103. PCB-1260
104. PCB-1016
105. Toxaphene
106. Asbestos

Eight additional toxic pollutants are being excluded from regulation in the Luminescent Materials subcategory under Paragraph 8(a)(iii) of the NRDC consent decree because they are not present at detectable concentrations. These pollutants are:

- Chloroform
1,1,1-trichloroethane
Methylene chloride
Bis(2-ethylhexyl) phthalate

Toluene
Trichloroethylene
Lead
Chromium

An additional toxic pollutant, antimony, is excluded from regulation in the CRT subcategory under Paragraph 8(a)(iii), because it was found in amounts too small to be effectively treated.

For the reasons stated above, EPA is adding new subparts C and D to Part 469 of 40 CFR, Chapter I and amending the table of contents to read as follows:

PART 469—ELECTRICAL AND ELECTRONIC COMPONENTS POINT SOURCE CATEGORY

Subpart C—Cathode Ray Tube Subcategory

- Sec.
469.30 Applicability.
469.31 Specialized definitions.
469.32 Monitoring requirements.
469.34 Pretreatment standards for existing sources (PSES).
469.35 New source performance standards (NSPS).
469.36 Pretreatment standards for new sources (PSNS).

Subpart D—Luminescent Materials Subcategory

- 469.40 Applicability.
469.41 Specialized definitions.
469.42 New source performance standards (NSPS).
469.43 Pretreatment standards for new sources (PSNS).

Authority: Secs. 301, 304, 306, 307, 308, 309, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361; 86 Stat. 818, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217).

Subpart C—Cathode Ray Tube Subcategory

§ 469.30 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of cathode ray tubes.

(b) The compliance deadline for PSES shall be no later than July 14, 1987.

§ 469.31 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "cathode ray tubes" means electronic devices in which electrons focus through a vacuum to generate a controlled image on a luminescent surface. This definition does not include receiving and transmitting tubes.

(b) The term "total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

- 1,1,1
chloroform
trichloroethane
methylene chloride
bis (2-ethylhexyl) phthalate
toluene
trichloroethylene

§ 469.32 Monitoring requirements.

The certification alternative to monitoring for TTO specified in 469.13 (a), (b), (c) and (d), is applicable to this subpart.

§ 469.34 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
TTO ¹	1.58	
Cadmium	0.06	0.03
Chromium	0.65	0.30
Lead	1.12	0.41
Zinc	1.38	0.56
Fluoride	35.0	18.0

¹ Total toxic organics.

§ 469.35 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
pH	(1)	(1)
TTO ¹	1.58	
Cadmium	0.06	0.03
Chromium	0.56	0.26
Lead	0.72	0.27
Zinc	0.80	0.33
Fluoride	35.0	18.0
TSS	46.0	24.0

¹ Total toxic organics.

² Within the range of 6.0 to 9.0.

§ 469.36 Pretreatment standards for new source (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a

publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
TTO ¹	1.58	
Cadmium	0.06	0.03
Chromium	0.56	0.26
Lead	0.72	0.27
Zinc	0.80	0.33
Fluoride	35.0	18.0

¹ Total toxic organics.

Subpart D—Luminescent Materials Subcategory

§ 469.40 Applicability.

The provisions of this subpart are applicable to discharges resulting from the manufacture of luminescent materials.

§ 469.41 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "luminescent materials" shall mean materials that emit light upon excitation by such energy sources as photons, electrons, applied voltage, chemical reactions or mechanical energy and which are specifically used as coatings in fluorescent lamps and cathode ray tubes. Luminescent materials include, but are not limited to, calcium halophosphate, yttrium oxide, zinc sulfide, and zinc-cadmium sulfide.

§ 469.42 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
pH	(1)	(1)
Cadmium	0.55	0.26
Antimony	0.10	0.04
Zinc	1.64	0.67
Fluoride	35.0	18.0
TSS	60.0	31.0

¹ Within the range of 6.0 to 9.0.

§ 469.43 Pretreatment standards for new sources (PSNS).

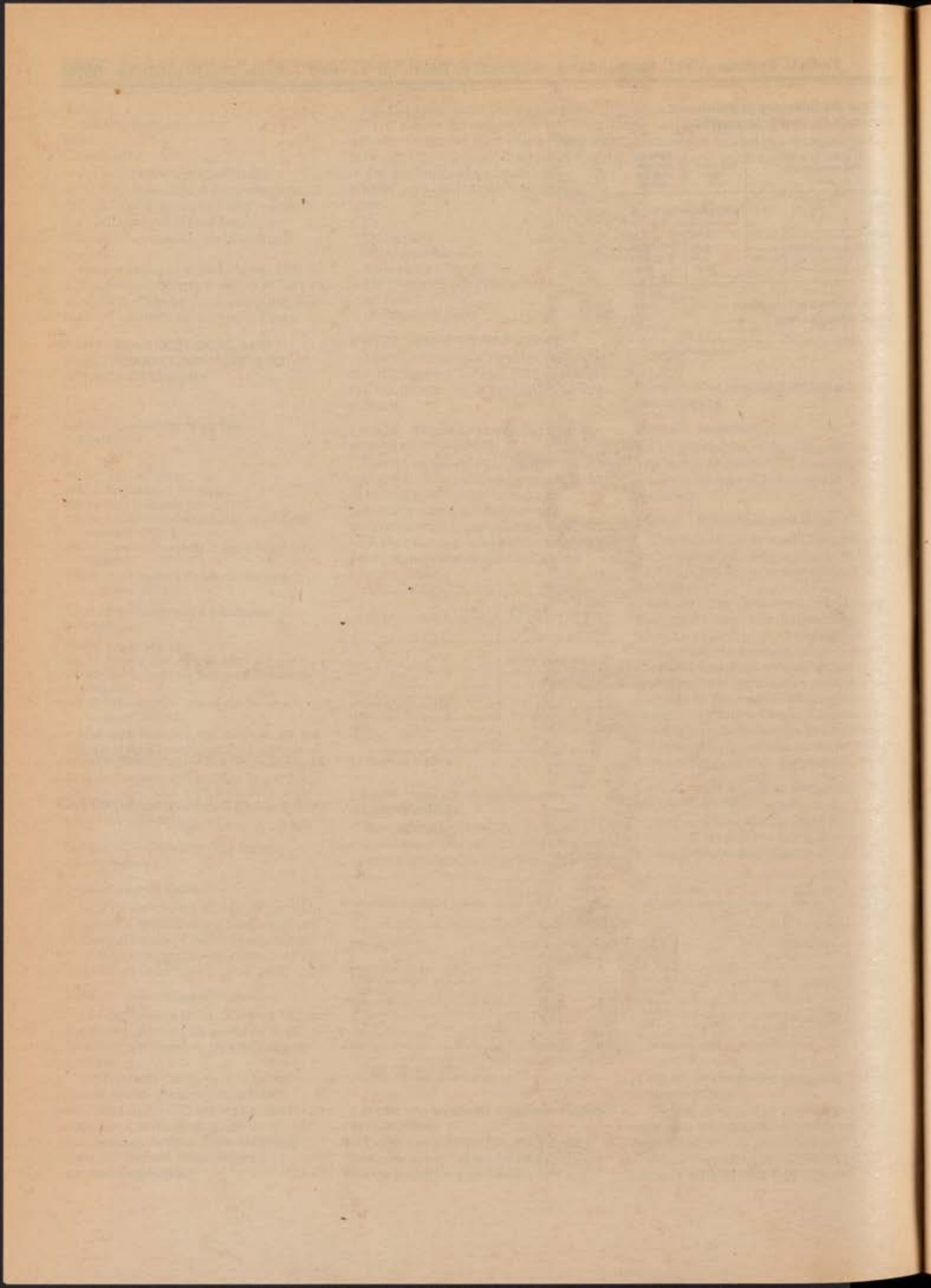
Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and

achieve the following pretreatment standards for new sources (PSNS):

Pollutant property	For any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium.....	0.55	0.25
Antimony.....	0.10	0.04
Zinc.....	1.64	0.67
Fluoride.....	35.0	18.0

[FR Doc. 83-33168 Filed 12-13-83; 8:45 am]

BILLING CODE 5560-50-M



federal register

Wednesday
December 14, 1983

Part V

Department of Energy

Federal Energy Regulatory Commission

**Determinations by Jurisdictional Agencies
Under Natural Gas Policy Act**

DEPARTMENT OF ENERGY
Federal Energy Regulatory
Commission

[Volume No. 1018]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: December 8, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
 102-2: New well (2.5 Mile rule)
 102-3: New well (1000 Ft rule)
 102-4: New onshore reservoir
 102-5: New reservoir on old OCS lease
 Section 107-DP: 15,000 feet or deeper
 107-GB: Geopressured brine
 107-CS: Coal Seams
 107-DV: Devonian Shale
 107-PE: Production enhancement
 107-TF: New tight formation
 107-RT: Recombination tight formation
 Section 108: Stripper well
 108-SA: Seasonally affected
 108-ER: Enhanced recovery
 108-PB: Pressure buildup

Kenneth F. Plumb,
 Secretary.

NOTICE OF DETERMINATIONS
ISSUED DECEMBER 8, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								

-UNION TEXAS PETROLEUM								
8406812	83-1395	1706120273	107-TF	RECEIVED: 11/15/83	JA: LA			
8406813	82-3439	1706120216	107-TF	DOUHLING 20#1-D UCV RA SUN				
				DOUHLING 21 #1	TERRYVILLE	730.0	SUGAR BOWL GAS CO	

MICHIGAN DEPARTMENT OF NATURAL RESOURCES								

-KEP RESOURCES								
8406816		2105535155	102-4	RECEIVED: 11/14/83	JA: MI			
				PRESTON TRUST 1-10	MAYFIELD 10 C	91.0	CONSUMERS POWER C	

MISSISSIPPI OIL & GAS BOARD								

-GULF OIL CORPORATION								
8406815	53-83-11	2307320236	102-4	RECEIVED: 11/10/83	JA: MS			
				J M ANDREW #68	BAXTERVILLE	20.0	UNITED GAS PIPE L	

MONTANA BOARD OF OIL & GAS CONSERVATION								

-BWAH INC								
8406819	7-83-105	2508321415	102-2	RECEIVED: 11/10/83	JA: MT			
				NEVINS #8-11X	RED WATER	150.0	PHILLIPS PETROLEU	

-ENSERCH EXPLORATION INC								
8406810	5-83-73A	2509121494	102-2	RECEIVED: 11/09/83	JA: MT			
8406811	5-83-74A	2509121494	103	AASHEIM-CLARK #1-13	WILDCAT	0.0	PHILLIPS PETROLEU	
				AASHEIM-CLARK #1-13	WILDCAT	0.0	PHILLIPS PETROLEU	

-TEXACO INC								
8406817	7-83-108	2510121979	108	RECEIVED: 11/10/83	JA: MT			
8406818	7-83-107	2510121980	108	J W ROGERS #1	KEVIN-SUNBURST	13.0	MONTANA POWER CO	
				POTLATCH O & REF. MCT-1 WELL #2	KEVIN-SUNBURST	13.0	MONTANA POWER CO	

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								

-BEREA OIL AND GAS CORPORATION								
8406839	5732	3101315536	103	RECEIVED: 11/14/83	JA: NY			
8406828	5712	3101318449	107-TF	107-TF BARTON UNIT #1	WILDCAT	12.0		
				JORDON UNIT #1	WILDCAT	12.0	COLUMBIA GAS TRAN	

-CHAUTAUQUA ENERGY INC								
8406826	5715	3101318430	103	RECEIVED: 11/14/83	JA: NY			
8406827	5716	3101318430	103	107-TF CROSSCUT #2	SHERMAN	10.0	COLUMBIA GAS TRAN	
				107-TF M CRANDALL #1	SHERMAN	5.0	COLUMBIA GAS TRAN	

-EYE PETROLEUM ASSOCIATES								
8406830	5718	3102918464	103	RECEIVED: 11/14/83	JA: NY			
8406831	5719	3102918463	103	107-TF PEPPER #1	LAKE SHORE	0.0	NATIONAL FUEL GAS	
				107-TF PEPPER #2	LAKE SHORE	0.0	NATIONAL FUEL GAS	

-PERRY GAS COMPANIES INC								
8406829	5720	3112117036	107-TF	RECEIVED: 11/14/83	JA: NY			
				QUEPPENGIESER #1		0.0	COLUMBIA GAS TRAN	

-PHELPS DODGE FUEL DEVELOPMENT CORP								
8406838	5734	3102915763	107-TF	RECEIVED: 11/14/83	JA: NY			
8406834	5738	3102917808	107-TF	ROTH #1	18 MILE CREEK	42.0	NATIONAL FUEL GAS	
8406832	5740	3102916261	107-TF	DELLA PENTA #1	18 MILE CREEK	35.0	NATIONAL FUEL GAS	
8406836		3102915530	107-TF	KOZAK #1	18 MILE CREEK	45.0	NATIONAL FUEL GAS	
				MAY #1	18 MILE CREEK	21.0	NATIONAL FUEL GAS	
8406833	5739	3102915760	107-TF	PARYSEK #1	18 MILE CREEK	44.0	NATIONAL FUEL GAS	
8406835	5737	3102916365	107-TF	SION #1	18 MILE CREEK	60.0	NATIONAL FUEL GAS	
8406837	5735	3102916235	107-TF	STAND #1	18 MILE CREEK	44.0	NATIONAL FUEL GAS	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
-SUBSEA OIL & GAS INC			RECEIVED: 11/14/83 JA: NY			
8406840	5730	3103717441	103 107-TF DEMBELWSKI #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
-TROY ENERGY EASTERN INC			RECEIVED: 11/14/83 JA: NY			
8406824	5745	3102912916	103 MANN #1	SOUTH SHORE	13.7	NATIONAL FUEL GAS
-TROY PIPE AND SUPPLY CO INC			RECEIVED: 11/14/83 JA: NY			
8406825	5746	3101311651	103 HANN #2	PORTLAND	1.0	NATIONAL FUEL GAS

OHIO DEPARTMENT OF NATURAL RESOURCES						

-A & R COMPANY			RECEIVED: 11/09/83 JA: OH			
8406640		3416727381	103 RALPH CARSON #2 OH-51-3802	NEW MATAMORAS	20.0	
-ATLAS ENERGY GROUP INC			RECEIVED: 11/09/83 JA: OH			
8406620		3409920771	103 ANDERSON #2		0.0	GENERAL MOTORS CO
8406625		3415520171	103 BRAINARD MCALLISTER #2		0.0	COPPERHELD STEEL
8406624		3415520066	103 BRAINARD MCALLISTER #3		0.0	COPPERHELD STEEL
8406628		3415520287	103 BRAINARD MCALLISTER #4		0.0	COPPERHELD STEEL
8406631		3415520330	103 BRAINARD MCALLISTER #6		0.0	COPPERHELD STEEL
8406634		3415520413	103 BROZMAN #1		0.0	COPPERHELD STEEL
8406621		3415520050	103 E BRAINARD MCALLISTER #1		0.0	COPPERHELD STEEL
8406637		3415521234	103 ELLIS JAMES #1		0.0	COPPERHELD STEEL
8406632		3415520274	103 HOVSACK #1		0.0	COPPERHELD STEEL
8406626		3415520200	103 JEND #1		0.0	COPPERHELD STEEL
8406630		3415520320	103 JEND #2		0.0	COPPERHELD STEEL
8406629		3415520297	103 JEND #3		0.0	COPPERHELD STEEL
8406622		3415520051	103 M W BRAINARD #1		0.0	COPPERHELD STEEL
8406635		3415520436	103 PETRICK #1		0.0	GENERAL MOTORS CO
8406627		3415520053	103 RAY-OLDS #1		0.0	COPPERHELD STEEL
8406623		3415520053	103 S W BRAINARD #2		0.0	COPPERHELD STEEL
8406636		3415520474	103 SIMYON #1		0.0	COLUMBIA GAS TRAN
8406633		3415520385	103 STONERS #1		0.0	COPPERHELD STEEL
-BERMAN J SHAFER			RECEIVED: 11/09/83 JA: OH			
8406638		3403521206	107-TF BOYAS EXCAVATING #2	INDEPENDENCE	1.2	EAST OHIO GAS CO
8406639		3415321494	107-TF BRAYURA ENT UNIT #1	RICHFIELD	1.2	EAST OHIO GAS CO
-BRADEN DEVELOPMENT COMPANY			RECEIVED: 11/09/83 JA: OH			
8406640		3416722714	103 CALLIHAN #1		7.7	RIVER GAS CO
-CLARENCE SHERMAN			RECEIVED: 11/09/83 JA: OH			
8406641		3407524066	103 107-TF MOSES J RABER #1	CLARK	1825.0	EAST OHIO GAS CO
-CLINTON OIL CO			RECEIVED: 11/09/83 JA: OH			
8406739		3400722263	107-TF MARY MCGOTHIGAN #1-667	NEW LYME	10.0	
-DEER CREEK INC			RECEIVED: 11/09/83 JA: OH			
8406643		3411926720	103 MATHEUS #2	MONROE	15.0	
-DOME PRODUCING			RECEIVED: 11/09/83 JA: OH			
8406645		3409321229	107-TF COLUMBIA GAME CLUB #2	COLUMBIA	36.0	COLUMBIA GAS TRAN
8406644		3405520507	107-TF KAY DEVELOPMENT #2 (BAINBRIDGE)	BAINBRIDGE	32.0	P O I ENERGY INC
-EAST OHIO GAS CO			RECEIVED: 11/09/83 JA: OH			
8406740		3415120176	103 BECHER WM ETAL #3		6.8	EAST OHIO GAS CO
8406744		3415721047	103 CROSS CREEK COAL CO A-2		9.2	EAST OHIO GAS CO
8406747		3415721049	103 CROSS CREEK COAL CO B #1		7.6	EAST OHIO GAS CO
8406743		3415721048	103 CROSS CREEK COAL CO C #1		6.1	EAST OHIO GAS CO
8406742		3415100343	103 FAWCETT R R #1		9.4	EAST OHIO GAS CO
8406741		3415120213	103 PARK M W #1		1.8	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC			RECEIVED: 11/09/83 JA: OH			
8406646		3403124857	103 EIZENSMIT ED-LA	HARSAW	13.0	
-ENERGY DEVELOPMENT CORP			RECEIVED: 11/09/83 JA: OH			
8406648		3405520165	107-TF HARDOUSH #1	PARKMAN	19.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP			RECEIVED: 11/09/83 JA: OH			
8406650		3411523194	103 107-TF KUNTZ #1	BRISTOL	13.2	
8406649		3411523179	103 107-TF KUNTZ #2	BRISTOL	18.2	
-ENVIROGAS INC			RECEIVED: 11/09/83 JA: OH			
8406651		3400922851	103 107-TF PEARBODY COAL #12D	DOVER	10.2	
-FRANK A CSAPO JR			RECEIVED: 11/09/83 JA: OH			
8406654		3410323439	103 107-TF ALVIN H & LAVA BRAUN	QUILFORD	20.0	COLUMBIA GAS TRAN
8406656		3410323447	103 107-TF CHARLES & OPAL GEORGE #2	WESTFIELD	20.0	COLUMBIA GAS TRAN
8406657		3410323511	103 107-TF CRECO #1	WESTFIELD	25.0	COLUMBIA GAS TRAN
8406655		3410323443	103 107-TF DENVER & BONNIE CONLEY #1	QUILFORD	20.0	COLUMBIA GAS TRAN
8406653		3410323438	103 107-TF MARY RUPP #1	QUILFORD	20.0	COLUMBIA GAS TRAN
8406658		3416923560	103 107-TF MICHAEL & NORENE MILLER #2	MILTON	20.0	COLUMBIA GAS TRAN
8406652		3410323376	103 107-TF WILLIAM STARKEY #1	QUILFORD	20.0	COLUMBIA GAS TRAN
-GENERAL ELECTRIC CO			RECEIVED: 11/09/83 JA: OH			
8406659		3400722277	103 107-TF KASSEY #4	COLBROOK	20.0	EAST OHIO GAS CO
8406660		3400722278	103 107-TF YUNASZ #2	COLBROOK	20.0	EAST OHIO GAS CO
-GEO ENERGY INC			RECEIVED: 11/09/83 JA: OH			
8406661		3411926714	107-TF FRUEH-PIDCOCK-HOLDCROFT #21-10	SALEM	36.0	EAST OHIO GAS CO
-GILBERT EADE			RECEIVED: 11/09/83 JA: OH			
8406662		3405520603	107-TF WEARS #2	ADDISON	30.0	COLUMBIA GAS TRAN
-GLACIER ENERGY CORP			RECEIVED: 11/09/83 JA: OH			
8406663		3410522171	107-TF HOWARD #1	RUTLAND	25.0	COLUMBIA GAS TRAN
8406664		3410522264	107-TF PAULINE ATKINS #1	SCIPLO	0.0	COLUMBIA GAS TRAN
-HAFFIELD JOHN J			RECEIVED: 11/09/83 JA: OH			
8406671		3416923588	103 107-TF DOUGLASS & WEYGANDT INC #1	BAUDINMAN	11.0	
8406670		3410323437	103 107-TF HART #1	MONTVILLE	11.0	
-INDUSTRIAL NATURAL GAS CORP			RECEIVED: 11/09/83 JA: OH			
8406665		3404122312	103 PIPER 1-6	MARLEN	365.0	COLUMBIA GAS OF O
-IRVIN PRODUCING COMPANY			RECEIVED: 11/09/83 JA: OH			
8406666		3412726027	103 THOMAS ERVIN #3	MONROE	10.0	COLUMBIA GAS TRAN
-J D B INC			RECEIVED: 11/09/83 JA: OH			
8406667		3416727501	103 KRIS-MAR #5	WARREN	4.0	RIVER GAS CO
-JERRY MOORE INC			RECEIVED: 11/09/83 JA: OH			
8406669		3415723879	107-TF CLIFFORD MIZER #6235	BAKERSVILLE	2.0	COLUMBIA GAS TRAN
8406668		3415723878	107-TF MARGARET DRYDEN #6219	BAKERSVILLE	2.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC			RECEIVED: 11/09/83 JA: OH			
8406672		3415321268	103 107-TF SZARAZ #1	HUDSON	50.0	
-KEN-TRAK VI			RECEIVED: 11/09/83 JA: OH			
8406673		3410522533	107-TF JOHN D LIGHTFOOT #5	LONER MISSISSIPPIAN	0.0	
-KENOIL			RECEIVED: 11/09/83 JA: OH			
8406675		3416923589	107-TF RITTENHOUSE #1	PLAIN	1.0	COLUMBIA GAS TRAN
-KINGSLY ENTERPRISES INC			RECEIVED: 11/09/83 JA: OH			
8406676		3415521617	103 107-TF HORVAT #12	BLOOMFIELD	40.0	
-LAKE REGION OIL INC			RECEIVED: 11/09/83 JA: OH			
8406679		3407524094	103 107-TF ALBERT YODER #2	BERLIN	10.0	COLUMBIA GAS TRAN
8406678		3407524089	103 107-TF ANDY A YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8406677		3407524088	103 107-TF NEAL YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
-LANDMARK PETROLEUM MANAGEMENT CO			RECEIVED: 11/09/83 JA: OH			
8406680		3416727325	107-TF ROBINSON #1	GRANDVIEW	120.0	RIVER GAS CO

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LIBERTY OIL & GAS CORP	8406681	3400922709	103	RECEIVED: 11/09/83	JAI OH			
-LUCKEY STRIKE DRILLING	8406682	3416320486	103	RECEIVED: 11/09/83	JAI OH	GRANDVIEW	18.0	COLUMBIA GAS TRAN
-MCDONALD DALE E	8406683	3403125115	103	RECEIVED: 11/09/83	JAI OH	SIAM	3.5	
-NEW FRONTIER EXPLORATION INC	8406684	3415123856	103	RECEIVED: 11/09/83	JAI OH	PIKE	12.0	NATIONAL GAS & OI
-NORTHEASTERN ENERGY	8406685	3412123015	103	107-TF CHARLES OHAITIS #1		WASHINGTON	0.0	YANKEE RESOURCES
-OHIO PURE OIL CORP	8406686	3405923482	103	107-TF FRED KEITH #1		NOBLE	0.0	YANKEE RESOURCES
-ORION ENERGY CORP	8406687	3405923480	103	107-TF JOHN HURLEY #1		ADAMS	0.0	YANKEE RESOURCES
-OXFORD OIL CO	8406688	3413321232	103	107-TF PAUL EWING #3		LIBERTY	0.0	YANKEE RESOURCES
-PDI ENERGY INC	8406689	3413321232	103	RECEIVED: 11/09/83	JAI OH	EDINBURG	20.0	GENERAL ELECTRIC
-PRIMINEX INC	8406690	3407524097	103	RECEIVED: 11/09/83	JAI OH	WADSWORTH	20.0	EAST OHIO GAS CO
-QUAKER STATE OIL REFINING CORP	8406691	3407524084	103	D KICK #K-5		LAKEVILLE	500.0	PALMER ENERGY
-RELIANCE ENERGY	8406692	3407524093	103	D KICK #2-1		LAKEVILLE	500.0	PALMER ENERGY
-RESERVE EXPLORATION CO	8406693	3413321075	103	D KICK #2-2		LAKEVILLE	500.0	PALMER ENERGY
-RSC ENERGY CORP	8406694	3411122997	103	RECEIVED: 11/09/83	JAI OH	BRINFIELD	60.0	EAST OHIO GAS CO
-SHONGUM OIL & GAS CORP	8406695	3408924769	103	RECEIVED: 11/09/83	JAI OH	SUMMIT	9.0	
-SPARTA ENERGY CORP	8406696	3412725983	103	107-TF FRED ANDERSON #1		PERKY	10.0	
-STARK OILFIELD SERVICES INC	8406697	3408924781	103	JOHN SENARD #2		THORN	9.0	
-THE BEHATTY CORPORATION	8406698	3405520561	103	LESTER MOORE #1		BOWLING GREEN	10.0	
-THE CARTER JONES LUMBER CO	8406699	3400722245	103	ROY LEAHAN UNIT #1		BAINBRIDGE	45.0	
-TOMBULL RESOURCES	8406700	3400721682	103	RECEIVED: 11/09/83	JAI OH	WAYNE	32.0	
-VICTOR MCKENZIE	8406701	3405520445	103	107-TF DABRONSKI UNIT #1		WAYNE	35.0	
-VICTOR MCKENZIE DRILLING CO INC	8406702	3405520506	103	107-TF FLINNER #1		BAINBRIDGE	32.0	
-WITCO CHEMICAL CORP	8406703	3405520504	103	107-TF GRUSKIEWICZ #1		BAINBRIDGE	45.0	
-WYOMING OIL & GAS CORP	8406704	3400722067	103	107-TF HSR INVESTMENTS #CG-1		BAINBRIDGE	42.0	
-YANKEE RESOURCES	8406705	3400722312	103	107-TF KNOPF #1		ROSE	32.0	
-ZACHRY OIL & GAS CORP	8406706	3400722312	103	107-TF R KATPF #CG-2		WILLIAMSFIELD	30.0	
-ZACHRY OIL & GAS CORP	8406707	3400722312	103	107-TF WYSOCKI #1		BOARDMAN	18.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406708	3409921553	103	RECEIVED: 11/09/83	JAI OH	BOARDMAN	10.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406709	3409921529	103	107-TF FLOWERS UNIT #1		BEAVER	18.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406710	3409921537	103	107-TF HENRY #1		BEAVER	18.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406711	3409921615	103	107-TF MAHONING DUCK CLUB #1		BEAVER	18.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406712	3409921615	103	107-TF PRIMAVERA #1		BEAVER	18.0	YANKEE RESOURCES
-ZACHRY OIL & GAS CORP	8406713	3403124620	103	RECEIVED: 11/09/83	JAI OH	SPRING MOUNTAIN	5.0	
-ZACHRY OIL & GAS CORP	8406714	3416727532	103	FLOYD SHELTON #2		SALEM	7.3	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406715	3407322010	103	RECEIVED: 11/09/83	JAI OH	HARD	5.5	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406716	3407322011	103	J ROFF #1		HARD	5.5	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406717	3407322011	103	107-TF SUNDAY CREEK COAL CO #65		HARD	5.5	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406718	3407322011	103	107-TF SUNDAY CREEK COAL CO #69		HARD	5.5	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406719	3409921559	103	RECEIVED: 11/09/83	JAI OH	SMITH	45.0	AMERICAN STEEL FO
-ZACHRY OIL & GAS CORP	8406720	3415123888	103	107-TF AGNEW-HAKIN UNIT #1		LEXINGTON	40.0	COLUMBIA GAS OF O
-ZACHRY OIL & GAS CORP	8406721	3415123888	103	JOHN IVAN #1		GRANEX	20.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406722	3410323264	103	RECEIVED: 11/09/83	JAI OH	HARRISON	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406723	3408323344	103	107-TF ALBER-CODDING #5		HARRISON	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406724	3408323344	103	RECEIVED: 11/09/83	JAI OH	HARRISON	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406725	3408323344	103	LOUIS CLATTER #1A		HARRISON	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406726	3400922249	103	RECEIVED: 11/09/83	JAI OH	HARRISON	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406727	3400922241	103	BLOZAK #1		HARRISON	1.2	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406728	3411926641	103	SEEL #1		HARRISON	0.9	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406729	3411926641	103	RECEIVED: 11/09/83	JAI OH	HARRISON	0.9	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406730	3411926641	103	107-TF OHIO POWER COMPANY #1		DUNCAN FALLS/PHILO	12.0	NATIONAL GAS & OI
-ZACHRY OIL & GAS CORP	8406731	3411926641	103	RECEIVED: 11/09/83	JAI OH	DUNCAN FALLS/PHILO	12.0	NATIONAL GAS & OI
-ZACHRY OIL & GAS CORP	8406732	3411926641	103	107-TF CONSOLIDATION COAL - CR #52		WASHINGTON	14.0	REPUBLIC STEEL CO
-ZACHRY OIL & GAS CORP	8406733	3411926641	103	107-TF CONSOLIDATION COAL - CR #53		WASHINGTON	13.8	REPUBLIC STEEL CO
-ZACHRY OIL & GAS CORP	8406734	3411926641	103	107-TF CONSOLIDATION COAL - CR #54		MADISON	14.0	REPUBLIC STEEL CO
-ZACHRY OIL & GAS CORP	8406735	3411926641	103	107-TF CONSOLIDATION COAL CR #54		WASHINGTON	14.0	REPUBLIC STEEL CO
-ZACHRY OIL & GAS CORP	8406736	3403125040	103	RECEIVED: 11/09/83	JAI OH	WASHINGTON	14.0	REPUBLIC STEEL CO
-ZACHRY OIL & GAS CORP	8406737	3403125041	103	107-TF CROFT #2		MILLCREEK	25.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406738	3403125041	103	107-TF PERRY #1		MILLCREEK	38.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406739	3407524074	103	107-TF YODER #2		MECHANIC	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406740	3412122962	103	RECEIVED: 11/09/83	JAI OH	MECHANIC	0.0	COLUMBIA GAS TRAN
-ZACHRY OIL & GAS CORP	8406741	3412122962	103	107-DW TOMCHO #2		NOBLE	12.0	
-ZACHRY OIL & GAS CORP	8406742	3400721726	103	RECEIVED: 11/09/83	JAI OH	NOBLE	12.0	
-ZACHRY OIL & GAS CORP	8406743	3400721726	103	107-TF CANAVERAL RESOURCES #1		DENMARK	15.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406744	3400721726	103	107-TF CANAVERAL RESOURCES #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406745	3400721757	103	107-TF CANAVERAL STAMISH #1		DENMARK	15.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406746	3400721758	103	107-TF CANAVERAL STAMISH #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406747	3400721758	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406748	3400722306	103	107-TF A LOVEY #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406749	3400722303	103	107-TF D D DIETRICH		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406750	3415723524	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406751	3415723525	103	107-TF SHERRARD UNIT #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406752	3415723525	103	107-TF SHERRARD UNIT #3		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406753	3415723525	103	107-TF SHERRARD UNIT #4		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406754	3415723527	103	107-TF VOGEL UNIT #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406755	3415723528	103	107-TF VOGEL UNIT #3		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406756	3415723528	103	107-TF VOGEL UNIT #3		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406757	3415723528	103	107-TF WAYNE SPECHT UNIT #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406758	3412123010	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406759	3411523228	103	107-TF L BORDER #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406760	3408922722	103	107-TF L BRUNS #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406761	3411523231	103	107-TF MAXWELL #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406762	3411523231	103	107-TF OHIO POWER #5		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406763	3415521596	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406764	3410323398	103	107-TF DEL PROPERTIES #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406765	3410323398	103	107-TF WAYNE VANCE #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406766	3416923533	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406767	3416923533	103	107-TF SWAINHART #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406768	3415522388	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406769	3415522388	103	107-TF SQUAM CREEK #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406770	3412725991	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406771	3412725991	103	107-TF MAX DILTS #1 ETAL		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406772	3412726005	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406773	3412726005	103	RAYMOND KING #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406774	3416923613	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406775	3416923613	103	STEPHENS UNIT #1		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406776	3410323488	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406777	3410323488	103	107-TF MOSS-LEWIS-HARRIS UNIT #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406778	3408924444	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406779	3408924444	103	A SCHUHART #3		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406780	3408924444	103	C LECKRONE #1-A		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406781	3412725766	103	C WELCH #1-A		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406782	3412725627	103	J M PURVIS #1-A		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406783	3408924444	103	L & M HICKEY #2		DENMARK	20.0	OHIO GAS CO
-ZACHRY OIL & GAS CORP	8406784	3408924444	103	RECEIVED: 11/09/83	JAI OH	DENMARK	20.0	OHIO GAS CO

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406757		3407322681	103		L HARRIS #1	FALLS CREEK	1.7	
8406761		3408924583	103		M RUBACK #4	MADISON	1.7	
8406768		3408924582	103		P BAUGHMAN #1-A	PERRY	1.7	BOWERSTON SHALE C
8406763		3412725765	103		R KERR #1-A	JACKSON	1.7	
-ZENTH OIL & GAS INC			RECEIVED:	11/69/83	JA: OH			
8406765		3411926583	103		MOHLER UNIT #1	NASHPORT EAST	2.0	NATIONAL GAS & OI
***** OKLAHOMA CORPORATION COMMISSION *****								
-HARPER OIL COMPANY			RECEIVED:	02/26/80	JA: OK			
8059227 01695		3507320359	108		EVA #1	SOONER TREND	12.0	PHILLIPS PETROLEU
***** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES *****								
-ASHOLA PRODUCTION CO			RECEIVED:	11/14/83	JA: PA			
8406770 18464		3712821877	108		GEORGE PAVICK #2	GREENSBURG	0.0	INDUSTRIAL ENERGY
-SEREA OIL AND GAS CORPORATION			RECEIVED:	11/14/83	JA: PA			
8406779 21018		3704922683	102-2		P CHLEBA #1	MILDCAT	15.0	
8406780 21019		3704922683	107-TF		P CHLEBA #1	MILDCAT	15.0	
-CNG DEVELOPMENT CO			RECEIVED:	11/14/83	JA: PA			
8406793 21224		3703321584	103		WOODROW DUNLAP CHGD #82	BURNSIDE TOWNSHIP	51.0	
-DELTA DRILLING CO			RECEIVED:	11/14/83	JA: PA			
8406801 21238		3706327442	103		CRAIG-GREENE UNIT #1 IND-27442	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406802 21239		3706327492	102-4		CRAIG-GREENE UNIT #1 IND-27442	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406800 21236		3706327422	103		JOSEPH CERNICK #1 IND-27442	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406803 21240		3706327580	103		TOMBS-WATSON UNIT #1 IND-27580	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406804 21241		3706327580	102-4		TOMBS-WATSON UNIT #1 IND-27580	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406798 21232		3706327181	102-4		WILLIAMS-CLEVENGER UNIT #1	CHEERYHILL	0.0	COLUMBIA GAS TRAN
8406799 21233		3706327181	103		WILLIAMS-CLEVENGER UNIT #1	CHEERYHILL	0.0	COLUMBIA GAS TRAN
-DOC-HCC SERVICE CO			RECEIVED:	11/14/83	JA: PA			
8406772 18991		3712921955	108		BARTHALOMEW M TULLIO 892-1	EAST HUNTINGDON	23.9	TEXAS EASTERN TRA
8406776 19792		3712921836	108		J HAZY 415-1	EAST HUNTINGDON	19.7	TEXAS EASTERN TRA
8406774 18995		3712921837	108		J J KOLAR 1K-0-1	EAST HUNTINGDON	15.6	TEXAS EASTERN TRA
8406773 18994		3712921918	108		PARK 5 STONER ESTATE 1522-1	EAST HUNTINGDON	13.3	TEXAS EASTERN TRA
8406771 18989		3712921800	108		V D & W E STILLMAN 768-1	EAST HUNTINGDON	16.1	TEXAS EASTERN TRA
-DOKAN & ASSOCIATES INC			RECEIVED:	11/14/83	JA: PA			
8406796 21229		3703321615	102-2		JOHN FRY JR (LEAMER) #1 KA-177	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8406797 21230		3703321630	103		JOHNSTON & KNARR #1 KA-179	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
-EARL M RICHARDS			RECEIVED:	11/14/83	JA: PA			
8406782 21023		3700522815	107-PE		MACK ALTMIRE #1	GERTY	0.0	PEOPLES NATURAL G
8406767 11642		3712900000	108		SHELLHAMMER #1	VANDERGRIFT	0.0	APOLLO GAS CO
8406768 11643		3712900000	108		SHELLHAMMER #2	VANDERGRIFT	0.0	APOLLO GAS CO
8406769 11644		3712900000	108		SHELLHAMMER #3	VANDERGRIFT	0.0	APOLLO GAS CO
-FAIRMAR DRILLING CO			RECEIVED:	11/14/83	JA: PA			
8406809 21345		3706327525	103		FAIRMAR DRILLING CO #2 F-3756	MARCHAND	21.0	CONSOLIDATED GAS
8406783 21025		3706327543	103		OTTO DEITMAN #1 F-3752	JUNEAU	21.0	CONSOLIDATED GAS
8406807 21262		3706322822	103		THOMAS L LOVELACE #3 F-3777	BIG RUN	21.0	CONSOLIDATED GAS
-GOE PRO INC			RECEIVED:	11/14/83	JA: PA			
8406785 21139		3704922360	103		G E LOOMIS 1416	G E LOOMIS	46.3	NATIONAL FUEL GAS
8406786 21140		3704922360	107-TF		G E LOOMIS 1416	G E LOOMIS	46.3	NATIONAL FUEL GAS
-HANLEY & BIRD			RECEIVED:	11/14/83	JA: PA			
8406806 21252		3706522803	103		DANIEL MILLER #1 5N1722	BIG RUN POOL	14.6	T W PHILLIPS GAS
-J & J ENTERPRISES INC			RECEIVED:	11/14/83	JA: PA			
8406784 21050		3706327459	103		SAMUEL B MURPHY #2 (55A)	MONTGOMERY	0.0	CONSOLIDATED GAS
-NEA CROSS CO			RECEIVED:	11/14/83	JA: PA			
8406787 21160		3704923812	102-2		LOHALL SALMON #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8406788 21161		3704923812	107-TF		LOHALL SALMON #1	LE BOEUF	10.0	COLUMBIA GAS TRAN
8406789 21162		3704922682	102-2		PAUL & RUBY BENSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8406790 21163		3704922682	107-TF		PAUL & RUBY BENSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8406791 21164		3704922658	102-2		ROBERT & IMOGENE HARRISON #3	LE BOEUF	10.0	NATIONAL FUEL GAS
8406792 21167		3704922658	107-TF		ROBERT & IMOGENE HARRISON #3	LE BOEUF	10.0	NATIONAL FUEL GAS
-PETROLEUM PIPE & SUPPLY CO INC			RECEIVED:	11/14/83	JA: PA			
8406775 19590		3706327073	108		ARTHUR J HALL #1	SOUTH MAHONING	14.0	T W PHILLIPS GAS
-PIONEER WESTERN ENERGY CORP			RECEIVED:	11/14/83	JA: PA			
8406777 19882		3712922143	103		VERNA M LONG	HEMPHILL	25.0	
-S T JOINT VENTURE 82-D			RECEIVED:	11/14/83	JA: PA			
8406805 21244		3703321526	103		THOMAS #2	PENN	25.0	CONSOLIDATED GAS
-SNYDER BROTHERS INC			RECEIVED:	11/14/83	JA: PA			
8406808 21263		3706522825	103		G E BURKETT #1-104AC	OLIVER TWP	10.0	APOLLO GAS CO
-VAR-GAS EXPLORATION INC			RECEIVED:	11/14/83	JA: PA			
8406778 20976		3706327407	103		WILLIAM R SHITH #1	WHITE	0.0	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO			RECEIVED:	11/14/83	JA: PA			
8406781 21020		3706327045	103		MUMAU #4 IND-27045	GRANT	34.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO			RECEIVED:	11/14/83	JA: PA			
8406794 21225		3704922984	102-2		LOESEL #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
8406795 21226		3704922984	107-TF		LOESEL #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
***** WYOMING OIL & GAS CONSERVATION COMMISSION *****								
-BAHKS OPERATING CO			RECEIVED:	11/14/83	JA: WY			
8406845 W596-2		4904521780	103		BAHKS FEDERAL #1-21	QUEST	60.0	PHILLIPS PETROLEU
***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER, CO *****								
-ARCO OIL AND GAS COMPANY			RECEIVED:	11/15/83	JA: CO 1			
8406820 CD-0184-83		0506706427	107-TF		SOUTHERN UTE 19-1 32-9 (TF)	IGNACIO BLANCO	296.0	WESTERN SLOPE GAS
-FUEL RESOURCES DEVELOPMENT CO			RECEIVED:	11/15/83	JA: CO 1			
8406821 CD-0182-83		0510308991	103		107-TF FEDERAL 18-15	CATHEDRAL	40.0	WESTERN SLOPE GAS
-NORRIS OIL CO			RECEIVED:	11/15/83	JA: CO 1			
8406823 CD-0146-83		0507708174	108		FEDERAL 25-1	SHIRE GULCH	0.0	ROCKY MOUNTAIN NA
-UNICOM PRODUCING CO			RECEIVED:	11/15/83	JA: CO 1			
8406822 CD-0149-83		0506700503	108		UTE #3	MESA VERDE	53.0	PEOPLES NATURAL G
***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES, CA *****								
-UNION OIL COMPANY OF CALIF			RECEIVED:	11/14/83	JA: CA 2			
8406814 OCS-P-21-83		0431120553	102-5		SANTA CLARA UNIT 5-23	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER, WY *****								
-AZTEC ENERGY CORP			RECEIVED:	11/14/83	JA: WY 5			
8406848 W-589-2		4904521457	102-4		FEDERAL #34-3	FINN	0.0	MGPC INC
8406846 W584-2		4904521805	102-4		FEDERAL O CONNELL #14-2	FINN	18.0	T W P C INC
8406847 W585-2		4904521535	102-4		FEDERAL O CONNELL #14-3	FINN	17.0	MGPC INC
8406849 W586-2		4904521803	102-4		FEDERAL O CONNELL #24-2	FINN	17.0	MGPC INC
8406850 W587-2		4904521458	102-4		FEDERAL O CONNELL #24-3	FINN	35.0	MGPC INC
8406851 W588-2		4904521804	102-4		FEDERAL O CONNELL #34-2	FINN	18.0	MGPC INC
8406844 W590-2		4904521536	102-4		FEDERAL O CONNELL #44-3	FINN	22.0	MGPC INC
-LEAR PETROLEUM EXPLORATION INC			RECEIVED:	11/14/83	JA: WY 5			
8406843 W608-2		4900921773	103		BECKY FEDERAL #1	SCOTT FIELD	0.0	PHILLIPS PETROLEU
8406842 W609-2		4900921794	103		BECKY FEDERAL #2	SCOTT FIELD	0.0	PHILLIPS PETROLEU
-WOODS PETROLEUM CORPORATION			RECEIVED:	11/14/83	JA: WY 5			
8406841 W611-2		4900526555	102-4		PINE TREE UNIT #20-47	PINE TREE	32.0	WESTERN GAS PROCE

[FR Doc. 83-33281 Filed 12-13-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume No. 1019]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 8, 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 Capital 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: Geopressed brine
 107-CS: Coal Seams
 107-DV: Devonian Shale
 107-PE: Production enhancement
 107-TF: New tight formation
 107-RT: Recompletion tight formation
 Section 108: Stripper well
 108-SA: Seasonally affected
 108-ER: Enhanced recovery
 108-PB: Pressure buildup

Kenneth F. Plumb,
 Secretary.

NOTICE OF DETERMINATIONS

ISSUED DECEMBER 8, 1983

JO NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASE
OHIO DEPARTMENT OF NATURAL RESOURCES								
8406852		3411523245	107-TF		RECEIVED: 11/14/83 JA: OH			
8406853		3409921629	107-TF		CLEMENS #3	DEERFIELD	2.0	
8406854		3415520131	107-TF		RECEIVED: 11/14/83 JA: OH	GOSHEN	15.0	
8406855		3415520131	108		BROWN POPULAR HOME #1			0.0 COPPERWELD STEEL
8406856		3415520131	103	107-TF	CHAMPION MANOR #2	CHAMPION		0.0 COPPERWELD STEEL
8406857		3415520131	108		LLENELLYN #1			0.0 COPPERWELD STEEL
8406858		3415520131	108		MCCOMB #1			0.0 COPPERWELD STEEL
8406859		3415520131	108		MORGAN-KAYS #1			0.0 COPPERWELD STEEL
8406860		3415520131	108		NUTT UNIT #1			0.0 COPPERWELD STEEL
8406861		3403125077	103	107-TF	RECEIVED: 11/14/83 JA: OH			
8406862		3407524058	103	107-TF	CARL H YODER #2	NEW BEDFORD	15.0	
8406863		3403125074	103	107-TF	CARL H YODER #3	NEW BEDFORD	15.0	
8406864		3403125074	103	107-TF	MOSES MILLER #2	CLARK	15.0	
8406865		3411523254	107-TF		RECEIVED: 11/14/83 JA: OH			
8406866		3410323493	103	107-TF	ALLEN-KING UNIT #1	MCCONNELLSVILLE	100.0	
8406867		3410323445	103	107-TF	LOVE UNIT #1			
8406868		3415321511	103	107-TF	M NAGY UNIT #3	GRANGER	15.0	
8406869		3416727549	103	107-TF	RECEIVED: 11/14/83 JA: OH	SHARON	10.0	
8406870		3416727530	103	107-TF	WHITMORE #1	RICHFIELD	1.2	EAST OHIO GAS CO
8406871		3415522371	103	107-TF	RECEIVED: 11/14/83 JA: OH	WARREN TOWNSHIP	75.0	RIVER GAS CO
8406872		3409321175	103	107-TF	KRIS-MAR #3	WARREN	3.6	RIVER GAS CO
8406873		3400722247	103	107-TF	RECEIVED: 11/14/83 JA: OH	CHAMPION	15.0	EAST OHIO GAS CO
8406874		3400722530	103	107-TF	JEFFERS #1	EATON	5.0	COLUMBIA GAS OF O
8406875		3400722520	103	107-TF	RECEIVED: 11/14/83 JA: OH	CHERRY VALLEY	18.0	
8406876		3400722311	103	107-TF	BROUGHTON #1	NEW LYME	18.0	
8406877		3400722680	103	107-TF	MARRISON UNIT #2	NEW LYME	17.0	
8406878		3400722270	103	107-TF	MARRISON UNIT WELL #3	NEW LYME	20.0	
8406879		3416320746	103	107-TF	MASCARIN WELL #1	NEW LYME	18.0	
8406880		3411926674	103	107-TF	MASCARIN WELL #3	NEW LYME	18.0	
8406881		3411926634	103	107-TF	RECEIVED: 11/14/83 JA: OH	JACKSON	18.2	COLUMBIA GAS TRAN
8406882		3400922869	103	107-TF	HAECKER #1	NEWTON	18.2	TEXAS EASTERN TRA
8406883		3415723752	103	107-TF	OHIO POWER #16	NEWTON	18.2	TEXAS EASTERN TRA
8406884			103	107-TF	OHIO POWER #19	DOVER	18.2	
8406885			103	107-TF	RECEIVED: 11/14/83 JA: OH	SALEM	8.0	
8406886			103	107-TF	PEABODY COAL #200			
8406887			103	107-TF	RECEIVED: 11/14/83 JA: OH			
8406888			103	107-TF	DONALD L MILLER #1			
8406889			103	107-TF	RECEIVED: 11/14/83 JA: OH			

BILLING CODE 6717-01-M

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406882		3410323519	103	107-TF	CRECO INC #2	WESTFIELD	28.0	COLUMBIA GAS TRAN	
8406883		3410323520	103	107-TF	DENVER & BONNIE CONLEY #2	WESTFIELD	28.0	COLUMBIA GAS TRAN	
8406885		3416923629	103	107-TF	HENRY & JEAN FERGUSON #1	MILTON	25.0	COLUMBIA GAS TRAN	
8406884		3416923559	103	107-TF	ROBERT & WANDA LEUZACHER #3	MILTON	20.0	COLUMBIA GAS TRAN	
-GASSEARCH INC				RECEIVED:	11/14/83	JA: OH			
8406886		3415321337	103	107-TF	GOLDEN LINKS #5	BOSTON	20.0	GAS TRANSPORT INC	
8406887		3415321467	103	107-TF	GOLDEN LINKS #6	NORTHFIELD CENTER	20.0	GAS TRANSPORT INC	
-GENERAL ELECTRIC CO				RECEIVED:	11/14/83	JA: OH			
8406888		3400722276	103	107-TF	CRO LAND CORP #1	COLEBROOK	20.0	EAST OHIO GAS CO	
8406889		3400722330	103	107-TF	FERRARO #1	COLEBROOK	20.0	EAST OHIO GAS CO	
-GWF CORP				RECEIVED:	11/14/83	JA: OH			
8406892		3400922501	107-TF	ARTHUR ADAMS #2	BERN	10.0	TEXAS EASTERN TRA		
8406890		3400922559	107-TF	BYRON JAMES #5	LODI	10.0	TEXAS EASTERN TPA		
8406891		3400922585	107-TF	HENRY PARSONS #2	ROME	10.0	TEXAS EASTERN TRA		
-HAHN OIL & GAS				RECEIVED:	11/14/83	JA: OH			
8406893		3415321498	107-TF	HAHN #1	NORTON	7.0	HAHN OIL & GAS CO		
-HARLEY DRILLING & PRODUCING				RECEIVED:	11/14/83	JA: OH			
8406894		3416923343	103	107-TF	ROBERT MARTY #1	CANAAN	50.0	COLUMBIA GAS TRAN	
-HICKMAN RICHARD W				RECEIVED:	11/14/83	JA: OH			
8406926		3408924714	103		HICKMAN NO 1B	FALLSBORO	2.0	NATIONAL GAS & OI	
-JAMES R BERNHARDT				RECEIVED:	11/14/83	JA: OH			
8406896		3410323360	103	107-TF	BUCKOM WELL #2	GRANDOR	16.0	COLUMBIA GAS TRAN	
8406895		3410323359	103	107-TF	FEESWELL #1	GRANDOR	14.0	COLUMBIA GAS TRAN	
8406897		3410323375	103	107-TF	HAUSMAN WELL #1	GRANDOR	14.0	COLUMBIA GAS TRAN	
8406898		3410323404	103	107-TF	JOHNSON WELL #1	GRANDOR	36.0	COLUMBIA GAS TRAN	
-LAKE REGION OIL INC				RECEIVED:	11/14/83	JA: OH			
8406901		3407524159	103	107-TF	ELI BEACHY	CLARK	10.0	YANKEE RESOURCES	
-LEACH JOSEPH L & BARBARA J				RECEIVED:	11/14/83	JA: OH			
8406899		3405320780	107-TF	LEACH #1	GALLIPOLIS	24.0	COLUMBIA GAS TRAN		
8406900		3405320845	107-TF	LEACH #2	GALLIPOLIS	22.5	COLUMBIA GAS TRAN		
-LEADER EQUITIES INC				RECEIVED:	11/14/83	JA: OH			
8406902		3411926748	103	107-TF	WATERS #5	MONROE	14.0		
-NATIONAL PRODUCTION CORPORATION				RECEIVED:	11/14/83	JA: OH			
8406903		3411926727	103	107-TF	DELMAN TYSINGER #1	BLUE ROCK	0.0	NATIONAL GAS & OI	
-NEIL R. WYNN				RECEIVED:	11/14/83	JA: OH			
8406905		3416727545	103		BURFIELD #5	PALMER	1.0	RIVER GAS CO	
8406904		3416727544	103		J LAMP #3	PALMER	2.0	RIVER GAS CO	
-NEW FRONTIER EXPLORATION INC				RECEIVED:	11/14/83	JA: OH			
8406907		3415723845	103	107-TF	EMANUEL MULLEY #1	MILL	0.0	YANKEE RESOURCES	
8406906		3411926681	103	107-TF	GAIL GREENHALD #1	HIGHLAND	0.0	YANKEE RESOURCES	
-OHIO PURE OIL CORP				RECEIVED:	11/14/83	JA: OH			
8406912		3407524098	103		D KICK #K-1	LAKEVILLE	500.0	PALMER ENERGY	
8406914		3407524100	103		D KICK #K-2	LAKEVILLE	500.0	PALMER ENERGY	
8406911		3407524096	103		D KICK #K-3	LAKEVILLE	500.0	PALMER ENERGY	
8406913		3407524099	103		D KICK #K-4	LAKEVILLE	500.0	PALMER ENERGY	
8406909		3407524091	103		D KICK #K-5	LAKEVILLE	500.0	PALMER ENERGY	
8406910		3407524092	103		D KICK #K-4	LAKEVILLE	500.0	PALMER ENERGY	
-ONEAL PETROLEUM INC				RECEIVED:	11/14/83	JA: OH			
8406908		3411523227	103	107-TF	MORRIS #5	CENTER	20.0	EAST OHIO GAS CO	
-OXFORD OIL CO				RECEIVED:	11/14/83	JA: OH			
8406938		3411926632	103	107-TF	CARL LONGSTRETH #2	SALT CREEK	10.0		
8406939		3412725957	103	107-TF	MARLIN KING #1	HARRISON	10.0		
-PERLEY CLAWSON #2				RECEIVED:	11/14/83	JA: OH			
8406937		3411523213	103	107-TF	PERLEY CLAWSON #2	DEERFIELD	8.0		
8406936		3403125078	103		ROBERT YOUNG #4	MONROE	10.0		
-PETRO DRILLING CORP				RECEIVED:	11/14/83	JA: OH			
8406916		3400722550	103		HAYSLETT #1	LENOX	0.4	EAST OHIO GAS CO	
-POI ENERGY INC				RECEIVED:	11/14/83	JA: OH			
8406918		3405520503	103	107-TF	KNOPF #4	BAINBRIDGE	48.0		
8406917		3400722289	103	107-TF	R KAMPF #C-3	ROME	35.0		
8406919		3405520555	103	107-TF	SEA WORLD ETAL BHG-12	BAINBRIDGE	46.0		
-PROGRESSIVE OIL & GAS INC				RECEIVED:	11/14/83	JA: OH			
8406920		3400922491	102-2	KENNETH & DIANE BROOKS #3	BROOKS FIELD	20.0	TENNESSEE GAS PIP		
-PURSIE E PIPES				RECEIVED:	11/14/83	JA: OH			
8406922		3413323108	107-TF	BROCKETT #1	RANDOLPH	10.0			
8406921		3413323107	107-TF	EBIE #1	RANDOLPH	10.0			
-QUAKER STATE OIL REFINING CORP				RECEIVED:	11/14/83	JA: OH			
8406923		3400922655	103	107-TF	C C CURTIS #4B	BERN	7.3	COLUMBIA GAS TRAN	
-RHINE OIL CO				RECEIVED:	11/14/83	JA: OH			
8406924		3403124931	103	107-TF	RHINE OIL #1	BETHLEHEM	12.0	COLUMBIA GAS TRAN	
8406925		3403124932	103	107-TF	RHINE OIL #2	BETHLEHEM	11.0	COLUMBIA GAS TRAN	
-STOCKERSTITLER INC				RECEIVED:	11/14/83	JA: OH			
8406928		3415722524	103		BEYERLE UNIT #1		18.0	EAST OHIO GAS CO	
8406930		3415722955	103		BEYERLE UNIT #2		15.0	EAST OHIO GAS CO	
8406927		3415722510	103		LIEBERTH UNIT #1		8.0	EAST OHIO GAS CO	
8406931		3415722959	103		NO 3 BEYERLE UNIT #3		15.0	EAST OHIO GAS CO	
8406929		3415722954	103		WINTERFIELD LEASE #1		16.5	EAST OHIO GAS CO	
-TEXACO INC				RECEIVED:	11/14/83	JA: OH			
8406933		3411523242	103	107-TF	MURRAY-GANNON UNIT #3	HACKNEY	58.9	TEXAS EASTERN TRA	
8406934		3411523243	103	107-TF	O SHERLOCK UNIT #2	HACKNEY POOL	53.4	TEXAS EASTERN TRA	
8406932		3411523241	103	107-TF	GRA J STOUT #2	HACKNEY POOL	68.4	TEXAS EASTERN TRA	
-THE BENATTY CORPORATION				RECEIVED:	11/14/83	JA: OH			
8406935		3400922837	103	107-TF	SUNDAY CREEK 24-B	DOVER	25.0		
-THE CARTER JONES LUMBER CO				RECEIVED:	11/14/83	JA: OH			
8406888		3410323389	103		WAYNE VANCE #3	WADSWORTH	15.0		
-TRUMBULL RESOURCES				RECEIVED:	11/14/83	JA: OH			
8406940		3415522389	103	107-TF	SQUAM CREEK #2	VIENNA	28.0		
8406941		3415522390	103	107-TF	SQUAM CREEK #3	VIENNA	28.0		
8406942		3415522391	103	107-TF	SQUAM CREEK #4	VIENNA	28.0		
-VICTOR MCKENZIE DRILLING CO INC				RECEIVED:	11/14/83	JA: OH			
8406943		3411926726	103	107-TF	CALVARY BAPTIST CHURCH #1	PERRY	6.0		
-Viking Resources Corp				RECEIVED:	11/14/83	JA: OH			
8406945		3400520457	103	107-TF	BARCLAY/MESZAROS UNIT #4	MADISON	30.0		
8406944		3400520456	103	107-TF	BARCLAY/MESZAROS UNIT #5	MADISON	30.0		
8406946		3400520480	103	107-TF	KIEFFER UNIT #2	MADISON	30.0		
-WILLIAM N TIPKA				RECEIVED:	11/14/83	JA: OH			
8406947		3410323479	107-TF	BROWN-BOWERSOCK UNIT #1 WELL	SHARON	15.0	DOEHLER-JARVIS		
8406948		3415723240	103		HAWK #1		0.0	EAST OHIO GAS CO	

WEST VIRGINIA DEPARTMENT OF MINES									

-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	11/15/83	JA: WV			
8407080		4709701444	108		A-428	UNION DISTRICT	0.0	CONSOLIDATED GAS	
8407077		4704101864	108		A-455	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS	
8407082		4708300168	108		A-510	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407086		4703300958	108		A-579	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8407085		4704102521	108		A-765	HACKERS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8407078		4709100170	108		A-777	KNOTTSVILLE DISTRICT	0.0	CONSOLIDATED GAS
8407079		4709100183	108		A-758	KNOTTSVILLE DISTRICT	0.0	CONSOLIDATED GAS
8407083		4708504655	108		A-876	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8407081		4707902162	108		A-930	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8407084		4704103014	108		A-990	HACKERS CREEK DISTRICT	0.0	CONSOLIDATED GAS
-ARTEX OIL CO			RECEIVED:	11/15/83	JA: WV			
8406959		4702101862	108		FRANK BURK #1	GLENVILLE SOUTH	1.0	CONSOLIDATED GAS
8406960		4702101860	108		GAY MOORE #1	GLENVILLE SOUTH	1.0	CONSOLIDATED GAS
8406957		4704101723	108		MADGE BENNETT #1 (N189)	FINSTER-ASPINALL	1.0	EQUITABLE GAS CO
8406956		4704101717	108		MADGE BENNETT #1 (N191)	FINSTER-ASPINALL	1.0	EQUITABLE GAS CO
8406958		4702101865	108		MARK ROGERS #1	GLENVILLE SOUTH	2.0	CONSOLIDATED GAS
8406955		4704102001	108		T T DOLAN #5	FINSTER-ASPINALL	2.0	EQUITABLE GAS CO
-B & T EXPLORATION INC			RECEIVED:	11/15/83	JA: WV			
8406996		4702103995	108		LUTHER ELLISON #2	DEKALB DISTRICT	0.0	CONSOLIDATED GAS
-BADGER OIL & GAS CO INC			RECEIVED:	11/15/83	JA: WV			
8407059		4705901020	107-DV		ALLEY #1	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
8407060		4705901021	107-DV		ALLEY #2	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
8407061		4705901022	107-DV		DUTY #2	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
8407064		4705900969	107-DV		RITTER #1	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
8407062		4705901027	107-DV		WALTON #2	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
8407063		4705901028	107-DV		WALTON #3	DEVONIAN SHALE - BROW	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION			RECEIVED:	11/15/83	JA: WV			
8407055		4700121524	102-4		FITZMAHER #1	VALLEY	15.0	CONSOLIDATED GAS
8406984		4700121281	108		K T EVANS #1	BARBER	21.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP			RECEIVED:	11/15/83	JA: WV			
8406973		4707901052	108		HAVERTY #1	UNION	16.0	TENNESSEE GAS PIP
8406974		4707901051	108		HAVERTY #2	UNION	18.9	TENNESSEE GAS PIP
8406975		4707901039	108		J L MCLEAN A-57	RUFFALO	3.6	TENNESSEE GAS PIP
8406971		4709900723	108		NILE BARTRAM 1-801	LINCOLN	1.0	TENNESSEE GAS PIP
8406976		4707901035	108		PUTNAM B-22	UNION	20.2	TENNESSEE GAS PIP
8406972		4709901696	108		WILSON COAL & LAND A-2	LINCOLN	4.7	TENNESSEE GAS PIP
8406985		4709901697	108		WILSON LAND & COAL CO A-3	LINCOLN	6.9	TENNESSEE GAS PIP
-CLINT HURT & ASSOCIATES INC			RECEIVED:	11/15/83	JA: WV			
8407085		4703903763	108		SCHOLL-WILCHER #1	UNION	9.0	ROARING FORK GAS
-D G HANEY INC			RECEIVED:	11/15/83	JA: WV			
8407076		4704103134	103		DONALD VILLERS #5	FREEMAN'S CREEK DISTRICT	30.0	CONSOLIDATED GAS
-DELTA DRILLING CO			RECEIVED:	11/15/83	JA: WV			
8406961		4703501782	103		BEARDMORE #2A		0.0	COLUMBIA GAS TRAN
8407054		4703501782	107-DV		BEARDMORE #2A		0.0	COLUMBIA GAS TRAN
-E D ANDERSON			RECEIVED:	11/15/83	JA: WV			
8407034		4703302858	103		EARL LAKE #1	SARDIS DISTRICT	38.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION			RECEIVED:	11/15/83	JA: WV			
8406965		4704103076	103		M A FLESHER #1	GRANT	15.0	COLUMBIA GAS TRAN
8407058		4704103076	107-DV		M A FLESHER #1	GRANT	15.0	COLUMBIA GAS TRAN
8406965		4702104015	103		PRONTY #1	GRANT	10.0	
8407057		4702104015	107-DV		PRONTY #1	GRANT	10.0	
-ELAINE GAS CO			RECEIVED:	11/15/83	JA: WV			
8407035		4704322568	103		GLENDON CONNER #2	JEFFERSON DISTRICT	0.0	PENNZOIL CO
-EMPIRE STATE GAS CO			RECEIVED:	11/15/83	JA: WV			
8406954		4701100061	108		C C & J L MCCOY #1	MCCOMAS DISTRICT	1.0	CONSUMERS GAS UTI
8406955		4701100106	108		KENNETH ADKINS #1	MCCOMAS DISTRICT	1.0	CONSUMERS GAS UTI
8406986		4701100304	108		T I & A B SWANN #1	MCCOMAS DISTRICT	0.0	CONSUMERS GAS UTI
-GEORGE JACKSON			RECEIVED:	11/15/83	JA: WV			
8406983		4703302155	108		B F COFFMAN (B-3) (CC C092)	EAGLE DISTRICT #85772	17.0	CONSOLIDATED GAS
8406982		4703302156	108		B F COFFMAN (B-4) (CC C097)	EAGLE DISTRICT	14.0	CONSOLIDATED GAS
8406979		4703302650	108		JACKSON L ANDERSON #1 (CC E569)	CLAY DISTRICT	18.0	CONSOLIDATED GAS
8406980		4703302624	108		JAMES S HARBORT #1 (CC E665)	EAGLE DISTRICT	17.0	CONSOLIDATED GAS
8406981		4703302594	108		L E MARTIN #1 (CC C681)	EAGLE DISTRICT	16.0	CONSOLIDATED GAS
-HAUGHT INC			RECEIVED:	11/15/83	JA: WV			
8407075		4708506240	103		A M DOUGLASS H-1373	GRANT DISTRICT	10.0	CONSOLIDATED GAS
8406994		4708506115	103		JAMES D LAM H-1368	UNION DISTRICT	16.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC			RECEIVED:	11/15/83	JA: WV			
8407037		4701703110	103		J-691	CENTRAL	0.0	CONSOLIDATED GAS
8407043		4701703191	103		J-735	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8407036		4701703203	103		J-736	NEW MILTON	0.0	CONSOLIDATED GAS
8407040		4709501017	103		J-740	CENTERVILLE	0.0	CONSOLIDATED GAS
8407041		4709501018	103		J-741	CENTERVILLE	0.0	CONSOLIDATED GAS
8407042		4709501019	103		J-742	CENTERVILLE	0.0	CONSOLIDATED GAS
8407039		4708506198	103		J-747	CLAY	0.0	CONSOLIDATED GAS
8407044		4701703213	103		J-772	CLAY	0.0	CONSOLIDATED GAS
8407038		4709702536	103		J-800	GRANT	0.0	COLUMBIA GAS TRAN
-JAMES W MAYLE			RECEIVED:	11/15/83	JA: WV			
8406977		4700101164	108		JAMES W MAYLE #1	UNION	0.0	EASTERN PIPELINE
8406978		4700101163	108		JAMES W MAYLE #2	HACKERS CREEK	17.6	CONSOLIDATED GAS
-JOHN UNDERWOOD			RECEIVED:	11/15/83	JA: WV			
8407093		4701701001	108		W S SHINN #1 (RITTA SHINN CONWAY)	HACKERS CREEK	17.6	CONSOLIDATED GAS
-JOHNSON EXPLORATION CO			RECEIVED:	11/15/83	JA: WV			
8406987		4704103284	103		D & M LOUDIN #2	CENTRAL	0.0	EQUITABLE GAS CO
8406988		4704103286	103		D & M LOUDIN #3			
-KAISER EXPLORATION & MINING CO			RECEIVED:	11/15/83	JA: WV			
8407073		4703501555	107-DV		ARTHUR WATKINS KEM #74	MURRAYSVILLE	27.5	KAISER ALUMINUM I
8407071		4703501540	107-DV		C E KESSEL KEM #55	ELK/POCA	72.5	KAISER ALUMINUM I
8407054		4703500221	107-DV		CHARLIE PICKENS KEM #33	ELK/POCA	29.6	KAISER ALUMINUM I
8407069		4703501541	107-DV		CYDIE LATHEY KEM #57	ELK/POCA	12.5	KAISER ALUMINUM I
8407070		4703501574	107-DV		EVERETTE RANDOLPH KEM #93	ELK/POCA	10.0	KAISER ALUMINUM I
8407053		4703501603	107-DV		LLOYD STAATS KEM #193	ELK/POCA	33.4	KAISER ALUMINUM I
8407068		4703500226	107-DV		MCKINLEY O BARHEITE KEM #25	ELK/POCA	20.0	KAISER ALUMINUM I
8407072		4703501550	107-DV		M K RECTOR KEM #72	ELK/POCA	25.5	KAISER ALUMINUM I
-KEITH CRIFIELD			RECEIVED:	11/15/83	JA: WV			
8407074		4701303408	103		SMITH HAMILTON #1	MURRAYSVILLE	27.5	KAISER ALUMINUM I
-L & M PETROLEUM INC			RECEIVED:	11/15/83	JA: WV			
8406995		4707301561	103		CARPENTER/HART #2	GRMA	15.0	CONSOLIDATED GAS
-SANDHILL RECOMPLETION CO			RECEIVED:	11/15/83	JA: WV			
8407032		4707301283	103		CORNELL/HART #1	UNION	10.0	CONSOLIDATED GAS
-SHAVER OIL & GAS INC			RECEIVED:	11/15/83	JA: WV			
8407031		4708505387	103		GRIFFIN 1-A	UNION	10.0	CONSOLIDATED GAS
-SMITH WILLIAM W			RECEIVED:	11/15/83	JA: WV			
8407091		4707900067	108		BERNHA HENDERSON #1	MILCAT	0.0	CONSOLIDATED GAS
8407092		4707900071	108		BERNHA HENDERSON #2	UNION	2.2	PENNZOIL CO
8407089		4704302584	108		W W CARROLL #1	UNION	2.2	PENNZOIL CO
8407090		4704302592	108		W W CARROLL #2	UNION	2.0	PENNZOIL CO
-STERLING DRILLING AND PROD CO INC			RECEIVED:	11/15/83	JA: WV			

JO NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407052		4700501407	107-DV	APPALACHIAN POWER #683	SCOTT DISTRICT	8.7	
8407055		4701502198	103	APPALACHIAN ROYALTIES #756	OTTER DISTRICT	1.9	
8407046		4701303573	107-DV	ASH #275	LEE DISTRICT	17.8	
8407049		4701303509	107-DV	CAIN #693	LEE DISTRICT	14.7	
8407051		4701303195	107-DV	CLARK #328	LEE DISTRICT	5.7	
8407048		4701303552	107-DV	KINCAID #776	LEE DISTRICT	13.3	
8407047		4701303553	107-DV	KINCAID #777	LEE DISTRICT	14.0	
8407050		4701303508	107-DV	MARSHALL #635	LEE DISTRICT	0.0	
8407045		4710501045	107-DV	MONROE #771	BURNING SPRINGS DISTRICT	16.0	
-STONESTREET LANDS CO			RECEIVED:	11/15/83 JA: WV	ELMIRA	0.2	CONSOLIDATED GAS
8406964		4701303554	103	WEAVER #15-S-404			
-SWIFT ENERGY CO			RECEIVED:	11/15/83 JA: WV	MCCLELLAND DISTRICT	25.0	
8406969		4701703157	103	JOHNSTON #1	MCCLELLAND DISTRICT	25.0	
8407065		4701703157	107-DV	JOHNSTON #1			
-TECHNOLOGY DEVELOPMENT INC (TDI)			RECEIVED:	11/15/83 JA: WV	GANDEEVILLE	40.0	COLUMBIA GAS TRAN
8406963		4708703732	103	LENNA FIELDS #1			
-TROPETCO #2			RECEIVED:	11/15/83 JA: WV	ELLENBORO CLAY DISTRICT	10.0	
8406962		4708506015	103	TROISI #1 PERMIT 47-085-6015	ELLENBORO CLAY DISTRICT	10.0	
8407066		4708506015	107-DV	TROISI #1 PERMIT 47-085-6015	ELLENBORO CLAY DISTRICT	10.0	CONSOLIDATED GAS
8406970		4708506016	103	TROISI #2 PERMIT 47-085-6016	ELLENBORO CLAY DISTRICT	10.0	CONSOLIDATED GAS
8407067		4708506016	107-DV	TROISI #2 PERMIT 47-085-6016			
-TULLY DRILLING CO			RECEIVED:	11/15/83 JA: WV	WASHINGTON DISTRICT	0.6	PENNZOIL CO
8407087		4700500024	103	J P ESTEP #1			
-UNION DRILLING INC			RECEIVED:	11/15/83 JA: WV	COVE DISTRICT	0.0	
8406991		4700101676	107-DV	ARLEN HOFFMAN #1 1655	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8407026		4708300664	107-DV	ARTHUR GOBELI #1 1764	BANKS	0.0	COLUMBIA GAS TRAN
8407014		4709702528	103	ASA SAYRE #1 1240	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407025		4708300653	107-DV	CHAPPEL HILL U M CHURCH 1710	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407021		4708300374	107-DV	CLEO TACY #3 1596	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8407028		4709702235	107-DV	DENZIL REX LEIGH #1 1673	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407030		4708300412	107-DV	FLOYD WILSON 1653	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8407004		4709702250	103	FOSTER-SETTLE #3 1709	ROARING CREEK	0.0	
8406992		4708300504	107-DV	HARRY McMULLAN #1B 1679	ROARING CREEK	0.0	
8407009		4708300504	103	HARRY McMULLAN #1B 1711	ROARING CREEK	0.0	
8406999		4708300525	103	HARRY McMULLAN #1B 1658	MIDDLE FORK DISTRICT	0.0	
8406989		4708300419	107-DV	HARRY McMULLAN #5C 1707	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8407022		4708300488	107-DV	HARRY McMULLAN #7 1549	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407016		4708300320	107-DV	HARRY McMULLAN JR EST #17A 1922	MIDDLE FORK DISTRICT	0.0	
8407029		4708300389	107-DV	HARRY McMULLAN JR EST #19A 1659	MIDDLE FORK DISTRICT	0.0	
8406990		4708300420	107-DV	HARRY McMULLAN 1586	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407020		4708300322	107-DV	HARRY McMULLAN 1587	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8407019		4708300319	107-DV	HARRY McMULLAN 1587	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407006		4709702249	103	HENRIETTA SPEIS #2 1811	MEADE DISTRICT	0.0	CONSOLIDATED GAS
8407027		4709701912	107-DV	J L KILLINGSWORTH TRACT #2 1479	PLEASANT DISTRICT	0.0	COLUMBIA GAS TRAN
8406988		4706101400	107-DV	JOHN A MOSES #2 1573	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407015		4709702531	103	LEVERA CLARK #1 1814	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407010		4709702518	103	LEVERA CLARK #1 1838	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407017		4709702551	103	MCCLAIR-BENNETT EST #1 1813	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407002		4708100564	103	MCCREERY COAL LAND CO #2 1819	SLAB FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8407024		4709701956	107-DV	MILDRED POTTER #1 1534	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406987		4709701932	107-DV	OLEN CARPENTER #1 1526	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8407001		4700101903	103	P M DEVITT HEIRS #2 1649	VALLEY DISTRICT	0.0	COLUMBIA GAS TRAN
8407013		4709702525	103	R R COLERIDER #6 1853	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8407008		4709702512	103	RUPERT R STRADER AGENT #1 1835	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407005		4709702437	103	RUSSELL YOUNG #1 1812	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407007		4709702496	103	SPIES-ROSS #1 1810	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407009		4709702514	103	SUN LUMBER CO #1 (1856)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407016		4709702532	103	SUN LUMBER CO #1 1855	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407012		4709702522	103	SUN LUMBER CO #1 1859	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8407003		4708300744	103	SUN LUMBER COMPANY #1 1861	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8407023		4708300540	107-DV	WESTERN MARYLAND #1 1703	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407011		4709702520	103	WILLIAM W GILMORE #1 1841			
-VISTA OIL & GAS CORP			RECEIVED:	11/15/83 JA: WV	GRANT	20.0	CONSOLIDATED GAS
8406997		4707301592	103	KESTER #3	GRANT	15.0	CONSOLIDATED GAS
8406998		4707301601	103	R L CORNELL #1 (1601)			
-WACO OIL AND GAS CO INC			RECEIVED:	11/15/83 JA: WV	MUDLICK RUN	20.0	COLUMBIA GAS TRAN
8406993		4702104014	107-TF	STEINDECK #5A			
***** WYOMING OIL & GAS CONSERVATION COMMISSION *****							
-CELSIUS ENERGY CO			RECEIVED:	10/20/83 JA: WY	SPEARHEAD RANCH	0.0	MOUNTAIN FUEL SUP
8406950 11183		4900900000	103	WERNER-BOLLEY WELL #5-1			
-DAVIS OIL COMPANY			RECEIVED:	10/20/83 JA: WY	WILDCAT	0.0	BIG HORN FRACTION
8406951 12063		4900500000	102-2	FELIX UNIT NUMBER 1-A	AMOS DRAW	0.0	PHILLIPS PETROLEUM
8406949 119-83		4900500000	102-2	FLOYD BROTHERS #2	WILDCAT	0.0	PHILLIPS PETROLEUM
8406952 131-83		4900500000	102-2	FLOYD BROTHERS #3			

[PR Doc. 83-33262 Filed 12-13-83; 8:45 am]

BILLING CODE 0717-01-C

[Volume No. 1020]

Determinations Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 8, 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 Informations, 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: Geopressed brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

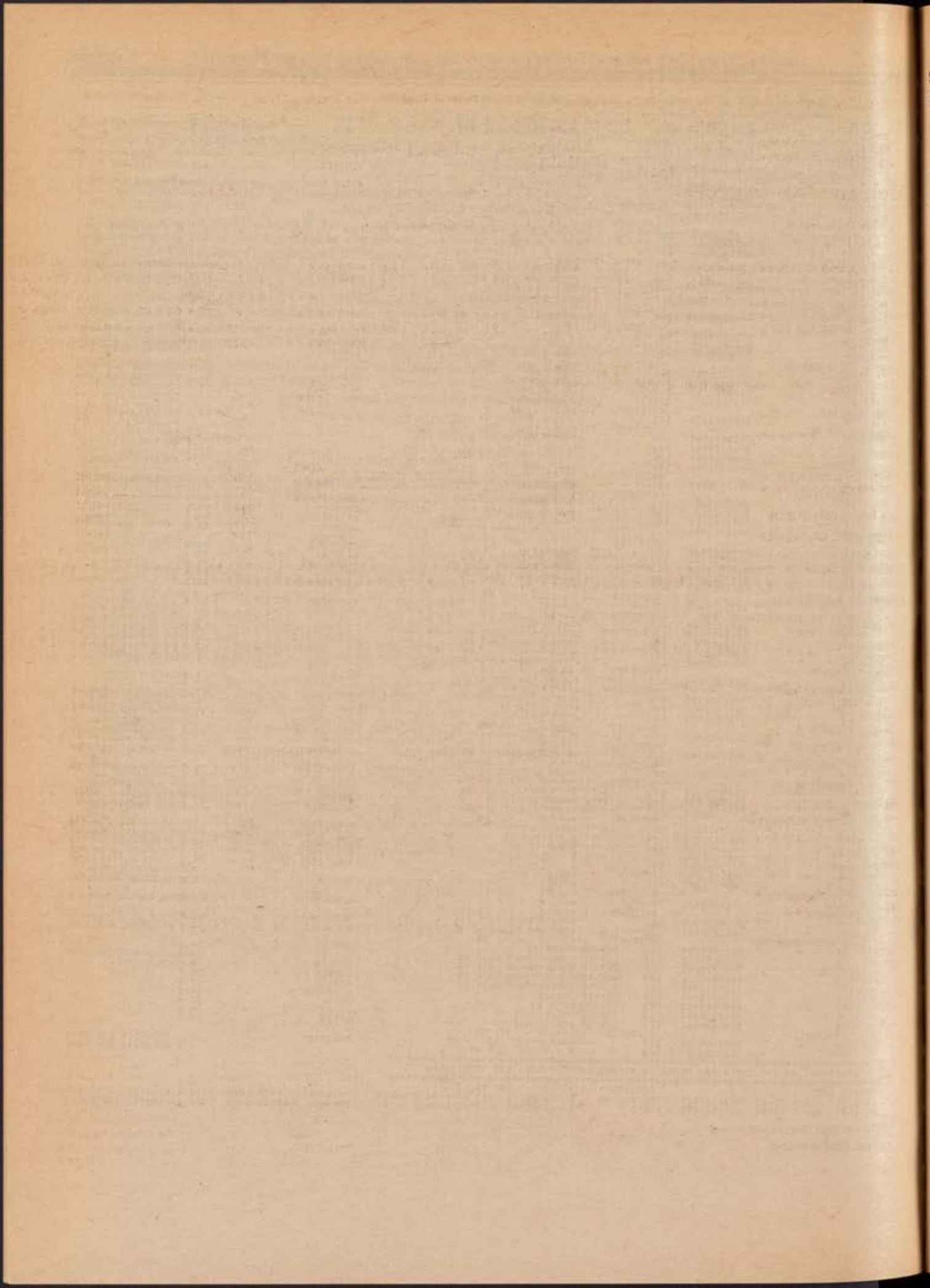
NOTICE OF DETERMINATIONS ISSUED DECEMBER 8, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

OHIO DEPARTMENT OF NATURAL RESOURCES								

-ALSID OIL & GAS DEVELOPMENT CO			RECEIVED:	11/14/83	JA: OH			
8407094		3408921547	107-TF	FELGAR-EARLY #2	SMITH	15.0		
8407096		3408921549	107-TF	FELGAR-MANYPENNY #1	SMITH	15.0		
8407095		3408921548	107-TF	MANYPENNY #1	SMITH	15.0		
-APPALACHIAN EXPLORATION INC			RECEIVED:	11/14/83	JA: OH			
8407097		3408722238	107-TF	GENEVA LAKE GOLF CLUB INC #2	GENEVA	36.5	YANKEE RESOURCES	
8407098		3415321352	107-TF	F EMERY #4	COPLEY	54.8	YANKEE RESOURCES	
-ATWOOD RESOURCES INC			RECEIVED:	11/14/83	JA: OH			
8407099		3408125093	103	107-TF MC PEAK #1	BLISSFIELD	15.0		
-BARS OIL CO			RECEIVED:	11/14/83	JA: OH			
8407100		3408924730	103	EUGENE RAUCH #1	HADISON	0.0	NATIONAL GAS & OI	
-BERMAN J SHAFER			RECEIVED:	11/14/83	JA: OH			
8407102		3415321444	107-TF	H LINK #5	COPLEY	7.5	EAST OHIO GAS CO	
8407101		3415321432	107-TF	LINK #4	COPLEY	7.5	EAST OHIO GAS CO	
-CALLANDER & KIMBREL INC			RECEIVED:	11/14/83	JA: OH			
8407103		3403124513	103	107-TF LACY #1	ADAMS MILLS	2.0		
-CAVENDISH PETROLEUM OF OHIO INC			RECEIVED:	11/14/83	JA: OH			
8407104		3411926692	103	107-TF OHIO POWER 34-A	MEIGS	35.4	TEXAS EASTERN TRA	
-CHARLES R CUTTER			RECEIVED:	11/14/83	JA: OH			
8407105		3416923545	103	107-TF H & W FRANKS #1	CHESTER	25.0	COLUMBIA GAS TRAN	
-CLARENCE K TUSSEL JR			RECEIVED:	11/14/83	JA: OH			
8407108		3408722212	103	107-TF E CARR #1	MONROE	25.0		
8407107		3408722209	103	107-TF K MCKIBBENS #1	MONROE	30.0		
-CLARENCE SHERMAN			RECEIVED:	11/14/83	JA: OH			
8407106		3407524059	103	107-TF R & K SCARR #2	CLARK	1.0	EAST OHIO GAS CO	
-CLINTON OIL CO			RECEIVED:	11/14/83	JA: OH			
8407176		3411926721	107-TF	HANNA-FISHER-BELL UNIT #3-647	HIGHLAND	1.0		
8407177		3412725999	107-TF	J MAHON #1-793	BEARFIELD	10.0		
8407178		3415723887	107-TF	MARY CRIM #2-755	MILL	10.0		
-EAGLE INVESTMENT INC			RECEIVED:	11/14/83	JA: OH			
8407109		3412122426	107-TF	CLARK #1	BUFFALO	5.0	DES ENERGY CORP	
-EASTERN PETROLEUM SERVICES INC			RECEIVED:	11/14/83	JA: OH			
8407116		3415522268	107-TF	ALTRD #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407117		3415522335	107-TF	CAMPBELL #2	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407113		3415521271	107-TF	CITY OF WARREN #2	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407110		3415520483	103	DICENSC #2	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407115		3415521561	107-TF	GARLAND #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407114		3415521306	107-TF	MASSACCI #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407111		3415520488	103	NEFF #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
8407112		3415520955	103	THOMPSON #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO	
-ENERGY DEVELOPMENT CORP			RECEIVED:	11/14/83	JA: OH			
8407118		3405520189	107-RT	MILLER #11	MIDDLEFIELD	17.0	COLUMBIA GAS TRAN	
-ENTERPRISE ENERGY CORP			RECEIVED:	11/14/83	JA: OH			
8407119		3411926606	103	107-TF OHIO POWER #5	NEWTON	36.5	TEXAS EASTERN TRA	
-ENVIROGAS INC			RECEIVED:	11/14/83	JA: OH			
8407120		3408922768	103	107-TF SMITH #11	TRIMBLE	18.2		

BILLING CODE 8717-01-M



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Federal Register

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Wednesday, December 14, 1983

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